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# THE CONGRESSIONAL GLOBE:

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CONTAINING

## SKETCHES OF THE DEBATES AND PROCEEDINGS

OF THE

### THIRD SESSION OF THE TWENTY-FIFTH CONGRESS<sup>er his</sup>

BY BLAIR & RIVES.

VOLUME VII.

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# THE CONGRESSIONAL GLOBE.

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25TH CONGRESS, 3D SESSION.

FRIDAY, DECEMBER 7, 1838.

VOL. 7...No. 1.

## IN SENATE.

MONDAY, December 3, 1838.

At twelve o'clock, the Senate was called to order by Hon. W. R. KING, of Alabama, President *pro tempore*, when the following Senators appeared in their seats:

Messrs. WILLIAMS and RUGLES, of Maine; Messrs. HAYARD and PIERCE, of New Hampshire; Messrs. PRENTISS and SWIFT, of Vermont; Messrs. NILES and SMITH, of Connecticut; Messrs. ROANE and RIVES, of Virginia; Mr. DAVIS, of Massachusetts; Mr. WRIGHT, of New York; Mr. WALL, of New Jersey; Messrs. BUCHANAN and MCKEAN, of Pennsylvania; Messrs. BAYARD and CLAYTON, of Delaware; Mr. MERRICK, of Maryland; Messrs. ROANE and RIVES, of Virginia; Mr. STRANGE, of North Carolina; Mr. CALHOUN, of South Carolina; Mr. LUMPKIN, of Georgia; Mr. KING, of Alabama; Mr. CRITTENDEN, of Kentucky; Messrs. MORRIS and ALLEN, of Ohio; Messrs. TIPTON and SMITH, of Indiana; Messrs. ROBINSON and YOUNG, of Illinois; Mr. FULTON, of Arkansas; and Mr. NORVELL, of Michigan.

The PRESIDENT *pro tempore* presented the credentials of Hon. EPHRAIM H. FOSTER, appointed by the Governor of the State of Tennessee a Senator from that State to supply the vacancy occasioned by the resignation of Hon. FELIX GRUNDY.

The usual oath was then administered to Mr. FOSTER by the President, and he took his seat in the Senate.

On motion by Mr. MORRIS, it was

Ordered, That the Secretary of the Senate inform the House of Representatives that a quorum of the Senate had assembled, and were ready to proceed to business.

On motion by Mr. WRIGHT, it was

Resolved, That a committee be appointed to join such committee as may be appointed on the part of the House of Representatives to wait on the President of the United States, and inform him that quorums of the two Houses had assembled, and were ready to receive any communications he might make.

Whereupon Messrs. WRIGHT and ALLEN were appointed the committee on the part of the Senate by the President.

On motion by Mr. MCKEAN, the usual order was taken for the supply of the Senators with newspapers during the session.

On motion by Mr. MORRIS, it was

Ordered, That the hour of meeting be at 12 m., until otherwise directed.

On motion by Mr. MORRIS, the Senate then adjourned.

## HOUSE OF REPRESENTATIVES.

MONDAY, December 3, 1838.

This being the day set apart by the Constitution of the United States for the annual meeting of Congress, the SPEAKER called the House to order at twelve o'clock, m.

The roll was then called over by States, and the following members answered to their names:

### MAINE.

Hugh J. Anderson, Joseph C. Noyes,  
Thomas Davee, Virgil D. Farris,  
George Evans, Edward Robinson,  
John Fairfield,

### NEW HAMPSHIRE.

Charles G. Atherton, Joseph Weeks,  
Samuel Cushman, Jared W. Williams,  
James Farrington,

### MASSACHUSETTS.

John Quincy Adams, Richard Fletcher,  
Nathaniel B. Borden, George Grennell, jr.,  
George N. Briggs, William S. Hastings,  
William B. Calhoun, Levi Lincoln,  
Caleb Cushing, William Parmenter.

### RHODE ISLAND.

Robert B. Cranston, Joseph L. Tillinghast.

### CONNECTICUT.

Elisha Haley, Lancelot Phelps,  
Orrin Holt, Isaac Toucey,  
Samuel Ingham, Thomas T. Whittlessey.

### VERMONT.

Heman Allan, Hiland Hall,  
Horace Everett, William Slade,  
Isaac Fletcher,

### NEW YORK.

John T. Andrews, Gouverneur Kemble,  
Bennet Bicknell, Arphaxed Loomis,  
Samuel Birdsall, Richard P. Marvin,  
John C. Brodhead, Robert McClellan,  
Isaac H. Bronson, Charles F. Mitchell,  
Churchill C. Cambreleng, Eli Moore,  
Timothy Childs, William H. Noble,  
John C. Clark, John Palmer,  
Edward Curtis, Amasa J. Parker,  
John I. De Graff, Luther C. Peck,  
John Edwards, Zadock Pratt,  
Millard Fillmore, John H. Prentiss,  
Henry A. Foster, David Russell,  
Albert Gallup, Mark H. Sibley,  
Abraham P. Grant, James B. Spencer,  
Hiram Gray, William Taylor,  
Ogden Hoffman, Obadiah Titus,  
Thomas B. Jackson, Abraham Vandever,  
Nathaniel B. Jones, Henry Vail.

### NEW JERSEY.

John B. Ayerigg, Joseph F. Randolph,  
William Halsted, Charles C. Stratton,  
John P. B. Maxwell, Thomas Jones Yorke.

### PENNSYLVANIA.

William Beatty, Matthias Morris,  
Richard Biddle, Samuel W. Morris,  
Andrew Buchanan, Charles Naylor,  
Edward Darlington, Lemuel Paynter,  
Edward Davies, David Petrikon,  
Jacob Fry, jr., Arnold Plumer,  
Robert H. Hammond, David Potts, jr.,  
Thomas Henry, Luther Reily,  
Edward B. Hubley, John Sergeant,  
George M. Keim, Daniel Sheffer,  
John Klingensmith, jr., George W. Toland,  
Henry Logan, David D. Wagener,  
Thomas M. T. McKennan,

### DELAWARE.

John J. Milligan.

### MARYLAND.

John Dennis, John P. Kennedy,  
Benjamin C. Howard, James A. Pearce,  
Daniel Jenifer, Francis Thomas,  
William Cost Johnson, John T. H. Worthington.

### VIRGINIA.

Linn Banks, James M. Mason,  
Andrew Beirne, Charles F. Mercer,  
James W. Bouldin, William S. Morgan,  
Robert Craig, Francis E. Rives,  
George C. Dromgoole, John Robertson,  
George W. Hopkins, Archibald Stuart,  
Joseph Johnson, John Taliaferro,  
John W. Jones, Henry A. Wise.

### NORTH CAROLINA.

Jesse A. Bynum, Abraham Rencher,  
Henry W. Connor, Samuel T. Sawyer,  
Edmund Deberry, Augustine H. Shepperd,  
Micajah T. Hawkins, Charles Shepard,  
James J. McKay, Edward Stanley,  
William Montgomery, Lewis Williams.

### SOUTH CAROLINA.

William K. Clowney, John K. Griffin,  
Franklin H. Elmore, R. Barnwell Rhett.

### GEORGIA.

William C. Dawson, Charles E. Haynes,  
Thomas Glascock, Jabez Jackson,  
Seaton Grantland, George W. Towns.

### KENTUCKY.

John Calhoun, John Pope,  
William J. Graves, Edward Ramsey,  
James Harlan, William W. Southgate,  
Richard Hawes, Joseph R. Underwood,  
Richard H. Menefee, John White,  
John L. Murray, Sherrard Williams.

### TENNESSEE.

John Bell, James K. Polk,  
William B. Campbell, Ebenezer J. Shields,  
William B. Carter, William Stone,  
Richard Cheatham, Hopkins L. Turney,  
John W. Crockett, Joseph L. Williams,  
Abraham P. Maury, Christopher H. Williams,  
Abraham McClellan,

### OHIO.

James Alexander, jr., Alexander Harper,  
John W. Allen, Daniel P. Leadbetter,  
William Key Bond, Samson Morris,  
John Chaney, Calvary Mason,  
Thomas Corwin, Matthias Shepler,  
C. J. Coffin, Taylor Webster,  
Patrick G. Goode,

### LOUISIANA.

Henry Johnson.

### INDIANA.

George H. Dunn, William Herod,  
John Ewing, James Rariden,  
William Graham, Albert S. White.

### MISSISSIPPI.

Thomas J. Word.

### ILLINOIS.

Zadok Casey, Adam W. Snyder,  
William L. May,

### ALABAMA.

Reuben Chapman, Joshua L. Martin,  
Dixon H. Lewis,

### MICHIGAN.

Isaac E. Crary.

### FLORIDA TERRITORY.

Charles Downing.

### IOWA TERRITORY.

W. W. Chapman.

The following gentlemen appeared, were qualified, and took their seats.

Messrs. BEERS and PUTNAM of New York, GIDDINGS and SWEARINGEN of Ohio, and CRABB of Alabama.

### WISCONSIN ELECTION.

Mr. CRARY announced the Chair that Hon. J. W. Doty was in attendance as a Delegate from the Territory of Wisconsin, and moved that he be qualified.

Mr. JONES, of Wisconsin, then rose and protested against the right of Mr. Doty to take his seat in violation of Mr. J.'s rights as the sitting member, no vacancy having occurred, and he having never resigned.

The SPEAKER said it was a question for the House to take its order upon.

Mr. CRARY produced the certificate of Mr. Doty's election from Governor Dodge; which was read.

Mr. KEIM moved to lay Mr. CRARY's motion on the table, but,

On motion of Mr. MERCER, the further consideration of the subject was postponed till Thursday next.

### ELECTION OF CLERK.

The SPEAKER laid before the House a letter from the Chief Clerk, notifying the House of the death of Colonel Walter S. Franklin, late Clerk to the House of Representatives; which was read.

Mr. PETRIKIN then submitted a resolution authorizing the present assistant clerk to act as Clerk of the House until the vacancy occasioned by the death of Mr. Franklin should be filled.

Mr. MILLIGAN moved to amend by substituting a resolution for the House to proceed forthwith to elect a Clerk.

Mr. DROMGOOLE moved an amendment so as to provide that the election should be  *viva voce*.

Mr. MILLIGAN inquired if this motion was in order?

The SPEAKER ruled it to be so.

Mr. ADAMS further asked if it did not conflict with that rule of the House which provided that officers of the House should be elected by ballot?

The SPEAKER remarked that there was no

such rule; the only one having reference to that point merely providing what shall be done in cases of election by ballot.

Mr. DROMGOOLE called for the yeas and nays; which, being ordered, were—yeas 119, nays 91; as follows:

**YEAS**—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beers, Beirne, Bicknell, Birdsall, Bouldin, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, Casey, Chaney, Chapman, Cheatham, Clark, Connor, Crabb, Craig, Crary, Cushman, Dawson, Davee, De Graff, Dromgoole, Edwards, Elmore, Ewing, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, Gallup, Glascock, Grantland, Gray, Griffin, Haley, Hammond, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, Ingham, Thomas B. Jackson, Jabez Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Klingensmith, Leadbetter, Lewis, Logan, Loomis, Lyon, James Y. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, Menefee, Mitchell, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Palmer, Parker, Parmenter, Parris, Paynter, Petrik, Phelps, Plumer, Pratt, John H. Prentiss, Rariden, Reilly, Rhett, Rives, Robertson, Sawyer, Sheffer, Augustine H. Shepperd, Charles Shepard, Shields, Shepler, Snyder, Spencer, Stuart, Swearingen, Taliaferro, Taylor, Thomas, Titus, Toucey, Towns, Turney, Underwood, Vail, Vanderveer, Wagener, Webster, Weeks, Sherrard Williams, Jared W. Williams, Joseph L. Williams, and Worthington—119.

**NAYS**—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Ayerigg, Bell, Biddle, Bond, Borden, Briggs, William B. Calhoun, John Calhoun, William B. Campbell, Carter, Childs, Clowney, Coffin, Corwin, Cranston, Crockett, Curtis, Darlington, Davies, Deberry, Dennis, Dunn, Evans, Everett, Richard Fletcher, Fillmore, Giddings, Goode, William Graham, Grant, Graves, Grennell, Hall, Halsted, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Jenifer, Henry Johnson, William Cost Johnson, Kennedy, Lincoln, Marvin, Samson Mason, Maury, May, Maxwell, McKenna, Mercer, Milligan, Matthias Morris, Calvary Morris, Naylor, Noyes, Pearce, Peck, Pope, Potts, Putnam, Randolph, Rencher, Ridgway, Robinson, Rumsey, Russell, Sergeant, Sibley, Slade, Southgate, Stanly, Stone, Stratton, Tillinghast, Toland, Albert S. White, John White, Whittlesey, Lewis Williams, Christopher H. Williams, Wise, Word, and Yorke—91.

So the amendment to the amendment was agreed to; and the question recurring on the latter as amended—

Mr. THOMAS remarked, substantially, that, though he had voted for the amendment, and Mr. MILLIGAN's proposition had been thereby made more acceptable to him, yet he was not prepared to vote for it at this time. There were several candidates, if he had not been misinformed; and it was barely possible that their merits could yet have been sufficiently canvassed. He thought it better, therefore, to postpone the election for a day or two, and in the interim employ the assistant clerk. Moreover, there was little probability that the election would be closed to day, perhaps not to-morrow, and hence the annual message of the President would be prevented from going forth to the country at the usual time.

After some further remarks, indistinctly heard at the reporter's desk—

Mr. T. concluded by saying that he was prepared to sustain a general proposition that all cases of election by that House should be *viva voce*.

Mr. PEARCE expressed a wish that the House would proceed forthwith.

The House was then divided on Mr. MILLIGAN's amendment; and it being agreed to—yes 102, noes 101—the resolution, as thus amended, was also agreed to—yes 104, noes 96.

So the House determined to proceed with the election of a Clerk forthwith, *viva voce*.

The following nominations were then made: Mr. BRONSON nominated Edward Livingston, of New York.

Mr. CORWIN nominated M. St. Clair Clarke, of the District of Columbia.

Mr. DROMGOOLE nominated Hugh A. Garland, of Virginia.

Mr. SERGEANT nominated Samuel Shock, of Pennsylvania.

Mr. MILLIGAN nominated Arnold Naudain, of Delaware.

Mr. WAGENER nominated Henry Buehler, of Pennsylvania.

Mr. CHANEY nominated John Bigler, of Ohio.

Mr. POPE nominated James H. Burch, of Missouri.

#### FIRST VOTE.

For M. St. C. Clarke—Messrs. Adams, Heman Allan, John W. Allen, Ayerigg, Bell, Bond, William B. Calhoun, John Calhoun, William B. Campbell, Carter, Cheatham, Childs, Clowney, Corwin, Crabb, Curtis, Cushing, Dawson, Deberry, Dennis, Evans, Ewing, Richard Fletcher, Giddings, Goode, Graham, Graves, Griffin, Harlan, Hastings, Hawes, Hoffman, Henry Johnson, William C. Johnson, Kennedy, Lincoln, Mercer, Calvary Morris, Noyes, Pope, Robinson, Russell, Augustine H. Shepperd, Charles

Shepard, Shields, Sibley, Stanly, Stone, Tillinghast, John White, Sherrard Williams, Joseph L. Williams, Wise, Wood, and Yorke—55.

For H. A. Garland—Messrs. Anderson, Atherton, Banks, Beirne, Bouldin, Bynum, Casey, Chapman, Connor, Craig, Crary, Davee, Dromgoole, Elmore, Fairfield, Glascock, Grantland, Haley, Hawkins, Haynes, Hopkins, Howard, Ingham, Jabez Jackson, Joseph Johnson, John W. Jones, Lewis, Lyon, James M. Mason, Martin, McKay, Abraham McClellan, Montgomery, Morgan, Murray, Parris, Phelps, Rhett, Rives, Sawyer, Snyder, Stuart, Thomas, Toucey, Towns, Turney, Jared W. Williams, and Worthington—48.

For Edward Livingston—Messrs. Andrews, Beers, Bicknell, Birdsall, Brodhead, Bronson, John Campbell, De Graff, Foster, Gallup, Grant, Gray, Holt, Thomas B. Jackson, Nathaniel Jones, Kemble, Loomis, Robert McClellan, Moore, Noble, Palmer, Parker, Parmenter, Pratt, John H. Pentis, Spencer, Taylor, Titus, Vail, Vanderveer, and Thomas T. Whittlesey—31.

For Samuel Shock—Messrs. Alexander, Biddle, Borden, Crausston, Darlington, Davies, Fillmore, Henry, Marvin, McKenna, Mitchell, Matthias Morris, Naylor, Peck, Potts, Putnam, Ridgway, Russell, Sergeant, Slade, and Toland—21.

For Arnold Naudain—Messrs. Briggs, Coffin, Dunn, Everett, Grennell, Hall, Harper, Jenifer, Samson Mason, Maury, May, Maxwell, Milligan, Pearce, Rariden, Randolph, Rencher, Stratton, Taliaferro, and Lewis Williams—20.

For H. Buehler—Messrs. Beatty, Buchanan, Fry, Hammond, Hubley, Keim, Klingensmith, Logan, Samuel W. Morris, Paynter, Petrik, Plumer, Reilly, Sheffer, Wagener, and Weeks—16.

For James Burch—Messrs. Crockett, Halsted, Herod, Menefee, Rumsey, Southgate, Underwood, Albert S. White, and Christopher H. Williams—9.

For John Bigler—Messrs. Chaney, Cushman, Farrington, Isaac Fletcher, Leadbetter, Shepler, Swearingen, and Webster—8.

For R. M. Whitney—Messrs. Clark and Edwards—2.

Whole number of votes, 210; necessary to a choice, 106.

Neither of the candidates having a majority of the whole number of votes cast, a second call was ordered.

Mr. CUSHMAN moved that the House adjourn; which was not agreed to.

#### SECOND VOTE.

For M. St. C. Clarke—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Ayerigg, Bell, Bond, Briggs, William B. Calhoun, John Calhoun, Campbell, Carter, Cheatham, Childs, Clark, Clowney, Coffin, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Dawson, Deberry, Dennis, Dunn, Evans, Everett, Ewing, Richard Fletcher, Fillmore, Giddings, Goode, Graham, Graves, Grennell, Griffin, Hall, Halsted, Harlan, Harper, Hastings, Hawes, Hoffman, Jenifer, Henry Johnson, William C. Johnson, Kennedy, Lincoln, Samson Mason, Maury, May, Maxwell, Menefee, Mercer, Matthias Morris, Calvary Morris, Naylor, Noyes, Pearce, Peck, Pope, Potts, Putnam, Randolph, Rencher, Ridgway, Robinson, Rumsey, Russell, Sergeant, Sibley, Slade, Southgate, Stanley, Stone, Stratton, Tillinghast, Toland, Underwood, Albert S. White, John White, Lewis Williams, Sherrard Williams, Joseph L. Williams, Wise, Word, and Yorke—88.

For Hugh A. Garland—Messrs. Anderson, Atherton, Banks, Beirne, Bouldin, Bynum, Cambreleng, Casey, Chapman, Connor, Craig, Crary, Cushman, Davee, Dromgoole, Elmore, Farrington, Fairfield, Foster, Fry, Glascock, Grantland, Haley, Hawkins, Haynes, Holt, Hopkins, Howard, Ingham, Jabez Jackson, Joseph Johnson, John W. Jones, Lewis, Lyon, James M. Mason, Martin, McKay, Abraham McClellan, Montgomery, Morgan, Murray, Parker, Parmenter, Parris, Petrik, Phillips, Rhett, Rives, Sawyer, Snyder, Stuart, Thomas, Toucey, Towns, Turney, Wills, Whittlesey, Jared W. Williams, and Worthington—59.

For Edward Livingston—Messrs. Andrews, Beers, Bicknell, Birdsall, Brodhead, Bronson, De Graff, Edwards, Gallup, Bird, Gray, Thomas B. Jackson, Nathaniel Jones, Kemble, Loomis, Robert McClellan, Moore, Noble, Palmer, Pratt, Prentiss, Spencer, Taylor, Titus, Vail, and Vanderveer—26.

For Samuel Shock—Messrs. Biddle, Borden, Darlington, Davis, Henry, Marvin, McKenna, Mitchell, Potts, Ridgway, Russell, Sergeant, and Christopher H. Williams—13.

For Henry Buehler—Messrs. Beatty, Buchanan, Hammond, Hubley, Keim, Klingensmith, Logan, Samuel W. Morris, Paynter, Plumer, Reilly, Wagener, and Sheffer—13.

For J. Bigler—Messrs. Chaney, Isaac Fletcher, Leadbetter, Shepler, Swearingen, and Webster—6.

For Arnold Naudain—Messrs. Herod, Milligan, Rencher, and Taliaferro—4.

Whole number of votes, 209; necessary to a choice, 105.

Mr. THOMAS rose for the purpose of moving that the Speaker be empowered to vote, and submitted an amendment to the standing order to that effect.

Mr. WISE insisted that the motion was not in order, and the Chair so ruling, the motion was not entertained.

Mr. TOUCEY moved that the House adjourn. Lost—92 to 110.

#### THIRD VOTE.

The names of Messrs. Bigler, Livingston, Buehler, Naudain, and Shock, were then severally withdrawn by the gentlemen who nomi-

inated them, and the House voting a third time, the result was announced to be as follows:

For Hugh A. Garland—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beers, Beirne, Bicknell, Birdsall, Bouldin, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, Casey, Chaney, Chapman, Clowney, Connor, Craig, Crary, Cushman, Davee, De Graff, Dromgoole, Elmore, Farrington, Fairfield, Richard Fletcher, Foster, Fry, Gallup, Glascock, Grant, Grantland, Gray, Griffin, Haley, Hammond, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, Ingham, Thomas B. Jackson, Jabez Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Klingensmith, Leadbetter, Lewis, Logan, Loomis, Lyon, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Palmer, Parker, Parmenter, Parris, Paynter, Petrik, Phelps, Plumer, Pratt, John H. Prentiss, Reilly, Rhett, Rives, Sawyer, Sheffer, Charles Shepard, Shepler, Snyder, Spencer, Stuart, Swearingen, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, Whittlesey, Jared W. Williams, and Worthington—106.

For M. St. C. Clarke—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Ayerigg, Bell, Biddle, Bond, Borden, Briggs, William B. Calhoun, John Calhoun, Campbell, Carter, Cheatham, Childs, Clark, Coffin, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Edwards, Evans, Everett, Ewing, Richard Fletcher, Fillmore, Giddings, Goode, Graham, Graves, Grennell, Hall, Halsted, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Jenifer, Henry Johnson, William C. Johnson, Kennedy, Lincoln, Marvin, Samson Mason, Maury, May, Maxwell, McKenna, Menefee, Mercer, Milligan, Mitchell, Matthias Morris, Calvary Morris, Naylor, Noyes, Pearce, Peck, Pope, Potts, Putnam, Rariden, Randolph, Rencher, Ridgway, Robinson, Robinson, Rumsey, Russell, Sergeant, Augustine H. Shepperd, Shields, Sibley, Slade, Southgate, Stanly, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Christopher H. Williams, Joseph L. Williams, Lewis Williams, Sherrard Williams, Wise, Word, and Yorke—104.

Whole number of votes, 210. Necessary to a choice, 106.

So HUGH A. GARLAND having received a majority of the votes, was declared to be duly elected Clerk to the House for the residue of the present Congress.

Mr. HAYNES moved to take up the usual message from the Senate; but the motion was set aside by a conversation on the order of business.

On motion of Mr. HAYNES, the daily hour of meeting was ordered to be twelve o'clock, m. till otherwise directed.

On motion of Mr. WISE, the House adjourned at half past three, p. m.

#### IN SENATE.

TUESDAY, December 4, 1838.

Mr. CLAY, of Alabama, appeared in his place. A message was received from the House of Representatives, by Mr. GARLAND, their Clerk, stating that the House was organized and ready to proceed to business.

Also, that the House had concurred in the resolution of the Senate, appointing a joint committee to wait upon the President of the United States, informing him that the two Houses were organized and ready to receive any communication he might make.

And that the House had appointed as said committee on their part, Messrs. CAMBRELENG, LINCOLN, and CONNOR.

#### NOTICES OF BILLS.

Mr. KNIGHT gave notice that, on to-morrow, he would ask leave to bring in a bill for the relief of Sarah Angel and the other heirs of Benjamin King, deceased. Also, a bill to allow a drawback on imported hemp when manufactured into cordage and exported.

Mr. CLAY, of Alabama, gave notice that on to-morrow he would ask leave to bring in a bill for the reduction and graduation of the price of the public lands.

#### PETITION.

Mr. RIVES presented the petition of James Barron, a captain in the Navy of the United States, praying that a law may be passed providing for a settlement of his accounts on the principles of equity; laid on the table.

#### STANDING COMMITTEES.

Mr. BAYARD moved that, by unanimous consent, the appointment of the standing committees be made by the Chair. This, he observed, was done at the last session to avoid the delay attending the numerous ballotings; and, as no material change had taken place in the body since the last session, he thought it would be advisable to adopt the same course at the present session.

Mr. HUBBARD was in favor of the motion, but did not wish it acted on for the present, inasmuch as several Senators were absent who might be excluded. No inconvenience, he observed, would result from the delay of a day or two; and he hoped the gentleman would consent to suspend his motion for that time.

Mr. BAYARD said that if the motion prevailed, the Chair would necessarily take two or three days time to appoint the committees in, and thus the objection of the Senator, with respect to the absence of members, would be obviated. He found by the Journal that at the last session the appointment of the standing committees was vested in the Chair, on the motion of Mr. GRAYSON; and as the complexion of the body was nearly the same at this session, he thought the same convenience would result from pursuing a similar course now.

Mr. HUBBARD observed that, if the order was now passed vesting the appointment of the standing committees in the Chair, the gentleman would find them announced when the Journal was read to-morrow. He did not know whether the absent Senators would be excluded or not, but under the impression that they would be, he would move, if the gentleman pressed his motion, to lay it on the table. He hoped, however, the gentleman would not press it.

Mr. BAYARD said, certainly not. The motion, if adopted, must be adopted unanimously, and the intimation of the gentleman that he wished it delayed for the present, was sufficient to induce him to withdraw it.

The motion was accordingly withdrawn.

#### MESSAGE FROM THE PRESIDENT.

Mr. WRIGHT, from the joint committee appointed to wait on the President of the United States and inform him that quorums of the two Houses of Congress had assembled, and were ready to receive any communication he might make, reported that they had performed the duty assigned them, and had received for answer that the President would immediately make a communication to Congress in writing.

A message was then received from the President of the United States, by Mr. MARTIN VAN BUREN, jr., his Private Secretary, as follows:

#### *Fellow-citizens of the Senate*

#### *and House of Representatives:*

I congratulate you on the favorable circumstances in the condition of our country, under which you reassemble for the performance of your official duties. Though the anticipations of an abundant harvest have not everywhere been realized, yet, on the whole, the labors of the husbandman are rewarded with a bountiful return; industry prospers in its various channels of business and enterprise; general health again prevails through our vast diversity of climate; nothing threatens, from abroad, the continuance of external peace; nor has anything at home impaired the strength of those fraternal and domestic ties which constitute the only guarantee to the success and permanency of our happy Union, and which, formed in the hour of peril, have hitherto been honorably sustained through every vicissitude in our national affairs. These blessings, which evince the care and beneficence of Providence, call for our devout and fervent gratitude.

We have not less reason to be grateful for other bounties bestowed by the same munificent hand, and more exclusively our own.

The present year closes the first half century of our Federal institutions; and our system—differing from all others in the acknowledged, practical, and unlimited operation which it has for so long a period given to the sovereignty of the people—has now been fully tested by experience.

The Constitution devised by our forefathers as the framework and bond of that system, then untried, has become a settled form of Government; not only preserving and protecting the great principles upon which it was founded, but wonderfully promoting individual happiness and private interests. Though subject to change and entire revocation, whenever deemed inadequate to all these purposes, yet such is the wisdom of its construction, and so stable has been the public sentiment, that it remains unaltered, except in matters of detail, comparatively unimportant. It has proved amply sufficient for the various emergencies incident to our condition as a nation. A formi-

dable foreign war; agitating collisions between domestic, and, in some respects, rival sovereignties; temptations to interfere in the intestine commotions of neighboring countries; the dangerous influences that arise in periods of excessive prosperity; and the anti-republican tendencies of associated wealth—these, with other trials not less formidable, have all been encountered, and thus far successfully resisted.

It was reserved for the American Union to test the advantages of a government entirely dependent on the continual exercise of the popular will; and our experience has shown that it is as beneficent in practice as it is just in theory. Each successive change made in our local institutions has contributed to extend the right of suffrage, has increased the direct influence of the mass of the community, given greater freedom to individual exertion, and restricted, more and more, the powers of Government; yet the intelligence, prudence, and patriotism of the people have kept pace with this augmented responsibility. In no country has education been so widely diffused. Domestic peace has nowhere so largely reigned. The close bonds of social intercourse have in no instance prevailed with such harmony over a space so vast. All forms of religion have united, for the first time, to diffuse charity and piety, because, for the first time in the history of nations, all have been totally untrammelled and absolutely free. The deepest recesses of the wilderness have been penetrated; yet, instead of the rudeness in the social condition consequent upon such adventures elsewhere, numerous communities have sprung up, already unrivaled in prosperity, general intelligence, internal tranquillity, and the wisdom of their political institutions. Internal improvement, the fruit of individual enterprise, fostered by the protection of the States, has added new links to the Confederation, and fresh rewards to provident industry. Doubtful questions of domestic policy have been quietly settled by mutual forbearance; and agriculture, commerce, and manufactures, minister to each other. Taxation and public debt, the burdens which bear so heavily upon all other countries, have pressed with comparative lightness upon us. Without one entangling alliance, our friendship is prized by every nation; and the rights of our citizens are everywhere respected, because they are known to be guarded by a united, sensitive, and watchful people.

To this practical operation of our institutions, so evident and successful, we owe that increased attachment to them which is among the most cheering exhibitions of popular sentiment, and will prove their best security, in time to come, against foreign or domestic assault.

This review of the results of our institutions, for half a century, without exciting a spirit of vain exultation, should serve to impress upon us the great principles from which they have sprung; constant and direct supervision by the people over every public measure; strict forbearance on the part of the Government from exercising any doubtful or disputed powers; and a cautious abstinence from all interference with concerns which properly belong, and are best left, to State regulations and individual enterprise.

Full information of the state of our foreign affairs having been recently, on different occasions, submitted to Congress, I deem it necessary now to bring to your notice only such events as have subsequently occurred, or are of such importance as to require particular attention.

The most amicable dispositions continue to be exhibited by all the nations with whom the Government and citizens of the United States have an habitual intercourse. At the date of my last annual message, Mexico was the only nation which could not be included in so gratifying a reference to our foreign relations.

I am happy to be now able to inform you that an advance has been made towards the adjustment of our difficulties with that Republic, and the restoration of the customary good feeling between the two nations. This important change has been effected by conciliatory negotiations, that have resulted in the conclusion of a treaty between the two Governments, which, when ratified, will refer to the arbitration of a friendly Power, all the subjects of controversy between us growing out of injuries to individuals. There is, at present, also, reason to believe that an equitable settlement

of all disputed points will be obtained without further difficulty or unnecessary delay; and thus authorize the free resumption of diplomatic intercourse with our sister Republic.

With respect to the northeastern boundary of the United States, no official correspondence between this Government and that of Great Britain has passed since that communicated to Congress towards the close of their last session. The offer to negotiate a convention for the appointment of a joint commission of survey and exploration, I am, however, assured will be met by her Majesty's Government in a conciliatory and friendly spirit, and instructions to enable the British Minister here to conclude such an arrangement will be transmitted to him without needless delay. It is hoped and expected that these instructions will be of a liberal character, and that this negotiation, if successful, will prove to be an important step towards the satisfactory and final adjustment of the controversy.

I had hoped that the respect for the laws and regard for the peace and honor of their own country, which has ever characterized the citizens of the United States, would have prevented any portion of them from using any means to promote insurrection in the territory of a Power with which we are at peace, and with which the United States are desirous of maintaining the most friendly relations. I regret deeply, however, to be obliged to inform you that this has not been the case. Information has been given to me, derived from official and other sources, that many citizens of the United States have associated together to make hostile incursions from our territory into Canada, and to aid and abet insurrection there, in violation of the obligations and laws of the United States, and in open disregard of their own duties as citizens. This information has been in part confirmed, by a hostile invasion actually made by citizens of the United States, in conjunction with Canadians and others, and accompanied by a forcible seizure of the property of our citizens, and an application thereof to the prosecution of military operations against the authorities and people of Canada.

The results of these criminal assaults upon the peace and order of a neighboring country have been, as was to be expected, fatally destructive to the misguided or deluded persons engaged in them, and highly injurious to those in whose behalf they are professed to have been undertaken. The authorities in Canada, from intelligence received of such intended movements among our citizens, have felt themselves obliged to take precautionary measures against them; have actually embodied the militia, and assumed an attitude to repel the invasion to which they believed the colonies were exposed from the United States. A state of feeling on both sides of the frontier has thus been produced, which called for prompt and vigorous interference. If an insurrection existed in Canada, the amicable dispositions of the United States towards Great Britain, as well as their duty to themselves, would lead them to maintain a strict neutrality, and to restrain their citizens from all violations of the laws which have been passed for its enforcement. But this Government recognizes a still higher obligation to repress all attempts on the part of its citizens to disturb the peace of a country where order prevails, or has been reestablished. Depredations by our citizens, upon nations at peace with the United States, or combinations for committing them, have at all times been regarded by the American Government and people with the greatest abhorrence. Military incursions by our citizens into countries so situated, and the commission of acts of violence on the members thereof, in order to effect a change in its government, or under any pretext whatever, have, from the commencement of our Government, been held equally criminal on the part of those engaged in them, and as much deserving of punishment as would be the disturbance of the public peace by the perpetration of similar acts within our own territory.

By no country or persons have these invaluable principles of international law—principles, the strict observance of which is so indispensable to the preservation of social order in the world—been more earnestly cherished or sacredly respected than by those great and good men who first declared, and finally established, the independence of our own country. They promulgated

and maintained them at an early and critical period in our history; they were subsequently embodied in legislative enactments of a highly penal character, the faithful enforcement of which has hitherto been, and will, I trust, always continue to be, regarded as a duty inseparably associated with the maintenance of our national honor. That the people of the United States should feel an interest in the spread of political institutions as free as they regard their own to be, is natural, nor can a sincere solicitude for the success of all those who are, at any time, in good faith struggling for their acquisition, be imputed to our citizens as a crime. With the entire freedom of opinion, and an undisguised expression thereof, on their part, the Government has neither the right, nor, I trust, the disposition to interfere. But whether the interest or the honor of the United States require that they should be made a party to any such struggle, and, by inevitable consequence, to the war which is waged in its support, is a question which, by our Constitution, is wisely left to Congress alone to decide. It is, by the laws, already made criminal in our citizens to embarrass or anticipate that decision by unauthorized military operations on their part. Offenses of this character, in addition to their criminality as violations of the laws of our country, have a direct tendency to draw down upon our own citizens at large the multiplied evils of a foreign war, and expose to injurious imputations the good faith and honor of the country. As such they deserve to be put down with promptitude and decision. I cannot be mistaken, I am confident, in counting on the cordial and general concurrence of our fellow-citizens in this sentiment. A copy of the proclamation which I have felt it my duty to issue, is herewith communicated. I cannot but hope that the good sense and patriotism, the regard for the honor and reputation of their country, the respect for the laws which they have themselves enacted for their own government, and the love of order for which the mass of our people have been so long and so justly distinguished, will deter the comparatively few who are engaged in them from a further prosecution of such desperate enterprises. In the mean time, the existing laws have been, and will continue to be, faithfully executed; and every effort will be made to carry them out in their full extent. Whether they are sufficient, or not, to meet the actual state of things on the Canadian frontier, it is for Congress to decide.

It will appear from the correspondence herewith submitted, that the Government of Russia declines a renewal of the fourth article of the convention of April, 1824, between the United States and his Imperial Majesty, by the third article of which it is agreed that "hereafter there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of 54° 40' of north latitude; and that in the same manner there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel;" and by the fourth article, "that, during a term of ten years, counting from the signature of the present convention, the ships of both Powers, or which belong to their citizens or subjects respectively, may reciprocally frequent without any hinderance whatever, the interior seas, gulfs, harbors, and creeks upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country." The reasons assigned for declining to renew the provisions of this article, are, briefly, that the only use made by our citizens of the privilege it secures to them, has been to supply the Indians with spirituous liquors, ammunition, and fire-arms; that this traffic has been excluded from the Russian trade; and as the supplies furnished from the United States are injurious to the Russian establishments on the northwest coast, and calculated to produce complaints between the two Governments, his Imperial Majesty thinks it for the interest of both countries not to accede to the proposition made by the American Government for the renewal of the article last referred to.

The correspondence herewith communicated will show the grounds upon which we contend that the citizens of the United States have, independent of the provisions of the convention of

1824, a right to trade with the natives upon the coast in question, at unoccupied places, liable, however, it is admitted, to be at any time extinguished by the creation of Russian establishments at such points. This right is denied by the Russian Government, which asserts that, by the operation of the treaty of 1824, each party agreed to waive the general right to land on the vacant coasts on the respective sides of the degree of latitude referred to; and accepted, in lieu thereof, the mutual privileges mentioned in the fourth article. The capital and tonnage employed by our citizens in their trade with the northwest coast of America will, perhaps, on adverting to the official statements of the commerce and navigation of the United States for the last few years, be deemed too inconsiderable in amount to attract much attention; yet the subject may, in other respects, deserve the careful consideration of Congress.

I regret to state that the blockade of the principal ports on the eastern coast of Mexico, which, in consequence of differences between that Republic and France, was instituted in May last, unfortunately still continues, enforced by a competent French naval force, and is necessarily embarrassing to our own trade in the gulf, in common with that of other nations. Every disposition, however, is believed to exist on the part of the French Government to render this measure as little onerous as practicable to the interests of the citizens of the United States, and to those of neutral commerce; and it is to be hoped that an early settlement of the difficulties between France and Mexico will soon reestablish the harmonious relations formerly subsisting between them, and again open the ports of that Republic to the vessels of all friendly nations.

A convention for marking that part of the boundary between the United States and the Republic of Texas which extends from the mouth of the Sabine to the Red river, was concluded and signed at this city on the 25th of April last. It has since been ratified by both Governments; and seasonable measures will be taken to carry it into effect on the part of the United States.

The application of that Republic for admission into this Union, made in August, 1837, and which was declined for reasons already made known to you, has been formally withdrawn, as will appear from the accompanying copy of the note of the Minister Plenipotentiary of Texas, which was presented to the Secretary of State on the occasion of the exchange of the ratifications of the convention above mentioned.

Copies of the convention with Texas, of a commercial treaty concluded with the King of Greece, and of a similar treaty with the Peru-Bolivian Confederation, the ratifications of which have been recently exchanged, accompany this message for the information of Congress, and for such legislative enactments as may be found necessary or expedient, in relation to either of them.

To watch over and foster the interests of a gradually increasing and widely-extended commerce; to guard the rights of American citizens, whom business, or pleasure, or other motives, may tempt into distant climes, and at the same time to cultivate those sentiments of mutual respect and good will which experience has proved so beneficial in international intercourse, the Government of the United States has deemed it expedient, from time to time, to establish diplomatic connections with different foreign States, by the appointment of representatives to reside within their respective territories. I am gratified to be enabled to announce to you that, since the close of your last session, these relations have been opened under the happiest auspices with Austria and the Two Sicilies; that new nominations have been made in the respective missions of Russia, Brazil, Belgium, and Sweden and Norway, in this country; and that a Minister Extraordinary has been received, accredited to this Government from the Argentine Confederation.

An exposition of the fiscal affairs of the Government, and of their condition for the past year, will be made to you by the Secretary of the Treasury.

The available balance in the Treasury, on the 1st of January next, is estimated at \$2,765,342. The receipts of the year from customs and lands, will probably amount to \$20,615,598. These usual sources of revenue have been increased by an issue of Treasury notes—of which less than eight

million dollars, including interest and principal, will be outstanding at the end of the year—and by the sale of one of the bonds of the Bank of the United States, for \$2,254,871. The aggregate of means from these and other sources, with the balance on hand on the 1st of January last, has been applied to the payment of appropriations by Congress. The whole expenditure for the year on their account, including the redemption of more than eight million Treasury notes, constitutes an aggregate of about forty million dollars, and will still leave in the Treasury the balance before stated.

Nearly eight million dollars of Treasury notes are to be paid during the coming year, in addition to the ordinary appropriations for the support of Government. For both these purposes, the resources of the Treasury will undoubtedly be sufficient, if the charges upon it are not increased beyond the annual estimates. No excess, however, is likely to exist; nor can the postponed installment of the surplus revenue be deposited with the States, nor any considerable appropriations beyond the estimates be made, without causing a deficiency in the Treasury. The great caution, advisable at all times; of limiting appropriations to the wants of the public service, is rendered necessary at present by the prospective and rapid reduction of the tariff; while the vigilant jealousy, evidently excited among the people by the occurrences of the last few years, assures us that they expect from their representatives, and will sustain them in the exercise of, the most rigid economy. Much can be effected by postponing appropriations not immediately required for the ordinary public service, or for any pressing emergency; and much by reducing the expenditures where the entire and immediate accomplishment of the objects in view is not indispensable.

When we call to mind the recent and extreme embarrassments produced by excessive issues of bank paper, aggravated by the unforeseen withdrawal of much foreign capital, and the inevitable derangement arising from the distribution of the surplus revenue among the States, as required by Congress, and consider the heavy expenses incurred by the removal of Indian tribes, by the military operations in Florida, and on account of the unusually large appropriations made at the last two annual sessions of Congress for other objects, we have striking evidence, in the present efficient state of our finances, of the abundant resources of the country, to fulfill all its obligations. Nor is it less gratifying to find that the general business of the community, deeply affected as it has been, is reviving with additional vigor, chastened by the lessons of the past, and animated by the hopes of the future. By the curtailment of paper issues; by curbing the sanguine and adventurous spirit of speculation; and by the honorable application of all available means to the fulfillment of obligations, confidence has been restored both at home and abroad, and ease and facility secured to all the operations of trade.

The agency of the Government in producing these results has been as efficient as its powers and means permitted. By withholding from the States the deposit of the fourth installment, and leaving several millions at long credits with the banks, principally in one section of the country, and more immediately beneficial to it, and, at the same time, aiding the banks and commercial communities in other sections; by postponing the payment of bonds for duties to the amount of between four and five million dollars; by an issue of Treasury notes as a means to enable the Government to meet the consequences of their indulgences, but affording, at the same time, facilities for remittance and exchange; and by steadily declining to employ as general depositories of the public revenues, or receive the notes of all banks which refused to redeem them with specie, by these measures, aided by the favorable action of some of the banks, and by the support and coöperation of a large portion of the community, we have witnessed an early resumption of specie payments in our great commercial capital, promptly followed in almost every part of the United States. This result has been alike salutary to the true interests of agriculture, commerce, and manufactures; to public morals, respect for the laws, and that confidence between man and man which is so essential in all our social relations.

The contrast between the suspension of 1814 and that of 1837 is most striking. The short duration of the latter; the prompt restoration of business; the evident benefits resulting from an adherence by the Government to the constitutional standard of value, instead of sanctioning the suspension by the receipt of irredeemable paper; and the advantages derived from the large amount of specie introduced into the country previous to 1837, afford a valuable illustration of the true policy of the Government in such a crisis; nor can the comparison fail to remove the impression that a national bank is necessary in such emergencies. Not only were specie payments resumed without its aid, but exchanges have also been more rapidly restored than when it existed; thereby showing that private capital, enterprise, and prudence are fully adequate to these ends. On all these points experience seems to have confirmed the views heretofore submitted to Congress. We have been saved the mortification of seeing the distresses of the community for the third time seized on to fasten upon the country so dangerous an institution; and we may also hope that the business of individuals will hereafter be relieved from the injurious effects of a continued agitation of that disturbing subject. The limited influence of a national bank in averting derangement in the exchanges of the country, or in compelling the resumption of specie payments, is now not less apparent than its tendency to increase inordinate speculation by sudden expansions and contractions; its disposition to create panic and embarrassment for the promotion of its own designs; its interference with politics; and its far greater power for evil than for good, either in regard to the local institutions or the operations of Government itself. What was, in these respects, but apprehension or opinion, when a national bank was first established, now stands confirmed by humiliating experience. The scenes through which we have passed conclusively prove how little our commerce, agriculture, manufactures, or finance, require such an institution, and what dangers are attendant on its power—a power, I trust, never to be conferred by the American people upon their Government, and still less upon individuals not responsible to them for its unavoidable abuses.

My conviction of the necessity of further legislative provisions for the safe-keeping and disbursement of the public moneys, and my opinion in regard to the measures best adapted to the accomplishment of those objects, have been already submitted to you. These have been strengthened by recent events; and, in the full conviction that time and experience must still further demonstrate their propriety, I feel it my duty, with respectful deference to the conflicting views of others, again to invite your attention to them.

With the exception of limited sums deposited in the few banks still employed under the act of 1836, the amounts received for duties, and, with very inconsiderable exceptions, those accruing from lands also, have, since the general suspension of specie payments by the deposit banks, been kept and disbursed by the Treasurer, under his general legal powers, subject to the superintendence of the Secretary of the Treasury. The propriety of defining more specifically, and of regulating by law the exercise of this wide scope of Executive discretion, has been already submitted to Congress.

A change in the office of collector at one of our principal ports, has brought to light a defalcation of the gravest character, the particulars of which will be laid before you in a special report from the Secretary of the Treasury. By his report and the accompanying documents, it will be seen that the weekly returns of the defaulting officer apparently exhibited, throughout, a faithful administration of the affairs intrusted to his management. It, however, now appears that he commenced abstracting the public moneys shortly after his appointment, and continued to do so, progressively increasing the amount, for the term of more than seven years, embracing a portion of the period during which the public moneys were deposited in the Bank of the United States, the whole of that of the State bank deposit system, and concluding only on his retirement from office, after that system had substantially failed, in consequence of the suspension of specie payments.

The way in which this defalcation was so long concealed, and the steps taken to indemnify the

United States, as far as practicable, against loss, will also be presented to you. The case is one which imperatively claims the attention of Congress, and furnishes the strongest motive for the establishment of a more severe and secure system for the safe-keeping and disbursement of the public moneys than any that has heretofore existed.

It seems proper, at all events, that by an early enactment similar to that of other countries, the application of public money by an officer of Government to private uses, should be made a felony, and visited with severe and ignominious punishment. This is already, in effect, the law in respect to the Mint, and has been productive of the most salutary results. Whatever system is adopted, such an enactment would be wise as an independent measure, since much of the public moneys must, in their collection and ultimate disbursement, pass twice through the hands of public officers, in whatever manner they are immediately kept. The Government, it must be admitted, has been from its commencement comparatively fortunate in this respect. But the appointing power cannot always be well advised in its selections, and the experience of every country has shown that public officers are not at all times proof against temptation. It is a duty, therefore, which the Government owes, as well to the interests committed to its care as to the officers themselves, to provide every guard against transgressions of this character that is consistent with reason and humanity. Congress cannot be too jealous of the conduct of those who are intrusted with the public money; and I shall, at all times, be disposed to encourage a watchful discharge of this duty. If a more direct cooperation on the part of Congress, in the supervision of the conduct of the officers intrusted with the custody and application of the public money is deemed desirable, it will give me pleasure to assist in the establishment of any judicious and constitutional plan by which that object may be accomplished. You will, in your wisdom, determine upon the propriety of adopting such a plan, and upon the measure necessary to its effectual execution. When the late Bank of the United States was incorporated, and made the depository of the public moneys, a right was reserved to Congress to inspect, at its pleasure, by a committee of that body, the books and the proceedings of the bank.

In one of the States whose banking institutions are supposed to rank among the first in point of stability, they are subjected to constant examination by commissioners appointed for that purpose, and much of the success of its banking system is attributed to this watchful supervision. The same course has also, in view of its beneficial operation, been adopted by an adjoining State, favorably known for the care it has always bestowed upon whatever relates to its financial concerns. I submit to your consideration whether a committee of Congress might not be profitably employed in inspecting, at such intervals as might be deemed proper, the affairs and accounts of officers intrusted with the custody of the public moneys. The frequent performance of this duty might be made obligatory on the committee in respect to those officers who have large sums in their possession, and left discretionary in respect to others. They might report to the Executive such defalcations as were found to exist, with a view to a prompt removal from office unless the default was satisfactorily accounted for; and report, also, to Congress, at the commencement of each session, the result of their examinations and proceedings. It does appear to me that, with a subjection of this class of public officers to the general supervision of the Executive, to examinations by a committee of Congress at periods of which they should have no previous notice, and to prosecution and punishment as for felony for every breach of trust, the safe-keeping of the public moneys, under the system proposed, might be placed on a surer foundation than it has ever occupied since the establishment of the Government.

The Secretary of the Treasury will lay before you additional information containing new details on this interesting subject. To these I ask your early attention. That it should have given rise to great diversity of opinion cannot be a subject of surprise. After the collection and custody of the public moneys had been for so many years connected with, and made subsidiary to, the ad-

vancement of private interests, a return to the simple and self-denying ordinances of the Constitution could not but be difficult. But time and free discussion eliciting the sentiments of the people, and aided by that conciliatory spirit which has ever characterized their course on great emergencies, were relied upon for a satisfactory settlement of the question. Already has this anticipation on one important point at least—the impropriety of diverting public money to private purposes—been fully realized. There is no reason to suppose that legislation upon that branch of the subject would now be embarrassed by a difference of opinion, or fail to receive the cordial support of a large majority of our constituents. The connection which formerly existed between the Government and banks, was in reality injurious to both, as well as to the general interests of the community at large. It aggravated the disasters of trade and the derangements of commercial intercourse, and administered new excitement and additional means to wild and reckless speculators, the disappointments of which threw the country into convulsions of panic, and all but produced violence and bloodshed. The imprudent expansion of bank credits, which was the natural result of the command of the revenues of the State furnished the resources for unbounded license in every species of adventure, seduced industry from its regular and salutary occupations by the hope of abundance without labor, and deranged the social state by tempting all trades and professions into the vortex of speculation on remote contingencies.

The same wide-spreading influence impeded also the resources of the Government, curtailed its useful operations, embarrassed the fulfillment of its obligations, and seriously interfered with the execution of the laws. Large appropriations and oppressive taxes are the natural consequences of such a connection, since they increase the profits of those who are allowed to use the public funds, and make it their interest that money should be accumulated and expenditures multiplied. It is thus that a concentrated money power is tempted to become an active agent in political affairs, and all past experience has shown on which side that influence will be arrayed. We deceive ourselves if we suppose that it will ever be found asserting and supporting the rights of the community at large, in opposition to the claims of the few.

In a Government whose distinguishing characteristic should be a diffusion and equalization of its benefits and burdens the advantage of individuals will be augmented at the expense of the mass of the people. Nor is it the nature of combinations for the acquisition of legislative influence to confine their interference to the single object for which they were originally formed. The temptation to extend it to other matters, is, on the contrary, not unfrequently too strong to be resisted. The influence in the direction of the public affairs, of the community at large, is, therefore, in no slight danger of being sensibly and injuriously affected by giving to a comparatively small, but very efficient class, a direct and exclusive personal interest in so important a portion of the legislation of Congress as that which relates to the custody of the public moneys. If laws acting upon private interests cannot always be avoided, they should be confined within the narrowest limits, and left, wherever possible, to the Legislatures of the States. When, not thus restricted, they lead to combinations of powerful associations, foster and influence necessarily selfish, and turn the fair course of legislation to sinister ends, rather than to objects that advance public liberty, and promote the general good.

The whole subject now rests with you; and I cannot but express a hope that some definite measure will be adopted at the present session.

It will not, I am sure, be deemed out of place for me here to remark, that the declaration of my views in opposition to the policy of employing banks as depositories of the Government funds cannot justly be construed as indicative of hostility, official or personal, to those institutions; or to repeat, in this form, and in connection with this subject, opinions which I have uniformly entertained, and on all proper occasions expressed. Though always opposed to their creation in the form of exclusive privileges, and as a State magistrate aiming, by appropriate legislation, to

secure the community against the consequences of their occasional mismanagement, I have yet ever wished to see them protected in the exercise of rights conferred by law, and have never doubted their utility, when properly managed, in promoting the interests of trade, and, through that channel, the other interests of the community. To the General Government they present themselves merely as State institutions, having no necessary connection with its legislation or its administration. Like other State establishments, they may be used or not in conducting the affairs of the Government, as public policy and the general interests of the Union may seem to require. The only safe or proper principle upon which their intercourse with the Government can be regulated, is that which regulates their intercourse with the private citizen—the conferring of mutual benefits.

When the Government can accomplish a financial operation better with the aid of the banks than without, it should be at liberty to seek that aid as it would the services of a private banker, or other capitalists or agents, giving the preference to those who will serve it on the best terms. Nor can there ever exist an interest in the officers of the General Government, as such, inducing them to embarrass or annoy the State banks any more than to incur the hostility of any other class of State institutions, or of private citizens. It is not in the nature of things that hostility to those institutions can spring from this source, or any opposition to their course of business, except when they themselves depart from the objects of their creation, and attempt to usurp powers not conferred upon them, or to subvert the standard of value established by the Constitution. While opposition to their regular operations cannot exist in this quarter, resistance to any attempt to make the Government dependent upon them for the successful administration of public affairs is a matter of duty, as I trust it ever will be of inclination, no matter from what motive or consideration the attempt may originate.

It is no more than just to the banks to say that, in the late emergency, most of them firmly resisted the strongest temptations to extend their paper issues, when apparently sustained in a suspension of specie payments by public opinion, even though in some cases invited by legislative enactments. To this honorable course, aided by the resistance of the General Government, acting in obedience to the Constitution and laws of the United States, to the introduction of an irredeemable paper medium, may be attributed, in a great degree, the speedy restoration of our currency to a sound state, and the business of the country to its wonted prosperity. The banks have but to continue in the same safe course, and be content in their appropriate sphere, to avoid all interference from the General Government, and to derive from it all the protection and benefits which it bestows on other State establishments, on the people of the States, and on the States themselves. In this, their true position, they cannot but secure the confidence and good will of the people and the Government, which they can only lose when, leaping from their legitimate sphere, they attempt to control the legislation of the country, and pervert the operations of the Government to their own purposes.

Our experience under the act passed at the last session, to grant preemption rights to settlers on the public lands, has as yet been too limited to enable us to pronounce with safety upon the efficacy of its provisions to carry out the wise and liberal policy of the Government in that respect. There is, however, the best reason to anticipate favorable results from its operation. The recommendations formerly submitted to you, in respect to a graduation of the price of the public lands, remain to be finally acted upon. Having found no reason to change the views then expressed, your attention to them is again respectfully requested.

Every proper exertion has been made, and will be continued, to carry out the wishes of Congress in relation to the tobacco trade, as indicated in the several resolutions of the House of Representatives and the legislation of the two branches. A favorable impression has, I trust, been made in the different foreign countries to which particular attention has been directed, and although we cannot hope for an early change in their policy, as in many of them a convenient and large revenue is

derived from monopolies in the fabrication and sale of this article, yet as these monopolies are really injurious to the people where they are established, and the revenue derived from them may be less injuriously and with equal facility obtained from another and a liberal system of administration, we cannot doubt that our efforts will be eventually crowned with success, if persisted in with temperate firmness, and sustained by prudent legislation.

In recommending to Congress the adoption of the necessary provisions at this session for taking the next census, or enumeration of the inhabitants of the United States, the suggestion presents itself whether the scope of the measure might not be usefully extended, by causing it to embrace authentic statistical returns of the great interests specially intrusted to, or necessarily affected by, the legislation of Congress.

The accompanying report of the Secretary of War presents a satisfactory account of the state of the Army, and of the several branches of the public service confided to the superintendence of that officer.

The law increasing and organizing the military establishment of the United States has been nearly carried into effect, and the Army has been extensively and usefully employed during the past season.

I would again call to your notice the subjects connected with and essential to the military defenses of the country, which were submitted to you at the last session, but which were not acted upon, as is supposed, for want of time. The most important of them is the organization of the militia on the maritime and inland frontiers. This measure is deemed important, as it is believed that it will furnish an effective volunteer force in aid of the regular Army, and may form the basis for a general system of organization of the entire militia of the United States. The erection of a national foundry and gunpowder manufactory, and one for making small-arms, the latter to be situated at some point west of the Alleghany mountains, all appear to be of sufficient importance to be again urged upon your attention.

The plan proposed by the Secretary of War for the distribution of the forces of the United States in time of peace, is well calculated to promote regularity and economy in the fiscal administration of the service, to preserve the discipline of the troops, and to render them available for the maintenance of the peace and tranquility of the country. With this view, likewise, I recommend the adoption of the plan presented by that officer for the defense of the western frontier. The preservation of the lives and property of our fellow-citizens who are settled upon that border country, as well as the existence of the Indian population, which might be tempted, by our want of preparation, to rush on their own destruction and attack the white settlements, all seem to require that this subject should be acted upon without delay, and the War Department authorized to place that country in a state of complete defense against any assault from the numerous and warlike tribes which are congregated on that border.

It affords me sincere pleasure to be able to apprise you of the entire removal of the Cherokee nation of Indians to their new homes west of the Mississippi. The measures authorized by Congress at its last session, with a view to the long-standing controversy with them, have had the happiest effects. By an agreement concluded with them by the commanding general in that country, who has performed the duties assigned to him on the occasion with commendable energy and humanity, their removal has been principally under the conduct of their own chiefs, and they have emigrated without any apparent reluctance.

The successful accomplishment of this important object; the removal, also, of the entire Creek nation, with the exception of a small number of fugitives amongst the Seminoles in Florida; the progress already made towards a speedy completion of the removal of the Chickasaws, the Choctaws, the Pottawatomies, the Ottawas, and the Chippewas, with the extensive purchases of Indian lands during the present year, have rendered the speedy and successful result of the long established policy of the Government upon the subject of Indian affairs entirely certain. The occasion is, therefore, deemed a proper one to place this policy in such a point of view as will exon-

erate the Government of the United States from the undeserved reproach which has been cast upon it through several successive Administrations. That a mixed occupancy of the same territory by the white and red man is incompatible with the safety or happiness of either, is a position in respect to which there has long since ceased to be room for a difference of opinion. Reason and experience have alike demonstrated its impracticability. The bitter fruits of every attempt heretofore to overcome the barriers interposed by nature have only been destruction, both physical and moral, to the Indian; dangerous conflicts of authority between the Federal and State Governments; and detrimental to the individual prosperity of the citizen, as well as to the great improvement of the country. The remedial policy, the principles of which were settled more than thirty years ago, under the administration of Mr. Jefferson, consists in an extinction, for a fair consideration, of the title to all the lands still occupied by the Indians within the States and Territories of the United States; their removal to a country west of the Mississippi, much more extensive, and better adapted to their condition, than that on which they then resided; the guarantee to them, by the United States, of their exclusive possession of that country forever, exempt from all intrusions by white men, with ample provisions for their security against external violence and internal dissensions, and the extension to them of suitable facilities for their advancement in civilization. This has not been the policy of particular Administrations only, but of each in succession since the first attempt to carry it out under that of Mr. Monroe. All have labored for its accomplishment, only with different degrees of success. The manner of its execution has, it is true, from time to time, given rise to conflicts of opinion and unjust imputations; but in respect to the wisdom and necessity of the policy itself, there has not, from the beginning, existed a doubt in the mind of any calm, judicious, disinterested friend of the Indian race, accustomed to reflection and enlightened by experience.

Occupying the double character of contractor on its own account, and guardian for the parties contracted with, it was hardly to be expected that the dealings of the Federal Government with the Indian tribes would escape misrepresentation. That there occurred, in the early settlement of this country, as in all others where the civilized race has succeeded to the possessions of the savage, instances of oppression and fraud on the part of the former, there is too much reason to believe. No such offenses can, however, be justly charged upon this Government since it became free to pursue its own course. Its dealings with the Indian tribes have been just and friendly throughout; its efforts for their civilization constant, and directed by the best feelings of humanity; its watchfulness in protecting them from individual frauds unremitting; its forbearance under the keenest provocations, the deepest injuries, and the most flagrant outrages, may challenge, at least, a comparison with any nation, ancient or modern, in similar circumstances; and if in future times a powerful, civilized, and happy nation of Indians shall be found to exist within the limits of this northern continent, it will be owing to the consummation of that policy which has been so unjustly assailed. Only a very brief reference to facts in confirmation of this assertion can in this form be given, and you are, therefore, necessarily referred to the report of the Secretary of War for further details. To the Cherokees, whose case has, perhaps, excited the greatest share of attention and sympathy, the United States have granted in fee, with a perpetual guarantee of exclusive and peaceable possession, thirteen million five hundred and fifty-four thousand one hundred and thirty-five acres of land, on the west side of the Mississippi, eligibly situated, in a healthy climate, and in all respects better suited to their condition than the country they have left, in exchange for only nine million four hundred and ninety-two thousand one hundred and sixty acres on the east side of the same river. The United States have, in addition, stipulated to pay them \$5,600,000 for their interest in and improvements on the lands thus relinquished, and \$1,160,000 for subsistence and other beneficial purposes; thereby putting it in their power to become one

of the most wealthy and independent separate communities, of the same extent in the world.

By the treaties made and ratified with the Miami, the Chippewas, the Sioux, the Sacs and Foxes, and the Winnebagoes, during the last year, the Indian title to eighteen million four hundred and fifty-eight thousand acres has been extinguished. These purchases have been much more extensive than those of any previous year, and have, with other Indian expenses, borne very heavily upon the Treasury. They leave, however, but a small quantity of unbought Indian lands within the States and Territories; and the Legislature and Executive were equally sensible of the propriety of a final and more speedy extinction of Indian titles within those limits. The treaties, which were, with a single exception, made in pursuance of previous appropriations for defraying the expenses, have subsequently been ratified by the Senate, and received the sanction of Congress by the appropriations necessary to carry them into effect. Of the terms upon which these important negotiations were concluded, I can speak from direct knowledge; and I feel no difficulty in affirming that the interest of the Indians in the extensive territory embraced by them, is to be paid for at its fair value, and that no more favorable terms have been granted to the United States than would have been reasonably expected in a negotiation with civilized men, fully capable of appreciating and protecting their own rights. For the Indian title of one hundred and sixteen million three hundred and forty-nine thousand eight hundred and ninety-seven acres acquired since the 4th of March, 1829, the United States have paid \$72,560,056, in permanent annuities, lands, reservations for Indians, expenses of removal and subsistence, merchandise, mechanical and agricultural establishments, and implements. When the heavy expenses incurred by the United States, and the circumstance that so large a portion of the entire territory will be forever unsalable, are considered, and this price is compared with that for which the United States sell their own lands, no one can doubt that justice has been done to the Indians in these purchases also. Certain it is that the transactions of the Federal Government with the Indians have been uniformly characterized by a sincere and paramount desire to promote their welfare; and it must be a source of the highest gratification to every friend to justice and humanity to learn that, notwithstanding the obstructions from time to time thrown in its way, and the difficulties which have arisen from the peculiar and impracticable nature of the Indian character, the wise, humane, and undeviating policy of the Government in this, the most difficult of all our relations, foreign or domestic, has at length been justified to the world in its near approach to a happy and certain consummation.

The condition of the tribes which occupy the country set apart for them in the West is highly prosperous, and encourages the hope of their early civilization. They have, for the most part, abandoned the hunter state, and turned their attention to agricultural pursuits. All those who have been established for any length of time in that fertile region, maintain themselves by their own industry. There are among them traders of no inconsiderable capital, and planters exporting cotton to some extent; but the greater number are small agriculturists, living in comfort upon the produce of their farms. The recent emigrants, although they have in some instances removed reluctantly, have readily acquiesced in their unavoidable destiny. They have found at once a recompense for past sufferings, and an incentive to industrious habits, in the abundance and comforts around them. There is reason to believe that all these tribes are friendly in their feelings towards the United States; and it is to be hoped that the acquisition of individual wealth, the pursuits of agriculture, and habits of industry, will gradually subdue their warlike propensities, and incline them to maintain peace among themselves. To effect this desirable object, the attention of Congress is solicited to the measures recommended by the Secretary of War for their future government and protection, as well from each other as from the hostility of the warlike tribes around them, and the intrusion of the whites. The policy of the Government has given them a permanent home, and guaranteed to them its peaceful and undisturbed possession. It only remains to give

them a government and laws which will encourage industry, and secure to them the rewards of their exertions. The importance of some form of government cannot be too much insisted upon. The earliest effects will be to diminish the causes and occasions for hostilities among the tribes, to inspire an interest in the observance of laws to which they will have themselves assented, and to multiply the securities of property, and the motives for self-improvement. Intimately connected with this subject is the establishment of the military defenses recommended by the Secretary of War, which have been already referred to. Without them, the Government will be powerless to redeem its pledges of protection to the emigrating Indians against the numerous warlike tribes that surround them, and to provide for the safety of the frontier settlers of the bordering States.

The case of the Seminoles constitutes at present the only exception to the successful efforts of the Government to remove the Indians to the homes assigned them west of the Mississippi. Four hundred of this tribe emigrated in 1836, and fifteen hundred in 1837 and 1838, leaving in the country, it is supposed, about two thousand Indians. The continued treacherous conduct of these people; the savage and unprovoked murders they have lately committed, butchering whole families of the settlers of the Territory, without distinction of age or sex, and making their way into the very center and heart of the country, so that no part of it is free from their ravages; their frequent attacks on the light-houses along that dangerous coast; and the barbarity with which they have murdered the passengers and crews of such vessels as have been wrecked upon the reefs and keys which border the Gulf, leave the Government no alternative but to continue the military operations against them until they are totally expelled from Florida.

There are other motives which would urge the Government to pursue this course towards the Seminoles. The United States have fulfilled in good faith all their treaty stipulations with the Indian tribes, and have, in every other instance, insisted upon a like performance of their obligations. To relax from this salutary rule because the Seminoles have maintained themselves so long in the territory they had relinquished, and, in defiance of their frequent and solemn engagements, still continue to wage a ruthless war against the United States, would not only evince a want of constancy on our part, but be of evil example in our intercourse with other tribes. Experience has shown that but little is to be gained by the march of armies through a country so intersected with inaccessible swamps and marshes, and which, from the fatal character of the climate, must be abandoned at the end of the winter. I recommend, therefore, to your attention, the plan submitted by the Secretary of War in the accompanying report, for the permanent occupation of the portion of the territory freed from the Indians, and the more efficient protection of the people of Florida from their inhuman warfare.

From the report of the Secretary of the Navy, herewith transmitted, it will appear that a large portion of the disposable naval force is either actively employed, or in a state of preparation for the purposes of experience and discipline, and the protection of our commerce. So effectual has been this protection, that, so far as the information of Government extends, not a single outrage has been attempted on a vessel carrying the flag of the United States, within the present year, in any quarter, however distant or exposed.

The exploring expedition sailed from Norfolk on the 19th of August last; and information has been received of its safe arrival at the island of Madeira. The best spirit animates the officers and crews, and there is every reason to anticipate from its efforts, results beneficial to commerce and honorable to the nation.

It will also be seen that no reduction of the force now in commission is contemplated. The unsettled state of a portion of South America renders it indispensable that our commerce should receive protection in that quarter; the vast and increasing interests embarked in the trade of the Indian and China seas, in the whale fisheries of the Pacific ocean, and in the Gulf of Mexico, require equal attention to their safety; and a small squadron may be employed to great advantage on our Atlantic coast, in meeting sudden demands

for the reinforcement of other stations, in aiding merchant vessels in distress, in affording active service to an additional number of officers, and in visiting the different ports of the United States, an accurate knowledge of which is obviously of the highest importance.

The attention of Congress is respectfully called to that portion of the report recommending an increase in the number of smaller vessels, and to other suggestions contained in that document. The rapid increase and wide expansion of our commerce, which is every day seeking new avenues of profitable adventure; the absolute necessity of a naval force for its protection precisely in the degree of its extension; a due regard to the national rights and honor; the recollection of its former exploits, and the anticipation of its future triumphs whenever opportunity presents itself, which we may rightfully indulge from the experience of the past, all seem to point to the Navy as a most efficient arm of our national defense and a proper object of legislative encouragement.

The progress and condition of the Post Office Department will be seen by reference to the report of the Postmaster General. The extent of post roads, covered by mail contracts, is stated to be one hundred and thirty-four thousand eight hundred and eighteen miles, and the annual transportation upon them thirty-four millions five hundred and eighty thousand two hundred and two. The number of post offices in the United States is twelve thousand five hundred and fifty-three, and rapidly increasing. The gross revenue for the year ending on the 30th day of June last, was \$4,262,145. The accruing expenditures, \$4,680,068; excess of expenditures, \$417,923. This has been made up out of the surplus previously on hand. The cash on hand on the first instant, was \$314,068. The revenue for the year ending June 30, 1838, was \$161,540 more than that for the year ending June 30, 1837. The expenditures of the Department had been graduated upon the anticipation of a largely increased revenue. A moderate curtailment of mail service consequently became necessary, and has been effected, to shield the Department against the danger of embarrassment. Its revenue is now improving, and it will soon resume its onward course in the march of improvement.

Your particular attention is requested to so much of the Postmaster General's report as relates to the transportation of the mails upon railroads. The laws on that subject do not seem adequate to secure that service, now become almost essential to the public interests, and at the same time protect the Department from combinations and unreasonable demands.

Nor can I too earnestly request your attention to the necessity of providing a more secure building for this Department. The danger of destruction to which its important books and papers are continually exposed, as well from the highly combustible character of the building occupied as from that of others in the vicinity, calls loudly for prompt action.

Your attention is again earnestly invited to the suggestions and recommendations submitted at the last session in respect to the District of Columbia.

I feel it my duty, also, to bring to your notice certain proceedings at law which have recently been prosecuted in this District, in the name of the United States, on the relation of Messrs. Stockton and Stokes, of the State of Maryland, against the Postmaster General, and which have resulted in the payment of money out of the national Treasury, for the first time since the establishment of the Government, by judicial compulsion exercised by the common law writ of mandamus, issued by the circuit court of this District.

The facts of the case, and the grounds of the proceedings, will be found fully stated in the report of the decision; and any additional information which you may desire will be supplied by the proper Department. No interference in the particular case is contemplated. The money has been paid; the claims of the prosecutors have been satisfied; and the whole subject, so far as they are concerned, is finally disposed of; but it is on the supposition that the case may be regarded as an authoritative exposition of the law as it now stands that I have thought it necessary to present it to your consideration.

The object of the application to the circuit court

was to compel the Postmaster General to carry into effect an award made by the Solicitor of the Treasury, under a special act of Congress for the settlement of certain claims of the relators on the Post Office Department, which award the Postmaster General declined to execute in full, until he should receive further legislative direction on the subject. If the duty imposed on the Postmaster General, by that law, was to be regarded as one of an official nature, belonging to his office as a branch of the Executive, then it is obvious that the constitutional competency of the Judiciary to direct and control him in its discharge was necessarily drawn in question. And if the duty so imposed on the Postmaster General was to be considered as merely ministerial, and not executive, it yet remained to be shown that the circuit court of this District had authority to interfere by mandamus—such a power having never before been asserted or claimed by that court. With a view to the settlement of these important questions, the judgment of the circuit court was carried, by a writ of error, to the Supreme Court of the United States. In the opinion of that tribunal, the duty imposed on the Postmaster General was not an official, executive duty, but one of a merely ministerial nature. The grave constitutional questions which had been discussed were, therefore, excluded from the decision of the case; the court, indeed, expressly admitting that, with powers and duties properly belonging to the Executive, no other department can interfere by the writ of mandamus; and the question, therefore, resolved itself into this: has Congress conferred upon the circuit court of this District the power to issue such a writ to an officer of the General Government, commanding him to perform a ministerial act? A majority of the court have decided that it has, but have founded their decision upon a process of reasoning which, in my judgment, renders further legislative provision indispensable to the public interests and the equal administration of justice.

It has long since been decided by the Supreme Court, that neither that tribunal nor the circuit courts of the United States held within the respective States, possess the power in question; but it is now held that this power, denied to both of these high tribunals—to the former by the Constitution and to the latter by Congress—has been, by its legislation, vested in the circuit court of this District. No such direct grant of power to the circuit court of this District is claimed; but it has been held to result, by necessary implication, from several sections of the law establishing the court. One of these sections declares that the laws of Maryland, as they existed at the time of the cession, should be in force in that part of the District ceded by that State; and, by this provision, the common law, in civil and criminal cases, as it prevailed in Maryland, in 1801, was established in that part of the District.

In England, the Court of King's Bench—because the sovereign, who, according to the theory of the Constitution, is the fountain of justice, originally sat there in person, and is still deemed to be present, in construction of law—alone possesses the high power of issuing the writ of mandamus, not only to inferior jurisdictions and corporations, but also to magistrates and others, commanding them, in the King's name, to do what their duty requires, in cases where there is a vested right, and no other specific remedy. It has been held, in the case referred to, that, as the Supreme Court of the United States is, by the Constitution, rendered incompetent to exercise this power, and as the circuit court of this District is a court of general jurisdiction in cases at common law, and the highest court of original jurisdiction in the District, the right to issue the writ of mandamus is incident to its common law powers. Another ground relied upon to maintain the power in question is, that it was included, by fair construction, in the power it granted to the circuit courts of the United States by the act "to provide for the more convenient organization of the courts of the United States," passed 13th of February, 1801; that the act establishing the circuit court of this District, passed the 27th day of February, 1801, conferred upon that court and the judges thereof the same powers as were by law vested in the circuit courts of the United States and in the judges of the said courts; that the repeal of the first mentioned act,

which took place in the next year, did not divest the circuit court of this District of the authority in dispute, but left it still clothed with the powers over the subject which, it is conceded, were taken away from the circuit courts of the United States by the repeal of the act of 13th February, 1801.

Admitting that the adoption of the laws of Maryland for a portion of this District confers on the circuit court thereof, in that portion, the transcendent extra-judicial prerogative powers of the Court of King's Bench, in England, or that either of the acts of Congress, by necessary implication, authorize the former court to issue a writ of mandamus to an officer of the United States, to compel him to perform a ministerial duty, the consequences are, in one respect, the same. The result in either case is, that the officers of the United States, stationed in different parts of the United States, are, in respect to the performance of their official duties, subject to different laws and a different supervision, those in the States to one rule, and those in the District of Columbia to another and a very different one. In the District their official conduct is subject to a judicial control, from which, in the States, they are exempt.

Whatever difference of opinion may exist as to the expediency of vesting such a power in the judiciary, in a system of Government constituted like that of the United States, all must agree that these disparaging discrepancies in the law and in the administration of justice ought not to be permitted to continue; and as Congress alone can provide the remedy, the subject is unavoidably presented to your consideration.

M. VAN BUREN.

WASHINGTON, December 3, 1838.

The message having been read,

On motion of Mr. WRIGHT, it was

Ordered, That the usual number of copies be printed, and that five thousand additional copies without the documents, and fifteen hundred copies with the documents, be printed for the use of the Senate.

On motion, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

TUESDAY, December 4, 1838.

HUGH A. GARLAND, Esq., Clerk elect of the House of Representatives, presented himself at the Speaker's table, and took the oath of office.

The message from the Senate for the appointment of a joint committee of the two Houses to wait on the President, and inform him that they were ready to receive any communication from him, was taken up, as the business first in order, and concurred in.

The committee on the part of the House was ordered to consist of three, and was composed of the following gentlemen: Mr. CAMBRELENG, Mr. CONNOR, and Mr. LINCOLN.

The SPEAKER laid before the House the following communication from the Hon. JOHN QUINCY ADAMS; which was read:

To the President of the Senate and Speaker of the House of Representatives of the United States:

In compliance with the request of Mr. George Washington Lafayette, and of the respective family of our late illustrious and ever venerated friend, General Lafayette, I have the honor of presenting to Congress, in their name, a copy of the memoirs and writings of their honored parent, recently published by them, to be deposited in the Library of Congress.

JOHN Q. ADAMS.

HOUSE OF REPRESENTATIVES UNITED STATES,  
Monday, December 3, 1838.

Mr. A. then submitted the following resolution; which was agreed to *nem diss*.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of this Congress be presented to George Washington Lafayette, the son, and to the surviving family, of the late illustrious and lamented General Lafayette, for the copy of his memoirs and writings, recently published by them, and presented in their name to this Congress, to be deposited in their Library; and that the same be deposited in the said Library accordingly.

On motion of Mr. HARLAN, the usual order for furnishing members with newspapers, not to exceed the price of three daily papers, was agreed to.

On motion of Mr. GRENNEILL, a joint resolution for the election of two chaplains to the two Houses for the present session was agreed to.

Mr. TAYLOR submitted the following; which was rejected:

Resolved, That a committee be appointed to report a

plan for carrying into effect, as far as practicable, the order of the House of the 2d July last, directing that, in the new arrangement of the Hall, the members should be entitled, as near as may be, to the same relative position to the Chair which they then occupied, or to devise and report such other mode of assigning seats to members as the committee may deem equitable and proper.

Mr. ADAMS, on leave, submitted the following resolution:

Resolved, That all the petitions, memorials, and remonstrances against the annexation of the Republic of Texas to the United States, presented at the first and second sessions of the present Congress, together with the resolutions of the Legislatures of the States of Alabama, Tennessee, Vermont, Rhode Island, Ohio, Michigan, and Massachusetts, now on file in the clerk's office, relating to that subject, be taken from the said files, and referred to a select committee of — members, to consider and report thereon.

Mr. HOWARD moved to lay the resolution on the table.

Mr. ADAMS called for the yeas and nays; which were ordered.

Mr. MERCER requested the gentleman from Maryland to withdraw the motion for a moment to enable him (Mr. M.) to propound a question to that gentleman. Mr. M. promised to renew the motion.

Mr. HOWARD withdrew it.

Mr. MERCER wished to know whether the application of the Republic of Texas for admission into this Union had not been withdrawn?

Mr. HOWARD was understood to express his belief that it had, though he had no other knowledge of the fact than that derived from the newspapers.

Mr. MERCER renewed the motion to lay on the table, and it prevailed—yeas 136, nays 61.

So the resolution was laid on the table.

Mr. McKENNA submitted a resolution to remove the drapery in the galleries of the Hall.

The resolution was rejected.

## DUELLING IN THE DISTRICT.

Mr. ADAMS gave notice that, on to-morrow, he should call up the bill for the prevention of duelling in the District of Columbia.

ANDREW STEVENSON.

Mr. ADAMS submitted the following resolutions:

Resolved, That a committee of — members be appointed, with leave to send for persons and papers, to inquire and report to this House:

1. Whether Andrew Stevenson, Envoy Extraordinary and Minister Plenipotentiary from the United States, at London, is, or has recently been, engaged in a public newspaper controversy, involving his personal integrity and the honor of his country, whose representative he is, with Daniel O'Connell, a member of the Parliament of the United Kingdom of Great Britain and Ireland.

2. Whether the said Andrew Stevenson, holding the privileged character of an Ambassador, has, in concert with three other persons, citizens of the United States, one of whom, an officer in their Navy, engaged in a conspiracy with intent to stop the wind, or, in the language of the laws of God and of man, to murder the said Daniel O'Connell in a duel, or by a premeditated provocation to a brawl.

3. Whether the said Andrew Stevenson, after a written demand of explanation, in the form usual among duellists, as preliminary to a challenge, and with the intent to follow it up by a challenge, preconcerted with the said three other citizens of the United States, did accept of an answer from the said Daniel O'Connell, equally unsatisfactory to the codes of genuine and of spurious honor, and thereby tacitly admit the truth of the imputation upon his honor, at which he had professed to take offense.

4. Whether the said Andrew Stevenson, in these transactions, has violated the duties of his office as an ambassador of peace, the laws of nations, the laws of the land to the Government of which he was accredited, the privileges of the British House of Commons, in the person of one of its members, and the honor and interest of his own country.

5. Whether the said Andrew Stevenson has, in these transactions, so conducted himself as to require the constitutional interposition of this House, by impeachment or otherwise.

Mr. HOWARD remarked that the resolutions covered a great deal of ground; and in the hope, too, that the gentleman from Massachusetts would consent to the motion, he moved that their consideration be postponed till Monday next.

Mr. HOPKINS moved to lay the whole subject on the table.

Mr. REED called for the yeas and nays; which were ordered.

Mr. THOMAS hoped the mover of the last motion would withdraw it, and suffer it to lie over.

Mr. HOPKINS, believing no good could result from a discussion upon such a subject, could not consent to withdraw it.

The motion to lay on the table prevailed—yeas 140, nays 57; as follows:

**YEAS**—Messrs. John W. Allen, Anderson, Atherton, Banks, Beatty, Beers, Bell, Bicknell, Biddle, Birdsall, Bouldin, Brodhead, Bronson, Buchanan, William B. Campbell, Carter, Casey, Chambers, Chaney, Chapman, Cheatham, Clark, Clowney, Coffin, Coles, Crabb, Craig, Cray, Crockett, Cushman, Dawson, Davee, De Graff, Dennis, Dromgoole, Dunn, Elmore, Ewing, Fairfield, Foster, James Garland, Glascock, William Graham, Grandland, Gray, Griffin, Haley, Hammond, Hawes, Hawkins, Haynes, Herod, Holt, Hopkins, Howard, Hubley, Hunter, Ingham, Thomas B. Jackson, Jabez Jackson, Jenifer, Henry Johnson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kennedy, Klingensmith, Lewis, Logan, Loomis, Lyon, Mallory, James M. Mason, Martin, Maury, May, Maxwell, McKay, Robert McClellan, Abraham McClellan, Menefee, Miligan, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Parker, Pargenter, Parris, Paynter, Pearce, Petrikon, Phelps, Plumer, Pope, Pratt, Reily, Rencher, Rhett, Rives, Robertson, Rumsey, Russell, Sawyer, Sheffer, Augustine H. Shepperd, Charles Shepard, Shields, Shepler, Snyder, Southgate, Spencer, Stanly, Stuart, Stone, Swearingen, Taliaferro, Taylor, Thomas, Titus, Toucey, Towns, Turner, Underwood, Vandever, Wagener, Webster, Weeks, Albert S. White, John White, Whittlesey, Sherrard Williams, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, Word, and Worthington—140.

**NAVS**—Messrs. Adams, Alexander, Heman Allan, Andrews, Ayer, Bond, Borden, Briggs, William B. Calhoun, Childs, Curtis, Cushing, Darlington, Davies, Deberry, Evans, Everett, Richard Fletcher, Isaac Fletcher, Fillmore, Giddings, Goode, Grennell, Hall, Halsted, Harlan, Harper, Hastings, Henry, William Cost Johnson, Lincoln, Marvin, Samson, Mason, McKean, Mercer, Mitchell, Matthias Morris, Calvary Morris, Naylor, Noyes, Peck, Potts, Putnam, Rariden, Randolph, Reed, Ridgway, Robinson, Russell, Sergeant, Sibley, Slade, Stratton, Tillinghast, Toland, Wise, and Yorke—57.

#### PRESIDENT'S MESSAGE.

Mr. CAMBRELENG, from the joint committee on the part of the House appointed to wait on the President of the United States, reported that they had discharged that duty, and the President had informed them, in reply, that he would transmit to the two Houses a message to-day.

The President's annual Message was then brought in by his private secretary, and, being laid before the House by the Speaker, was read at length by the Clerk.

Mr. HAYNES moved that the message and accompanying documents be referred to a Committee of the Whole on the state of the Union, and that fifteen thousand copies without the documents, and five thousand with the documents, be printed for the use of the House.

Mr. BELL did not raise any particular objection to the printing, though he would prefer a less number, because the message would be far more widely disseminated through the newspapers than by the members, but he objected to the other branch of the motion at this time. He requested the Clerk to read the entry on the Journal of last session, which was done.

Mr. B. added that he believed that message was never taken up in Committee of the Whole on the state of the Union, but discussed at the present stage, and such was his object in reference to the present message. He desired to express his sentiments upon a number of the topics embraced in it as early as possible; but unless occasion was taken to do so on the motion to commit, they could hope for no other opportunity. He hoped, therefore, the question would be taken on the printing, and the other motion laid over.

Mr. HAYNES said the gentleman was entirely mistaken in the supposition that the last annual message was never considered in Committee of the Whole. It was discussed again and again in that committee; and a number of gentlemen had addressed the House upon it.

Mr. BELL might be mistaken as to that point; but no disposition was made of the message.

Mr. HAYNES stated what was the fact, that all the message had been disposed of except that part in relation to the finances. But what was the great object of sending it to the Committee of the Whole on the state of the Union? It was that the widest scope of debate should be given.

Mr. H. then varied his motion to the terms of that on the Journal, viz: to print fifteen thousand copies of the message and accompanying documents, and five thousand copies without; the latter to be furnished within two days.

After some further conversation between Messrs. Wise, James Garland, and Haynes, the motion was agreed to without a division.

The SPEAKER laid before the House the annual report of the Secretary of the Treasury on the state of the finances; which,

On motion of Mr. CAMBRELENG, was laid on the table; and, at the suggestion of several

members, ten thousand extra copies ordered to be printed.

Also, a communication from the Secretary of State covering a statement of the expenditures out of the contingent fund of that Department for the past year; which,

On motion of Mr. HOWARD, was laid on the table.

#### WIDOW OF W. S. FRANKLIN.

Mr. LOGAN, on leave, submitted the following resolution:

*Resolved*, That the widow of WALTER S. FRANKLIN, deceased, late Clerk of the House of Representatives of the United States, be allowed and paid, out of the contingent fund, his salary as Clerk aforesaid, up to the 3d December, 1838.

Mr. UNDERWOOD called for the yeas and nays; which were ordered.

Mr. McKENNAN suggested to his colleague to cause the resolution to read up to the "3d of December," when the new Clerk took upon himself the duties.

Mr. LOGAN so modified it

Mr. WISE asked when Mr. Franklin died?

The CHAIR replied, from the information contained in Mr. Burch's letter of yesterday, on the 20th of September.

Mr. WISE moved to make it that day; for though no one lamented Mr. Franklin's death more than he did, he could not vote a mere gratuity without service.

Mr. UNDERWOOD reminded Mr. W. that up to the time of Mr. Franklin's decease his salary belonged to his executors.

Mr. WISE thereupon withdrew his amendment.

The resolution was warmly sustained by Mr. McKENNAN and Mr. GLASCOCK, when it was agreed to—yeas 93, nays 63.

On motion, the House adjourned.

#### IN SENATE.

WEDNESDAY, December 5, 1838.

Mr. BROWN, of North Carolina, and Mr. LYON, of Michigan, appeared in their places in the Senate.

The joint resolution from the House, presenting the thanks of Congress to George Washington La Fayette, and the surviving family of General La Fayette, was taken up for consideration; and, on motion of Mr. CLAY, of Alabama, laid upon the table.

Mr. NORVELL gave notice that, on to-morrow, he would ask leave to bring in a bill making certain grants of public land, and for other purposes.

Mr. BUCHANAN gave notice that to-morrow he would ask leave to bring in a bill for the relief of Thomas Sumpter.

Mr. PRENTISS gave notice that to-morrow he would ask leave to bring in several bills, the titles of which were not heard.

The PRESIDENT communicated a report from the Secretary of State, containing an account of the contingent expenses of that Department during the past year; which,

On motion of Mr. WRIGHT, was laid on the table, and ordered to be printed.

Also, a report from the Treasurer of the United States, made in compliance with the act of 1789, establishing the Treasury Department.

Laid on the table, and ordered to be printed.

Also, a letter from the Secretary of the Treasury, inclosing his annual report on the finances; which,

On motion of Mr. WRIGHT, was laid upon the table, and fifteen hundred additional copies ordered to be printed for the use of the Senate.

#### REPORT ON THE FINANCES.

##### TREASURY DEPARTMENT,

December 3, 1838.

The undersigned respectfully submits the following report in obedience to the "Act supplementary to the act to establish the Treasury Department:"

##### I.—OF THE REVENUE AND EXPENDITURES.

The balance in the Treasury on the 1st of January, 1839, which will then be available and applicable to public purposes, is estimated at \$2,765,342 36.

This result is derived from the following data:

On the 1st of January, 1837, the balance in the Treasury, exclusive of trust funds and those belonging to the Post Office, was.....\$46,337,688 36

The receipts during that year, from all sources, exclusive of the funds aforesaid, were—

Customs.....\$11,169,290 39  
Lands.....6,776,236 52  
Miscellaneous.....1,705,457 47  
Treasury notes.....2,992,989 15

22,643,973 53

These, with the balance last mentioned, constitute an aggregate of.....\$68,981,661 89

The expenditures during the same year, exclusive of the trust funds and those belonging to the Post Office, were—

Civil list, foreign intercourse, and miscellaneous.....\$5,524,252 78

Military service, including fortifications, Indian affairs, pensions, arming the militia, the Florida war, removal of the Cherokees and Creeks, improvement of rivers and harbors, constructing roads, and building armories and arsenals, 19,417,274 44

Naval service, including gradual improvement and exploring expedition.....6,852,059 80

Public debt.....21,822 91

31,815,409 91

This left in the Treasury on the 1st of January, 1838, a balance of.....\$37,166,251 98

The receipts during the first three quarters of 1838, with exceptions similar to those before named, are ascertained and estimated to have been as follows:

Customs, including postponed bonds.....\$12,228,770 56

[Of this sum, about \$2,900,000, received in Treasury notes, cannot, until the settlements to which they belong shall be completed by the accounting officers, be entered upon the Register's books. A part will be carried into the Treasury by warrant during the fourth quarter, and the remainder next year.]

Lands.....2,036,828 54  
Miscellaneous.....238,431 85

Proceeds of third bond of United States Bank sold for.....2,254,871 38

Part of second bond.....1,600,000 00

Issue of Treasury notes.....12,716,820 86

31,075,723 19

The further receipts in the fourth quarter are estimated as follows:

Customs, estimating the actual receipts during the quarter, and not the sums which may be formally carried upon the Register's books from former quarters.....\$5,250,000 00

Lands.....1,160,000 00

[Including only a portion of the preëmptions, and such of the sales as may be actually paid into the Treasury before the year expires.]

Miscellaneous.....15,000 00

On second bond of the United States Bank, due in September, 1838, and paid in part before and part after that date.....687,230 84

7,052,230 84

These united made the aggregate of receipts for the year 1838, as ascertained and estimated.....\$38,127,954 03

This, with the balance on the 1st of January last, would amount to.....\$75,294,206 01

The expenditures during the first three quarters of 1838, with similar exceptions, were—

Civil list, &c.....\$4,099,674 13

Military service, &c.....15,731,323 62

Naval service, &c.....4,325,563 21

Public debt.....1,217 08

Redemption of Treasury notes, including interest.....4,330,440 64

22,427,218 68

The expenditures during the fourth quarter, including \$1,000 interest on the funded debt, and the redemption of \$3,750,000 of Treasury notes, are estimated by the different departments at \$13,511,920 10; but it is not expected that the redemption of all these notes will appear on the Register's books until next year. Nor does the undersigned anticipate that the actual expenditures within this quarter, including the above notes redeemed, will exceed.....12,000,000 00

Making an aggregate of expenditures for the year 1838, of.....\$40,427,218 68

This computation would leave in the Treasury, on the 1st of January, 1839, a balance of \$34,866,987 33.

It is proper to ascertain, in the next place, how much of this balance is not immediately available and applicable to public purposes.

The sum of \$28,101,644 97, which has been placed with the States for safe-keeping, is a part of that balance, and cannot, by the provisions of the act of October 14, 1837, be made available till directed by Congress.

Another part is about one million one hundred thousand dollars, due chiefly from various insolvent banks, on account of the money that, before 1837, had been placed in their custody to the credit of the Treasurer, and still remains unpaid.

Another portion is near two million four hundred thousand dollars, which is due from banks that suspended specie payments in 1837, and will probably not be paid during the present year.

About five hundred thousand dollars of the amount which has been placed in the Mint, for the specific purposes designated in the laws on that subject, is another part of that balance, which could not at once be made available for other objects without much public inconvenience.

The aggregate of these items, not immediately available and applicable to public purposes, is \$32,101,644 97; and if deducted from the foregoing balance, it would leave, on the 1st of January next, as stated in the commencement of this report, only the sum of \$2,765,342 36 then available, and applicable to those purposes.

Subjoined is a condensed view of the receipts and means, as well as the expenditures, for 1838, as ascertained and estimated; also, the funds not available in that year:

#### SUMMARY FOR 1838.

##### Receipts or Means.

Balance on the 1st of January, 1838.....	\$37,166,251 98
Receipts from customs.....	17,478,770 56
Receipts from lands.....	3,136,828 54
Miscellaneous.....	253,431 85
Treasury notes issued.....	12,716,820 86
Second and third bonds of Bank of the United States of Pennsylvania.....	4,542,102 22
	<u>\$75,294,206 01</u>

##### Expenditures.

Civil and miscellaneous, first three quarters.....	\$4,029,674, 13
Military, first three quarters.....	15,731,323 62
Naval, first three quarters.....	4,325,563 21
Estimate of above expenditures for fourth quarter.....	8,249,000 00
Public debt for the year.....	2,217 08
Redemption of Treasury notes for the year.....	8,089,440 64
Balance on the 31st of December, 1838.....	34,866,987 33
	<u>\$75,294,206 01</u>

##### UNAVAILABLE FUNDS IN 1838.

Deposits with the States.....	\$28,101,644 97
Due from insolvent banks before 1837.....	1,100,000 00
Due from banks that suspended payment in 1837, and not payable till 1839.....	2,400,000 00
Part of money in the Mint.....	500,000 00
Total.....	<u>\$32,101,644 97</u>

From balance on the 31st December, 1838.....	\$34,866,987 33
Deduct total unavailable as above.....	32,101,644 97
Available balance remaining.....	<u>\$2,765,342 36</u>

#### II.—OF THE PUBLIC DEBT.

The payments on account of the funded and unfunded debt, since the 1st December, 1837, have been as follows:

1. On account of the principal and interest of the funded debt:	
Principal.....	\$215 27
Interest.....	2,001 81
	<u>\$2,217 08</u>

Leaving unclaimed and undischarged—	
Principal.....	\$75,954 47
Interest.....	249,566 36
	<u>\$325,520 83</u>

2. On account of the unfunded debt existing previous to 1837, including \$1 08 interest on Treasury notes of 1815, \$21 08, leaving the amount of certificates and notes payable on presentation—	
Certificates issued for claims during the revolutionary war, and registered prior to 1795.....	\$27,293 31
Treasury notes issued during the late war.....	5,300 00
Certificates of Mississippi stock.....	4,320 09
	<u>\$36,913 40</u>

In addition to the above, the United States, under the act of the 20th May, 1836, for the relief of the corporate cities of the District of Columbia, have assumed the following debts, bearing an interest of five per cent., exclusive of charges:

Of the city of Washington.....	\$1,000,000
“ Alexandria.....	250,000
“ Georgetown.....	250,000
	<u>\$1,500,000</u>

The payments for the year 1838, on account of the interest and charges on this debt, amount to.....\$76,995 99

#### III.—STATEMENT IN RELATION TO THE ISSUE AND REDEMPTION OF TREASURY NOTES IN 1837 AND 1838.

Issued under the act of 12th October, 1837.....	\$10,000,000 00
Issued under the act of 21st May, 1838.....	5,709,810 01
	<u>\$15,709,810 01</u>

Of this amount	
\$6,888,809 60 were at 6 per cent.	
4,280,273 72 “ 5 per cent.	
2,784,844 73 “ 2 per cent.	
1,755,881 96 “ 1 mill per cent.	

The following amount has been redeemed:	
There have been entered to the credit of the “account of the redemption of Treasury notes,” on the books of the Register.....	\$5,063,197 41
And there have been canceled and returned to the Treasury, and are now in course of settlement, as appears from the records of the First Auditor and the Commissioner of the General Land office.....	2,892,052 59
	<u>7,955,250 00</u>
Leaving outstanding.....	<u>\$7,754,560 01</u>

#### III.—EXPLANATIONS AS TO THE APPROPRIATIONS OUTSTANDING.

The appropriations heretofore made, which will remain unsatisfied at the end of the year 1838, and be chargeable on the balance then in the Treasury, and the revenue subsequently received, are estimated by the other departments at \$13,187,426 83, but by the undersigned at \$1,511,920 10 more, in consequence of estimating the expenditures of the fourth quarter differently.

Upon the view taken by this Department, it is computed that \$12,369,623 68 of those appropriations will be required to be paid, in order to accomplish the objects contemplated by them.

Of the remainder, about \$370,360 40 may go to the surplus fund, or not be needed to accomplish those objects; and the residue, being \$1,959,362 85, it is proposed to apply to the service of the ensuing year, without reappropriation.

#### IV.—ESTIMATE OF THE RECEIPTS AND EXPENDITURES FOR 1839.

The receipts into the Treasury during the year 1839, are estimated as follows:	
Customs.....	\$19,000,000 00
Lands.....	4,500,000 00
Miscellaneous.....	500,000 00
The proceeds of the fourth bond of the United States Bank, if sold.....	2,380,000 00
And the sums likely to be realized from former deposit banks on installments which become due in 1839.....	2,400,000 00
	<u>\$28,780,000 00</u>

These, with the estimated balance of \$2,765,342, in the Treasury, which, on the 1st of January, 1839, will be available and applicable to public purposes, constitute an aggregate of efficient means amounting to, \$31,545,342 00

The expenditures for 1839, including the redemption of \$8,000,000 of Treasury notes, and interest, falling due in that year, are estimated as follows:

Thus, of the old appropriations which will be outstanding on the 1st of January, 1839, it is computed that there will be expended in that year.....	\$7,500,000 00
The Treasury notes to be redeemed, and interest, will amount to about.....	8,000,000 00
Of the new appropriations called for, together with those which are permanent for 1839, it is computed that there will be expended within the year.....	15,000,000 00

These constitute an aggregate of actual expenditures for 1839, estimated at.....

30,500,000 00	
Leaving a balance in the Treasury on the 31st of December, 1839, available and applicable to public purposes, amounting to.....	\$1,045,342 00

The estimates for new appropriations now presented from the different Departments, amount to.....\$21,665,089 95  
To these may be added permanent appropriations for the service of 1839, made by former acts, equal to.....

9,894,000 00

These make all the new and permanent appropriations for 1839, viz:  
Civil, foreign intercourse, and miscellaneous.....\$3,658,157 87  
Military service, &c.....13,969,836 01  
Naval service, &c.....5,881,096 07  
Redemption of Treasury notes, and other public debt.....8,050,000 00  
\$31,559,089 95

For further particulars see the details of the annual estimates.

It will be perceived by these statements, that no surplus balance will probably exist either on the 1st of January, 1839, or during that year, to be deposited with the several States for safe-keeping, as a fourth installment under the deposit act of June 23, 1836. Indeed great care will be necessary in restricting the appropriations to the necessary wants of the Government, or the receipts will not be sufficient to meet the current demands on the Treasury, unless those receipts should unexpectedly exceed the present estimates.

When an unusual excess existed in the Treasury, it was proposed to place that fourth installment with the States for safe-keeping till needed; but before it became payable, the money was wanted to discharge existing appropriations. The deposit of it was therefore postponed by Congress till next January, and the money has been used by the United States, to which it belonged, without incurring the expense and inconvenience, to all the parties concerned, of paying and then immediately recalling it. That installment is not a debt due to the States, and, hence, is not required to be paid like an appropriation for the public service. Yet the remark may properly be added, that if a surplus should hereafter accrue, large enough, after defraying all the existing charges imposed by Congress upon the Treasury, to make the deposit originally contemplated, this Department, with its present views, would feel bound to carry it into effect, unless Congress, in the mean time, should further modify the laws now in force in relation to the subject.

#### V.—EXPORTS AND IMPORTS IN 1838.

The exports during the year ending September 30, 1838, are computed to have been \$103,136,000. Of these, about \$90,666,000 were of domestic, and \$12,470,000 of foreign origin.

The former having diminished from the previous year, \$4,898,414, and the latter, \$9,384,962. The imports for the same year amounted to \$112,000,000.

These are \$28,989,217 less in value than those of the previous year, being nearly \$78,000,000 less than those under the enormous overtrading and other overactions which characterized 1836.

For further particulars reference may be had to the table annexed.

It is an interesting fact that during the last three years more than \$86,000,000 annually, or an average of nearly nine tenths of our whole domestic exports, have been derived from agriculture. More than seven tenths of our whole population are probably employed in that useful pursuit.

#### VI.—EXPLANATIONS OF THE ESTIMATES OF RECEIPTS AND EXPENDITURES, AND SUGGESTIONS ON THE MODE OF MEETING FLUCTUATIONS IN THEM.

The receipts from customs during the present year will vary but little from the estimates submitted in the last annual report. The receipts from lands will be less; but the amount of sales made, and preemption rights existing, will not differ essentially from what was anticipated, though the act of Congress, as to the latter, passed so late that payments for all of them could not be realized till another year, without causing much inconvenience and unnecessary pressure in some portions of the country.

The estimates presented for new appropriations and for expenditures, in 1838, were quite as large as the views of the different Departments, at the time Congress assembled in December last, appeared to justify; but the unexpected continuance of the Florida war, a solicitude to induce the Cherokees to remove peaceably, and an earnest desire to suppress with promptitude all threatened

disturbances on our northern frontier, with several other measures of less importance, originating in Congress, led that body to make appropriations amounting to nearly ten millions beyond those requested in the annual estimates. Some provision of additional means, corresponding to this excess, became, therefore, necessary; and, in order to discharge the excess, and guard against contingencies, as well as avert the consequences of a protracted suspension of specie payments by the banks, Congress wisely granted the additional authority both to sell the bonds of the United States Bank and to issue new Treasury notes, instead of such as might be paid in before the time for their redemption arrived. The apprehensions of embarrassments in the finances within the year, which had arisen from those unexpected appropriations, and from the failure that then continued among the banks in most quarters of the Union to return to specie payments, were removed by these opportune provisions. Occasions, however, have not yet arisen to require the full use of either of them.

The whole amount of Treasury notes outstanding at any one time since they were first authorized, in October, 1837, has never equaled ten million dollars. The amount now outstanding is only \$7,754,560. Besides the restrictions on the sale of the bonds of the United States Bank, the want of power to guaranty their eventual payment, and the short period they had to run, with the great quantity of State stocks in the market of a better character for permanent investment, caused some temporary inconvenience, and prevented any offer for them above par, either at home or abroad. The sale, however, of one becoming expedient, it was effected within the limitations prescribed. It has not yet been found necessary to dispose of the other. But it is expected that, when the period for redeeming most of the outstanding Treasury notes arrives, it must be sold, unless other means to meet the public engagements shall, in the mean time, be provided by Congress.

If the receipts from customs or lands should exceed the estimates made for the ensuing year, which, in the vacillations of trade, is not very improbable, still it is not supposed the excess will be so large that all the expected charges on the year can be defrayed without a sale of the remaining bond, or some equivalent resource.

The estimates of receipts for 1839 rest on the following general views: An overflowing tide of speculation and bank issues, like that of 1836, is not anticipated, while the recent evils and disasters from these sources are fresh in remembrance. Nor, on the contrary, is any expectation entertained of a repetition, so soon, of the mercantile revulsions which characterized the year 1837.

The receipts from duties during the last year, if the bonds had not been postponed, would have been about sixteen million dollars. Those of the present year, in the ordinary operation of the laws, without the postponed bonds, will not probably exceed \$13,000,000.

By supposing a large increase of fifty per cent. in 1839, beyond the ordinary receipts for the last year, they would amount to between nineteen and twenty millions, and would be larger than the receipts of 1835. Such an increase would be greater than in any previous year of our history, not affected by commercial restrictions, foreign wars, or important changes in the tariff.

Considering that, under the present credits, the duties actually paid within any calendar year must be estimated chiefly on the imports from the 1st of July preceding to the 1st of July in that year, and that two biennial reductions in the tariff have occurred since 1835, it is believed that nineteen or twenty millions is an estimate sufficiently high for 1839.

But as the receipts of late have depended, much less than formerly, when credits were longer and almost universal, on the amount of bonds taken in previous years, the estimates must be much more conjectural; and intestine commotions, wars in Europe or on our own borders, fluctuations in crops or prices, and various other contingencies in the ensuing year, which cannot be foreseen or computed, may vary the result several millions.

The reduced receipts both from lands and duties in 1837 and 1838, as compared with the two preceding years, were anticipated by the Depart-

ment in 1836, and a permanent provision to meet any deficiency was earnestly urged on the consideration of Congress.

Confident as were the expectations entertained by many that the revenue of 1837 would be so great as to justify further large deposits with the States, and severe as were the censures bestowed on those who expressed apprehensions of a different result, a striking diminution in the revenue actually occurred. Although any difference of opinion on a point of so much importance to the public faith was deeply regretted by the Department, yet it felt constrained, at that time, to regard many appearances of extraordinary prosperity as delusive; the existing surplus as temporary and fallacious in its character; and consequently believed that much of it was likely to be required in a few years to meet deficiencies in the revenue, arising from the progressive reduction of the tariff, and those fluctuations in income and expenditure to which all governments are more or less subject, and to which our own system of finance is peculiarly exposed.

Apart from the contingencies of war, and other exigencies affecting expenditure, it is impossible, under the ebbs and floods of trade and speculations of all kinds, which, with the present banking system, are as certain though not so regular as the tides, that a revenue derived chiefly from foreign importations and the sales of land, should not vibrate with such changes. The Department, therefore, has discharged a duty deemed imperative, in urging on the attention of Congress, at several sessions, some permanent and efficient arrangement for enabling the Treasury to meet such fluctuations without injury to the public credit.

On one occasion, permanent legislation in respect to this point did take place. But that has been repealed, or indefinitely postponed by the act of October 12, 1837; and the temporary measures substituted having nearly ceased their operation, the necessity for some further provision is apparent. The form seems to be the great question of difficulty; there being, it is apprehended, a general concurrence of views in favor of having some effectual provision on a subject of such obvious importance.

The investment of a part of the surplus in the Treasury in State stocks, in the manner which for several years has been successfully practiced, under the acts of Congress, as to large sums belonging to the Indians, so as to constitute a provident fund to meet contingencies and fluctuations, was the mode first recommended by the Department. But a substitute for this plan was preferred by Congress, which directed the whole surplus to be deposited with the States for safekeeping, and enabled the Secretary of the Treasury to recall it, whenever needed for public purposes. In the autumn of 1837, however, when the necessity of resorting to this substitute was in view, Congress postponed its operation. Instead of it, the power to issue Treasury notes for a limited period was granted, and for additional security against deficiencies, the deposit of the fourth installment with the States, was deferred till next January, and afterwards the power to sell the bonds of the United States Bank was added. But both of those powers will soon be inoperative, and without some further legislation on this subject, which shall be of an efficient character, and be available at an early day, the preservation of the public faith must be endangered.

Recent experience is full of admonition on this question. Since the extinguishment of the national debt, and especially within the last three years, it has been the policy of Congress to avoid a large balance in the Treasury immediately available, which, if unemployed for the public service, was regarded as taken from the circulation of the country, and in some degree hoarded, though deposited in banks which had made the public money the basis of enlarged operations. This policy, as it obviates the hazard attending such operations, as well as the imputation of improper influence in the management of the money, is certainly the most prudent. But the preservation of the public faith, either under the former practice of keeping the money in banks, or under the proposed system of an Independent Treasury, may occasionally render other resources necessary, from the considerable fluctuations which are fre-

quently occurring in our receipts and expenditures from year to year, and even from month to month. Thus, the receipts from the usual sources, which were, in 1834, about twenty-one millions, rose unexpectedly in 1836 to \$48,000,000; but fell again as suddenly in 1837 to only about nineteen millions. So the aggregate expenditures in 1834 and 1835, independent of any payments for trusts or the national debt, were only seventeen or eighteen millions; but from Indian wars and other causes they rapidly rose, and, notwithstanding the diminution in receipts, have remained since not far from thirty millions yearly. Again, in the month of January last, the expenditures were only about one million eight hundred thousand dollars; and in May last only \$2,242,000; but in July they suddenly increased to over four million five hundred thousand dollars, being an excess, in a single month, of nearly two and a third millions, or more than enough to sweep off in thirty days the whole balance on hand. Consequently, at any period, with only a million or two in the Treasury, and the current receipts being less than two millions monthly, it is obvious that the public engagements could not all be punctually met, unless some power, like those before named, shall exist, to provide for calls so unequal in different portions of the year, as well as in different years. Though the receipts for any one year may be equal to the whole expenditures within it, even that will not remove the difficulty. The expenditures may be required in larger proportions in the first half of the year, and the greatest receipts occur in the last half.

Having the power to issue Treasury notes during 1838, the Department has been enabled, by the aid of that and other means, to meet every authorized engagement with punctuality. A power of a similar kind has been found in other countries, during more than a century, to be indispensable to sustain public credit. If we keep only a small available balance in the Treasury, and realize only the comparatively small income which is desirable since the discharge of the national debt, and this income shall continue to be affected by the periodical fluctuations of receipts which are probable under the changes going on in the tariff, as well as in banking and the habits of trade, this power, or some equivalent resource, seems to be essential to the support of the public faith in the scrupulous manner required by justice and sound policy.

The estimates of expenditures in 1839 have been formed on the most economical basis which the different Departments think the public interests will permit. They are less than those of either of the two preceding years; under many heads, and are several millions less than either the appropriations made by Congress in those years, or the expenditures actually paid within them. Judging from past experience alone, the probabilities would be that the appropriations to be made at the present session will exceed, by some millions, the estimates submitted.

But such additional appropriations, to any considerable extent, are not anticipated when the whole circumstances of the country, and of the Treasury, shall have been calmly reviewed by Congress. No doubt exists with the undersigned that prudence, at this time, requires a reduction, rather than an increase, in the aggregate of the annual appropriations. Besides what is dictated on this subject by a wise public frugality, and the straitened condition of the Treasury, it is probable that, by the gradual reduction in the tariff, which is in progress under the existing laws, the receipts from customs, which now average sixteen or seventeen millions yearly, will, by 1842, be so far diminished as not then to exceed ten or twelve millions. Hence, if the annual expenses do not by that period undergo a reduction in some degree corresponding, so as not to surpass that sum and the few additional millions which may then be derived from the sales of the public lands, an unpleasant resort to another increase of the tariff, or to a recall of deposits with the States, or to permanent loans, will then, if not sooner, become indispensable.

The further details connected with the diminution in our revenue by 1842, under the existing laws, were so fully exhibited in the annual report in 1835, that the undersigned forbears, on this occasion, to repeat them. But in commencing the unpleasant task of reduction in the expendi-

tures, a question naturally arises as to what items it should first be applied. The Department would not be understood as urging retrenchment or parsimony, where the object is great, pressing, and constitutional. It has always approved not only those appropriations which are necessary to satisfy the ordinary wants of the public service, and others rendered proper to vindicate our rights and national character in war, but those which our unexampled increase in territory, numbers, and wealth, may have required, in order at all times to afford due protection to persons and property abroad, as well as at home, and discharge with efficiency all those momentous duties which have been clearly and wisely devolved on the Government of the Union. A judiciary for twenty-six instead of thirteen States must of course require more officers and expense. An army to guard an inland frontier of five thousand miles in extent, and embracing one million and a half of square miles of territory more than in 1789; and a navy to protect a sea-coast of over three thousand miles and a commerce of two millions of tonnage, instead of less than half a million, with annual imports and exports of nearly three hundred millions in value, instead of forty-three millions, must necessarily require a large addition to the public burdens. But, at the same time, some of these circumstances evince, with equal clearness, a flattering change in our ability to sustain those burdens.

This country is not, like most others, stationary, either in its fiscal wants or its fiscal means, but exhibits more clearly every year the interesting development of the wants and means of manhood, compared with those of infancy.

Besides the increased demands on the Treasury before mentioned, there has sprung up a light-house establishment, exceeding, in extent, that of any of the Powers in Europe, with a plan of river and harbor improvements, of constructing national roads, hospitals, mints, forts, arsenals, armories, navy-yards, docks, and various public edifices, in some degree suited to our present growth and necessities.

On the other hand, corresponding changes, equally great, in our resources, have fortunately occurred, and which last, whenever required by the public wants, have been displayed with great facility, as evinced in the increase of our annual revenues, from five to twenty and thirty million dollars. Those resources have enabled us not only to discharge all the augmented current expenditures, but to defray from one to two hundred millions of national debt incurred in defense of our liberties; extinguish the Indian title to the greater part of several new States, so as to extend the boundaries of civilization and christianity; and make a liberal deposit with all the States of a surplus in our income, exceeding twenty-eight million dollars. Hence the various officers, institutions, and departments, appropriate for administering the whole of the affairs, and in fine for executing the laws of the General Government in respect to sixteen instead of four millions of people are not so much just topics of complaint, as of admonition to increased caution in regulating establishments and expenditures necessarily so much enlarged. It is certain that some of them, however laudable in their origin, can be judiciously reduced as the advanced progress or completion of the business and works to which they relate, may sanction the measure. This would be sound economy; and its reasonableness should be duly appreciated by those who consume as well as those who pay the public revenue.

In the midst of fiscal operations so much greater in amount, and extended over a territory so much wider, none can be insensible to the further fact, that they open an avenue, which cannot be too closely guarded, to various excesses in expenses otherwise useful, and to numerous incidental charges which, though not dishonest, may, on scrutiny, be found neither necessary nor useful. All these will demand untiring watchfulness, or their accumulation must prevent those reductions which it is believed the public service can, in many cases, bear without injury; which comport with the economical principles always to be cherished in republican forms of government; which the frugal and virtuous habits of the great mass of our population demand; and which are deemed essential to avoid embarrassment in the present and approaching condition of the public income.

The system of internal improvements is, for instance, voluntary, but very expensive, and the growth almost entirely of the last thirteen years. So is a large part of our light-house establishment and fortifications.

Does not true wisdom require reductions and postponements in appropriations towards these objects, at least till the revenue of the country shall again clearly indicate the safety and convenience of pushing them with more vigor.

In the prospective state of the finances, ought not numerous donations to local projects, which have of late years been so common, to be likewise forborne?

Our pension grants, which are in a great degree gratuitous, exceed in expense annually what was the whole yearly cost of the General Government, independent of the public debt, from 1789 to 1799. However generous, therefore, and grateful, and often just, may have been the feelings which led to their increase in times of a great and increasing revenue, does not prudence teach us to exercise caution in making further additions to them, while the tariff is undergoing a gradual reduction?

These suggestions might be extended to other matters of a similar character; but enough has been specified to attract attention to the subject generally. The amount of receipts and expenditures depending on the laws and the condition of the country, and not on this Department, the latter can only recommend measures which appear suitable in relation to them. Having done this on the present subject, it cheerfully leaves their adoption or rejection where it properly belongs—to the superior wisdom and experience of Congress.

#### VII.—ON THE KIND OF CURRENCY RECEIVED FOR THE PUBLIC DUES, AND THE RESUMPTION OF SPECIE PAYMENTS BY THE BANKS.

The two circulars annexed contain all the instructions which have been issued by this Department concerning the currency receivable for public dues, since the passage of the resolution of Congress on that subject in May last, and the act of July 5, 1838. Previously, the notes of specie paying banks, as well as specie and Treasury notes, were permitted to be taken for duties, but only the last two for lands. A great part of the actual receipts, however, for both duties and lands, was in specie and Treasury notes. Since those instructions were given, more than half of the receipts for duties has consisted of notes of specie paying banks. Most of those for lands continue to be as before.

The kind of currency that should be taken for the public dues has, heretofore, been fully discussed by this Department, and as the views then presented remain unchanged, it is not proposed, at this time, to enlarge on any former suggestions.

But what currency it is the most proper to encourage for private as well as public purposes, is a topic intimately connected with the recent resumption of specie payments.

Both these matters have of late had a highly important bearing on our financial operations; and the striking contrast between the state of the country in 1814, and its condition in 1837, in recovering from the suspensions of specie payments which occurred in those years, furnishes so instructive a lesson on the subjects before mentioned, as to justify and require a few details in connection with them.

At the former period, there were only about seventeen millions of specie in the United States, whether in banks or in active circulation. This sum would average but two dollars to each individual of our population at that time. Small bills were receivable in almost every State and by the General Government. Such being the amount of specie and the condition of the currency, the Government felt compelled to acquiesce in the impolitic, as well as unjust, reception of depreciated paper of all kinds for public dues; and the suspension of specie payments, always calamitous however short, was protracted nearly three years. It was then terminated only by great personal sacrifices, by numerous insolvencies, and, as many have supposed, by the cooperation of a new national bank, which its friends established under the belief of its utility, if not necessity, to effect the accomplishment of that object.

But, in 1837, the condition of the currency had become materially changed. There were about

eighty millions of specie in the country, equal to about five dollars per head of our population, or more than double the former average.

It had been thus increased; principally, by the firm and persevering policy of the General Government, during the last four years, to discourage the use of small notes, and introduce gold more extensively into the currency.

In this state of things, the public officers at once declined to violate the laws and countenance partiality among debtors, by receiving depreciated paper, and that of very different values, for public dues. Without hesitation, they also refused unjustly to abandon the specie standard of value, either as to payments or receipts; and hence sustained, throughout, both that standard and the uniformity in imposts so wisely established by the Constitution.

This step tended strongly to encourage a resumption of specie payments, and, in consequence of it, and of other measures about to be explained, the suspension, though it was more general than the former one, ceased in some places within less than a year, and has already ended in most parts of the Union without any aid from the dangerous and overshadowing influence of a National Bank. The essential difference in the course which the public officers were able to pursue, as to the kind of money received, and the earlier period and greater ease of resuming specie payments, bear no unequivocal testimony to the wisdom of the policy which had previously been adopted in relation to the improvement of the currency.

It is believed that about seven hundred banks and branches, situated in twenty-two States and Territories, have already resumed specie payments. These, including not far from thirty which never suspended, make seven hundred and thirty now paying specie. Seventy more are expected to resume on or before the first of the ensuing month. Of the residue, amounting to about twenty-five, with a capital of from three to four millions, it is believed that six or eight are winding up their concerns, because unprofitable; and that the rest are insolvent.

Soon after the suspension, this Department urged the deposit banks to use their utmost efforts to resume specie payments at an early day.

It was pressed that each, as an act of sound policy, no less than of strong moral obligation and imperative duty under the laws, should resume specie payments the moment it was able safely to effect them, or, at least, that all the banks in particular neighborhoods, cities, counties, and States, should unite in doing this, whenever able, without waiting for weaker institutions, or more embarrassed regions of the country.

The adoption of that course in some States, however much the measure was questioned at the time, and perseveringly opposed by many banks as well as influential individuals, has proved fortunate, and reflects great credit on the sagacity, firmness, and intelligence of those who adopted it. The encouragement given by the Department to such institutions as resumed specie payments, by taking no paper but theirs for public dues, and by preferring them in the transaction of public business, was not without salutary influence. Suits against the banks in default, unless apparently insolvent, were also forborne, and drafts continued, with great advantage, to be issued gradually on all that were disposed to make satisfactory arrangements with the public creditors, and thus lessen those large immediate liabilities which stood in the way of early resumption.

Indeed, every facility was promised and extended which the limited power of the Department permitted, and, on its recommendation, further measures of reasonable indulgence to the merchants and banks indebted to the Government received the prompt attention of Congress, and, doubtless, contributed much to shorten the suspension.

Under the laws granting such indulgence, the aggregate of merchants' bonds, the payment of which was postponed, is supposed to have reached between four and five million dollars. The chief benefit of this measure was felt in the Atlantic section of the country, while a similar extent of relief was experienced principally in the west and southwest by the allowance to the banks of a long delay in paying the balances due from them. The curtailment of paper issues, which was

urged by this Department in 1836 as indispensable to prevent impending disasters, and in 1837 as equally indispensable to remove them and restore specie payments, has, since their suspension, equaled at least thirty million dollars. Another striking fact is, that the curtailment was most rapid and thorough in those sections of the country where the resumption of specie payments first took place, and the exchanges were first equalized. The difference is believed to be still more striking between May, 1837, and May, 1838. Nor has this event been accompanied, as many predicted, by any ruinous fall in the prices of labor, or of our great staple commodities. As a further illustration of some of the real causes and cures of the embarrassments in the currency, it is computed that, within a year from the suspension, a reduction was effected in bank discounts exceeding forty million dollars; that there was an increase of the whole amount of specie in the country of five million dollars; and that the aggregate at this time must be from eighty-five to ninety million dollars. The official returns of the imports and exports of gold and silver during the year ending September 30, 1838, are given in the table annexed; and the former in that time will be found to exceed the latter more than fourteen millions.

Intimately connected with the currency and the suspension of specie payments is the condition of the domestic exchanges during the past year, as compared with some former periods. Although in 1825 a national bank had been in full operation for several years, and in 1819 for two years, those exchanges were then quite as much deranged between most places as in 1837. But of late they have improved more rapidly than in the two former periods, without receiving any aid from new banking incorporations by the General Government.

This fact demonstrates that the great nominal difference in exchanges at both periods, has been produced by circumstances over which national legislation possesses but little influence.

When excesses of indebtedness, or other commercial causes, render money more desirable in one place than another, then, and not till then, the legitimate difference in exchanges begins; and that difference can never be corrected by banks or legislation, but only by the great laws of trade changing the relative indebtedness and demand.

But when a nominal difference in domestic exchanges occurs, extending beyond two or three per cent., or the small actual cost of transporting specie to the most distant cities in the Union, it is the consequence, not of an unequal indebtedness alone, but of that and an unequal quality or value in the local bank currency; and which event has been produced, and can be removed, only by measures operating on the soundness of that currency. Each State has in its own power an effectual remedy for any suffering by high exchanges from this source. Independent, and true to its vital interests, it can always adopt such effectual regulations in banking, as will remove the scourge of a depreciated paper, and thus avert any ruinous rate of domestic exchange.

From the whole of these considerations, it is manifest that the recent resumption of specie payments, and the equalization of exchanges, have both been facilitated by the large amount of specie which has of late years been introduced, and the course of policy pursued in other respects by the General Government on topics connected with the circulating medium and the banks.

A restoration of equality in the foreign exchanges also, and a perseverance in extinguishing old debts, with increased forbearance to contract new ones, either at home or abroad, have revived that foreign confidence which had been withdrawn with such disastrous precipitation. These favorable changes, united with a diminution in speculations, whether in banks, lands, or commerce, and a return to stricter frugality in individual expenses, and to more industrious energies for a livelihood, have aided good crops, and some minor agencies, in bringing about, with greater rapidity, events the most desirable, and a condition of the country highly auspicious. In many quarters, money has become comparatively abundant, interest lower, and trade and manufactures active.

Nothing more seems to be necessary to perpetuate the present healthy action of the currency,

except a rigid adherence to the system of policy which, by honest and resolute efforts, has produced the improvement. It cannot but be wise in respect to the circulating medium for the General Government to persevere in a course which prepared the country better to meet, and quickly carried it through, so fearful a crisis. It would seem prudent, likewise, for the States, profiting by past experience, to insist on reform in their banking institutions, and particularly on greater self-denial in their business, by imposing additional checks on over-issues, and stronger limitations to excessive discounts. The present system, if unchecked, has inherent defects of an alarming character; and, without indulging in timid misgivings or unjust suspicions, it may be said to tend, by its expansions and inevitable contractions, to unsettle, frequently, the value of labor as well as of the whole property of the country.

The General and State Governments might, also, with manifest advantage, abstain from applying any stimulants to the overaction of all kinds, that, under such specious but treacherous hopes, deluded so many into the recent embarrassments.

This would not evince any hostility either to banks or to credit, when well secured and properly regulated; but would serve to avert ruin from both.

Several of the banks, which are under the control of real capitalists and officers of prudence and foresight, have become satisfied that the use of the public money for discounts, subject to the restrictions of the present deposit act, and the liabilities to refund it suddenly, which must exist with a small balance in the Treasury, is attended with much inconvenience, and is likely, in the end, to prove more injurious than profitable to the banks and their borrowers, as well as to the Government. So widely impressed has this conviction become, that some of those institutions have declined to receive public deposits under the special provisions of that act.

#### VIII.—ON THE MANNER OF KEEPING THE PUBLIC MONEY, AND THE CHANGES PROPOSED.

The present laws in regard to the keeping of the public money are defective in several particulars, which were explained in the last two reports on the finances.

The full advantages, either of the system of State banks or the proposed one of an Independent Treasury, are not now enjoyed; while the Department, without all the securities which are practicable, is subjected to some of the inconveniences and many of the risks attending both.

The measures it would recommend as most suitable to remove the various imperfections which exist on this subject, have been so recently and fully explained, that a reconsideration of them all, at this time, cannot be regarded as necessary.

It is deemed proper, however, to communicate to Congress such details as are material for understanding with accuracy the mode in which the public money is now kept, and for appreciating duly the importance of those additional checks and securities which, though proposed as a part of the plan for an independent Treasury, appear to be imperatively required under any system.

Four of the six banks reported at the last session of Congress, as retained under the deposit act of June 23, 1836, still continue to be general depositories. Of the other two, the People's Bank at Bangor, and the Louisville Savings Institution, the former has surrendered its charter, and the latter, having declined the general trust, is now employed merely for special deposits. The names of the four banks retained are annexed, with the amounts in each, subject to draft on the 1st instant, and their condition generally. Collectors and receivers residing near to those institutions, have continued to deposit in them as formerly. Drafts are seldom made directly on officers so situated, nor are any considerable amounts of public money long retained by them. At points where other general depositories were needed, the Department has not yet been able to complete arrangements with any banks, which were both competent and willing to be selected under the specific provisions of the deposit act.

In many of these last cases, therefore, the practice has been to leave the public money with the officers collecting it, to be held in their own cus-

tody, or placed in special deposit in banks, during the short period which might elapse before it was wanted and drawn from them by drafts in favor of the public creditors.

A list of the collectors and receivers from whom the money has generally been so drawn, and who had any amounts on hand subject to draft the 1st instant, is annexed.

The rest of those classes of officers, who have collected funds beyond the sums needed to defray their current expenditures, and who were not conveniently situated to conform to either of the above arrangements, have been required to make deposits of the same in banks to the special credit of the Treasurer.

Other funds received from the exchange of Treasury notes, from collections by attorneys and marshals, from patent fees and miscellaneous sources, have also, in most instances, been placed in banks to the credit of the Treasurer, in special deposit, except such amounts as could advantageously be put into the Mint and its branches, for the only two purposes authorized in the laws on that subject.

An exhibit is presented of the names of these special depositories, with the sums in each. The amounts retained in the Mint and its branches, under the provisions of those laws, are subjoined.

In the absence of suitable general depositories, some money due from certain State banks has been allowed to remain in deposit to the special credit of the Treasurer till it was wanted for public payments; they being, under all the circumstances, considered proper depositories for that temporary purpose. A schedule of these banks, with the sums remaining in each subject to draft at the last returns, is annexed.

But this system of special deposits, or of deposits to the special credit of the Treasurer, has, from convenience, and indeed almost from necessity, not generally corresponded with the usual forms of special deposits.

A moment's reflection will show that any deposit not subject to be paid out by the banks in the absence of the depositor, though at times convenient for officers living near banks, would cause much inconvenience to those residing remote from them; and that the making of frequent disbursements from it, by the latter, would be utterly impracticable. The Treasurer, in common practice, should retain his funds only in such condition as will allow them to be paid out promptly on the numerous drafts which must be made in favor of claimants in every section of the country. For this purpose, when a deposit of them is made, it must be general, or, if special, it must be with an understanding or contract, not only that they are to be ready for his call at all times and under all circumstances, but that they are to be paid out on his various drafts, without his actual presence.

From these details it is apparent that the present system of keeping the public money is very complicated, and it may be deemed fortunate that the Department has been able, during the past year, to conduct large financial operations under it without great public inconvenience. Few persons can doubt that some change in the laws on this subject is proper. But whatever plan Congress may adopt, too great care cannot be exercised in providing the best possible securities. All those additional guards against defaults, which have been urgently recommended in the last two reports on the finances, or incorporated into the bill to establish an Independent Treasury, are considered important. Recent experience in respect to the benefits of only ordinary collateral security evinces the utility of such measures.

Thus the losses expected to be sustained from deposit banks since 1834, are very small in comparison with those sustained between that period and 1817. This, in a considerable degree, is to be attributed to the additional requirements of such security.

The improvement was voluntarily introduced by the Department in 1833, and was afterwards sanctioned by Congress in the deposit act of 1836.

The measure insured greater care in the management of the banks, and an increased watchfulness by the sureties in times of difficulty, to take efficient steps to indemnify the Treasury.

With a view to illustrate further the effects of requiring collateral security, in cases both of banks and collecting officers, as well as to communicate interesting facts in connection with the

safety of keeping the public money from the foundation of the Government, several tabular statements, prepared by the Department, are herewith presented.

*First.* A list of the banks still indebted to the United States, for defaults previous to the close of 1834, none of which are believed to have given, originally, any collateral security, is annexed. The whole amount now due, without computing interest, equals \$1,000,676; and a great part of this must be regarded as a total loss.

*Second.* Another list of indebted banks is annexed, most of which gave collateral security. The remaining dues from them to the Treasurer, on defaults accruing between 1834 and October, 1837, though at first very large, have been reduced to about two million four hundred thousand dollars; and most, if not all, of these debts, with some others, owing to public disbursing officers, for money on deposit, it is confidently expected will in the end be paid.

The first installment due from those which have since executed other bonds and given new security, under the act of October, 1837, has been promptly met, and portions of the second have already been advanced by some of them. Suits are pending against only two on account of their liabilities.

*Third.* The eventual losses sustained from receivers and collectors, while, as a part of the bank deposit system, they were collecting the public funds, to be afterwards placed for safe-keeping in banks, were, at the last session, estimated at a sum ranging from nine to twelve hundred thousand dollars. (See printed report to House of Representatives, 28th February, 1838, No. 101.)

Collateral security had generally been taken of these officers; but in former times it was not always in so large amounts and with so great care as of late, and consequently most of the foregoing losses happened many years ago.

A list of all those officers who, on the 12th of October, 1837, the time designated in the resolution of the House of Representatives, stood on the books of the Treasury, as having neglected to settle their accounts in season, may be seen, with the amount charged to each, in the printed report made on the 15th of January last, (document No. 111.) But several of these were not then actually indebted to the United States, though, having neglected to adjust their accounts at the Treasury, they came within the express words of the resolution, and consequently were included. Some defaults have occurred, or been discovered since October, 1837; but it is not apprehended that any losses will ultimately be sustained from them, except in the case of the former collector of New York. That case has been recently detected, and the defalcations are supposed to have been continued for many years, and to have reached a large amount. From their character, they could, perhaps, have been effectually prevented only by penalties for false returns, a system of cash duties, and personal inspections of money and vouchers, with punishments for misuse of the public funds, similar to what was urged in the report from this Department on the finances in September, 1837. It is intended to make the particulars of this case the subject of a special report to the President, for the consideration of Congress.

The requirement of collateral bonds has undoubtedly diminished many of the losses before mentioned. But notwithstanding every precaution and security heretofore in force, the whole of these defaults, whether by collectors, receivers, or banks, have occurred under the old systems of making deposits in a United States bank or State banks for safe custody.

Under either of those systems, if unreformed, Congress must continue to employ officers to collect the public money, as well as banks to keep it after collected, with all the former risks and probable losses incident to both classes of agents. But the proposed plan of an Independent Treasury, with all its checks and guards, will diminish the number of risks, and tend, in several respects, to strengthen the public security. By requiring the officers now employed in collections to hold most of the money for a time in deposit, it adopts only a part of the agents under either of the former systems; and hence, dispensing with the banks, unless it may be for a few strictly special deposits, avoids most, if not all, of the risks and

losses which have been sustained from that class of agents.

It is true that under this plan it is contemplated to impose on collecting officers the duty of keeping somewhat longer, in a few cases, and in sums somewhat larger in others, the money which under the other systems since 1789, those officers have collected; and three or four new offices are proposed to be established, to hold general receipts in deposit at a few central points. These changes are all the material ones which have been recommended on this point. But, to increase the public security under all duties new or old, as well as those of any new agents, ample bonds are to be required, occasional examinations of their funds and accounts, of a new and rigorous character, introduced; the use of the former strictly prohibited; and new and severe penalties should be imposed on fraud, falsehood in returns, and embezzlements, by rendering them penitentiary offenses.

Honest diligence can never suffer by these changes, while carelessness in business and laxity of principle will be prevented, or exposed and properly rebuked.

Additional safeguards like these are also of vital importance in a moral view, by more effectually preventing as well as punishing wrong.

They are, therefore, earnestly urged again on the consideration of Congress. Whether looking to further security or other important ends, one of the most desirable alterations, which is incorporated into the plan of an independent Treasury, provides that any use of the public money for private purposes be hereafter considered illegal, and punished as a dangerous breach of trust. The experience of the last few years demonstrates the propriety of such an organic change of our system, whoever and whatever may be the fiscal agents employed. The change, so far as respects mere collecting or disbursing officers, will have a decisive tendency to preserve not only the Government, but them and their securities, from those losses which it was never contemplated they should hazard, by making loans or speculations with funds held in sacred trust for purposes entirely public in their character, and constant in their demands. Had such a provision been adopted early in our legislation, doubtless it would have prevented most, if not all, of the losses heretofore sustained from those classes of officers, and much wretchedness which has befallen both principals and sureties. Some of the earliest acts of Congress wisely prevented officers of the customs and of the Treasury Department from being concerned in commerce, or dealing in the public lands or public stocks. These restrictions were doubtless introduced chiefly with a view to remove the temptation and hazard incident to the possession of the public money. But the prohibition to employ that money for private purposes, under severe penalties, has not yet been introduced, except in substance in the Mint, by making embezzlements there punishable as felonies. Its expediency has been urged by the Department heretofore, and seems confirmed by experience, as well as theory. The success of such a provision in the Mint, where no losses, from its establishment to the present moment, have for so many years, and after having the custody of so many millions of money, been known to occur, is a very striking illustration of its efficacy.

Finding that no new act on this and some similar points was passed by Congress at its late session, a circular, bearing on them, was issued by this Department soon after the adjournment, a copy of which is annexed.

In regard to deposit agents, heretofore consisting chiefly of banks, the change from former usages, which would be introduced by such a prohibition, would be greater. But the present condition of the Treasury and of the country is highly auspicious for the reform. Diminished as is the balance of the public money now on hand, and manifest as is the policy of the Government to keep it so hereafter, the apparent pecuniary disadvantage caused either to the banks or their customers would be slighter than at any former period.

In the mean time, and under the speculating mania of the age, the alteration would yield a most valuable protection against the recurrence of disastrous adventures, so far as stimulated by the more easy loans of such funds through bank de-

positories, and against the consequent losses to the institutions themselves, as well as bankruptcies and misery to numerous individuals.

Above all other considerations in favor of this change, if we advert to sound views in political economy, will be its influence in removing every temptation to the dangerous disposition to increase taxes or revenue on account of their incidental use for assistance and capital in private enterprises. It would also restore official practice to the true theory of the Constitution, which, in its primitive purity, must undoubtedly have intended that the public money should be collected solely for public purposes, and should be kept, not for the emolument of individuals or corporations, but for the single object of meeting, with promptitude and fidelity, the obligations of the Government.

Originally, the departure in practice from this theory was not, in any case, even in implied terms, allowed by Congress. It was permitted only by early construction of the Treasury Department; and, in relation to deposit banks alone, for the benefit, through them, of the mercantile interest, which constituted their principal customers and owners. But since the extinguishment of the national debt, and the accumulation of large balances in the Treasury, this departure has been expressly sanctioned by Congress in the deposit act of 1836, and has tended, very undesignedly, without doubt, to place the Government in the invidious attitude of a great money lender of its current funds, rather than of a surplus, and that for the apparent benefit, not of public bodies, such as States, or of all persons equally, but of particular corporations and particular classes of society immediately connected with them. Besides this, the public servants, however scrupulous, have thus become exposed to the grossest imputations of favoritism, partiality, and corruption in making these indirect loans. A radical change in the system, in this respect, is, therefore, very desirable; and, by preventing any individual or corporate employment of the public money, would render both the possession and the superintendence of it, which are now objects of just jealousy, but mere naked powers, and, by their great responsibility, dangerous only to their possessors. They would become entirely useless for either political influence or private emolument, and could contribute nothing to the depraved appetite of the age for power and speculation.

But important as are the eventual safety of the public money and purity of character in its management, it must be manifest, from the remarks already made, and from the warning events of the last two years, that legislation should look, not only to them, but much further.

Recent occurrences have shown that the whole treasure of the United States, when intrusted to banks, is liable, in critical periods, to be swept at once from the use and control of the General Government.

The good faith of our Union may thus be suddenly placed in extreme jeopardy. Indeed, it will be fortunate if the accumulated ills of a broken public credit throughout the land are not actually added, and are not visited on the labor and pursuits of the whole people. It follows, therefore, though banking institutions have never been regarded by the undersigned as a class of agents generally unsafe, when looking to eventual losses, and though the additional securities and prohibitions before mentioned might be incorporated into some system of banks, but with less facility than into the plan of an independent Treasury, that the great and widespread danger experienced of late from the employment of banks as fiscal depositories, is one which ought, if possible, to be avoided. Arising, as it does, from their liability to a general suspension of specie payments, the individual officers who hold money on deposit are exposed to no such calamity; and when the recent suspension happened, the specie in the possession of many of them proved exceedingly seasonable and useful in discharging the public obligations, in the manner imperatively required by law. Though an apparent security against some of the mortifying embarrassments, resulting from such a general suspension, might be obtained by adopting a system of special deposits, yet, in order to render such deposits convenient in fiscal operations, the banks must, as heretofore explained, have access to the funds, and be tempted in an

emergency to use them. The changes which have been proposed in keeping the public money by an independent Treasury would entirely obviate most of these dangers.

If individual agents were chiefly employed, if the several checks and securities proposed were adopted, and if the use of the public money for private purposes were prohibited, under severe penalties, and must concede that there would be much less tendency to any of the evils heretofore described, and none to the greatest of all disasters in fiscal agents—a general refusal to meet their liabilities in a legal manner.

No cause either for special favor or hostility between the banks and the Government would then exist. Without any alliance, offensive or defensive between them, an appropriate and occasional use would still be made of the banks by the Treasury, as is done by others, whenever convenience should require it. But neither party would be forced into a species of vassalage; a constant, necessary, and dependent connection, which, in the recent crisis, has been found not only perilous to public credit, but derogatory to one of the parties, and subjecting both to continued imputations of those unworthy influences so disreputable to the community as well as the Government.

On the whole, it is apparent that the system of an independent Treasury is more plain and simple in its arrangements than any other, and much more accordant with that originally in use after the adoption of the Constitution.

It is truer to the spirit of that sacred instrument, and those elementary self-sustaining principles which belong to an independent Government.

It is more free from several formidable dangers; and, under the additional guards and restrictions proposed, is likely to unite all attainable security, with efficiency and purity, in the custody of the public funds.

In fine, experience has furnished satisfactory proof that the collecting officers can, in most places, keep and disburse as well as collect the public dues, without great inconvenience; and that the exclusive employment of banks as deposit agents, though not regarded as comparatively unsafe in relation to eventual payment, has proved embarrassing and dangerous in other respects, and is unnecessary, provided a few additional receivers, and the additional regulations, checks, and securities, which have been urged in respect to collecting officers, are adopted.

#### IX.—ON SEVERAL MISCELLANEOUS MATTERS.

Separate reports will soon be made on various other matters of public interest confided to the charge of this Department.

These will include one on the progress made in the manufacture of weights and measures, and their distribution among the different States and custom-houses, as well as on the important survey of the Atlantic coast of the United States. Another will be submitted on the erection and discontinuance of light-houses; and others on the affairs of the General Land Office, and the Mint and its branches.

Since last December, the sixth installment due from France, and the fifth from Naples, for indemnities, after being punctually paid, have been transferred to this country and distributed among the claimants. Notice has also been recently received, that the arrearages of interest due from France upon the first four installments have been paid, and the amount, exceeding a million francs, will forthwith be adjusted with those entitled to it.

The Smithsonian legacy, amounting to more than half a million dollars, has been received and invested. For particulars, reference can be had to a special report, which will be made to the President and laid before Congress, under a resolution of the House of Representatives.

At an early day it is intended to submit to that House a valuable collection of facts, in compliance with its resolution calling for information concerning the number of steamboats, locomotives, and other machinery moved by steam within the United States, as well as the causes of the explosion in steam-boilers, and various matters connected with that interesting subject.

Such other questions of minor importance as have been referred to this office will be answered as early as practicable.

It is hoped that the undersigned will not be regarded as too importunate, if he again expresses an earnest desire for a reorganization of the Treasury Department.

With some slight changes, rendered proper by new legislation since 1835, the less complex and more efficient system at that time recommended in a separate report, would be a great improvement.

That portion of it proposing a separation of the duties of Commissioner of the Customs from those of comptrolling accounts, and requiring the undivided attention of one bureau to each subject, is of the most pressing importance, and would greatly conduce to promptitude, exactness, and skill, in the respective business of each.

An alteration in the commencement of the fiscal year, and a revision of the number and compensation of custom-house officers, and also of several laws connected with the collection of the imposts, are measures still as desirable as when they were heretofore submitted to the consideration of Congress. Some legal provision on the subject of return duties, regulating the manner of keeping them while under protest, and the mode of repayment, is necessary to remove doubts and promote the public security. The employment of more boys in the merchant service is, in some degree, connected with the customs, on account of its tendency to afford additional protection to the lives and property engaged in commerce, as well as to improve the morals of mariners, and prevent smuggling, mutinies, and piracies.

The encouragement by law of such an acquisition to the marine of our country, by soon bringing into active usefulness a class of intelligent, virtuous, and able seamen, would tend materially to avert some of the numerous evils from that quarter, which now bear upon commercial energy and prosperity.

Respectfully, yours,

LEVI WOODBURY,

Secretary of the Treasury.

*The President of the Senate of the United States.*

#### BILL INTRODUCED.

Mr. CLAY, of Alabama, in pursuance of notice given yesterday, asked and obtained leave to bring in a bill providing for the reduction and graduation of the price of the public lands; which was read and ordered to a second reading.

#### NOTICES OF BILLS.

Mr. CLAY, of Alabama, gave notice that tomorrow he would ask leave to bring in the following bills:

A bill for the relief of the heirs of John Brahan, late receiver of public moneys at Huntsville, Alabama; and

A bill for the relief of William Jones.

Mr. CRITTENDEN gave notice that tomorrow he would ask leave to bring in a bill for the relief of Pierre Menard and others.

#### STANDING COMMITTEES.

Mr. HUBBARD offered the following resolution; which was unanimously adopted:

*Resolved*, That the 34th rule of the Senate be so far suspended that the Presiding Officer of the Senate shall appoint for the present session the members of all the standing committees, with the exception of the chairman of the Committee on Commerce; and that the Senate shall, previous to any such appointment, elect by ballot the chairman of that committee.

Mr. BUCHANAN suggested that the balloting should take place now; which being assented to, the Senate went into a ballot, which resulted as follows: W. R. King, 23; scattering, 3.

A quorum not having voted, the Senate proceeded to a second ballot; which resulted as follows: W. R. King, 26; scattering, 1.

Mr. KING was therefore duly elected.

Mr. NORVELL presented the petition of Jedediah Hunt, a captain in the Army during the late war, asking arrearages of pension; laid on the table.

#### CHAPLAINS.

A message was received from the House of Representatives, by Mr. GARLAND, their Clerk, stating that they had passed a joint resolution for the appointment of two chaplains, of different denominations, one for each House, to interchange weekly, and asking the concurrence of the Senate.

The resolution was read and concurred in.

The Senate then adjourned.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 5, 1838.

Hon. L. SALTONSTALL, member elect from the State of Massachusetts, appeared, was qualified, and took his seat.

The SPEAKER laid before the House a communication from the Treasurer of the United States, inclosing, in pursuance of the law establishing the Treasury Department, accurate copies of the accounts kept in that Department for the past year.

Also, a communication from the Clerk of the House of Representatives, inclosing a report of the contingent expenditures of his office for the past year.

Also, from the Commissioner of the Public Buildings, containing copies of all contracts entered into by that office for the past year.

The above were all severally laid on the table, and ordered to be printed.

#### DEATH OF HON. WILLIAM PATTERSON.

Mr. FILLMORE rose and said: Mr. Speaker, the painful and melancholy duty has devolved upon me of announcing to this House the death of my lamented friend and colleague, WILLIAM PATTERSON. He died at his residence, in Warsaw, on the 14th day of August last.

The last time I saw him was in this Hall, at the close of the late session. He was then in the prime of life, and apparently in the full enjoyment of health. Blessed by his Creator with a constitution that never felt disease, envied by a temperance and regularity of habit that ordinarily bids defiance to its approach, no man left this House with fairer prospects of returning to it again. But the untiring assiduity with which he devoted himself to the discharge of his duties here during that long and arduous session, doubtless sowed the seeds of that disease which so soon terminated his earthly existence. Beneath the external glow of health that then mantled his cheek was insidiously preying the canker worm of death. He was barely enabled to return to the bosom of his family when his strength gave way, his reason wandered, and, in a few short days, all that was mortal of WILLIAM PATTERSON "slept beneath the clods of the valley." Would that this melancholy tale ended here. But it does not. The partner of his earthly joys and sorrows, worn down with the watchings and anxieties of his last illness, with a constitution too feeble to support the accumulated distress of a sensitive mind, sunk beneath the weight of her sorrows, and, in a few days after his interment, she, too, "slept the sleep of death" by his side. What an appalling bereavement to his infant children! They are now orphans in this wide world, exhibiting in their changed condition an awful reality of the uncertainty of life and of all earthly enjoyments.

But, sir, though gone, he has left behind him a name and reputation dear to them that knew him. Modest and unassuming in his character, kind and generous in his disposition, honest and inflexible in his purpose, to know him was to respect and esteem him. His heart was without guile; and, though he made no professions, yet he habitually practiced all the virtues that adorn the life of a most exemplary Christian.

He made no pretensions to literary acquisitions or statesmanlike qualifications, and his native modesty naturally induced him to seek the quiet retirement of private life. But, blessed with good sense and a strong and retentive memory, he found leisure, amid the daily toils of a laborious occupation, to cultivate a taste for reading, which stored his mind with useful facts. At the unsolicited request of his fellow-citizens, he reluctantly yielded his assent to occupy a seat on this floor. How he discharged that important trust, during the short time he participated in our deliberations, is known to you all. During a protracted and uncommonly arduous session, when many fainted by the wayside, he was always at his post. During a time of uncommon excitement and political acrimony, he was firm in the support of what he deemed to be right, yet tolerant to the opinions of others with whom he differed. In one word, he was constant and patient in the discharge of all his official duties, and untiring in the more humble but useful labors of his station. Naturally frank, honest, and confiding, he drew around him a circle of friends, and by the

unadulterated goodness of his heart, disarmed even political opposition of its rancor. Finally, in all the relations of life, as a father, husband, brother, friend, citizen, and legislator, he was blameless. That no testimony of respect for his many virtues may be wanting, I offer for the adoption of the House the resolutions which I send to the Chair:

*Resolved, unanimously, That this House has received with deep sensibility the annunciation of the death of Hon. WILLIAM PATTERSON, a Representative from the State of New York.*

*Resolved, unanimously, That the members of this House will testify their respect for the memory of the deceased by wearing crape on the left arm for thirty days.*

#### DEATH OF HON. A. W. BRUYN.

Mr. GRAY then rose, and addressed the House as follows:

Mr. Speaker, I sincerely join in the expression of sorrow at the decease of our late lamented friend and colleague, whose death we have just heard announced, and sympathize with his relatives, and especially his children, who have suffered a double bereavement; and regret—yes, sir, deeply regret—that there is still yet to be announced another instance of mortality, which occurred during the recess of Congress, among the delegation from that State; and that, too, from the district which I have the honor in part to represent. I allude to the late Hon. ANDREW DE WITT BRUYN, who, for a considerable period prior to, and during all the time he served his constituents in this body, suffered under a combination of diseases that impaired his usefulness here, and finally terminated his life on the 27th day of July last, at his residence in Ithaca. Aside from the irreparable loss which his family have sustained, the death of Judge Bruyn is regarded as no ordinary calamity to the community to whom he was intimately known, and by whom his salutary influence, both in public and private life, was felt and appreciated. In all situations in life he was amiable and unpretending; deliberate in forming his opinions, and inflexible in maintaining them. He was, in all respects, an honorable man; justly, and in a very high degree, enjoying the esteem of all who knew him; and those who knew him best respected him most. He was a lawyer of eminence, distinguished for the clear and comprehensive view he took of all subjects presented for his consideration, possessing talents peculiarly fitting for a judicial station; and, after a successful practice in his profession for many years, he received the appointment of first judge of the county court in the county where he resided, the duties of which he discharged for several years, and until he was elected to a seat in this body, with distinguished ability; and when he resigned to enter upon his duties here, he received the unanimous and cordial approbation of the bar of his county, and those whose peculiar province it was to join in an expression of his valuable services in that capacity. Of his course here, it is only necessary to remark that he acquired a reputation here, which he maintained elsewhere, of a pure, upright, and honest man.

I beg leave to send to the Chair the following resolution, and move its adoption:

*Resolved, That the members of this House tender to the relatives of the deceased their sympathy on this mournful event, and will testify their respect for the memory of ANDREW DE WITT BRUYN, deceased, late member of this House from the State of New York, by wearing crape on the left arm for thirty days.*

The resolution was unanimously adopted.

And then, on motion, the House adjourned.

#### IN SENATE.

THURSDAY, December 6, 1838.

Mr. SPENCE, of Maryland, appeared in his place.

#### STANDING COMMITTEES.

The PRESIDENT, in pursuance of the resolution of yesterday, announced the following standing committees:

*Committee on Foreign Relations.*—Messrs. Buchanan, (chairman,) Tallmadge, Clay of Kentucky, Rives, and Niles.

*On Finance.*—Messrs. Wright, (chairman,) Webster, Nicholas, Benton, and Hubbard.

*On Commerce.*—Messrs. King, (chairman,) Davis, Brown, Norvell, and Ruggles.

*On Manufactures.*—Messrs. Niles, (chairman,) Lumpkin, Preston, Strange, and Ruggles.

*On Agriculture.*—Messrs. Smith of Connecticut, (chairman,) Spence, Linn, McKean, and Mouton.

*On Military Affairs.*—Messrs. Benton, (chairman,) Preston, Tipton, Wall, and Allen.

*On the Militia.*—Messrs. Clay of Alabama, (chairman,) Swift, Mouton, Smith of Connecticut, and Foster.

*On Naval Affairs.*—Messrs. Rives, (chairman,) Southard, Tallmadge, Cuthbert, and Williams.

*On Public Lands.*—Messrs. Walker, (chairman,) Fulton, Clay of Alabama, Allen, and Prentiss.

*On Private Land Claims.*—Messrs. Linn, (chairman,) Sevier, Bayard, Mouton, and Lyon.

*On Indian Affairs.*—Messrs. White, (chairman,) Sevier, Tipton, Linn, and Swift.

*On Claims.*—Messrs. Hubbard, (chairman,) Tipton, Crittenden, Young, and Merrick.

*On Revolutionary Claims.*—Messrs. Brown, (chairman,) White, Crittenden, Norvell, and Smith of Connecticut.

*On the Judiciary.*—Messrs. Wall, (chairman,) Morris, Clayton, Strange, and Pierce.

*On the Post Office and Post Roads.*—Messrs. Robinson, (chairman,) Lumpkin, Knight, Brown, and Merrick.

*On Roads and Canals.*—Messrs. Tipton, (chairman,) McKean, Young, Lyon, and Foster.

*On Pensions.*—Messrs. Morris, (chairman,) Prentiss, Pierce, Roane, and Williams.

*On the District of Columbia.*—Messrs. Roane, (chairman,) Nicholas, Spence, Bayard, and McKean.

*On Patents and the Patent Office.*—Messrs. Strange, (chairman,) Prentiss, Lyon, Davis, and Robinson.

*To Audit and Control the Contingent Fund of the Senate.*—Messrs. McKean, (chairman,) Knight, and Fulton.

*On Engrossed Bills.*—Messrs. Norvell, (chairman,) Merrick, and Smith of Indiana.

#### BILLS INTRODUCED.

Mr. PRENTISS, on leave, introduced a bill to prohibit the giving or accepting, within the District of Columbia, a challenge to fight a duel, and for the punishment thereof; read twice and referred to the Committee on the Judiciary.

Mr. NORVELL, on leave, and in pursuance of notice given, brought in a bill making certain grants of land, and for other purposes; read twice, and referred to the Committee on Public Lands.

Mr. CRITTENDEN, on leave, and in pursuance of notice given, brought in a bill for the relief of Pierre Menard and others; read twice, and referred to the Committee on Revolutionary Claims.

Mr. CLAY, of Alabama, on leave, and in pursuance of notice given, introduced the following bills:

A bill for the relief of the heirs of John Brahan, deceased, late receiver of public moneys at Huntsville, Alabama; read twice, and referred to the Committee on Public Lands.

A bill for the relief of William Jones; read twice, and referred to the same committee.

A bill for the relief of William East; read twice, and referred to the Committee on Claims.

A bill for the relief of John McCarty; read twice, and referred to the Committee on Indian Affairs.

Mr. PRENTISS, on leave, and in pursuance of previous notice, introduced the following bills; which were severally twice read and referred:

A bill to establish a board of commissioners to hear and examine claims against the United States;

A bill for the relief of John McLeod;

A bill to establish a pension agency at Montpelier, in the State of Vermont;

A bill for the relief of Elisha Town; and

A bill for the relief of Erastus Fairbanks and Thaddeus Fairbanks.

Mr. KNIGHT, on leave, and in pursuance of notice given, introduced a bill to allow a drawback of duties on imported hemp, when manufactured into cordage and exported; read twice and referred.

Mr. BUCHANAN, on leave, and in pursuance of notice given, introduced a bill for the relief of Thomas Sumpter; which was read twice, and ordered to be engrossed for a third reading.

#### PETITIONS, ETC.

Mr. BUCHANAN presented the petition of Dr. Joseph C. Cornwall, asking for a pension; which was referred to the Committee on Pensions.

Mr. NORVELL presented twelve memorials, signed by upwards of a thousand of the inhabitants of the State of Michigan, praying for an appropriation for the construction of a harbor at Brest, and for a light-house at Stony Point, Michigan; which were referred to the Committee on Commerce.

Mr. PIERCE presented the memorials of William Fulton, William Rand, and Samuel Collins, severally asking for pensions in consideration of revolutionary services; which were referred to the Committee on Revolutionary Claims.

Mr. NILES presented the petition of Esther Stevens, widow of Captain Moses Stevens, deceased, late of the revolutionary Army, praying for a pension; which was referred to the Committee on Pensions.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SWIFT, it was

*Ordered,* That the petition and papers of William Cooley, on the files of the last session, be again referred to the Committee on Pensions.

On motion of Mr. CALHOUN, it was

*Ordered,* That the petition and papers of William Williams, on the files of the last session, be again referred to the Committee on Revolutionary Claims.

On motion of Mr. CLAY, of Alabama, it was

*Ordered,* That the petition and papers of Richard Robinson, on the files of the last session, be again referred to the Committee on Claims.

On motion of Mr. ROBINSON, it was

*Ordered,* That the petition and papers of Simeon Cove, on the files of the last session, be again referred to the Committee on Pensions.

#### NOTICES OF BILLS.

Mr. FOSTER gave notice that he would to-morrow ask leave to bring in a bill to amend the act entitled "An act to require the district judges of the United States for the eastern district of Tennessee, to hold a court at Jackson," in June last.

Mr. WALL gave notice that on to-morrow he would ask leave to bring in a bill to prevent the counterfeiting of foreign coins, and for the punishment thereof.

Also, a bill to amend the act entitled "An act more effectually to provide for the punishment of certain crimes against the United States."

Mr. LYON gave notice that on to-morrow he would ask leave to bring in a bill for the relief of Obed P. Lacy.

Mr. TIPTON gave notice that on to-morrow he would ask leave to bring in a bill for the protection of the emigrant and other Indians west of Missouri and Arkansas.

Mr. CLAY, of Alabama, gave notice that he would to-morrow ask leave to bring in a bill to establish an additional land district in the State of Alabama.

Mr. FULTON gave notice that to-morrow he would ask leave to introduce a bill for the relief of William W. Stevenson, Joseph Henderson, and William Archer.

Also, a bill to set apart a certain quantity of land on the western borders of Arkansas, as bounty lands for those who shall engage in the defense of the western frontiers.

Mr. KNIGHT, on leave, and in pursuance of notice given, introduced a bill for the relief of Sarah Angel, and the other heirs-at-law of Benjamin King, deceased; read twice, and referred.

The PRESIDENT announced a communication from the Secretary of the Treasury, transmitting a report made by F. R. Hassler, superintendent of the coast survey and the work for establishing a uniform standard of weights and measures, showing the progress of each work; which,

On motion of Mr. WRIGHT, was laid on the table, and ordered to be printed.

#### RESOLUTIONS.

The following resolutions were submitted: By Mr. TIPTON:

1. *Resolved,* That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the construction of the Cumberland road in the States of Ohio, Indiana, and Illinois.

2. *Resolved,* That the Committee on Roads and Canals be instructed to inquire into the expediency of making an

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appropriation sufficient to complete the construction of the Cumberland road to the Mississippi river, or to Jefferson City, Missouri; the appropriation, when made, to be paid over to the several States within whose limits the road is situate, in annual installments: *Provided*, The States will agree to accept and apply the money to the objects intended, and discharge the General Government from any further appropriations: *And provided also*, That the States have authority to collect toll on said road sufficient to keep the same in good repair after its completion, and allow the arms and munitions of war of the General Government to pass the same toll free.

By Mr. NORVELL:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the district judge of the United States for the district of Michigan.

By Mr. HUBBARD:

*Resolved*, That the Committee on Pensions be instructed to inquire into the expediency of amending the acts of Congress granting pensions for disabilities incurred during the last war, so as to have the pensions of such invalids commence at the time their disability was received.

Agreed to.

*Resolved*, That the Committee on Pensions be instructed to inquire into the expediency of allowing a pension to Lemuel White, of Vermont, a soldier of the Revolution.

Agreed to.

On motion of Mr. HUBBARD, it was

*Ordered*, That the petition and papers of Lemuel White and John McNeil, on the files of the last session, be again referred to the Committee on Pensions.

The bill for the reduction and graduation of the price of the public lands was read the second time, and referred to the Committee on Public Lands.

On motion of Mr. RIVES, the memorial of Commodore James Barron, laid on the table yesterday, was referred to the Committee on Naval Affairs, and ordered to be printed.

On motion of Mr. NORVELL, the petition of Jedediah Hunt, laid on the table yesterday, was referred to the Committee on Pensions.

On motion of Mr. WRIGHT, it was

*Ordered*, That so much of the President's message as relates to the finances, together with the annual report of the Secretary of the Treasury on the same subject, be referred to the Committee on Finance.

On motion of Mr. NORVELL, it was

*Ordered*, That so much of the President's message as relates to commerce, be referred to the Committee on Commerce.

On motion of Mr. ROBINSON, it was

*Ordered*, That so much of the President's message as relates to the Post Office and post roads be referred to the Committee on the Post Office and Post Roads.

On motion of Mr. RIVES, it was

*Ordered*, That so much of the President's message as relates to naval affairs be referred to the Committee on Naval Affairs.

On motion of Mr. CLAY, of Alabama, it was

*Ordered*, That so much of the President's message as relates to the public lands be referred to the Committee on the Public Lands.

On motion of Mr. WALL, it was

*Ordered*, That so much of the President's message as relates to the Judiciary be referred to the Committee on the Judiciary.

On motion of Mr. CLAY, of Alabama, it was

*Ordered*, That so much of the President's message as relates to the militia be referred to the Committee on the Militia.

After the consideration of executive business, the Senate adjourned over until Monday.

## HOUSE OF REPRESENTATIVES.

THURSDAY, December 6, 1838.

The first business in order was the motion made on Monday by Mr. CRARY, and postponed till this day, that J. W. Dorr, Delegate from Wisconsin, be qualified.

Mr. MERCER, on whose motion it had been postponed, said, with a view to the action of the proper committee upon the subject, which would probably be announced on Monday, he would move a further postponement till that day.

Mr. SERGEANT remarked that, as there was but one return before the House, he could not perceive the necessity of deferring the subject at all.

Mr. JONES, the contestant Delegate, expressed a hope that the House would allow him an opportunity of presenting a reply to a paper that had been laid on their tables from his opponent. He trusted, too, that it would go to the Committee of Elections, though he himself was then prepared to go into the question.

Mr. SERGEANT would not interpose an objection if the gentleman solicited delay to prepare his views.

The motion to postpone was agreed to.

## STANDING COMMITTEES.

On motion of Mr. MERCER, it was

*Ordered*, That the several standing committees be now appointed in pursuance of the rules and orders of the House.

On motion of Mr. ALLAN, of Vermont, it was

*Resolved*, That the Clerk of the House furnish the members thereof with the usual plan of the Hall showing the seat of each member.

## AMENDMENT OF THE RULES.

Mr. DROMGOOLE submitted the following; which, under the rules, lies over one day for consideration:

*Resolved*, That the following be added to the standing rules of the House: Insert between the 10th and 11th rules, "in all cases of election by the House the vote shall be taken *via voce*."

## BILL INTRODUCED.

Mr. ADAMS, pursuant to notice, introduced a bill to prohibit the giving or accepting, in the District of Columbia, of a challenge to fight a duel, and for the punishment thereof; which was read twice, and referred to a select committee of nine.

## ADJOURNMENT OVER.

Mr. GRENNELL said it had been usual heretofore, after ordering the appointment of the standing committees, to adjourn over till Monday in order to afford the Speaker time to discharge that duty; and, as he understood some alterations were about to be made in the Hall, it was perhaps the more necessary now. He therefore moved that when the House adjourns to-day, it adjourn to meet on Monday; which motion was agreed to.

Mr. ADAMS submitted the following resolutions:

*Resolved*, That the President of the United States be requested to cause to be transmitted to this House copies of any report or communication received from Andrew Stevenson, Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of London, relating to a controversy in the public newspapers between him and Daniel O'Connell, a member of the Parliament of the United Kingdom of Great Britain and Ireland, in which controversy were involved the personal integrity of the said Stevenson, and the honor and interest of this country, whose representative he is.

2. That the President of the United States be requested to inform this House whether any call has been made by him, or by his direction, upon the said Andrew Stevenson, to explain or account for his notorious violation of the laws of nations, of the laws of the land to which he was accredited as an ambassador of peace, and of the privileges of the British House of Commons, in the person of one of its members; whether any instructions have been given to the said Andrew Stevenson, consequent upon his conduct in these transactions, or any disavowal or censure of his conduct communicated to the British Government.

3. That the President of the United States be requested to inform this House whether any call has been made by him, or by his direction, upon Matthew C. Perry, a captain in the Navy of the United States, to account for his violation of the laws of nations, of the laws of the foreign nations under the protection of which he was enjoying the benefits of a generous hospitality, of the laws of his own country, and of the rules and regulations for the Government of the United States, by his participation, with other citizens of the United States, in a conspiracy against the life of Daniel O'Connell, a member of the Parliament of the United Kingdom of Great Britain and Ireland.

The resolution, calling for executive information, under the rule, would lie over one day.

Mr. ADAMS asked that it be now considered; but it was objected to.

The SPEAKER laid before the House a communication from the Commissioner of the General Land Office, inclosing a statement of the quantity of land covered by grants to Shane and others, in the Louisiana land district; which was laid on the table.

The Speaker then announced that there was no other business on the table; whereupon, On motion of Mr. CUSHING, the House adjourned.

## IN SENATE.

MONDAY, December 10, 1838.

Mr. BENTON and Mr. LINN of Missouri, Mr. WALKER of Mississippi, Mr. NICHOLAS of Louisiana, Mr. CLAY of Kentucky, and Mr. PRESTON of South Carolina, severally appeared and took their seats.

The PRESIDENT announced the appointment of the members to compose the additional standing committee, in pursuance of the resolution adopted at the last session, entitled the Committee on the Public Buildings.

Mr. FULTON, Chairman, Mr. BAYARD, and Mr. RIVES.

## EXECUTIVE COMMUNICATIONS.

The PRESIDENT communicated a report from the War Department, made in compliance with the provisions of the second section of the act of May 9, 1836, making appropriations for the civil and diplomatic expenses of the Government for that year containing a statement showing the expenditures under the contingent head for that department for the fiscal year ending 3d instant.

On motion of Mr. HUBBARD, ordered to be laid on the table and printed.

The PRESIDENT communicated a report from the Navy Department, made in compliance with the provisions of the act of 9th May, 1836, making appropriations for the civil and diplomatic expenses of the Government for that year, containing a statement of the contingent expenses of the naval establishment for the year ending 3d instant; which,

On motion of Mr. HUBBARD, was ordered to be printed.

Also, a similar report from the Post Office Department; which,

On motion of Mr. ROBINSON, was ordered to be printed.

Also, a report from the Secretary of the Senate, containing a statement of the contingent expenses of the Senate for the past year.

A message was received from the President of the United States, by Mr. MARTIN VAN BUREN, jr., his Private Secretary, inclosing a special report from the Secretary of the Treasury upon the subject of the defalcation of the late collector of customs at New York.

The message having been read,

On motion of Mr. WRIGHT, it was ordered to be printed.

## PETITIONS, ETC.

Mr. HUBBARD presented the petition of John J. Bulow; which was referred to the Committee on Claims.

Also, the petition of John Kurtz, praying remuneration for the loss of the ship *Alleghany* and cargo; which was referred to the same committee.

On motion of Mr. HUBBARD, the petition and papers of Gad Humphrey, on the files of the last session, were again referred to the Committee on Claims.

Mr. H. presented the petition of the heirs of Preserved Clapp, praying remuneration for the revolutionary services of the deceased.

Mr. LINN presented the credentials of the Hon. THOMAS H. BENTON, elected by the Legislature of Missouri a Senator from that State, to serve for six years from the 4th of March next; which were read.

Mr. BAYARD presented the memorial of Charles F. Skinner, in behalf of himself and others, officers of the Army, praying that officers of the line may be put on the same footing as officers of the staff as to pay and emoluments; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CLAY, of Alabama, presented the peti-

tion of Laurent Millaudon, of Louisiana; which was referred to the Committee on Private Land Claims.

Also, the petition of the heirs of John and Henry Banks; which was referred to the Committee on Revolutionary Claims.

Also, the petition and Documents of William Barclay, of Alabama; which were referred to the Committee on Private Land Claims.

Mr. SMITH, of Connecticut presented the petition of the heirs of Moses Elmore;

Also, the petition of the heirs of Samuel Y. McKee;

Also, the petition of John Ramsey;

Also, the petition of Frederick Zeigle;

Also, the petition of the heirs of John Jordan;

Also, the petition of James McCrary, severally praying for commutation pay; which were referred to the Committee on Revolutionary Claims.

Mr. NILES presented the petition of Esther Sawyer, praying for a pension; which was referred to the Committee on Pensions.

Mr. ROANE presented the petition of the heirs and devisees of Dr. John Rumney, late of the revolutionary army; which was referred to the Committee on Revolutionary Claims.

Mr. WILLIAMS presented the petition of E. Jones; which was referred to the Committee on Naval Affairs.

Mr. ROBBINS presented the petition of Commodore James Barron; which was referred to the Committee on Military Affairs.

Mr. RIVES presented the petition of the heirs of Dr. William Ramsay; which was referred to the Committee on Revolutionary Claims.

Mr. CRITTENDEN presented the petition of Simeon Knight; which was referred to the Committee on Military Affairs.

Mr. MORRIS presented the petition of Jacob Sly; which was referred to the Committee on Pensions.

Mr. PIERCE presented the memorial of Joseph Bassett; which was referred to the Committee on Pensions.

Mr. FULTON presented resolutions adopted by the Legislature of the State of Arkansas, recommending a cession of the public lands to the States in which they lie; which were referred to the Committee on Public Lands.

Also, a resolution of the same, praying for an extension of the act to allow soldiers of the late war to enter their bounty lands; which was referred to the Committee on Public Lands.

Also, resolutions of the same, asking for an appropriation for the improvement of the Black, White, and other rivers; which were referred to the Committee on Commerce.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WALL, it was

*Ordered*, That the petition of ——— Morris, on the files of the last session, be again referred to the Committee on Revolutionary Claims.

On motion of Mr. WILLIAMS, it was

*Ordered*, That the petition and papers of Thomas Fry, on the files of the last session, be again referred to the Committee on Pensions.

#### NOTICES OF BILLS.

Mr. LINN gave notice that to-morrow he would ask leave to introduce the following bills:

A bill to transfer to the citizens of the parish of Concordia, in the State of Louisiana, the interest of the United States to a certain tract of land.

A bill confirming certain land claims in Louisiana.

A bill to confirm certain land claims in the Ouachita land district, in the State of Louisiana.

A bill to confirm claims to lands in the district between the Rio Hondo and Sabine rivers.

A bill to amend an act entitled "An act for the appointment of commissioners to adjust the claims to reservations of land under the fourteenth article of the treaty of 1830 with the Choctaw Indians."

A bill to authorize the issuing of a patent to the heirs or legal representatives of Francis Rivaud, deceased.

Mr. LYON gave notice that to-morrow he would ask leave to introduce the following bills:

A bill to provide for the completion of certain roads begun by the United States in the State of Michigan;

A bill granting to the county of Kalamazoo, in the State of Michigan, the right of preemption

to a quarter section of land, and for other purposes;

A bill to create an additional land office in the State of Michigan, and for other purposes; and

A bill to change the location of the office of surveyor general of the district composed of the States of Ohio, Indiana, and Michigan, and for other purposes.

Mr. LINN gave notice that to-morrow he would ask leave to bring in the following bills:

A bill to continue in force the "Act for the final adjustment of private land claims in Missouri," approved July 9, 1832, and the act supplemental thereto, approved March 2, 1833;

A bill to provide for the legal adjudication and settlement of a claim granted by the Spanish Government to Julien Dubuque;

A bill for the relief of Joseph Boggy;

A bill for the relief of Jean B. Valle;

A bill to authorize the Washington County Turnpike Company, in the State of Missouri, to construct a road through the public lands;

A bill for the relief of Sebastian Butcher, and the heirs and legal representatives of Bartholomew Butcher, Michael Butcher, and Peter Bloom;

A bill to authorize the occupation of the Columbia or Oregon Territory; and

A bill to provide for the legal adjudication and settlement of the claims to land under the grants or concessions made to the Baron Bastrop, the Marquis de Maison Rouge, and others, in Louisiana; and Elisha, William, and Gabriel Winters, and others, in Arkansas.

Mr. DAVIS gave notice that to-morrow he would ask leave to introduce the following bills:

A bill to allow interest to the several States for disbursements in behalf of the United States during the late war;

A bill for the relief of Thomas L. Winthrop and others; and

A bill to make certain allowances to the executor of Loamm Baldwin, deceased.

Mr. PRESTON gave notice that he would to-morrow ask leave to bring in a bill making an appropriation for the purchase of a site for a magazine and keeper's house in the city of Washington.

Mr. ROANE gave notice that he would to-morrow ask leave to bring in a bill making an appropriation for the support of the penitentiary of the District of Columbia for the present year.

Mr. RUGGLES gave notice that he would to-morrow ask leave to bring in a bill for the relief of Samuel Brown.

Mr. FULTON gave notice that to-morrow he would ask leave to introduce the following bills:

A bill for the relief of sundry citizens of Arkansas, who have lost their improvements in consequence of a treaty between the United States and the Choctaw Indians;

A bill for the relief of Richard T. Banks and other citizens of Arkansas; and

A bill making appropriations to complete certain military roads in Arkansas.

Mr. SWIFT gave notice that he would to-morrow ask leave to bring in a bill for the relief of John Newton.

#### REPORTS FROM COMMITTEES.

Mr. WALKER, from the Committee on the Public Lands, to which had been referred the bill to provide for the reduction and graduation of the price of the public lands, reported the same with an amendment; which was read.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the bill for the relief of Elisha Town, reported the same without amendment.

Mr. W., from the same committee, also reported the bill for the relief of Erastus Fairbanks and Thaddeus Fairbanks, without amendment; and the above two bills having subsequently been considered as in Committee of the Whole, were ordered to be engrossed for a third reading.

Mr. CLAY, of Alabama, from the Committee on the Public Lands, to which had been referred the bill for the relief of the heirs of John Brahan, late receiver of public moneys at Huntsville, Alabama, reported the same without amendment.

#### BILLS INTRODUCED.

Mr. CLAY, of Alabama, on leave, and in pursuance of notice given, introduced a bill to estab-

lish an additional land district in the State of Alabama; which was read twice, and referred.

Mr. WALL, on leave, and in pursuance of notice given, introduced a bill to prevent the counterfeiting of foreign copper, gold and silver coins, and to prohibit the bringing the same into the United States; which was read twice, and referred.

Also, a bill to amend the act entitled "An act for the punishment of certain crimes against the United States;" which was also read twice, and referred.

Mr. LYON, on leave and in pursuance of notice given, introduced a bill for the relief of Obed P. Lacy; which was read twice, and referred.

Mr. SMITH, of Indiana, on leave, and in pursuance of notice given, introduced a bill for the relief of the legal representatives of Colonel Francis Vigo; which was read twice, and referred.

Mr. TIPTON, on leave, introduced a bill to confirm the sales of certain reservations; also, a bill to authorize John E. Metcalf, of Indiana, to locate certain claims to land in Indiana; which were severally read twice, and referred.

Mr. T. also, on leave, and in pursuance of notice given, introduced a bill to provide for the security and protection of the emigrant and other Indians west of the States of Missouri and Arkansas.

Mr. FULTON, on leave, and in pursuance of notice given, introduced the following bills:

A bill to set apart a belt of land on the western borders of the States of Missouri and Arkansas, to be granted to those who shall engage for a certain term of years in the defense of the western frontier; which was read twice, and referred.

A bill for the relief of Willim W. Stephenson, Joseph Henderson, and William Marks; which was read twice, and referred.

Mr. FOSTER, on leave, and in pursuance of notice given, introduced a bill to amend an act entitled "An act to require the judges of the district court of East and West Tennessee to hold a court at Jackson, in said State," approved June 30, 1838; which was read twice, and referred.

#### RESOLUTIONS.

Mr. PRENTISS offered the following resolution; which was agreed to:

*Resolved*, That the Committee on Pensions be instructed to inquire into the expediency of granting a pension to Margaret Barnes, widow of Elijah Barnes, a soldier in the war of the Revolution.

Mr. DAVIS offered the following resolution; which was agreed to:

*Resolved*, That fifteen hundred copies of the seventh report of Mr. Hassler upon the survey of the coast and the construction of standards of weights and measures be printed for the use of the Senate, and that five hundred copies thereof be delivered to the superintendent.

Mr. WILLIAMS offered the following resolution; which was agreed to:

*Resolved*, That the Committee on Naval Affairs be instructed to inquire into the expediency of amending or repealing an act for the more equitable administration of the Navy pension fund, passed March 3, 1837.

Mr. YOUNG offered the following resolution:

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of establishing a hospital for the accommodation of sick and disabled boatmen and passengers navigating the Mississippi and Ohio rivers, at the mouth of the Ohio river, in the State of Illinois—

Which, after a discussion, in which Mr. CLAY of Kentucky, Mr. YOUNG, Mr. DAVIS, and Mr. TIPTON, participated, was, on motion of Mr. TIPTON, laid on the table.

The resolutions submitted on Thursday were considered and adopted.

#### THOMAS SUMPTER.

The bill for the relief of Thomas Sumpter was read a third time and passed.

#### ELECTION OF CHAPLAIN.

On motion of Mr. LUMPKIN, the Senate proceeded to ballot for a Chaplain; which resulted as follows:

Forty-one ballots were given—twenty-one necessary to a choice; of which

Rev. Henry Slicer received.....	21
Rev. Septimus Tuston.....	15
Rev. Mr. Fowler.....	2
Rev. E. C. Hutchinson.....	2
Rev. Mr. Reese.....	1

Mr. Slicer was therefore duly elected.

On motion of Mr. BUCHANAN, it was

*Ordered*, That so much of the President's message as

relates to foreign relations be referred to the Committee on Foreign Relations.

On motion of Mr. ROANE, it was Ordered, That so much of the President's message as relates to the District of Columbia be referred to the Committee on the District of Columbia.

#### EXECUTIVE SESSION.

On motion of Mr. WRIGHT, the Senate went into the consideration of executive business. After which it adjourned.

#### HOUSE OF REPRESENTATIVES

MONDAY, December 10, 1838.

Mr. YELL of Arkansas, Mr. HAMER of Ohio, Mr. SMITH of Maine, Mr. THOMPSON of South Carolina, and Mr. HARRISON of Missouri, appeared in their seats to-day.

#### STANDING COMMITTEES.

In compliance with an order of the House of Thursday last, the following standing committees were appointed, and this day announced from the chair:

*Committee of Elections.*—Messrs. Buchanan, Griffin, Hawkins, Maury, Towns, Bronson, Hastings, Rives, and Swearingen.

*Of Ways and Means.*—Messrs. Cambreleng, Sergeant, Jones of Virginia, Atherton, Haynes, Rencher, Pope, Rhett, and Webster.

*Of Claims.*—Messrs. Chambers, Darlington, Russell, Campbell of Tennessee, Stuart, Williams of New Hampshire, Gray, Saltonstall, and Giddings.

*On Commerce.*—Messrs. Cushman, De Graff, Toland, Curtis, Mason of Virginia, Worthington, Johnson of Louisiana, Montgomery, and Reily.

*On Public Lands.*—Messrs. Casey, Williams of North Carolina, Lincoln, Chapman, Shields, Loomis, Murray, Duncan, and Word.

*On the Post Office and Post Roads.*—Messrs. Connor, Briggs, Hall, Hopkins, Hubley, Calhoun of Kentucky, Towns, Palmer, and Leadbetter.

*For the District of Columbia.*—Messrs. Bouldin, Jenifer, Dawson, Prentiss, Hawkins, Beirne, C. H. Williams, Davee, and Lyon.

*On the Judiciary.*—Messrs. Thomas, Robertson, Toucey, Corwin, Garland of Virginia, Samuel W. Morris, Turney, Martin, and Foster.

*On Revolutionary Claims.*—Messrs. Craig, Underwood, Taliaferro, Parmenter, Harper, Birdsall, A. H. Shepperd, Joseph L. Williams, and Keim.

*On Public Expenditures.*—Messrs. Haley, Alexander, Titus, Stratton, Rumsey, Fletcher of Vermont, Crockett, Sheffer, and Putnam.

*On Private Land Claims.*—Messrs. May, Calhoun of Massachusetts, Harlan, Beatty, Rariden, Cheatham, Garland of Louisiana, Fletcher of Massachusetts, and Crabbe.

*On Manufactures.*—Messrs. Adams, Slade, Biddle, Fillinghast, Vail, Naylor, Hunter of Virginia, Elmore, and Kennedy.

*On Agriculture.*—Messrs. Deberry, Logan, Phelps, Weeks, Spencer, Noyes, Davies, Randolph, and Stone.

*On Indian Affairs.*—Messrs. Bell, Everett, Chaney, Parker, Graham of North Carolina, Lewis, Petrikon, Banks, and Parris.

*On Military Affairs.*—Messrs. McKay, Coles, Grennell, Miller, Rives, Kemble, Mason of Ohio, McClellan of Tennessee, Halstead, and Glascock.

*On Militia.*—Messrs. Wagoner, Carter, Holt, Allen of Ohio, Griffin, Gallup, Dunn, Southgate, and Dennis.

*On Naval Affairs.*—Messrs. Ingham, Milligan, Reed, Wise, Grantland, Moore, Paynter, Anderson, and Pickins.

*On Foreign Affairs.*—Messrs. Howard, Cushing, Jackson of Georgia, Dromgoole, Fairfield, Legare, Hoffman, Bynum, and Crary.

*On Territories.*—Messrs. Bronson, Potts, Pearce, Borden, Jones of New York, Farrington, White of Kentucky, Hammond, and Charles Shepard.

*On Revolutionary Pensions.*—Messrs. Morgan, Klingensmith, Bond, Fry, Johnson of Virginia, Sibley, Ewing, Whittlesey, and Childs.

*On Invalid Pensions.*—Messrs. Taylor, Williams of Kentucky, Allan of Vermont, McClellan of New York, Herod, Stanly, Mallory, Plumer, and Mitchell.

*On Roads and Canals.*—Messrs. Mercer, Evans, McKennan, Snyder, Fillmore, Johnson of Maryland, White of Indiana, Graves, and Grant.

*On Patents.*—Messrs. Fletcher of Vermont, Phelps, Menefee, Beers, and Robinson.

*On Public Buildings and Grounds.*—Messrs. Lincoln, Pratt, Mercer, McClure, and Jackson of Georgia.

*On Revisal and Unfinished Business.*—Messrs. Shepler, Noble, Southgate, Henry, and Peck.

*Of Accounts.*—Messrs. Johnson of Virginia, Johnson of Maryland, Samuel W. Morris, Bicknell, and Hawes.

*On Mileage.*—Messrs. Dawson, Howard, Briggs, Coffee, and Bicknell.

*On Expenditures in the Department of State.*—Messrs. Matthias Morris, Jackson, Shepler, Yorke, and Andrews.

*On Expenditures in the Department of the Treasury.*—Messrs. Allen, Sheffer, Aycrigg, Gray, and Holsey.

*On Expenditures in the Department of War.*—Messrs. Clowney, Vandever, Holt, Morris, and Marvin.

*On Expenditures in the Department of the Navy.*—Messrs. Brodhead, Maxwell, Goode, Edwards, and Graham.

*On Expenditures in the Department of the Post Office.*—Messrs. Childs, Dennis, Hawes, Gallup, and Plumer.

*On Expenditures on the Public Buildings.*—Messrs. Sawyer, Cranston, Menefee, Dunn, and Ridgway.

The following were the gentlemen appointed to compose the select committee upon the bill of Mr. ADAMS, proposing "to prohibit the giving or accepting, within the District of Columbia, of a challenge to fight a duel, and for the punishment thereof." Messrs. ADAMS, TOUCEY, ELMORE, GRANTLAND, COFFIN, RARIDEN, CLARK, GRENELL, and HENRY.

#### WISCONSIN CONTESTED ELECTION.

Mr. JONES, of Wisconsin, on leave, presented a statement of his claims for the seat as Delegate from Wisconsin.

#### EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House—

1. A report of the Solicitor of the Treasury on the petition of John Norris.

On motion of Mr. THOMAS, referred to the Committee on the Judiciary.

2. A communication from the Secretary of the Navy, transmitting an abstract of the contingent expenditures in the office of the Fourth Auditor from October, 1837, to September, 1838.

On motion of Mr. INGHAM, laid on the table.

3. From the Secretary of War, transmitting a statement of the contingent expenses of that Department during the last year.

On motion of Mr. BRIGGS, laid on the table.

4. From the First Comptroller of the Treasury, transmitting a statement of the unsettled accounts, or those on which balances appear to be due; which was laid on the table.

5. From the Postmaster General, inclosing a statement of the expenditures out of the contingent fund of that Department.

On motion of Mr. CONNER, laid on the table.

6. From the Secretary of State, inclosing, in answer to a resolution calling for similar information from all the Departments, a statement of the number of clerks employed, and how long so employed, in complying with calls for information.

Mr. HOWARD moved to lay this on the table for the present, giving notice that, when the residue came in, he should move their printing and disposition together.

7. From the Secretary of State, transmitting an abstract of the returns made to that Department by the collectors of customs for the relief and protection of American seamen.

On motion of Mr. HOWARD, laid on the table.

8. From the Secretary of the Treasury, a statement of the contingent expenditures of that Department for the last year.

On motion of Mr. CRARY, laid on the table.

9. From the Commissioner of the Public Buildings, containing a statement of the expenditures on the public buildings, and other objects committed to that officer, during the last year.

On motion of Mr. LINCOLN, referred to the Committee on Public Buildings.

The following messages from the President of the United States were also laid before the House:

WASHINGTON, December 6, 1838.

To the House of Representatives of the United States:

The act of the 1st of July, 1836, to enable the Executive to assert and prosecute with effect the claim of the United States to the legacy bequeathed to them by James Smith son, late of London, having received its entire execution, and the amount recovered and paid into the Treasury having, agreeably to an act of the last session, been invested in State stocks, I deem it proper to invite the attention of Congress to the obligation now devolving upon the United States to fulfill the object of the bequest. In order to obtain such information as might seem to facilitate its attainment, the Secretary of State was directed, in July last, to apply to persons versed in science, and familiar with the subject of public education, for their views as to the mode of disposing of the fund best calculated to meet the intentions of the testator, and prove most beneficial to mankind. Copies of the circular letter, written in compliance with these directions, and of the answers to it received at the Department of State, are herewith communicated for the consideration of Congress.

M. VAN BUREN.

On motion of Mr. ADAMS, referred to a select committee of nine.

To the House of Representatives:

I herewith transmit to the House of Representatives reports from the Secretary of State and the Secretary of the Treasury, with accompanying documents, in answer to the resolution of the House of the 9th of July last.

M. VAN BUREN.

WASHINGTON, December 7, 1838.

[The reports above alluded to contain all the papers and documents on file in the State and Treasury Departments relating to the Smithsonian bequest.]

On motion of Mr. ADAMS, referred to the same select committee as the foregoing.

To the Senate and

House of Representatives of the United States:

I herewith transmit a special report, made to me by the Secretary of the Treasury, for your consideration, in relation to the recently discovered default of Samuel Swartwout, late collector of the customs at the port of New York.

I would respectfully invite the early attention of Congress to the adoption of the legal provisions therein suggested, or such other measures as may appear more expedient for increasing the public security against similar defaultations hereafter.

M. VAN BUREN.

WASHINGTON, December 8, 1838.

Mr. CAMBRELENG moved that so much of this document as related to the defalcation of the late collector of New York be referred to a select committee; and so much as related to the revenue laws to that on Ways and Means.

Mr. C. remarked that, in making the first motion, which he regarded as one demanding the exclusive consideration of a committee, it was proper for him to state that he did it with no design of acting upon the committee himself in any capacity. On the contrary, charged as he was with the laborious duties on another committee, he could scarcely devote the requisite time; and, independent of that consideration, it would be much more satisfactory to him that the members should come from a different quarter of the Union than Mr. C. did.

Mr. MERCER applauded the spirit and candor of the gentleman from New York; but he would suggest to the gentleman, as this was an important matter, to postpone it till to-morrow, and order it to be printed.

Mr. C. assenting, the subject took that temporary direction.

On motion of Mr. CAMBRELENG, the annual report of the Secretary of the Treasury on the finances, except so much as related to the defalcation of the late collector of New York, was referred to the Committee of Ways and Means.

The Wisconsin election case, being the next business in order, was, on motion of Mr. MERCER, referred to the Committee on Elections.

#### VIVA VOCE VOTING.

The next business was the following amendment to the rules, submitted some days since by Mr. DROMGOOLE:

Resolved, That the following be added to the standing rules of the House: Insert between the 10th and 11th rules, "in all cases of election by the House the vote shall be taken *viva voce*."

Mr. WISE had but a word to say upon this resolution, and it was this: he considered it a direct attack upon the independence of the House, a direct attack upon the freedom of elections there. Had they come to this, that members of that House were not to be trusted with the secret mode of election by ballot? Were the screws to be applied to those who stood in a doubtful posi-

tion, and who might thereby be called upon to vote in order to support a particular party against their own predilections and principles? Although Mr. W. believed the *viva voce* mode of voting to be the best among the people and the freest from fraud, as late events had proven, yet he could not tolerate it here, as an engine of oppression and tyranny.

Mr. DROMGOOLE had no design in introducing the proposition of operating tyrannically upon the members of the House. He had offered it because it was founded on correct principles, and principles which had received and bore the sanction of his own State, and which he understood had also obtained sanction in several other States. His only object was the establishment of a general principle he believed to be correct in the abstract, and necessary and essential in carrying out the great Democratic doctrine of accountability. He would ask if it was not the fair and proper mode that the conduct of the Representative should be fully spread before his constituents; and he did hope that no Representative would oppose it because he wished to vote in secret and skulk from accountability, or because he desired to conceal his conduct from his constituents; nor was it with a view to any present purpose that he had introduced it, and he should have offered it before the election of Clerk, but for the delay that would have occurred in the organization of the House. He drew the attention of his colleague to the fact that the *viva voce* system prevailed in Virginia in all their elections, from that of a constable upwards.

Mr. BRIGGS moved to strike out the words "*viva voce*," and insert "by ballot." He said he objected to the original resolution, first, because the *viva voce* mode was an inconvenient one, and took up considerably more time than that by ballot; second, because it was an innovation upon the uniform practice of the House for fifty years; and, third, it was not so independent a mode as that of the ballot.

Mr. PICKENS opposed the resolution, though he held to responsibility to the fullest extent, so far as legislative duties were concerned. But there was a wide distinction between the responsibility they owed to their constituents for the exercise of the law-making power and that of choosing their mere ministerial officers; and he was yet to learn that he was responsible to his constituent for choosing this or that doorkeeper, this or that clerk. In such cases, Mr. P. held that he himself constituted a part of the constituent body. They were, in part, his officers, accountable to him for their conduct, and not to the people. The converse doctrine pushed, might be carried next into their boarding-houses.

But Mr. P. was inclined to doubt the policy of that resolution upon other and higher grounds. The experience of the last few months had taught him to dread a power higher than their Executive, and more tremendous in its operation—he alluded to the power represented by corporations. Pass that resolution, and this power will be brought directly to bear upon that House; and when it is, governmental and executive influence would be nothing compared with it.

Mr. P. admitted the general theory of the independence of open voting, especially in Virginia and Tennessee, where the mass of the voters are landholders; but go into other States where two thirds of them were differently situated, and especially into the larger cities, and, he would ask, where would be the independence of the elective franchise, if it were expressed *viva voce* with this tremendous power brought to bear upon it? He was opposed to the resolution, and should vote against it.

The resolution was further opposed by Messrs. PEARCE of Maryland, WISE, REED, SERGEANT, and STANLEY, and supported by Messrs. ROBERTSON, JENIFER, and S. W. MORRIS.

Mr. TILLINGHAST, with a view to effect both objects, moved an amendment that the vote should be taken by ballot, but each member should inscribe his name thereon.

Mr. STANLEY moved to lay the whole subject on the table; on which motion

Mr. DROMGOOLE demanded the yeas and nays; which being ordered, were—yeas 81, nays 125; as follows:

YEAS—Messrs. Adams, Alexander, Heman Allan, Ay-

crigg, Bell, Biddle, Bond, Borden, Briggs, John Calhoun, William B. Calhoun, John Campbell, William B. Campbell, Carter, Chambers, Childs, Coffin, Corwin, Cranston, Crockett, Curtis, Cushing, Davies, Dennis, Evans, Everett, Richard Fletcher, Fillmore, Rice Garland, Giddings, Goode, William Graham, Graves, Grennell, Hall, Harlan, Hastings, Henry, Herod, Henry Johnson, William C. Johnson, Kennedy, Lincoln, Marvin, Sampson Mason, May, Maxwell, McKennan, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Ogle, Pearce, Peck, Pickens, Pope, Potts, Putnam, Randolph, Reed, Ridgway, Robinson, Russell, Saltonstall, Sergeant, Charles Shepard, Shields, Sibley, Slade, Smith, Stanley, Stone, Toland, John White, Whittey, Christopher H. Williams, Wise, Word, and Yorke—81.

NAYS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Birdsall, Bouldin, Brodhead, Buchanan, Bynum, Cambreleng, Casey, Chaney, Chapman, Cheatham, Clark, Coles, Connor, Crabb, Craig, Crary, Cushman, Dawson, Davee, Deberry, De Graff, Dromgoole, Duncan, Dunn, Elmore, Ewing, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, Gallup, James Garland, Glascock, James Graham, Grantland, Grant, Gray, Griffin, Hammond, Hamer, Harrison, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, Robert M. T. Hunter, William H. Hunter, Jabez Jackson, Thomas B. Jackson, Jenifer, Joseph Johnson, John W. Jones, Nathaniel Jones, Kemble, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, Lyon, Mallory, James M. Mason, Maury, McKay, Abraham McClellan, Robert McClellan, McClure, Montgomery, Moore, Morgan, Matthias Morris, Samuel W. Morris, Murray, Noble, Palmer, Parker, Parmenter, Parris, Paynter, Petrik, Phelps, Plumer, Pratt, Rariden, Reily, Rencher, Rives, Robertson, Rumsey, Sawyer, Sheffer, Augustine H. Shepperd, Shepler, Snyder, Southgate, Spencer, Stuart, Stratton, Swearingen, Taliaferro, Thomas, Tillinghast, Titus, Toucey, Towns, Turney, Underwood, Vail, Vandever, Wagener, Webster, Albert S. White, Jared W. Williams, Joseph L. Williams, and Yell—125.

So the House refused to lay the subject on the table.

Mr. MONTGOMERY then rose, and said that in view of the shortness of the session, and the mass of business before them, and believing no further light could be thrown upon the subject, for it had undergone discussion, from year to year, for years back, he demanded the previous question.

The previous question was seconded.

The main question, being on the adoption of the original resolution, being then ordered thereon,

Mr. DROMGOOLE called for the yeas and nays; which being ordered, were—yeas 126, nays 85; as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Birdsall, Bouldin, Brodhead, Buchanan, Bynum, Cambreleng, William B. Campbell, Chaney, Chaney, Clark, Coles, Connor, Crabb, Craig, Crary, Cushman, Dawson, Davee, Deberry, De Graff, Dromgoole, Duncan, Dunn, Elmore, Ewing, Fairfield, Foster, Fry, Gallup, James Garland, Glascock, James Graham, Grantland, Grant, Gray, Griffin, Hammond, Hamer, Harrison, Hawes, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Thomas B. Jackson, Jabez Jackson, Jenifer, Joseph Johnson, Nathaniel Jones, John W. Jones, Kemble, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, Lyon, Mallory, James M. Mason, McKay, Robert McClellan, Abraham McClellan, McClure, McNeefe, Montgomery, Moore, Morgan, Matthias Morris, Samuel W. Morris, Murray, Noble, Palmer, Parker, Parmenter, Parris, Paynter, Petrik, Phelps, Plumer, Pratt, Rariden, Reily, Rencher, Rives, Robertson, Sawyer, Sheffer, Augustine H. Shepperd, Shepler, Snyder, Southgate, Spencer, Stuart, Swearingen, Taliaferro, Thomas, Tillinghast, Titus, Toucey, Towns, Turney, Underwood, Vail, Vandever, Wagener, Webster, Albert S. White, Whittey, Sherrard Williams, Jared W. Williams, Joseph L. Williams, and Yell—126.

NAYS—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Aycrig, Bell, Biddle, Bond, Borden, Briggs, William B. Calhoun, John Calhoun, Carter, Chambers, Cheatham, Childs, Coffin, Corwin, Cranston, Crockett, Curtis, Cushing, Davies, Dennis, Evans, Everett, Richard Fletcher, Isaac Fletcher, Fillmore, Giddings, Goode, William Graham, Graves, Grennell, Hall, Harlan, Hastings, Henry, Herod, Henry Johnson, William C. Johnson, Kennedy, Lincoln, Marvin, Sampson Mason, Maury, May, Maxwell, McKennan, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Ogle, Pearce, Peck, Pickens, Pope, Potts, Putnam, Randolph, Reed, Ridgway, Robinson, Russell, Saltonstall, Sergeant, Charles Shepard, Shields, Sibley, Slade, Smith, Stanley, Stone, Stratton, Thompson, Toland, John White, Christopher H. Williams, Wise, Word, and Yorke—85.

So the proposition as originally introduced was agreed to.

Pending the taking of the question,

Mr. ADAMS called the attention of the House to the fact that the resolution would be unconstitutional, on the ground that in elections by the House, the Constitution of the United States provided that they should be by ballot. At a subsequent stage, however,

Mr. WILLIAMS, of Kentucky, on leave, submitted the following resolution, which was agreed to:

*Resolved*, That the rule adopted on this day be modified as follows: after the word "House," in the 4th line, insert "of its officers."

On motion of Mr. GARLAND, of Virginia, the

use of the Hall was granted to the American Colonization Society for to-morrow evening.

On motion of Mr. CURTIS, it was

*Resolved*, That the drawing accompanying the report from the Engineer Department on the light house on Timm's Knoll, in the harbor of New York, be printed.

On motion of Mr. FILLMORE, it was

*Ordered*, That the drawings illustrative of the condition of certain improvements in navigation on Lake Erie, which accompany the annual report from the Topographical Bureau, and forming a part of the documents with the President's message, be printed.

On motion of Mr. WORD, it was

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of passing a law to confer circuit court jurisdiction on the District Court of the United States for the northern district of the State of Mississippi.

On motion of Mr. JOHNSON, of Maryland, it was

*Resolved*, That the use of this Hall be given to Professor J. Orville Taylor, of the University of New York, as requested by the American Common School Society, to deliver an address on Thursday evening, at — o'clock, on the condition of the common schools in this country, and in furtherance of the cause of general education throughout the United States.

Mr. MORGAN asked leave to present a resolution.

Mr. GARLAND, of Louisiana, objected.

On motion of Mr. MORGAN the rules were suspended; whereupon he offered the following resolution:

*Resolved*, That this House will, on to-morrow, at one o'clock, proceed to the election of a Chaplain to serve during the present session of Congress.

Mr. BRONSON moved to strike out "to-morrow, at one o'clock," and insert "this time;" which was disagreed to.

The resolution was then adopted.

On motion of Mr. SHIELDS, the House adjourned.

## IN SENATE.

TUESDAY, December 11, 1838.

The PRESIDENT communicated a report from the Commissioner of Public Buildings, made in pursuance of the act of March 3, 1829, showing the sums expended on the different public buildings for the past year.

He also communicated the memorial of Samuel H. Thompson; which was referred to the Committee on Naval Affairs.

## PETITIONS, ETC.

Mr. TIPTON presented the memorial of the heirs of Henry Conway, late captain in the revolutionary army; which was referred to the Committee on Revolutionary Claims.

Mr. CALHOUN presented the memorial of sundry citizens of Charleston, South Carolina, praying that an appropriation may be made for the erection of a light-house at Indian Key, Florida; and also asking for the establishment of a port of entry and delivery at that place; which was referred to the Committee on Commerce.

Mr. LUMPKIN presented the petition of Alfred Stewart, asking compensation for property taken from his late father in 1780, by the Cherokee Indians; which was referred to the Committee on Indian Affairs.

Mr. TIPTON presented the memorial of certain officers of the Army of the United States, asking for increase and graduation of their pay; which was referred to the Committee on Military Affairs.

Mr. MERRICK presented the petition of the widow of John L. De Van Brun; which was referred to the Committee on Revolutionary Claims. Also, the petition of the executors of William D. Cheevers, asking remuneration for supplies furnished the United States troops during the late war; which was referred to the Committee on the Judiciary.

Also, the memorial of Malachi Hagan, asking compensation for the occupation of his property by the United States troops in Florida; which was referred to the Committee on Claims.

Also, the petition of Eliza Causin, asking for the pension to which her father, the late Colonel Stone, was entitled; which was referred to the Committee on Pensions.

Also, the petition of John Brush, asking compensation for property destroyed during the last war with Great Britain; which was referred to the Committee on Claims.

Mr. NICHOLAS presented the petition of Albin Michel, and the petition of Albin Michel in behalf of the heirs of T. B. Lusser; which were severally referred to the Committee on Private Land Claims.

Also, the petition of Andrew Armstrong, asking a readjustment of his accounts as naval agent; which was referred to the Committee on Naval Affairs.

Mr. ROANE presented the petition of Ann Cook, widow of Charles Cook; which was referred to the Committee on Claims.

Mr. NILES presented the petition of Rufus Fox, asking for a pension; which was referred to the Committee on Pensions.

Mr. NORVELL presented the petition of Jacob Gideon, a soldier of the Revolution, asking for arrears of pensions; which was referred to the Committee on Pensions.

Also, the papers of the widow of Alexander Hamilton; which were referred to the Committee on Revolutionary Claims.

#### RESOLUTION AGREED TO.

The resolution submitted yesterday by Mr. WILLIAMS was considered, and agreed to.

#### NOTICES OF BILLS.

Mr. CLAY, of Alabama, gave notice that he would to-morrow ask leave to introduce the following bills:

A bill for the benefit of the Alabama, Florida, and Georgia Railroad Company; and

A bill for the benefit of the Selma and Tennessee Railroad Company.

Mr. LINN gave notice that he would to-morrow ask leave to bring in a bill for the relief of the representatives of Phillip Barbour, deceased.

Mr. RIVES gave notice that he would to-morrow ask leave to bring in a bill to regulate the pay of masters in the Navy.

Mr. FULTON gave notice that he would to-morrow ask leave to bring in a bill to settle the title to a certain tract of land in Arkansas.

Mr. YOUNG gave notice that he would to-morrow ask leave to introduce the following bills:

A bill granting to the State of Illinois the right of way through the public lands of the United States, and for other purposes;

A bill granting to the Galena and Chicago Union Railroad Company the right of way over the public lands of the United States, and for other purposes;

A bill granting a quantity of land to the Mississippi and Rock River Canal Company, in the State of Illinois, upon certain conditions therein expressed;

A bill for the relief of Thomas H. Owen, John W. Skidmore, and others;

A bill for the relief of James Dutton;

A bill for the relief of Jane Waller;

A bill for the relief of Isabella Hill, widow, and John Hill, Elizabeth Hill, and Samuel Hill, children and minor heirs-at-law of Samuel Hill, deceased;

A bill for the relief of Ephraim Sprague; and  
A bill authorizing the President of the United States to cause the reserved lead mines in the State of Illinois and Territories of Wisconsin and Iowa to be sold as other public lands.

Mr. DAVIS gave notice that to-morrow he would ask leave to bring in a bill for the relief of the captors of the brig Lydia; and

A bill for the relief of the owners of the brig Despatch.

Mr. McKEAN gave notice that he would on to-morrow ask leave to introduce a bill entitled "An act to revive and continue in force an act entitled 'An act to provide for persons who were disabled by known wounds received in the revolutionary war.'"

#### BILLS INTRODUCED.

Mr. LINN, on leave, and in pursuance of notice given, introduced a bill to authorize the issuing of a patent to the heirs or legal representatives of Francis Rivaud, deceased; which was read twice, and referred to the Committee on Private Land Claims.

Also, a bill to transfer to the citizens of the parish of Concordia, in the State of Louisiana, the interest of the United States to a certain tract of land; which was read twice, and referred to the Committee on Private Land Claims.

Also, a bill to confirm claims to land in the district between the Rio Hondo and Sabine rivers; which was referred to the Committee on Private Land Claims.

Also, a bill confirming certain land claims in Louisiana; which was read twice, and referred to the Committee on Private Land Claims.

Also, a bill to confirm certain land claims in the Ouachita land district, in the State of Louisiana; which was read twice, and referred to the Committee on the Public Lands.

Also, a bill for the relief of Joseph Bogy; which was read twice, and referred to the Committee on Private Land Claims.

Also, a bill for the relief of Jean B. Valle; which was read twice, and referred to the Committee on Indian Affairs.

Also, a bill for the relief of Sebastian Butcher, and the heirs and legal representatives of Bartholomew Butcher, Michael Butcher, and Peter Bloom; which was read twice, and referred to the Committee on Private Land Claims.

Also, a bill to continue in force the "Act for the final adjustment of private land claims in Missouri," approved 9th July, 1832, and the act supplemental thereto, approved 2d March, 1833; which was read twice, and referred to the Committee on Private Land Claims.

Also, a bill to authorize the occupation of the Columbia or Oregon territory; which was read twice, and referred to a select committee, consisting of Mr. LYNN, (chairman), Mr. CALHOUN, Mr. CLAY of Kentucky, Mr. WALKER, and Mr. PIERCE.

Mr. PRESTON, on leave, and in pursuance of notice given, introduced a joint resolution making an appropriation for the purchase of a site for a magazine and keeper's house in the city of Washington; which was read twice, and referred to the Committee on Military Affairs.

Mr. FULTON, on leave, and in pursuance of notice given, introduced a bill making appropriations to complete certain military roads in Arkansas; which was read twice, and referred to the Committee on Roads and Canals.

Also, a bill for the relief of sundry citizens of Arkansas, who have lost their improvements in consequence of a treaty between the United States and the Choctaw Indians; which was read twice, and referred to the Committee on Indian Affairs.

Also, a bill for the relief of Richard T. Banks, of Arkansas; which was read twice, and referred to the Committee on Indian Affairs.

Mr. SWIFT, on leave, and in pursuance of notice given, introduced a bill for the relief of John Newton; which, with papers relating to it, was referred to the Committee on Public Lands.

Mr. ROANE, on leave, and in pursuance of notice given, introduced a bill making an appropriation for the support of the Penitentiary of the District of Columbia; which was read twice, and referred to the Committee on the District of Columbia.

Mr. DAVIS, on leave, and in pursuance of notice given, introduced a bill making certain allowances to the executor of Loammi Baldwin, deceased; which was read twice, and referred to the Committee on Naval Affairs.

Mr. PRENTISS, on leave, in pursuance of notice given, introduced a bill to authorize the payment of invalid pensions in certain cases;

Also, a bill granting a pension to David Waller; which were severally read twice, and referred.

Also, a bill for the relief of Thomas L. Winthrop and others, directors of an association called the New England and Mississippi Land Company; which was read twice, and referred to the Committee on the Judiciary.

Mr. LYON, on leave, and in pursuance of notice given, introduced a bill making appropriations for the completion of certain roads begun by the United States in the State of Michigan; which was read twice, and referred to the Committee on Roads and Canals.

Also, a bill to change the location of the office of the surveyor general of the district composed of the States of Ohio, Indiana, and Michigan, and for other purposes; which was read twice, and referred to the Committee on Public Lands.

Also, a bill granting to the county of Kalamazoo, in the State of Michigan, the right of preemption to a quarter section of land, and for other purposes; which was read twice, and referred to the Committee on Public Lands.

Also, a bill to create an additional land office in the State of Michigan, and for other purposes; which was read twice, and referred to the Committee on Public Lands.

#### REPORT FROM A COMMITTEE.

Mr. CLAY, of Alabama, from the Committee on Public Lands, to which had been referred the bill to establish an additional land district in the State of Alabama, reported the same without amendment.

#### BILLS PASSED.

The following bills were severally read the third time, and passed:

The bill for the relief of Erastus Fairbanks and Thaddeus Fairbanks; and

The bill for the relief of Elisha Town.

#### RESOLUTIONS.

Mr. CLAY, of Alabama, submitted the following resolution; which was considered and adopted:

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of establishing a hospital at some point near the foot of the Muscle Shoals, for the accommodation of the sick and disabled boatmen and passengers navigating the Tennessee river.

Mr. NILES submitted the following resolution; which was considered and adopted:

*Resolved*, That the Committee on Pensions be instructed to inquire into the expediency of allowing an increase of pension to John I. Billings.

Mr. YOUNG submitted the following resolution; which was considered and adopted:

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of establishing ports of entry and delivery at the cities of Chicago and Alton, in the State of Illinois.

Mr. NILES submitted the following resolution; which was considered and adopted:

*Resolved*, That the Committee on Claims be instructed to inquire into the expediency of allowing the claim of Abel Gay and Walter Loomis, as original contractors for constructing the Cumberland road.

The resolution offered yesterday by Mr. Young, that the Committee on Commerce be instructed to inquire into the expediency of establishing a hospital for the accommodation of sick and disabled boatmen and passengers navigating the Mississippi and Ohio rivers, at the mouth of the Ohio river, in the State of Illinois, was, on motion of Mr. TIPTON, taken up, and, after being amended, was adopted.

On motion of Mr. CLAY, of Alabama, the joint resolution returning the thanks of Congress to George Washington Lafayette, was taken up, and referred to the Committee on the Library.

On motion of Mr. DAVIS, the Senate went into executive session, and afterwards adjourned.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, December 11, 1838.

As soon as the Journal was read, Mr. HAYNES rose and said that, as the committees were appointed, he asked leave to move that the House go into Committee of the Whole on the President's message.

Mr. MERCER objecting, Mr. HAYNES moved a suspension of the rules, but it did not prevail.

Petitions and memorials were then called for in the order of States, and were presented as follows:

Messrs. EVANS and NOYES, of Maine.

#### RIGHTS OF THE SOUTH.

When New Hampshire was called on, Mr. ATHERTON rose and asked leave to submit the following resolutions:

*Resolved*, That this Government is a Government of limited powers, and that, by the Constitution of the United States, Congress has no jurisdiction whatever over the institution of slavery in the several States of the Confederacy.

*Resolved*, That petitions for the abolition of slavery in the District of Columbia and the Territories of the United States, and against the removal of slaves from one State to another, are a part of a plan of operations set on foot to affect the institution of slavery in the several States, and thus indirectly to destroy that institution within their limits.

*Resolved*, That Congress has no right to do that indirectly which it cannot do directly; and that the agitation of the subject of slavery in the District of Columbia or the Territories, as a means, and with the view, of disturbing or overthrowing that institution in the several States, is against the true spirit and meaning of the Constitution, an infringement of the rights of the States affected, and a breach of the public faith upon which they entered into the Confederacy.

*Resolved*, That the Constitution rests on the broad principle of equality among the members of this Confederacy, and that Congress, in the exercise of its acknowledged powers, has no right to discriminate between the institutions of one portion of the States and another with a view of abolishing the one and promoting the other.

*Resolved*, therefore, That all attempts on the part of Congress to abolish slavery in the District of Columbia or the Territories, or to prohibit the removal of slaves from State to State, or to discriminate between the institutions of one portion of the Confederacy and another, with the views aforesaid, are in violation of the Constitution, destructive of the fundamental principle on which the Union of these States rests, and beyond the jurisdiction of Congress; and that every petition, memorial, resolution, proposition, or paper, touching or relating in any way, or to any extent whatever, to slavery as aforesaid, or the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid upon the table, without being debated, printed, or referred.

Mr. CUSHING objected to their introduction at this time.

Mr. ATHERTON thereupon moved a suspension of the rules.

Mr. ADAMS and Mr. CUSHMAN simultaneously demanded the yeas and nays; which, being ordered, were—yeas 137, nays 66; as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beers, Birme, Bell, Bicknell, Birdsal, Brodhead, Buchanan, Bynum, John Calhoun, Cambreleng, William B. Campbell, John Campbell, Carter, Chambers, Chapman, Cheatham, Clowney, Colles, Connor, Crabh, Craig, Cary, Crockett, Cushman, Dawson, Deberry, De Gruff, Dromgoole, Elmore, Farrington, Fairfield, Foster, Fry, Gall, James Garland, Rice Garland, Glascock, James Graham, Grantland, Grant, Gray, Griffin, Hammond, Hauer, Harlan, Harrison, Haynes, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Thomas B. Jackson, Jacob Jackson, Henry Johnson, Joseph Johnson, William Cost Johnson, Nathaniel Jones, John W. Jones, Keim, Kendle, Klingensmith, Lewis, Logan, Loomis, Lyon, Mallory, Martin, May, McKay, Robert McClellan, Abraham McClellan, McClure, McKennan, Menefee, Moore, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Palmer, Parker, Paynter, Pease, Penningbacker, Petrik, Phelps, Pickens, Plunier, Pope, Pratt, Reily, Rencher, Rhet, Rives, Robertson, Rumsey, Augustine H. Shepherd, Charles Shepard, Shields, Shupler, Snyder, Southgate, Spencer, Stanly, Stuart, Stone, Sweetening, Tallierro, Taylor, Thomas, Titts, Touney, Towus, Turner, Underwood, Vail, Wagener, Webster, Weeks, John White, Whitlesey, Sherman Williams, J. W. Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yell—137.

NAYS—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Ayerig, Bouldin, Briggs, William B. Calhoun, Casey, Childs, Clark, Coffin, Corwin, Cranston, Curtis, Cushing, Darlington, Davee, Davies, Dunn, Edwards, Evans, Everett, Ewing, Richard Fletcher, Isaac Fletcher, Fillmore, Giddings, Goode, William Graham, Grennell, Haley, Hall, Hays, Hastings, Derod, Ingham, Lincoln, Marvin, Sampson, Mason, Mitchell, Ingam, Morris, Naylor, Noyes, Penningbacker, Peck, Potts, Putnam, Rariden, Randolph, Reed, Ridgway, Robinson, Russell, Salmonstall, Sergeant, Shibley, Slade, Smith, Stratton, Tillinghast, Toland, Albert S. White, and York—66.

So the rules were suspended.

The resolutions being before the House,

Mr. ATHERTON addressed the Chair, as follows: In addressing the House, at this time, my object is very briefly to explain the purport of the resolutions just offered, and the reasons which have induced me to present them.

The first resolution declares:

"That this Government is a Government of limited powers, and that, by the Constitution of the United States, Congress has no jurisdiction whatever over the institution of slavery in the several States of the Confederacy."

To suppose that this resolution would not meet very general assent, would be to suppose that the most ultra Federal notions are entertained as to the powers of the General Government, and that those powers are considered as entirely absolute and unlimited.

The second resolution declares:

"That petitions for the abolition of slavery in the District of Columbia and the Territories of the United States, and against the removal of slaves from one State to another, are a part of a plan of operations set on foot to affect the institution of slavery in the several States, and thus indirectly to destroy that institution within their limits."

Legally and morally, Mr. Speaker, men are held responsible for the consequences which their acts have a manifest tendency to produce. This resolution contains an expression of *our opinion* as to the ultimate object and tendency of these petitions and memorials. Can any one who does not shut his eyes to what is going on around him doubt as to the effect and as to the intention of these petitions? I cannot doubt it, sir, without disbelieving the open avowals of these petitioners themselves. In saying this, I refer, however, not to many honest persons who have signed them without a sufficient examination of the important bearing of the question; nor to others,

such, for instance, as females and children, who have had, in affixing their signatures, too frequently no definite intention or object, but to those who call loudly for the presentation of these petitions, who get them up, who circulate them for signature, and whose business it seems to be to agitate the community on this subject.

The third resolution declares:

"That Congress has no right to do that indirectly which it cannot do directly, and that the agitation of the subject of slavery in the District of Columbia or the Territories, as a means, or with the view, of disturbing or overthrowing that institution in the several States, is against the true spirit and meaning of the Constitution, an infringement of the rights of the States affected, and a breach of the public faith, upon which they entered into this Confederacy."

The fourth resolution declares:

"That the Constitution rests on the broad principle of equality among the members of this Confederacy, and that Congress, in the exercise of its acknowledged powers, has no right to discriminate between the institutions of one portion of the States and another, with a view of abolishing the one and promoting the other."

I am not aware that any code of political construction or political morality ought to find favor in this House, by which the justice of these two resolutions shall not be fully admitted. Indeed, sir, I must say that all the resolutions to which I have adverted seem very like truisms, about which no dispute can be entertained; and it also seems to me that from these the principles contained in the fifth and last resolution follow by necessary consequence.

The fifth resolution declares:

"That, therefore, all attempts on the part of Congress to abolish slavery in the District of Columbia, or in the Territories, or to prohibit the removal of slaves from State to State, or to discriminate between the institutions of one portion of the Confederacy and another, with the views aforesaid, are in violation of the Constitution, destructive of the fundamental principles on which the Union of these States rests, and beyond the jurisdiction of Congress."

These are the principles laid down in the fifth resolution, and, as I have said, they seem to me to follow by necessary consequence from the preceding resolutions. But the fifth resolution proceeds still further, and provides for the mode of action of the House upon petitions, memorials, &c., on this subject; and from the principles embodied in the first part of the resolution, the propriety of the mode of action prescribed, becomes at once apparent.

The latter part of the resolution provides that every petition, memorial, resolution, proposition, or paper, tending or relating in any way, or to any extent whatever, to slavery as aforesaid, or the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid upon the table, without being debated, printed, or referred.

This provision is, in effect, similar to the resolution of the 24th of December, 1837, on the same subject. It is within the knowledge of all, that the resolution of the 24th of December was also nearly similar to a resolution adopted by the House several years since, after full examination of the subject by a committee. The Representatives of the State which I, in part, represent, voted for that resolution, and one of them was of the committee who reported it. Their course met the decided approbation of a majority of their constituents, as I believe has the course of those who supported the similar resolution of the 24th of December. At any rate, I may be pardoned for saying of that constituency, that they are too intelligent to be misled by the idle and utterly unfounded pretense that the adoption of such a resolution is a denial of any right of petition. Still, sir, as in some portions of the country, from not sufficiently attending to the reasons inducing it, this may have been considered a measure bordering on harshness, I have thought proper, in submitting that part of the last resolution prescribing the mode of action by the House, which is similar in effect to the resolution reported by Mr. PIERCE, and to the resolution of the 24th of December, 1837, to preface it with the matter preceding, embodying the reasons which not only render the propriety of this course evident, but show the impropriety of any other. I would treat these petitions precisely as I would any other involving similar considerations. These subjects have excited anxious attention and reflection here and elsewhere. It would be doing injustice to the intelligence of the members of this House to suppose that any one of them had not made up his mind on the question whether we have a right to

grant the prayer of these petitions or not. The Abolitionists themselves evince their own conviction that the minds of members, even before they enter this Hall, are made up on these subjects, by requiring them explicitly to state their opinions and the votes they intend to give. The matter has been once referred to a committee, who fully examined it, and reported such arguments as conclusively show our want of jurisdiction. Is it pretended that every petition must be referred, and a report be made in full upon it, and that the whole time of Congress should be spent upon the subject? The House, and each member of the House, has fully considered the subjects involved in these petitions. If, then, the House is decidedly of opinion that it has no right to act on these subjects as the petitioners desire, it is, as I conceive, our duty to dispose of the petitions with as little delay as possible, unless, indeed, our object be to waste our own time and the money of the people in discussion interminable and unavailing, or worse than unavailing, because intended to manufacture public sentiment for our constituents, rather than to acquire light for our own guidance, and thus indicating the assumption that we are the masters instead of the servants of the people. By the mode of action here prescribed, the petitions are to be presented like any other petitions; from the statement of their contents, required by the rules of the House, it is perceived that they relate to subjects which have been fully considered by the House, and on which a majority of the House have definitely formed an opinion that the House has no legitimate jurisdiction; and they are at once laid upon the table.

Believing, sir, as I do, that "the relation of master and slave is a matter exclusively within the regulation of the States where it exists, and that any interference by the inhabitants of other States in regard to it is not only unauthorized and intrusive, but faithless and dishonorable, as being against the letter and spirit of the sacred compact which binds us together"—believing that the agitation now practiced on the subject of the abolition of slavery, whether carried on under the pretext of maintaining the right of petition or any other pretext, results, either from a total misconception of the nature and rights of the General and State Governments, or, as there is reason to fear in some instances, from hostility to our established Republican institutions; that it tends to alienate the friendly regards of different parts of our country, and introduce sectional differences and divisions, to waste and consume the time of Congress, and enormously to increase the expenditure of the money of the people; that it is dangerous, not only to the rights of the citizens of the slaveholding States, but also, in the highest degree, to the integrity of the Union; that, if persisted in, it threatens to involve the whole country in the most alarming evils; and that it ought to be discountenanced by every friend of the Union and of Republican Government—I cannot but trust these resolutions will meet with the favorable consideration of the House.

Mr. A. then demanded the previous question.

Mr. WISE. I ask the gentlemen of the North, as the North has been heard, that the South shall be heard also. These are not southern resolutions, and I repudiate them as such. I wish to offer an amendment.

The SPEAKER said it was not in order.

Mr. CUSHING called for a division of the question, so as to take it on each resolution.

Mr. WISE. I ask leave of this House that the South may be heard upon this question.

The SPEAKER reminded the gentleman that he must be aware debate could not be entertained after the previous question had been demanded.

Mr. WISE. Then I ask that my resolution may be read.

The SPEAKER said it could only be done by unanimous consent.

[Cries of "No!" "No!" from various parts of the Hall.]

Mr. WISE. It is a plot sprung upon the South.

Mr. TILLINGHAST would ask the gentleman from New Hampshire if, after following up a speech and an argument by the previous question, he would not withdraw it for at least the same length of time for a reply that his argument had consumed?

[Cries of "Order!" "Order!"]

Mr. STANLEY said, to use the words of a gentleman from New York [Mr. CAMBRELENG] on another occasion, he wanted to see every man both North and South, toe the mark; and, therefore, he moved a call of the House; which was ordered.

When the name of Mr. Wise was called, that gentleman rose in his place and said, as a Representative of southern people and southern interests, I am not here on the subject of abolition.

The call was proceeded in; and two hundred and twenty-three members having responded, Mr. TITUS moved to dispense with its further proceedings.

Mr. STANLEY called for the yeas and nays; which, being ordered, were—yeas 113, nays 99; as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beers, Beirne, Bicknell, Birdsall, Brodhead, Bronson, Buchanan, Bynum, William B. Calhoun, Cambreleng, John Campbell, Casey, Chaney, Chapman, Cheatham, Clowney, Coles, Connor, Craig, Crary, Cushman, De Graff, Dromgoole, Duncan, Elmore, Everett, Farrington, Fairfield, I. Fletcher, Fillmore, Foster, Fry, Gallup, James Garland, Glascock, James Graham, Grantland, Grant, Gray, Griffin, Haley, Hamer, Harrison, Hawkins, Haynes, Herod, Holt, Hopkins, Howard, Hubley, William H. Hunter, Ingham, Thomas B. Jackson, Jenifer, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Klingensmith, Legare, Leadbetter, Logan, Loomis, Lyon, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Palmer, Parker, Parris, Paynter, Petrikin, Phelps, Pickens, Plumer, Pratt, Rhett, Rives, Robertson, Sawyer, Sheffer, Augustus H. Sheppard, Charles Shepard, Shepler, Snyder, Spencer, Stuart, Swearingen, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vandever, Wagener, Webster, Whittlesey, Sherrard Williams, Jared W. Williams, and Yell—113.

NAYS—Messrs. Adams, Alexander, Heman Allan, Ayer, Bell, Biddle, Bond, Borden, Briggs, Buchanan, William B. Campbell, Carter, Chambers, Childs, Clark, Coffin, Corwin, Crabb, Cranston, Curtis, Cushing, Dawson, Davies, Deberry, Dennis, Dunn, Edwards, Evans, Ewing, Richard Fletcher, Rice Garland, Giddings, Goode, William Graham, Graves, Grennell, Hall, Harlan, Harper, Hastings, Hawes, Herod, Robert M. T. Hunter, Jabez Jackson, Henry Johnson, William C. Johnson, Kennedy, Lewis, Lincoln, Mallory, Marvin, Sampson Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Parmenter, Pearce, Peck, Pope, Potts, Putnam, Rariden, Randolph, Reed, Ridgway, Robertson, Rumsey, Saltonstall, Sawyer, Sergeant, Shields, Sibley, Slade, Southgate, Stanley, Stone, Stratton, Talfierro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Sherrard Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yorke—99.

So all further proceedings under the call were dispensed with; and the question recurring on the second for the previous question,

Mr. WISE again asked that a resolution he had drawn up as an amendment be read.

Mr. CUSHMAN objected.

Mr. WISE moved a suspension of the rules; but the Chair ruled the motion to be out of order.

The previous question was seconded by the House—103 to 102—and ordering the main question.

Mr. GRENNELL demanded the yeas and nays; which were ordered.

Mr. BELL then rose, and said he would make a motion which he hoped would be assented to on all sides. It was to move that the House adjourn, and to order the resolutions to be printed and laid on their tables to-morrow, when they would vote understandingly upon them.

The SPEAKER said the motion to print would require unanimous consent.

Mr. BELL hoped no gentleman would object to a proposition that seemed to him so reasonable.

Objections were made, however, in several quarters, and Mr. BELL then made the motion to adjourn; on which

Mr. CUSHMAN demanded the yeas and nays; which, being ordered, were—yeas 102, nays 113; as follows:

YEAS—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Ayer, Bell, Biddle, Bond, Borden, Briggs, Buchanan, William B. Calhoun, John Calhoun, William B. Campbell, Carter, Chambers, Cheatham, Childs, Clark, Coffin, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Darling, Dawson, Davies, Dennis, Dunn, Evans, Everett, Ewing, Richard Fletcher, Isaac Fletcher, Fillmore, Rice Garland, Giddings, Goode, William Graham, Graves, Grennell, Hall, Harlan, Harper, Hastings, Hawes, Herod, Jabez Jackson, Henry Johnson, Kennedy, Lincoln, Marvin, Sampson Mason, Maury, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Parmenter, Pearce, Peck, Pope, Potts, Putnam, Rariden, Randolph, Reed, Rencher, Ridgway, Robinson, Rumsey, Russell, Saltonstall, Sergeant, Shields, Sibley, Slade, Smith, Southgate, Stanley, Stone, Stratton, Talfierro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yorke—102.

NAYS—Messrs. Anderson, Andrews, Atherton, Ayer, Banks, Beatty, Beers, Beirne, Bicknell, Birdsall, Bouldin, Brodhead, Bronson, Bynum, Cambreleng, John Campbell, Casey, Chaney, Chapman, Clowney, Coles, Connor, Craig, Crary, Cushman, Deberry, Dromgoole, Duncan, Elmore, Farrington, Fairfield, Foster, Fry, Gallup, Glascock, James Graham, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Jenifer, Joseph Johnson, William C. Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, Lyon, Mallory, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Palmer, Parker, Parris, Petrikin, Phelps, Pickens, Plumer, Pratt, Rhett, Rives, Robertson, Sawyer, Sheffer, Augustus H. Sheppard, Charles Shepard, Shepler, Snyder, Spencer, Stuart, Swearingen, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vandever, Wagener, Webster, Whittlesey, Sherrard Williams, Jared W. Williams, and Yell—113.

So the House refusing to adjourn, the question recurred on ordering the main question to be put.

Mr. MASON, of Ohio, then raised the question of order whether, as the 116th rule of the House provided that no standing rule should be changed without one day's notice, and as the 48th rule prescribed the mode of receiving petitions, and the fifth pending resolution proposed a change of that rule so far as a certain class of petitions was concerned, one day's notice should not have been given.

The SPEAKER said clearly not, and it had been so decided on a former occasion.

The vote was then taken; and the main question ordered—yeas 114, nays 107; as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beers, Beirne, Bicknell, Birdsall, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, William B. Campbell, John Campbell, Casey, Chaney, Chapman, Clowney, Coles, Connor, Crabb, Craig, Crary, Cushman, Dawson, Davee, Deberry, De Graff, Dromgoole, Duncan, Elmore, Farrington, Fairfield, Foster, Fry, Gallup, James Garland, Glascock, Grant, Gray, Griffin, Hammond, Hamer, Harrison, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Thomas B. Jackson, Jabez Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, Lyon, Mallory, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Mercer, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Palmer, Parker, Parris, Paynter, Petrikin, Phelps, Pickens, Plumer, Pratt, Reilly, Rhett, Rives, Charles Shepard, Shepler, Snyder, Spencer, Stuart, Swearingen, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Wagener, Webster, Weeks, Whittlesey, Jared W. Williams, and Yell—114.

NAYS—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Ayer, Bell, Biddle, Bond, Borden, Bouldin, Briggs, William B. Calhoun, John Calhoun, Carter, Chambers, Cheatham, Childs, Clark, Coffin, Corwin, Cranston, Crockett, Curtis, Cushing, Darling, Davies, Dennis, Dunn, Edwards, Evans, Everett, Ewing, Richard Fletcher, Isaac Fletcher, Fillmore, Rice Garland, Giddings, Goode, James Graham, William Graham, Graves, Grennell, Haley, Hall, Harlan, Harper, Hastings, Hawes, Herod, Ingham, Jenifer, Henry Johnson, William C. Johnson, Kennedy, Lincoln, Marvin, Sampson Mason, Maury, May, Maxwell, McKennan, Menefee, Milligan, Mitchell, Calvary Morris, Naylor, Parmenter, Pearce, Peck, Pope, Potts, Putnam, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Saltonstall, Sergeant, Augustus H. Sheppard, Shields, Sibley, Slade, Smith, Southgate, Stanley, Stone, Stratton, Talfierro, Thompson, Tillinghast, Toland, Underwood, Vandever, Albert S. White, John White, Sherrard Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yorke—107.

Mr. PETRIKIN called for the yeas and nays on the main question; which were ordered.

Mr. C. H. WILLIAMS said he wished to be excused from voting on these resolutions, unless he could have an opportunity of explaining his views upon them. They came in a questionable shape; and he could not vote for them without further examination. He therefore asked the House to be excused; but, before the question was propounded,

Mr. JOHNSON, of Maryland, said he had voted against adjourning before, because he could not persuade himself that the previous question would have been sustained; but seeing it had, he now renewed the motion.

Mr. PARKER called for the yeas and nays; which, being ordered, were—yeas 108, nays 113; as follows:

YEAS—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Ayer, Bell, Biddle, Bond, Borden, Briggs, Buchanan, William B. Calhoun, John Calhoun, William B. Campbell, Carter, Chambers, Cheatham, Childs, Clark, Coffin, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Darling, Dawson, Davies, Deberry, Dennis, Dunn, Evans, Everett, Ewing, Richard Fletcher, Isaac Fletcher, Fillmore, Fry, James Garland, Rice Garland, Giddings, Goode, Graves, Grennell, Haley, Hall, Harlan, Harper, Hastings, Hawes, Herod, Jabez Jackson, Jenifer, Henry Johnson, William C. Johnson, Kennedy, Lincoln, Marvin, Sampson Mason, Maury, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Parmenter, Pearce, Peck, Pope, Potts, Putnam, Rariden, Randolph, Reed, Rencher, Ridgway, Robinson, Rumsey, Russell, Saltonstall, Sergeant, Shields, Sibley, Slade, Smith, Southgate, Stanley, Stone, Stratton, Talfierro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yorke—108.

lor, Noyes, Parmenter, Pearce, Peck, Pope, Potts, Putnam, Rariden, Randolph, Reed, Rencher, Ridgway, Robinson, Rumsey, Russell, Saltonstall, Sergeant, Shields, Sibley, Slade, Smith, Southgate, Stanley, Stone, Stratton, Talfierro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Whittlesey, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yorke—108.

NAYS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beers, Beirne, Bicknell, Birdsall, Bouldin, Brodhead, Bronson, Bynum, Cambreleng, John Campbell, Casey, Chaney, Chapman, Clowney, Coles, Connor, Craig, Crary, Cushman, De Graff, Dromgoole, Duncan, Edwards, Elmore, Farrington, Fairfield, Foster, Gallup, Glascock, James Graham, William Graham, Grantland, Grant, Gray, Griffin, Hammond, Hamer, Harrison, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, Lyon, Mallory, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Palmer, Parker, Parris, Paynter, Petrikin, Phelps, Pickens, Plumer, Pratt, Rhett, Rives, Robertson, Sawyer, Sheffer, Augustus H. Sheppard, Charles Shepard, Shepler, Snyder, Spencer, Stuart, Swearingen, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vandever, Wagener, Webster, Weeks, Sherrard Williams, Jared W. Williams, and Yell—113.

So the House refused to adjourn.

The House also refused to excuse Mr. C. H. WILLIAMS from voting.

Mr. WISE gave his reasons, in part, for refusing to vote for or against the resolutions; but he was called to order for traveling out of the limits prescribed by the 30th rule. He stated that he should not vote.

Mr. STANLEY stated that he should not vote.

Mr. JENIFER stated that he should not vote.

Mr. UNDERWOOD moved the House to excuse him, for he could neither vote affirmatively nor negatively, without placing himself in a false position.

The House refused to excuse Mr. UNDERWOOD.

The question was then taken on the first resolution, and it was adopted—yeas 198, nays 6; as follows:

YEAS—Messrs. Alexander, Heman Allan, John W. Allen, Anderson, Andrews, Atherton, Ayer, Banks, Beatty, Beers, Beirne, Bell, Bicknell, Biddle, Birdsall, Bond, Borden, Bouldin, Briggs, Brodhead, Bronson, Buchanan, Bynum, John Calhoun, Cambreleng, John Campbell, William B. Campbell, Carter, Casey, Chambers, Chaney, Chapman, Cheatham, Childs, Clark, Clowney, Coffin, Coles, Connor, Corwin, Crabb, Craig, Crary, Cranston, Crockett, Curtis, Cushing, Cushman, Davee, Davies, Dawson, Deberry, De Graff, Dennis, Dromgoole, Duncan, Dunn, Edwards, Elmore, Farrington, Fairfield, Isaac Fletcher, Fillmore, Foster, Fry, James Garland, Rice Garland, Giddings, Glascock, Goode, James Graham, William Graham, Grantland, Grant, Graves, Gray, Grennell, Griffin, Haley, Hall, Hammond, Hamer, Harlan, Harrison, Harper, Hawes, Hawkins, Haynes, Herod, Holt, Hopkins, Howard, Hubley, Robert M. T. Hunter, William H. Hunter, Ingham, Jabez Jackson, Thomas B. Jackson, Henry Johnson, Joseph Johnson, William C. Johnson, John W. Jones, Nathaniel Jones, Keim, Kemble, Kennedy, Klingensmith, Legare, Leadbetter, Lewis, Lincoln, Logan, Loomis, Lyon, Mallory, Marvin, James M. Mason, Sampson Mason, Martin, Maury, May, Maxwell, McKay, Abraham McClellan, Robert McClellan, McClure, McKennan, Menefee, Mercer, Milligan, Mitchell, Montgomery, Moore, Morgan, Calvary Morris, Samuel W. Morris, Murray, Naylor, Noble, Palmer, Parker, Parmenter, Parris, Paynter, Petrikin, Phelps, Pickens, Plumer, Pope, Pratt, Putnam, Randolph, Riley, Rencher, Rhett, Ridgway, Rives, Robertson, Robinson, Rumsey, Saltonstall, Sawyer, Sheffer, Charles Shepard, Augustus H. Sheppard, Shields, Shepler, Sibley, Smith, Snyder, Southgate, Spencer, Stuart, Stone, Stratton, Swearingen, Talfierro, Taylor, Thomas, Thompson, Titus, Toland, Toucey, Towns, Turney, Vail, Wagener, Webster, Albert S. White, John White, Whittlesey, Christopher H. Williams, Jared W. Williams, Joseph L. Williams, Sherrard Williams, Word, Yell, and Yorke—194.

NAYS—Messrs. Adams, Evans, Everett, Potts, Russell, and Slade—6.

On motion of Mr. COFFIN, the House then adjourned.

## IN SENATE.

WEDNESDAY, December 12, 1838.

The PRESIDENT presented the following communication from JOHN QUINCY ADAMS:

To the President of the Senate and Speaker of the House of Representatives of the United States:

In compliance with the request of Mr. George Washington Lafayette, and of the respected family of our late illustrious and ever-venerated friend, General Lafayette, I have the honor of presenting to Congress, in their name, a copy of the memoirs and writings of their honored parent, recently published by them, to be deposited in the Library of Congress.

JOHN Q. ADAMS.

HOUSE OF REPRESENTATIVES, UNITED STATES.

Mr. DAVIS moved the reconsideration of the vote of yesterday, referring the joint resolution on this subject to the Committee on the Library.

and that it be considered at this time; which motion was agreed to, and the motion to refer the resolution was reconsidered and rejected.

The PRESIDENT observed, in reply to a suggestion of Mr. D. that the resolution would now come up in its regular order.

#### PETITIONS, ETC.

The PRESIDENT presented a memorial of a number of citizens of Alabama, praying that records of the surveys of the public lands may be preserved at the district land office; which was referred to the Committee on Public Lands.

Mr. McKEAN presented the petition of John Midwinter, praying for a pension, in consideration of services rendered during the last war; which was referred to the Committee on Pensions.

Mr. PRESTON presented the memorial of Mrs. Harriet Baker; which was referred to the Committee on Revolutionary Claims, and ordered to be printed.

Mr. SMITH, of Connecticut, presented the petition of James Logan, and others, asking for a modification of the pension law; which was referred to the Committee on Pensions.

Mr. WALKER presented the petition of citizens of the counties of Yalobusha and Choctaw, in the State of Mississippi, for the establishment of a post route from Coffeeville, in Yalobusha county, through Graysport, to Bellefontaine, in the county of Choctaw; which petition was referred to the Committee on the Post Office and Post Roads.

On motion of Mr. HUBBARD, the petition and papers of Amasa C. Brown, on the files of the last session, together with some additional evidence, were referred to the Committee on Pensions.

Mr. ROANE presented the petition of the executor of Thomas Griffin, of the revolutionary army, asking for the commutation of the deceased; which was referred to the Committee on Revolutionary Claims.

Also, the petition of Lieutenant John Goggan and Ensign Robert Walker, of the revolutionary army, asking for commutation pay; which was referred to the Committee on Revolutionary Claims.

Mr. BUCHANAN presented the memorial of Commodore David Porter, asking, for reasons therein stated, and very forcibly stated, for the arrears of his pension; which was referred to the Committee on Naval Affairs.

Mr. WRIGHT presented the petition of True-man Hastings and others, praying that post offices may not be compelled to remain open on Sundays; which was referred to the Committee on the Post Office and Post Roads.

Mr. FULTON presented the memorial of the Legislature of the State of Arkansas, asking that the franking privilege may be extended to the Governors of States; which was referred to the Committee on the Post Office and Post Roads.

Mr. TIPTON presented a memorial of the Mount Carmel and New Albany Railroad Company, for the right of way through the public lands, and a donation of land to aid said company; which was referred to the Committee on Roads and Canals.

Mr. RIVES presented a memorial signed by numerous surgeons in the Navy, praying an alteration in their pay; which was referred to the Committee on Naval Affairs, and ordered to be printed.

On motion of Mr. WALL, the petition and papers of John H. Macintosh, on the files of the last session were again referred to the Committee on Claims.

Mr. DAVIS presented the petition of Josephine Nourse, widow of Dr. Benjamin Nourse, a surgeon in the Army, asking for the half pay of the deceased; which was referred to the Committee on Military Affairs.

#### REPORTS FROM COMMITTEES.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the bill for the relief of William East, reported the same without amendment, accompanied by a report; which was ordered to be printed.

Mr. LYON, from the Committee on Roads and Canals, to which had been referred a bill making appropriations for the completion of certain roads begun by the United States in the State of Michigan, reported the same without amendment.

Mr. WALL, from the Committee on the Judiciary, to which had been referred the bill to amend the act entitled "An act for the punishment of certain crimes against the United States," reported the same without amendment.

Also, from the same committee, the bill to prevent the counterfeiting of foreign copper, gold, and silver coins, and to prohibit the bringing the same into the United States, without amendment.

Mr. TIPTON, from the Committee on Roads and Canals, to which had been referred the resolution of the Senate on the subject, reported a bill making an appropriation for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois; which was read, and ordered to a second reading.

Mr. WALL, from the same committee, also reported the following:

*Resolved*, That the Secretary of the Treasury be instructed to communicate to the Senate the sum of money paid out of the Treasury under private appropriations made, or private bills passed by Congress since the first Monday in December, 1833, distinguishing the amount thereof made at each session of Congress during the said period, and the persons to whom and for what purpose paid; and also what sums, if any, remain unpaid:

Which was adopted.

#### LIBRARY OF CONGRESS.

Mr. ROBBINS offered a resolution that the Senate appoint a committee, to act with the House committee, to superintend the expenditure of moneys appropriated for the library of Congress; which was adopted.

In accordance with the resolution, the PRESIDENT appointed Messrs. ROBBINS, ALLEN, and WALL as said committee on the part of the Senate.

#### RESOLUTIONS.

Mr. McKEAN offered the following resolution; which was adopted:

*Resolved*, That the Committee on Naval Affairs be instructed to inquire into the expediency of making an allowance for house rent to the officers of the navy-yard at Philadelphia.

Mr. FULTON offered the following resolution; which was adopted:

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to enable the Secretary of War to continue the service of a suitable boat and crew to be employed in preventing the formation of a raft in Red river, in that part of said river from which the old raft has been removed.

Mr. WALKER offered the following resolution; which was agreed to:

*Resolved*, That the Secretary of the Treasury be directed to report to the Senate, at as early a period as practicable, the number of superficial acres within each of the States of Alabama and Mississippi embraced in the treaty at Dancing Rabbit creek with the Choctaw Indians, designating in said report what quantity of said land in each of said States has been surveyed, what quantity still remains unsurveyed, what portion has been offered at public sale, how much has been sold, and what quantity is now subject to entry at private sale in each of said States.

Mr. TIPTON offered the following resolution; which was agreed to:

*Resolved*, That the Secretary of the Treasury be directed to transmit to the Senate a plat of the townships of public land through which the line of a road from New Albany, Corydon, Fredonia, and Princeton, Indiana, to Mount Carmel, Illinois, will pass, distinguishing between the tracts of land remaining unsold and those which have been sold, and situated within six miles of said road.

Mr. YOUNG submitted the following resolution; which was considered and adopted:

*Resolved*, That the Secretary of the Treasury be directed to report to the Senate whether certain exiles from Poland, to whom a grant of thirty-six sections of land was made by the act of Congress of June 30, 1834, upon certain conditions expressed in said act, have complied with the conditions; and if not, whether the said grant will be considered as forfeited by the Department, and the lands selected by their agent on the waters of Rock river, in the State of Illinois, subject to sale and entry as other public lands, without further legislation on the subject.

#### BILLS INTRODUCED.

Mr. RIVES, on leave, and in pursuance of notice given, introduced a bill regulating the pay of masters in the Navy; which was read twice, and referred to the Committee on Naval Affairs.

Mr. McKEAN, on leave, and in pursuance of notice given, introduced a bill to continue in force an act entitled "An act to provide for the relief of persons disabled by known wounds during the war."

Mr. FULTON, on leave, and in pursuance of notice given, introduced a joint resolution to authorize an examination and payment of the claims

of the workmen on the public buildings; which was read twice, and referred to the Committee on the Public Buildings.

Mr. DAVIS, on leave, and in pursuance of notice given, introduced a bill for the relief of the owners of the brig Despatch; which was read twice, and referred to the Committee on Commerce.

Also, a bill to remunerate the captors of the privateer Lydia; which was also read twice, and referred to the same committee.

Mr. DAVIS, on leave, and in pursuance of notice given, introduced a bill to provide for the final settlement and payment of the claims of States upon the United States for interest upon advances made by them during the last war with Great Britain; which was read twice, and referred.

Mr. FULTON, on leave, and in pursuance of notice given, introduced a bill to settle the title to a certain tract of land in Arkansas.

Mr. CLAY, of Alabama, on leave, introduced the following bills:

A bill to relinquish to the State of Alabama the two per cent. fund reserved to that State by the act providing for her admission into the Union to be applied to the making of roads leading to said State; which was read twice, and referred.

A bill for the benefit of the Alabama, Florida, and Georgia Railroad Company; and

A bill for the benefit of the Selma and Tennessee Railroad Company.

The last two, after being read twice, were referred to the Committee on Public Lands.

Mr. YOUNG, on leave, and in pursuance of notice given, introduced a bill to authorize the President of the United States to cause the reserved lead mines in Illinois, and the Territories of Wisconsin and Iowa to be sold as other public lands; which was read twice, and referred.

Mr. YOUNG also, on leave, and in pursuance of notice given, introduced a bill granting to the State of Illinois the right of way through the public lands, and for other purposes; which was read twice, and referred.

#### NOTICES OF BILLS.

Mr. RUGGLES gave notice that to-morrow he would ask leave to introduce a bill for the relief of Daniel Bates.

Mr. ROANE gave notice that to-morrow he would ask leave to introduce a joint resolution, directing the manner in which certain laws of the District of Columbia shall be executed.

Mr. PRESTON gave notice that he would to-morrow ask leave to bring in a bill to regulate the pay of brevet officers.

The joint resolution presenting the thanks of Congress to George W. Lafayette, the son, and the surviving family of General Lafayette, was taken up, considered, and adopted.

#### ORDERS OF THE DAY.

The bill to provide for the reduction and graduation of the price of the public lands was taken up as the order of the day.

Mr. WALKER observed that when the amendment offered by the Committee on Public Lands, striking out the reduction of fifty cents, should be adopted, the bill would be precisely the same as the one which was so fully discussed at the last session, and passed by so large a majority. As this was the short session, it was necessary that this measure, so important to the citizens of the new States, should be acted on speedily in this House, if there was any hope of a final decision on it by both Houses. He hoped, therefore, that there would be no objection to acting on the bill, now that it had been reached in the orders of the day.

Mr. CLAY, of Alabama, said that the gentleman from Mississippi had correctly stated the character of the bill and the proposed amendment. It was precisely in the form of the present bill that the one of last session was introduced, and a similar amendment was adopted before it passed. He had hoped, when he introduced this bill, that as the reduction of fifty cents an acre only applied to lands that had been offered for fifteen years at the minimum price of \$1 25 an acre, and then for one year, at one dollar, and after that, for another year, at seventy-five cents; considering, he said, the length of time that these lands must have been in the market before this reduction would

apply, he had hoped that the gentlemen who opposed it the last session would withdraw their objections at this, and that the bill would be passed without this amendment. As, however, some of the friends of the bill still entertained the same objections to this lowest reduction, he should not now occupy the time of the session in discussing its propriety, though the amendment operated with peculiar hardships in some sections of the new States, and particularly in his own. He agreed with his friend from Mississippi, that if there was any hope of getting a final decision on the bill by both Houses before the close of this session, it was important that the action of this body upon it should be a speedy one; and he indulged the hope that, inasmuch as the bill had been passed by a large majority at the last session, after an able and full discussion, that the amendment would be disposed of, and the bill passed now.

Mr. CLAY, of Kentucky, remarked that he came to the Senate this morning with no expectation that this measure, fraught with such conceivable importance to the public interests, would occupy their attention to-day; and he therefore came without any sort of preparation for its discussion. He was not in the habit at any time, nor was it his purpose on this occasion, to throw any impediments in the way of a bill, so as to defeat a fair consideration of it by both Houses; but still he thought that a measure of this nature should not be acted on without some time being allowed for preparatory consideration. His impressions as to the impolicy of disturbing the existing land system, and still more as to the impolicy of changing the price of the public lands, were well known to the Senate and to the public: still he should have liked a further opportunity for consideration on this important measure, and for expressing his views with regard to it. He was aware that the subject had been fully discussed at the last session, and that the body, with but few changes, was the same now as then; and with respect to them a repetition of the discussion was not important; still he thought there could not be imposed on this great question too anxious a consideration; and he therefore hoped that it would not be pressed now.

Mr. C. then moved that the bill be postponed to, and made the order of the day for, Monday next.

Mr. CLAY, of Alabama, said that he would not object to the postponement, but for the fact that the bill had been so recently and so fully discussed, and was so thoroughly understood by every member of the body. It had been not only fully discussed in both Houses of Congress at the last session, but had undergone a considerable discussion in the public papers throughout the country. The honorable Senator himself had been heard in opposition to it; and, though he wished for further discussion, he had not intimated that he had any new views to offer, or could throw further light on the subject. It did seem to him that, as the bill had been lost at the last session only from want of time for action on it in both Houses, its friends could not consistently consent to delay it now. He would not, he repeated, object to the postponement asked for, if he expected the gentleman to throw any new light on the subject; but as the measure was one of vital importance to the new States, and especially to the one he represented, he could not, under the circumstances he had adverted to, and he hoped the friends of the bill would not, consent to its postponement.

The question was then taken on Mr. CLAY's motion; and it was carried; so that the bill was postponed to, and made the order of the day for, Monday next.

The bill for the relief of the heirs of John Branhan, late receiver of public moneys at Huntsville, Alabama, was taken up and considered as in Committee of the Whole; and, after being explained and advocated by Mr. CLAY, of Alabama, was ordered to be engrossed for a third reading.

The following bills were also read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill for the relief of William Jones; and

The bill to establish an additional land office in the State of Alabama.

After the consideration of executive business, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 12, 1838.

The first business in order was the consideration of the resolutions introduced yesterday by Mr. ATHERTON.

As soon, however, as the Journal was read, Mr. WISE rose and remarked that he did not perceive entered on the record the fact that he had refused to vote yesterday; and, as he wanted his constituents to see that he had not entertained the subject of abolition of slavery in the States, he moved that the Journal be corrected accordingly.

The motion was disagreed to.

Mr. WISE inquired if this motion would not go on the Journal of to-day?

The SPEAKER replied that it would.

Mr. WISE's object was attained, then.

Mr. CAMPBELL, of Tennessee, inquired if it would be in order then to move a reconsideration of the vote for the previous question.

The SPEAKER was of opinion that it would not, as the vote was in progress of being taken.

The second resolution was then read, as follows:

*Resolved*, That petitions for the abolition of slavery in the District of Columbia and the Territories of the United States, and against the removal of slaves from one State to another, are a part of a plan of operations set on foot to affect the institution of slavery in the several States, and thus indirectly to destroy that institution within their limits.

Mr. BIDDLE asked permission to decline voting on the second proposition, as wantonly stigmatizing a mass of men. While he could not vote for it, he knew the reckless audacity with which a vote against it might be used to create a false impression. Mr. B. referred to the stand he had taken in his own district on this subject, and the manner in which he had been sustained. His Van Buren opponent had refused to answer the interrogatories propounded. Mr. B. thought that a body of honorable men ought not to place him in this false light for the mere transient purposes of party, with a view to influence the elections at the South, now that those at the North had been got through with. Mr. B. was proceeding further, but

The SPEAKER interposed, on the ground that the gentleman was transgressing the rules.

The House refused to excuse Mr. BIDDLE.

The question was then taken on the second resolution, and it was adopted—yeas 136, nays 65; as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beers, Beirne, Bell, Bicknell, Birdsall, Bouldin, Brodhead, Buchanan, Bynum, John Calhoun, Cambreleng, William B. Campbell, Carter, Casey, Chambers, Chaney, Chapman, Clowney, Coles, Connor, Crabb, Craig, Crary, Crockett, Cushman, Dawson, Deberry, Dennis, Dromgoole, Duncan, Elmore, Farrington, Fairfield, Isaac Fletcher, Foster, Gallup, James Garland, Rice Garland, Glascock, James Graham, Grantland, Grant, Graves, Gray, Griffin, Hamer, Harlan, Harrison, Hawes, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, Robert M. T. Hunter, Thomas B. Jackson, Jabez Jackson, Henry Johnson, Joseph Johnson, William C. Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kennedy, Klingsmith, Leadbetter, Lewis, Loomis, Lyon, Mallory, Martin, James M. Mason, McNeill, Robert McClellan, Abraham McClellan, McClure, Menefee, Mercer, Milligan, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Palmer, Parker, Paynter, Pearce, Petrik, Phelps, Pickens, Plummer, Pope, Pratt, Prentiss, Randolph, Riley, Rencher, Rhett, Ridgway, Rives, Robertson, Rumsey, Sawyer, Augustine H. Shepperd, Charles Shepard, Shields, Shepler, Snyder, Southgate, Spencer, Stuart, Stone, Swearingen, Taliaferro, Taylor, Titus, Toucey, Towns, Turney, Vail, Wagener, Albert S. White, John White, Whittlesey, Sherrard Williams, Jared W. Williams, Christopher H. Williams, Word, and Yell—136.

NAYS—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Ayer, Bond, Briggs, William B. Calhoun, Childs, Clark, Coffin, Corwin, Cranston, Cushing, Darling, Davee, Davies, Dunn, Edwards, Evans, Everett, Ewing, Richard Fletcher, Fillmore, Fry, Giddings, Goode, William Graham, Grennell, Hall, Halsted, Harper, Hastings, Henry, Herod, Lincoln, Marvin, Sampson Mason, Maxwell, McKennan, Mitchell, Calvary Morris, Naylor, Noyes, Parmenter, Peck, Potts, Putnam, Rariden, Randolph, Reed, Ridgway, Edward Robinson, Russell, Saltonstall, Sergeant, Sibley, Slade, Smith, Stratton, Tillinghast, Toland, Albert S. White, Joseph L. Williams, and Yorke—65.

Mr. WISE, when his name was called, said: I refuse to vote.

Mr. CUSHING raised the question of order, that the gentleman was bound to vote unless excused; and that, as the names must be called alphabetically, the Clerk could not proceed to the next name and pass over that of Mr. WISE.

The SPEAKER said the point had been decided before; the roll must be proceeded with, after being once commenced.

Mr. CUSHING gave notice that he should raise the question again.

Mr. BRONSON, who stated that he was momentarily absent from his seat when his name was called, asked leave to record his name in the affirmative; but leave was not granted.

As soon as the roll was gone through, and before the vote was announced,

Mr. CUSHING again raised the above question; but it was ruled to be out of order.

The third resolution was then read, as follows:

*Resolved*, That Congress has no right to do that indirectly which it cannot do directly; and that the agitation of the subject of slavery in the District of Columbia, or the Territories, as a means, and with the view, of disturbing or overthrowing that institution in the several States, is against the true spirit and meaning of the Constitution, an infringement of the rights of the States affected, and a breach of the public faith upon which they entered into the Confederacy.

Mr. BOND called for a division of the question, so as to take the vote first on the following branch only:

*Resolved*, That Congress has no right to do that indirectly which it cannot do directly.

The vote being so taken, resulted in the affirmative—yeas 173, nays 30; as follows:

YEAS—Messrs. Alexander, John W. Allen, Anderson, Andrews, Atherton, Ayer, Banks, Beatty, Beers, Beirne, Bell, Bicknell, Birdsall, Bouldin, Brodhead, Bronson, Buchanan, Bynum, John Calhoun, Cambreleng, William B. Campbell, John Campbell, Carter, Casey, Chaney, Chapman, Clark, Clowney, Coffin, Coles, Connor, Corwin, Crabb, Craig, Crary, Crockett, Cushman, Dawson, Davee, Deberry, De Graff, Dennis, Dromgoole, Duncan, Dunn, Edwards, Elmore, Ewing, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, Gallup, James Garland, Rice Garland, Glascock, Goode, James Graham, William Graham, Grantland, Grant, Graves, Gray, Griffin, Haley, Halstead, Hammond, Hamer, Harlan, Harrison, Harper, Hawes, Hawkins, Haynes, Henry, Herod, Holt, Hopkins, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Jabez Jackson, Henry Johnson, Joseph Johnson, William C. Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Klingsmith, Legare, Leadbetter, Lewis, Logan, Loomis, Lyon, Mallory, James M. Mason, Sampson Mason, Martin, Maury, May, Maxwell, McKay, Robert McClellan, Abraham McClellan, McClure, McKenney, Mercer, Milligan, Mitchell, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Noyes, Palmer, Parker, Parris, Paynter, Pearce, Petrik, Phelps, Pickens, Plummer, Pope, Pratt, Prentiss, Randolph, Riley, Rencher, Rhett, Ridgway, Rives, Robertson, Rumsey, Sawyer, Augustine H. Shepperd, Charles Shepard, Shields, Shepler, Snyder, Southgate, Spencer, Stuart, Stone, Swearingen, Taliaferro, Taylor, Titus, Toucey, Towns, Turney, Vail, Wagener, Albert S. White, John White, Whittlesey, Sherrard Williams, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, Word, and Yell—173.

NAYS—Messrs. Adams, Heman Allan, Bond, Borden, Briggs, Childs, Cranston, Curtis, Cushing, Darlington, Davies, Evans, Everett, Richard Fletcher, Fillmore, Giddings, Grennell, Hall, Kennedy, Lincoln, Calvary Morris, Peck, Potts, Putnam, Rariden, Saltonstall, Slade, Smith, Tillinghast, and Yorke—30.

So the first branch of the third resolution was adopted.

The second branch being read,

Mr. GARLAND, of Louisiana, inquired if the mover himself could modify this resolution?

The SPEAKER said he could not after the House had seconded the previous question upon it.

Mr. GARLAND, of Louisiana. Could he not do it by the unanimous consent of the House?

The SPEAKER. Certainly.

Mr. GARLAND, of Louisiana, asked it, but it was objected to.

Mr. WISE called for such a division of the question as would, in the first instance, omit the sentence after the word "Columbia" to the word "States," in the sixth line.

The SPEAKER said the proposition was not susceptible of such a division, because that sentence could not stand by itself as a substantive proposition.

The question was then taken, and resulted also in the affirmative—yeas 164, nays 40; as follows:

YEAS—Messrs. Alexander, John W. Allen, Anderson, Andrews, Atherton, Ayer, Banks, Beatty, Beers, Beirne, Bell, Bicknell, Birdsall, Bond, Bouldin, Brodhead, Bronson, Buchanan, Bynum, John Calhoun, Cambreleng, John Campbell, Carter, Casey, Chambers, Chaney, Chapman, Clark, Clowney, Coffin, Coles, Connor, Corwin, Crabb, Craig, Crary, Crockett, Curtis, Cushman, Dawson, Davee, Deberry, De Graff, Dennis, Dromgoole, Duncan, Edwards, Elmore, Farrington, Fairfield, Foster, Fry, Gallup, James Garland, Rice Garland, Glascock, James Graham, Grantland, Grant, Graves, Gray, Griffin, Haley, Hammond, Hamer, Harlan, Harper, Hawes, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Jabez Jackson, Henry Johnson, Joseph Johnson, William C. Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kennedy, Klingsmith, Legare, Leadbetter, Lewis, Logan, Loomis, Lyon, Mallory, James M. Mason, Martin, Maury, May,

Maxwell, McKay, Robert McClellan, Abraham McClellan, McClure, Menefee, Mercer, Milligan, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Palmer, Parker, Parris, Paynter, Pearce, Petrik, Phelps, Pickens, Plumer, Pope, Pratt, Randolph, Reily, Rencher, Rhett, Rivers, Robertson, Rumsey, Sawyer, Augustine H. Sheppard, Charles Shepard, Shields, Shepler, Snyder, Southgate, Spencer, Stuart, Stone, Stratton, Swearingen, Taliaferro, Taylor, Thomas, Thompson, Titus, Toucey, Turney, Vail, Wagener, Webster, Albert S. White, John White, Whittlesey, Sherrard Williams, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, Word, Yell, and Yorke—164.

**NAYS**—Messrs. Adams, Heman Allan, Borden, Briggs, William B. Calhoun, William B. Campbell, Childs, Cranston, Cushing, Darlington, Davies, Dunn, Evans, Everett, Richard Fletcher, Isaac Fletcher, Fillmore, Giddings, Goode, Grennell, Hall, Halstead, Hastings, Lincoln, Sampson Mason, McKennan, Mitchell, Calvary Morris, Noyes, Peck, Potts, Putnam, Rariden, Ridgway, Robinson, Russell, Saltonstall, Slade, and Tillinghast—40.

So the third resolution was adopted, and the fourth was taken up, as follows:

*Resolved*, That the Constitution rests on the broad principle of equality among the members of this Confederacy, and that Congress, in the exercise of its acknowledged powers, has no right to discriminate between the institutions of one portion of the States and another, with a view of abolishing the one and promoting the other.

Mr. LINCOLN called for a division of the question on this resolution, so as to take it first on the following branch:

*Resolved*, That the Constitution rests on the broad principle of equality among the members of this Confederacy.

Such a division being accordingly ordered, the vote thereon resulted affirmatively—yeas 180, nays 26; as follows:

**YEAS**—Messrs. Alexander, John W. Allen, Anderson, Andrews, Atherton, Ayer, Banks, Beatty, Beers, Beirne, Bell, Bicknell, Birdsall, Bond, Briggs, Broadhead, Bronson, Buchanan, Bynum, John Calhoun, Cambreleng, William B. Campbell, John Campbell, Carter, Casey, Chaney, Chapman, Clark, Clowney, Coffin, Coles, Connor, Corwin, Crabb, Craig, Cray, Crockett, Cushing, Cushman, Dawson, Davis, Deberry, De Graff, Dennis, Dromgoole, Duncan, Dunn, Edwards, Elmore, Ewing, Farrington, Fairfield, Isaac Fletcher, Fillmore, Foster, Fry, Gallup, James Garland, Rice Garland, Giddings, Glascock, Goode, James Graham, William Graham, Grantland, Grant, Gray, Griffin, Haley, Halstead, Hammond, Hamer, Harlan, Harrison, Harper, Hawes, Hawkins, Haynes, Henry, Herod, Holt, Hopkins, Howard, Hubley, Robert M. T. Hunter, Iugham, Thomas B. Jackson, Jabez Jackson, Henry Johnson, Joseph Johnson, William C. Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, Lyon, Mallory, James M. Mason, Martin, Maury, May, McKay, Robert McClellan, Abraham McClellan, McClure, McKennan, Menefee, Mercer, Milligan, Mitchell, Montgomery, Moore, Morgan, Samuel W. Morris, Calvary Morris, Murray, Naylor, Noble, Noyes, Palmer, Parker, Parmenter, Parris, Paynter, Pearce, Peck, Petrik, Phelps, Pickens, Plumer, Pope, Pratt, Putnam, Rariden, Reily, Rencher, Rhett, Ridgway, Rivers, Robertson, Rumsey, Sawyer, Augustine H. Sheppard, Charles Shepard, Shields, Shepler, Snyder, Southgate, Spencer, Stuart, Stone, Stratton, Swearingen, Taliaferro, Taylor, Thomas, Thompson, Titus, Toucey, Towns, Turney, Vail, Vandever, Wagener, Webster, John White, Whittlesey, Sherrard Williams, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, Word, and Yell—180.

**NAYS**—Messrs. Adams, Heman Allan, Borden, William B. Calhoun, Cranston, Curtis, Darlington, Davies, Evans, Everett, Richard Fletcher, Hall, Hastings, Kennedy, Lincoln, Maxwell, Potts, Randolph, Robinson, Russell, Saltonstall, Slade, Tillinghast, Albert S. White, and Yorke—26.

The second branch of this resolution was also agreed to—yeas 174, nays 24; as follows:

**YEAS**—Messrs. Alexander, John W. Allen, Anderson, Andrews, Atherton, Ayer, Banks, Beatty, Beers, Beirne, Bell, Bicknell, Birdsall, Bond, Bouldin, Briggs, Broadhead, Bronson, Buchanan, Bynum, Cambreleng, William B. Campbell, John Campbell, Carter, Casey, Chaney, Chapman, Clark, Clowney, Coffin, Coles, Connor, Corwin, Crabb, Craig, Cray, Crockett, Cushing, Cushman, Dawson, Davis, Deberry, Dennis, Dromgoole, Duncan, Edwards, Ewing, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, James Garland, Rice Garland, Glascock, Goode, James Graham, William Graham, Grantland, Grant, Gray, Griffin, Haley, Halstead, Hamer, Harlan, Harrison, Harper, Hawes, Hawkins, Haynes, Henry, Herod, Holt, Hopkins, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Iugham, Thomas B. Jackson, Jabez Jackson, Henry Johnson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kennedy, Klingensmith, Legare, Lewis, Lincoln, Logan, Loomis, Mallory, Marvin, James M. Mason, Sampson Mason, Martin, Maury, May, McKay, Robert McClellan, Abraham McClellan, McClure, McKennan, Mercer, Milligan, Mitchell, Montgomery, Moore, Morgan, Samuel W. Morris, Calvary Morris, Murray, Naylor, Noble, Noyes, Palmer, Parker, Parmenter, Parris, Paynter, Pearce, Peck, Petrik, Phelps, Pickens, Plumer, Pope, Pratt, Putnam, Randolph, Reily, Rencher, Rhett, Ridgway, Rivers, Robertson, Rumsey, Augustine H. Sheppard, Charles Shepard, Shields, Shepler, Sibley, Snyder, Southgate, Spencer, Stuart, Stone, Stratton, Swearingen, Taliaferro, Taylor, Thomas, Thompson, Titus, Toucey, Towns, Turney, Vail, Vandever, Wagener, Webster, Albert S. White, John White, Whittlesey, Sherrard Williams, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, Word, Yell, and Yorke—174.

**NAYS**—Messrs. Adams, Heman Allan, Borden, William B. Calhoun, Cranston, Darlington, Davies, Dunn, Evans,

Everett, Richard Fletcher, Fillmore, Giddings, Grennell, Hall, Halstead, Hastings, Peck, Potts, Rariden, Robinson, Saltonstall, Slade, Smith, and Tillinghast—24.

Mr. KENNEDY, when his name was called, said he wished to inquire before he voted whether a clerical error could be first corrected in this part of the resolution.

The SPEAKER said it could not.

Mr. KENNEDY rejoined that he should vote for it, but he did so protesting against its bad grammar.

The fifth and last resolution was in the following words:

*Resolved, therefore*, That all attempts on the part of Congress to abolish slavery in the District of Columbia or the Territories, or to prohibit the removal of slaves from State to State, or to discriminate between the institutions of one portion of the Confederacy and another, with the views aforesaid, are in violation of the Constitution, destructive of the fundamental principle on which the Union of these States rests, and beyond the jurisdiction of Congress; and that every petition, memorial, resolution, proposition, or paper, touching or relating in any way, or to any extent whatever, to slavery as aforesaid, or the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid upon the table, without being debated, printed, or referred.

Mr. RANDOLPH called for a division at the word "Congress" in the ninth and tenth lines; which was ordered.

Mr. WISE then said: I now, if it be in order, and in order to test the sense of the House upon all the resolutions, move a suspension of the rules, with a view of offering an amendment to this proposition, so as to strike out the words, "with the views aforesaid," and that gentlemen may not have an excuse of apprehending a debate on abolition, I pledge myself not to say a word upon it. I will vote for the resolution if they will strike out these words.

The SPEAKER could not entertain the motion to suspend the rules.

Mr. WISE. Well, then, I will remark that these are the words that sold the South.

The first branch of the proposition was adopted—yeas 146, nays 52; as follows:

**YEAS**—Messrs. John W. Allen, Anderson, Andrews, Atherton, Banks, Beatty, Beers, Beirne, Bell, Bicknell, Birdsall, Bond, Bouldin, Buchanan, Bynum, John Calhoun, Cambreleng, William B. Campbell, John Campbell, Carter, Casey, Chambers, Chaney, Chapman, Clowney, Coles, Connor, Corwin, Crabb, Craig, Cray, Crockett, Curtis, Cushman, Dawson, Deberry, De Graff, Dennis, Dromgoole, Duncan, Elmore, Farrington, Fairfield, Fry, Gallup, James Garland, Rice Garland, Glascock, James Graham, Grantland, Grant, Gray, Griffin, Haley, Halstead, Hammond, Hamer, Harlan, Harrison, Harper, Hawes, Hawkins, Haynes, Henry, Herod, Holt, Hopkins, Howard, Hubley, Robert M. T. Hunter, Iugham, Thomas B. Jackson, Jabez Jackson, Henry Johnson, Joseph Johnson, William C. Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kennedy, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, Lyon, Mallory, James M. Mason, Martin, Maury, May, McKay, Robert McClellan, Abraham McClellan, McClure, McKennan, Menefee, Mercer, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Palmer, Parker, Parris, Paynter, Pearce, Peck, Petrik, Phelps, Pickens, Plumer, Pope, Pratt, Randolph, Reily, Rencher, Rhett, Rivers, Robertson, Rumsey, Sawyer, Augustine H. Sheppard, Charles Shepard, Shields, Shepler, Snyder, Southgate, Spencer, Stuart, Stone, Swearingen, Taliaferro, Taylor, Thomas, Thompson, Titus, Toucey, Towns, Turney, Vail, Wagener, Webster, Albert S. White, John White, Whittlesey, Sherrard Williams, Jared W. Williams, Joseph L. Williams, Word, and Yell—146.

**NAYS**—Messrs. Adams, Heman Allan, Ayer, Borden, Briggs, William B. Calhoun, Childs, Cranston, Cushing, Darlington, Davies, Dunn, Edwards, Evans, Everett, Richard Fletcher, Isaac Fletcher, Fillmore, Foster, Giddings, Goode, Grant, Grennell, Haley, Hall, Halstead, Hastings, Henry, Herod, Lincoln, Marvin, Sampson Mason, Maxwell, McKennan, Mitchell, Calvary Morris, Naylor, Noyes, Peck, Potts, Putnam, Rariden, Reed, Robinson, Saltonstall, Sheffer, Sibley, Slade, Stratton, and Tillinghast—52.

Mr. DAWSON, when his name was called, said: Mr. Speaker, I shall vote in the affirmative, omitting or expunging, so far as my vote goes, the words "with the views aforesaid." Congress has no constitutional power, for any "views," or for any purposes whatever, to interfere with the question.

Mr. POTTS moved to lay the second branch on the table.

Mr. CRAIG demanded the yeas and nays; and they were ordered.

The question was taken, and there were—yeas 85, nays 129; as follows:

**YEAS**—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Ayer, Bell, Bond, Borden, Briggs, John Calhoun, William B. Calhoun, Childs, Clark, Coffin, Corwin, Crabb, Cranston, Curtis, Cushing, Darlington, Davies, Dunn, Edwards, Evans, Everett, Ewing, Richard Fletcher, Isaac Fletcher, Fillmore, Giddings, Goode, William Graham, Graves, Grennell, Haley, Hall, Halstead, Harper, Hastings, Henry, Herod, Ingham, Lincoln, Marvin, Sampson Mason, Maxwell, McKennan, Menefee, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Parmenter, Peck,

Potts, Putnam, Rariden, Randolph, Reed, Ridgway, Robinson, Russell, Saltonstall, Sergeant, Sheffer, Sibley, Slade, Smith, Stratton, Tillinghast, Toland, Albert S. White, Joseph L. Williams, Word, and Yorke—85.

**NAYS**—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beers, Beirne, Bicknell, Birdsall, Bouldin, Broadhead, Bronson, Buchanan, Bynum, Cambreleng, William B. Campbell, John Campbell, Carter, Casey, Chaney, Chapman, Clowney, Coles, Connor, Craig, Crockett, Cushman, Dawson, Deberry, De Graff, Dennis, Dromgoole, Duncan, Elmore, Farrington, Fairfield, Foster, Fry, Gallup, James Garland, Glascock, James Graham, Grantland, Grant, Gray, Griffin, Hammond, Hamer, Harlan, Harrison, Hawes, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Thomas B. Jackson, Jabez Jackson, Henry Johnson, Joseph Johnson, William C. Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kennedy, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, Lyon, Mallory, James M. Mason, Martin, Maury, May, McKay, Robert McClellan, Abraham McClellan, McClure, Mercer, Montgomery, Moore, Morgan, Matthias Morris, Samuel W. Morris, Murray, Noble, Palmer, Parker, Parris, Paynter, Pearce, Petrik, Phelps, Pickens, Plumer, Pratt, Reily, Rencher, Rhett, Rivers, Robertson, Rumsey, Sawyer, Augustine H. Sheppard, Charles Shepard, Shields, Shepler, Snyder, Southgate, Spencer, Stuart, Stone, Swearingen, Taliaferro, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Wagener, Webster, John White, Whittlesey, Sherrard Williams, Jared W. Williams, Christopher H. Williams, and Yell—129.

So the motion to lay on the table was decided in the negative.

Mr. JENIFER inquired if the affirmation of this last proposition would not be identical with a virtual reception of all petitions on the abolition of slavery by the House?

The SPEAKER replied that that was a question which each gentleman must interpret for himself.

Mr. POPE said he wished to be excused from voting upon this proposition, (he had voted for all the others,) on the ground that he did not wish to affirm the reception of abolition petitions, and further, that it was inconsistent with the propositions already adopted. Any vote he could give would be misconstrued.

The House refused to excuse Mr. P.

Mr. CHAMBERS also moved to be excused, on similar grounds to those of his colleague; but the House again refused.

The second branch of the last proposition was then agreed to—yeas 126, nays 78; as follows:

**YEAS**—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beers, Beirne, Bicknell, Birdsall, Broadhead, Buchanan, Bynum, John Calhoun, Cambreleng, William B. Campbell, John Campbell, Carter, Casey, Chaney, Chapman, Clowney, Coles, Connor, Craig, Cray, Crockett, Cushman, Dawson, Deberry, De Graff, Dennis, Dromgoole, Elmore, Fairfield, Farrington, Fry, Gallup, James Garland, Rice Garland, James Graham, Grantland, Grant, Gray, Hammond, Hamer, Harrison, Hawes, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Thomas B. Jackson, Jabez Jackson, Henry Johnson, Joseph Johnson, William C. Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kennedy, Klingensmith, Legare, Leadbetter, Lewis, Loomis, Lyon, James M. Mason, Martin, Maury, May, McKay, Robert McClellan, Abraham McClellan, McClure, Menefee, Mercer, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Palmer, Parker, Parris, Paynter, Pearce, Petrik, Phelps, Pickens, Pratt, Reily, Rencher, Rhett, Rivers, John Robertson, Rumsey, Sawyer, Augustine H. Sheppard, Charles Shepard, Shields, Snyder, Southgate, Spencer, Stuart, Stone, Swearingen, Taliaferro, Taylor, Thomas, Thompson, Titus, Toucey, Towns, Turney, Wagener, Webster, John White, Whittlesey, Sherrard Williams, Jared W. Williams, Christopher H. Williams, and Yell—126.

**NAYS**—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Ayer, Bell, Bond, Borden, Bouldin, Briggs, Bronson, William B. Calhoun, Childs, Clark, Coffin, Corwin, Crabb, Cranston, Curtis, Cushing, Darlington, Davies, Dunn, Edwards, Evans, Everett, Ewing, Richard Fletcher, Isaac Fletcher, Fillmore, Foster, Giddings, Goode, William Graham, Grant, Gray, Grennell, Haley, Hall, Halstead, Harper, Hastings, Henry, Herod, Ingham, Lincoln, Marvin, Sampson Mason, Maxwell, McKennan, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Parmenter, Peck, Potts, Putnam, Rariden, Randolph, Reed, Ridgway, Robinson, Russell, Saltonstall, Sergeant, Sheffer, Slade, Stratton, Tillinghast, Toland, Albert S. White, Joseph L. Williams, Word, and Yorke—78.

Mr. WISE, when his name was called, said that, as that proposition admits the right of petition on this subject, he should refuse to vote upon it.

The resolutions being all severally adopted, Mr. KENNEDY asked leave to submit the following:

*Resolved*, That the Constitution rests on the broad principle of equality among the members of this Confederacy; and that Congress, in the exercise of its alleged powers, has no right to discriminate between one portion of the States and another, with a view of abolishing the institutions of the one, or promoting those of the other.

Objections being made, Mr. K. moved a suspension of the rules.

Mr. POTTS moved that the House adjourn; which prevailed; and the House adjourned.

## IN SENATE.

THURSDAY, December 13, 1838.

Mr. SOUTHARD, of New Jersey, and Mr. TALLMADGE, of New York, appeared in their places in the Senate.

Mr. WALKER presented the credentials of Hon. THOMAS H. WILLIAMS, appointed by the Governor of the State of Mississippi a Senator from that State to fill the vacancy occasioned by the resignation of Hon. JAMES TROTTER.

Mr. WILLIAMS appeared, was qualified, and took his seat.

## MEMORIALS.

The PRESIDENT presented a memorial from sundry citizens of the State of Alabama, praying the confirmation of the sale of a reservation made to an Indian chief under the Creek treaty; which was referred to the Committee on Public Lands.

Mr. CLAY, of Kentucky, presented the memorial of a number of persons engaged in the manufacture of pins, praying for a repeal or modification of the duty on brass wire; which was referred to the Committee on Manufactures.

Mr. C. also presented the memorial of a number of persons in the State of New York, deprecating the evils of war, and praying Congress to take such measures as may promote the formation of a Congress of nations; which was referred to the Committee on Foreign Relations.

Mr. C. also presented the memorial of a number of persons engaged in steam navigation on the Ohio and Mississippi rivers, praying for a modification of the act of last session for the regulation of steamboats; which was referred to the Committee on Commerce, and the memorial ordered to be printed.

Mr. BENTON presented the memorial of Mrs. Glentworth, widow of General Glentworth, praying for a pension in consideration of the services of her deceased husband; which was referred to the Committee on Pensions.

Mr. BAYARD presented two memorials of officers of the line of the Army, praying that their pay may be assimilated to that of officers of the staff; which was referred to the Committee on Military Affairs.

Mr. B. also presented the memorial of the Philadelphia, Wilmington, and Baltimore Railroad Company, praying Congress to refund certain duties on railroad iron; which was referred to the Committee on Finance.

## PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PRENTISS, it was

Ordered, That the petition and papers of Isaac Day, on the files of last session, be again referred to the Committee on the Post Office and Post Roads.

On motion of Mr. PRENTISS, it was

Ordered, That the petition and papers of Gerardo Carusi, on the files of last session, be again referred to the Committee on Claims.

On motion of Mr. SMITH, of Indiana, it was

Ordered, That the petition and papers of John H. Platt, on the files of last session, be again referred to the Committee on Claims.

## NOTICES OF BILLS.

Mr. CLAY, of Kentucky, gave notice that to-morrow he would ask leave to introduce a bill in relation to copyrights.

Mr. WRIGHT gave notice that he would, to-morrow, ask leave to introduce a bill more effectually to secure public money in the hands of officers and agents of the Government, and to punish public defaulters.

Mr. LYON gave notice that, to-morrow, he would ask leave to introduce a bill to amend the act confirming certain land claims in the State of Michigan.

Mr. MERRICK gave notice that he would, to-morrow, ask leave to introduce a bill making an appropriation for the erection of a free bridge across the Eastern Branch of the Potomac, in the city of Washington.

## RESOLUTIONS.

Mr. CLAY, of Alabama, submitted the following resolution; which was adopted:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making further appropriation for the construction of a marine hospital in the city of Mobile.

Mr. HUBBARD offered the following resolution, which was adopted:

Resolved, That the Committee on Naval Affairs be in-

structed to inquire into the expediency of granting a pension to Abigail Newman, widow of the late Timothy Newman, master commandant of the ship-of-war Warren, who died in August, 1800, while in the naval service of the United States.

On motion of Mr. H., certain papers connected with the above petition were referred to the Committee on Pensions.

## REPORTS FROM COMMITTEES.

Mr. WALKER, from the Committee on Public Lands, to which the same had been referred, reported the bill to confirm the sale of certain reservations of public lands, without amendment.

Mr. W., from the same committee, also reported the bill granting to the county of Kalamazoo, in the State of Michigan, the right of preemption to a quarter section of land, and for other purposes, without amendment.

Also, the bill for the relief of John Newton, without amendment.

Mr. TIPTON, from the Committee on Indian Affairs, reported the bill for the relief of Jean B. Valle, without amendment.

Mr. CLAYTON, from the Committee on the Judiciary, reported, without amendment, the bill to amend an act entitled "An act to require the judges of the district court of East and West Tennessee to hold a court at Jackson, in said State," approved June 30, 1838.

Mr. CLAY, from the Committee on Public Lands, to which the memorial on the subject had been referred, reported, without amendment, a bill for the relief Laurent Millaudon and others; which was read and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims, to which the subject had been referred, reported, without amendment, an act in addition to an act for the relief of Walter Loomis and Abel Gay; which was read and ordered to a second reading.

## FOURTH INSTALLMENT OF DEPOSIT.

Mr. WRIGHT, from the Committee on Finance, to which was referred the annual report of the Secretary of the Treasury on the finances, reported a bill further to postpone the fourth installment of the deposits with the States, under the act of June, 1836; which was read.

Mr. CLAY, of Kentucky, said that he should like really to see, if this installment was again to be postponed, so contrary to what they all expected at the last session, that it was not postponed indefinitely. He had hoped that there would at least, have been some prolongation of the promise to the States, that they might look forward to some time when they might reasonably hope to receive this money, which they all expected, and which many of them had made arrangements to appropriate to useful and important purposes. He should like to know if one year's further postponement would not be sufficient; and without saying whether he should vote for the bill in any event, he hoped that it would be so amended as to postpone the payment to some day certain, say the 1st of January, 1840, instead of being postponed, as provided for by the bill, until the further pleasure of Congress was expressed on the subject.

Mr. C. then moved to amend the bill by making the postponement till the 1st January, 1840.

Mr. WRIGHT observed that he was not then disposed to occupy the time of the Senate by discussing the subject of this bill. The committee had reported it with a view to the state of the Treasury, as indicated by the Secretary in his annual report. That exhibit showed that by the 1st of January there would be no money in the Treasury for the payment of this fourth installment, and there was no anticipation of that officer that there would be any moneys for the purpose by the 1st of January thereafter. The committee believed, as he did, that the time had arrived when the Treasury had parted with all the money that it could spare, and carry on the operations of the Government, without calling on the States for the repayment of the installments they had already received. He knew of nothing which promised that the Treasury would be able to spare this money by the 1st of January, 1840, and therefore must oppose the amendment. Having made this explanation, he would content himself with asking for the yeas and nays on the question.

Mr. CLAY, of Kentucky, said that he con-

fessed he was utterly unable to know what would be the condition of the Treasury by the time mentioned, and this, he believed, was more than was practicable for anybody to know; for, after the defalcations of two public officers which had lately come to light, to the astonishment of this country—one for \$1,000,000, and the amount of the other as yet unknown—no one could possibly tell. One thing they did know, and that was, if they could get back this money, or any part of it, the state of the Treasury would be very different from what it would be with the total loss of it. He knew nothing as to the amount of these defalcations, or as to the means of the Government to recover back the whole or any part of them, and therefore would not hazard any calculations as to their probable value. The gentleman from New York could not say that the Treasury would be in a condition to pay this money by the 1st of January, 1840; that was very true. Such was the nature of our financial concerns that no man could say with certainty, a year beforehand, what our receipts and expenditures would amount to; but he would observe that, if it should be found when the time came round, the Treasury was not in a condition to meet this payment, there would be the same power in Congress that there now was to postpone it for another year. But what he wanted, to see was that the act of Congress providing for this deposit should be fulfilled, and the pledge redeemed, by carrying out the assurances given by that act. Some greater security would be given to the States that they would eventually receive this money, if a definite day was fixed for the postponement, than if it was left, as provided for in the bill, for the future action of Congress. If it was postponed till the 1st day of January, 1840, a still further postponement would require the consent of both branches of the Legislature, as well as of the Executive; whereas, if the bill passed in its present shape, it would amount to an indefinite postponement, without a special act of Congress, sanctioned by the Executive. He was glad the yeas and nays had been called, as he wished to record his vote in favor of continuing the hope that the deposit act would be eventually carried out.

Mr. WRIGHT replied that it was not his intention now to enter into a discussion of the lamentable defalcations which had lately come to light. He had not the information to enable him to speak to that body intelligibly on the subject. All he knew with regard to them was derived from glancing at the very voluminous report of the Secretary, which had been ordered to be printed, and which was not yet laid upon their tables. He was as much devoid of information on the subject as the Senator who last addressed them. But this much he would say, that if this matter was not thoroughly understood by Congress, and by the whole country, before the close of the session, it would not be his fault. It was his fixed purpose to have a thorough investigation of the whole subject, and to let his constituents know the whole truth. Then, as to the bill before them: it was not his purpose to hold out to the States expectations that he did not believe could be realized. In September last, the Committee on Finance proposed the same postponement of this installment, and on the same terms that they now did. For himself, he thought that the time had gone by when they were authorized to hold out any expectations to the States from a surplus in the Treasury, though, at the same time, he agreed that he had no power to look forward and say precisely what would be the condition of the Treasury at the end of another year. He had no information which enabled him to say that this installment could be met on the 1st of January, 1840, easier than it now could.

Mr. CALHOUN said he should vote for the postponement moved by the Senator from Kentucky, though he had not the slightest anticipation that there would be any surplus in the Treasury either in this or in the coming year. The question would then naturally occur why he gave such a vote? The answer was, in the first place, that it could do no harm, and in the next place, it would have the effect to check this House in its expenditures. If the expenditures had not been so profuse last year, there might then have been a payment of this installment. But this and the other House took different views from what

he did, and their expenditures were more profuse than they ever had been since he was connected with the Government. He had hoped at the last session that the postponement of this installment would have had some effect to check their extravagant expenditures, but though he was disappointed, he would again vote for the postponement with the same views. He would, however, take this occasion to say, that he never would consent to vote a dollar for this installment, which he never regarded in the light of a debt, while they had to borrow money. The Senator from Kentucky was entirely mistaken in regarding the deposit act in the light of a promise to the States. There was no pledge, no obligation whatever; the act was one of expediency merely, and it had fulfilled its object. He repeated again that he would never consent to give his vote to borrow money to pay that installment.

Mr. NILES said he did not purpose to enter into an extended discussion of this subject, but would only offer a few remarks in reply to the suggestions of the gentleman on the other side of the House, [Mr. CLAY, of Kentucky,] in which assertions had been made, and principles advanced, which were of an importance not to be overlooked. It is now, sir, for the first time, proposed to raise a revenue for the purpose of a distribution among the States—to raise money from the people, in their individual capacity, to be distributed among the States in their corporate capacity, to inure to the benefit of chartered monopolies. He (Mr. N.) knew this was not intended, nor thought of, when the deposit bill was passed by the Senate. The object was to get rid of an enormous surplus which had accumulated, and was distributed among ninety banks, expanding our already overgrown paper system, corrupting the legislation of Congress, and embarrassing to public and private affairs. On this ground he voted for that bill, as did a majority of those who voted with him. But he contended that the object for which the bill had been passed was accomplished; the surplus had been deposited. He asked if it was pretended by the Senator from Kentucky that there is a surplus in the Treasury now, or would there be a surplus at the period proposed in the amendment. Did not the gentleman know that by the operation of his own law, (the compromise act,) the biennial reduction of the duties on imports would occur during the coming year, thus lessening, by that amount, the fiscal resources of the Government? Under these circumstances, to hold out the hope, as would be done by the proposed amendment, that the fourth installment would be paid in January, 1840, when there would be no surplus in the Treasury, would be to sanction the idea that the money would be raised by taxation. This is the essential question, and the only question before the Senate. But it is said that the Government should redeem its pledge; that the good faith of the Government is pledged for the payment of the fourth installment of deposit. Sir, if it is a debt due by the Government to the States, it should be discharged. But instead of having any just claim for this money, the States are under obligations to Congress for not reclaiming the three installments already deposited. If it was not for the interposition of Congress, good faith would have required the Secretary of the Treasury to recall the money deposited with the States, for the necessities of the Government; such was the spirit and requisitions of the act. He, and the friends who were with him, had supported the bill in good faith as a deposit act, not a distribution among the States. It was to be a deposit of a surplus. This had been accomplished, and the bill had fulfilled its functions. If it was intended as any more than a deposit act—for a distribution of money among the States—then was our legislation a fraud upon the country.

He would remark, in reply to the Senator from South Carolina, [Mr. CALHOUN,] who proposes to vote for the amendment, that it may be an inducement to retrenchment and economy in the expenditures of the Government, that it would be better to take a more direct method. Let us adhere to that first great principle, which he [Mr. C.] has so often and so ably advocated on this floor, to raise no more money from the people than is necessary for an economical administration of the Government. This, sir, would be preferable to checking a contemplated extravagant

expenditure by countenancing what is, technically, a deposit—substantially, a distribution act.

Mr. BENTON remarked that the natural progress of this thing had been distinctly pointed out by him when he had the honor, in connection with half a dozen other gentlemen, to oppose the deposit act. He knew then that it was a distribution among the States. He knew that it was the commencement of a system of levying money from the people, for those who would get it out of the hands of the people. He treated this act then as a distribution, and scouted the idea of its being a deposit. He knew there was no surplus in the Treasury, and said so, and that, in a few years, we should be left without money. He stated these facts on this floor, in such strong language, that a member came to him, and begged him not to publish his remarks. He stated then that the effect of this act would be either to break the deposit banks, or to compel them to crush their debtors. Everything he then said had been verified to the letter. We have seen (said Mr. B.) a committee of the directors of the banks of New York, men of the highest intelligence, and well versed in financial affairs, placing at the head of the reasons which compelled them to suspend specie payments, the effect of this distribution act. He (Mr. B.) knew then as well as now, that one of the effects of this act would be either to compel these deposit banks to choose between stopping themselves, or crushing those indebted to them. He knew then that in the short space of two years we should be without money, and it was now seen that he was right; for instead of calling back from the States any of the money already distributed to them, as provided for in the many cautious words inserted in the act to make it appear like a deposit, the Government was driven to the expedient of raising money by a forced loan, for Treasury notes were nothing but a forced loan from those to whom they were paid. Instead of calling on the States for a return of a part of this money deposited with them, this body was now reproached with a breach of faith to the States for not going on to deposit the remainder, which was also claimed as a debt. That which in the first instance was declared to be a deposit only, and treated on that floor as a deposit, was now in the same place declared to be a debt, and the Federal Government was taunted with a breach of faith for not paying it.

Now what was the effect of the motion under consideration? It was a direct proposition, to be carried on hereafter, of raising money by indirection for the purpose of distribution. It was a case in which the powerful and strong would be arrayed against the weak. I was a direct proposition to commit this Government to the system of depositing money with the States. The effect would be, that all that party who are in favor of raising money of the whole to divide among the few, would throw every vote to diminish just and necessary appropriations, and to keep up the taxes. The price of the public lands would be kept up; and by the time the tariff act shall have worked out its object in January, 1840, there would be enough interested to band together for the purpose of raising from the Asiatic section of the Union, the cotton-growing States, a sufficient sum for distribution. Your cotton crop, (said Mr. B.,) amounting to some hundred millions, will hold out strong temptations to the friends of this system of distribution. Mr. B. said he had voted here for the last ten years against this system of collecting money for distribution. He opposed it when it was proposed by a Senator from New Jersey, [Mr. DICKERSON,] for the purpose of keeping up the tariff. He opposed it with the same zeal when a subsequent proposition was made to divide the proceeds of the sales of the public lands, and again when it returned in the insidious shape of a deposit act. In all this he found himself sustained by the young State of Missouri; for young as she was, and destitute of resources, she despised the whole policy of distribution. Both branches of her Legislature adopted a resolution condemning the whole thing, and instructing her Senators and Representatives to oppose it forever. In obedience, then, to her instructions, as well as in accordance with the dictates of his own judgment, he solemnly protested against the odious principle. It was two hundred years since the Lord Chancellor Burleigh put into the mouth of Queen

Elizabeth the noble sentiment, that the best treasury of a Government was the pockets of the people. This sentiment was, even at that time, received with rapture by a British Parliament; but it was still older than the time of Chancellor Burleigh, for it was that prince of orators and statesmen in the republic of Athens, (Demosthenes,) when a vile scheme was proposed to raise money for a similar object, who indignantly trampled the whole under foot, and then uttered the memorable sentiment that has since been so often quoted. The author said, "No! Leave this money in the pockets of the people. When the country needs it for her defense, call for it, and the people will cheerfully give it." These (said Mr. B.) are my sentiments.

A proposition was made, the effect of which was to commit the Senate to this system of distribution; and it had been said on that floor that no harm could ensue from it. It was like the old woman's medicine of milk and water: if it did no good, it could do no harm. Such language did not belong to statesmen, nor to the elevated theater of an American Senate. The whole proposition was wrong to hold out to the American people a scheme for future distribution, which, it was evident, could not be carried into effect without resorting to taxation. What prospect was there, he would ask, of its being realized? Look at the report of the Secretary of the Treasury, and it would be found that so far from there being any surplus to divide, the reverse was the case; that there was a falling off of the revenue derived from the land sales, and a falling off of that derived from the tariff; and the prospect was that by the year 1840, there would be a still greater diminution. At this very time we were hardly able to meet the ordinary expenditures of the Government, though we had been forced to the raising of money by extraordinary means, such as selling bonds, and issuing Treasury notes, which were nothing more than forced loans; yet we had been called on for this fourth installment, and charged with breach of faith for not making it. Are we (said Mr. B.) under such circumstances,—to say nothing of the principles of raising money for distribution,—are we to excite expectations in the States that this Government is to raise eight or nine millions by taxation to be divided among them? The effect of the vote taken on this proposition, if, unhappily, it should be carried, would be to make such States as were willing to accept this money to look upon it as a pledge that this nine millions was turned over to them; and, being so, it would become the bounden duty of this Government to provide the surplus by arresting necessary appropriations, by raising new taxes, by the issue of Treasury notes, and by a resort to the old tariff; and when this much was done, then all was done that was wanted. The example would be set, which would be followed up, of raising money from the weaker portions of the Union to divide among the stronger and more populous parts of it. Our revenues were derived principally from the weaker parts of the Union—from cotton, which, being carried to Europe, the proceeds are brought back in merchandise, which pays duties. The agriculture of the West also contributes its share in the same way. Then (said Mr. B.) adopt this proposition—only establish the principle—and the South and West must prepare themselves in future for a heavy course of taxation, until the falsity and enormity of the system shall eventually prostrate it. Mr. B. said he was opposed to a postponement to the next year, or to the year after that. He was for a postponement, not only indefinitely, but in the strongest and clearest language that could be used. He was for an eternal, perpetual, and everlasting postponement.

Mr. PRESTON concurred with the Senator from Missouri in the impropriety of holding out the idea that this installment would be paid in 1840. He did not think it proper that the Senate should take such a course as would hold out a fallacious hope, to deceive the States and the people of the United States. In accordance with these sentiments, he thought the proper course would be to repeal at once the first section of the deposit act; and if any Senator would make such a motion he would support it. He concurred in the sentiment that the raising of money for distribution was unconstitutional, and admitted that he was mistaken in the operations of the deposit

act. There was a necessity for the passage of the law, from the frightful surplus we had accumulated. But, sir, our part of the law has been completed, the surplus has been distributed, and the Treasury is compelled to an unconstitutional issue of Treasury notes to sustain itself. We have appealed to the avarice of the States, and how have they responded? Instead of vigilance and economy, the States have gone on in schemes of unparalleled extravagance. Why appeal longer to the vigilance of the States to control us in our expenditures? He thought if he had known that, instead of reclaiming the money deposited with the States, when the Treasury was exhausted, the Secretary would have borrowed money by a forced loan, he would have opposed, with the Senator from Missouri, the passage of this law. He thought it had been mischievous in its operations, in some respects, and accelerated the fiscal calamities under which we have so lately suffered. But it was not the sole cause. There was an antagonist system for getting rid of the surplus by enormous appropriations for extravagant and useless objects; and though our system prevailed, we increased our expenditures even after our surplus was deposited with the States. We had bounded rapidly from a surplus of \$60,000,000 and an appropriation of \$40,000,000 to an insolvent Treasury. But the deposit act had failed in the great object proposed by its enactment, and, having failed, is it correct to continue it upon the statute-book? Is there any probability of any portion of the money being hereafter reclaimed from the States? Why, then, continue it? He had acted in good faith when voting for that bill; he had voted for it as a deposit act; a deposit which would be called for, and ought to be called for, when needed for the exigencies of the Government. He was deceived. He concurred with the Senator from Missouri that the act had a squinting towards raising a revenue for distribution, and on that ground was for obliterating it.

Mr. TALLMADGE said he should vote for the amendment, as he was about to rise to offer a similar one, when he was anticipated by his friend from Kentucky. His object having thus been accomplished, he designed to sit still and give a silent vote on the question; but some gentlemen had seen fit to go into the merits of the deposit act, which they pleased to term a distribution bill. He had said on a former occasion, that whenever gentlemen thought proper to discuss the merits of that bill, he would not sit still a silent listener. He took an active part in the passage of that act, believing that he was right then, and he believed so now. Gentlemen talked of a deception when that bill was passed. Sir, (said Mr. T.) there was no deception and no misconception. The matter was perfectly understood, and this body put the bill in a shape to obviate all difficulties. The bill as it was originally introduced was not a distribution act, but one for a mere deposit with the States. But gentlemen say that the effect of it was a distribution. Why, General Jackson himself recommended an absolute distribution three times over! Twice in his annual messages, and again in his veto message on the land bill; and when he heard that objections had been raised in Congress as to the unconstitutionality of the measure, he recommended that the Constitution should be so amended as to remove any doubts on the subject. At that time no objections were heard from his friends; no, sir, it was their party doctrine; but when the time arrived that we had a surplus revenue far beyond what had been anticipated, and the proposition was made, not for an absolute distribution, but for a deposit with the States, the whole matter was changed—the President changed his opinions, and his friends changed theirs. That bill, however, passed the Senate with only six dissenting voices. How was it, that it had been received with so much dissatisfaction in different parts of the country? It was because it had offended a party. The official organ here denounced it, and denounced every man who voted for it—though every member of that body but six voted for it, and it was the very measure previously recommended by the President. Now, how did that bill pass? When gentlemen talk about giving this money to the States, let us look and see how it is.

Sir, (said Mr. T.) we adopted an amendment by which this money was kept within the control

of Congress. It was provided that it should be distributed among the States in the ratio of their representation, who should give their certificates for the amounts received by them; and that whenever it should be wanted for the purposes of the Government, the Secretary of the Treasury should sell the certificates in the market, which should, from the time of sale, bear an interest of five per cent. That amendment placed the money entirely under the control of the Government; it was placed in the hands of the States, who could use it for valuable objects, without interest, until the Government wanted it. The State of New York, for instance, invested her quota in her school fund, which was laying a firmer foundation for national defense than if it had been expended in brick and mortar in a new system of fortifications, as the gentleman from Missouri wanted to expend it; and if this system of fortifications had been carried out, it must in the end have bankrupted the Treasury; for these fortifications would either have gone into dilapidation, or they must have appropriated millions annually to keep them up. Had the deposit act passed both Houses as it passed here, there never would have been a necessity to call on the States for this money, or to issue Treasury notes. The Secretary of the Treasury would have had the power to sell these certificates in the market, which would have been a good financial operation; and the money could have been obtained for the wants of the Government without putting the States to the slightest inconvenience. The bill, however, was amended in the other House, on the suggestion of the President; and by that amendment this invaluable feature was stricken out, and in lieu of it, it was provided that the Secretary might draw on the States for small installments, by giving a short previous notice.

Why, then, did not the Secretary draw for this money in accordance with the provisions of the act? Perhaps he thought the notice was too long, and the installments too small; and perhaps he did not care to incur the responsibility of this mode of proceeding. With this view of the case, was it right for gentlemen to complain of this act as a distribution? Why, there was no such principle advocated or adopted here. The principle contended for was a deposit with the States where the Government could command it when wanted. Had the measure been carried out as advocated and adopted in the Senate, we should have had no difficulties; and the States would not have been embarrassed by a call for money which they had laid out in useful objects. Gentlemen said that the Government was about to be committed to the system of distribution by the adoption of this motion. This was not so. The Government would be no more committed than it was on a former occasion, when the same postponement of the fourth installment was made in the terms now proposed. There would be no committal at all; and he was for having the postponement placed in the situation which this amendment contemplated, so that it should require the action of Congress to postpone it again; and, if there should be a surplus, it would not be in the power of one House, or of the veto of the Executive, to prevent its being paid over to the States. When gentlemen talked of committing the Government, they were committed already. They say (continued Mr. T.) that we are to have no more surpluses. That might be so; but in some of the elections lately held at his State, he heard it argued that in case we had another surplus we ought to have a sub-Treasury, in order that the banks might not get it to expand their issues on. He, for one, would not consent to put it out of the power of Congress to pay this fourth installment, if both Houses thought it right to do so; nor would he agree to put it in the power of the Executive veto to prevent the States from receiving this money.

Mr. CALHOUN felt very little interest as to what disposition was made of the motion. He was willing to postpone the fourth installment for a year, or to postpone it indefinitely as in the bill, or to repeal the deposit law altogether. That act had performed its functions, and there was now no reason for retaining it on the statute-book. He had no apprehension that there would be any surplus revenue to dispose of between this and the year 1842, and for many years thereafter, and if any gentleman would move a repeal of the bill, he would cheerfully vote for it. That act had

performed a most important part. It was not surprising that those who opposed it on its passage should condemn it now; but he was, he confessed, greatly surprised to hear those who zealously advocated it, condemn it and treat it as deceptive. Sir, (said Mr. C.) there was no deception. If there was a deception, then I am the deceiver, and I trust that those who know me know that deception is the last fault that I could be charged with; that, whatever might be his faults, he always moved directly upon his object. He never considered this act in any other light than as a deposit; but he avowed, at the time, that he never thought that this money would be called for, except in case of a war with some European Power. Sir, (said Mr. C.) after having openly made this avowal, I little expected to hear it said that a deception was practiced. The deposit act was a noble act, necessary to meet the political disease that was preying on the vitals of the community, and doing more to corrupt the public morals than any evil that had befallen us since the beginning of the Government. It was a departure from that sacred principle, deeply so in our Government, of raising no more money by taxation than was necessary for the economical support of the Government, that had caused the evils this act was passed to correct. It was in 1824 and 1828 that that sacred principle was departed from, by which the Asiatic portion of the Union, as the South has just been called, was so deeply depressed, and extravagance and waste introduced into our system of expenditures. It was not the distribution act which had produced the late pecuniary embarrassments, both public and private. It was the acts of 1824 and 1828 which violated this principle, and by which, out of an import of \$64,000,000 in one year, \$32,000,000 passed into the Treasury, raised out of the southern staple, which was a tax beyond what the most despotic Government on earth had ever levied. What was the effect? Money overflowed in the Treasury, so that the utmost extravagance of Congress was insufficient to get rid of it.

He heard an honorable member of the other House say that it would be better to raise this money and throw it into the ocean than not to keep up the protecting tariff. What followed? Why, in spite of the most extravagant appropriations, Congress could not possibly expend the accumulated surplus. Two propositions were made to dispose of it: one was for all sorts of extravagant expenditures, and the other was the plain, simple, honest plan of returning it to the people from whom it came; and that was the deposit act. The possession of the surplus was the curse, and those who had voted for the tariff laws of 1824 and 1828 were responsible. This act arrested the surplus revenue, and more, it stopped the transfer of millions of the public acres into the hands of the speculators, who got hold of the public money and with it bought up the public domain. This was the true state of things, and he was glad of having an opportunity of making this explanation. Then the banks suspended specie payments, and this had been attributed to the deposit act. He wished to speak with candor. He had no doubt that the deposit act and the specie circular accelerated the explosion of the banks; but in accelerating it it limited the evil; for if the explosion had been delayed six months longer the calamity would have been threefold greater. It had been said that the Treasury was destitute of money. He admitted that the Government was forced into the necessary virtue of economy, and instead of being able to expend millions extravagantly, it must now limit its expenses to just and necessary objects. But he spoke what every man knew when he said that there had been a melancholy deterioration of the public morals for the last ten or twelve years, and this had arisen from the injurious policy of drawing more money from the people than was necessary for the Government. He would not dwell longer on this question, but would only remark that, when the future historian came to write the history of this country from 1824 to this time, this measure, so condemned now, would be considered as one of the wisest and best measures that had ever been brought before Congress. In all this he wished to be understood as saying that there was not a man in that Chamber who was more opposed to a distribution than he was. He resorted to it as a remedy rendered imperiously necessary

by the existing state of things. The act having accomplished its object, he was willing that it should be repealed, and the sooner it was done the better.

Mr. CLAY, of Kentucky, concurred in some things said on both sides, and differed in several. Whatever might have been the motives of others, he voted for it as an act of distribution. He did not share in the grief expressed for its passage; he had no regrets about his vote on this measure. He thought with the Senator from South Carolina, [Mr. CALHOUN,] that it had been of much benefit. He voted for it with the view and belief that the money was a gift from the Government to the States. His only regret was, that the fourth installment was not paid; that the States had not the nine millions due them from the Government. He said the tariff was not the cause of the surplus, and the subsequent embarrassments of the country. It was the result of fatal "experiments" of the executive branch of the Government. There was another measure—the land bill—that would have prevented a surplus. This bill, which had passed both branches of the Legislature, but which General Jackson retained in his possession—and which he had no doubt would have received the sanction of the constitutional majority of Congress, had it been returned—would have prevented a surplus. There would have been no distribution of a surplus, and no demoralization of public morals. The distribution act was necessary and proper, and should be called an act to save from wasteful and extravagant expenditure the amount of money so deposited with the States. He thought that the installment due to the States could be paid, and paid in the time proposed in his amendment. It could be paid by strict economy in expenditures. Bring down the annual expenditures to the \$13,000,000 of Mr. Adams's administration, or even to the \$15,000,000 proposed by the administration of General Jackson in 1831. Stop the leaks! Stop the leaks in the Treasury. Stop the flying sub-treasurers, and my life on it, you will have abundance of means to meet the installment. Mr. C., in conclusion, hoped that Senators friendly to the Administration, would express their opinions plainly upon this subject—whether they are in favor of a limited or perpetual postponement. He should be glad to hear the sentiments of the honorable chairman of the Committee on Finance.

Mr. WRIGHT, in reply, said that with regard to the bill, the Committee on Finance, so far as he was aware, had, in reporting it, conformed to what they believed to be the views of a very large majority of the Senate. He would now frankly answer the question asked by the gentleman from Kentucky. If the bill, as reported, should be passed by that body, the gentleman must never expect him to vote for the payment of this fourth installment, should the question ever come up. He voted against the whole bill when it was first before them, and he was equally opposed to the principle that it contained now. Though he impeached the motives of no man who differed with him in opinion, he had changed no opinion that he held when the subject was first brought before them; and if called on to make this distribution, he never could give his consent to do it. He hoped the Senator considered himself answered; for, so far as he was concerned, he had given him an answer. He had remarked that the committee felt bound, in reporting this bill, to act with regard to the known opinions of a majority of that body; and he hoped that so long as he continued a member of it they would always be disposed to frame their bills in conformity with the known sense of the body, so far as their sense of duty could conform to it. These were the feelings which had always governed him; and it was in accordance with them that he had reported the bills of this and the last session on the subject before them. The Senate had changed the bill of the last session, and they could do so now. The Senator from Kentucky asked, again and again, if we were afraid to trust Congress? Why, if this bill passed as reported, would it not be in the power of Congress to repeal it? Even if the bill passed, what was a law of Congress against Congress itself? But (said Mr. W.) we propose to delay the payment at our own pleasure, and the terms of the amendment were to delay it till the 1st of January, 1840. Now, was there any one present who believed that there

would be money in the Treasury to pay this installment by that time? Not only was there no money to pay this installment now, but every one believed that there would not be any by the 1st of January, 1840. This was the true state of the case, and on it he was content to rest the question.

Mr. RIVES was in favor of the amendment. He said an attempt had been made to show that the proposition before the Senate was very different from the deposit act; he could not see the difference. He was not surprised at the course the Senator from Missouri [Mr. BERTON] and the Senator from New York [Mr. WRIGHT] had taken on this question; they had opposed it from the first, and were consistent on this point; but, for his own part, whatever might be the course of others who had supported the bill, he would never do anything that would look like a condemnation—an *ex post facto* condemnation—of that act of high legislation. He thought that there never had an act of more beneficial influence emanated from congressional legislation. He was not prepared to say that the fourth installment would not be paid. He thought there was a greater probability of its being paid than at the last session, when a measure similar to the one proposed was adopted by Congress. In voting for it he did not consider that we were pledged to pay the installment at the time specified in the amendment; his idea was that it should be paid whenever the Government was in funds. He thought that so long as this idea of a payment of the fourth installment of deposit—for it was strictly a deposit—was held up, the executive would not require extravagant appropriations, because they will not furnish means to enlarge executive power or promote executive views. He said that the Secretary of the Treasury, in his late report on the finances, had been reading a lecture to Congress on bringing the revenue down to the wants of the Government; but the responsibility of extravagant expenditures must be shared by the Executive with Congress. He deemed it a consideration of public morality to postpone the payment of the deposit rather than obliterate the law from the statute-book.

Mr. BROWN did not rise to discuss the question, already so amply debated, whether the payment of the fourth installment to the States, under the deposit act of 1836, should be postponed, as proposed by the bill reported by the chairman of the Committee on Finance, or whether the amendment offered to it should be adopted. One or two other questions of great importance, connected with our financial affairs, had been touched on, and it was his purpose to say a few words in reference to them.

He would take leave to correct a very gross error which had been fallen into by two or three gentlemen in the course of the debate, in which the advocacy of the principle of distribution among the several States had been attributed to President Jackson in some of his early messages to Congress. So far from having sanctioned it, he had expressly questioned the constitutional power of the Government to raise money for any such object. He recommended it under two contingencies: first, if there should happen to be an unavoidable accumulation of surplus money in the Treasury, as one of the means of getting rid of it; secondly, if an amendment to the Constitution should be first procured authorizing it. Nor was it recommended subject even to these two contingencies alone, without, at that time, there should be a failure on the part of Congress to bring down the revenue to a proper standard of expenditure, which was strongly enjoined by him in several of his annual messages, and, as he should presently show, made one of the leading measures of his Administration.

The Senator from Kentucky [Mr. CLAY] had, in the course of his remarks, paid a tribute to the economy, alleged to have been practiced in the administration of Mr. Adams, and which he endeavors to contrast to the disadvantage of his successors. It would be recollected that the tariff act of 1828, one of the most outrageous acts of oppression ever practiced on a free people, and which extorted from the pockets of the people the means of extravagance, and consequently created an uncontrollable necessity to get rid of them in some way, was one of the fruits of that most just and economical Administration. It will be recollected,

also, that the magnificent and unconstitutional schemes for using these means, ay, and which, to have effected them, would have required millions more of taxes, were, for the first time in this country, hatched under that Administration. The basis of a mighty system of internal improvement was laid by it, by innumerable surveys for railroads and canals, and the commencement of innumerable plans. Who, therefore, in all truth and justice, is responsible for the extravagant direction, thus forced on this Government? Undoubtedly the administration of Mr. Adams, by whose act, and by whose sanction, this enormous amount of money was raised, which the Government was compelled to get rid of in some way. Is it now to be said that the political party who mainly contributed to that disastrous state of things, and whose efforts to run the Government expenditures up to their highest point, and whose progress towards that favorite result in their policy, was powerfully restrained by the constitutional negative of the late President, are the economical party? This cannot be done until the voice of truth is silenced, and the public documents forgotten. At the session of Congress in 1831, the Secretary of the Treasury, in his annual report on the finances, carrying out the principle assumed by President Jackson, that the revenue of the Government should be brought down to a proper standard of expenditure, after presenting a variety of views in support of that proposition, comes to the conclusion that "an annual revenue of fifteen millions will be fully adequate."

By this measure, proposed as an Administration measure, and viewed as an Administration measure at the time, and for which it was severely denounced by many of the modern economists, the administration of President Jackson attempted an annual reduction of about fifteen million dollars, as the revenue then accruing under the measure sanctioned by Mr. Adams amounted to at least thirty million dollars annually, and often afterwards exceeded that amount. Where then were the lecturers on economy? Opposed to the reduction, and in favor of keeping up the enormous income of the Government! At the head of that party stood the Senator from Kentucky, combating for his favorite system. If it could then have been reduced, if the policy of the Administration had then prevailed, the country would not only have been relieved from an oppressive burden, but the means for extravagance would have been withheld, and the Government expenditures, as a matter of course, kept in their true limits. It is not, therefore, for those to complain who are the true authors of the evils, which were inevitable from their own course of action.

The Senator from South Carolina [Mr. PIERCE] has also (said Mr. B.) favored us with a lecture on economy. Mr. B. expressed his solemn conviction that if the yeas and nays on the Journals of the two branches of Congress were examined for the last nine years, the political party with whom that gentleman is now associated, as a body, would be found to be the perpetrators of the offense which he now denounces. He would cite a very few examples, as illustrative of the truth of what he said. On the question of passing the bill giving \$5,000,000 for indemnifying certain merchants for spoliation committed by the French prior to 1801, and which, in his opinion, was without the shadow of claim on the justice of Congress, the vote by which it passed the Senate was almost entirely given by the political party opposed to the Administration, while only two or three Senators friendly to the Administration voted for it. The House of Representatives fortunately arrested it. At the last session, in the other branch of Congress, an additional sum of \$2,000,000 beyond that given in the treaty, was proposed to be voted to the Cherokee Indians by a gentleman of the Opposition.

Nor was the Senator from South Carolina, now so strongly smitten with a passionate love of economy, altogether free from the sin which he rebukes. Some two sessions since, if he did not err in his recollection, that gentleman proposed an appropriation of \$40,000 for purchasing a collection of old paintings, supposed, by better connoisseurs than himself, to have come to this country, from Europe, on a voyage of discovery for a better market, where they, in all probability, were a kind of refuse among those skilled in the fine arts. The same gentleman, he believed, also

moved an appropriation of a large sum to purchase the library of the Italian Count Bortullini; and, indeed, from a knowledge of that gentleman's votes in regard to such objects, and in regard to the numerous claims preferred at every session to draw money from the Treasury, he thought it would be difficult to make an appeal to his feelings which would not meet with success from the magnificence and profusion of his generosity. What he complained of was, those who had been the greatest offenders themselves, were now not very candidly endeavoring to impute the offense to others. He could not, so far as these repeated imputations of extravagance tended to identify him with them, hear them with patience or composure. He had, for the last nine years, steadily voted against appropriations for objects of internal improvements. He had almost in every instance, if not in every one, voted against harbor bills, which have been one of the largest items of expense, because they had almost invariably contained some appropriations that he believed unconstitutional. He had voted against the act in 1832, by which the militia of the Revolution were pensioned, which had run the item of pensions up to a sum of more than four millions annually, and which was at that time viewed by him as one of the means by which the tariff party sought to keep up a high tariff by increasing expenditure. Yet many of the individuals who voted for that most extravagant measure now talk about an increase of the public expenditures as if they themselves had not been the chief agents of doing it! He had not only voted against extravagant expenditures, but he had made it a cardinal rule of his action to vote against creating any addition to the number of officers under the Federal Government, unless indispensable to the execution of some new law required, as he thought, by the good of the country.

He was gratified to hear gentlemen speak of economy who had practiced so little of it. It had uniformly been his doctrine in every situation of his public life. He hoped that they would, in good faith, unite in carrying it out into practice, and not "keep the promise to the ear, and break it to the hope."

The Senator from Kentucky, in his remarks of to-day, repudiates the doctrine attributed to him by gentlemen in debate, of wishing to raise money for purposes other than the wants of the Government; but, at the same time, again enforces upon our attention the merits of his bill for the distribution of the proceeds arising from the sales of the public lands among the several States. What is this but substantially a proposition to increase the tariff? It is now very clear, under the operation of the gradual decrease of the duties, that the money accruing from all sources, the public lands included, will not be more than sufficient to meet a reasonable system of public expenditure, under the General Government. It therefore follows, as a most undeniable and conclusive consequence, if the money arising from the public lands is taken from the public Treasury and given to the States, that just so much more must be raised from the people of the States to supply the deficiency, which can be done only in one of two ways, either by a system of direct taxation or an increase of the tariff. The bill of the Senator, therefore, is emphatically a tariff measure in its end and effect. It should be entitled "a bill to distribute the proceeds of the sales of the public lands among the several States, to raise the duties on imports, and for other purposes," &c. The South never can consent to revive a system, either directly or indirectly, which had annihilated her prosperity for years, and converted her planters into mere stewards of their own estates for the benefit of others; a system, the ruin of which to her best interests is most palpably demonstrated from the fact that in proportion as it goes down her prosperity is rapidly recovering. He repeated, that the South never could consent to see it revived, openly or otherwise, unless she was prepared for self-destruction and self-immolation.

On motion of Mr. PRESTON, the subject was postponed until Monday next.

#### PUBLIC LANDS.

On motion of Mr. BENTON, it was

Ordered, That the bill for the reduction and graduation of the price of the public lands be referred to the Commit-

tee on Finance, with instructions to consider the same in a financial point of view, and to report their opinion on the probable effect thereof in diminishing or increasing the revenue from the public lands.

On motion, the Senate adjourned till Monday next.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, December 13, 1838.

Mr. ALEXANDER moved to correct the Journal as to one of his votes yesterday; as did also Mr. PLUMER, Mr. CALHOUN of Massachusetts, and Mr. CHAMBERS.

#### EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House—

1. A communication from the Secretary of the Navy, stating the number of extra clerks which have been employed in that Department, in answering calls for information.

On motion of Mr. CUSHMAN, laid on the table.

2. From the same, containing a statement of the contingent expenses of that Department for the last year.

On motion of Mr. REED, laid on the table.

3. From the Secretary of the Treasury, transmitting a report of the Fifth Auditor on the progress made in building light-houses, buoys, &c.

On motion of Mr. CUSHMAN, laid on the table.

#### REPORT FROM A COMMITTEE.

Mr. CAMERLENG, from the Committee of Ways and Means, reported a bill making appropriations in part for the support of Government for the year 1838, (the congressional compensation bill); which was read twice, and committed.

#### RESOLUTIONS.

Mr. ADAMS asked leave to submit the following:

Resolved, That the powers of Congress being conferred by the Constitution of the United States, no resolution of this House can add to or deduct from them.

Objection being made by Mr. WILLIAMS, of Kentucky,

Mr. ADAMS moved a suspension of the rules.

Mr. TILLINGHAST asked for the yeas and nays; which were ordered; whereupon

Mr. WILLIAMS, of Kentucky, withdrew his objection; but it was renewed by another gentleman.

The House refused to suspend the rules; the vote being—yeas 75, nays 124; as follows:

YEAS—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Ayer, Biddle, Bond, Borden, Briggs, William B. Calhoun, Chambers, Cheatham, Childs, Coffin, Cranston, Curtis, Cushing, Darlington, Davies, Dennis, Dunn, Evans, Everett, Ewing, Richard Fletcher, Isaac Fletcher, Fillmore, Giddings, Goode, William Graham, Graves, Grennell, Hall, Halstead, Harlan, Harper, Hastings, Henry, Herod, Jenifer, William Cost Johnson, Kennedy, Lincoln, Mallory, Marvin, Sampson Mason, May, Maxwell, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Peck, Potts, Putnam, Rariden, Randolph, Reed, Ridgway, Robinson, Rumsey, Russell, Saltonstall, Sergeant, Slade, Southgate, Taliaferro, Tillinghast, Toland, Albert S. White, Wise, Word, and Yorke—75.

NAYS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beers, Bicknell, Birdsall, Brodhead, Bronson, Buchanan, John Calhoun, Cambrleng, William B. Campbell, Carter, Casey, Chaney, Chapman, Clark, Clowney, Coles, Connor, Craig, Crary, Crockett, Cushman, Dawson, Deberry, Dromgoole, Duncan, Elmore, Farrington, Fairfield, Foster, Fry, Gallup, James Garland, Glascock, James Graham, Grantland, Grant, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawes, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, William H. Hunter, Ingham, Thomas B. Jackson, Jabez Jackson, Henry Johnson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kenble, Klingensmith, Legare, Lewis, Loomis, Lyon, James M. Mason, Martin, Maury, McKay, Robert McClellan, Abraham McClellan, McClure, McKennan, Menefee, Montgomery, Moore, Morgan, Noble, Palmer, Parker, Parris, Paynter, Pearce, Phelps, Pickens, Plumer, Pope, Pratt, Rencher, Rhett, Rives, Robertson, Sawyer, Sheffield, Augustine H. Shepperd, Shields, Shepler, Snyder, Spencer, Stanley, Stuart, Swearingen, Taylor, Thomas, Titus, Toucey, Towns, Turney, Underwood, Vail, Vandever, Wagener, Webster, Weeks, John White, Whittelsey, Sherrard Williams, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, and Yell—124.

So the motion to suspend the rules was decided in the negative.

#### STEAM EXPLOSIONS.

On motion of Mr. SERGEANT, the report of the Secretary of the Treasury, on the subject of steam explosions was laid before the House by the Speaker; which was referred to a select committee, and ordered to be printed by the Printer

of the House, under the superintendence of the Secretary of the Treasury, who is authorized to make any additions and corrections he may think fit during the progress of the printing.

The committee was ordered to consist of seven in number.

#### PLAN OF NATIONAL DEFENSE.

On motion of Mr. KEMBLE, it was

Ordered, That the small drawing or map illustrative of the plan of national defense, contained in the report of the Secretary of War, which accompanies the President's message, be published in the other documents.

#### ABOLITION OF SLAVERY.

Mr. WISE asked leave to submit the following resolutions, as propositions containing his sentiments, and what he believed to be the real sentiments of the whole South:

1. Resolved, That Congress has no power to abolish slavery in the District of Columbia, or in the Territories of the United States; whether such power in the said District or Territories be exercised "as a means, or with the view, of disturbing and overthrowing slavery in the States" or not.

2. Resolved, That Congress has no power to abolish the slave trade, or prohibit the removal of slaves between the States, or between the States and the District of Columbia or Territories of the United States.

3. Resolved, That Congress cannot receive or consider petitions for the exercise of any powers whatever over the subject of slavery which Congress does not possess.

4. Resolved, That the laws of Congress alone govern in prescribing and regulating the mode and manner in which fugitive slaves shall be apprehended, and their rights to freedom held in the non-slaveholding States, District of Columbia, and Territories; and the mode and manner in which they shall be restored or delivered to their owners in the slave States.

5. Resolved, That Congress has no power to impose upon any State the abolition of slavery in its limits, as a condition of admission into this Union.

6. Resolved, That the citizens of the slaveholding States of this Union have the constitutional right voluntarily to take their slaves to or through a non-slaveholding State; and to sojourn or remain temporarily with such slaves in the same, and the slaves are not thereby *ipso facto* emancipated; and the General Government is constitutionally bound to protect the rights of slaveholding States; and that laws of non-slaveholding States in conflict with the laws of Congress providing for such protection, are null and void.

Mr. CALHOON, of Kentucky, asked the gentleman to accept some he held in his hand as a modification of his own.

Mr. WISE hoped his friend would not embarrass him. He had consulted one of his colleagues; and, in asking leave to introduce these propositions, he would not only pledge himself not to debate them, but he would move, what he deprecated, the previous question.

Mr. RIVES inquired if they did not fall within the scope of the last resolution adopted yesterday? [ordering all papers on the subject of slavery to be laid upon the table.]

The SPEAKER replied that the resolutions were not yet before the House, the motion being for leave to introduce them.

MEMBERS said, "Object to them!"

Mr. RIVES did so, and Mr. WISE moved a suspension of the rules, calling for the yeas and nays; which, being ordered, were—yeas 113, nays 96; as follows:

YEAS—Messrs. Adams, Alexander, Heman Allan, Ayer, Banks, Bell, Biddle, Bond, Borden, Bynum, William B. Calhoun, John Calhoun, William B. Campbell, Carter, Chambers, Chapman, Cheatham, Childs, Coffin, Coles, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Dennis, Dunn, Elmore, Evans, Ewing, Richard Fletcher, James Garland, Rice Garland, Giddings, Glascock, James Graham, Grantland, Graves, Grennell, Griffin, Hall, Harlan, Harper, Hastings, Hawes, Hawkins, Haynes, Henry, Robert M. T. Hunter, Jabez Jackson, Jenifer, Henry Johnson, William C. Johnson, John W. Jones, Kennedy, Legare, Lewis, Lincoln, Lyon, Mallory, James M. Mason, Sampson Mason, Martin, Maury, McKay, Abraham McClellan, Menefee, Mercer, Milligan, Mitchell, Moore, Murray, Naylor, Noyes, Ogle, Pearce, Peck, Pickens, Pope, Potts, Putnam, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Saltonstall, Sawyer, Sergeant, Augustine H. Shepperd, Charles Shepard, Shields, Slade, Southgate, Staley, Stuart, Stone, Taliaferro, Thompson, Tillinghast, Toland, Towns, John White, Whittelsey, Sherrard Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yell—113.

NAYS—Messrs. John W. Allen, Anderson, Andrews, Atherton, Beatty, Beers, Belme, Bicknell, Birdsall, Briggs, Brodhead, Bronson, Buchanan, Cambrleng, Casey, Connor, Corwin, Craig, Crary, Cushman, Invee, Davies, Deberry, Dromgoole, Duncan, Everett, Farrington, Fairfield, Isaac Fletcher, Fillmore, Foster, Fry, Gallup, Goode, William Graham, Grant, Gray, Haley, Halstead, Hammond, Hamer, Harrison, Herod, Holt, Hopkins, Howard, Hubley, William H. Hunter, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, Keim, Kenble, Klingensmith, Leadbetter, Loomis, Marvin, Maxwell, Robert McClellan, McClure, McKennan, Montgomery, Morgan, Calvary Morris, Noble, Palmer, Parker, Parmenter, Parris, Paynter, Phelps, Plumer, Pratt, Rariden, Reily, Rives, Russell, Sheffield, Shepler, Sibley, Snyder, Spencer, Swearingen, Taylor,

Thomas, Titus, Toucey, Turney, Vail, Vandever, Wagoner, Webster, Weeks, Albert S. White, and Jared W. Williams—96.

So the motion to suspend was decided in the negative; there not being two thirds voting for the motion.

Mr. SLADE asked leave to submit the following:

Whereas, there exists and is carried on between the ports in the District of Columbia and other parts of the United States, and under the sanction of the laws thereof, a trade in human beings, whereby thousands of them are annually sold and transported from said District to distant parts of the country, in vessels belonging to citizens of the United States; and whereas, such trade involves an outrageous violation of human rights, is a disgrace to the country by whose laws it is sanctioned, and calls for the immediate interposition of legislative authority for its suppression: Therefore, to the end that all obstacles to the consideration of this subject may be removed, and a remedy for the evil speedily provided,

*Resolved*, That so much of the fifth of the resolutions on the subject of slavery, passed by this House on the 11th and 12th of the present month, as relates to the "removal of slaves from State to State," and prohibits the action of this House on "every petition, memorial, resolution, proposition, or paper touching" the same, be, and hereby is, rescinded.

Objection being made,

Mr. SLADE moved to suspend the rules, and demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 55, nays 157; as follows:

YEAS—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Bond, Borden, Briggs, William B. Calhoun, Childs, Coffin, Corwin, Cranston, Curtis, Cushing, Darlington, Davee, Davies, Evans, Everett, Ewing, Richard Fletcher, Isaac Fletcher, Fillmore, Giddings, Goode, Grennell, Hall, Halsted, Harper, Hastings, Henry, Lincoln, Samson Mason, McKennan, Mitchell, Calvary Morris, Naylor, Noyes, Ogle, Parmenter, Peck, Potts, Putnam, Rariden, Randolph, Reed, Ridgway, Robinson, Russell, Sergeant, Sibley, Slade, Tillinghast, Toland, and Albert S. White—55.

NAYS—Messrs. Anderson, Andrews, Atherton, Ayer, Banks, Beatty, Beers, Beirne, Bell, Bicknell, Biddle, Birdsell, Boudin, Brodhead, Bronson, Buchanan, Bynum, John Calhoun, Cambreleng, William B. Campbell, John Campbell, Carter, Casey, Chambers, Chaney, Chapman, Cheatham, Clowney, Coles, Connor, Craig, Cray, Crockett, Cushman, Dawson, Deberry, Dennis, Dromgoole, Dunn, Elmore, Fairfield, Foster, Fry, James Garland, Rice Garland, Glascock, James Graham, William Graham, Grantland, Grant, Graves, Gray, Hammond, Hamer, Harlan, Harrison, Hawes, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Thomas B. Jackson, Jabez Jackson, Jennifer, Henry Johnson, Joseph Johnson, William Cost Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kennedy, Klingensmith, Legare, Leadbetter, Lewis, Loomis, Lyon, Mallory, James M. Mason, Martin, Maury, May, Maxwell, McKay, Robert McClellan, Abraham McClellan, McClure, Menefee, Mercer, Milligan, Montgomery, Moore, Morgan, Noble, Palmer, Parker, Parris, Paynter, Pearce, Phelps, Pickens, Plummer, Pope, Pratt, Reilly, Rencher, Rhett, Rives, Robertson, Rumsey, Sawyer, Augustine H. Shepperd, Charles Shepard, Shields, Sibley, Southgate, Spencer, Stanly, Stuart, Stone, Swearingen, Tabafarro, Taylor, Thomas, Thompson, Titus, Toucey, Towns, Turney, Wagoner, Webster, John White, Whittlesley, Sherrard Williams, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, Yell, and Yorke—157.

So the House refused to suspend the rules.

Mr. CALHOON, of Kentucky, asked leave to submit the following:

*Resolved*, That the Committee on the Judiciary be instructed to report a bill making it unlawful for any person to aid fugitive slaves in escaping from their owners, and providing for the punishment in the courts of the United States of all persons who may be guilty of such offense. And that they be further instructed to report a bill making it unlawful for any person in the non-slaveholding States of this Union to use any means to entice slaves from their owners, and providing for the punishment in the courts of the United States of all persons who may be found guilty of such offense.

Objections were made, and Mr. C. moved for a suspension of the rules, also calling for the yeas and nays; which were ordered, and were—yeas 89, nays 107; as follows:

YEAS—Messrs. Banks, Beirne, Bell, Boudin, Bynum, John Calhoun, John Campbell, Carter, Chambers, Chapman, Cheatham, Clowney, Coffin, Coles, Connor, Craig, Crockett, Curtis, Dawson, Deberry, Dennis, Dromgoole, Elmore, James Garland, Rice Garland, Giddings, Glascock, James Graham, Grantland, Graves, Gray, Griffin, Harlan, Harper, Hawes, Hawkins, Haynes, Hopkins, Howard, Robert M. T. Hunter, Jabez Jackson, Jennifer, Henry Johnson, Joseph Johnson, Nathaniel Jones, John W. Jones, Kemble, Kennedy, Lewis, Lyon, Mallory, James M. Mason, Martin, Maury, May, McKay, Abraham McClellan, Menefee, Montgomery, Morgan, Murray, Palmer, Parker, Pearce, Phelps, Pope, Rencher, Rives, John Robertson, Rumsey, Sergeant, Augustine H. Shepperd, Charles Shepard, Shields, Southgate, Spencer, Stanly, Stuart, Stone, Tabafarro, Towns, Turney, Underwood, John White, Christopher H. Williams, Joseph L. Williams, Sherrard Williams, Wise, Word, Yell, and Yorke—89.

NAYS—Messrs. Adams, Alexander, John W. Allen, Anderson, Andrews, Atherton, Ayer, Beatty, Bicknell

Biddle, Birdsell, Bond, Borden, Briggs, Brodhead, Bronson, Buchanan, William B. Calhoun, Cambreleng, Casey, Chaney, Childs, Clark, Cranston, Cushing, Cushman, Davee, Davies, Duncan, Dunn, Edwards, Evans, Everett, Farrington, Fairfield, Richard Fletcher, Isaac Fletcher, Fry, Gallup, Goode, William Graham, Grant, Grennell, Haley, Hall, Halsted, Hammond, Hamer, Henry, Herod, Holt, Hubley, William H. Hunter, Thomas B. Jackson, Keim, Klingensmith, Leadbetter, Lincoln, Loomis, Marvin, Sampson, Mason, Maxwell, Robert McClellan, McClure, McKennan, Milligan, Mitchell, Moore, Calvary Morris, Naylor, Noble, Noyes, Ogle, Parmenter, Parris, Paynter, Peck, Pettkin, Plumer, Potts, Pratt, Rariden, Reed, Reilly, Ridgway, Robinson, Russell, Saltonstall, Sawyer, Sheffer, Shepler, Sibley, Slade, Smith, Snyder, Swearingen, Taylor, Thomas, Tillinghast, Toland, Toucey, Vandever, Wagoner, Webster, Albert S. White, Whittlesley, and Jared W. Williams—107.

So the rules were not suspended.

#### ELECTION OF CHAPLAIN.

On motion of Mr. GRENNEILL, the House proceeded to the execution of the order of Monday, for the election of a Chaplain on its part; when the following nominations were made:

Mr. DAVIES nominated Rev. A. Babbitt.  
Mr. CRAIG nominated Rev. Levi R. Reese.  
Mr. MASON, of Virginia, nominated Rev. E. C. Hutchinson.

Mr. WISE nominated Rev. W. Ford.  
Mr. TAYLOR nominated Rev. Mr. Owen.  
Mr. CUSHMAN nominated Rev. Mr. Bullfinch.

Mr. GALLUP nominated Rev. Mr. Fowler.  
Mr. MERCER nominated Rev. Mr. Tuston.

The first five gentlemen were appointed to superintend the taking the votes; and being taken, they were announced as follows:

Whole number of votes given in, 198; necessary to a choice, 100; of which

Rev. Levi R. Reese received.....	100
Rev. E. C. Hutchinson.....	25
Rev. Mr. Bullfinch.....	25
Rev. A. Babbitt.....	14
Rev. Mr. Tuston.....	14
Rev. Mr. Fowler.....	11
Rev. Mr. Owen.....	9

So Rev. Mr. REESE was declared duly elected.

On motion, the House adjourned.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, December 14, 1838.

The SPEAKER laid before the House the annual report of the Commissioner of Pensions; which, on motion of Mr. BRIGGS, was laid on the table.

#### CLERKS TO COMMITTEES.

Mr. CUSHMAN asked leave to submit the following:

*Resolved*, That no committee of this House shall be permitted to employ a clerk at the public expense, without first obtaining leave of the House for that purpose.

Objection being made,

Mr. C. moved a suspension of the rules, which prevailed; and the resolution was agreed to *nem. diss.*

On motion of Mr. CHAMBERS, it was

*Resolved*, That the Committee of Claims be authorized to employ a clerk.

#### APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House went into committee (Mr. HOWARD in the chair) on the "bill making appropriations, in part, for the support of Government for the year 1838-9."

The bill having been read,

Mr. CAMBRELENG explained that the contingent expenses of the House and Senate had been limited to one half their estimates, leaving the other half for future consideration.

The bill was ordered to be reported.

The committee rose; and the Speaker having resumed the chair, the bill was ordered to be engrossed for a third reading to-day.

Subsequently, on motion of Mr. CAMBRELENG, engrossed bill "making partial appropriations for the support of Government for the year 1838-9" was read a third time, and passed.

#### ORDER OF BUSINESS.

Mr. HOWARD inquired if, this being private business day, petitions could be presented?

The SPEAKER replied that petitions were in order each day for the first thirty days of the session.

Mr. HOWARD hoped they would go on with

that business, so that the committees might have some business before them.

Mr. ELMORE made an ineffectual effort to induce the House to take up, on their reference, some private bills from the Senate lying on the Speaker's table.

#### PETITIONS, ETC.

Petitions and memorials were then called for in the order of States, commencing at the point left off the other day, and were presented by Messrs. ATHERTON and FARRINGTON, of New Hampshire.

Mr. CUSHING presented several memorials, and asked leave to bring in a bill to provide for the protection of the citizens of the United States residing in Oregon Territory; but it being objected to, Mr. C. gave the requisite notice of one day.

Mr. FLETCHER, of Massachusetts, then presented a petition for the abolition of slavery in the District of Columbia.

Mr. WISE rose and objected to its reception; and said he would make the point of order whether Mr. ATHERTON's fifth resolution recognized the reception of petitions.

The SPEAKER said this question had been decided at the second session of the Twenty-Fourth Congress on a reversal of the decision of the Chair at that time, upon an appeal therefrom, by a vote of—yeas 56, nays 147. In view of that decision, the Chair now felt constrained to put a similar construction upon the present order, and thereby overrule the point made by the gentleman from Virginia.

Mr. WISE said he knew that, under the resolutions adopted in previous years, these petitions had been received. But this was a new resolution.

The SPEAKER said it amounted to the same thing. They were substantially and almost in the identical phraseology.

Mr. WISE. Well, then, if that be the decision of the Chair, in order to test the sense of the House, I take an appeal, having no other mode of reaching it; and also call for the yeas and nays. Now, I wish gentlemen to come up to their own construction of their own resolution. He himself believed the decision of the Chair to be in conformity with the resolution; but he had taken the appeal that the opinion of each member might be known. Mr. W. then went into a succinct history of the proceedings on the several resolutions on this subject, from Mr. JARVIS's and Mr. PINCKNEY's original one to refer the matter to a select committee, down to those of the latter gentlemen, Mr. HAWES, and Mr. PATTON, making, *eo tempore*, a final disposition of abolition papers.

The question now involved, according to Mr. W., was this: was the presentation of a petition under Mr. ATHERTON's resolution a reception of it? Southern gentlemen who voted for that resolution had declared to him that the resolution did not recognize the reception of abolition petitions. Now, he wished them to stand by that decision. If, on the contrary, this House does affirm that that resolution recognizes the reception of these petitions, then the whole ground is gone, and the Abolitionists have triumphed; because, if you may receive petitions, you may refer them; and referring, you may report on them—unfavorably, you may say; but if you have the power to report at all, you may report favorably, as well as unfavorably. This, he repeated, gave up the whole ground to the Abolitionists. His own candid opinion was, that the wording of the resolution laying the petitions on the table did recognize their reception. Now, he would ask the South if this was the compact, if this was the boon, which at last the South had gained from a northern party with southern principles? If this be the compact, (namely, to recognize the jurisdiction of Congress over the subject of slavery, except directly in the slaveholding States,) it is a compact nothing better than abolition itself.

The SPEAKER recapitulated all the questions that had arisen, and the decisions on the similar points, under the four resolutions referred to above, in all of which the uniform construction had been that the resolution or order, the same as that now in force, disposed of the petition on presentation, and that the question of reception could not be raised at that time.

Mr. RIVES expressed his deep regret that after

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the adoption of Mr. ATHERTON's resolutions any further excitement should have sprung up in that House. He had been of opinion that, under these resolutions, they could have got on quietly and tranquilly during the rest of the session, and he believed every person acquiesced in them. He believed every man in the slaveholding States, with the exception of a few fanatics—

The SPEAKER arrested Mr. R. as transgressing the limits of the question of order.

Mr. RIVES would cheerfully yield submission to the Chair. Then, (continued Mr. R.) the gentleman who made this appeal himself concurred with the Speaker, and why, then, persist in it? He ought not to have made it.

Mr. R.'s conviction was that the Chair ought to be sustained, and his impression was that the only way by which the gentleman could have attained his object, was by a direct motion to reject, and not to have brought up the subject of resolutions already adopted. Mr. R. hoped the yeas and nays would be ordered, and in voting he would endeavor to set his colleague an example, by responding when his name was called.

Mr. PICKENS maintained that there was a wide distinction between the present resolution of order and those adopted in former years. He differed with Mr. WISE in his view of it, contending that the words "without further action thereon," created this distinction, and left the question of reception untouched. There was even a still prior preliminary question, uniformly acted on in the British Parliament, from which their *lex parliamentaria* was derived, but which had been left unnoticed by Mr. Jefferson—the leave to present. That was the first question, and then came the question of reception. The member holding the paper makes no motion to that effect, but the Chair was bound to present the question to the House for its decision.

The gentleman from Virginia had alluded to a compact. Mr. P. could assure the gentleman that he had consulted no man, in or out of the House, but his own colleagues.

Mr. P. then briefly recapitulated the course before taken by the House, and insisted that the question of rejection was never decided according to strict parliamentary usage. It was left in abeyance, for when it was raised it was immediately followed up by a motion to lay on the table, and thus the whole matter was disposed of. He agreed with the gentleman from Virginia that the question of reception was one of vital importance to the South, and one which he would never surrender. The clause he had referred to preserved that question, and but for that he should not have voted for Mr. ATHERTON's resolutions.

Mr. ROBERTSON had voted for that resolution with the impression that it did not conclude the question of reception, but left it open in the event that "further action" should be proposed on these petitions. He thought the Chair right in deciding that the question of reception could not now be entertained, but that the memorials must go on the table. But if the House should decide on further action on them, would the Chair consider it precluded from raising the question of reception?

The SPEAKER said it had not so decided. When that question should come up, it would be time enough to decide it.

Mr. ROBERTSON expressed himself satisfied with that view of the point, concurring, as it did, with his own.

Mr. GLASCOCK agreed with Mr. WISE in his motion, and was also of opinion that the construction given to Mr. ATHERTON's resolution by the Chair, was in strict conformity not only with its own obvious meaning, but according to the spirit and intent of the whole of the other similar resolutions. In looking at this resolution, it will be found that all memorials, &c., on the subject of slavery, or abolition, &c., shall be laid on the table without being printed, referred, or any further action thereon. Now when that resolution was presented for consideration, he took the same

position he had always maintained on questions of this kind before, and declined voting upon it, one way or the other, until he could examine and judge for himself whether it could bear such a construction as to recognize the reception of petitions. He believed it did admit of that construction, and therein he differed with his friend from South Carolina, [Mr. PICKENS.] It seemed to Mr. G. that when a petition was presented, and then ordered to lie on the table, it was, to all intents and purposes, *ipso facto* received. The act of disposing of a paper after presentation, presupposed its reception by the body making a disposition of it. Any other construction would be to render the resolution itself a mere nullity. This seemed to him one of the plainest propositions ever presented to a deliberative assembly. The laying on the table was no preliminary stage, but a final disposition of the subject, or tantamount to it, because no further action could be had thereon but by a suspension of the rules. No disposition could be made of a subject unless it was in the possession of the House; and to be in their possession, it must have been received. He contended that the resolution would have borne this construction without the words "further action," which necessarily implied previous action; but those words put it beyond doubt. He refused to vote for Mr. PICKNEY's resolution because it recognized the reception of petitions, and he had declined voting for Mr. ATHERTON's on the same ground.

Mr. CRAIG considered Mr. WISE's ground to be the true one, viz: that the presentation of a petition, which presentation resulted in its being laid on the table, was in effect, to put that petition in possession of the House, for he was at a loss to perceive how it could get there without being received. Still, however, he denied, *toto cælo*, that it was a concession to the petitioners of their right to petition. It was, on the contrary, a virtual denial of their right, and a rejection of their memorial. If he understood the Speaker's decision rightly, it was this: that when a petition gets on the table, the question of its reception cannot be raised, because *pro tanto* it is already received and disposed of, and that decision he should sustain.

Mr. TAYLOR, remarking that the case appeared to him to be too clear even to allow room for an argument against it, demanded the previous question, which was seconded, 99 to 62, and the main question ordered, put, and carried—yeas 185, nays 6; as follows:

YEAS—Messrs. John W. Allen, Anderson, Andrews, Atherton, Ayer, Banks, Beatty, Beers, Beirne, Bell, Bicknell, Biddle, Birdsall, Bond, Bouldin, Briggs, Brodhead, Bronson, Buchanan, Bynum, John Calhoun, Cambreleng, John Campbell, William B. Campbell, Casey, Chaney, Chapman, Cheatham, Clark, Cleveland, Clowney, Coffin, Cotes, Connor, Corwin, Craig, Crary, Cranston, Curtis, Cushing, Cushman, Darlington, Dawson, Davee, Davies, Deberry, De Graff, Dromgoole, Dunn, Elmore, Evans, Everett, Farrington, Fairfield, Isaac Fletcher, Fillmore, Foster, Fry, Gallup, James Garland, Giddings, Glascock, Goode, James Graham, William Graham, Grantland, Graut, Gray, Grennell, Griffin, Haley, Halstead, Hammond, Hamer, Harrison, Harper, Hawes, Hawkins, Haynes, Henry, Herod, Holt, Hopkins, Howard, Hubley, William H. Hunter, Ingham, Thomas B. Jackson, Jabez Jackson, Henry Johnson, Joseph Johnson, William C. Johnson, Nathaniel Jones, John W. Jones, Keim, Kenzie, Kennedy, Klingensmith, Legare, Lendbetter, Lewis, Lincoln, Loomis, Lyon, Malory, Marvin, James M. Mason, Sampson Mason, Martin, Maury, May, Maxwell, McKay, Robert McClellan, Abraham McClellan, McClure, McKennan, Menefee, Mercer, Milligan, Montgomery, Moore, Morgan, Samuel W. Morris, Calvary Morris, Murray, Naylor, Noble, Noyes, Ogle, Parker, Parmenter, Parris, Paynter, Pearce, Peck, Pickens, Plumer, Potts, Pratt, Putnam, Randolph, Reed, Reily, Rhett, Ridgway, Rives, Robertson, Robinson, Russell, Sawyer, Sheffer, Augustine H. Shepperd, Charles Shepard, Shields, Shepler, Sibley, Snyder, Southgate, Spencer, Stuart, Stone, Stratton, Swearingen, Taliaferro, Taylor, Thomas, Tillinghast, Titus, Toland, Toucey, Turney, Underwood, Vail, Vandever, Wagener, Webster, Albert S. White, John White, Whittlesey, Sherrard Williams, Jared W. Williams, Joseph L. Williams, Yell, and Yorke—185.

NAYS—Messrs. Carter, Chambers, Crockett, Pope, Christopher H. Williams, and Word—6.

Mr. ADAMS, when his name was called, said: I refuse to answer, considering all the resolutions—

The SPEAKER called Mr. A. to order.

Mr. ADAMS. Considering all the resolutions as unconstitutional—

The SPEAKER again interposed, and requested the gentleman from Massachusetts to take his seat.

Mr. ADAMS. A violation of the Constitution of the United States.

These words were thrown out by Mr. A. amidst much tumult, and very loud cries for "order," in the course of which,

The SPEAKER called on the House to aid him. Something like silence having been restored, Mr. THOMPSON desired to know what aid the Speaker wished?

Mr. ADAMS having, in the interim, resumed his seat,

The SPEAKER replied, none at all. The Clerk then proceeded with the roll, and, the name of Mr. WISE having been called, that gentleman rose and refused to vote.

Mr. MERCER, on leave, submitted a resolution; which was read, as follows:

*Resolved*, That all petitions and memorials presented to this House at the regular session of Congress, and referred to the several standing committees, on which no report was made, or in relation to which bills were reported, may be again referred to the same committees, at the pleasure of the members by whom they were respectively presented, on being laid, or a list thereof presented, to the Clerk.

Mr. TURNEY moved to amend the resolution by inserting after the word "memorial," the words "papers and resolutions;" which was disagreed to.

Mr. LOOMIS proposed to amend the resolution by adding after the word "House," the words "for want of action thereon;" and, after a conversation in which Messrs. LOOMIS, GARLAND of Virginia, and ADAMS partook, the amendment was disagreed to.

Mr. MERCER then modified his resolution so as to read "last" instead of "regular" session.

Mr. HARLAN moved that the resolution lie upon the table; which motion was not agreed to. The resolution, as modified by the mover, was then agreed to.

## ADJOURNMENT TO MONDAY.

On motion of Mr. TAYLOR, it was *Resolved*, That when the House adjourns to-day, it adjourn to meet on Monday.

## PRIVATE BILLS.

On motion of Mr. ELMORE, sundry private bills from the Senate were taken up and referred.

## JOINT LIBRARY COMMITTEE.

The House took up and concurred in the resolution from the Senate for the appointment of a Joint Library Committee, and ordered a committee of three to be appointed on its part.

## HALF-PAY PENSIONS.

Mr. WHITTLESEY, on leave, presented the following resolution; which was agreed to:

*Resolved*, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of so amending the act passed the 7th day of July, 1838, entitled "An act granting half pay and pensions to certain widows," so that the benefits thereof may not be withheld from said widows for having married after the decease of the husband for whose services she may claim to be allowed a pension, if she would otherwise be entitled thereto.

On motion of Mr. BOULDIN, the House adjourned.

The following gentlemen compose the select committee on steam-engines: Messrs. SERGEANT, HAMER, CAMPBELL of South Carolina, PHELPS, MENEFFEE, YELL, and BORDEN.

## IN SENATE.

MONDAY, December 17, 1838.

The PRESIDENT presented a communication from the Secretary of the Treasury, transmitting a report from the Fifth Auditor in reference to the erection of light-houses, buoys, &c., in com-

pliance with the act of July 7, 1838; which was ordered to lie on the table, and be printed.

Also, a communication from the Secretary of War, transmitting a report from the Commissioner of Pensions, in compliance with the act of May 29, 1838; which was ordered to lie on the table, and be printed.

Also, a communication from the Secretary of the Treasury relative to the claim of Lieutenant Collins, concerning a survey of the southern coast; which was ordered to be printed, and referred to the Committee on Commerce.

#### PETITIONS, ETC.

Mr. WALL presented the petition of William M. Perkins and others, remonstrating against making Indian Key a port of entry; which was referred to the Committee on Commerce.

Mr. WALL presented the petition of sundry officers of the line of the Army, praying to be allowed the same pay and emoluments as officers of the staff; which was referred to the Committee on Military Affairs.

Mr. LYON presented the petition of Benjamin H. Wheelock, Frederic H. Stevens, Charles Taylor, Samuel Denton, and Edward Mundy, praying for the preemption right to a fraction of a section of land on which they have erected a steam saw-mill, in Ottawa county, Michigan.

Also, the memorial of Edwin H. Lathrop, agent of the county of Kalamazoo, in Michigan, praying that the act of the 26th of May, 1824, granting to the counties and parishes of each State where the public lands are situated, the right of preemption to quarter sections of land, for seats of justice, be so construed as to extend to said county a similar privilege.

Mr. BENTON presented the petition of John M. Hepburn, a clerk in the office of the Adjutant General, praying for increase of his salary; which was referred to the Committee on Indian Affairs.

Mr. WRIGHT presented the petition of Mrs. Hutchins, widow of a soldier of the late war, who died in the service of the United States, praying for a pension; which was referred to the Committee on Pensions.

Mr. PRENTISS presented the petition of James H. Bradford, praying for a pension; which was referred to the Committee on Pensions.

Mr. TIPTON presented the petition of a number of citizens of Indiana, asking for a grant of land to aid them in constructing a railroad; which was referred to the Committee on Roads and Canals.

Mr. DAVIS presented the petition of William Crawford; which was referred to the Committee on the Post Office and Post Roads.

Also, the petition of James F. Baldwin, executor of Loammi Baldwin, deceased; which was referred to the Committee on Claims.

Mr. YOUNG presented the petition of a number of citizens of Illinois; which was referred to the Committee on Indian Affairs.

Mr. MERRICK presented the petition of Wilfred Nott; which was referred to the Committee on Pensions.

Also, the petition of Eunice Starr, widow of William Starr, a soldier of the Revolution; which was referred to the Committee on Revolutionary Claims.

The PRESIDENT communicated several papers in support of the claim of Samuel H. Thompson; which was referred to the Committee on Naval Affairs.

Mr. TALLMADGE presented the petition of Dr. William Thomas, praying for a pension; which was referred to the Committee on Pensions.

Mr. RIVES presented the petition of certain officers of the revenue cutters of the United States, asking to be placed on the same footing, as to pay and emoluments, as the officers of the Navy; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. STRANGE presented the petition of — Ferguson; which was referred to the Committee on the Post Office and Post Roads.

#### NOTICES OF BILLS.

Mr. ROBINSON gave notice that he would to-morrow ask leave to bring in a bill to establish a surveyor general's office in the State of Illinois.

Mr. DAVIS gave notice that he would to-morrow ask leave to introduce a bill for the relief of Irvine Shubrick.

Mr. RIVES gave notice that he would to-morrow ask leave to bring in a bill to explain and amend the act for the better organization of the United States marine corps.

Mr. CLAY, of Alabama, gave notice that he would to-morrow ask leave to bring in a bill for the relief of certain persons therein named.

Mr. HUBBARD gave notice that he would to-morrow ask leave to introduce a bill for the relief of Dr. Samuel White.

Mr. NORVELL gave notice that he would to-morrow ask leave to introduce a joint resolution to authorize the President of the United States to cause certain surveys to be made.

Also, a bill to authorize the University of Michigan to select other lands in lieu of those granted them.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. RUGGLES, leave was given to Sarah Bowen to withdraw her petition and papers from the files of the last session.

On motion of Mr. CLAY, of Alabama, the memorial of John M. Moore, on the files of the last session, was again referred to the Committee on Public Lands.

On motion of Mr. RUGGLES, the petition of John H. Hall, on the files of the last session, was again referred to the Committee on Military Affairs.

On motion of Mr. CLAY, of Kentucky, leave was given to withdraw the petition and papers of Dr. Coleman Rodgers, on the files of the last session.

On motion of Mr. BROWN, the petition and papers of Zephaniah Spiggot, on the files of the last session, were again referred to the Committee on Finance.

On motion of Mr. RIVES, the petition and papers of George Taylor, on the files of the last session, were again referred to the Committee on Foreign Relations.

On motion of Mr. STRANGE, the petition and papers of Dr. Cameron on the files of the last session, were again referred to the Committee on Revolutionary Claims.

On motion of Mr. HUBBARD, the petition of David Stone, on the files of the last session, was again referred to the Committee on Claims.

#### BILLS INTRODUCED.

Mr. YOUNG, on leave, and in pursuance of notice given, introduced a bill for the relief of John W. Skidmore and others; which was read twice and referred.

Also, a bill for the relief of Isabella Hill and others; also, a bill for the relief of Ephraim Sprague; which were severally read twice and referred.

Mr. CLAY, of Kentucky, on leave, and in pursuance of notice given, introduced a bill to amend the act entitled an act to amend the several acts in relation to copyrights; which was read twice and referred.

Mr. MERRICK, on leave, and in pursuance of notice given, introduced a bill to provide for a free bridge across the Eastern Branch, at the city of Washington; which was read twice and referred.

Mr. ROANE, on leave, and in pursuance of notice given, introduced a joint resolution directing the manner in which certain laws of the District of Columbia shall be executed; which was read twice and referred.

Mr. LYON, on leave, introduced a bill to amend the act for the confirmation of certain land claims in Michigan; which was read twice and referred.

#### RESOLUTIONS.

Mr. FULTON submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of establishing ports of entry at Batesville, Little Rock, and Fulton, in the State of Arkansas.

Mr. YOUNG submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of making specific appropriations for the improvement of the Rock river and Des

Moines rapids of the Mississippi river, so as to make said river navigable for steamboats at all seasons of the year when the navigation of the same is not obstructed by ice.

Mr. WALL submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Secretary of the Treasury be instructed to communicate to the Senate the sums of money paid out of the Treasury under private appropriations made or private bills passed by Congress, since the first Monday in December, 1833, distinguishing the amount thereof made at each session of Congress, during the said period, and the persons to whom, and for what purpose paid; and, also, what sums, if any, remain unpaid.

Mr. BENTON submitted the following resolution:

*Resolved*, That the Secretary of State be directed to report to the Senate at the commencement of the next stated session of Congress the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with all foreign nations, so as to show how far the commerce and navigation of this Republic are favored and encouraged, or burdened and restricted, in different countries.

The resolution was laid over.

Mr. BENTON submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of making an appropriation to defray the expenses of calling into service Captain Shodgrass's company of Alabama volunteers, to serve as a guard in accompanying a party of emigrating Cherokees from Bellefonte to Waterloo, in the State of Alabama.

Mr. CLAY, of Alabama, submitted the following resolution; which was considered and adopted:

*Resolved*, That the Committee on the Public Lands be instructed to inquire into the expediency of making provision by law for the discontinuance of the office of surveyor general in the several States embracing the public lands, as soon as the surveys, plats, &c., can be completed; and, also, to inquire into the expediency of establishing land districts in which the public lands have been sold, or in which the sales have become inadequate to defray the expenses of the land officers therein, or to annex such districts to others necessary to be continued.

#### REPORTS FROM COMMITTEES.

Mr. DAVIS, from the Committee on Commerce, reported, with an amendment, the bill for the relief of the owners of the brig Despatch.

Also, without amendment, the bill to reward the captors of the privateer Lydia.

Mr. BENTON, from the Committee on Finance, to whom was referred the bill "providing for the reduction and graduation of the price of the public lands," with instructions to consider the same in a financial point of view, and to report their opinion on the probable effect thereof in diminishing or increasing the revenue from the public lands, made the following report:

That, on being charged with this inquiry, the committee deemed it proper to communicate with the officer at the head of the Treasury Department, and to obtain the benefit of his opinion on the point submitted to them. That officer has replied, and has given it as his opinion that the effect of the bill for some time to come—to wit, for a period from five to ten years—would be to accelerate the sales of the lands to which the bill applies, and, consequently, to augment the amount of revenue receivable from that source. In this opinion the committee fully concur, and believe that the state of the revenue for some years to come will be precisely such as to demand and require this opportune augmentation of income from the public lands. The reduction of duties on imports, now in a regular course of diminution under the act which is commonly called the "compromise," will attain its ultimate point of depression in the year 1842, and will reduce the revenue derived from the customs, according to the estimate of the Secretary of the Treasury, to the low amount of ten or twelve million dollars by that time. To supply this deficiency, an increased revenue from lands becomes highly desirable; and the accelerated sales of the old lands which have been long in market, and sell slowly at the present minimum price, are the obvious means of effecting that increase; and a reduction of price, as proposed in the bill, is the natural and effectual method of accelerating these sales.

The whole quantity of land which would fall under the operation of the bill, according to a report made to Congress at its last session, by the Commissioner of the General Land Office, would be seventy-one million acres, distributed over nine States and one Territory, in the following proportions:

Ohio .....	1,785,035
Indiana .....	4,418,088
Illinois .....	12,714,963
Missouri .....	13,162,545
Alabama .....	14,523,269
Mississippi .....	6,841,553
Louisiana .....	5,018,292
Michigan .....	2,217,185
Arkansas .....	6,304,612
Florida .....	3,998,521
Total .....	71,004,063

The length of time for which different portions of the said lands had been offered for sale at private entry, without

finding a purchaser, were stated, in the same report to be—

States.	For five years and under.	For ten years and under.	For fifteen years and under.	For twenty years and upwards.	Amount.
Ohio.....	139	2,764	905,833	876,338	1,755,035
Indiana.....	576,164	486,544	628,485	2,716,893	4,418,088
Illinois.....	1,977,947	1,293,912	4,720,885	4,759,619	12,714,963
Missouri.....	2,290,107	6,567,030	5,395,399	13,183,545	29,182,989
Alabama.....	3,487,775	2,914,622	6,513,931	1,606,940	14,522,969
Mississippi.....	1,357,365	1,120,492	81,921	4,983,443	6,841,553
Louisiana.....	3,032,842	410,296	1,606,153	5,018,292	9,217,185
Michigan.....	1,507,433	373,771	335,931	-	2,217,135
Arkansas.....	1,515,778	2,989,268	1,802,544	-	6,307,612
Florida.....	2,993,900	1,195,621	-	-	3,998,521

Considering that these lands lie dispersed through nine States and one Territory; that they extend from the northern lakes to the Gulf of Mexico; that they lie intermixed with the cultivated lands of several millions of farmers and planters, to whom they must be desirable, although of inferior value, provided they can be obtained at prices adapted to their worth, the committee feel justified in believing that the bill would accelerate their sale, and thereby supply the deficiency of a declining revenue from customs; and therefore recommend the passage of the bill, in a financial point of view, as a measure beneficial to the Treasury, and coming opportunely to its aid.

Such would be the direct and immediate effect of the bill. Its indirect and consequential effect would also be beneficial to the Treasury, by bringing into use and cultivation many millions of acres of land, now idle and unproductive, contributing nothing to agriculture, but which, in private hands, would speedily be made productive, and, in swelling the aggregate of national wealth, would augment the means of replenishing the Treasury.

The committee do not feel themselves called upon to speak of the effect of the bill upon the interests of the States, and upon the welfare and convenience of the people among whom these seventy millions of acres of refuse lands lie; but to show that there can be no conflict between the interests of the Treasury and the interests of the new States and their inhabitants from the passage of the bill, they take leave to give it as their opinion that the measure will be as beneficial to the new States as to the Federal Treasury; that the time has fully arrived when the new States should have the use of these refuse lands for taxation, and their inhabitants should have the use of them for cultivation, and that the whole should become private property; and that this can better be effected by reducing the price to the value of the lands, than by waiting indefinite terms of years for the lands to rise to the present minimum price.

The committee report back the bill with a recommendation to pass it; and they communicate to the Senate the letter of the Secretary of the Treasury, with his opinion to the same effect.

On motion of Mr. HUBBARD, the report was ordered to be printed, together with ten thousand extra copies for the use of the Senate.

The resolution submitted by Mr. WALL on Thursday last was considered and adopted.

#### APPROPRIATION BILL.

The bill from the House making appropriations in part for the support of Government for the year 1838-39, was read twice, and, on motion of Mr. WRIGHT, referred to the Committee on Finance.

#### PAY OF BREVET OFFICERS.

The bill explanatory of the act to regulate the pay and emoluments of brevet officers was read the second time, and referred to the Committee on Military Affairs.

#### BILLS PASSED.

The following bills were severally read the third time and passed:

The bill for the relief of the heirs of John Brabant, late receiver of public moneys at Huntsville, Alabama;

The bill for the relief of William Jones; and  
The bill to establish an additional land office in the State of Alabama.

#### FOURTH INSTALLMENT OF DEPOSIT.

The bill to postpone the fourth installment of the deposit act was taken up as the order of the day; when

Mr. PRESTON said his object in rising, when this subject was last before the Senate, was to

refute and correct a misrepresentation respecting his position in regard to it. He had given his support originally to the measure, but it was as a deposit bill, not as one for distribution. Although aware of the necessity of getting rid of the accumulated surplus, had he known its practical effect he could not, except as an extreme necessity, have voted for it. What he had said the other day was applicable to the bill as it was practically and in effect—a bill for distribution instead of deposit. As a deposit act it provided that the Secretary of the Treasury might reclaim the moneys from the States whenever the exigencies of the Government rendered it necessary; but at a subsequent session it was so amended, at the instance of an honorable Senator from Pennsylvania, [Mr. BUCHANAN,] as to take this discretion from the Secretary. When it was proposed to create a national debt, he was willing to have moved for the recall of this money. The honorable Senator from Virginia [Mr. RIVES] said, that to have recalled it at the last session, during the fiscal embarrassments, would have been ruinous to the States, and that nothing but a foreign war would be a justifiable cause for so doing; but I think that the States could, by their credit, have easily raised means to pay off this debt. Under that state of affairs, Congress decided in favor of a national debt in preference to reclaiming the deposit with the States. One great benefit expected from the operation of this act was, that whenever the Government was disposed to a prodigality of expenditure, the States would be induced to interpose and arrest the evil. Did they do so? It was expected that whenever the wants of the Government required more than their immediate means, these deposits would be a resource for us to draw on to supply the deficiency. Did we do so? No, sir; we have a national debt existing, on which we are paying interest, while the money is still in deposit with the States. Congress has, by its legislation, declared its most unequivocal condemnation of the deposit act. I do not reprobate the bill as passed, but think that, as no human being entertains the idea that this money will be ever paid, the most honest plan will be to strike it from the statute-book altogether.

The Senator from North Carolina [Mr. BROWN] has thought proper, in his remarks, to endeavor to make the minority of the body responsible for the acts of the majority; to make us responsible for the acts passed by the majority which they may discover to be evil, and also for the loss of measures which are defeated that they may deem beneficial. In all more party matters the Administration have the majority, and can pass what acts they please. If economy is an Administration measure, the party can give our legislation that tendency. He has also thought proper to refer to my course on the bill appropriating \$5,000,000 for French spoils prior to 1800. I cannot understand the economy of refusing to pay an honest debt to an individual who holds my bond. Sir, I would drain your Treasury to the last cent, were it necessary for this purpose. I never supported a niggard economy, that would defeat the ends of Government by straitening the means for an efficient administration of it. The purchase of the library of Count Bourhillini would have reared a noble monument to our literature, and would have been the means of diffusing information which cannot be derived from any other source in the United States. As to the paintings, he did not profess to be a connoisseur in such matters; but his proposition was, to submit the selection of the paintings to competent judges. Though he did not profess to have any great skill in the fine arts, yet he had a taste for paintings; and he thought it much better to ornament the halls of Congress with specimens of the fine arts than with barbaric gold and pearl. He was perfectly willing to incur the opprobrium of that sort of extravagance that adds to the welfare, the honor, or the glory of our common country.

Mr. BROWN, in reply, observed that he would not have made the remarks the gentleman referred to on Thursday last, but for the repeated charges made by gentlemen on the other side of the Chamber of extravagance against the Administration and its friends. It was well known that this was one of the great engines by which the Opposition sought to prostrate the Administration; and he felt it, therefore, to be his duty to show that it

and its friends were not responsible for the many extravagant appropriations that had been made here. The gentleman tells us (said Mr. B.) that these expenditures have been founded on estimates furnished by the executive departments; but surely the gentleman did not charge the minority with the annual estimates of the Departments; and he surely did not recollect that Congress, in its appropriations of the last session, exceeded the estimates some ten or twelve millions. Surely the gentleman would not say that the Administration was responsible for this excess. When he addressed the Senate last on this subject, he took occasion to say that, if the yeas and nays were examined, it would be found that at least two thirds of those voting for these extravagant expenditures were in the ranks of the Opposition. It was because some few friends of the Administration voted with the great body of the Opposition that these appropriations had been got through. It was well known that, for several years past, this body was nearly in an equilibrium, and that a very few of the Administration party voting with the Opposition enabled them to carry through these appropriations which enabled them since to raise the charge of extravagance against the former. It was with the determination not to suffer himself and the party with which he acted to be identified with these extravagant expenditures that he felt called on to make the explanation which he did on Thursday last. The honorable gentleman surely did not recollect that the friends of the Administration had, until within a few years past, been in a minority in this body; and did the gentleman hold the Administration responsible for expenditures voted for by a majority opposed to it? If he did, it was a new kind of political casuistry not very consistent with justice. The gentleman spoke with regard to the five millions he proposed to give to the merchants for French spoils prior to 1800; also, to the \$40,000 he wished to appropriate for the purchase of paintings, as well as the \$50,000 he wished to lay out in a library. The gentleman also spoke of his liberal views, and his regard for the fine arts. Now, he had no objection to the gentleman indulging in his liberality, but he certainly did object to his doing so, and afterwards charging the Administration and its friends with the extravagance it led to. He admired the taste of the gentleman for the fine arts; and had no objection to his indulging in it—it was a refined and noble taste; but Congress had no constitutional power to encourage the fine arts; and it was a matter more proper for the exercise of the gentleman's own private liberality.

With regard to the sub-Treasurers to whom the gentleman alluded, and some of whom had escaped from the United States, he would only observe that the gentleman might with great justice have spoken of the banks through whose aid they perpetrated their frauds. It was a part of the deposit bank system, that through the means of these banks, these frauds were so long concealed. It was because the officers of the Government of the United States had no means of looking into the vaults of these banks, that these men were enabled to conceal their defalcations. Had there been a sub-Treasury—if the officers of the Government had had the right of looking into the safety of the public money, there would have been none of these frauds committed. It was because the public money was put in the vaults of the banks, where all scrutiny into its safety was precluded, that these frauds had been so long concealed.

The question was then taken on Mr. CLAY's amendment to postpone the installment to the 1st of January, 1840, and decided in the negative—yeas 17, nays 26; as follows:

YEAS—Messrs. Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, Foster, Knight, Merick, Prentiss, Rives, Robbins, Ruggles, Smith of Indiana, Spence, Swift, Tallmadge, and Tipton—17.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Fulton, Hubbard, King, Lumpkin, Lyon, Morris, Nicholas, Norvell, Pierce, Preston, Roane, Robinson, Smith of Connecticut, Strange, Walker, Wall, Williams of Maine, Williams of Mississippi, Wright, and Young—26.

The bill was then ordered to be engrossed for a third reading, without a division.

The following bills were taken up and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill for the relief of William East;

The bill to prevent the counterfeiting of foreign coin, and for the punishment thereof;

The bill to punish certain offenses against the United States;

The bill confirming the sales of certain reservations;

The bill granting to the county of Kalamazoo, State of Michigan, the right of preemption to certain quarter sections of the public lands;

The bill for the relief of John Newton;

The bill for the relief of Jean B. Valle;

The bill for the relief of Laurent B. Millaudon; and

The bill for the relief of Walter Loomis and Abel Gay, with an amendment.

The bill for completing certain roads commenced by the United States in the State of Michigan, was taken up, and on the question of ordering it to be engrossed the vote was—yeas 16, nays 16; lost.

Mr. MORRIS gave notice that to-morrow he would move for a reconsideration of this vote.

The bill for the continuation of the Cumberland road was postponed and made the order of the day for Wednesday week.

#### EXECUTIVE SESSION.

On motion of Mr. HUBBARD, the Senate went into the consideration of executive business; and after some time spent therein the doors were reopened.

#### COURT AT JACKSON.

The bill to amend the act to require the judges of East and West Tennessee to hold a court at Jackson, in June, was read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

The Senate then adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, December 17, 1838.

Mr. FRY asked leave to submit the following resolution:

*Resolved*, That the President of the United States be requested to communicate to this House (if not incompatible with the public interest) whether, since the commencement of the present session of Congress, any call has been made upon the executive department of this Government, by the Governor of Pennsylvania, for an armed force of United States troops, and what (official) correspondence (if any) has taken place between him and the Governor of said State in relation to said call; and whether any arms, powder, ball, or buckshot, or other munitions of war, have been furnished by the United States to any of the troops in Pennsylvania, recently called out by order of the Executive of that State.

Objection being made,

Mr. F. moved a suspension of the rules; on which motion,

Mr. BEATTY demanded the yeas and nays; which were ordered.

Mr. WISE said if it was in order, he should like the gentleman to state the object of the resolution. Mr. W. did not know that he had any particular objection to it.

The SPEAKER said it would not be in order but by the unanimous consent of the House.

Mr. FRY said he had no objection if the House would indulge him. [Cries of "No!" "No!"]

The question was then taken, and the rules were suspended—yeas 138, nays 55; as follows:

YEAS—Messrs. Adams, Alexander, Anderson, Andrews, Atherton, Banks, Beatty, Beers, Beirne, Bell, Bicknell, Biddle, Birdsall, Bond, Boon, Borden, Bouldin, Brodhead, Bronson, John Calhoun, Cambreleng, William B. Campbell, John Campbell, Carter, Casey, Chaney, Cheatham, Clark, Coffin, Coles, Connor, Crabbe, Cushing, Cushman, Darling, Daves, Dromgoole, Edwards, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, Gallup, James Garland, Rice Garland, Glascock, Goode, William Graham, Grant, Graves, Gray, Grennell, Griffin, Henry, Hammond, Harrison, Hawes, Hawkins, Haynes, Henry, Herod, Holt, Howard, Hubley, Ingham, Thomas B. Jackson, Jabez Jackson, Henry Johnson, Joseph Johnson, Nathaniel Jones, Keim, Kemble, Kennedy, Klingensmith, Leadbetter, Lewis, Loomis, Lyon, Mallory, Marvin, Martin, Maury, McKay, Robert McClellan, Abraham McClellan, Miller, Montgomery, Moore, Morgan, Matthias Morris, Samuel W. Morris, Calvary Morris, Naylor, Noble, Parker, Farmer, Parris, Paynter, Peck, Pennybacker, Phelps, Potts, Pratt, Rariden, Reilly, Ridgway, Robertson, Robinson, Ramsey, Sawyer, Sheffer, Augustine II. Shepperd, Charles Shepard, Shields, Shepler, Smith, Snyder, Southgate, Spencer, Stuart, Stone, Swearingen, Taliaferro, Titus, Toland, Toucey, Towns, Turney, Albert S. White, John White, Whitley, Jared W. Williams, Joseph L. Williams, Wise, Word, and Yell—138.

NAYS—Messrs. Heman Allen, John W. Allen, Ayer, Briggs, William B. Calhoun, Chambers, Childs, Clowney, Corwin, Craig, Cranston, Crockett, Davies, Dennis, Dunn, Evans, Everett, Richard Fletcher, Fillmore, Giddings,

Grantland, Halsted, Harper, Hastings, Hopkins, Jenifer, Lincoln, James M. Mason, Sampson Mason, Maxwell, McKennan, Mercer, Mitchell, Noyes, Ogle, Pearce, Putnam, Randolph, Reed, Rives, Russell, Saltonstall, Sibley, Stanley, Stratton, Thomas, Tillinghast, Underwood, Vail, Webster, Sherrard Williams, Christopher H. Williams, and Yorke—55.

The resolution being before the House,

Mr. CUSHING submitted the following amendment, which Mr. FRY accepted as a modification:

And whether any officer of the United States instigated or participated in certain late riotous proceedings in the State of Pennsylvania, as alleged in the proclamation of the Governor of said State; and what measures, if any, the President has taken to investigate and punish said acts; and whether such officers still remain in the service of the United States.

Mr. BIDDLE said he did not rise to combat this resolution, yet it was to be regretted that, at a time when excitement appeared to be subsiding elsewhere, an attempt should be made to revive it here. Might it not seem abroad to spring from a wish to inflame and exasperate, rather than from a grave and sincere pursuit of information? Why this parade about buckshot, &c.? Did it not betray a feeling which lurked, say unconsciously, beneath a fair outside? He would not be drawn into a discussion of the pretext which had led to violence and outrage, although prepared to do so. It was a cunning device, by long articles which few would take the trouble to master, to distract attention from the point which must cause all thoughtful men to regard these transactions with astonishment and shame. When the mutineers, in 1783, placed men with fixed bayonets at the doors of Congress, and compelled an adjournment to Princeton, no one stopped to inquire what their pretended "grievances" were. There was a burst of indignation over the whole country, and General Washington instantly dispatched a military force to the scene of violence. He would no more pause to examine these pretenses than if the same mob had rushed into the court-house and driven out judge and jury, on the pretended apprehension of an unjust verdict. No one would think it necessary to enter into the details of the case before expressing his deep and honest indignation at what must break up all government and all security for life and property. He repeated his regret that his honorable colleague had thought it expedient thus, like the son of Noah, to lay bare to the derisive gaze of the world that over which a pious tenderness would rather have thrown a mantle.

Mr. PETRIKIN said he should have silently voted for this resolution, if the Democracy of Pennsylvania (who were peaceably resisting the usurpations which the Bank-Whig-Abolitionists of that State were now attempting to perpetrate) had not been stigmatized by his colleague [Mr. BIDDLE] as a mob. He would not be doing his duty if he were silently to suffer the independent freemen of his native State to be thus slandered. He now repelled the gross charge with that indignation which it merits. He said he had been habituated to see in the Bank-Whig-Abolition newspapers, and to hear from their partisans, the whole vocabulary of billingsgate ransacked and exhausted, to find opprobrious epithets to apply to a people who dared to assert their rights against the domineering bank aristocracy. They have been pleased to style them mobs, swinish multitude, jacobins, disorganizers, destructives, dirty-shirts, locofocos, and every other name which this self-styled "decency party," in their fruitful imaginations, could invent to render the Democracy of Pennsylvania odious at home and abroad; taking care always to combine, as in the present instance, those epithets with a false statement of facts. He said he had just returned from Harrisburg, and saw no mob there, unless the military brought from Philadelphia, in direct violation of the constitution and laws of the State, by Governor Ritner and his Bank-Whig-Antimasonic-Abolition advisers, to shoot down the unarmed citizens of Pennsylvania, be that mob. He saw that mob, armed, and furnished with cartridges and ball and buckshot, to shoot down, he would reiterate, the unarmed citizens of his State, who were peaceably and constitutionally asserting their rights, and at the same time declaring their intention to support the Constitution and laws in their purity, and to prevent the usurpation of all the powers of the government by a band of unprincipled demagogues, who were attempting to set aside the will of the majority, fairly and clearly

expressed, as they had previously attempted to corrupt and destroy the elective franchise at the recent general election.

Mr. P. said he saw at Harrisburg what is an anomaly in the United States, and he believed also in the despotic Governments of Europe, in modern days at least, the military furnished with cartridges, consisting of ball and three buckshot, to fire upon an unarmed people. He had brought one with him [holding it up to view] to exhibit to citizens of all parts of the Union; and let them anticipate what the people are to expect from the tender mercies of the Bank-Whig-Antimasons and Abolitionists, if unfortunately their party should get the Government into their hands. Yes, sir, (said he,) this is an earnest of what the people may expect if ever the country should be cursed by an Administration amalgamated of such materials. We will then see the armed soldiery throughout the Union, as they now are in Pennsylvania, furnished with the same kinds of munitions, to shoot down the people if they assemble peaceably to assert their rights. It was, in the estimation of this same Bank-Whig party, wickedly cruel, to use buckshot cartridges during the war of 1812 against the enemies of our country; but it now is perfectly humane and right to use them against our own citizens.

Sir, (said Mr. P.,) we hear complaints made that the United States officers are at Harrisburg, participating in what the gentleman and his partisans call a mob. I saw more than one person there who are officers under the United States Government, and who were brought there, not of their own volition, but by Governor Ritner and his partisans—dragged from their homes, their family, and their business, by his unlawful and arbitrary mandate, to shoot down their peaceable and unarmed fellow-citizens. The gentleman, in his haste to join in the cry against the officers of the United States Government, forgets to tell us that an officer of that Government, one of the "decency party," like himself, has furnished Governor Ritner and his people with fixed ammunition to slaughter the peaceable citizens of Pennsylvania. This part of the story he wishes kept behind the curtain, and he will, no doubt, applaud this violation of duty by that officer; but if a citizen officer under the United States Government happen to say that the people ought to rule, and are right, then he and his party join in the hue and cry, not only against the individual, but the Government also.

If people, peaceably assembled to prevent the usurpation of their rights and the subversion of the Constitution and their liberties by abandoned and unprincipled men, be a mob in the estimation of my colleague and of his party, then (said Mr. P.) I glory in being a Democrat and one of the people, whether they be called a mob, swinish multitude, Jacobin, Locofoco, or by whatever name they may be styled. They who are now arming themselves in Pennsylvania are ready to assert their rights against all encroachments, from whatever quarter they may be attacked, whether by foreign invaders or domestic traitors. As to the resolution before the House, he thought it ought to pass, that the Representatives of the people, and the people themselves, should know by what authority the arms and ammunition of the United States had been furnished to use against the peaceable citizens of his State. He had no doubt, however, that the gentleman [Mr. BIDDLE] and his party would much rather not let this outrage upon their brethren in Pennsylvania come before the public in an official and authentic way that cannot be denied.

Mr. NAYLOR said that he would vote for the resolution as it had been modified; but that, at the same time, he must express the hearty regret which he felt that this subject had been brought before the House in the form in which it now stood. He congratulated the country, however, if indeed it was a cause of congratulation, that the members of the Administration party were themselves beginning to move for inquiries. He knew what the object of the inquiry was so soon as the motion was submitted this morning. He knew that its object was political effect and political excitement. It was to furnish paragraphs to the Globe, and to sustain the officers of the Government of the United States in their efforts to usurp, through the medium of a mob, the government of the State of Pennsylvania.

I do not recollect (continued Mr. N.) that my honorable colleague who first addressed the House [Mr. BIDDLE] said anything about the persons engaged in this matter at Harrisburg. I do not recollect that he said anything to call forth the warlike ire of him who has just preceded me, [Mr. PETRIKIN.] But I say now, in my place, and I know exactly what I say, that they were for the most part a mob—men, some of them, going from the county of Philadelphia, having no interest in Harrisburg, led on by the officers of the General Government, for the purpose of declaring to the Legislature, assembled under the Constitution and the laws, that thus they should do, that “thus far they should go, and no further.”

But yet the gentleman [Mr. PETRIKIN] says that these men were peaceable citizens, and no mob. Let me state a fact. I have myself received letters since my arrival in this city, since the commencement of these disturbances, telling me—yes, sir, *warning me*—appealing to my fears, and telling me that if I dared to come here and attempt to take my seat—a seat to which I had been honored by a majority of nearly a thousand—the same men who had figured in these scenes at Harrisburg would through your Hall, would speak from your gallery, and drive you, sir, from that chair! I appeal to the people of the country—I ask every man in this House, be he a Democrat or what he may, to whatever party he may belong—I appeal to you as the descendants of the men of '76—I ask you, what think you of those who would make such threats? Are they peaceful, law-abiding citizens, or are they a mob? I ask you whether you intend to sustain these men in the work of wrong, of outrage and usurpation, which they have commenced?

Mr. Speaker, I know something of the controversy now going on at Harrisburg. I have, indeed, occasion to know something about it, for the immediate and primary cause of the whole was an attempt to *cheat me out of my right to a seat on this floor*, to which I was elected by a large majority of the freemen of the third congressional district of Pennsylvania—the people whom I represent. And, sir, if it be not out of place here, seeing that much has been said of an indefinite character by the gentleman who immediately preceded me, [Mr. PETRIKIN,] I will briefly relate, in order that the people may know, what are the causes of the unhappy controversy now going on at Harrisburg, if such an outrage can be called a controversy.

These subjects, Mr. Speaker, have all been alluded to. Deeply as I am interested in them, and deeply as I believe the honor of my State and of those whom I represent here to be involved in them, still I should have said nothing about them had they not been alluded to by the gentleman who last addressed the House, [Mr. PETRIKIN.]

Mr. PETRIKIN was understood to disclaim allusion to those things.

Mr. NAYLOR. Sir, the gentleman has talked of Whig mobs, of Bankites, of Biddleites, of Ritnerites, and all other kinds of *ites* that run so vividly through his imagination. For myself, I know no such distinction. I speak of my people as the American people, as my countrymen; when they are right I will sustain them without regard to party, and when they are wrong I must commiserate their errors, while at the same time I oppose them. The whole controversy arises, as I have said, from an unhallowed attempt, by fraud and violence, to take from me my seat on this floor.

The SPEAKER here interposed, and said that the question as to the right of any party to a seat in this House was not now under discussion, and that any debate directed to that point was out of order.

Mr. NAYLOR. I am not going to assert my right to a seat. This House, I know, has not the right to decide on that question. When I present myself here in the legislative hall of my country, as, God willing, I intend to do, in defiance of the empty threats and the loudly denounced terrors of these men, it will then be for the House to determine whether I shall take my seat, or whether they will hallow fraud, trample on the suffrages of the people I represent, by aiding another person in the usurpation of it, because he is a member of the Administration party! I say, then,

that I am not about to show that I am entitled to a seat in the Twenty-Sixth Congress, except for the mere purpose of connecting this matter with the other, that the whole subject may be understood; for, without a knowledge of the one, you cannot understand the other. For this purpose, I want to go into the history of the transaction; and as the gentleman who has preceded me has gone so wide of the mark, and prated of blood and war, and the majesty of the assembled people at Harrisburg, I hope I may be permitted to follow him, so far at least as to reply to his statements, and disclose the whole truth! I ask for liberty to speak the truth! Not to advocate any party, but merely to state the *truth*! And will you deny me this reasonable boon?

The SPEAKER again interposed, and said that he did not understand that either of the gentleman's colleagues had entered upon the merits of this question, nor was it in order so to do. Anything relating to the resolution was in order.

Mr. NAYLOR. I understand the resolution perfectly. My colleague [Mr. PETRIKIN] has stated that these persons engaged at Harrisburg were not a mob, but that they were the assembled Democracy of Pennsylvania, peaceably obeying the requisitions of duty! I take issue with him on that point, and I wish to refer to the history of these transactions to show that the position he has assumed cannot be maintained.

The SPEAKER again interposed, and directed the attention of Mr. N. to the subject-matter of the resolution, and the facts connected therewith.

Mr. NAYLOR. Well, then, as I cannot state the *truth*, but can state the *facts*, even, I suppose, if they are true, I will mention as the *first fact*—a fact which is conceded on all sides—that I was elected a member of the Twenty-Sixth Congress. I state another fact, that certain persons in Philadelphia, assisted by officers of the General Government—one of them the man who has been most active in the disturbances at Harrisburg—resolved to cheat me out of the due returns for my seat. That is another fact, an incontrovertible fact, which no man who has the least regard for truth will deny.

I assert, as the third fact, that these men, and among them this officer of the General Government and the man who was my opponent—the man who, had he lived in the days which “tried men's souls,” “would have been a Tory”—went before the seventeen return judges and endeavored to get ten of them to make a partial return of the county of Philadelphia—such a return as would suit their own purposes.

The SPEAKER said all this was entirely out of order.

Mr. NAYLOR. The members of the Administration party move for inquiries. Oh, yes, they must occasionally have an inquiry; but, sir, they hate to hear the truth; they would trample upon it; they would stifle it. If I cannot speak the truth here, I can at least do so over my own name in the newspapers. Yes, sir; I can speak the truth there in defiance of them; and *will do it*! The whole story shall be told.

The SPEAKER again called to order.

Mr. NAYLOR. Well, sir, these ten return judges did do as they were commanded. They did make a return, such as had been required, of something upwards of two thirds of the votes of the county. The other judges would have made a correct return, and begged for hours, in the Hall of Independence, in Philadelphia, to be allowed to make a full and correct return for the whole county. But, sir—

The SPEAKER said the gentleman was out of order.

Mr. NAYLOR said he knew that *truth* sometimes was a very disagreeable thing. And then took his seat.

Mr. BIRDSALL was understood to say that, as he did not see that any useful object could be attained by protracting this debate, he would move the previous question.

Mr. NAYLOR claimed the floor. He had not yielded it, except in obedience to what he understood to be the injunction of the Speaker that he should take his seat.

The SPEAKER said he had understood the gentleman from Pennsylvania as having yielded the floor.

Mr. WISE moved that the gentleman from Pennsylvania have leave to proceed in order.

The SPEAKER said that that motion would take precedence of the demand for the previous question. The question, however, could only be put on leave to proceed in order, as no member could, by the rules, have leave to proceed out of order.

The yeas and nays were demanded on the motion for leave; which were ordered, and being taken, were—yeas 150, nays 38.

So leave was granted to Mr. NAYLOR to proceed with his remarks.

Mr. NAYLOR. Mr. Speaker, I am at a loss to know what is in order. A moment ago it was in order, as I understood, for my colleague [Mr. PETRIKIN] to bandy harsh epithets; to call a portion of the Legislature of Pennsylvania Bankites, Antimasons, Ritnerites, and Federalists; to say that the men who had been carrying on their movements at Harrisburg were not a mob, but the Democracy of Pennsylvania assembled in their majesty, and peaceably and legally asserting their rights; and now I understand that it is not in order to disprove these allegations, maintain the side of the law and constitution, and to vindicate the officers of the law!

The SPEAKER said his decision had been that it was not in order to wander from the subject before the House, by entering into questions connected with the election returns in Pennsylvania.

Mr. NAYLOR. What I say is, then—and I speak with entire respect to the Chair—that it is impossible for me to controvert any of the positions assumed by my colleague, unless I am permitted to state facts, *truth*; and if it be out of order to state the *truth*, then I have nothing more to say!

The SPEAKER said that the only desire of the Chair was, to confine the debate within its proper limits, although sometimes remarks were made which it was not in the power of the Chair to arrest on the moment. It was possible, in the present case, that the true boundary had been exceeded before the gentleman from Pennsylvania [Mr. NAYLOR] rose; but the Chair must look strictly to the subject-matter of the resolution. There was nothing on the face of it connected with the elections in Pennsylvania which could warrant any discussion in relation to them.

Mr. NAYLOR. I want to show from facts that are incontrovertible, not that one or the other set of candidates are entitled to their seats, but that such a state of things had been produced in Pennsylvania as to devolve it upon the Legislature, as an irresistible duty, to decide upon the matter between the claimants for seats. I want to show that the individuals who raised this disturbance were the very individuals who prevented a return of members to the Legislature from the county of Philadelphia, who made it the duty of the Legislature to investigate the whole matter; and that, after having imposed upon the Legislature this duty, which it could not throw off, which it must meet and perform, they go to Harrisburg, cry aloud for blood, and say to the Legislature: “You shall not investigate and decide the question; we will decide it for you, and, if you dare resist our decision, we will drive you from the capitol!” This, sir, is what I want to prove; and I can prove it. I do not want to maintain the right of either set of candidates to their seats.

Mr. BEATTY rose to a point of order; and,

Mr. NAYLOR having requested Mr. B. to reduce his point of order to writing;

The SPEAKER said he did not perceive that the immediate remarks of the gentleman were out of order.

Mr. NAYLOR. Then, Mr. Speaker, I must return to the place where I was when I was originally arrested. I must state facts in order to show the justice of my conclusions. I do not desire to waste the time of this House, nor to trespass upon its rules.

The SPEAKER. If the gentleman again follows the course of remark which he intimates his intention to do, the Chair must do its duty.

Mr. NAYLOR. In the first place, then, I state that there were no legal returns from the county of Philadelphia to the Legislature of Pennsylvania; because, among others, some of the individuals who raised the disturbances at Harrisburg have prevented those returns; and, that being the case, the Legislature was obliged, by the con-

stitution and the laws, to decide between the two sets of claimants.

Then I state, as another fact, (for I will not enter into detail,) that these men, and others who prevented the returns and imposed upon the Legislature the necessity of deciding the matter, proceeded to Harrisburg for the purpose of declaring that the Legislature should not decide this matter; that they drove the Speaker from the chair, called aloud for the blood of individual members by name, and threatened the Governor of Pennsylvania, who has been stigmatized here (for, I suppose that the gentleman who made use of the term intended it as a stigma) as being an Antimason and a Federalist. There was no government. For the space of nearly a week the Executive of Pennsylvania could not get to the Executive Chamber. The members of the Legislature could not get to their seats; the doors were closed against them, and only the favored few, whom these men thought proper to admit, were admitted. Under these circumstances, I suppose, for I know nothing about it, the Executive of Pennsylvania called on the Executive of the United States to interfere; and for doing this, he has been stigmatized in the ranting tirade to which we have listened, from my colleague, [Mr. PETRIKIN,] who, I blush to own it, has openly encouraged this resistance to law, and publicly gloried in the outrages which I feel have so deeply disgraced Pennsylvania.

Now, I ask if the Governor of Pennsylvania could not call to his aid the militia of the State, when threatened by a revolutionary movement on the part of a mob, when the sheriff of the county and some of the civil authorities had united with that mob, to arrest the Governor in the execution of the laws and in the performance of his functions, what would have been the situation of Pennsylvania? She would have been without a government and without officers, at least for all the legitimate purposes for which offices are created. And if these men were, in truth, the people of Pennsylvania, acting in conformity with the Constitution and laws, as my colleague [Mr. PETRIKIN] contends, where is the law, where is the article of the Constitution which justifies their proceedings? Who was to hold the reins of the government of Pennsylvania? Who was to sit in the courts? Who was to summon the jurors? Who was to make arrests? Who was to perform the ten thousand duties which were to be performed in that county and throughout the State of Pennsylvania, when these individuals rushed in and possessed themselves of all the authority? Which one of them was to be chief? How were their commands to be issued to the people of Pennsylvania? and who were to execute their commands? Can these questions be answered by those who maintain that the people in their majesty were constitutionally and legally there exercising their authorities? The majesty of the Democracy of Pennsylvania! says the gentleman. To what a puny body has the gentleman reduced the great Democracy of Pennsylvania, (of which I am one,) when he has thus consented to enage them all in the narrow confines of the legislative chambers of the capitol of the State!

The Governor of Pennsylvania may probably have acted indiscreetly (I do not assert that he has) in calling upon the General Government for aid, if he has done so. The Speaker of the Senate may have acted indiscreetly in retiring before the mob. The members of the Legislature may have done wrong in vacating their seats and retreating before the storm of popular rage and popular fury. For myself, I say, if I had been a member, I would have stood at my post, fearless of all consequences, and will now tell those who have thus threatened me, that my seat in this Hall shall be maintained, in defiance of all their stormy terrors!

Mr. WHITTLESEY called Mr. NAYLOR to order; and was remarking on the amount of business which lay before the House, and the number of petitions which other gentlemen had to present, when he was himself called to order by many voices.

Mr. NAYLOR. It is not I who have consumed the time of the House. I am ready and anxious to apply myself to the business which lies before it. I am ever ready to work. Who introduced this resolution? Did I? Was it I who made the motion to suspend the rules for its introduction? And did I demand the yeas and

nays? The inquiry came from an extraordinary part of the House. We had an inquiry moved the other day from a gentleman from Massachusetts, [Mr. ADAMS,] and I appeal to that gentleman to say whether he had found the Administration party willing to join him in sustaining his inquiry? No, sir; that was an inquiry which the country demanded, and which would expose to the light of day the doings of those in high places connected with the General Government. That inquiry was smothered!

Mr. HOPKINS here called Mr. NAYLOR to order.

Mr. NAYLOR. I was interrupted and appealed to by the gentleman from Connecticut, [Mr. WHITTLESEY,] who sustained his appeal by an argument addressed to me. All this was in order and proper, I suppose. But the moment I attempt to make a reply to that appeal, the moment my lips are open to vindicate myself, I am out of order. What kind of justice is this?

The SPEAKER said it was not in order. The gentleman must confine his remarks to the question before the House.

Mr. NAYLOR. I will say no more. I should have liked, for the sake of the country, to have told the truth and the whole truth of this disgraceful disturbance! In doing which, I would have favored no party. I would have told the naked truth! But, sir, you would not suffer me. You will have inquiry sometimes—yes, you will have inquiry—but, then, the inquiry must be partial, all on one side! You will ask for information—but you want information all in your favor. I asked to tell the whole story, and I was gagged. This House, or at least a portion of it “hates the light because its deeds are evil.”

Here Mr. NAYLOR was loudly called to order.

Mr. BRONSON moved the previous question; but the House refused to second the motion.

Mr. PETRIKIN again rose, not he said, to make a speech, but to explain and correct some things which his colleague [Mr. NAYLOR] had asserted as having been stated by him when first he addressed the House. Mr. P. said it was not true that he had used the term “*Biddleites*,” nor had he connected the name of Mr. Nicholas Biddle with this matter, in any way, directly or indirectly. He also said that it was not true, that he used any abusive language towards the Governor of Pennsylvania, as an individual, nor of the Legislature of Pennsylvania. Personally, he had nothing to do with the former, and for the latter, as a body, he had the highest respect. His intention was to speak of Governor Ritner only in connection with his party, and to reprobate the attempt made by him and his partisans to usurp the Government of Pennsylvania, and to expose their acts of usurpation and tyranny. If he was understood by any to have used language, other than what he now stated he did, he disclaimed it, as he did all intention of personality towards the Governor in his individual capacity.

Mr. P. observed that he felt inclined to take some notice of his colleague's [Mr. NAYLOR's] egotistical remarks, and boasting of the deeds of his ancestors, but he supposed this course would be a breach of order, and he would decline.

Mr. FRY said that, after the indulgence given by the House, with a suspension of the rules to enable him to offer the resolutions now pending, he did not feel himself authorized to consume any of the time of the House in prolonging the discussion; he would, however, state to his respected colleague [Mr. BIDDLE] that he did introduce these resolutions, not for political effect, as he had intimated, but for purposes which he would now, as he felt in duty bound, state to the House.

Mr. F. said a state of affairs now existed in Pennsylvania, which he deeply regretted. For several days past various rumors had been in circulation; among the rest, it was rumored that the Governor of Pennsylvania had made a call upon the President of the United States for an armed force to march to Pennsylvania; another rumor has been, that munitions of war, of some kind, had been given, by an officer under the United States Government, to General Patterson's brigade. Whether these rumors be true or not, he did not know; but he considered it a matter vitally important to the people of Pennsylvania, that, whatever may be the truth of these rumors, they should be informed of it; they have a right to know it, and it was in behalf of the people of

Pennsylvania that he sought the information, and not for himself—not for political effect. He understood from his colleague that there would be no opposition to this resolution from any quarter. He should, therefore, take his seat and await the speedy action of the House upon the matter.

Mr. McKENNA said he had voted against the suspension of the rules for the introduction of the resolution of his colleague, because he could see no good or beneficial purposes to be answered by the call, and because he feared that the discussion here would be calculated to arouse feelings that, as a Pennsylvanian, and as a lover of peace and good order, he did not wish to see indulged. He regretted that the resolution had been offered. Scenes which were outrageous and disgraceful had, he blushed to say, been enacted in the capitol of his state; outrages which had inflicted a stain deep and indelible upon the character of a community who had hitherto been distinguished for their love of peace, of order, and of law. He wished that the recollection of the violence and outbreaks of a reckless and infuriated mob, which had set all law at defiance, and had invaded the sanctity of the Senate chamber, and, by their threats of violence and blood, had driven from their seats the representatives of the people, should not be kept alive by anything said or done here. He thought that the resolution of his colleague, couched in the language in which it was, (whatever might be his intention in moving it,) was calculated to fan the flame which he had hoped was nearly extinguished, and to keep up that spirit which had already too much disgraced Pennsylvania as a State. He hoped that the facts connected with those revolutionary and insurrectional movements which have for some time been of absorbing interest, and have directed the anxious eyes of the people of the whole country to the first appalling attempt to overawe the Legislature of a State in the discharge of their legitimate and constitutional duties, might be buried in oblivion. They reflected no credit upon the party with which his colleague who offered the resolution was associated, and he was willing to forget, as soon as possible, the lawless violence which had been countenanced, encouraged, and promoted by many in that party—in which some of the officers of the General Government had participated, and which, if it had not been for the discreet, unbending, and persevering firmness of the Executive of the State, would have inflicted a blow upon the permanency of our republican institutions which would have been felt from Maine to Georgia. Happily for the perpetuity of those institutions, although the threats of a ruthless band of ruffians had, for a time, interrupted the regular course of legislation in the Senate chamber, and of business in the executive offices, the prudent and firm exercise of the power invested in him by the constitution and law had put to flight those disturbances of the peace, and thus the fatal blow had been warded off.

He said he could not hear the remarks of his colleague, [Mr. PETRIKIN,] which were delivered in so low a tone as to be almost inaudible from his seat; but if they were conceived in that same spirit which actuated a lawless and infuriated mob to trample under foot the law and the Constitution, (and, judging from his gesticulation, and the little he could gather as it grated upon his ear, he believed those remarks to have that tendency,) he did not regret that they had been lost. The promulgation of such principles, and the indulgence of such feelings, were calculated neither to benefit or enlighten the House, nor to do good to the country. He understood him to cast his censure upon the Governor for calling to his aid, in the support of the laws, the militia of the Commonwealth, and reflected upon him for doing what was his duty—his imperious duty.

Mr. McK. said he was not going into an examination of the facts or the law relative to the titles to the contested seats in the Senate of Pennsylvania. The rules of the House, as well as his own inclination, forbade his entering into that inquiry. It was enough for him to know, and it was enough for the Governor of the State to know, that the law had been set at defiance—that the sanctity of the Senate chamber had been invaded, the lives of its members threatened, and that revolution had commenced. Under such circumstances, he would have been derelict in duty, if he had not put into requisition all the power vested in him by the

Constitution to restore peace and order and safety. Thanks for his firmness and fearlessness! he has acted energetically and prudently, and Mr. McK. hoped the crisis was past, and that the difficulties which had arisen might be peaceably and constitutionally settled. He said he would vote for the resolutions, although he had been opposed to the introduction of the exciting topic into this Hall.

Mr. BEATTY regretted as much as any gentleman there the excited feeling that had been got up in that House; but he appealed to them all to say whence it had arisen. How calmly and coolly these gentlemen can call the assembled people of Pennsylvania a mob! But to denounce the Democracy of the country as a mob, when, perchance, the people were against it, was but another evidence of their vindictive feeling against them. The resolution was a plain and substantive proposition, having for its object merely to get at the truth; and why, then, all this severity of denunciation? Why so much feeling about it, as though the truth should be stifled?

But Mr. B. insisted that the time had never existed in Pennsylvania which would justify the Governor in calling out the troops to his aid. So much for the gentleman's veracity! He presumed the state of excited feeling under which he spoke made him forget the truth. But it seemed the time was come when the truth could not be told to gentlemen who were so very sensitive under it.

Mr. BIDDLE said that as the decision made excluded facts, but seemed to tolerate assertions, he was not inclined to pursue the discussion on what he felt must be unequal terms. He had not impeached the motives of his colleague, [Mr. FAY,] but he had been struck at what seemed a suspicious black privateer streak about the resolution, and he had pointed to it accordingly in the way of caution. It seems that the mob which broke up legislative proceedings at Harrisburg is the Democracy. It might, perhaps, be asked, as the mob had disappeared, what had become of the Democracy, in the view of gentlemen who insisted on the identity? But, sir, when shall we have an end of this miserable abuse of the word Democracy? Let gentlemen determine dates and principles. If by Democracy be meant a fixed and deep conviction of the capacity of the people for self-government, he would yield to no one in a claim to the title. At home and abroad he had learned that, with all its turmoil and agitation, our form of Government best ministers to the great purpose for which all government is instituted. If dates are to control, he would like to compare notes with a distinguished Senator from Pennsylvania, who had become a newspaper writer on this subject. He would take the late war with Great Britain as a starting point.

Mr. B. concluded by saying he would vote for the resolution, however he might deprecate the inflammatory air which had needlessly been given to it.

Mr. BEATTY regretted exceedingly that his colleague had worked himself into such a passion about this matter. Now, Mr. B. would not say a word to offend any one, but if gentlemen in that House combined their efforts to deter him from speaking what he knew was true, they would find themselves mistaken in their efforts. He was not the man, either in this House or out of it, to retract anything which he had said. Now, he would unhesitatingly and unqualifiedly assert that there was no mob in Harrisburg at all. It was a bugbear existing only in the imagination of certain gentlemen, and falsely asseverated by certain corrupt individuals, who wished to persuade the people of Pennsylvania that there was a mob at Harrisburg, in order to cover over and conceal the iniquities of an Administration that has been misruling that State for the last three years. These men want the people to believe there is a mob, so that they might escape in the mist. But it was the habit of those silk-stocking gentry to call the Democracy of the country a mob, though he could tell them they knew nothing about mobs in the part of the country he came from. He denied the existence of a mob at Harrisburg. It was an assemblage of many of the most respectable and intelligent people of Pennsylvania, merely looking on, as they had a perfect right to do, at the proceedings of their Legislature; and because a set of cowardly and treacherous knaves are afraid to meet the people face to face, and escaped through

back windows, pursued only by their own guilty consciences, they attempt to raise a great hue and cry that a mob is at their heels. And so it is here. When we offer a resolution merely asking for information, the propriety of procuring which no one dare question, we are then told that our motive is to excite the people and add fuel to a flame enkindled and kept alive by themselves!

The resolution was then agreed to, with but few dissenting voices.

#### PETITIONS, ETC.

There being no other business before the Chair, Petitions and memorials were then presented by Messrs. PARMENTER, BRIGGS, GRENELL, and REED, of Massachusetts.

[Mr. PARMENTER presented the petition of Henry Hatch, for indemnity on account of French spoiliations prior to 1800; of Mary Page, for revolutionary pension; of Sylvanus Wood, for increase of pension; of Levi Brigham and 24 others, of Dunstable, Massachusetts, for the rejection of proposals for the admission into the Union of States whose constitution may tolerate slavery; of M. H. P. Dudley and 82 other women, of Chelmsford, Massachusetts; of Sally Woods and 46 other women, of Dunstable, Massachusetts; and Zenas Brown and 15 others, citizens of Shirley, Massachusetts, for the immediate abolition of slavery in the District of Columbia.]

Mr. GRENELL presented a petition from Northfield, Massachusetts, for opening negotiations and international intercourse with Hayti; which was referred to the Committee on Foreign Affairs.

Mr. WISE moved a reconsideration of that reference.

Mr. HOWARD thought the gentleman had better let it go to the committee, for these petitions had come in every year.

Mr. WISE could not; for he regarded it as a subject of wholesale amalgamation, incorporating a black Republic with a white one.

Mr. GRENELL denied that it was either the one or the other.

The petition, however, giving rise to debate, was ordered to lie over.

Mr. REED presented a similar petition from Nantucket.

Mr. WISE objected to its reception.

Mr. ADAMS called for the yeas and nays; which were ordered.

Mr. A. then proceeded to address the House at length, in support of the right of petition, and especially in reference to this particular question, showing the expediency of an early recognition of the Republic of Hayti.

Mr. WISE insisted that these petitions were part and parcel of abolition; and he read the petition at length, which asked, also, for the abolition of slavery in the District of Columbia, the non-admission of any new slave State, &c.

Before the question was taken,

On motion of Mr. GRENELL, the House adjourned.

#### IN SENATE.

TUESDAY, December 18, 1838.

The PRESIDENT submitted a communication from the Secretary of the Treasury, inclosing a report from the Commissioner of the General Land Office, in regard to the operations of that office during the year 1837, and part of 1838; which was referred to the Committee on the Public Lands.

#### PETITIONS, ETC.

Mr. ROANE presented the petition of Captain Robert White, an officer in the army of the Revolution, for his commutation pay; which was referred to the Committee on the Judiciary.

Mr. BUCHANAN presented the petition of Andrew Logan, of Davenport, Iowa, for two quarter sections of land, to be used in the culture of silk; which was referred to the Committee on Agriculture.

Mr. B. said that he had rather a strange petition to present to the Senate; but it came from a very respectable and scientific man; and, however strange it might appear, it was vouched for by several of the most respectable literary gentlemen of the city of Philadelphia. The petitioner was Mr. James P. Espy, so deservedly celebrated for his knowledge of meteorology, who says that he

has discovered the means of making it rain in a tract of country at a period when there would be no rain without the use of his process. Mr. Espy proposed to make the experiment at his own expense; and he proposed that Congress should pass an act engaging to reward him with a certain sum if he succeeded in making it rain in a tract of country ten miles square; a still higher sum if he produced rain in a tract of country one thousand square miles; a still higher sum if he produced rain in a tract of five thousand square miles; and, lastly, to give him a still greater compensation if he should cause the Ohio river to be navigable all summer from Pittsburg to the Mississippi.

Mr. B. observed that he was perfectly acquainted with Mr. Espy, and knew him to be a very respectable man. He had no faith himself that the gentleman possessed the power he claimed; but it was true that there were several things in nature that philosophy had never yet dreamed of. Mr. B. then moved to refer the petition to the Committee on Agriculture.

Mr. BENTON observed that the Senator from Pennsylvania, who introduced the petition, could not make the motion which he would make—that gentleman had felt himself bound to treat this petition seriously, and move for its reference to a committee. He would move that the petitioner have leave to withdraw his petition and papers, for reasons too obvious to require notice.

Mr. BUCHANAN said that he would rather that the course proposed by the Senator from Missouri should not be taken with the petition. He scarcely knew himself what to say about it; but he knew Mr. Espy to be a highly respectable and learned man, and knew that in the science of meteorology there was scarcely a man in the United States his superior. He hardly believed it to be in Mr. Espy's power to make it rain, though there were some six or seven of the most respectable literary gentlemen of the city of Philadelphia who expressed the opinion that he proceeded on highly philosophical principles. He hoped the Senator from Missouri would permit the petition to take the usual course, and go to a committee; and if that motion did not prevail, that it would, at least, be suffered to lie on the table.

Mr. CRITTENDEN would vote against the proposition of the honorable Senator from Pennsylvania, [Mr. BUCHANAN,] for the purpose of recording his vote in favor of that of the gentleman from Missouri, [Mr. BENTON.] He doubted very much, whether, even if this thing was possible, it would be good policy to encourage the measure. He would be very sorry that any individual should have the power that this gentleman professes to have, more especially from the announcement that he was about to take the Ohio river under his especial protection. Why, sir, he might enshroud us in continual clouds, and, indeed, falsify the promise that the earth should be no more submerged. And if he possesses the power of causing rain, he may also possess the power of withholding it, and, in his pleasure, instead of giving us a navigable river, may present us with rocks and shoals and sandbars. He thought that this would be too dangerous a power to intrust to any individual, unless we had a counteracting power, capable of prompt application—without we had some very summary process of manufacturing sunshine. This, indeed, had been attempted by some French philosopher, but he thought with no great success. He was also opposed to this scheme on another account—it had too much the appearance of a sub-Treasury about it; a hoarding up of clouds and vapors to be dispensed at will by an individual. He thought the proper course in relation to it was that indicated by the motion of the gentleman from Missouri.

Mr. NILES remarked that he agreed in many things with his worthy friend who had just taken his seat, [Mr. CRITTENDEN.] He thought this subject was not fitted for the consideration of Congress; and he must be permitted to say that the Senate would be badly employed in discussing whether this gentleman possessed the power of creating rain, or of causing the rise and swell of rivers. If this gentleman could create rain, he could also prevent it; and he might dry up the Ohio river, and throw all the steamboats on the sand. If, however, this matter was to be referred, he would prefer sending it to the Committee on Finance. It was somewhat similar to paper money, a sort of sublimated bubble; and, accord-

ing to the idea he entertained of a bubble, it was the same thing as the enlargement of this wonderful paper system, promising great things, magnifying credit, blowing it up, and making magnificent fortunes out of nothing, till, in the end, it is all blown away by the first breath of reality that touches it.

The question was then taken; and the motion to refer the petition was lost.

Mr. BUCHANAN then moved to lay it on the table; which motion was carried.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. TIPTON, it was

Ordered, That the papers of John Kennedy, on the files of the last session, be referred to the Committee on Private Land Claims.

On motion of Mr. FULTON, it was

Ordered, That the papers of James Erwin, on the files of the last session, be again referred to the Committee on Indian Affairs.

#### REPORTS FROM A COMMITTEE.

Mr. WRIGHT, from the Committee on Finance, to which was referred the memorial of the president and directors of the Philadelphia, Wilmington, and Baltimore Railroad Company, for the refunding of certain duties on railroad iron, reported a bill for that purpose; which was read, and ordered to a second reading.

Mr. W. also, from the same committee, reported a bill for the relief of Zephaniah Spigot and James De Kraft; which was read, and ordered to a second reading.

Mr. W. also, from the same committee, to which had been referred the bill making appropriations, in part, in support of Government for the year 1838-39, reported the same without amendment.

Mr. W. stated that, as this bill was one of some importance, and as a speedy action was somewhat necessary, he would move to consider it at once.

The bill was accordingly taken up in Committee of the Whole, when

Mr. WALL moved to amend it by inserting at the bottom of the bill, "and for the Revolutionary pensions, under the act of the 7th July, 1838, the sum of \$250,000."

Mr. BENTON rose to object to the insertion of an appropriation for an object which ought to be provided for in a bill of its own, in one of the ordinary appropriation bills for carrying on the operations of the Government. He objected to this heavy appropriation being slipped through in this manner, without notice, and almost without the knowledge of the Senate. Here was an appropriation of between two and three hundred thousand dollars for an object that had crept into the legislation of Congress almost without the notice of any one there, and by the time the estimates on which it was founded were carried through, the amount would swell up to two or three millions. It was worth while for Senators to look back and observe how and in what manner this pension system had grown up to its present enormous magnitude. In looking at the pension laws, it would be found that there were forty-one thousand souls receiving money from the Treasury for which they were rendering no service whatever. The whole was given under the assumption that an equivalent in personal services had been rendered for it during the revolutionary war, during the late war with Great Britain, or in some of the Indian wars; and if it was only to those who received their pensions as survivors of the Revolution, or who had served meritoriously in any of our wars, he would be the last man who would object to giving them. But he apprehended the pension system had extended itself far beyond these cases. He did not know if we had yet taken the second step of making pensions hereditary, as it was in Europe, by giving them to the children of those who were supposed to be entitled to them; but he recollected that, at the last session, an appeal was made to them to give pensions to European castes of hereditary descent; and in another case an application was made by an individual of seventy years of age, who claimed to be the orphan of a revolutionary soldier. He did not know if they had yet taken the second step in the pension system, by making pensions hereditary; but it was enough for his present purpose to say that the pension list had swelled up to the enormous amount of forty-one thousand souls, and he un-

dertook to say that there was not a country on the face of the globe who had such a number of persons, in proportion to her population and resources, living on the labor of others, without rendering any kind of service whatever, but under the assumption that they had rendered service in former times. The pension list under Washington's administration amounted to only \$200,000; and, even after the Indian wars of Wayne and St. Clair, it had only increased to about three hundred thousand dollars. After the late war with Great Britain, a proposition was made to provide for those survivors of the Revolution who needed the aid of their country. That proposition was not objected to, and \$200,000 was deemed amply sufficient for that purpose. It was urged, on the passage of the law thus brought forward, that the amount necessary to provide for these veterans of the Revolution would only be required for a few years, and that that amount would diminish yearly.

How mistaken had all these assumptions proved! They had seen the appropriations swell up to four or five millions, instead of two or three hundred thousand; and the list, instead of diminishing, as predicted, swelled up to an army of over forty thousand. In addition to all this, by some turn of phraseology given to the law of the last session, and which no one heeded at the time, a gap was made requiring two or three millions more to stop. If he stood alone, and in such a position, he was willing to stand alone; he would vote against this appropriation coming into this bill, which was for carrying on the operations of the Government. Yes, sir, (said Mr. B.) forty-one thousand persons, and four or five millions—as much as the whole annual expense of the Federal Government under the administration of General Washington—was now required to pension them, while this Administration and its friends were daily stigmatized with the charge of extravagance. Who could have thought, when some seemingly trifling verbal alteration was made in the act of the last session that we should now have the estimates swelled up some two or three millions? In England, it was said that a pensioner never dies; and it is said so because the pension is hereditary, and goes to the descendants for one life, two lives, or three lives, as the case may be. Sir, it seems that with us they not only never die, but they increase and multiply. He heard that when the estimate of \$200,000 was made as the amount sufficient to provide for the survivors of the Revolution, the complaint was made of the small sum that was to be expended on such interesting objects, and that a member of the other House in the enthusiasm of his gratitude, exclaimed, "Soldiers of the Revolution, may you live forever!" On that occasion, some gentleman proposed, as a compromise, that they should live for nine hundred and ninety-nine years. Now, it seemed that this compromise had been carried into effect. According to the estimates made by those persons who calculate the insurances on lives, the amount of the military population fifty years ago, which had furnished forty-one thousand survivors, must have been millions. For this number of survivors General Washington must have had an army equal to that of Xerxes when he crossed the Hellespont.

Sir, it is time for us to stop and consider what we are about. So far as there are real survivors of the Revolution, who rendered service to their country and need its aid, he would cheerfully contribute for their support; but to undertake to make him believe that such a pension list was founded on anything more than an imposition on the sensibilities of the nation, was an undertaking worthy only of the graduates of the college of Laputa.

Mr. HUBBARD remarked, that as a friend to the object which the Senator from New Jersey had in view, he felt constrained to make an appeal to him to withdraw his amendment to the appropriation bill which had passed the House of Representatives, and which had been reported to the Senate this morning from the Committee on Finance. It was necessary that this bill should pass, and pass without delay. He had no doubt that, at this moment, there were no means now provided by law to meet the drafts of the two Houses of Congress. The amendment proposed would tend to embarrass and delay the passage of this bill; and the honorable Senator from New

Jersey must be sensible that it was usual to make provision for the payment of the pensioners and annuitants, under the various acts of Congress, by a separate and independent bill for that specific purpose.

It had not been customary heretofore to mingle the appropriations for the payment of pensioners with appropriations for any other object. He was prepared to give his vote for carrying into full effect the act of July last. But if the merits of that bill were at this late period to be debated on a proposition to make the necessary appropriations for executing that act, he should much prefer to discuss the subject, when it should arise under a bill independent of all other appropriations. He hoped, therefore, that his honorable friend from New Jersey would not urge his proposition at this time. Let this bill pass unembarrassed by any other appropriations, and he entertained no doubt that shortly a bill would be brought forward for the express and avowed purpose of making the necessary appropriations for the payment of pensioners, under the various acts of Congress. Then would be the fit time to test the merit of the bill of the last session. Then would be the time to see if a majority of the Senate would vote to withhold the appropriations, and thus virtually defeat that measure, which is now one among the public statutes of this Government. When such an opportunity presented, he should endeavor to show to the Senate that these pension laws were not obnoxious to the objections which had been made against them. He hoped then to be able to satisfy the Senator from Missouri that even the act of the last session, which received his most undissembled approbation, ought now to be carried into full effect, and that the appropriations for that purpose should not be withheld. But he was sure that enough had already transpired to satisfy his honorable friend from New Jersey that this is not the fit time, nor is this the proper occasion to bring before the Senate, thus incidentally, the merits of the act of the last session. He hoped that the Senator would withdraw his proposed amendment, and permit the bill to pass without objection; but should the Senator decline so to do, he should certainly not only vote for his amendment, but he would endeavor to reply to some of the suggestions of the honorable Senator from Missouri.

Mr. WALL was not disposed to occupy the time of the Senate in reply to the honorable Senator from Missouri. How he has fallen into such an error in relation to a law upon our statute-book, and embracing that occasion to denounce the pension system, he could not imagine. This law was passed at the last session, but we made no appropriation to meet it; we come back here, and the first thing we do is to take care of ourselves. We cannot retrace our steps in this matter. The law is already passed; one thousand applicants have already received their certificates; and we owe it to ourselves, to our country, to the pensioners themselves, to pass this amendment as an act of sheer justice. We have passed the law, and justice requires that we should make appropriations to meet it.

Mr. DAVIS expressed his gratification at the refusal of the Senator from New Jersey [Mr. WALL] to withdraw the amendment, and said that, if he had done so, he would have renewed it himself. Those who had received certificates under the act of the last session were entitled to their pensions, and could not be deprived of them; and as the time when these certificates would be due was drawing near, he thought it very proper that provision should be made for them in this bill.

Mr. D. made a few remarks defending the pension system generally, and the act of the last session in particular, and denied that our pension list was at all assimilated to that of Great Britain, where persons were pensioned who had rendered no service to their country. He asked if those who fought and bled through the war of the Revolution were to be compared with those who were put in the Red Book of Great Britain without any merit of their own; and were their wounds to be no more regarded than the hereditary claims of the British pensioner?

Mr. D., after commenting on the merits and services of the soldiers of the Revolution, and referring to the depreciated funds in which they were paid, asked for the yeas and nays on the amendment; which were accordingly ordered.

Mr. HUBBARD remarked that when he was up before, he stated that, if his honorable friend from New Jersey should not accede to his request, he should vote for the amendment proposed; and he also stated that he was much in favor of the bill reported at the last session: from the Committee on Pensions, and which has become the law of the land. He very fully concurred in the views of the Senator from Massachusetts, in relation to this whole subject. He never had regarded, and he never could regard, the present pension system, as it existed under our Government, and in pursuance of the various acts of Congress, as mere gratuities. If he had viewed this subject in that light, it never could have received his support. He had had some connection with the act of June 7, 1832. He was, at the time of its passage, a member of the other House, and at the head of the Committee on Revolutionary Pensions; and sure he was that when the bill was reported from that committee, and while it was under the consideration of the other House, it was at no time treated or considered as a mere act of generosity, as a mere donation on the part of the Government. It was, in his opinion, but an imperfect discharge of a most just, but long neglected debt, to a small remnant of the survivors of the Revolution; a debt contracted when the Government could not pay; but which was then uncanceled, and due to those men who had achieved the independence of their country. It was for such a class of our citizens—men who had faithfully served, in that day of danger and discouragement, for a period not less than six months, in the war of the Revolution—that the act of July, 1832, provided. Can it be said with even the shadow of truth, that these men had been *bona fide* paid by this Government for the services which they had thus performed for their country? If so, how, and in what way was this debt of the Revolution discharged? Certainly it will not, at this time, in this period of our prosperity, be said that the final settlement certificates, a paper which when given could not have been converted into specie at a less sacrifice than three fourths of its nominal value, was a fair, honest, and just liquidation of these claims for revolutionary service. He never had, and he never could, view this matter in this light. He had seen too many of those men who had fought the battles of the Revolution. He had heard too often their stories of suffering and distress, which they were forced to endure by reason of the miserable, depreciated, and almost worthless currency in which they were paid for their services in the Revolution; and when he, as the organ of the Committee on Pensions of the other House, recommended the passage of the act of June, 1832, it was urged and sustained throughout as a measure providing for the partial payment for revolutionary services.

The act of June, 1832, was in its terms but an addition to the act of May 1, 1828. It must be fresh in the recollection of Senators now present upon what principle that act was sustained. Was it then considered as a gratuity to that class of our citizens who had faithfully served their country to the close of the Revolution? It provided for them, and it provided only for them. The Continental Congress had, by resolution after resolution, made liberal provision to those who should continue in the service to the close of the Revolution. First, half pay for life, and that commuted for five years' full pay. The non-fulfillment of these resolutions, the manner in which the services of these men had been requited by their Government, induced the passage of the act of May, 1828. All admitted that it was a most just measure of legislation; and the act of June, 1832, was but an extension of the benefits of the act of May, 1828. It granted pensions to those, whether militia, State, or Continental, according to the period of their service, withholding pensions from those who had rendered a less period of service than six months. This was the general provision of the act of June, 1832. It was founded on revolutionary service, and on that alone; it was intended to make some satisfaction for that service, and for that alone. It may be well to just trace the history of our pension system, and see how the several acts granting these annuities were passed. The act of March, 1818—the first general pension act—seems to find favor here; and the several acts granting pensions for disabilities incurred during the Revolution, and during the last

war, seem also most justly to find favor here. Will any Senator say that the act of March, 1818, was supported on the ground of mere gratuity? that it was passed on any such ground? No. It was supported, and it was passed, on the ground of service. It is perfectly true that the act of March, 1818, was not only extremely limited in its provisions—including those, and those only, who were attached to the continental line—but it was also extremely humiliating in its requisitions. Its benefits were intended to be extended only to those who were either tenants of the poorhouse, or supported by private charity. But, nevertheless, that bill was also founded on service alone; and, under its provisions, a much larger number than was ever anticipated was added to the pension roll.

This led to the passage of the act of 1820, which, for a time, suspended the pensions which had been granted under the act of March, 1818, and which required that schedules of property should be furnished, that the Department might judge whether the applicants were in such indigent circumstances as to need relief from the country. It was done, and the consequence was that nearly one half of the number who had been placed on the pension list under the act of March, 1818, were never reinstated. It must be recollected, that more than twenty thousand had, at one time, been admitted under that act; and when the list of pensioners under the act of June, 1832, is compared with the list under the act of March, 1818, it should be borne in mind that probably not less than one third of those now pensioners under the act of June, 1832, were once included in the list of pensioners under the act of March, 1818. The act of June, 1832, includes those who served in the militia and as State troops, as well as those who served in the Continental line for six months and upwards; granting pensions, in proportion to the period of service, equal to one half the original pay; not in any case to grant a pension for a period of more than two years' service; while the act of March, 1818, grants a pension of ninety-six dollars a year for any period of service not less than nine months. It is not, therefore, difficult to account for the difference in the number of pensioners under these different acts. He was perfectly aware that there were not less than twenty-five thousand on the list under the act of June, 1832, while there were less than ten thousand under the act of March, 1818; but it should also be remembered that by the provisions of the acts of Congress, invalid pensioners, for disabilities incurred during the war of the Revolution, are entitled also to all the benefits of the act of June, 1832. He, therefore, found no difficulty in accounting for the difference in the number of pensioners under the act of March, 1818, and the number under the act of June, 1832.

After these acts had been passed, Congress, by a law of 1836, extended all the benefits of the act of June, 1832, to the widows of those soldiers of the Revolution whose husbands had died before the passage of the act, and where the marriage took place before the expiration of the last period of their husbands' service. This act, as far as it went, he verily believed met with general approbation through the country. It was regarded as an act of justice, as well as humanity; but it was extremely difficult to understand the reason why those widows whose marriage took place before the expiration of their husbands' service should be pensioned, and those widows whose marriage took place immediately after the close of the revolutionary struggle should be excluded. There seemed to be no good reason for the distinction; it was invidious in its character; it was unjust in its effect; and memorial after memorial, resolution after resolution, were introduced with a view to do away with this distinction; and the Committee on Pensions, at the last session, responding to these calls, introduced the bill which is now under consideration. It was reported, had its several readings here, was passed; had its several readings in the other House, and was passed; and during its progress not one word was heard in either branch in opposition to the measure. And what is now proposed? That the appropriation necessary to carry it into effect should be withheld, because the act could not have been well considered. Congress failed to do its duty at the last session in not making the requisite appropriation; and he presumed that Senators supposed

that this act, with the acts of May, 1828, June, 1832, and June, 1836, contained a clause making the necessary appropriations to carry it into effect. He presumed that a majority in this or the other House could not be found in favor of repealing this act; and it seemed to him passing strange that, while the act exists in the statute-book, there should be a single Senator who would vote to withhold the appropriation, and thus defeat the practical operation of a measure which has been sanctioned by the legislative power of the Government.

Mr. CALHOUN regarded the whole system of pensions in a light far different from that in which it was viewed by the Senators from Massachusetts and New Hampshire. With the exception of the first pension act, he looked upon it as little more than a system of distributing the public revenue. It grew out of the protective system, and was founded on no principle of justice or patriotism, for it took all who served in the Revolution, and put those who only turned out on a tour of three months on the same footing as those who had fought the battles of the whole war. He understood this system from beginning to end, and it was commenced as a means of disbursing the public revenue which had been iniquitously collected. To tell him that all those now on the pension list deserved the bounty of the Government, was to impose on him a humbug too gross to be listened to. Pension laws were passed, and there were swarms of undertakers here and in the States who hunted up documents and brought forward every description of claims, just or unjust, and passed them on the Department without a possibility of their guarding against the grossest fraud in a number of cases. It was impossible for Congress to pass pension laws without having a plenty to support them. To show how the system operated, he would mention one fact. Before Congress undertook the business of pensioning the soldiers of the Revolution, Massachusetts and South Carolina each had pension laws of their own. The pension list of South Carolina amounted to the sum of \$14,000 annually, while that of Massachusetts amounted to only \$1,000. Well, Congress took these pensions in hand, and after the expiration of several years the pensioners of Massachusetts are swelled up to \$300,000 per annum, while those of South Carolina receive only \$10,000. Now this fact alone would show that the pension system did not originate in patriotism, because it would not be denied that the patriotism of the one State was as great as that of the other. It was time that this thing was stopped, or they would have to run the country in debt to provide for it. He knew very well that as long as there was money in the Treasury it would be got at; but he thanked Providence that the time had come round when they must stop short in their career of extravagance. We had now no surplus; and the compromise bill was bringing down the revenue, while there seemed to be a general disinclination to increase the national debt. He took his ground beforehand, and solemnly declared that he never would agree either to increase the tariff or create a new debt; and he called on all those who thought with him to resist, at the outset, any measure which led to those evils. He rejoiced at the crimination and recrimination which he heard on that floor between the two contending parties on the subject of extravagant expenditure. Both parties, in his opinion, were in fault; but the Opposition party, who were the most forward in making these charges, were certainly the most in fault. As an Opposition party it would be more becoming in them to do all in their power to check extravagant expenditures; but instead of that, it was mainly through their means that our expenditures had been so great. He warned the friends of the Administration that it was now time to economize. This year we might get through with our expenses without embarrassment, and so, also, as to the second year; but the third year the press would come, and we should have the utmost difficulty in making our resources meet the necessary wants of the Government.

Mr. BENTON observed that the Senator from Massachusetts [Mr. Davis] had arrayed before them the wounded men of the Revolution, mashed to pieces by ball, and covered with wounds, and asks if we would take away the small pittance

which they received from the gratitude and justice of their country. He would tell that gentleman, that if this pension list is reduced to those who received wounds in the service of the country, these forty thousand pensioners will decrease more rapidly than did Falstaff's men in buckram. If the list was reduced to those who received wounds in the Revolution, or in the subsequent Indian wars, or in the late war with Great Britain, not one tithe of those who now enjoy pensions would be on the list. If for all those who were wounded in the Revolution, taking the whole of them together, forty thousand are to be pressed on our sympathies, every wounded soldier, every cripple would have to bear on his shoulders the burden of ten sound men. His voice would surely always be in favor of the meritorious soldier who served his country faithfully in the Revolution; but he could not agree that there was any justice or expediency in pensioning this large number. Mr. B. then took a view of the different pension acts, from 1818, up to this time, showing how the number of pensioners had gradually increased. He was sufficiently familiar with the subject to know that there are now put on the pension roll numbers who had enlisted after the surrender of Lord Cornwallis, and who never moved from their firesides; and these persons are all to be forced on our sympathies as wounded soldiers of the Revolution.

Mr. B. next spoke particularly against the impropriety of ingrafting on the ordinary appropriation bills for the support of Government objects which ought to stand on their own merits. The subject introduced by the amendment of the Senator from New Jersey [Mr. WALL] was one certainly worthy of an examination, and it ought to stand by itself.

Mr. BUCHANAN observed, that if he understood this amendment, he did not think that either the Senator from South Carolina [Mr. CALHOUN] or the Senator from Missouri [Mr. BENTON] understood it. Unless he was mistaken, this was not a provision to pension men, but applied exclusively to old ladies, widows of revolutionary soldiers, and it was for them that this provision was to be made. Now, in any system of economy, he did not think we ought to attack the old ladies first; and as the Government of the United States had pledged itself to make them this payment, the amendment ought to pass. Whether the act creating these pensions was right or wrong, he would not undertake to say; but the law having been passed, we were bound in good faith to carry it into effect. The first law passed in 1836 provided that if a lady had married a revolutionary soldier before the term of his service expired, and had faithfully remained his widow ever since, that that widow, old, helpless, and faithful to her first husband, ought to receive from the bounty of the Government a sufficiency to preserve her from want. He had no doubt but the pension system had been grossly abused, and that some persons were on the list who did not deserve to be there; but if he were going to put it down, he would not for the first time violate the act of Congress by refusing to make the necessary appropriation to carry it into effect, as far as the ladies were concerned; and at all events he would not begin with them. The law of the last session was extended, so as to provide for those widows who were married up to January, 1794. He did not know whether he would have voted for this law or not; but it had been passed; it was now on the statute-book; the time of payment was drawing nigh, and an attempt was now made to withhold from these widows the pensions so promised them, by refusing to make the appropriation.

It had been objected that this bill was not the proper place in which to insert the provision for these pensions. Now, what was the appropriate sphere of an appropriation bill? Was it not to provide for carrying out the existing laws? and, if so, was there not here presented an existing law to be carried into effect? And did anybody suppose that any appropriation bill could now be introduced and passed in sufficient time to provide for these pensions by the 1st of January, when the certificates for them become due? The time to contend against the principle involved was when the bill passed, and not now, when the faith of the Government was committed. With regard to economy, he was glad to hear the sentiments

that had been expressed on all sides. Economy, however, was a matter of detail, and not of generals, since the most extravagant men he had known had preached the best sermons in favor of economy. Now he, for his part, was prepared to act in detail, and resist these extravagant expenditures that had been so often referred to, one by one, whenever they should be proposed, though he should be charged with illiberality for so doing; but the last act of economy that he would practice, would be to withhold these pensions, after Congress had passed a solemn act declaring that it would provide for these widows who are now all near the grave, and make their old age comfortable. When the proper time came to examine into the pension list, he trusted that he would be willing to do that which economy as well as justice required. But he could not agree to make the case of these widows the first for the exercise of the former.

Mr. BENTON observed that the documents showed two classes of widows on the pension roll; the one class older than the last, who, perhaps, would not thank the gentleman from Pennsylvania for making them out to be so ancient. The bill of the last session extended the pension list to those married up to 1794, and he supposed that the next thing would be to extend it to those who were married up to 1824, or even up to this time. He saw no reason for a distinction after going beyond those who were the matrons of the Revolution, staying at home attending to the duties of their families, while their husbands were absent fighting the battles of their country. This last mentioned class deserved their pensions, and were not to be compared with those who were girls when the last gun of the Revolution was fired, or, perhaps, not then born.

Mr. DAVIS said that the Senator from Missouri, [Mr. BENTON], who has just taken his seat, has shifted his ground somewhat on this subject. He was not disposed to consume time in following him. The day of payment of these pensions is at hand, and provision must be made for them. He did not think there was any gentleman who would oppose the appropriation on principle, though they might because they deemed it out of place. The Senator from South Carolina [Mr. CALHOUN] designates it as a mode of getting rid of the public money; a distribution bill, an iniquitous distribution bill. You may, sir, with just the same propriety, apply this to any other appropriation of the public money. I go on the ground that this is an appropriation for services rendered, and not a gratuity at all. The Senator also says it is a system peculiar to one portion or section of the country; he also says it is connected with the protective system. The honorable Senator should have recollected that the first act granting pensions to revolutionary soldiers passed in 1816, and the principal one in 1820; the tariff act was not passed till 1824, four years after the principal pension law was passed. These facts do not sustain the statement of the honorable Senator. He has instituted a comparison between the patriotism of South Carolina and Massachusetts.

Mr. CALHOUN disclaimed this; and said he had alluded to the difference of payment made on the claims of the respective States.

Mr. DAVIS. But these acts are not designed to reimburse States, but to pay individuals. If the records of the Revolution should be searched, it would be ascertained that Massachusetts furnished one third of the whole army that achieved our independence. It is asserted that there are frauds, and frauds of a gross character, in relation to these claims. If so, I am perfectly ready to have the names of the individuals guilty of them expunged from the pension roll; and not only that, but have them tried, and punished for the crime of perjury; but, unless further evidence was brought forward than had as yet been adduced, he would not believe it to be the fact. It is not just to attach this odious charge to these venerated and respected individuals, to whom we owe the political blessings we enjoy, and even the privilege of holding our seats here.

Mr. CALHOUN, in reply to Mr. DAVIS, said that when he spoke of the pension system as having grown out of the protective system, he, of course, excepted the act of 1818. That act (he said) originated in mistake. It was introduced and carried through by General Bloomfield; then

a Senator from New Jersey, who declared himself willing to pledge his whole private fortune that the whole amount necessary to provide for the class of pensions introduced into that bill would not exceed two hundred thousand dollars. He, as Secretary of War, had to carry this act into effect; and, having made his calculations, the conclusion he arrived at was that it would require upwards of a million; but the amount expended under it, the very first year, was at least two millions, though he exercised the utmost vigilance to keep down the expense. Had he executed the law in a liberal spirit, the expenditure would have exceeded three millions.

After some further remarks from Mr. C. in opposition to the pension system generally, and from Mr. DAVIS in reply,

Mr. WALL said: My honorable friend from Missouri has said that this was an unusual course, and was calculated to retard the passage of, and defeat the bill to which it was offered as an amendment. But not so, sir. We passed this bill at the last session, and, taking care of ourselves, neglected to make provision for the payment of these old women; and we are called on by every motive of justice to do it now. Where is the difference between the bill and the amendment which is offered to it? What gives us the power to pass the bill for our compensation? Because it is a law upon the statute-book. What gives these old women a claim upon our justice? Because a law granting them compensation is upon the statute-book; and because I make a motion to that effect, the honorable gentleman takes occasion to charge me with an intention to defeat the passage of the appropriation bill and embarrass the operations of the Government. My honorable friend should have considered well before he made this charge. He has done me great injustice. I rejoice that I had the opportunity of making this motion. I could not have looked my constituents in the face had I neglected to provide for these poor, aged, and helpless women, tottering on the brink of the grave, in this inclement season, without a mouthful of food for sustenance, or house to shelter them.

Mr. BENTON said the Senator from New Jersey was mistaken in supposing that he charged him with a design to defeat this bill. He spoke only of the consequences resulting from mixing up incongruous matter in the same bill. As the gentleman from New Jersey was so anxious about these widows, he would ask him if those who were married on the second day of January, 1794; were not as much entitled to pensions as those who were married on the first? Would not every word of his pathetic appeal apply as well in behalf of all those who were married up to this day as to those who were married previous to 1st January, 1794?

Mr. MORRIS expressed great satisfaction at the discussion of this subject which had taken place. For his own part he was doubtful whether or not he should vote for this amendment. While he was opposed to our whole system of pensions, he acknowledged the obligation to provide for the carrying out the laws already enacted. Placed as he was on the Committee on Pensions, he occupied a false position. He doubted the propriety and beneficial tendency of the system, and thought that it was the parent of innumerable frauds. He agreed with the honorable Senator from South Carolina [Mr. CALHOUN] that it was time for us to pause in this business; to stop and look round us; that we might not only, by hasty and ill-advised measures, do much mischief by creating demands upon the Treasury and exhausting the means of the Government, but, by a false and pernicious system of gratuities, do an injury to those whom it was intended to benefit. The law of last session was passed against his better judgment. [Mr. M. here went into a recapitulation of the reasons that induced the Committee on Pensions to report the bill.] He contended that it was a gratuity; all pensions are gratuities. The soldier enters into service for the pay and emoluments of his rank, and all that he receives over and above is a gratuity. When the Treasury is drained, and we are straitened in our resources, he thought that in any scheme of retrenchment mere gratuities should be the first expenditures to begin with. He was in favor of lopping off all extraneous and unnecessary expenditures. The honorable Senator from Massachusetts [Mr. DA-

vis] has asserted, and asserted repeatedly, that though Senators objected to this appropriation, on account of its being placed as an amendment to a common appropriation bill, yet no Senator had objected to the pension system, or would object to the system. He should be happy to see some gentleman submit a motion to instruct the Committee on Pensions to bring in a bill repealing the whole system. The honorable gentleman would then be convinced that there was one Senator at least who would take a stand against all this sort of feeling and sympathy which had been engendered by an array of an army of old ladies against us. We should not permit our feelings for ladies, either young or old, to prompt us to put our hands into the public Treasury. These pension bills find too easy access; they are passed too easily. I have known young athletic men to come before the committee and claim pensions granted to their mothers or other relatives, and when granted, claim them as their own. Why, it was made a mere business of; as soon as a law was passed, claims were hunted up by agents and others that would have never been thought of. Persons who have no disposition to enter into this business, are induced to do so by representations that their claim was as good as another's; that the Treasury was full, and Congress did not know what to do with the public money. When the first act was passed, providing for the soldiers of the Revolution who were in need of pecuniary assistance, many of them were in comfortable circumstances. They were induced to convey their property to their sons, took the oath of poverty, and received their pensions. Was not this a fraud, morally speaking, and a fraud tempted by the legislation of this Government? Notwithstanding the great number of persons on the pension list, at least five claims were rejected to every one that was granted, producing a great deal of hatred and ill will to the Government, because every claimant thinks his claim, and his right to a pension, as good as another's.

With these views of the present pension system, I am prepared to repeal it. I think it injurious to the country, and of comparatively little good to those intended to be benefited. I am willing that the invalids and soldiers of the Revolution should be provided for. As regards the act the appropriation for which is under consideration, he thought that, so far as due, the pension should be paid. Until the law is changed we should comply with its provisions, but the amount already called for under its provisions should warn us of the impolicy of continuing the system. Here are already one thousand women enrolled since last year, and how many more will be enrolled no one can tell. He hoped that something would be done by Congress at an early day as a guide for the action of the Committee on Pensions; whether we should recommend those cases that appealed to our sympathies, or those of whose justice our reason was convinced. He thought the whole system was liable to objection; that, even to the aged veterans intended to be benefited by it, it has operated as an injury. By throwing them on the pittance of eight dollars a month, they have been induced to neglect honest industry, and have been brought to poverty. He hoped that some member, who had taken an active part in this discussion, would bring forward a proposition to repeal the law, and he would be prepared to spread his views before the Senate and the country.

Mr. PIERCE said: When I rose at the same moment with the Senator from Ohio, [Mr. MORRIS,] it was with the intention of making some explanations, which I considered due from the committee by whom the bill of last session, which has been so often referred to, was reported. Those explanations have been made, as I trust, satisfactorily, by the Senator who has just resumed his seat.

The attention of the Senate has been called, in the progress of this debate, not only to the pension system generally, but, as is not unusual here, to various other matters, historical, political, and financial. With these topics I have at present nothing to do; and although I have very decided opinions as to the inequality and injustice of some of the provisions of the various pension laws, and a much stronger belief than I could desire to entertain of frauds perpetrated under them, still the proposition now pending to meet obligations im-

posed by existing laws does not appear to me to be the appropriate one for discussing the policy of past legislation. That question, as applicable to this subject, I will say, in reply to a remark of the Senator near me, I shall probably have occasion to raise in a few days, by the introduction of a bill to provide for the punishment of certain frauds committed on persons claiming pensions, and for other purposes.

Whatever might have become the subjects of speculation in these times, when the imaginations of men seem to be unusually occupied with schemes for acquiring sudden and abundant riches without labor, one would have expected that the soldiers of the Revolution and their widows might have escaped the grasping avarice of all men, however destitute of principle. But such is not the fact; as an American citizen, I say it with shame; but the truth must be told; it must be told, for the protection of the feeble, the ignorant, and the unsuspecting. Such frauds, I am assured by information derived from various sources, and in part from the Department which has charge of this subject, are extensive as they are disgraceful. For the benefit of successful claimants, who may draw their first payments before the bill to which I have referred can be considered by Congress, I desire at this time, and upon this proposition for an appropriation, to make a few remarks.

I have been informed, and believe it to be true, that the passage of the law of July last, and the passage of preceding laws of a similar character, have been the signal for agents to traverse the country in every direction in search of the aged and imbecile persons therein provided for; not with the laudable motive of assisting them to secure their rights at the least possible expense, but to practice upon their credulity, and impose upon their weakness and their ignorance. It is notorious that contracts have not unfrequently been made by such agents by which, if successful, they were to receive a large portion of the amount which should first be drawn; in many instances twenty-five per cent., in others fifty per cent., and in some even more; and in cases where no special contract has been made, the most exorbitant fees have been demanded and paid. Since my arrival in this city, I have received a letter giving the name of a certain agent who obtained, during the last summer or the early part of autumn, a certificate for an aged widow, under the act of 1836, by which she was entitled to receive, in September last, \$600. The money was duly paid, and the agent claimed and retained for his services the sum of \$250. I name this as an individual instance recently brought to my knowledge. A fair and liberal compensation for all services rendered and expenses incurred, in ordinary cases, under the act of the last session, would be from five to ten dollars; in very few instances should such compensation exceed the latter sum, the evidence of the husband's service being generally on file in the Department.

It may be asked how the claimants are induced to make such contracts, when the provisions of the law are plain, and the regulations of the Department simple and easy to be complied with, and why they submit to such exorbitant charges? The answer is obvious. The beneficiaries are usually in the humble and obscure walks of life, poor and infirm, imbecile through age, and ignorant of the steps necessary to be taken. Besides, they are too much elated with the prospect of obtaining any sum, however trifling, to relieve their immediate necessities, to cavil about terms; and they eagerly embrace the first proffer of assistance. Is it surprising, under all the circumstances, that in their second childhood they should become the ready dupes of artful and dishonest men? However, I have nothing to do with the means by which agents are enabled to cheat and defraud the pensioner. The thing has been done, and I fear will continue to be done, as long as money shall be drawn from your Treasury for these purposes. Pensioners have been robbed of no small portion of the pittance intended to be secured to them, and them alone. Yes, sir, worse than robbed; for men who have so far forgotten their manhood, nay, who have so entirely cast off all sense of honor and common honesty, as to speculate upon and plunder revolutionary soldiers, or the helpless widows who may survive them, are sunk in disgrace infinitely below the level of the brigand, who openly confronts

you upon the highway and demands your purse. Thus much I have thought it my duty to say, to put persons entitled to pensions upon their guard against these cormorants; and I hope that my remarks may fall not only under the observation of the agents, who have argus eyes for everything relating to this subject, but that they may reach some of the worthy claimants. If they shall have any effect in preventing injustice and extortion, my object will be attained. All such agreements as I have before alluded to are conceived and consummated in fraud, and are in direct violation of the spirit and intention of the law. They are in no way obligatory, legally or morally, and should be so regarded by the pensioner.

Mr. WRIGHT made a brief explanation of the reasons which prevented the Committee on Finance from recommending this amendment when applied to do so by the Senator from New Jersey. Although he thought that this appropriation ought to be made, inasmuch as it was called for by an express law of Congress, which all admitted ought to be carried into effect; yet, as it was an appropriation *sui generis*, and had always been provided for by the House of Representatives in a separate bill, he thought it ought not to be ingrafted on the bill then before them, and would prefer its coming from the House of Representatives, where it ought properly to originate, in a bill of its own.

Mr. BUCHANAN did not intend to go farther into this question, but he rose to protest against its being admitted that this body was not competent to originate appropriation bills. He knew that, upon a very late occasion, when an attempt was made in that body to introduce a large appropriation in a House bill, this question was raised, but he resisted the principle then. It was true that burdens laid on the people must originate in the House of Representatives; but after the money has gone into the Treasury, it was giving up too much by the Senate to admit that they have no right to originate an appropriation of it.

Mr. WRIGHT explained. He never doubted the right of the Senate, as claimed by the Senator from Pennsylvania; he only spoke of the practice.

Mr. BUCHANAN said that the question was of practice, and not of power; for, on that occasion, gentlemen were very ready to exercise the latter. Though it had not been the practice in that body, since he had been there, yet to appropriate bills of that nature, coming from the House, large appropriations had been added. If he were to admit that the Senate ought not to originate such bills, the case presented by the Senator from New Jersey ought to be an exception to the rule. As to those widows who were married between 1783 and 1794, he did not know whether he would have voted for them or not; but as the faith of the Government was to be redeemed, and there was a large amount of arrears due from the time of the passage of the act till now, he hoped the amendment would be adopted. He did not believe there was a Senator present who would vote against the appropriation if it came up in a way he approved of. Even the Senator from South Carolina admitted that the faith of the Government was pledged. As this was a proposition to carry into effect an existing law, he must vote in the affirmative; but if it were not a proposition to carry into execution an existing law, he must consider that there was some force in the objections of gentlemen who had opposed it.

Mr. STRANGE said that he should vote against the amendment of the Senator from New Jersey, for most of the reasons assigned by the gentlemen who had opposed it. He disliked taking up this matter of importance and connecting it with a matter of equal importance wholly dissimilar to it. In order to enable Senators to come to a correct conclusion with regard to it, it ought to stand on its own merits. It had been suggested, in the course of the debate, that there was a general law requiring these pensions to be paid at stated periods—in March and September. Now there certainly was time enough between this and March to provide for the cases embraced in this amendment, and the arrearages could be put off till that time. But this was a matter of great importance, and not a vague question of expediency only. He believed that it was part of a great

system of raising the public money, and then spending it. He was not prepared to say whether this was a question of public faith; but, at all events, there ought to be an inquiry into the propriety of making the expenditure. He would not, however, have troubled the Senate at this late period of the day, but for the purpose of bringing to light some facts very appropriate at this time, when economy and retrenchment had been so much spoken of. At the last session he had the honor to say, in reply to charges of prodigality and extravagance that had been made against the Administration and its friends, that the Opposition itself was to blame for most of the extravagance that had been committed; and he had further said that the proof of this would be found by a reference to the Journals. His colleague the other day had repeated the same thing, and as the Senator from Massachusetts [Mr. DAVIS] had joined issue with him, and had challenged the production of proof, it would be an admission of erroneous assertion on their part if they did not bring it forward.

Repeated efforts had been made by those in the Opposition to inculcate the belief that the Administration was guilty of the greatest extravagance, and the only way to meet these charges was to come forward with the proof. He had had but little opportunity since the charge was made of supplying himself with all the proof that could be found; but he had, however, turned over the leaves of the Journal since the last session, and found that every charge made by his colleague was fully substantiated. He would cite a few cases for the information of the Senate, by which they might judge of the whole. He found at the last session that the bill for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois, was several times before the Senate; and as this bill involved a heavy expenditure, he would refer to it first in order:

"On motion of Mr. TITTON to postpone the special order, for the purpose of taking up this bill, the yeas and nays were nearly equally divided; and he admitted that there were some gentlemen on both sides who voted against it.

The yeas were, Messrs. Allen, Bayard, Clay of Kentucky, Crittenden, Davis, Fulton, Knight, Merrick, Morris, Prentiss, Rives, Robbins, Robinson, Sevier, Smith of Indiana, Swift, Tallmadge, Tipton, Webster, White, and Young.

"Those who voted in the negative were, Messrs. Benton, Brown, Calhoun, Clayton, Cuthbert, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Strange, Trotter, Walker, Wall, Williams, and Wright."

Now, in discussing this subject, he had always admitted that some few of the Administration party, for particular reasons, could always be found to vote for a number of these expenditures.

Again:

"On motion by Mr. NORVELL to lay this bill on the table, it was decided in the negative—yeas 18, nays 19.

"The yeas were, Messrs. Bayard, Brown, Buchanan, Cuthbert, Fulton, Hubbard, King, Lumpkin, Lyon, McKean, Mouton, Nicholas, Norvell, Rives, Roane, Walker, Wall, and Williams.

"The nays were, Messrs. Allen, Benton, Clay of Kentucky, Crittenden, Grundy, Knight, Merrick, Morris, Robinson, Sevier, Smith of Indiana, Spence, Swift, Tallmadge, Tipton, Trotter, Webster, White, and Young."

In page 328 of the Journal it will be found that "The Senate resumed, as in Committee of the Whole, the bill making appropriations for certain roads in the Territory of Wisconsin; and having been amended, it was reported to the Senate.

"On motion by Mr. WALKER, further to amend the bill by adding thereto the following proviso: 'Provided always, That nothing contained in this act shall be construed as to imply that the United States are pledged, or in any manner bound, to make any appropriations in future to make or construct said roads, or any part or portion of them,' it was determined in the affirmative—yeas 23, nays 17.

"Those who voted in the affirmative were, Messrs. Allen, Calhoun, Clay of Alabama, Grundy, King, Lumpkin, Lyon, Mouton, Niles, Norvell, Pierce, Preston, Rives, Roane, Robbins, Ruggles, Smith of Connecticut, Strange, Swift, Trotter, Walker, White, and Williams.

"Those who voted in the negative were, Messrs. Bayard, Benton, Buchanan, Clay of Kentucky, Clayton, Davis, Fulton, Hubbard, Knight, Linn, Prentiss, Robinson, Sevier, Smith of Indiana, Tipton, Webster, and Young."

him to vote for it. It was the amendment of the act giving the assent of Congress to the act of the Legislature of Virginia, incorporating the Falmouth and Alexandria Turnpike Road Company.

Mr. S. here read the yeas and nays in which he was found voting in the affirmative.

In page 414 of the Journal would be found the passage of the Cumberland road bill, which was passed by the following vote:

"Those who voted in the affirmative were, Messrs. Allen, Bayard, Benton, Buchanan, Clay of Kentucky, Crittenden, Cuthbert, Davis, Fulton, Grundy, Knight, Linn, McKean, Merrick, Morris, Nicholas, Robbins, Robinson, Sevier, Smith of Indiana, Spence, Swift, Tipton, Webster, Wright, and Young.

"Those who voted in the negative were, Messrs. Calhoun, Clay of Alabama, Clayton, Hubbard, King, Lyon, Mouton, Niles, Norvell, Pierce, Prentiss, Preston, Roane, Smith of Connecticut, Strange, Trotter, and Williams."

After citing the unanimous vote on the bill for the suppression of Indian hostilities, and which Mr. S. said no man had the hardihood to vote against, Mr. S. referred to the bill to purchase the right to use Dr. Boyd Reilly's vapor bath:

"On the question, 'Shall this bill be engrossed and read the third time?' it was determined in the negative—yeas 15, nays 20.

"Those who voted in the affirmative are, Messrs. Bayard, Clay of Kentucky, Crittenden, Fulton, Grundy, Knight, Linn, Lumpkin, Lyon, McKean, Merrick, Prentiss, Robinson, Sevier, and Swift.

"Those who voted in the negative are, Messrs. Allen, Buchanan, Clay of Alabama, Clayton, Hubbard, King, Mouton, Nicholas, Niles, Norvell, Roane, Ruggles, Smith of Connecticut, Strange, Trotter, Wall, White, Williams, Wright, and Young."

How many of the Opposition were found voting against this expenditure?

On page 519 would be found the bill making appropriations for building light-houses, light-boats, beacon lights, buoys, and for making surveys; the question on taking up this bill was decided—yeas 23, nays 14:

"The yeas were, Messrs. Bayard, Clay of Kentucky, Clayton, Cuthbert, Davis, Hubbard, King, Knight, Lyon, McKean, Mouton, Nicholas, Niles, Norvell, Prentiss, Rives, Ruggles, Smith of Connecticut, Smith of Indiana, Tallmadge, Wall, Williams, and Wright.

"Those who voted in the negative were, Messrs. Allen, Benton, Clay of Alabama, Crittenden, Fulton, Lumpkin, Merrick, Pierce, Preston, Roane, Robinson, Sevier, White, and Young."

How many of the Opposition (Mr. S. asked) were found voting against this measure? At a very late period of the last night of the session he rose for the purpose of stopping this bill; but it being found that a quorum was not present, he was prevailed upon not to persist in calling for the yeas and nays, as it would have put a stop to all the other business of the Senate.

The next vote to which he would advert, was the bill explanatory of the act regulating the pay and emoluments of the brevet officers:

"On the question 'Shall this bill be engrossed, and read a third time?' it was determined in the affirmative—yeas 20, nays 18.

"Those who voted in the affirmative were, Messrs. Allen, Bayard, Benton, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Fulton, Knight, Merrick, Nicholas, Norvell, Preston, Rives, Roane, Ruggles, Tallmadge, Trotter, and Wall.

"Those who voted in the negative were, Messrs. Brown, Grundy, Hubbard, King, Lumpkin, Lyon, Mouton, Niles, Pierce, Prentiss, Robinson, Smith of Connecticut, Smith of Indiana, Strange, White, Williams, Wright, and Young."

How many of the Opposition (Mr. S. asked) voted against this bill?

The harbor bill (Mr. S. continued) came up at half-past four o'clock, on the 6th of July, on motion of Mr. DAVIS. Mr. S. here read from the Journal as follows:

"On motion of Mr. DAVIS, that the Senate proceed to the consideration of the bill to provide for certain harbors, and for the removal of obstructions in and at the mouths of certain rivers, and for other purposes, during the year 1838, it was determined in the affirmative—yeas 18, nays 11.

"Those who voted in the affirmative were, Messrs. Bayard, Clayton, Crittenden, Davis, Hubbard, Lyon, Merrick, Niles, Norvell, Robbins, Sevier, Smith of Indiana, Southard, Tallmadge, Tipton, Webster, Williams, and Wright.

"Those who voted in the negative were, Messrs. Brown, Clay of Alabama, Fulton, King, Lumpkin, Nicholas, Pierce, Preston, Trotter, Wall, and White."

How many of the Opposition voted against taking up this bill, which involved such heavy expenditures?

Mr. S. said that he would trouble the Senate with one more case, and that was the Indian appropriation bill, to which Mr. WHITE offered an amendment appropriating \$150,000 for subsistence and expenses of such Indians west of the

Mississippi, who, by reason of the recent emigration, &c., were unable to subsist themselves:

"Those who voted in the affirmative were, Messrs. Bayard, Benton, Buchanan, Clayton, Crittenden, Cuthbert, Davis, Fulton, King, Linn, Mouton, Nicholas, Preston, Rives, Roane, Robinson, Sevier, Smith of Indiana, Southard, Tallmadge, Tipton, Webster, and White.

"Those who voted in the negative were, Messrs. Allen, Brown, Clay of Alabama, Clay of Kentucky, Hubbard, Niles, Norvell, Pierce, Robbins, Ruggles, Smith of Connecticut, Strange, Wall, and Williams."

How many of the Opposition were found voting against this bill? He had no doubt of the fact that he could go through the whole Journal and produce similar results. In truth, almost any proposition would meet the views of some few friends of the Administration. But let the facts go before the country; he wished to produce no false impression. If the charge of extravagance recoiled on the Opposition, why, let it be known. His only object in making this explanation was to meet the challenge of the Senator from Massachusetts.

After some remarks from Mr. ALLEN, Mr. BENTON explained that he had just examined the Journals of last session, and found that the amendment to the bill which brought in this class of pensioners, by which the pension list was swelled up some two or three millions, was made and adopted, not only without the yeas and nays, but without even a division. It was thus seen that an affair of this magnitude crept into their legislation without being noticed by any Senator present.

A motion was made by Mr. CRITTENDEN to amend the amendment by inserting:

*And provided further, That the act of July 7, 1838, be repealed after the 3d of March, 1839.*

On motion of Mr. PRESTON, the Senate then adjourned.

## HOUSE OF REPRESENTATIVES.

TUESDAY, December 18, 1838.

The first business in order was the motion made yesterday by Mr. WISE not to receive the petition presented by Mr. REED from certain inhabitants of Nantucket, praying Congress to open international relations with the Republic of Hayti.

Mr. GRENELL, who was entitled to the floor, addressed the House at some length in support of the right of petition—a right, he insisted, which had never been denied by the veriest despot on earth. He then expatiated on the great advantages that would accrue to this country by opening commercial negotiations with, and acknowledging the independence of, Hayti, where we now labored under great disadvantages, owing to the inequality of duties between goods carried in American vessels and in those of other nations which had recognized the nationality of that Republic. Mr. G. admitted that it did look to one sort of abolition, and that alone—the abolition of national distinctions founded on color—to which he was at a loss to conceive any possible objection.

Mr. FILLMORE expressed a hope that the question would be taken one way or the other, so as to allow other petitions to be presented.

Mr. LOOMIS then demanded the previous question.

Mr. WISE moved to lay the subject on the table; which took precedence of the demand for the previous question.

Mr. REED called for the yeas and nays; which were ordered.

Mr. CUSHING inquired whether, if Mr. WISE's motion prevailed, it would not be, in substance, equivalent to refusing to receive the petition?

The SPEAKER replied that the petition would remain in the hands of the gentleman offering to present it; and the motion to receive would lie on the table, subject to be taken up at any future time the House might feel disposed to do so.

Mr. CUSHING. Then, in point of fact, the petition will not have been received?

The SPEAKER. It will not.

The question being taken, was decided in the negative—yeas 65, nays 121; as follows:

YEAS—Messrs. Banks, Boon, Bynum, John Calhoun, Cambreleng, William B. Campbell, John Campbell, Carter, Chapman, Cheatham, Cleveland, Clowney, Coles, Connor, Craig, Crockett, Cushman, Dawson, Dennis, Glascock, James Graham, Grantland, Graves, Griffin, Hamer, Harrison, Hawkins, Haynes, Jabez Jackson, Jenifer, Henry

Johnson, William C. Johnson, John W. Jones, Legare, Lewis, Lyon, Mallory, James M. Mason, Martin, Abraham McClellan, Miller, Montgomery, Pearce, Pope, Pratt, Rencher, Rhett, Robertson, Augustine H. Shepperd, Charles Shepard, Shields, Southgate, Stanley, Stone, Stuart, Taliaferro, John White, Lewis Williams, Sherrard Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yell—65.

**YAYS**—Messrs. Adams, Alexander, Andrews, Atherton, Ayer, Beatty, Beirne, Bell, Bicknell, Biddle, Birdsall, Bond, Borden, Briggs, Bronson, Buchanan, William B. Calhoun, Casey, Chambers, Chaney, Childs, Coffin, Corwin, Cranston, Cushing, Darlington, Davee, Davies, De Graff, Dromgoole, Duncan, Dunn, Evans, Everett, Ewing, Farrington, Fairfield, Richard Fletcher, Isaac Fletcher, Fillmore, Foster, Fry, James Garland, Giddings, William Graham, Grant, Grennell, Haley, Hall, Hammond, Harlan, Harper, Hastings, Henry, Herod, Hopkins, Howard, Hubley, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, Keim, Kemble, Klingensmith, Leadbetter, Lincoln, Loomis, Marvin, Sampson Mason, May, Maxwell, McKay, McKenna, Menefee, Mercer, Morgan, Samuel W. Morris, Murray, Naylor, Noyes, Ogle, Parmenter, Parris, Paynter, Peck, Petrik, Phelps, Potts, Putnam, Rariden, Randolph, Reed, Ridgway, Rives, Robinson, Russell, Saltonstall, Sheffer, Shepler, Sibley, Slade, Snyder, Spencer, Stratton, Taylor, Thomas, Tillinghast, Toland, Toucey, Turney, Underwood, Vail, Vanderveer, Webster, Weeks, Albert S. White, Whittlesey, Jared W. Williams, Worthington, and Yorke—121.

So the House refused to lay the subject on the table.

The question recurred on the demand for the previous question.

The previous question was seconded, and the main question ordered.

The main question, being, "Shall this petition be received by the House?" was then pronounced.

Mr. CUSHMAN asked for the yeas and nays thereon; which, being ordered, were—yeas 157, nays 32; as follows:

**YEAS**—Messrs. Adams, Alexander, John W. Allen, Andrews, Atherton, Ayer, Banks, Beatty, Beirne, Bell, Bicknell, Biddle, Birdsall, Bond, Boon, Lorden, Bronson, Buchanan, William B. Calhoun, Canbreleng, William B. Campbell, Carter, Casey, Chambers, Chaney, Cheatham, Childs, Cleveland, Clowney, Coffin, Connor, Corwin, Craig, Crary, Cranston, Cushing, Cushman, Darlington, Davee, Davies, De Graff, Dromgoole, Duncan, Dunn, Edwards, Evans, Everett, Ewing, Farrington, Richard Fletcher, Isaac Fletcher, Fillmore, Foster, Fry, James Garland, Giddings, Goode, William Graham, Grantland, Grant, Graves, Gray, Grennell, Haley, Hall, Hammond, Hamer, Harlan, Harrison, Harper, Hastings, Henry, Herod, Holt, Hopkins, Howard, Hubley, Ingham, Thomas B. Jackson, Jabez Jackson, Henry Johnson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kennedy, Klingensmith, Leadbetter, Lincoln, Loomis, Marvin, Sampson Mason, Maxwell, McKay, Robert McClellan, Abraham McClellan, McKenna, Menefee, Mercer, Milligan, Mitchell, Montgomery, Morgan, Murray, Naylor, Noyes, Ogle, Parker, Parmenter, Parris, Paynter, Pearce, Peck, Petrik, Phelps, Plumer, Potts, Pratt, Putnam, Rariden, Randolph, Reed, Rencher, Ridgway, Rives, Robinson, Rumsey, Russell, Saltonstall, Shepler, Sibley, Slade, Snyder, Southgate, Spencer, Stuart, Stratton, Taylor, Thomas, Tillinghast, Toland, Toucey, Turney, Underwood, Vail, Vanderveer, Wagner, Webster, Weeks, Albert S. White, John White, Whittlesey, Sherrard Williams, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, Worthington, and Yorke—157.

**NAYS**—Messrs. John Calhoun, John Campbell, Coles, Crockett, Dawson, Dennis, Glascock, James Graham, Griffin, Hawkins, Haynes, Jennifer, William C. Johnson, Legare, Lewis, Lyon, Mallory, Martin, Miller, Pope, Rhett, Robertson, Augustine H. Shepperd, Charles Shepard, Shields, Stanley, Stone, Towns, Lewis Williams, Wise, Word, and Yell—32.

So the petition was received.

Mr. REED then moved to refer it to the Committee on Foreign Affairs.

Mr. STUART moved to lay the petition on the table.

Mr. REED demanded the yeas and nays on that motion; which, being ordered, were—yeas 84, nays 105; as follows:

**YEAS**—Messrs. Atherton, Ayer, Banks, Beatty, Beirne, Bynum, John Calhoun, William B. Campbell, John Campbell, Carter, Chambers, Chaney, Chapman, Cheatham, Cleveland, Clowney, Coles, Connor, Craig, Crockett, Dawson, Dennis, Farrington, Glascock, James Graham, Grantland, Griffin, Hall, Halsted, Hammond, Hamer, Harrison, Hawes, Hawkins, Haynes, Hubley, Jabez Jackson, Henry Johnson, Joseph Johnson, William C. Johnson, Nathaniel Jones, John W. Jones, Keim, Legare, Lewis, Lyon, James M. Mason, Martin, Maury, Robert McClellan, Abraham McClellan, Menefee, Miller, Montgomery, Moore, Parker, Paynter, Pearce, Petrik, Pope, Pratt, Rencher, Rhett, Rives, Robertson, Rumsey, Augustine H. Shepperd, Charles Shepard, Shields, Shepler, Southgate, Stanley, Stuart, Stone, Taliaferro, Titus, Towne, Wagner, Lewis Williams, Sherrard Williams, Christopher H. Williams, Wise, Word, Worthington, and Yell—84.

**NAYS**—Messrs. Adams, Alexander, John W. Allen, Anderson, Andrews, Bicknell, Biddle, Bond, Borden, Briggs, Bronson, Buchanan, William B. Calhoun, Casey, Clark, Coffin, Corwin, Cranston, Cushing, Cushman, Dunn, Edwards, Davies, De Graff, Dromgoole, Duncan, Dunn, Edwards, Evans, Everett, Richard Fletcher, Isaac Fletcher, Fillmore, Foster, Fry, Giddings, Goode, William Graham, Grant, Gray, Grennell, Haley, Harlan, Harper, Hastings,

Henry, Herod, Hopkins, Howard, Ingham, Thomas B. Jackson, Jennifer, Kemble, Kennedy, Klingensmith, Leadbetter, Lincoln, Loomis, Marvin, Sampson Mason, McKenna, Milligan, Morgan, Murray, Naylor, Noble, Noyes, Ogle, Parmenter, Peck, Phelps, Plumer, Potts, Putnam, Rariden, Randolph, Reed, Ridgway, Robinson, Russell, Saltonstall, Sheffer, Sibley, Slade, Snyder, Spencer, Stratton, Taylor, Thomas, Tillinghast, Toland, Toucey, Turney, Underwood, Vail, Webster, Weeks, Albert S. White, John White, Whittlesey, Jared W. Williams, Joseph L. Williams, and Yorke—105.

So the House refused to lay the petition on the table; and it was then referred to the Committee on Foreign Affairs.

Mr. WISE said, being in a minority of thirty-two, he gave up the fight, and withdrew his motion made yesterday to reconsider the same reference of a similar petition presented by Mr. GRENELL.

Petitions and memorials, chiefly on the subject of abolition, &c., were presented by Messrs. LINCOLN, FLETCHER, HASTINGS, CALHOUN, and SALTONSTALL, of Massachusetts.

Mr. SALTONSTALL presenting a petition similar to the others in relation to Hayti,

Mr. LEGARE objected to its reception, and went on to point out the distinction between a *bona fide* petition asking, as a commercial question, for the interchange of relations between the two countries, and those from the Abolitionists, got up for the purpose of subverting the ends and designs they had in view. Mr. L. then argued that the Constitution did not prohibit the House from refusing to receive a petition, any more than by giving full freedom of speech it authorized licentiousness of speech or blasphemy; and cited various cases in support of this ground, in the British Parliament, from "Hatsell's Precedents."

Mr. CUSHMAN then said that, at the rate they were going on, no business would be done during the session; and, to aid in progressing it, he demanded the previous question; but it was not sustained by the House—ayes 66, noes 79.

Mr. PETRIKIN then moved that the House adjourn: lost—75 to 89.

Mr. SALTONSTALL then proceeded to reply to Mr. LEGARE, and denied the imagined connection which that gentleman had contended for. He also denied the power of the House to refuse to receive any and all petitions whose language was in respectful terms, and cited the amendment of the Constitution on this subject to show that the right of petition had been secured to the people on the broadest possible ground. In the present case, he insisted, the petitioners asked only for a legitimate object, an object within the power of Congress, and which Congress had repeatedly acted on heretofore in similar cases. He again denied that this subject was connected with that of abolition, though he was prepared to meet the latter, and expressed a hope that the time was not far distant when that question would be met, and deliberately and calmly discussed, both by the North and the South.

Mr. HARRISON then renewed the motion to adjourn; which prevailing, The House adjourned.

The following gentlemen were appointed as the Committee on the Library: Messrs. POPE, CLEVELAND, and McCURE.

## IN SENATE.

WEDNESDAY, December 19, 1838.

Hon. RICHARD M. JOHNSON, Vice President of the United States and President of the Senate, and Mr. MOUTON, Senator from the State of Louisiana, appeared in their places in the Senate.

## PETITIONS, ETC.

Mr. LUMPKIN presented the petition of Dr. Boyd Reilly, stating that he has invented an apparatus for the application of steam and medicated vapor to the human body; that his invention has been introduced into the hospitals of the Army and Navy of the United States with great advantage; that he has expended a considerable portion of his time and money in perfecting his invention, asking compensation in consideration thereof. Mr. L. then moved to refer the petition to the Committee on Naval Affairs; which was agreed to.

Mr. WRIGHT presented the petition and papers of John Boyd, praying to be placed on the

pension list in consequence of disabilities incurred in the late war with Great Britain; which was referred to the Committee on Pensions.

Mr. MERRICK presented the petition of William C. Easton, praying compensation for services rendered as clerk in the Commissary General's department; which was referred to the Committee on Claims.

Also, the petition of the heirs of John C. Mackall, praying compensation for property destroyed during the last war with Great Britain; which was referred to the Committee on Claims.

Also, the petition of the heirs of John Bulford; which was referred to the Committee on Revolutionary Claims.

Mr. FULTON presented certain resolutions of the Legislature of Arkansas, authorizing the sale of the sixteenth sections, reserved for the use of schools; which was referred to the Committee on Public Lands.

On motion of Mr. RIVES, several petitions and papers on the files of the last session were referred to appropriate Committees.

## NOTICES OF BILLS.

Mr. PIERCE gave notice that he would to-morrow ask leave to introduce a bill for the punishment of frauds committed by applicants for pensions.

Mr. LYON gave notice that he would to-morrow ask leave to introduce a bill for the relief of J. and W. Beeson and others.

Mr. NICHOLAS gave notice that to-morrow he would ask leave to bring in a bill for the relief of Charles Morgan.

Also, to bring in two other bills for the relief of persons whose names were not heard.

Mr. TALLMADGE gave notice that to-morrow he would ask leave to bring in a bill for the abolishment of imprisonment for debt in certain cases.

Mr. BROWN gave notice that to-morrow he would ask leave to introduce a bill supplementary to the act establishing branch mints of the United States.

Mr. FULTON gave notice that to-morrow he would ask leave to introduce a bill to authorize the inhabitants of a certain township in Arkansas to surrender their school section, and enter other land in lieu thereof.

Mr. NILES gave notice that to-morrow he would ask leave to introduce a bill for the relief of James M. White.

Mr. HUBBARD gave notice that he would to-morrow ask leave to introduce a bill allowing equitable commissions to agents for persons in whose favor awards have been made under treaties with foreign Powers, which awards have been retained in the Treasury in payment of debts due to the United States.

## BILLS INTRODUCED.

Mr. RIVES, on leave, and in pursuance of notice given, introduced a bill to explain and amend the fifth section of the act of June 30, 1834, for the better organization of the United States marine corps; which was read twice and referred.

Mr. NORVELL, on leave, and in pursuance of notice given, introduced a bill to authorize the selection of lands for the benefit of the University of Michigan, instead of other lands which have been hitherto selected; which was read twice and referred.

Mr. N. also, on leave, and in pursuance of notice given, introduced a bill authorizing the President of the United States to cause certain surveys to be made; which was read twice and referred.

Mr. DAVIS, on leave, and in pursuance of notice given, introduced a bill for the relief of Irvine Shubrick; which was read twice and referred.

Mr. CLAY, of Alabama, on leave, and in pursuance of notice given, introduced a bill for the relief of certain persons therein named; which was read twice and referred.

Mr. RUGGLES, on leave, and in pursuance of notice given, introduced a bill for the relief of Joseph Veazy; which was read twice and referred.

Mr. ROANE, on leave, and in pursuance of notice given, introduced a bill giving the assent of Congress to an act of the General Assembly of the State of Virginia, incorporating the Fal-

mouth and Alexandria Railroad Company; which was read twice and referred.

Mr. R. also, on leave, and in pursuance of notice given, introduced a bill concerning the estates of lunatics and infants; which was read twice and referred.

Mr. CALHOUN, on leave, and in pursuance of notice given, introduced a bill for the relief of the heirs-at-law of Edward Wade; which was read twice and referred.

Mr. HUBBARD, on leave, and in pursuance of notice given, introduced a bill for the relief of Dr. Samuel White; which was read twice and referred.

Mr. ROBINSON, on leave, and in pursuance of notice given, introduced a bill establishing a surveyor general's office in Illinois.

Mr. YOUNG, on leave, and in pursuance of notice given, introduced a bill granting to the Mississippi and Rock River Canal Company a certain portion of the public lands for the purposes therein expressed.

Mr. Y. also, on leave, and in pursuance of notice given, introduced a bill granting to the Galena and Chicago Railroad Company the right of way through the public lands, and for other purposes.

#### REPORTS FROM COMMITTEES.

Mr. CLAY, of Alabama, from the Committee on Public Lands, to which had been referred the bill relinquishing to the State of Alabama her two per cent. fund, reported the same without amendment.

Mr. WALKER, from the same committee, to which had been referred the bill directing the President of the United States to cause certain lead mines in Illinois, Wisconsin, and Iowa, to be offered for sale, reported the same without amendment.

Mr. FULTON, from the same committee, to which had been referred the bill for the relief of certain citizens of Arkansas, who lost their improvements in consequence of the treaty with the Choctaw Indians, reported the same without amendment.

Mr. ROANE, from the Committee for the District of Columbia, reported, without amendment, the bill for the support of the penitentiary in said District.

Mr. R., from the same committee, reported a bill to amend the act establishing a criminal court in the District of Columbia.

Mr. WILLIAMS, of Maine, from the Committee on Naval Affairs, to which had been referred the memorial of James H. Clarke, reported a bill for his relief; which was read and ordered to a second reading.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, to which had been referred the message of the President and the report of the Postmaster General on the subject, reported a bill regulating the transmission of the mails upon railroads; which was read and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the petition of Peter Bary, reported a bill for his relief; which was read and ordered to a second reading.

Mr. H., from the same committee, to which had been referred the petition of John Kurtz, surviving partner of Bowie & Kurtz, reported a bill for the relief of the owners of the ship Alleghany; which was read and ordered to a second reading.

Mr. TIPTON, from the Committee on Indian Affairs, to which had been referred the bill for the protection of the emigrant and other Indians west of Missouri and Arkansas, reported the same without amendment.

Mr. YOUNG, from the Committee on Claims, to which had been referred the bills for the relief of Joseph Banks and Ephraim Sprague, reported the same without amendment.

Mr. FOSTER, from the Committee on Roads and Canals, to which had been referred the bill for the relief of the Selma and Tennessee Railroad Company, reported the same without amendment.

Mr. TIPTON, from the same committee, to which had been referred the bill for the relief of the Georgia and Alabama Railroad Company, reported the same without amendment.

Mr. BENTON, from the Committee on Military Affairs, to which had been referred the res-

olution of the Senate directing an inquiry into the expediency of paying Captain Snodgrass's company of Alabama volunteers, for services as an escort to the Cherokees, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. RIVES, from the Committee on Naval Affairs, to which had been referred the bill regulating the pay of masters in the Navy, reported the same without amendment.

#### INCREASE OF THE NAVY.

Mr. BUCHANAN said that, in perusing the late report of the Secretary of the Navy, he had been much pleased with its brevity, as well as clearness. In one respect, however, he had been disappointed; and that was, that the Secretary had not alluded to a subject which now occupied much attention in both France and England; he referred to steam vessels of war. If the accounts which we had received from both these countries were to be credited, these vessels must eventually, in a considerable degree, supersede all others in naval warfare. It would seem that the Governments of these two countries entertained this opinion, as there appeared recently to have been an emulation between them which should construct and employ the greatest number of these vessels in the shortest time. Mr. B. did not profess to be a competent judge in this question; but it was one of such importance as to demand the serious consideration of those who were; and it was solely for the purpose of directing public attention, as well as that of the Committee on Naval Affairs, to this subject, that he had offered the resolution. If steamships of war should prove to be as efficient for attack and defense as they were represented to be, both in French and English publications, our country would be placed in a most unfortunate condition in case of a war with either of those two nations. We must advance as the world advances; and it would be a signal disgrace that we, who were the first successfully to apply steam in propelling commercial vessels, should suffer by being the last in using it on vessels of war. Mr. B. hoped that, if the Committee on Naval Affairs should satisfy themselves of the utility of steam vessels for warlike purposes, we should not close this session without providing for the construction of one or more of them. Even the most skillful officers of our Navy would require much experience, he presumed, before they could become well qualified to command and manage a steam vessel. The French and the English were both, at this very moment, training their naval officers in this important service, on board of such vessels.

Mr. B. then submitted the following resolution; which was read:

*Resolved*, That the Committee on Naval Affairs be instructed to inquire into the expediency of providing for the construction of one or more steam vessels of war, and their employment in the naval service.

Mr. BENTON observed that this subject of steam batteries was not a new one. It had been several years ago recommended to the consideration of Congress, by the Secretary of War, both in relation to coast and harbor defense; this report would be found among the detailed statements of the War Department. The report went into a description of the nature of the vessels recommended, as well as the situation of the coasts and harbors recommended to be defended by them.

Mr. BUCHANAN observed that he never moved in any subject of this kind without first obtaining all the information it possessed. He certainly was not ignorant of all that had been done by the War Department on the subject, but it was not coast and harbor defense only that his resolution contemplated, but it referred to the building of steam vessels of war to act on the ocean. It was for the purpose of calling the attention of the Naval Committee and the public to the subject that he had introduced his resolution. What was the difficulty? Was not the object embraced in the resolution a proper subject of inquiry? All the scientific naval officers of the most powerful nations in the world were not only turning their attention to the subject, but, what was more, were training their officers to naval warfare in steam vessels. During the last summer he had received more than one dozen of publications made on the subject in Europe.

Mr. DAVIS was much obliged to the Senator from Pennsylvania for bringing this subject to the notice of the Senate. He should advocate his motion, and hoped the Naval Committee would give their serious attention to the subject, and report what information they may collect to the Senate and the country. In Great Britain and France this subject had occupied a great deal of attention, and in this country it had not been entirely overlooked. The Secretary of War had invited their attention to it, and the Committee on Military Affairs had brought the subject before the Senate, but it had not been acted upon except in a single case, that of the steam frigate *Fulton*, which is now in service as a vessel of experiment. It was a subject of deep importance to the country, and ought to be fully investigated. We ought to avail ourselves of the information to be derived from the experience of foreign nations, as well as that to be derived from the scientific among our own countrymen.

The resolution was then agreed to without a division.

#### RESOLUTIONS.

The following resolution, submitted by Mr. BENTON, on Monday last, was taken up, considered, and adopted:

*Resolved*, That the President of the United States be requested to cause to be communicated to the Senate the correspondence of Commodore Porter, Chargé d'Affaires at Constantinople; also, the correspondence of the consuls of the United States at Constantinople, Smyrna, Broussa, Salonica, Cyprus, Cos, Aleppo, Beirut, (inclusive of Damascus and Seyd,) Alexandria, and Candia, so far as the said correspondence relates to the commerce carried on within the Turkish dominions, and in the pachalik of Egypt, and may not, in the opinion of the President, be improper to be communicated.

The following resolution, also submitted by Mr. BENTON, was also taken up, considered, and agreed to:

*Resolved*, That the Secretary of State be directed to report to the Senate, at the commencement of the next stated session of Congress, the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with all foreign nations, so as to show how far the commerce and navigation of this Republic are favored and encouraged, or burdened and restricted, in different countries.

Mr. BENTON submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Committee on Foreign Relations be instructed to inquire into the expediency of providing for the appointment of a Minister Resident at Constantinople, instead of a Chargé d'Affaires; and that the Committee on Commerce be instructed to inquire into the expediency of allowing a salary, in addition to fees, to the United States consul at the same place.

Mr. BENTON submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Secretary of the Treasury be directed to report to the Senate general statements in relation to the salt duties, the importation of foreign salt free of duty, in the fisheries of the United States, and also in the beef and pork trade, showing—

1. The quantity of salt annually imported into the United States since the year 1789, and the places where imported, with the total value thereof from each place, and the average original cost thereof per bushel, and the average quarterly market price in New York.

2. The annual amount of drawback paid on salt used in curing fish, beef, and pork for export, and of all bounties and allowances in fishing vessels, in lieu of a drawback of the salt duty, and as a commutation and equivalent therefor; so as to show the annual amount of the salt tax refunded or commuted to the curers of fish imported, and also the amount of the tax refunded to exporters of beef and pork, so long as beef and pork enjoyed that benefit.

3. The same amounts computed in bushels of salt, so as to show the annual quantity of salt free of duty which has been used or allowed for in the fisheries to the present time, and also in the beef and pork trade, so long as exported beef and pork were entitled to a drawback of all the salt duty.

Mr. RIVES submitted the following resolution; which lies over one day for consideration:

*Resolved*, That the Secretary of the Treasury communicate to the Senate, at as early a day as practicable, the information called for under the following heads of inquiry:

1. The period at which the third bond of the Bank of the United States, sold to that institution, amounting to \$2,254,871 38, was placed to the credit of the Treasurer on the books of the bank; the terms on which it was negotiated: the person acting on behalf of the bank, with whom the negotiation was made; the particulars of any understanding or agreement that the proceeds of the same should be left on deposit with said bank, until wanted in the ordinary disbursements of the Government; and what understanding and arrangement, if any, has taken place respecting the benefit which might accrue to the bank in the transfer of money it should make to distant places on account of the Government.

2. The period when the sum of \$1,600,000, in part payment of the same bond of the Bank of the United States, was placed to the credit of the Treasurer by that bank, and

the nature of the agreement or understanding had in reference to the payment of a part of said bond before, and of another part after it became due.

3. Whether any sum or sums of the public money have been deposited in the Bank of the United States, other than those derived from the payment or sale of its bonds; if so, the amount and date of each deposit, and by whom and by whose authority and direction they were made.

4. The aggregate balance standing weekly to the credit of the Treasurer in the Bank of the United States, its branches or agencies, whether subject to draft or not, as well as the weekly aggregate balance in the Treasury from the time the first deposit was made in the said bank of moneys arising from the payment or sale of its bonds up to the present period.

5. A list of all its branches, or agencies of the said Bank of the United States, on which the Treasury Department has drawn drafts, the amount of public moneys directed to be placed at each, and of the drafts severally drawn on them, and the rates of exchange between Philadelphia and each of the places to which sums were ordered to be transferred.

6. The amount, so far as it can be conveniently ascertained, that has been drawn from the Bank of the United States, its branches or agencies, or in notes of said bank, for paying Indian annuities, or other claims of the Indians on the Government, or for defraying the expenses attending the removal of the Indians; and, in general, the nature of the arrangements, if any, made for the more distant public disbursements in the notes of the bank; together with all the correspondence, agreements, and instructions given or entered into, connected with any or all the heads of inquiry above stated.

*Resolved, also,* That he communicate the nature of the arrangements made with him by those banks in which, according to his report of the 3d instant, portions of the public money have been "placed to the credit of the Treasurer on special deposit;" the kind of money in which the said special deposits were made; whether the same were entered on the books of the banks; whether the identical moneys deposited have continued to be held by the banks; whether the drafts of the Treasury Department that have been drawn on those deposits have been paid in the specific moneys deposited; and whether the balances accruing are part and parcel of the very moneys originally deposited.

Mr. CLAY, of Alabama, submitted the following resolution; which was agreed to:

*Resolved,* That the Committee on Pensions be instructed to inquire into the expediency of authorizing the Secretary of War to make reasonable and just compensation to agents employed in the payment of pensioners.

Mr. YOUNG submitted the following resolution:

*Resolved,* That the Committee on Public Lands be instructed to inquire into the expediency of ceding to the State of Illinois such of the public lands as remain unsold in the "American Bottom," in that State, which extend along the Mississippi river, from the mouth of Wood river to the mouth of the Kaskaskia river, and are bounded by the bluffs or highlands on the one side and the river on the other; for the purpose of aiding said State in improving the health of its citizens by draining the lakes, ponds, and marshes in that part of the country.

In presenting the above resolution, Mr. Y. said: I hold in my hand, Mr. President, a report made by the president of the board of managers of the Illinois State Lottery, authorized by the General Assembly of that State for the purpose of draining the lakes and ponds, and improving the health of the citizens residing in the "American Bottom," a strip of country extending from the mouth of Wood river, a short distance above the mouth of the Missouri river, to the mouth of the Kaskaskia river, and stretching along the easterly side of the Mississippi river about one hundred miles, with an average width of from three to seven miles. The quantity of land embraced within the area is estimated at about four hundred square miles, or about two hundred and sixty thousand acres; of which only a small portion of refuse, marshy, and unsalable land remains the property of the United States, although it has been in market more than twenty years. The first settlements made by the white people in Illinois were made by the French, at Kaskaskia, Fort Chartres, St. Philips, Cahokia, Prairie Du Pont, Prairie du Rocher, and a few other smaller villages. It is believed that in the year 1812, the population of the "American Bottom" was greater than now. This is attributed to bad health, arising from the stagnant ponds and lakes in that part of the country. The report states that the once flourishing villages of Fort Chartres, St. Philips, and Prairie Du Pont, are now only known by the ruins, and the inscriptions over the remains of the dead; that the towns of Cahokia, Harrisonville, and Prairie du Rocher are in a state of great dilapidation; and that there is but little prospect of improvement in that part of the country, unless something shall be done to render the unoccupied portions of the country inhabitable for agricultural and other purposes. The board of managers, therefore, ask for a donation of those marsh lands to the State, for the purpose of aiding in the proposed improvement of the country, in the hope that Congress

will not refuse to promote, in the manner proposed, so important and laudable an undertaking.

The resolution was then adopted.

#### BILLS PASSED.

The following bills were severally read a third time and passed:

The bill for the relief of William East;

The bill to prevent the counterfeiting of foreign coin, and for the punishment thereof;

The bill to amend the act to punish certain offenses against the United States;

The bill confirming the sales of certain reservations;

The bill granting to the county of Kalamazoo, State of Michigan, the right of preemption to certain quarter sections of the public lands;

The bill for the relief of John Newton;

The bill for the relief of Jean B. Valle;

The bill to amend the act entitled an act to require the judges of the district of East and West Tennessee to hold a court at Jackson, in said State; and

The bill further to postpone the fourth installment of the deposit with the States.

The bill for the relief of Walter Loomis and Abel Gay was, after considerable debate, postponed until Monday next.

The question on ordering the bill for the relief of Laurent B. Millaudon to a third reading was reconsidered, and the bill, after a considerable debate, was recommitted to the Committee on the Judiciary.

On motion, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 19, 1838.

The SPEAKER laid before the House a communication from the First Comptroller of the Treasury, in conformity to an act of Congress, inclosing a statement of the accounts that have remained unsettled, or on which balances appear to be due, for more than three years prior to the 30th September, 1838, on the books of the Fourth Auditor; which,

On motion of Mr. CUSHMAN, was laid on the table and ordered to be printed.

Also, a communication from the Secretary of the Treasury, inclosing the annual report of the Commissioner of the General Land Office to that Department, in regard to the operations of the General Land Office during the year 1837, and part of the year 1838.

On motion of Mr. CASEY, ordered to lie on the table, and be printed.

Also, a report of the Secretary of the Treasury, in compliance with a resolution of the House of Representatives of the 6th of June last, in relation to the accounts of Major Cross, and other matters.

On motion of Mr. MERCER, laid on the table, and ordered to be printed.

Also, a communication from the Secretary of the Treasury, inclosing a report and documents relative to the petition of John Peebles, collector of internal duties for first, second, third, fourth, and fifth districts of Ohio, which was referred to that officer by the Committee of Claims of the House of Representatives at its last session.

On motion of Mr. RUSSELL, referred to the Committee on Claims.

#### REPUBLIC OF HAYTI.

The unfinished business was the question of reception of a petition presented by Mr. SALTONSTALL from certain citizens of the town of Converse, Massachusetts, praying for the establishment of international relations with Hayti.

Mr. HARRISON, who was entitled to the floor, said, in view of the shortness of the session, of the vast amount of business before the House, and that, up to this time, they had done nothing, he thought this discussion should be brought to a close, and he, therefore, demanded the previous question; which was carried without a division, as was also the main question, "Shall this petition be received?"

The petition, being therefore received, was, on motion of Mr. SALTONSTALL, referred to the Committee on Foreign Affairs.

#### AMENDMENT OF THE RULES.

Mr. WILLIAMS, of Kentucky, asked leave

to submit the following amendment to the rules of the House:

*Resolved,* That the following be added to, and constitute one of, the standing rules of the House: "If, upon the presentation of a petition, objection be made to receiving the same, the question shall be put and decided without debate."

Objection being made,

Mr. WILLIAMS moved a suspension of the rules; on which motion

Mr. SLADE demanded the yeas and nays, and, being ordered, they were—yeas 91, nays 101; as follows:

YEAS—Messrs. John W. Allen, Anderson, Andrews, Banks, Beers, Bicknell, Birdsall, Boon, Bronson, Bynum, Casey, Chambers, Chapman, Cheatham, Clowney, Coles, Connor, Crabb, Craig, Crary, Cushman, De Graff, Duncan, Ewing, Farrington, Fillmore, Fry, Gallup, James Garland, Glascock, Grantland, Graves, Gray, Griffin, Haley, Hammond, Harrison, Hawkins, Haynes, Henry, Herod, Holt, Hopkins, Howard, Hubley, Thomas B. Jackson, Noble, Jackson, Joseph Johnson, William C. Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kennedy, Leadbetter, Lyon, McKay, Robert McClellan, Abraham McClellan, Mercer, Miller, Montgomery, Morgan, Murray, Noble, Palmer, Parker, Petrik, Phelps, Pratt, Rives, Augustine H. Shepperd, Shepler, Southgate, Spencer, Stuart, Stone, Taliaferro, Ties, Toney, Underwood, Vail, Vanderveer, Wagener, Witte, Albert S. White, John White, Sherrard Williams, Worthington, and Yell—91.

NAYS—Messrs. Adams, Alexander, Heman Allen, Afferton, Ayer, Beatty, Bell, Borden, Briggs, Buchanan, William B. Calhoun, John Calhoun, Cambreleng, William B. Campbell, Carter, Chaney, Clark, Coffin, Corwin, Cranston, Crockett, Cushing, Dawson, Davee, Davies, Dennis, Dromgoole, Evans, Everett, Fairfield, Richard Fletcher, Foster, Giddings, Goode, James Graham, William Graham, Grennell, Hall, Hamer, Harlan, Harper, Hastings, Hawes, Ingham, Jenifer, Lewis, Lincoln, Mallory, Marvin, James M. Mason, Sampson Mason, Martin, Maury, Maxwell, McKennan, Menelee, Mitchell, Mathias Morris, Calvary Morris, Naylor, Noyes, Ogle, Parmenter, Pearce, Peck, Potts, Prentiss, Putnam, Kariden, Randolph, Reed, Reilly, Rhett, Ridgway, Robertson, Robinson, Rumsey, Russell, Saltonstall, Sawyer, Sheffer, Charles Shepard, Shields, Sibley, Slade, Snyder, Stanly, Stratton, Swearingen, Thomas, Tillinghast, Toland, Toucey, Whitely, Lewis Williams, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yorke—101.

So the House refused to suspend the rules.

#### AFFAIRS IN PENNSYLVANIA.

The following message in writing was received from the President of the United States by the hands of his Private Secretary:

To the House of Representatives of the United States:

I transmit the accompanying documents, marked from one to five, in reply to a resolution of yesterday's date, calling for copies of correspondence between the Executive of the Federal Government and the Governor of Pennsylvania, in relation to "a call of the latter for an armed force of the United States troops since the present session of Congress," and requiring information "whether any officer of the United States instigated or participated" in the riotous proceedings referred to in the resolution, and "what measures, if any, the President has taken to investigate and punish the said acts, and whether any such officer still remains in the service of the United States."

M. VAN BUREN.

WASHINGTON, December 18, 1838.

[The documents accompanying this message are of an important character. They are so voluminous as to preclude their publication in tonight's paper; but so soon as we shall obtain a copy, they will be given to the public.]

The message and accompanying documents having been read,

Mr. NAYLOR moved that they be referred to the Committee of the Whole on the state of the Union, and printed; and addressed the House at some length in support of his motion. He said this inquiry had been made by a certain party in that House, and he was now willing to meet it to the fullest extent. He remarked, with much warmth, upon the fact of Governor Wolf anticipating what had taken place, as going to show there was a regularly organized conspiracy on the part of the officers and adherents of the General Government, concocted in Philadelphia, some of whom had taken an active part in it. Mr. N. then went again into the transactions at Harrisburg, and the part taken there by Messrs. Page, M'Can, and others.

Mr. UNDERWOOD was at a loss to see any good that could arise from the further discussion of this matter, or of referring it to a Committee of the Whole for discussion, from day to day, and therefore he felt as if he was discharging a duty to himself and the balance of the members by moving that these documents be laid on the table, and printed.

Mr. POTTER begged the gentleman to withdraw the motion for a few minutes.

Mr. UNDERWOOD would do so on condition of the gentleman's renewing it.

Mr. POTTER pledged himself to do so.

Mr. UNDERWOOD withdrew the motion.

Mr. POTTER commenced by stating that he had the pleasure of informing the House he had every reason to hope that all the difficulties that had unfortunately prevailed in Pennsylvania had been brought to a peaceable and permanent termination, and that three distinguished patriots, men who are—

Mr. BIDDLE called his colleague to order for making a reference to the proceedings at Harrisburg.

Mr. POTTER had only made a single allusion to them, while his other colleague [Mr. NAYLOR] had been permitted to go into and dilate upon their history. Mr. P.'s object was to prevent any further action on the whole subject. There was excitement enough now in Pennsylvania without creating any more; and he was merely stating a fact to show why it was unnecessary, in his judgment, to refer this subject. As he was saying, he believed the question was settled in Pennsylvania itself, for there was where it must be ultimately settled, for they would permit the interference neither of the National nor of any State Government, further than the Constitution warranted. He believed everything was at peace in that State now; while we are discussing the matter here, and keeping up the excitement. He had just returned from Harrisburg, and a more peaceable or more orderly community was not to be found within the bounds of this Union than he left there. He was satisfied, too, that the rights of the people were safe, for they were in hands who knew them, and, knowing, dare maintain them. The House of Representatives of Pennsylvania is now, he believed, proceeding as quietly and orderly as ourselves.

With reference to the postmaster at Philadelphia, Mr. P. would inform his colleague that he had been called to Harrisburg by the requisition of Governor Ritner, and that he had returned without one drop of blood having been shed.

Mr. P. concurred with his colleague in the position that a conspiracy had existed in Pennsylvania—a conspiracy to trample down the rights of free government, and strike at the foundation of liberty itself—a conspiracy to usurp the government of one of the thirteen original States of this Union, contrary to the Constitution, contrary to the laws, and contrary to all the institutions of our country—a conspiracy for a minority to grasp power over the majority—a conspiracy to retain, for purposes best known to themselves, the functions of the government of Pennsylvania for a short time. That conspiracy was announced long since, but not by the political party to which his colleague had attributed it. No. It was announced and proclaimed by the very officer who had surreptitiously concealed and kept back the returns to the Legislature of Pennsylvania. Hence, then, Mr. P. concurred in opinion with his colleague, that there was a conspiracy, but the gentleman's friends were answerable for it.

Mr. P. defended Governor Wolf for the course he had pursued in cautioning the custom-house officers. That gentleman could not but anticipate excitement, for the public press declared it in advance—the officers of the State government at Harrisburg proclaimed it—and his caution was proper, called for by the probable state of things, and only what duty required of him. Mr. P. concluded by renewing the motion to lay on the table and print; and it was agreed to without a division.

#### REPORTS FROM COMMITTEES.

Mr. ADAMS, on leave, from the select committee thereon, reported, with amendments, the bill to prohibit duelling in the District of Columbia, and to provide for the punishment thereof.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill making an appropriation for the protection of the northern frontier of the United States.

Also, a bill making appropriations for the payment of revolutionary and other pensioners of the United States, for the year 1839.

Also, a bill for the relief of Chastelain and others.

At the suggestion of Mr. CAMBRELENG, the House, by general consent, took up the motion made by him at the beginning of the session, to refer so much of the report of the Secretary of

the Treasury as related to the defalcations of the late collector at New York to a select committee, and so much thereof as related to a modification of the revenue laws to the Committee of Ways and Means.

Mr. WISE moved the reference of the former to the Committee of the Whole on the state of the Union, and proceeded to address the House in support of that motion, and also on the subject generally, going into a history of Swartwout's and other cases of fraud and peculation that had occurred under the late and present Administration. After proceeding for some time, he gave way, without concluding, to Mr. STANLY, on whose motion,

The House adjourned.

#### IN SENATE.

THURSDAY, December 20, 1838.

#### PETITIONS, ETC.

Mr. ROANE presented the petition of the administrators and heirs-at-law of William Terrill; which was referred to the Committee on Revolutionary Claims.

Mr. WILLIAMS, of Mississippi, presented a petition of William Dorsey, register of lands in the northeastern district of Mississippi, asking compensation for additional clerks; which was referred to the Committee on Public Lands.

Mr. WRIGHT presented the petition of Mrs. Mary W. Thompson, widow of Colonel Alexander Thompson, who fell in an action with the Seminole Indians, praying for a pension; which was referred to the Committee on Military Affairs.

Mr. W. also presented the memorial of Russell Comstock, praying Congress to purchase and publish certain discoveries alleged to have been made by him to promote the preservation and increase of agricultural products, &c.; which was referred to the Committee on Agriculture, and ordered to be printed.

Mr. CALHOUN presented a memorial from the Chamber of Commerce of Charleston, South Carolina, praying that Congress would adopt some measures that would increase the proportion of American seamen; which was referred to the Committee on Commerce.

Mr. BENTON presented the petition of William Triplett, praying for confirmation of title to a tract of land; which was referred to the Committee on Private Land Claims.

Mr. KING presented a memorial of the Gainesville and Narketa Railroad Company; which was referred to the Committee on Roads and Canals.

#### NOTICES OF BILLS.

Mr. RIVES gave notice that to-morrow he would ask leave to introduce a bill for the relief of Thomas P. Parson.

Mr. DAVIS gave notice that to-morrow he would ask leave to introduce a bill for the relief of Elisha Eldridge.

Also, a bill for the relief of the Nantucket Steamboat Company.

#### BILLS INTRODUCED.

Mr. PRENTISS, agreeably to notice given, asked and obtained leave to bring in a bill for the relief of the administrator of Joseph Edson; which was read twice, and referred to the Committee on the Judiciary.

Mr. HUBBARD, on leave, and in pursuance of notice given, introduced a bill allowing equitable commissions to agents for persons in whose favor awards have been made under treaties with foreign Powers, which awards have been retained in the Treasury in payment of debts due to the United States; which was read twice, and referred.

Mr. RIVES, on leave, and in pursuance of notice given, introduced a bill for the relief of Andrew Forest; which was read twice, and referred to the Committee on Naval Affairs.

Mr. R. also, on leave, and in pursuance of notice given, introduced a bill to establish the Navy ration, and for other purposes; which was referred to the Committee on Naval Affairs.

Mr. TALLMADGE, on leave, and in pursuance of notice given, introduced a bill to abolish imprisonment for debt in certain cases; which was read twice, and referred to the Committee on the Judiciary.

Mr. ROANE, on leave, and in pursuance of notice given, introduced a bill to extend the jurisdiction of the corporation of the city of Washington over the Potomac bridge, and to authorize the making of deeds for certain lots in said city; which was read twice, and referred to the Committee on the District of Columbia.

Mr. R. also, on leave, and in pursuance of notice given, introduced a bill for the erection of a hospital in the city of Washington, and for other purposes; which was read twice, and referred to the Committee on the District of Columbia.

Mr. RUGGLES, on leave, and in pursuance of notice given, introduced a bill for the relief of Isaac Hilton; which was read twice, and referred to the Committee on Pensions.

Mr. NICHOLAS, on leave, and in pursuance of notice given, introduced a bill for the relief of Charles Morgan; which was read twice, and referred to the Committee on Private Land Claims.

Mr. N. also, on leave, and in pursuance of notice given, introduced a bill for the relief of Jean Baptiste Grainger; which was read twice, and referred to the Committee on Private Land Claims.

Mr. BROWN, on leave, and in pursuance of notice given, introduced a bill supplementary to the act establishing branch mints of the United States; which was read twice, and referred to the Committee on the Judiciary.

Mr. FULTON, on leave, and in pursuance of notice given, introduced a bill to authorize the inhabitants of township eight north, of range thirty-two, to surrender their school section, and enter a section in lieu thereof; which was read twice, and referred to the Committee on Public Lands.

Mr. F. also, on leave, and in pursuance of notice given, introduced a bill to authorize the location of preemption certificates given by the register of public lands at Batesville, Arkansas, under law of 26th May, 1838, on any public lands in Arkansas; which was read twice, and referred to the Committee on Public Lands.

Mr. NILES, on leave, and in pursuance of notice given, introduced a bill for the relief of Jabez L. White and Asa White; which was read twice, and referred.

Mr. MORRIS asked leave to move a reconsideration of the vote of yesterday, by which the bill to punish the counterfeiting of certain coins was passed; which was granted by unanimous consent.

#### REPORTS FROM COMMITTEES.

Mr. FULTON, from the Committee on Public Buildings, reported the bill to authorize the examination and payment of the claims of the workmen on the public buildings, without amendment.

Mr. PIERCE, from the Committee on Pensions, to which the subject had been referred, reported a bill for the relief of Joseph Bassett; which was read, and ordered to a second reading.

Mr. PRENTISS, from the same committee, reported the following bills, without amendment:

A bill to establish a pension agency in Montpelier, Vermont;

A bill for the relief of John McCloud; and

A bill granting a pension to David Waller.

#### RESOLUTIONS.

Mr. SMITH, of Indiana, submitted the following resolution; which was considered and adopted:

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of so amending the act of the 7th of July, 1838, "to provide for the better security of the lives of passengers on board vessels propelled in whole or in part by steam," as to provide that every captain, engineer, pilot, or other person employed in navigating any steamboat or vessel, propelled in whole or in part by steam, who shall willfully increase and confine the steam of such boat or vessel, with intent to propel her at a speed greater than her ordinary speed, on any pretext whatever, or who shall willfully run such boat or vessel at a speed greater than her ordinary speed, against or with any other boat or vessel at a trial of speed, although no explosion or loss of life shall occur thereby, shall be guilty of a high misdemeanor, and, on conviction, shall be fined in any sum not exceeding five thousand dollars; and, also, that said committee inquire into the expediency of requiring a printed copy of the above entitled act, and the amendments that may be made thereto, to be kept at all times in a public part of the cabin of such boat or vessel, for the inspection of the passengers.

Mr. BENTON offered the following resolution; which was considered and adopted:

*Resolved*, That the President of the United States be requested to cause to be communicated to the Senate copies of all the orders and instructions issued from Washington city, by heads of Departments and the Postmaster General, relative to the kind of money and bank notes which might be paid out on account of the United States or the Post

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Office Department, since the 14th day of April, 1814, when Congress, by law, forbid any bank note to be "offered" in payment on public account, in any case whatsoever, except of the character and description there specifically defined.

Mr. BENTON also offered the following resolution; which was considered and adopted:

*Resolved*, That the Secretary of the Treasury be directed to communicate to the Senate, as early as may be convenient after the Mint returns for the present year are received, statements showing:

1. The amount of imports and exports of gold and silver coin and bullion since the passage of the act for correcting the standard of the gold coins of the United States, and for admitting the silver coins of Mexico and other countries to legal circulation within the United States, passed June, 1834.

2. The amount of gold coined at the Mint and its branches since the gold bill of 1834 took effect, distinguishing the bullion from which the same was coined, so as to show how much was coined from foreign gold, how much from United States coins of the former standard, and how much from gold of the United States mines.

3. The annual average of the notes of the late Bank of the United States in circulation during the existence of that institution.

Mr. NORVELL offered the following resolution; which was considered and agreed to:

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of making appropriations for the improvement of the harbors of Brest, Port Sheldon, and New Buffalo, and of the harbors at the mouths of Clinton, Grand, Kalamazoo, North, and South Black rivers, in the State of Michigan; and also into the expediency of making appropriations for the construction of a pier and beacon light at Mackinac; for the removal of the bar in Lake George, in the straits of St. Mary; and for the removal of the obstructions to navigation at the mouth of the river St. Clair, in that State.

On motion of Mr. PRENTISS, it was

*Ordered*, That the petition of James Smolley and others, presented at the last session, praying compensation for the services of the Vermont militia at Plattsburg in the late war, be referred, with the accompanying documents, to the Committee on Military Affairs.

On motion of Mr. ROBINSON, it was

*Ordered*, That five hundred extra copies of the report of the Commissioner of the General Land Office be printed for the use of that office.

## PUBLIC DEPOSITS.

The resolutions submitted yesterday, by Mr. RIVES, proposing certain inquiries of the Secretary of the Treasury, coming up for consideration—

Mr. RIVES said he would submit some of the reasons for offering them more in detail than he had at first intended. The resolutions have special reference to certain transactions which have been lately alleged to have taken place between the head of the Treasury Department and the President of the Bank of the United States. For some time past, notwithstanding the long and arduous struggle between the Administration and this institution, rumors have been prevalent that an arrangement has been entered into by which it has practically become the fiscal agent of the Government. Does not the whole country recollect that the present President took an early occasion, soon after the bank had received its charter from the Legislature of Pennsylvania, to say that it was the same in character and effect as the former bank? Did not the honorable Senator from Pennsylvania [Mr. BUCHANAN] assert that it was the same vast monopoly that had convulsed the country—the same thirty-five millions of capital—the same president—the same directors—the same stockholders? We all recollect the zeal of the honorable Senator from South Carolina, [Mr. CALHOUN,] who has taken so distinguished a part in supporting the fiscal schemes of the present Administration, on the same subject. The honorable Senator from Missouri, [Mr. BENTON,] in referring to this institution, said that it was more powerful than the former bank, and more wicked as well as more powerful. Now, taking the views of the head and great pillars of the Administration party into consideration, it is surprising that this denounced institution, more wicked and more powerful, was reinstated in all its fiscal relations with the Government. From the prevalence of these reports, at the assembling of Congress we all looked to the report of the Secretary of the Treasury to clear up these subjects;

but, sir, in this document, on this matter, there appeared to be a premeditated reserve and studied ambiguity. Congress at its previous session, had authorized the sale of two of the bonds of the United States Bank held by the Government. The Secretary should have clearly stated to Congress the manner in which he had executed the special trust confided to him; but it was with the utmost difficulty, after the most minute scrutiny, that we can find a few lines informing us that the Secretary has executed this in accordance with the provisions of the law.

In the list of banks denominated special depositories of the Government, we are told that special deposits are made in the Bank of the United States, derived from debts due from banks; but from what banks the debts are due, or on what conditions the deposits are made, the Secretary is wholly silent. He thought that ambiguity of phraseology had been designedly used to conceal this transaction. The public have lately had a letter from the president of the bank, in which he comes out in bold language, with the air of a man who has achieved a triumph. He tells us that arrangements have been entered into, by which the Government has been brought into efficient cooperation with the Bank of the United States! That the more distant disbursements of the Government had been made in the notes of the bank—these rags, this miserable trash, as they have been designated by the honorable Senator from Missouri. Now, let us confront the statements of the two high contracting parties. The Secretary does not tell you to whom this bond was sold; the president of the bank says it was disposed of to the bank, and paid for by the credits on the books of the bank—a credit to the Treasurer of the United States on the books of the bank. The Secretary of the Treasury says it is a special deposit on the books of the bank. All these matters require explanation, and the Secretary should be glad I have given him the opportunity.

Was this a mere sale of bonds, or was it not a scheme to reinstate the bank in its character of fiscal agent of the Government? Was not the sale a mere form for covering the transaction? These are questions that concern the honor of the nation; and a full and unequivocal answer is expected. The public have a right to know on what terms the coalition between the Government and the bank has taken place; who furnishes the auxiliaries, and who furnishes the subsidies; whether the bank has abdicated the throne, that it may be the power behind the throne, greater than the throne itself.

Mr. R. gave extracts from the Baltimore Chronicle, and other Whig papers, to prove that by an insensible process, already commenced, the Bank of the United States would, without the concurrence of Congress, become the fiscal agent of the Government. Why, sir, this would be a national bank, and a national bank in its worst form—closely allied with the Executive; a State institution, irresponsible to Congress, and irresponsible to the people. I say, sir, if this insensible process, already commenced, is to be consummated, it will form that vast concentration of the moneyed power which the President, in his late message, speaks of with so much alarm. If this insensible process is to go on, if this coalition between the Government and the bank is to be completed, I will say—as was said of another coalition in another country—in the name of my country I forbid the bans.

Notwithstanding the many homilies we have received on the necessity of severing all connection between the fiscal affairs of the Government and the banks, the President and Secretary have given the most unequivocal proof, by their example and practice, of the superiority and almost indispensable necessity of bank agency in conducting the affairs of the Government. And the connection with banks is attempted to be got over by dubbing sixteen banks as special depositories. What are these special depositories? Banks employed at the will and pleasure of the Execu-

tive—making them solely Executive agents and Executive instruments. While the Executive is preaching against the system of bank agency, it is recommended that an occasional use may be made of them, when it is deemed convenient and proper. Who is to be the judge of this propriety? Why the Executive; their hands must not be fettered by the legislation of Congress; they must employ them at their own will and pleasure; thus making this immense money power subservient to Executive views. All admit that, with the experience of the last few months, banks are infinitely safer agents than sub-treasurers; but the sub-Treasury will be held up for party purposes, and perhaps for the extension of Executive patronage and influence. The Administration means to employ banks, and the only question is, whether we will have their employment legalized, or subject them entirely to Executive discretion. The time has come when every patriot should watch with deep anxiety and solicitude the indications of Executive policy. If this moneyed power is to be subject to Executive will, it will destroy the liberties of the country, and make Executive power ascendant over everything. He would also allude to the unprecedented and unconstitutional recommendation of the President to appoint a committee of Congress to watch his sub-treasurers, and report the defaulters to him for removal. He hoped he would not live to see this degradation of Congress appointing inquisitorial committees to watch the Executive's sub-treasurers. The President says that recent events have convinced him more and more of the propriety of the sub-Treasury system. What are these recent events? The defalcation of public officers for immense sums, and flying the country. Not even the shrine of the national honor has been sacred from this humiliation—I mean the Army. The ermine of the law has been stained with dishonor. These defalcations of public officers, though humiliating, are providential evils, in contributing to defeat a system, the infliction of which upon the country I deem would be a curse. Cannot we devote one session of Congress to binding up the wounds of our bleeding country, instead of wasting the time in party conflicts and trying for party triumphs!

Mr. WRIGHT rose to say a few words in reply to the honorable gentleman from Virginia. He did not rise now for the purpose of entering into any debate on the question of the Sub-Treasury, or of the bank deposits, believing that any argument on these questions would now be out of place. He hoped and believed, notwithstanding the Senator's remarks, that he was to be permitted to congratulate himself and the country that the Senator had at last become aware of the dangers and mischiefs arising from a connection between the Government and the banks. He was glad to hear the Senator's remarks, so far as they were connected with the facts, and the only drawback to his pleasure was, that the gentleman had not waited for facts before he drew his inferences. Another remark with which he would now trouble the Senate. He well remembered at the extra session, and at the last annual session, he was repeatedly told by several members, that when we undertook to talk of the dangers of this Pennsylvania Bank of the United States, we were attempting to raise a phantom; that the late Bank of the United States was dead and gone, and that it was an imposition on the country to say that there was longer any danger from that quarter. He remembered that observations such as these fell from the Senator from Virginia himself, and he was happy to find that the gentleman had changed his opinions. He never was himself deluded for a moment with regard to that institution; the opinions that he now entertained of it were the same that he had always held. The Senator then would naturally ask, did he approve of this connection? He would answer, that he did not know. He was exceedingly glad that the Senator had offered his resolution of inquiry, and wished the Senate and country to be put in possession of the information it called for. When

that information came, he would be able to form a correct opinion on the subject.

He had heard that, under the legislation of the last winter, the Secretary had sold one of the bonds given by the Bank of the United States, to the bank itself. He presumed, therefore, that the connection, as he had heard on report, grew exclusively out of that transaction. If this connection had gone further, it had been without his knowledge, and should be without his approbation. He did not undertake to say that he approved of the manner in which the bond was transferred, but he had heard that no other purchaser of the bond was to be found. He had heard that means were found wanting to pay the public debt, and for this purpose, the sale was made in the manner it had been. So far he was willing to rest until the Secretary gave them the facts; and he should have been much better pleased if the Senator from Virginia had permitted the call to be answered, and the facts to be laid before them, before he drew his inferences. He was not so much surprised at that course of the Senator, as at the next step he took; and what was that? Why, it was to interpret to the Senate and the country, not only the cause of action, but the views and opinions of the President of the United States, and the Secretary of the Treasury, together with the policy of the Government, from the letter of Nicholas Biddle, who has not hitherto been the authority from which the action of these gentlemen has been accustomed to be judged. It might have become authority with the gentleman now; but, if it had, the gentleman had information which he (Mr. W.) did not possess. But, in the heat of remark, the letter referred to was not enough, and the comments of the Opposition newspapers was made the authority for the opinions and policy of the Administration, by the honorable Senator from Virginia. He would only observe, that when the acts and opinions of the Administration are to be judged of by him, it should not be from the comments of the Baltimore Chronicle.

It did seem to him that the natural course would have been to have let these inquiries go to the Secretary, and to have received his answer before coming to any conclusion with regard to facts yet to be known. If the facts which shall be given by the Secretary should prove unsatisfactory, there will be abundant opportunity for the Senate to express its disapproval; and they should do this from the facts before them, and not from such sources as the letter of Nicholas Biddle and the comments of Opposition newspapers. In the course of his remarks, the Senator thought proper to refer to that portion of the message of the President in which he recommended the appointment of a committee of Congress to examine into the conduct of the disbursing agents of the Government. He had not the message before him; but, if he recollected its language, he would submit to the Senator whether the part he referred to was not to this effect: That this committee should report to the President, in case defalcations should be found to exist, to the end solely that the defaulting officer might be promptly removed; and that they should, in any event, report to Congress, that it might apply such legislation as it thought proper. Was not this the sum and substance of that portion of the President's message?

Mr. RIVES answered in the affirmative.

Mr. WRIGHT. Yes, it was; and was it a candid exposition to the Senate and to the country that the Senator from Virginia gave of the President's recommendation? He would ask if it would not have been but justice, both to the document and to the officer, to have given the purport for which the recommendation by the President of the appointment of a committee of Congress was made? and would it not have been but just to have stated the further fact that a final report was to be made to Congress? It seemed so to him; and with that remark he would let the matter rest. One single observation more, and he was done. Had some of the remarks of the honorable Senator, under the circumstances, have come from one of the gentlemen on the other side of the Chamber, it would not have surprised him. Such liberties were often taken by political opponents in all parliamentary bodies, and it was not always that gentlemen in the opposition felt bound to give all the facts for the purpose of basing their remarks. But such remarks, coming from one

standing in the relation of the honorable Senator, he could not but regret. He remembered that during the recess some one, describing the position of this honorable Senator, spoke of him as maintaining an armed neutrality, standing between the two great contending parties in this country. Now, he was compelled to admit that if the gentleman's position was that of an armed neutrality, that position had not precisely been understood by him. If it meant hostility to both the great belligerents, that definition was not the one he had given to it, and he should hereafter be compelled to understand it in a different light from that in which he now did.

Mr. RIVES begged leave to say a few words in reply. He would as soon have believed that the sun would have fallen from the firmament as that the President would have restored the connection between the bank and the Government. This Government has altered its relations with the bank since its last session; and am I to be reproached with my confidence in it? The honorable Senator from New York [Mr. WRIGHT] expresses his surprise that, standing as I do, holding the relations that I do to the President, I should have taken the course I have on this subject. That gentleman, perhaps, knows those relations better than I do. But the gentleman mistakes me, if he thinks that any intimations of the displeasure of the Executive shall terrify me from denouncing that course against which I warned him. I owe no responsibility to the President for words I utter here. I am responsible, and responsible alone, to that old and untiried Commonwealth which I have the honor, in part, to represent in this body. The gentleman has been pleased to allude to the armed neutrality. Could there be a better exemplification of it than my course here to-day? I have been fighting against the sub-Treasury and against the bank. I am still fighting against them, but with this advantage over my former position—that then they assailed me upon either hand, now they both approach me from the same side. He would still defend himself, let the attack come from what quarter it may. He was an armed neutral, and no vassal, and he begged the gentleman from New York to notice it.

Mr. WRIGHT, after a few observations not distinctly heard, said that his only purpose in rising was to refer to a single idea thrown out by the Senator from Virginia in the course of his remarks; and that was that his (Mr. W.'s) remarks were threatening the Senator with Executive power. In reference to that he must, of course, be judged by the Senate and audience. It might not be safe for him to judge himself. He could only say that nothing was further from his intention than to have given utterance to any idea of the kind. He could not believe that any expression of his was possibly susceptible of any such construction. He had spoken of the Senator's remarks as having disappointed him, standing in the relation he did to the President. He spoke in no tone of censure; and the Senator must be aware that he knew that the President had no power over him as a Senator from the proud Commonwealth of Virginia, and that it would have been both vain and foolish in him to utter such a thought. He could not believe it possible that any such construction could be put on anything that had fallen from him; and he rose for the purpose of saying that no such thing was intended. He did not intend to be personally unkind to him, and did not believe that his remarks could be so construed. He had nothing further to say than that, if the concluding remark of the Senator was intended to apply to him, he repelled and spurned it.

Mr. RIVES asked what concluding remark the gentleman referred to?

Mr. WRIGHT. The gentleman, on concluding, said "that he was no vassal of the President, and he begged the gentleman from New York to remember it."

Mr. RIVES said a few words in reply, which were not heard distinctly.

Mr. NILES remarked that the war, among neutrals, had become so warm, at least on one side, that it might be dangerous for him, being a quiet, peaceable man, to interfere, even for the purpose of moderating the fierceness of the conflict. He certainly felt obliged to the Senator from Virginia [Mr. Rives] for introducing these resolu-

tions; he desired, as much as the Senator, a full investigation of the conduct of the officers of the Treasury in the management of the finances. The inquiries were all very proper; at any rate, he had no objection to any of them, or any others which the Senator may choose to make. If there has been any illegal or improper connection between the Treasury and the Bank of the United States, or any other banks, he would be one of the last to justify it. He would not, however, imitate the Senator's example of condemning the Secretary first, and then inquiring into his conduct. This was not in accordance with his notions of justice and propriety, although, perhaps, it may be with those of this new school of politicians, belonging to the "armed neutrality."

Mr. N. said he should vote for the resolutions, and could assure the honorable Senator that he would have voted for them without the eloquent and very temperate speech by which they had been sustained. He thought well of the resolutions, and would not stop to inquire what the motives or object of the mover might be; it was to be presumed that they were purely patriotic, and having reference solely to the public interest. And he was sorry he could not say as much of the Senator's speech; but it did appear to him that that was not exactly in the right tone; it was a little too warm for a neutral, and especially as the occasion seems to have been sought by the Senator.

The substance of it also appeared to him to be somewhat objectionable. Resolutions are offered proposing certain inquiries touching the conduct of the Secretary of the Treasury; and on the consideration of these resolutions the Senator makes a speech full of crimination, condemning the Secretary for the very act about which the resolution asks for information. It seemed to him that it would have been quite as candid and fair to have obtained the information first, and then to have predicated the accusations upon it.

But what have we witnessed? A resolution of inquiry is introduced, which is immediately changed into a bill of indictment against the Administration and all its supporters. And what is the proof by which the charges preferred in this bill of indictment are attempted to be sustained? Why, it is the declarations and accusations of the avowed and sworn enemies of the Administration; the statements and charges of the most reckless and depraved of the Opposition presses, whose vocation it is to falsify and misrepresent every act and measure of the Government, right or wrong. And first and foremost of this formidable array of witnesses is introduced a very important person, who has acted a conspicuous part in the seven years' war to which the Senator has alluded. This is no less a personage than Nicholas Biddle, one of the belligerent parties to this very war. Well, what does this witness say in support of the gentleman's bill of indictment? Why, he says that the war between the Government and the bank has ceased; that peace, or at least a truce, has taken place; that he has had a negotiation with the Government, and purchased in his bonds; and that the Government has treated him very fairly and honorably.

Now, sir, although I have no fault to find with this testimony, yet as the Senator boasted that this witness stood so high in reputation that he could not be impeached, he was disposed to offer a witness standing equally high to impeach him. The witness he had to offer was this same Nicholas Biddle, who, in his celebrated manifesto, issued on the 5th of April last, gave his testimony regarding this war. He said that it was a war carried on by the Government against the "credit system;" that both parties were in the field face to face; that it was a life and death struggle, a war of extermination, in which there could be no compromise or accommodation, but that one or the other must fall. Now, according to this witness last April, there could be no peace or truce between the Government and the bank, much less an alliance offensive and defensive, as the Senator intimates. If the assertions of Mr. Biddle at one time are in direct contradiction to his statements at another, according to the rules of testimony, he was a discredited witness, and his testimony must go for nothing.

Of the other witness, on which the Senator has relied to support his charges against the Administration, consisting of the Baltimore Chronicle

and other Opposition presses, he was not disposed to speak. If the Senator looks to such sources for correct information concerning the acts of the executive officers, he was not disposed to follow him into that field. How long the Senator had been in the habit of judging of the measures of the Administration from information derived from such sources, Mr. N. could not say; but he believed the time was not distant when the Senator had as little confidence in the statements of these honest bank organs as he had himself.

This, Mr. President, is the testimony on which such serious charges are made against the Administration, and sustained with so much correctness and warmth. And not only have the past acts of the Executive and Secretary been condemned on intelligence derived from such sources; but the future and intended measures of the Administration are ascertained from the same honest channels of information. Looking at the Administration through such a medium, both to discover what it has done and what it intends to do, who can doubt that the Senator will form a most candid and impartial judgment of its measures and purposes?

Mr. N. said he did not propose to go into the various matters which had been introduced into this debate, or to notice the numerous charges and insinuations against the Administration which had been thrown out.

His principal object was to call attention to several positions which had been assumed. The first and most important was the declaration that the seven years' war was at an end; that the Government had not only given up the contest, but had been obliged to succumb to the bank, and had made a dishonorable peace, and even entered into an alliance, defensive and offensive, with the bank. He (Mr. N.) congratulated the Senate and the country on this highly important fact, about which he supposed there could now be no doubt. It was announced the other day by Mr. Biddle himself; but coming in rather a questionable shape, and connected with other marvelous statements of the doings of the bank, many doubted it. It is now, however, confirmed by the honorable Senator from Virginia; and by the mouth of two witnesses every fact shall be established. Surely, sir, it should be a subject of general rejoicing that this long controversy is closed; that this seven years' war is terminated; that peace again reigns in our borders. For several years past, and particularly during the extra and the last session of Congress, we heard little else from the other side of this Chamber, whether from the large or small division of the Opposition, but war speeches and panic speeches. The war of the Government upon the banks was held up to the country as the most alarming state of things; as having occasioned the prostration of credit, the derangement of the currency, the suspension of the banks, the ruin of commerce and the entire business of the country. Even our civil institutions, and the liberties of the country, were to be overthrown by this cruel and relentless war which the Government was waging against the banks. The most eloquent appeals were made to the people to arouse from their lethargy and interpose their mighty arm before it was too late, and save their dearest interests from destruction. The interest of the banks was the interest of the people, and a war upon the banks was a war upon the people—a war which affected every class and every interest, the rich and the poor, the high and the low, the capitalist and the laborer—all were suffering, languishing under the effects of this ruinous and destructive war upon the banks and the credit system.

This is the language, sir, which but a few months since was almost daily heard within these walls. Hostility to the banks and the credit system was the great and besetting sin of the Administration, which swallowed up all others. But what do we hear now from the same quarter? Why, sir, will it be believed when it goes forth to the country, that a Senator who was most zealous and constant in declaiming and repeating the charges of hostility to the banks, is now the first to arraign and condemn, unheard, the same Administration for having terminated a war which was declared to be so destructive to the best interests of the country—of having succumbed to the monster, and made a dishonorable peace, and formed a dangerous alliance with him?

What, sir, are we to think of this? Were gentlemen sincere? Did they really believe in the actual existence of a war, prosecuted by the Government against the banks and its ruinous consequences, which filled them with such fearful apprehensions, or were they attempting to hold up this bugbear to frighten the people, to alarm their imaginations, to exasperate their feelings, the more effectually to enlist them in the only war which had any real existence in fact—a war by the politicians, aided by the banks, upon the Administration and a majority of the people who sustained it.

Surely, sir, if the gentlemen believed in the existence of the bank war, of which they have had so much to say, and the evils of which they have portrayed in such glowing colors, they should be the first to rejoice at the return of peace—at a restoration of a good understanding between the Government and the banks.

These gentlemen of the armed neutrality appear to be very difficult to please. During the last two sessions, the whole burden of their complaints was the hostility of the Administration to the banks; and now they arraign the same Administration, pursuing the same general policy, for being too friendly to the banks, and for forming an alliance with Mr. Biddle's bank. But whether these neutrality politicians are pleased with this new aspect of things or not, it must be gratifying to all who have confided in their speeches and declarations heretofore, to learn that this great source of danger and mischief to all their interests—the bank war—is at an end.

Mr. N. said there was another point which seemed to be conceded in this debate, which he also thought a subject of just congratulation. It was, that the danger of a Treasury bank, which was so alarming at the last session, had entirely disappeared. The country had escaped that awful peril. We were then told that that "execrable measure," the independent Treasury, would result in a Treasury bank, springing from the revenues of the Government and the drafts and transfers of the Treasurer. The sub-Treasury plan has been in practical operation during the past year, and does not appear to have resulted in a Treasury bank. Instead of that, we are now told of an alliance between the Treasury and the Bank of the United States.

There was another subject of congratulation, which, if not conceded in the debate, was, he thought, fully established by what we have witnessed on this occasion. He alluded to the "half-way house." That was gone, demolished, and swept away with the bank war and the Treasury bank. Sir, it is gone; not a vestige of it remains; and its tenants made a timely retreat from it before its fall, and passed on to the end of the road in which they had started; and have now arrived at the marble palace, where they were, no doubt, kindly received by the old occupants, with the friendly salutation: "Gentlemen, we are happy to see you; will you please be seated, and make yourselves at home."

These changes were all important; he rejoiced at them, and did not doubt that the country would rejoice. We have got clear of the bank war, of the imminent danger of a Treasury bank, and of the half-way house, which was an obstacle on all sides; the coast now seemed to be pretty much clear. We have, however, it seems, an armed neutrality, a belligerent peace party, or neutrals who cooperate with one of the belligerents. Of the "armed neutrality," of which the Senator from Virginia seems to admit himself the head, he would say nothing, as he did not perhaps understand its true character. But he knew something of neutral politicians, whether armed or unarmed, he had watched the course of them for thirty years, and from the days of Aaron Burr to the present time, they had always been the same. The history of one was the history of all. He knew well what their neutrality was in its first, second, and third state. All deserters from the Democratic party at first assume the character of neutrals, or no-party men; and whilst in this transition state, which was sometimes a longer and sometimes a shorter period, they carry on a war against their old friends and old principles, under their old flag. This, sir, has been the course of neutral and no-party politicians in this country. Whilst maintaining the character of armed neutrals, they fight under a piratical flag; and at

the end of six months or one year, they throw to the winds the Democratic banner, and take their station in the ranks of their former enemies; when often having, for some brief months, declaimed eloquently against party and party spirit, they become the most intolerant, malignant, and persecuting partisans the country has ever witnessed. For the truth of this statement, he appealed to the political history of the country; he appealed to existing facts. Look round these Halls, look into the State Legislatures, cast your eye over the whole country; take a view of recent alarming scenes which are now acting in one of the great States of this Union, and then say who are the most violent, unscrupulous, and reckless political partisans in the country; who push selfish party measures to the greatest extremes, breaking over the barriers of the Constitution and laws, and trampling right and justice under their feet. It will be found, sir, in almost every instance, that the bold, daring, and reckless politicians, are deserters from the popular cause, and at some short period, have declaimed eloquently against the abuses of party. Mr. N. said he spoke of general principles, but made no application of them; he passed no judgment upon the motives and purposes of any one; he presumed all here to be actuated by high and honorable motives.

The Senator from Virginia concluded with an eloquent appeal to the friends of the Administration to throw aside their groveling, selfish, party purposes, to break asunder the trammels of party, and elevate their views to the great interests of their country. This appeal, sir, under other circumstances, might have been commendable; it might have been worthy of the Senator, and honorable to the noble Commonwealth he represents. But under what circumstances was it made? It was the conclusion of a speech uncalled for by the occasion, intemperate in its tone, and throughout characterized by unfounded and unsupported charges and criminations against the Administration and all its supporters.

If a professed friend (said Mr. N.) should meet me in the street, and after abusing me with hard words, beat me over the head with his cane, and then say to me, "Sir, let us now be friends; these strifes and contentions not only render us unhappy, but they are annoying to the whole community; let us elevate our feelings above these low and base passions." In such a case, I should be a little inclined to doubt the sincerity of the eloquent appeal made to my more elevated feelings.

Who has betrayed any warmth of party feeling in this debate, or during the present session unless it be the Senator himself?

He speaks of the high and exalted considerations by which he is actuated, rising above the mists of party, and looking only to the great interests of the country. Of the Senator's motives, aims, and purposes, he had nothing to say; but he wished the gentleman to understand, that however pure, disinterested, or elevated they may be, they are not more so than those of the Senators to whom he addressed his appeal.

We are called on to abandon the ruinous sub-Treasury scheme, and are told that it has been condemned by the country. Is the Senator quite sure he is not mistaken? Occupying the position he does, at the head of an armed neutrality, he may not have been the most impartial observer of passing events. Sir, a greater mistake was never made. No impartial observer can have mistaken the elections of the past year. They have spoken a language which cannot well be misunderstood. The financial question has been before the country; it has been discussed, examined, and is becoming understood. The people have looked at it, not in its details, but at the great principle of the entire disconnection of the finances of the Government from those of the banks, who desire to use the public money for their own benefit, and they are satisfied that it is founded in right and justice. That is enough for them; they wish to look no further. Whether it will injure the banks or not, is of no consequence with them; if satisfied the measure is right and just, they desire to see it carried out. The mass of the people are honest, and they love justice above all things. The only difficulty has been that the subject was not sufficiently understood. That difficulty is passing away. The people now understand this question; they have examined it and decided upon it. It is no longer

in the power of all the combined talents in these Halls, however great, to mystify the subject or hoodwink the people. They have considered it well, and the elections have announced their verdict; their voice has been heard from the mountains to the valleys, and from the lakes to the Atlantic. It is the voice of approbation. If this question could this day be fairly submitted to the direct action of the people, at least two thirds of the electors in the United States would be found in its favor. And yet we are called on to abandon the measure on the ground that it has been condemned by the people, and told that it is a mere party measure. To abandon it, sir, would be to betray our trusts; to betray the people; to disregard their known will; to trample upon their rights. Yet this is the way the Senator invokes us to elevate our minds above the low, selfish, and groveling purposes of party.

Mr. N. said he forbore to notice various other matters touched upon by the Senator, as his principal object in rising was to call the attention of the Senate and the country to the *new positions* which are assumed. Sir, the alarming evils which have so long threatened the ruin of the country, have suddenly disappeared, and that without any change of policy on the part of the Administration; for to regard the negotiation of a bond to the Bank of the United States, as constituting a change, would be trifling with the subject. The bank war, which had so long afflicted the country, bringing so many evils in its train, is at last terminated. The day of panics is gone, and we may now expect quiet and prosperity. The sub-Treasury bill is in practical operation and we have escaped that great and alarming peril—a Treasury bank. We have also got rid of the half-way house, and nothing now remains but the armed neutrality, and that ever pitiful theme of declamation, Executive influence. That, sir, still remains, and will remain as long as this Government endures. It has been, now is, and will continue to be, a subject about which many great, good, and just men will entertain apprehensions of danger to our institutions; and they will eloquently and earnestly warn the people against this danger. In his opinion, this was not the weak point in our political fortress; it was not the place where the first breach would be made. But whilst many honest and good men will point to this source of danger, and raise their warning voices against the increase of Executive power, there will at all times be *other men* who will declaim eloquently and earnestly against the abuses and the increase of Executive power, Executive patronage, and Executive influence, for *other and far different motives and purposes.*

After some further remarks from Mr. CRITTENDEN.

Mr. CALHOUN expressed his gratification at the Senator from Virginia having introduced the resolution. He was anxious to have all the facts, and to probe the matter to the bottom, and to know what connection existed between the Government and the Bank of the United States. In the present state of things, he deemed it premature to offer any remarks on the course of the President and the Secretary of the Treasury; and he would, therefore, only assure the gentleman from Virginia that, if the Secretary had united himself with the bank beyond what the laws allowed, it should not be with his support. He was against all connection with the banks, even when sanctioned by, but certainly more against it without, law. The Senator from Virginia stated in his place that the Sub-Treasury was abandoned by the great body of the people of the country, and by this body, with the exception of a few members, in which he supposed the Senator included him. Now, the Senator was widely mistaken. If they might judge by the recent elections, the opinions in favor of the sub-Treasury were advancing, instead of going back. The elections in all the States turned upon the connection with the banks, and that connection taken in its extreme character, with the specie clause of the sub-Treasury bill, and the verdict had been in its favor. The gentleman was mistaken. The discussions of the extra session and the last had impressed ideas on the public mind which never could be eradicated. The gentleman referred to the late defalcations as an argument against the sub-Treasury. Why, the gentleman must know that they did not touch the subject of the sub-Treas-

ury at all; they belonged wholly to the connection between the Government and the banks, and grew out of it.

Mr. C. then referred to the times when these defalcations took place, to show that they were in consequence of bank connection. He asked the Senator from Virginia if the defalcations which took place between 1830 and 1836 belonged to the sub-Treasury? Did they not belong to the pet bank system? In that, at least, the gentleman must agree with him. The next defalcation took place under the legislation of this Government, at the last session. The banks themselves broke the connection, by suspending payment, and caused the disastrous state of things that followed. They resumed payment, and the renewal of the resolution of 1816 restored the connection, so that a deep connection—and he said it with regret—now existed between the Government and the banks. So far from these defalcations operating against the Independent Treasury, it was the strongest argument in favor of it that they had taken place. He did not now intend to go further into this subject, but would postpone further remarks until the report of the Secretary of the Treasury should be received.

Mr. RIVES was happy to hear the explanation of the honorable Senator from South Carolina. He thought, however, that the defalcation did not attach to the system of bank deposits. He appealed to his candor, upon a review of his argument, whether it was a sound one. Were these moneys abstracted by the banks, or by the officers of the banks, or were they abstracted before they reached the banks, or before they had passed to the credit of the Treasurer of the United States on the books of the banks? He held it to be impossible, under the deposit system, faithfully administered, that such defalcations should have taken place.

Mr. CALHOUN, after some remarks, referred to the opinion advanced by the Senator from Virginia, that the Government would lose nothing by the State banks. This, he said, remained to be seen, as there was yet a large amount due from them. But what, he asked, had we already lost? Had we not been compelled to borrow money and pay interest in consequence of their withholding the money of the Government in their hands; and had we not been compelled to disburse their depreciated notes to a large amount? Mr. C. estimated the loss to the Government, up to this time, in consequence of its connection with banks, at upwards of forty millions, and contended that the recent suspension of the banks had occasioned not only the loss to the Government of three or four millions, but the loss to the community at large, of from fifty to one hundred millions. The loss incurred by individuals was that of a molehill to a mountain, in comparison with the loss occasioned by a connection with banks.

The resolution was then agreed to; and  
The Senate adjourned.

## HOUSE OF REPRESENTATIVES.

THURSDAY, *December 20*, 1838.

Mr. WISE asked the consent of the House to permit him to proceed in his remarks upon the subject of the late defalcations; to which request objection being made.

Mr. W. asked for a suspension of the rules to enable him to proceed.

Mr. WILLIAMS, of North Carolina, called for the yeas and nays; which were not ordered.

The question was then taken upon suspending the rules, and decided in the negative.

The presentation of petitions being in order,  
Mr. ADAMS being entitled to the floor,

Mr. CUSHMAN asked the gentleman to give way to permit him to present to the House a report of Lieutenant George N. Hollins, of the United States Navy, surveyor of light-houses in the fifth light-house district of the United States, transmitted to him as chairman of the Committee on Commerce, by the Secretary of the Treasury, with a view to have it printed in connection with the report of the Fourth Auditor, heretofore presented; to which Mr. ADAMS consented; when Mr. C. presented said report, and order was taken accordingly.

### PETITIONS, ETC.

Mr. ADAMS then presented the petition from

sundry laborers upon the public works in Washington city, praying remuneration for the loss of time caused by the action of this House at the last session.

Mr. A. said that he did not know why these laborers had been thus deprived of proper compensation. They were common laborers, dependent upon their labor alone for support, and the Commissioner of Public Buildings should have paid them every cent for this lost time. Mr. A. was going on to advocate the claims of the petitioners to compensation, when

Mr. CRARY called the gentleman to order, as he was going on to debate the merits of the question.

Mr. ADAMS said he merely made the remarks in justice to these poor men, and would ask for the reading of the petition; after which he asked that the petition be referred to the Committee on Public Buildings, though it was his opinion the House should now proceed to act upon the subject promptly.

Mr. LINCOLN said that the Committee on Public Buildings had already instructed him to report a joint resolution to pay the persons alluded to, and the object of his colleague would be attained by giving the direction to the memorial indicated.

The memorial was accordingly referred to the Committee on Public Buildings.

Mr. ADAMS presented a petition from certain citizens of New Hampshire, praying for the abolition of slavery in the District of Columbia, &c., accompanied with a request to be heard in support thereof in person or by counsel. Mr. A. moved that the leave be granted to the petitioners.

The SPEAKER ruled that the request, as well as the balance of the memorial, fell under the operation of Mr. AHERN's fifth resolution, and must go on the table.

Mr. ADAMS took an appeal from this decision, and contended that the request of the petitioners to be heard was altogether a different thing from the prayer of the body of the petition, and that the former did not come within the operation of the order referred to. Mr. A. called for the yeas and nays upon the appeal; which were ordered.

Mr. CUSHMAN at first moved to lay the appeal on the table; but it appearing to be the general wish on the part of the House to take the question directly on the appeal, he withdrew the motion.

Mr. MERCER remarked that the petition itself would of course be, or now was, laid on the table; and to grant leave to petitioners to be heard on a matter that the House had laid on the table would be a solecism.

Mr. GARLAND, of Virginia, would ask the gentleman if the petition itself, on which the memorialists asked to be heard, did not pray for the abolition of slavery, and whether the gentleman desired that they should come here to advocate that question?

The question on the appeal was then taken, and decided in the affirmative—yeas 180, nays 8; as follows:

AS FOLLOWS:

YFAS.—Messrs. Anderson, Andrews, Ayrigg, Banks, Beatty, Breeds, Beirne, Bell, Ricknell, Birdsall, Roon, Briggs, Broadhead, Bronson, Buchanan, Bynum, John Calhoun, Cambreleg, William B. Campbell, John Campbell, Cancey, Chambers, Chaney, Cheatham, Clark, Cleveland, Clowney, Coffin, Coles, Conner, Corwin, Crabb, Craig, Crary, Cranston, Crockett, Cushing, Cushman, Dawson, Davee, De Graff, Dennis, Drumgoote, Duncan, Dunn, Edwards, Everett, Ewing, Farrington, Richard Fletcher, Isaac Fletcher, Fillmore, Fry, Gallup, James Garland, Giddings, Glascock, Goode, James Graham, William Graham, Grant, Grant, Graves, Grav, Grennell, Griffin, Haley, Hall, Halsted, Hammond, Harlan, Harper, Hawes, Hawkins, Haynes, Henry, Herod, Holt, Hopkins, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Thomas B. Jackson, Jabez Jackson, Jenifer, Henry Johnson, Joseph Johnson, William C. Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kennedy, Klingensmith, Legare, Leadbetter, Lincoln, Loomis, Mallory, Marvin, Sampson Mason, Martin, Maury, May, Maxwell, McKay, Abraham McClelland, McKenna, Menefee, Mercer, Milligan, Miller, Mitchell, Montgomery, Moore, Morgan, Calvary Morris, Murray, Noble, Ogil, Palmer, Parker, Parmenter, Parris, Payne, Pearce, Peck, Petrikin, Phelps, Plumer, Pope, Pratt, Prentiss, Putnam, Rariden, Randolph, Reily, Rencher, Rhett, Rives, Robertson, Rumsey, Sheffer, Augustine H. Shepperd, Charles Shepard, Shields, Shepler, Sibley, Slade, Southgate, Spencer, Stanly, Stuart, Stone, Stratton, Swearington, Tahaferro, Taylor, Thomas, Titus, Toland, Toucy, Turney, Underwood, Vail, Vanderveer, Webster, Weeks, Albert S. White, John White, Whittlescy, Lewis Williams, Sherrard Williams, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, Word, Worthington, and Yell.—180.

NAYS.—Messrs. Adams, William B. Calhoun, Dartington, Davies, Evans, Potts, Ridgway, and Tillinghast—8.

So the decision of the Chair was affirmed by the House.

Mr. WISE desired the Clerk to note the fact that he had refused to vote; and he further desired him henceforward never to call his name on any vote on the subject of abolition.

Mr. ADAMS presented a petition remonstrating against the annexation of Texas to the Union, and moved its reference to the Committee on Foreign Affairs.

On motion of Mr. HOWARD, it was laid on the table, without a division.

The same disposition was made of the other petitions on this subject.

Mr. ADAMS presented a memorial praying Congress to open and establish international relations with the Republic of Hayti, and moved its reference to the Committee on Foreign Affairs, with instructions to consider and report thereon.

Mr. DROMGOOLE called for a division of the question.

Mr. ADAMS said he had moved the instructions because the chairman of that committee [Mr. Howard] had stated that petitions had heretofore been referred to that committee, and no action had ensued upon them; and also because he had thrown out an intimation that, if referred to that committee again, nothing more would be heard of them.

Mr. HOWARD said that was an insinuation the gentleman had no right to make.

Mr. ADAMS said he had a right to make it, for the gentleman's language had amounted to nothing short of a distinct pledge.

Mr. HAYNES called the gentleman to order, for debating the petition on the day of its presentation.

The SPEAKER said it must lie over one day, under the rule, if it gave rise to debate.

Mr. ADAMS said he had no desire to debate it, but merely to assign a reason for moving the instructions.

The SPEAKER. That is debating the petition.

Mr. ADAMS. Well, then, having stated to this House, and to the country, and to the petitioners that—

Mr. DROMGOOLE rose to order on the ground that the petition had been ordered to lie over till to-morrow.

Mr. ADAMS said he had risen to withdraw the instructions, for he feared that the lying over till to-morrow would be equivalent to its postponement till the end of the session.

The instructions being withdrawn, the memorial was referred to the Committee on Foreign Affairs.

Mr. A. subsequently presented another petition on the same subject, and moved the instructions, stating his intention of debating the subject, and it was ordered to lie over.

Mr. A. also presented a large number of petitions from various States (including one or two from Ohio county, Virginia,) praying for the abolition of slavery and the slave trade, remonstrating against the admission of any new slaveholding State, against the annexation of Texas, for international relations with Hayti, &c. The abolition petitions were laid on the table under Mr. Atherton's resolution, and the others were disposed of as stated above.

Mr. CUSHING, for the purpose, he said, of economizing the time of the House, would present, to-day, but one of the many abolition petitions intrusted to his charge, and would postpone the others to a future day.

Mr. C. availed himself of that opportunity to pronounce the resolution ordering those petitions on the table to be unconstitutional, to protest against it, and asked that his protest might be entered on the Journal.

The SPEAKER ruled it to be out of order. Petitions and memorials were then further presented by Messrs. TILLINGHAST and CRANSTON, of Rhode Island.

Messrs. TOUCEY, WHITTLESEY, HALEY, and HOLT, of Connecticut.

[Mr. HALEY presented the petition of Gilbert Sprague Fisk, praying for a pension for services rendered and wounds received in the battle at Stonington, in the late war with Great Britain. Also, the petition of Samuel Edgecomb, praying

for an increase of pension in consequence of services rendered in the revolutionary war. Also, the petition of Esther Culver, praying for a pension in consequence of services rendered by her husband, Moses Jones, in the war of the Revolution. Also, the petition of Bradford Phillips, praying for a pension for services rendered and wounds received on board the ship Madison, on Lake Ontario, in the late war. Also, the memorial of Edmund Fanning, claiming, in behalf of the heirs of Nathaniel Fanning, deceased, his share of the prize money for services rendered on board the ship commanded by John Paul Jones; also, that a gold medal be struck and presented to his widow, as due to the bravery of this praiseworthy officer, who perished on duty while serving his country.]

Mr. HOLT presented the following petitions: The petition of Mrs. Esther Cleaveland, of Canterbury, Connecticut, widow of Captain Moses Cleaveland, who was a captain in the Revolution, praying for a pension. Also, the petition of Lucy Strong, daughter and heir of Eliphalet Spafford, asking a grant of bounty land in consequence of services rendered in the war of the Revolution. Also, the petition of Benjamin Bebbins, of Windham, asking a pension for services rendered the Government. Also, the memorial of Major Charles Laraber, who was an officer in the Army during the late war with Great Britain, and who lost a limb whilst so engaged, together with his vouchers, now on the files of the House.]

Messrs. HALL, SLADE, EVERETT, and ALLEN, of Vermont.

[Mr. ALLEN presented the petition of Martha Ingersoll, for a pension; Seth Willey, for a pension; Patience Smith, for a pension; Lyman King, for property taken by the Government in the last war; John Safford and 71 others, of Cambridge, Vermont, on the subject of slavery; Henry Stowell and 77 others, on the subject of slavery.]

Messrs. FILLMORE, PARKER, KEMBLE, TAYLOR, GRAY, BEERS, ANDREWS, VANDERVEER, SPENCER, JONES, DE GRASSE, GRANT, BRONSON, MARVIN, RUSSELL, HOFFMAN, MITCHELL, McCLELLAN, EDWARDS, PUTNAM, NOBLE, SIBLEY, and PECK, of New York.

[Mr. GRANT presented the petition of Portius F. Parsons, praying that the heirs of Eli Parsons, deceased, be paid the amount due upon a certificate given to Eli Parsons, deceased, for \$1,800, for his services and expenses as commissary general in the revolutionary war; which was referred to the Committee on Revolutionary Claims.]

Mr. PARKER presented the petition of O. R. Bennet and others, praying for the improvement of the navigation of the Alleghany river; which was referred to the Committee on Roads and Canals. Also, the memorial of John Martin Baker, late consul at Rio de Janeiro, asking compensation for diplomatic services; which was referred to the Committee on Foreign Affairs.

Mr. GRAY presented the petition of sundry inhabitants of Chemung county, New York, praying the establishment of a mail route from Elmira, via the west end of the town of Chemung and the head waters of Wynkoop creek, to Van Ettanville, in Cayuga.

Mr. KEMBLE presented the petition of Sarah Oakley, for a pension; which was referred to the Committee on Revolutionary Pensions. Also, the petition of Commodore Daniel S. Patterson, to be refunded certain moneys expended by his order; which was referred to the Committee on Naval Affairs. Also, the petition of Captain Charles F. Smith and other officers of the Army, for an equalization of the pay of the Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. McCLELLAN presented the petition of Lyman Bristol, for a pension; which was referred to the Committee on Revolutionary Pensions.

Mr. SIBLEY presented the petition of Jacob Walling and others, for a post route from Cohocton to Allen's Hill, in that State.

Mr. BRONSON presented the petition and papers of Gilbert Vroman, in behalf of himself and others, heirs of Peter Vroman, deceased, praying payment for provisions furnished to the United States in 1814; which were referred to the Committee of Claims. Also, the petition and papers of James Cummings, for a pension; which were referred to the Committee on Invalid Pensions.

On motion of Mr. BRONSON, the petitions and papers in the following cases were ordered to be taken from the files and referred, as follows: in the case of William Butterfield, to the Committee on Invalid Pensions; in the case of Conrad Watts, to the Committee on Revolutionary Pensions; in the case of William Tryon, to the Committee of Claims.

Mr. SPENCER presented the petition of Robert Cary, for bounty land. Also, the petition of the Tuscarora nation of Indians in the State of New York.]

Mr. YORKE, of New Jersey.

Messrs. HENRY, SHEFFER, PLUMER, HAMMOND, HUBLEY, McKENNAN, NAYLOR, TOLAND, OGLE, and S. W. MORRIS, of Pennsylvania.

[Mr. SHEFFER presented the petition of Adam Wert, and seventy-two other voters of Adams county, Pennsylvania, praying for the immediate abolition of slavery and the slave trade in the District of Columbia and the several Territories. The petitioners ask its reference to a select committee, &c.; it was laid on the table, under the order of the House.]

Mr. PLUMER presented a petition very numerous signed, for an appropriation for the improvement of the Alleghany river from Pittsburgh to Olean; which was referred to the Committee on Roads and Canals.

Mr. S. W. MORRIS presented the petition from citizens of McKean county, for improvement of the Alleghany river.

Mr. HENRY presented the following: Petition of William Scott, of Beaver county, Pennsylvania, praying for a pension on account of extraordinary exposure and loss of health in the service of the United States in the late war; which was referred to the Committee on Invalid Pensions. Petition of Jonathan Davis, of Mercer county, Pennsylvania, praying for remuneration for wheat, oats, and hay, taken from him by order of Lieutenant McDonald, for the use of the Army in the late war; which was referred to the Committee of Claims. Petition of Andrew Logan, of Scott county, Iowa Territory, praying for a donation of two sections of land, upon certain conditions, to aid him in the manufacture of silk; which was referred to the Committee on Manufactures. Petition of the heirs of Captain Robert Unee, an officer of the revolutionary war, praying for commutation—additional evidence offered; which was referred to the Committee on Revolutionary Claims. Petition of Lieutenant William McMillen, of Mercer county, Pennsylvania, an officer of the revolutionary war, praying for commutation; which was referred to the Committee on Revolutionary Claims—with additional evidence. Petition of a number of citizens of Beaver and Butler counties, praying Congress to abolish slavery and the slave trade in the District of Columbia. Petition for a national armory at the falls of Beaver river, in the county of Beaver; which was referred to the Committee on Military Affairs.]

Mr. MILLIGAN, of Delaware.

Messrs. HOWARD, JOHNSON, KENNEY, and JENIFER, of Maryland.

Messrs. BEIRNE, CRAIG, BANKS, MALLORY, TALIAFERRO, GARLAND, and HOPKINS, of Virginia.

[Mr. MALLORY presented the petition of John Cammack; the petition of the administrators of B. Laws; the petition of William Jett; the petition of the heirs of Robert Watkins; the petition of Sarah Gates; the petition of John Cowper; the petition of George Terrill and Jackson Morton; the petition of the representatives of William Godwin; the petition of Sarah Ingraham; the petition of Ely Pierce; the petition of the representatives of James Marshall; which were severally referred to appropriate committees.]

Messrs. STANLY, RENCHER, and GRHAM, of North Carolina.

Mr. LEGARE, of South Carolina.

Messrs. HAYNES, GLASCOCK, and DAWSON, of Georgia.

[Mr. DAWSON presented a memorial from the agent of the State of Georgia, asking to be paid the amount of a final settlement certificate, issued by John Pierce, Paymaster General and commissioner of the Army accounts, on the 18th of May, 1785, to the State of Georgia, for \$123,283,

for payment made by that State to her officers of the revolutionary army on Continental establishment, for the commutation of their half pay, and for other pay due said officers, together with the interest thereon, now due; which was referred, on motion of Mr. D., to a select committee of five. Also, a claim in favor of Marcus Hemphill, of the State of Georgia, as executor of Samuel Hemphill, deceased, asking pay for services rendered in the Army of the United States, as a farmer and smith, in the years 1794-95.]

Messrs. HARLAN, SOUTHGATE, WILLIAMS, GRAVES, MENEFEE, and UNDERWOOD, of Kentucky.

Messrs. Speaker POLK, STONE, CARTER, SHIELDS, TURNEY, C. H. WILLIAMS, J. L. WILLIAMS, and CAMPBELL, of Tennessee.

[Mr. STONE presented the petition of Samuel Martin, a citizen of Campbell Station, Knox county, Tennessee, praying for an appropriation to be made sufficient for a complete survey of the Tennessee river at the Suck, and for at least fifteen miles above and below the same; and also for the survey of a route for a canal or railroad from the mouth of Battle creek, a small distance below the Suck, in Marion county, Tennessee, to the three forks of Duck river, at a point whence the State of Tennessee have had a survey made to the Mississippi river. Referred to the Committee on Roads and Canals.]

Mr. JOSEPH L. WILLIAMS presented the memorial of Joseph S. Milligan, claiming indemnity on account of the military authority of the United States dispossessing him of his property in the Cherokee territory.]

Messrs. MASON, BOND, GIDDINGS, ALLEN, MORRIS, HUNTER, DUNCAN, SIEP-LOR, RIDGWAY, HARPER, and GOODE, of Ohio.

[Mr. HARPER presented the petition of sundry citizens of Muskingum county, Ohio, praying that a mail route be established from Zanesville to Belmar's cross roads, Frazeysburg, West Carlisle, and East Union, to Gambier, Knox county.]

Mr. GARLAND, of Louisiana.

Messrs. EWING, HEROD, RARIDEN, GRAHAM, DUNN, and WHITE, of Indiana.

Mr. WORD, of Mississippi.

Messrs. CASEY, MAY, and SNYDER, of Illinois.

[Mr. CASEY introduced the petition of sundry citizens of Edwards county, Illinois, praying a grant of land to aid in constructing a railroad from Mt. Carmel, Illinois, to New Albany, Indiana; which, on his motion, was referred to the Committee on the Public Lands.]

Messrs. CHAPMAN, LEWIS, LYON, and CRABB, of Alabama.

[Mr. CHAPMAN presented the following: Petition of citizens of Cherokee, DeKalb, and Jackson counties, praying a new land district in the territory acquired from the Cherokee Indians, and the location of the land office; petition of citizens of Benton county, praying the removal of the land office from Mardisville to Jacksonville, and to add the Cherokee nation to the Coosa land district; petition of Elisha Moreland and others, praying to have the right of preemption; petition of Isaac Monson, also for the right of preemption in lieu of that of which he was deprived; petition of John S. Burnett, asking to have refunded to him a certain amount which he has been obliged to pay for costs in a suit improperly brought against him as postmaster; all of which were referred to the appropriate committees.]

Messrs. MILLER and HARRISON, of Missouri.

[Mr. MILLER presented the following: The petition of Samuel Davis, William Brown, and Martin H. Arthur, of Missouri, asking the passage of a law granting them the right of preemption to a certain tract of land therein mentioned; which was referred to the Committee on Public Lands. The petition of Samuel Merry and others, of Missouri, praying Congress to pass a law granting the right of way through the public lands of the United States to the St. Louis and Bellevue Railroad Company, in Missouri; which was referred to the Committee on Public Lands. The petition of Catharine Dodge, of Missouri, asking the passage of a law granting to her the difference between the original cost and present value of a certain tract of land purchased by her

of the United States; which was referred to the Committee on Public Lands. The petition of Richard Simms, of Missouri, asking the passage of a law granting him a tract of land in Platt county, Missouri, as a compensation for his military services during the revolutionary war; which was referred to the Committee on Public Lands. The petition of Harvey H. Colgon, of Missouri, asking the passage of a law granting him the right of preemption to a certain tract of land therein mentioned; which was referred to the Committee on Public Lands. The petition of Michael Glass, asking Congress to pass a law authorizing the refunding to him of a certain amount of money, paid by him to the United States on account of a tract of land, entered, as he believes, through mistake; which was referred to the Committee on Public Lands. The petition of John G. Parsons, of Missouri, asking the passage of a law authorizing him to change an entry of a tract of land heretofore made by him through mistake; which was referred to the Committee on Public Lands. The petition of William Gillis and John King, of Missouri, asking the passage of a law granting the right of preemption to certain lands therein mentioned; which was referred to the Committee on Public Lands. The petition of Joseph Evans and others, of Missouri, praying Congress to pass a law granting them the right of preemption to certain lands therein mentioned; which was referred to the Committee on Public Lands. The petition of Amos Burdine and others, of Missouri, asking the passage of a law granting to them the right of preemption to certain lands therein mentioned; which was referred to the Committee on Public Lands. Six several petitions, numerous signed by citizens residing in the southern part of the State of Missouri, asking the passage of a law ceding certain inundated or swampy lands to said State, on the conditions therein named; which were referred to the Committee on Public Lands.]

Mr. HARRISON presented and submitted the following petitions: petition of Ains Hudspeh, praying the right of preemption; of sundry citizens of Boone county, for a post route from Columbia, by Younger's Mills, to Mexico, in Audrian county; of the inhabitants of the town of St. Charles, to drain certain inundated lands; of the members of the Missouri Legislature, to improve Salt river; of Lucy Johnson, late Lucy Gooding, praying the right of preemption; of Tarlton Ellege and James White, praying Congress to allow them to correct certain entries made by them; of Z. Martin, to grant him the right of preemption to a certain tract of land therein mentioned; of Jacob Groom and John Sneathen, praying remuneration for Indian depredations; of Robert Johnson and Francis Rivaud, for remuneration for Indian depredations; of the trustees of the town of St. Charles, praying the requisite appropriation for the surveying of the commons and common field lots granted to said town by act of Congress; of Cornelius Campbell and others, that they be allowed a preemption upon certain inundated lands, which they ask they may be allowed to drain; of James Butler and others, praying the right of preemption; of James A. Clark, for the right of preemption; of Harrison Snead, a soldier of the late war, praying that he may be allowed to enter other land in lieu of that received by him as his military bounty tract; of John T. Austin, for the right of preemption for a specified time to certain lands therein mentioned, for the cultivation of silk; of Thomas P. Copes, that he may be allowed, upon certain conditions, to drain certain inundated lakes; of William McPherson and others, praying the right of preemption; of sundry citizens of Washington and other counties, praying that an additional land office may be established; of sundry citizens living on the old French and Spanish claims, praying the right of preemption, in case the land is found to belong to the United States; of sundry citizens of Ray county, praying for an additional land district; of sundry citizens of Boone county, for an additional land district; of Alfred George, for compensation for a horse lost in the Black Hawk war; of James B. Wills, for compensation for wood furnished Fort Leavenworth; of Orris Call, for a pension; of James Duncan, for a pension; of Robert Murray, praying that he may be allowed to correct a mis-entry; of Henry Duchuquette and others, praying that they be allowed to enter cer-

tain lands to supply the deficiency occasioned by the encroachment of the commons of the town of Carondelet; of Hiner Stigermire, to correct a mis-entry; of Reuben Gentry and others, for remuneration for Indian depredations; of Jonathan Boone, to correct a mis-entry; of sundry citizens of Cole county, for an additional land district; of Tilford Taylor, to correct a mis-entry; of John Wiley and Jefferson Greer, for remuneration for improvements put upon land bought of the Government, but which the Government had previously sold; of John Whitsett, praying for relief; of Enoch Matson, for relief as set forth in his petition; of Samuel Massey and Thomas James, praying that they may be allowed to enter certain unsurveyed lands for the benefit of their iron works.]

Also, the following memorials of the Legislature of the State of Missouri: memorial asking a grant of lands for common-school purposes; memorial to appropriate the interest arising from the proceeds of the sale of the seminary lands to the purpose of primary schools; memorial asking that the counties of Saline, Pettis, and Benton may be attached to the Lexington land district; memorial asking that the amount of money collected by rents from the lead mines may be returned to the counties respectively in which the lead was obtained; memorial asking a grant of five hundred thousand acres of land for the purposes of internal improvements and common schools; memorial asking the establishment of a new land district south of the Missouri river, to include Jefferson city; the petition of Thomas Talbot and others, praying remuneration for depredations committed by the Pawnee Indians; the petition of the heirs of Daniel Boone, for compensation for the services of their ancestor.]

Mr. YELL, of Arkansas, presented the petition of J. M. Shepherd, praying for indemnity for the loss of a horse in the service of the United States; which was referred to the Committee of Claims. Also, a petition from Marcus Wright, praying that he may be permitted to enter, at the minimum price, a certain tract of land in Arkansas; which was referred to the Committee on Public Lands.

Mr. CRARY, of Michigan, presented a petition for the improvement of the harbor at New Buffalo.

Mr. DOWNING, of Florida.

Mr. JONES, of Wisconsin, presented the following: a memorial of the Legislative Assembly of Wisconsin Territory, praying that the right of preemption may be granted to the miners or occupants of mineral lands. The petition of Thomas W. Taylor, praying for a horse lost in the late Indian war of 1832. Resolutions of a public meeting of citizens of Mineral Point and vicinity, praying for a donation of lands to aid in the improvement of the Pekatonica river. Memorial praying that arms, &c., may be furnished the Territory of Wisconsin for the protection of her citizens. Memorial praying for the construction of harbors on Lake Michigan; for the improvement of rivers and for the construction of harbors; for a grant of land to aid in the construction of the Portage canal, to connect the waters of the Fox river, which empties into Lake Michigan, with those of the Wisconsin river, which empties into the Mississippi river.

Mr. CHAPMAN, of Iowa.

Mr. THOMAS, of Maryland.

Mr. FLETCHER, of Vermont, presented the following petitions: Petition of Nehemiah Phillips; referred to the Committee on Invalid Pensions. Petition of Joseph Hackett; referred to the Committee on Invalid Pensions. Petition of Aden Bartlett; referred to the Committee on Invalid Pensions. Petition of John McLeran; referred to the Committee of Claims. Petition of Merrill Pillsbury; referred to the Committee on Invalid Pensions.

Mr. CROCKETT, of Tennessee.

#### EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House the following message from the President of the United States:

To the Speaker of the House of Representatives:

I have the honor to transmit herewith additional letters and documents embraced in the resolution of the House of Representatives of the 7th instant.

M. VAN BUREN.

WASHINGTON, December 20, 1835.

Laid on the table, and ordered to be printed.

Also the following:

To the House of Representatives:

An important difference of opinion having arisen concerning the construction of an act of Congress making a grant of land to the State of Indiana, and in which she feels a deep interest, I deem it proper to submit all the material facts to your consideration, with a view to procure such additional legislation as the facts of the case may appear to render proper.

The report of the Secretary of the Treasury and the documents annexed from the General Land Office, will disclose all the circumstances deemed material in relation to the subject, and are herewith presented.

M. VAN BUREN.

WASHINGTON, December 20, 1838.

On motion of Mr. GARLAND, of Virginia, referred to the Committee on the Judiciary.

The SPEAKER also laid before the House a statement in relation to the execution of the Chickasaw treaty of 1834; which was laid on the table.

#### RESOLUTIONS.

On motion of Mr. EVERETT, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to James Tylar.

On motion of Mr. EVERETT, it was

Resolved, That the Committee on Patents be instructed to inquire into the expediency of authorizing the Commissioner of Patents to issue a patent to Oliver Perrin and John W. Faunce, on their application filed in the Patent Office on the 1st of September, 1834, and that the accompanying papers be referred to said committee.

On motion of Mr. SLADE, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making compensation to the volunteers who repaired to Plattsburg on the invasion by the British forces, in September, 1814, and that all the papers on file relating to that subject be referred to said committee.

On motion of Mr. JENIFER, it was

Resolved, That the Committee of the Whole House be discharged therefrom, and that so much of the President's message as relates to the tobacco trade with foreign nations be referred to a select committee.

On motion of Mr. GARLAND, of Virginia, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of paying John Houswright, a contractor upon mail route No. 1865, in Virginia, for expenses incurred by a change in the arrival and departure of the mails on that route, made after the contract was made and the commencement of his services.

On motion of Mr. DOWNING, it was

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of providing by law for the improvement of the navigation of the Apalachicola river.

On motion of Mr. MAY, it was

Resolved, That the Secretary of the Treasury be instructed to transmit to this House the papers in relation to the claim of Richard L. Barre to fractional section four, in township four north, in range nine west, of the fourth principal meridian in Illinois.

On motion of Mr. GRAHAM, of Indiana, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from the Pleasant Gardens, in Burke county, North Carolina, by Turkey Cove, Grassy Creek, and Rock Creek, to Jonesboro, in Tennessee.

On motion of Mr. YELL, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the propriety of amending the act of the 9th of July, 1836, so as to authorize the Secretary of War, if, in his opinion, the defense of the frontiers demand it, to continue the occupation of Fort Gibson, and to construct the road on or near the western boundary line, passing within the limits of the State of Arkansas, if the situation of the country and the good of the service require it.

On motion of Mr. MILLER, it was

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of creating an additional land district in the northwestern part of the State of Missouri, so as to embrace within the limits of said land district what is usually called the Platt county, recently annexed to said State.

On motion of Mr. JOHNSON, of Louisiana, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of reducing the fees allowed by law to the clerks, marshals, and district attorneys of the United States courts for the State of Louisiana, so as to correspond with the fees allowed for similar services in the State courts of said State.

On motion of Mr. MERCER, it was

Resolved, That the case of James B. Brice, referred at the late session of Congress to the Committee on Revolutionary Claims, be again referred to the said committee.

On motion of Mr. DOWNING, it was

Resolved, That the Committee on Claims be instructed

to inquire into the expediency of providing, by law, for the payment for the horses and equipages which have been turned over to the officers of the United States by mounted volunteers who served in Florida.

Mr. WILLIAMS, of Kentucky, on leave, submitted the following resolution:

Resolved, That the Committee on the Public Lands be instructed to inquire into the propriety and expediency of granting to all the settlers that may have heretofore settled, or may hereafter settle, on the public lands, preemption rights to one quarter section of said land, according to the provisions of an act, approved June 22, 1838, entitled "An act to grant preemption rights to settlers on the public lands."

The resolution having been read, Mr. CHAPMAN submitted the following, as a substitute:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of amending the preemption laws so as—

1. To permit settlers to enter timbered lands to make and support their farms on the prairie.

2. To include young men who had farms, but were not housekeepers.

3. Those whose settlements were made prior to the surveying of the lands whereon such settlements were made, and who by subsequent surveys are made to occupy different quarter sections than those upon which their farms are situated.

4. Those whose settlements were made within the four months specified in said law.

5. Those whose settlements were made subsequent to the passage of the said law, and so as to require six months' notice of the sale of public lands.

That said committee also inquire into the expediency of providing by law for the sub-division of the mineral lands into lots corresponding in size with lots laid out under the mining, and for the sale thereof to the claimants. That said committee also inquire into the expediency of providing by law for the appointment of a commissioner to adjust the title to said lots.

On motion, the House adjourned.

#### IN SENATE.

FRIDAY, December 21, 1838.

The PRESIDENT communicated a report from the Treasury Department, transmitting a statement required by the act for carrying into effect the treaties with the Chickasaw Indians, approved 20th April, 1836.

#### PETITIONS, ETC.

Mr. TALLMADGE presented the memorial of sundry citizens of Tompkins county, New York, praying for a revision of the militia laws; which was referred to the Committee on the Militia.

Mr. TIPTON presented the memorial of the clerks employed in the Third Auditor's office, praying for an increase of their pay; which was referred to the Committee on Finance, and ordered to be printed.

Mr. SMITH, of Connecticut, presented the petition of ——— Tucker, asking for a pension; which was referred to the Committee on Pensions.

Mr. DAVIS presented the petition of Asa Smith, praying for the remission of a fine imposed by the Post Office; which was referred to the Committee on the Post Office and Post Roads.

Mr. WALL presented the petition of a number of citizens of New Jersey, praying for the establishment of a port of entry at Indian Key; which was referred to the Committee on Commerce.

Mr. WALKER presented the memorial of Commodore Patterson; which was referred to the Committee on Indian Affairs.

Mr. KING presented the petition of ——— Durand, a half-breed Creek Indian, praying permission to sell his reservation, preparatory to his removal with the rest of his tribe west of the Mississippi; which was referred to the Committee on the Public Lands.

#### REPORTS FROM COMMITTEES.

Mr. TIPTON, from the Committee on Indian Affairs, to which was referred the bill authorizing the sale of certain Indian reservations, reported the same with an amendment, which was read.

Mr. TIPTON, from the Committee on Military Affairs, to which had been referred the petition of John M. Hepburn, reported a bill to fix the compensation of the senior clerk in the office of the Adjutant General; which was read, and ordered to a second reading.

Mr. WALL, from the Committee on the Judi-

ciary, to which was referred the bill to prevent the giving or accepting a challenge to fight a duel in the District of Columbia, and for the punishment thereof, reported the same without amendment. Also, the bill to abolish imprisonment for debt in certain cases. Also, the bill for the relief of Laurent Millaudon and others, with an amendment.

#### NOTICES OF BILLS.

Mr. LYON gave notice that he would on Monday ask leave to introduce a bill for the relief of Daniel Goodwin.

Mr. KING gave notice that he would to-morrow ask leave to introduce a bill to give to the railroad and canal companies incorporated by the States the right of way through the lands of the United States.

Mr. WALKER gave notice that he would, at the next meeting of the Senate, ask leave to introduce the following bills:

A bill to relinquish to the State of Mississippi he two per cent. fund;

A bill to cede to the State of Ohio and other States certain portions of the public domain;

A bill to grant to the State of Missouri a certain quantity of the public lands, to be expended in railroads; and

A bill to authorize the sale to the Mississippi and Alabama Railroad Company a certain portion of the public land.

#### BILLS INTRODUCED.

Mr. CRITTENDEN, on leave, and in pursuance of previous notice, introduced a bill to prevent the interference of certain public officers in elections; which was read, and ordered to a second reading.

Mr. YOUNG, on leave, and in pursuance of previous notice, introduced the following bills; which were severally read twice; and referred:

A bill for the relief of Jane Waller;  
A bill for the relief of Benjamin Parsons;  
A bill for the relief of James H. Ralston;  
A bill for the relief of Jacob Hanks;  
A bill for the relief of Dennis Quinlevan;  
A bill for the relief of Charles A. Dodd;  
A bill for the relief of William Bennett;  
A bill for the relief of John L. Scott;  
A bill for the relief of John Richey;  
A bill for the relief of David McNair;  
A bill for the relief of Samuel Ferguson; and  
A bill to establish a pension agency at Springfield, in the State Illinois.

Mr. DAVIS, on leave, and in pursuance of notice given, introduced a bill for the relief of the Nantucket Steamboat Company; also a bill for the relief of Elijah Eldridge; which were severally read twice and referred.

#### APPROPRIATION BILL.

The Senate then proceeded to the consideration of the bill from the House, making appropriations in part for the support of Government for the year 1838-39. The question being on the amendment of Mr. CRITTENDEN to the amendment of Mr. WALL—the latter being for the insertion of an appropriation of \$250,000 to pay the pensions of certain widows of revolutionary soldiers married between 1783 and 1794, provided for by the act of the last session, and the former being for the repeal of said act after the 4th of March next.

Mr. DAVIS hoped his friend from Kentucky would withdraw his amendment; and if the subject of repealing this act was to be agitated, why let it be so at a more appropriate period.

Mr. KING observed that he should be pleased to see the amendment of the Senator from Kentucky withdrawn, provided the example was followed by the Senator from New Jersey, in withdrawing his amendment. The last was calculated to embarrass this appropriation bill, and if persevered in, he would unquestionably give his vote to the amendment of the Senator from Kentucky. He hoped the whole subject of both amendments would come up in a separate bill, and that the Senator from New Jersey would see the propriety of withdrawing his amendment, and suffering the bill to pass. He should go as far as anybody to redeem the public faith; he knew that the Government owed these widows the money, and he was willing to provide for its payment in a proper way. But as this amend-

ment was only calculated to embarrass the bill under consideration, he hoped the gentleman would withdraw it.

Mr. WALL would be very happy to gratify his friend from Alabama, but in the present instance he must decline doing so. This is an appropriation bill to meet exigencies caused by enactments of Congress. The amendment was intended to provide for the requisitions of a law passed at the last session, for which we failed to make an appropriation. He thought that by failing to provide the means at the last session, it became our duty, at as early a moment as possible, to make this appropriation. He could not see the impropriety of passing this appropriation now, which the honorable Senator from Alabama admits must be made at some period.

Mr. NILES was much pleased with the remarks of the Senator from Alabama, and regretted that his friend from New Jersey did not take the same view of the matter. He was opposed to the amendment of the gentleman from Kentucky, [Mr. CRITTENDEN], as well as the amendment of the Senator from New Jersey; for the probability was, that if the former was defeated it would also defeat the latter. What he wished to call the attention of the Senate to was the importance of the amendment introduced by the Senator from New Jersey—a matter of too much importance to be brought forward in this incidental way.

Mr. CALIHOUN said he would be glad if the honorable Senator from New Jersey would acquiesce in the suggestion of the Senator from Alabama. He thought that the Committee on Pensions should have time to look into the matter for which this appropriation was asked; that they should report the reasons why these names were placed on the pension list. Can any man believe that these one thousand names on the list are those of widows married between 1783 and 1794, and all applicants in less than a year? He hoped that the Senator from New Jersey, who was disposed to do justice on this, as on all other subjects, would see the propriety of acquiescing in the course indicated by the Senator from Alabama.

Mr. CRITTENDEN said that he had been solicited by his friends to withdraw this amendment, and that he should accordingly do so. As to the amendment of the Senator from New Jersey, his opinion was that it was entirely irregular, and that it ought to be disapproved of by every member of the Senate. Here was a bill coming from the other House, to meet the ordinary expenses of the Government, and if the gentleman from New Jersey can delay it by a proposition to carry through his favorite measure, why every member of the Senate, who has a favorite measure, can, with equal justice, tack it to an important appropriation bill, and place members under the necessity of defeating that bill if they vote against it. He should unhesitatingly vote against this amendment, which was highly improper for this bill. He admitted that his amendment was not suited to the bill, but he thought it very proper for the amendment of the Senator from New Jersey.

Mr. WALL said that he could not, with his views of the duty he owed to himself and his constituents, consent to withdraw his amendment. He protested, however, against his being held responsible for the wide range the debate had taken.

Mr. DAVIS addressed the Senate at length in reply to the remarks of Mr. STRANGE, on Monday last.

After some further debate, in which Messrs. DAVIS, STRANGE, and BROWN participated,

The question was taken on the amendment offered by Mr. WALL, and there were—yeas 12, nays 20; as follows:

YEAS—Messrs. Buchanan, Davis, Hubbard, Knight, Pierce, Prentiss, Ruggles, Smith of Connecticut, Swift, Wall, and Williams of Maine—12.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Clayton, Crittenden, Fulton, King, Lumpkin, Lyon, Mouton, Nicholas, Norvell, Rives, Robinson, Strange, Tipton, Walker, Wright, and Young—20.

So the amendment was rejected.

The bill was then read the third time, and passed.

The Senate then adjourned.

## HOUSE OF REPRESENTATIVES.

FRIDAY, December 21, 1838.

Mr. CUSHING moved to amend the Journal as follows. Insert therein the following words:

Mr. CUSHING presented a petition from Joseph Young and others, of Salisbury, in the State of Massachusetts; which was laid on the table under the resolution of the House of the 12th of December last; and on presenting the same, Mr. CUSHING protested that, in submitting to the application of said rule to this petition, he yielded not to right but to power, conceiving said resolution not to be constitutional, and therefore in itself purely null and void; which protest he moved to be entered on the Journal, but which motion the Speaker decided to be out of order.

Mr. DROMGOOLE inquired if this motion should be rejected, whether the subject-matter, or rather the gentleman's protest, would not still go on the Journal? and he would further inquire if there was no way of avoiding it? for this thing was constantly growing upon them, and should be put a stop to.

The SPEAKER replied that the whole would go on the Journal of this day's proceedings.

Mr. DROMGOOLE remarked that these motions were a pretext, a mere device. A gentleman who may be displeased with the rules of the House, or the decision of the Speaker of the House, can, at this rate, come the next morning and enter on the Journal that which the House refused to have entered. He hoped, therefore, the House would refuse to entertain the proposition.

Mr. CUSHING begged leave to suggest that this was no more a pretext or device than any other motion, and the House frequently entertained such motions, and he had made it according to the established rules of the House, whether they were erroneous in practice or not.

Mr. HOWARD concurred entirely with the gentleman from Virginia, that, if this motion was entered upon the Journal of to-day, so that it appeared on the Journal of to-morrow, the decision of the House would be thereby overruled. He hoped to-morrow the gentleman would move to strike it from the Journal, for it ought not to be placed there; for the House would perceive that if any member moved to amend the Journal by inserting his protest, however that motion might be decided, the protest would still go on the Journal only one day after the original request by this motion to correct the record, and next they would be called upon to enter speeches upon it.

Mr. ADAMS apprehended something more was necessary for the gentlemen than merely a motion to strike, because, as that motion must necessarily go on the Journal, so would the motion proposed to be struck out; for the Journal is, or ought to be, an entry of all the facts that occurred in their proceedings. This motion was the only remedy the minority had against the majority. He hoped this motion would go on the Journal, as it ought to.

Mr. DROMGOOLE would take issue with the gentleman, that these motions ought to go on the Journal. The Speaker decided the gentleman's [Mr. CUSHING's] motion to be out of order, the House acquiesced in it, and Mr. D. would leave it to the House to decide if the same motion ought to go on the Journal in another mode. He was aware of the difficulty, that the motion would go on the Journal, but it appeared to him that the House ought to devise some mode to avoid the recurrence of this abuse. By the present practice, gentlemen might get up one day, and give us a long tirade about what they pleased, all out of order, and next day place on the Journal what was pronounced out of order the day before. It was due to the country and due to their own character as a body, that some mode should be adopted to obviate this trifling with the House.

Mr. WISE said, as they were about to enter into an argument on expunging, he should go with the gentleman from Massachusetts, [Mr. ADAMS.] The Journal ought to be a record of facts, and of all facts. This he would ask, that if you move to expunge the Journal, adopt the Bentonian practice, where will you find the pen in this House that will draw the black lines round it. Mr. W. moved the previous question; which was carried.

Mr. GRANT demanded the yeas and nays; which were ordered.

Mr. BELL inquired if it was proposed by the gentleman from Massachusetts to enter his protest on the Journal.

The SPEAKER said it was.

Mr. EVANS inquired if the gentleman yesterday, on making his motion, had sent his protest to the Chair?

The SPEAKER replied that he did not.

The question was then taken; and decided in the negative—yeas 14, nays 174; as follows:

YEAS—Messrs. Adams, Borden, William B. Calhoun, Cushing, Davies, Richard Fletcher, Giddings, Hastings, Lincoln, Calvary Morris, Potts, Robinson, Saltonstall, and Tillinghast—14.

NAYS—Messrs. John W. Allen, Anderson, Andrews, Atherton, Ayer, Banks, Beatty, Beers, Bell, Bicknell, Biddle, Birdsall, Bond, Boon, Bouldin, Briggs, Brodhead, Bronson, Buchanan, Byrum, John Calhoun, Cambreleng, William B. Campbell, John Campbell, Carter, Casey, Chambers, Chaney, Clark, Cleveland, Clowney, Coles, Connor, Corwin, Crabb, Craig, Cray, Cranston, Crockett, Cushman, Darlington, Dawson, De Graff, Dromgoole, Duncan, Dunn, Edwards, Evans, Everett, Ewing, Farrington, Isaac Fletcher, Fillmore, Fry, Gallup, James Garland, Glascock, Goode, Grant, Grandland, Graves, Gray, Grennell, Griffitt, Halsey, Hall, Hammond, Hamer, Harlan, Harrison, Hawkins, Haynes, Henry, Herod, Hopkins, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Jabez Jackson, Joseph Johnson, William C. Johnson, Nathaniel Jones, John W. Jones, Keim, Kennedy, Klingsmith, Legare, Leadbetter, Loomis, Lyon, Mallory, Marvin, Sampson Mason, Martin, Maury, May, Maxwell, McKay, Robert McClellan, Abraham McClellan, McKennan, Menefee, Mercer, Miller, Mitchell, Montgomery, Morgan, Matthias Morris, Samuel W. Morris, Murray, Naylor, Noble, Noyes, Parmenter, Parris, Paynter, Peck, Pennybacker, Pettrikin, Phelps, Pickens, Plumer, Pope, Pratt, John H. Prentiss, Sergeant S. Prentiss, Putnam, Kariden, Randolph, Reed, Rencher, Ridgway, Rives, Rumsey, Russell, Sawyer, Augustine H. Shepperd, Charles Shepard, Shields, Shepler, Slade, Snyder, Southgate, Spencer, Stanly, Stuart, Stone, Stratton, Swearingen, Tallantire, Taylor, Titus, Toland, Toucey, Towns, Turney, Underwood, Vail, Vanderveer, Wagener, Weeks, John White, Whittelsey, Lewis Williams, Sherrard Williams, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, Worthington, Yell, and Yorke—174.

So the motion of Mr. CUSHING was decided in the negative.

Mr. MALLORY, on leave, submitted the following resolution; which lies over one day under the rule:

Resolved, That the Secretary of the Navy be directed to inform this House what measures, if any, had been taken to carry into effect the act of 1836, making an appropriation for the selection of sites, and the erection of marine barracks, at Charleston, Gosport, and Pensacola.

## REPORTS FROM COMMITTEES.

Mr. CAMBRELENG then rose and said, that as they had got through with all the petitions yesterday, he hoped the House would indulge him with an opportunity of reporting four important bills from the Committee of Ways and Means. He stated further, that he had no wish to interfere with the motion in relation to the late defalcations.

Mr. WISE expressed his anxiety to go on with his remarks on that subject; but he would not object to the request of the chairman of the Committee of Ways and Means.

Mr. MERCER wished the motion to embrace all the committees.

Mr. CAMBRELENG so modified it; but

Mr. WISE objected; whereupon Mr. C. moved a suspension of the rules.

Mr. CHAMBERS remarked that they had consumed more time already than would have been necessary to report from half the committees, if the gentleman from Virginia had not interposed his objection.

The motion prevailed, and the committees were called in their order for reports.

Mr. BUCHANAN, from the Committee of Elections, to which had been referred the subject of the contested seat of the Delegate from the Territory of Wisconsin, made a report, accompanied by the following resolution:

Resolved, That J. D. Doty is entitled to a seat in this House as a Delegate from Wisconsin Territory, and that John W. Jones is not entitled to the seat.

The report having been read,

Mr. BUCHANAN moved that it be postponed to, and made the order of the day for, Thursday next, and printed.

Mr. BRONSON moved the special order, which Mr. B. accepted as a modification; and the motion was agreed to.

Mr. CAMBRELENG, from the Committee of Way and Means, reported a bill making appropriations for the current and contingent ex-

penses of the Indian department, and for fulfilling treaty stipulations with the Indians.

Mr. C. also reported a bill making appropriations for the naval service for the year 1839.

Mr. C. also reported a bill making appropriations for the support of the Army for the year 1839.

Mr. C. also reported a bill more effectually to prevent frauds in the collection, keeping, transfer, and disbursement of the public revenue, and to punish public defaulters.

Mr. CHAMBERS, from the Committee of Claims, reported a bill for the relief of Griffith Coombe and John P. Ingle, trustees of the brick Capitol.

Also, a bill for the relief of Thomas Fillebrown, jr.

Also, a bill for the relief of Philip Marshall, and the legal representatives of John Marshall, deceased.

Mr. C. also made adverse reports on the cases of Thomas Rogers, executor of Charles Binns, deceased, and Archange Lacroix.

Mr. RUSSELL, from the Committee of Claims, made an unfavorable report on the petition of Henry Hull, asking compensation for difference of exchange and depreciated currency which was repaid and advanced by him as consul at San Salvador.

Mr. CUSHMAN, from the Committee on Commerce, reported the following resolution; which was concurred in:

*Resolved*, That the House bill No. 96, being a bill for the reorganization of the Treasury Department, and the bill No. 472, being the bill to define the number, compensation, and duties of officers of the customs, be reprinted, and laid on the table of the House; and that the chairman of the Committee on Commerce give notice to the House that he will, on Wednesday next, ask it to go into the Committee of the Whole on the state of the Union to consider said bills.

Mr. CASEY, when the Committee on Public Lands was called, rose and stated that he understood from the Commissioner of the General Land Office, that, in order to a right understanding of that document, it was necessary that the maps, plans, and diagrams, accompanying his annual report, should be printed with it; and Mr. C. now made a motion to that effect; which was agreed to.

Mr. EWING then submitted a similar motion in relation to a map accompanying the President's message of yesterday on the subject of the Wabash and Erie canal; which was agreed to.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported the following:

A bill for the relief of the legal representatives of John Barnes, deceased;

A bill for the relief of the legal representatives of Nathan Lamme, deceased;

A bill for the relief of the legal representatives of Captain Tarpley White;

A bill for the relief of the legal representatives of Captain Thomas Cooke, deceased;

A bill for the relief of the legal representatives of James Burton, deceased;

A bill for the relief of Roger Stayner, a captain in the army of the Revolution;

A bill to authorize the payment of seven years' half pay on account of the revolutionary services of Edward Wade;

A bill to authorize the same on account of similar services of William Gregory; and

A similar bill on account of the services of James Conway.

Mr. UNDERWOOD, from the same committee, reported a bill for the relief of Levi Chadwick.

On motion of Mr. LEADBETTER, the bill was ordered to be engrossed for a third reading to-morrow.

Mr. UNDERWOOD also reported the following:

A bill for the relief of the legal representatives of Colonel Francis Vigo;

A bill for the relief of the legal representatives of Lieutenant Colonel William Fountain, deceased;

A bill to authorize the issuing of land warrants in certain cases; and

A bill for the relief of the legal representatives of Lathrop Allen, deceased.

Mr. TALIAFERRO, from the same committee, reported a bill for the relief of the heirs of Thomas Wishart.

Also, a bill for the relief of the heirs of P. Thornton.

Mr. A. H. SHEPPERD, from the same committee, reported the following:

A bill to authorize the payment of seven years' half pay on account of the revolutionary services of Francis Eppes, deceased;

A bill for the relief of the legal representatives of Captain James Pervis, deceased; and

A bill for the relief of the legal representatives of Dr. Charles Taylor, deceased.

Mr. MORGAN, from the Committee on Revolutionary Pensions, reported the following:

A bill for the relief of Solomon Prewett;

A bill for the relief of John England;

A bill for the relief of Jacob Baugh;

A bill for the relief of Elizabeth Jones and others; and

A bill for the relief of Oliver Peck.

Mr. JOHNSON, of Virginia, from the same committee, reported the following:

A bill granting a pension to Susanna Roe; and

A bill restoring the name of John Davis to the pension list.

Mr. SIBLEY, from the same committee, reported a bill granting a pension to Elizabeth Durant.

Mr. WILLIAMS, of Kentucky, from the Committee on Invalid Pensions, reported a bill for the relief of the widow of Captain James Hunter.

Also, a bill for the relief of Fielding Pratt.

Mr. MERCER, from the Committee on Roads and Canals, reported a bill giving the assent of Congress to the supplementary act of the General Assembly of the State of Virginia, incorporating the Falmouth and Alexandria Railroad Company, and moved its engrossment.

Mr. PETRIKIN moved its commitment to a Committee of the Whole.

Mr. MERCER insisted that that would defeat the bill, which did not require commitment, and had already twice passed the House.

Mr. PETRIKIN said it had become a matter of some consequence to the country to know how these charters were framed, and particularly to provide some stipulation to compel this company to carry the mail of the United States at a fair rate of compensation. These companies, by their extortion, were now going on to absorb the whole revenue of the Post Office Department; and wherever Congress had the power, whenever these companies came here to ask for favors, he wished to compel them to take a fair price for their services. Moreover, he was at a loss to see why these companies should always have precedence over all other claimants. He must insist on his motion.

Mr. JOHNSON, of Maryland, remarked that if the gentleman had amendments to offer, he could do it now.

Mr. HAYNES said that there were some very important provisions contained in this bill. A reference was made in it to different acts of the Virginia Legislature, and how, without further examination, could they know what those acts were? Besides, there were many less important bills than this sent to the Committee of the Whole. He was told this bill had passed this House several times, but that made no difference with him; all he could say was, that he knew nothing of those laws of Virginia, or the extent and nature of the privileges granted to this company, but the reasons were strong enough with him to induce him to vote for the commitment of the bill.

Mr. MERCER would inform the gentleman from Georgia that this bill had not only passed the House before, after a full discussion, but the gentleman himself was here at the time. He could assure him that when the bill came up to-morrow, he would cheerfully listen to the gentleman's argument. The object of his present motion was simply to put the bill in such a position as to secure action upon it this session.

Mr. TILLINGHAST could assure the gentleman from Pennsylvania that the bill had undergone the fullest examination in the committee reporting it, and the fullest discussion on its previous passage.

Mr. POPE said no necessity for committing this bill, for all it proposed was to give the company leave to construct their road through a few miles of this District. It took no money out of the Treasury, nor granted any extra privileges.

Mr. PETRIKIN replied, that small as this

matter appeared in the eyes of some gentlemen, let but an effort be made to amend the bill so as to deprive the company of the power of charging more than a fair price for carrying the mail, and these very gentlemen will immediately raise a boisterous hue and cry about their corporate rights. Mr. P. reiterated his statement in relation to the extortion of railroad companies.

After a few further remarks from Mr. JOHNSON, of Maryland, the motion to commit was disagreed to, and the bill ordered to be engrossed for a third reading to-morrow.

Mr. LINCOLN, from the Committee on Public Buildings and Grounds, reported a joint resolution authorizing an examination and payment of the claims of the workmen upon the public buildings; which was ordered to be engrossed for a third reading to-morrow.

#### SAMUEL SWARTWOUT.

Mr. WISE then asked leave to proceed with his remarks on the subject of Samuel Swartwout's defalcation.

Mr. PETRIKIN objected.

Mr. CAMBRELENG hoped there would be no objection.

Mr. PETRIKIN persisting, Mr. WISE moved a suspension of the rules; which prevailed.

The question was on the following resolution, moved some days since by Mr. CAMBRELENG:

*Resolved*, That so much of the communication of the President of the United States of the 8th of December, 1838, as relates to the default of Samuel Swartwout, be referred to a select committee; and that so much as relates to the adoption of further measures for increasing the public security against similar defalcations be referred to the Committee of Ways and Means.

Mr. GARLAND, of Virginia, requested his colleague to give way to allow him to lay on the table an amendment he designed to offer as soon as he could obtain the floor.

Mr. WISE giving way,

Mr. GARLAND sent to the table the following amendment, giving notice he would offer it hereafter:

*Resolved*, That so much of the President's message as relates to the defalcation of Samuel Swartwout, late collector at New York, be referred to a select committee of nine members, to be chosen by ballot; and that said committee do further inquire into the alleged defalcation of William M. Price, late district attorney of the same city; and into any other defalcations or abuses in reference to the collection, safe-keeping, and disbursement of the public money.

That said committee have power to send for persons and papers; that they report all facts connected with such defalcation, which they may deem pertinent; and what further legislation, if any, may be necessary to prevent the same in future.

Mr. CAMBRELENG said he would accept this as a modification, except that part of it which related to the mode of choosing the committee.

Mr. WISE then proceeded with his remarks, going into a general review of the proceedings on the former select committee of investigation, of which he was chairman; and went on to show that every allegation he had made against the abuses and corruptions of this Administration had been sustained. He concluded his remarks about half past eight o'clock, when

Mr. CUSHMAN obtained the floor; and, on his motion, the House adjourned.

#### SELECT COMMITTEES.

*Select Committee on the memorial of the State of Georgia for the payment of a certificate of revolutionary debt.*—Messrs. DAWSON, POTTER, AYCRIFF, HUNTER of Virginia, and SOUTHWATE.

*On the memorial of the heirs of J. Rumsey.*—Messrs. UNDERWOOD, HAWES, LEWIS, JENIFER, HOLT, MILLER, and BOON.

*On the tobacco trade.*—Messrs. JENIFER, COLES, SHIELDS, HOWARD, HARRISON, SERGEANT, LEADBETTER, UNDERWOOD, and JOHNSON, of Louisiana.

#### IN SENATE.

SATURDAY, December 22, 1838.

The PRESIDENT communicated a report from the Treasury Department, in compliance with the provisions of the act of March 2, 1831, for the relief of sundry insolvent debtors of the United States; which was laid on the table, and ordered to be printed.

He also communicated a report from the Com-

missioner of the General Land Office, in compliance with a resolution of the Senate, relative to the quantity of unsold lands; which was referred to the Committee on Public Lands.

#### PETITIONS, ETC.

Mr. NORVELL presented the memorial of William Hunt, James F. Ouis, Erastus Brooks, William Elwyn Moore, E. Kingman, and William H. Witman, stating that they are several reporters of congressional proceedings for the Baltimore American, New York Express, Ohio Statesman, Georgia Journal, Southern Patriot, Charleston Courier, Mobile Register, Lancaster Intelligencer, and that by the rule of the Senate they are deprived of the opportunity and privilege of obtaining information of congressional proceedings for their respective papers; that the provision of the Senate exclusively furnishing the facilities they ask to city reporters, does not furnish the people of the country with full reports of what takes place until several days after the date of such transactions, whereas it is the duty and purpose of the abovenamed reporters to transmit such intelligence by each day's mail; and praying that the Senate may assign them such seats on the floor, or in the galleries, as may enable them to discharge their duties to those whose agents they are. The memorial was referred to the Committee on the Contingent Fund.

The PRESIDENT presented a memorial of the only child of Lieutenant Nathaniel Fanning; which was referred to the Committee on Naval Affairs.

He also presented the memorial of Chauncey Hall, praying the patronage of Congress for a valuable discovery; which was referred to the Committee on Patents.

Mr. CALHOUN presented the presentment of the grand jury of the district court held at Columbia, South Carolina, complaining of the low compensation made to this district attorney, the jurors, and witnesses attending said court; which was referred to the Committee on the Judiciary.

#### BILLS INTRODUCED.

Mr. KING, on leave, and in pursuance of notice given, introduced a bill to grant to States and incorporated companies engaged in the construction of roads and canals the right of way through the public lands of the United States.

Mr. LYON, on leave, and in pursuance of notice given, introduced a bill for the relief of J. and W. Berson and others; which was read twice, and referred.

#### NOTICES OF BILLS.

Mr. WILLIAMS, of Mississippi, gave notice that he would to-morrow introduce a bill to explain and amend the act for the appointment of commissioners to adjust titles to lands under the 14th article of the treaty of 1830, with the Choctaw Indians.

Mr. CLAY, of Alabama, gave notice that he would to-morrow ask leave to introduce a bill to provide for the relinquishment of the 16th sections granted for the use of schools, and the location of other lands in lieu thereof.

Mr. ROBINSON gave notice that he would to-morrow ask leave to introduce a bill to establish a land office at Peoria, in Illinois.

#### RESOLUTIONS.

Mr. TIPTON offered the following resolution; which was considered and adopted:

*Resolved*, That the Committee on Pensions be instructed to inquire into the expediency of establishing an agency for the payment of Pensions at Indianapolis, Indiana.

Mr. WILLIAMS, of Maine, submitted the following resolution; which was considered and adopted:

*Resolved*, That the Secretary of War be requested to communicate to the Senate such information as may be in his possession, in reference to the defense of the frontier of the State of Maine, and the number of troops now employed within the State, and the posts at which they are stationed.

#### APPOINTMENT OF COMMITTEE.

A message was received from the House of Representatives, stating that the House had passed a joint resolution for the appointment of a committee on Enrolled Bills, and that Messrs. YELL and NOYES had been appointed as the committee on their part; in which they ask the concurrence of the Senate; whereupon,

Mr. WRIGHT moved that the Senate concur in the resolution, and that the President appoint the committee on the part of the Senate.

The motion having been agreed to, Messrs. WILLIAMS, of Mississippi, and FOSTER, were appointed.

#### EXECUTIVE SESSION.

On motion of Mr. ROBINSON, the Senate proceeded to the consideration of executive business; after which,

The Senate adjourned to Wednesday next.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, December 22, 1838.

The first business in order was the motion of Mr. ADAMS to refer a petition presented by him a day or two since, praying the establishment of international relations with Hayti, to the Committee on Foreign Affairs, with instructions to consider and report thereon.

Mr. DROMGOOLE, on the same occasion, having called for a division of the question, it was now taken on the motion of reference, and decided in the affirmative without a division.

The petition having been thus referred, the question recurred on the instructions.

Mr. ADAMS reiterated what he had before stated as a reason for moving thus to instruct the Committee on Foreign Relations, viz: the declaration from the chairman thereof, [Mr. HOWARD,] that if these petitions were sent to that committee, nothing more would be heard of them. Mr. A. contended that this was a case peculiarly demanding the serious consideration of that committee; and as he was proceeding to discuss the subject of abolition petitions, and the manner they were disposed of by the House—

The SPEAKER called to order.

Mr. ADAMS was again proceeding in the same strain, when he was again called to order by the Chair. As Mr. A. was again about to proceed—

Mr. BYNUM said if the gentleman was thus suffered to go on, he hoped some gentleman of the slaveholding portion of the House would be permitted to answer him.

Mr. ADAMS. I hope so, sir. After a pause: only open your mouths, gentlemen; that is all I ask, and you may answer as much as you please.

The SPEAKER. The gentleman will confine himself to the question before the House.

Mr. BYNUM. I object to the gentleman's proceeding, unless by special leave of the House. If we have rules, we may as well abide by them; if not, we had better burn them.

Mr. BRIGGS then moved that the gentleman have leave to proceed; on which motion

Mr. HOPKINS called for the yeas and nays; which were ordered.

Mr. BRIGGS. My motion is, that the gentleman have leave to proceed in order.

The SPEAKER. Of course. That is the parliamentary form.

The question was then taken, and decided in the affirmative—yeas 114, nays 47; as follows:

YEAS—Messrs. Reman Allan, Anderson, Andrews, Birdsell, Boud, Borden, Bouldin, Briggs, Buchanan, William B. Calhoun, Casey, Chambers, Childs, Clark, Cleveland, Corwin, Cranston, Cushing, Darlington, Dawson, Davies, Dunn, Evans, Everett, Ewing, Richard Fletcher, Isaac Fletcher, Fillmore, Fry, James Garland, Rice Garland, Giddings, Glascock, Goode, James Graham, William Graham, Grantland, Grant, Graves, Grennell, Haley, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Thomas B. Jackson, Jabez Jackson, William C. Johnson, Nathaniel Jones, Kennedy, Lincoln, Loomis, Marvin, Sampson Mason, Maury, May, Maxwell, Robert McClellan, McKennan, Menefee, Mercer, Mitchell, Matthias Morris, Calvary Morris, Naylor, Noyes, Parmenter, Peck, Pickens, Potts, Sergeant S. Prentiss, Putnam, Raiden, Randolph, Reed, Ridgway, Robertson, Robinson, Rumsey, Russell, Saltonstall, Sawyer, Sheffer, Augustine H. Shepperd, Shields, Sibley, Slade, Snyder, Southgate, Spencer, Stanley, Stuart, Stone, Stratton, Taliaferro, Taylor, Tillinghast, Toland, Underwood, Vanderveer, Albert S. White, John White, Whittelsey, Lewis Williams, Sherrard Williams, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yorke—114.

NAYS—Messrs. Atherton, Banks, Beatty, Beirne, Bicknell, Boon, Bynum, John Calhoun, John Campbell, Chapman, Coles, Connor, Cray, Crockett, Cushman, Duncan, Farrington, Griffin, Hamer, Harrison, Haynes, Hopkins, Robert M. T. Hunter, Joseph Johnson, John W. Jones, Keim, James M. Mason, Martin, McKay, Abraham McClellan, Miller, Montgomery, Morgan, Samuel W. Morris, Noble, Parker, Parris, Paynter, Peirkin, John H. Prentiss, Shepler, Swearingen, Titus, Turney, Wagener, and Webster—47.

Mr. ADAMS, when his name was called, said he desired to be excused from voting, and his name was passed over.

So the leave asked was granted.

Mr. ADAMS then went on to contend that the Committee on Foreign Affairs were bound either to report on the merits of the petitions sent to them, or to assign the reasons why they did not deem it expedient to report one way or the other. It was a novel pretension set up by that committee, that they were not obliged to consider, report, or even look into petitions and resolutions of State Legislatures, nor to account to the House why they refused to perform the duty intrusted to them. It was an arbitrary assumption of power by the committee, and not respectful to the House, which committed such subjects to them, because they thereby deprived the House of the opportunity of considering them itself. He designated this course of conduct as one of the devices to abridge and suppress the right of petition. It was for this reason he had moved the instructions, so as to compel that committee to report on the petition, or their reasons for not reporting. He did not presume that he should be replied to, as he had no doubt the previous question would be sprung; but, if any response was made, he supposed it would be as to the motives of the petitioners. This, however, was an assumption of inference on the part of the House, which, if carried out, would go to destroy the right of petition altogether, except so far as it pleased the will of the majority. This was an assumption of arbitrary power of the most detestable character.

Mr. A. then adverted to the question of abolition, and in the course of his remarks he said that the great men of the Revolution were Abolitionists, George Washington among them; and if any man dared to deny that he was, he would prove it.

The SPEAKER called to order.

Mr. WISE. I deny it thoroughly.

Mr. ADAMS. I thank the gentleman for his denial. I will prove it. By his last will and testament, George Washington emancipated all his slaves.

Mr. WISE. Because he had no children.

The SPEAKER again interposed, and said this discussion was entirely out of order.

Mr. ADAMS. Then, I take the position that George Washington was an Abolitionist, in the most extensive sense of the term—

The SPEAKER again interposed.

Mr. ADAMS. Does the gentleman deny that Thomas Jefferson was an Abolitionist?

The SPEAKER here interposed; but

Mr. WISE answered—Yes, I do.

Mr. ADAMS proceeded, by saying that every man in the country had a perfect right to be an Abolitionist, for he disobeyed no law thereby.

The SPEAKER admonished Mr. A. again that he was entirely out of order in this mode of discussion.

Mr. ADAMS then proceeded to reply to the remarks of Mr. LEGARE made some days ago on the power of the House to reject petitions.

Mr. BOULDIN said, as his vote on this occasion would be different, both in regard to the party with whom he generally acted, and had no reason to doubt with whom he should continue to act, and also in regard to the section of country in which he lived, from what might be expected of him, and more especially as some of his former votes upon the subject of these petitions had differed upon different occasions, at least so they would apparently seem, though he had always voted to the best of his judgment, and with a view to the peace and harmony of the country, he begged leave now to state one or two reasons why he should vote for the reference of this petition.

The SPEAKER reminded Mr. B. that the petition had already been referred.

Mr. BOULDIN was more anxious about the reference; but still, he was anxious about the instructions. At a very early period in this controversy, some two or three years ago, he then expressed his willingness to give some answer, one way or the other, to these abolition papers; but he was told by some of his friends that it would operate as a firebrand, and increase the number of the Abolitionists. He yielded to the suggestion, and voted accordingly from time to

time, though at different times he had given votes somewhat different, obeying therein the dictates of his own judgment.

The SPEAKER remarked that that subject was not now under consideration.

Mr. BOULDIN said if the Chair would give him only about one tenth the latitude allowed to the gentleman from Massachusetts, he could get out all he wanted.

The SPEAKER said that remarks made out of order could not be replied to in order. The gentleman from Massachusetts had been arrested in his remarks whenever they transgressed the proper limit.

Mr. BOULDIN. If the Chair succeeds no better with me than with the gentleman from Massachusetts—

The SPEAKER. The subject of abolition is not in order.

Mr. BOULDIN. I was going on to explain why it was that I meant to vote for the gentleman's motion, and to give reasons that are satisfactory to myself; and at the same time I wish to satisfy those to whom I address them that they are good reasons. If I am not at liberty to do this, I am not willing to insist upon proceeding out of order. I will ask the Chair if I am not at liberty to state that the reason why I will vote for the gentleman's proposition is, that the reference of the petition and its consideration will be the means of contributing to peace, happiness, and security, while the refusal to do so will produce confusion and civil discord? Are these reasons in order or not?

The SPEAKER stated the question was on the instructions, and not on the reference.

Mr. BOULDIN understood that perfectly well, and he also understood why he meant to vote for them. The reason was, that the considering of the subject by the committee, and answering it one way or the other, would give more peace, happiness, and security to the country; while the refusal to answer would produce opposite results. That was his principal reason; and he wished to show why it was, also, that, at this time, he would give that vote, while at another time he had given an apparently different vote.

Mr. B. would ask, why not give these instructions to that committee? Had not referring before, and reporting, had a good effect? Had it not produced peace and harmony almost throughout the country? Had the refusal to do so done this? Had it diminished the applications here? On the contrary, had it not increased them? He would refer this paper and the instructions, because the refusal to refer, and the refusal to report, in his judgment—he would not impugn the motives or judgments of others—had produced no other effect than he had described. He was for referring it, and for requiring an answer, because he was of opinion that the refusal to answer would produce the effect of misrepresenting the South, that she would not let the North be heard.

The SPEAKER again arrested Mr. B. for wandering from the point.

Mr. BOULDIN did not mean to be out of order, and, with due deference to the Chair, he was at a loss to perceive that he was.

The SPEAKER ruled otherwise.

Mr. BOULDIN would submit, then; but still he was satisfied that he had a right to present such reasons as would induce him to vote for the gentleman's proposition, whether they were so to the Speaker or not. If, however, he might be permitted to finish the sentence he commenced, he would sit down. It is this: That by these inferences, drawn from this course, northern people are made to believe that southern people wish to stop their mouths, and this he did not hold to be true. And, by the same inferences, southern people are made to believe that northern people are preparing to take up arms and march in battle array to emancipate their slaves, and neither did he believe this. He hated this entanglement about rules, special technicalities as they might be termed; and if we were to go to war, let us, said he, go to it about something tangible, and not about constructions of the rule of the House. Let us, at least, know what we are going to be set by the ears about. He would only add, in conclusion, that, by such misrepresentations and mischief-making as he had referred to, the North and the South may be made to hate each other to that

extent that neither love nor interest can hold them together.

Mr. BYNUM then took the floor, and proceeded to reply with great earnestness to the remarks of Mr. ADAMS, and, in the course of it, being called to order by the Chair,

Mr. STANLEY insisted that his colleagues should not proceed without leave of the House.

Mr. TURNEY thereupon moved that the gentleman have leave, and it was granted without a division.

Mr. BYNUM concluded his remarks in opposition to the proposed instructions.

Mr. THOMPSON deprecated all discussion on this subject as derogatory to the South.

Mr. PETRIKIN demanded the previous question.

Mr. CAMPBELL, of South Carolina, moved to lay the motion for instructions on the table, and called for the yeas and nays; which, being ordered, were—yeas 110, nays 46; as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Ayer, Banks, Beatty, Beers, Beirne, Bell, Bicknell, Bronson, Bynum, John Calhoun, Cambreleng, William B. Campbell, John Campbell, Carter, Casey, Chambers, Chancy, Chapman, Cleveland, Connor, Crabbe, Craig, Crary, Crockett, Cushman, Dawson, De Graff, Duncan, Ewing, Fry, Gallup, Rice Garland, Glascock, James Graham, Grantland, Grant, Graves, Griffin, Hammond, Hamer, Harlan, Harrison, Hawes, Herold, William H. Hunter, Robert M. T. Hunter, Thomas B. Jackson, Jabez Jackson, Miller, Morgan, Murray, Joseph Johnson, Nathaniel Jones, John W. Jones, Kenble, Kennedy, Legare, Leadbetter, Lewis, Lyon, James M. Mason, Martin, Maury, McKay, Robert McClellan, Abraham McClellan, Menefee, Mercer, Miller, Plumer, Pope, Noble, Parker, Farris, Petrik, Pickens, Plumer, Pratt, Sergeant S. Prentiss, Rencher, Runsey, Sheffer, Augustine H. Shepperd, Charles Shepard, Shields, Shepler, Southgate, Spencer, Stanley, Stone, Swearingen, Taliaferro, Taylor, Thompson, Titus, Toney, Turney, Underwood, Vanderveer, Wazener, Webster, John White, Lewis Williams, Sherrard Williams, Joseph L. Williams, Wise, Word, and Yell—110.

NAYS—Messrs. Adams, Heman Allan, John W. Allen, Bond, Borden, Briggs, William B. Calhoun, Childs, Clark, Coffin, Corwin, Cranston, Cushing, Darlington, Davies, Dunn, Everett, Richard Fletcher, Fillmore, Giddings, Willam Graham, Grennell, Hastings, Henry, Lincoln, Marvin, Sampson Mason, McKennan, Taylor, Ruysey, Potts, Putnam, Rariden, Randolph, Reed, Ridgway, Robinson, Russell, Salmonstall, Slade, Tillinghast, Toland, Albert S. White, and Yorke—46.

So the motion was laid on the table.

#### ADJOURNMENT OVER.

Mr. HOPKINS asked leave to submit a motion, that when the House adjourns it adjourn to meet on Wednesday.

[Cries of "Agreed!" "Agreed!" with a few "Noes!"]

Mr. H., on the objection being made, moved a suspension of the rules, stating, that as the other branch of Congress had adjourned over Christmas day, he saw no reason why the House should not do so.

Mr. GARLAND, of Louisiana, called for the yeas and nays, but they were refused; and the rules were suspended—ayes 130, noes 38.

Mr. WILLIAMS, of Kentucky, demanded the yeas and nays; which were ordered, and were—yeas 100, nays 69.

So the resolution was agreed to.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, inclosing the annual report, in compliance with the 18th section of an act of Congress, entitled an act for the relief of certain insolvent debtors of the United States; which was, on motion, ordered to lie on the table and be printed.

Mr. KENNEDY asked leave of the House to submit a resolution, giving the use of the Hall of Representatives to the American Sunday School Union, on Tuesday evening next, at half past seven o'clock.

Objection being made to its reception,

Mr. KENNEDY moved for a suspension of the rules to enable him to effect it.

Mr. PETRIKIN moved that the House adjourn; which was decided in the negative.

The question was then taken on the suspension of the rules, and decided in the negative.

Mr. GRAVES, on leave, presented the petition of Commodore Barney; which, on his motion, was referred to the Committee on Invalid Pensions.

Mr. PARRIS asked leave of the House to present a certain petition; before taking the question, however,

On motion of Mr. BRIGGS, the House, adjourned.

#### IN SENATE.

WEDNESDAY, December 26, 1838.

#### PETITIONS, ETC.

Mr. CLAY, of Alabama, presented the petition of Simeon Geeron, praying confirmation of his claim to a tract of land under a grant from the State of Georgia; which was referred to the Committee on Private Land Claims.

Mr. HUBBARD presented the petition of John Cummings, for remuneration for extra services; which was referred to the Committee on the Post Office and Post Roads.

Mr. H. also presented some additional papers in relation to the claim of Loomis and Gay; which were ordered to be printed.

Mr. WRIGHT presented the petition of Lyon and Howard, contractors for building a steam dredging machine on Lake Champlain, praying compensation for extra services; which was referred to the Committee on Claims.

Mr. W. also presented the petition of Robert Townsend, a citizen of New York, praying for a repeal of the duty on the importation of coal; which was referred to the Committee on Manufactures.

Mr. ALLEN, of Ohio, presented the petition of citizens of Erie county, Ohio, praying for the establishment of a national bank, the stock to be owned by the States; which was referred to the Committee on Finance.

Mr. KNIGHT presented the petition of Lieutenant John Burrill, a soldier of the Revolution; which was referred to the Committee on Pensions.

Mr. FULTON presented certain resolutions of the Legislature of the State of Arkansas, asking for the passage of a law to authorize the relinquishment of the sixteenth sections of land granted for the use of schools, when unproductive, and the location of other lands in lieu thereof; which were referred to the Committee on the Public Lands.

Mr. F. also presented other resolutions of the Legislature of the State of Arkansas, asking for the passage of a law to authorize those who had made improvements on seminary lands to float their preemption rights; which were referred to the Committee on Public Lands.

#### NOTICES OF BILLS.

Mr. LINN gave notice that to-morrow he would ask leave to introduce a bill authorizing payment of certain Missouri volunteers for services rendered in 1829 and 1836.

Mr. KING gave notice that to-morrow he would ask leave to introduce a bill to reimburse the corporation of the city of Mobile for certain advances made in equipping a volunteer company which served in the Creek war.

Mr. STRANGE gave notice that he would to-morrow ask leave to introduce a bill for the relief of William McKeever.

#### BILLS INTRODUCED.

Mr. TIPTON, on leave, and in pursuance of notice given, introduced a bill authorizing Peter Warner, of Indiana, to purchase a certain half section of land; which was read twice, and referred to the Committee on Indian Affairs.

Mr. CLAY, of Alabama, on leave, and in pursuance of notice given, introduced a bill for the relief of certain settlers on the public lands, who are deprived of the benefits of the act granting preemption rights; which was read twice, and referred to the Committee on Public Lands.

He also, on leave, and in pursuance of notice given, introduced a bill authorizing the relinquishment of the sixteenth section of land granted for the use of schools, and the location of other lands in lieu thereof; which was read twice, and referred to the Committee on Public Lands.

#### REPORTS FROM COMMITTEES.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, to which the subject had been referred, reported, without amendment, the bill for the relief of Jabez L. White and Asa White.

He also, from the same committee, reported, without amendment, the bill for the relief of certain persons therein named, and the bill for the relief of the Nantucket Steamboat Company.

Mr. STRANGE, from the Committee on Patents, asked that leave be granted to Charles Kel-

ler and Henry L. Stone to withdraw their petition and papers; which was agreed to.

Mr. TIPTON, from the Committee on Military Affairs, to which was referred the petition of the clerks in the Second Auditor's office, reported a bill for their benefit; which was read, and ordered to a second reading.

Mr. WALL, from the Committee on the Judiciary, to whom was referred the bill to prevent the interference of certain Federal officers in elections, asked that it might be printed; which was agreed to.

#### RESOLUTIONS.

The following resolutions were submitted and adopted:

By Mr. LINN:

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to improve the harbor of St. Louis, Missouri.

*Also resolved*, That the Secretary of War send to the Senate the report (if any has been made) of the engineer who had the superintendence of the public works undertaken for the purpose of improving the above harbor.

*Also resolved*, That so much of the different reports of the commissioners appointed under the acts of July, 1832 and 1833, for the final adjustment of private land claims in Missouri and Arkansas as have been acted on by Congress, be referred to the Committee on Private Land Claims.

*Also resolved*, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to improve the navigation of the Missouri river, from its mouth to Fort Leavenworth.

*Also resolved*, That the Committee on Commerce be instructed to inquire into the expediency of establishing marine hospitals on the Mississippi and Ohio rivers; and also on the northern lakes; and that the report of the Secretary of the Treasury, and documents accompanying the same, be referred to said committee.

By Mr. STRANGE:

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of affording relief to the securities of William B. Ferguson, and report by bill or otherwise.

By Mr. FOSTER:

*Resolved*, That the Committee on the Judiciary inquire into the propriety of raising the salary allowed by law to the district judge of East and West Tennessee.

On motion of Mr. HUBBARD, the bill for the continuation of the Cumberland road was postponed until Wednesday next.

#### PUBLIC LANDS.

The bill for the reduction and graduation of the price of public lands came up as the order of the day; when,

Mr. CLAY, of Kentucky, hoped that, on account of the thinness of attendance on the part of the members of the Senate, the consideration of the bill would not be urged at the present time. It would be recollected that, at his instance, this subject had been postponed when it was first brought up until the succeeding Monday; he had prepared himself to discuss the subject at that time; but in the interim, the whole subject, with the concurrence of the friends of the bill, was referred to the Committee on Finance. If this bill is to be passed, he hoped it would be passed after a full consideration by a full Senate.

Mr. CLAY, of Alabama, said that he hoped the Senator would not consent to postpone it to a day so distant. This bill, with the amendments as reported by the Committee on Public Lands, was the identical bill upon which the Senator from Kentucky and others who agreed with him were heard in opposition to it only four or five months ago. He was not disposed unnecessarily to urge the passage of the bill now; but it would be recollected that the debate on it occupied several days, and they had as yet heard no promise that any new views would be offered on the subject, or of any new occurrences that would affect it. It was first postponed at the request of the Senator from Kentucky until last Monday, and the report of the Committee on Finance, to which he referred, was brought in on the morning of that day, so that there was no occasion to delay the bill on that account. He was always willing to postpone a bill till there was a full Senate, and he would consent to the postponement now if the Senator would fix on some day not so distant as the one he had named; and he would propose that, instead of this day week, the postponement be made to Monday next.

After a few remarks from Messrs. CLAY, of Kentucky, and CLAY, of Alabama, the proposition of the latter was agreed to; and the bill was postponed to, and made the order of the day for, Monday next.

Mr. BENTON said that the time this bill had been delayed had given him an opportunity of visiting the General Land Office, to ascertain how the graduation principle worked in the Chickasaw nation, where the principle was in operation, and was carried down to six and a quarter cents per acre; it was now at fifty cents per acre, about half way down. He learned that it worked admirably well; and he had no doubt it would work just as well for white men as it did for Indians. He moved that the papers embodying the information derived from the Land Office should be printed; which was agreed to.

#### MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. MARTIN VAN BUREN, jr., his Private Secretary, inclosing a communication relative to the fortifications on Pea Patch Island, in the Delaware river; which was referred to the Committee on Military Affairs, and ordered to be printed.

The following bills were severally read the second time, considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill for the relief of the owners of the brig Despatch;

The bill to reward the captors of the privateer Lydia;

The bill for the relief of the sureties of William Manning; and

The bill to refund to the Philadelphia and Baltimore Railroad Company certain duties paid by them on imported railroad iron.

#### ROADS IN ALABAMA.

The bill to relinquish to the State of Alabama the two per cent. fund reserved by the act for her admission into the Union, for the purpose of making a road or roads leading to said State, was also taken up, and considered as in Committee of the Whole; and after a debate, in which it was opposed by Mr. NILES, and advocated by Messrs. CLAY, of Alabama, WALKER, KING, and BENTON, it was postponed until tomorrow.

The Senate went into the consideration of executive business; after which, it adjourned.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 26, 1838.

The SPEAKER communicated a letter from Hon. JOHN FAIRFIELD, a member from the State of Maine, resigning his seat in the present Congress; which, on motion of Mr. ANDERSON, was laid on the table, and the SPEAKER directed to notify the Executive of Maine of the fact.

#### REFERENCE OF PRESIDENT'S MESSAGE.

Mr. HAYNES then rose and said, that he believed from the commencement of the Government till the last session, the earliest opportunity was taken to consider the President's message, and the duty having, in a measure, devolved upon him, from having moved the reference, and the unusually long period of three weeks having elapsed since the message was received, he felt bound to submit a motion that the House go into Committee of the Whole thereon, for the purpose of distributing it.

Objection being made,

Mr. H. moved a suspension of the rules, and demanded the yeas and nays; which being ordered, were—yeas 112, nays 26; as follows:

YEAS.—Messrs. Adams, Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bell, Bicknell, Boon, Borden, Bouldin, Briggs, Bronson, Buchanan, William B. Calhoun, John Calhoun, Cambreleng, Casey, Cheatham, Childs, Clark, Coles, Corwin, Crabbe, Craig, Crary, Cushing, Cushman, Davee, Davies, De Graff, Duane, Dunn, Everett, Fillmore, Foster, Gakop, James Garland, Glascock, James Graham, William Graham, Grant, Griffin, Haley, Hamer, Harrison, Haynes, Henry, Herod, Thomas B. Jackson, Jabez Jackson, Joseph Johnson, Keim, Lincoln, Logan, Loomis, Lyon, Marvin, Sampson Mason, Martin, Maury, May, Maxwell, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Morgan, Murray, Noble, Noyes, Ogle, Parker, Parmenter, Paynter, Peck, Pettkin, Phelps, Pickens, Potts, Pratt, John L. Prentiss, Sergeant S. Prentiss, Randolph, Reed, Russell, Sheffer, Augustine H. Shepperd, Shepler, Shibley, Snyder, Stone, Stratton, Swearingen, Tillinghast, Toland, Toucey, Towns, Turney, Underwood, Vail, Vanderveer, Webster, John White, Whitesley, Jared W. Williams, Joseph L. Williams, Word, Yell, and York—112.

NAYS.—Messrs. Heman Allen, John W. Allen, William B. Campbell, Chambers, Cranston, Crockett, Giddings, Harlan, Harper, Howard, Henry Johnson, Menefee, Mitchell,

Calvary Morris, Rariden, Ridgway, Robinson, Rumsey, Saltonstall, Shields, Slade, Southgate, Stanly, Lewis Williams, Sherrard Williams, and Christopher H. Williams—26.

So the rules were suspended; and, on motion of Mr. HAYNES, the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. Adams in the chair,) and proceeded to take up the President's message.

Mr. HAYNES then moved the following resolutions:

1. *Resolved*, That so much of the President's message as refers to the political relations of the United States with foreign nations, be committed to the Committee on Foreign Affairs.

2. *Resolved*, That so much of said message as relates to the commerce of the United States with foreign nations, be referred to the Committee on Commerce.

3. *Resolved*, That so much of said message as relates to the finances, to the collection, safe-keeping, and disbursement of the public revenue, and the punishment of public defaulters, be committed to the Committee of Ways and Means.

4. *Resolved*, That so much of said message as relates to the public lands be referred to the Committee on the Public Lands.

5. *Resolved*, That so much of said message as relates to Indian Affairs, except what concerns the defense of the frontiers against Indian hostilities and the protection of the Indians against the intrusions of the citizens of the United States, be referred to the Committee on Indian Affairs.

6. *Resolved*, That so much of said message as relates to the defense of the frontiers against Indian hostilities, and the protection of the Indian tribes from the intrusion of citizens of the United States; so much thereof as relates to the establishment of a manufactory of small-arms west of the Alleghany mountains, and to a manufactory of gunpowder; together with so much as relates to the report of the Secretary of War, and the public interests intrusted to the War Department, except the subjects embraced in the immediately preceding resolutions, be referred to the Committee on Military Affairs.

7. *Resolved*, That so much of said message as relates to the militia of the United States be referred to the Committee on the Militia.

8. *Resolved*, That so much of the said message as relates to the report of the Secretary of the Navy and the interests intrusted to the Navy Department, be committed to the Committee on Naval Affairs.

9. *Resolved*, That so much of the said message as relates to the report of the Postmaster General and the condition and operations of the Post Office Department, be referred to the Committee on the Post Office and Post Roads.

10. *Resolved*, That so much of said message as relates to the District of Columbia, be committed to the Committee for the District of Columbia.

11. *Resolved*, That so much of said message as relates to the establishment of a national foundry for cannon, to be common to the service of the Army and Navy of the United States, be referred to a select committee, to report by bill or otherwise.

12. *Resolved*, That so much of said message as relates to the questions arising out of the mandamus issued by the circuit court of the District of Columbia, at the relation of Stockton and Stokes, against the Postmaster General, be referred to the Committee on the Judiciary.

13. *Resolved*, That so much of said message as relates to the next census of the United States, be referred to a select committee.

Mr. BELL complained that the House had been taken by surprise by the motion, and he hoped the honorable mover would consent to let it lie over.

Mr. HAYNES expressed his surprise that the gentleman should be taken by surprise by a motion submitted at the end of three weeks which ought to have been made on every occasion that offered. He could assure the gentleman that he had no intention to take anybody by surprise, and, consistent with the sense of duty he felt upon this subject, he could not accede to the gentleman's proposition.

Mr. BELL then proceeded to review the topics embraced in the message at length.

He was followed by Mr. PRENTISS, of Mississippi, on whose motion the committee rose, and reported progress.

#### MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following communication from the President of the United States:

To the House of Representatives:

I transmit for your consideration the inclosed communication accompanying documents from the Secretary of War relative to the present state of the Pea Patch Island in the Delaware river, and of the operations going on there for the erection of defenses for that important channel of commerce.

It will be seen from these documents that a complete stop has been put to these operations in consequence of the island having been taken possession of by the individual claimant, under the decision in his favor of the United States district court for the district of New Jersey, and that unless early measures are taken to bring the island again within the jurisdiction of the Government, great loss and injury will result to the future operations for carrying on the works. The importance of the subject would seem to render it worthy of the early attention of Congress.

M. VAN BUREN.

WASHINGTON, December 26, 1838.

Mr. CAMBRELENG moved that the message be referred to the Committee on Military Affairs, and be printed.

Mr. BRIGGS moved to refer it to the Committee on the Judiciary.

Mr. CAMBRELENG was not particular to what committee it be referred; and withdrew his motion.

It was referred to the Committee on the Judiciary.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, in compliance with a resolution of the House of Representatives, in relation to the claims of Richard F. Barrett to fractional section of land in Illinois; which,

On motion of Mr. CASEY, was referred to the Committee on Private Land Claims.

Mr. HAYNES asked leave to submit a motion to have the resolutions presented by him this day printed.

Leave being granted, the resolutions were ordered to be printed.

Mr. CUSHING asked leave to submit a resolution to grant the use of the Hall of Representatives, on Friday evening, for the purpose of the delivery of an address upon the condition of the Oregon Territory.

Mr. PETRIKIN objected.

Mr. CUSHING moved that the rules be suspended to enable him to offer it.

Mr. PETRIKIN moved the House adjourn. Not carried.

The question was then taken on the motion to suspend the rules—yeas 65, nays 34. No quorum voting.

On motion of Mr. PETRIKIN, the House adjourned.

#### IN SENATE.

THURSDAY, December 27, 1838.

The PRESIDENT presented the following report from the Secretary of the Treasury, in compliance with a resolution of the Senate, in relation to deposits in the United States Bank of Pennsylvania; and the sale and payment of its deposits:

TREASURY DEPARTMENT,  
December 24, 1838.

SIR: I have the honor to submit this report in compliance with the resolution of the Senate on the 19th instant, a copy of which is annexed.

The resolution calls for information concerning deposits in the United States Bank of Pennsylvania; the sale of its third bond; the payment of its second one; and various other matters supposed to be connected with those subjects.

The transactions between the Treasury and the United States Bank of Pennsylvania, which seem to be the general object of these inquiries, have been as follows:

1. The sale to that institution of the stock held by the Government in the Bank of the United States in pursuance of a law passed for that purpose; an account of which has been long since laid before Congress.

2. The receipt of payment from the United States Bank of Pennsylvania for two of its bonds about the time they became due, and which were given for that stock.

3. Collections made by that bank for the United States, in part payment of their demand against the old Bank of Columbia, from which the Bank of the United States had taken security for itself and for the United States many years ago, and to the performance of which trust the United States Bank of Pennsylvania had succeeded.

4. The payment by the latter bank to the United States of the sum of \$300,000 in money and \$59,000 in Treasury notes, in behalf of and at the instance of the Bank of Kentucky, in discharge for so much of its indebtedness to the United States.

5. The sale to the United States Bank of Pennsylvania of the third bond due from it to the United States in execution of the act of the last session authorizing it.

With these exceptions, there have not been dealings of any description between this Department and the United States Bank of Pennsylvania from its establishment to the present day. No collecting or disbursing officer has ever been di-

rected by this Department to make any deposit whatever in said bank, nor has any money been placed by the said bank to the credit of the Treasurer of the United States or of this Department, or, to my knowledge, of any of its officers, except the avails of the transactions specifically referred to above; and, on the details of which, so far as they relate to the present subject, full information is given in the correspondence and tabular statements annexed.

The sale of the third bond of the United States Bank of Pennsylvania to that institution, concerning which a more special inquiry is made in the resolution, was effected under the following circumstances: Before the passage of the law authorizing it, an application was made to the Department by the bank, to anticipate the payment of a portion of the debt due from it to the United States, upon certain terms proposed by its agent. This application failed of effect, because the bank was dissatisfied with the conditions as to the kind of currency to be paid which were prescribed by the Department. The correspondence upon that subject is considered to be embraced within the call of the Senate, and is herewith annexed. Apprehending that the resources of the Treasury would not, in the then deranged state of the business and currency of the country, with certain imperfections that existed in the laws as to Treasury notes, be sufficient to satisfy the appropriations made by Congress, the President, some months before the adjournment of the last session, specially invited the attention of both Houses to the necessity of further provision for the exigencies of the public service.

An act was afterwards passed authorizing an issue of new Treasury notes, instead of the old ones paid in during the year. It becoming obvious that this measure would not of itself be sufficient under the large appropriation contemplated, a bill was also reported allowing the sale of the third and fourth bonds held by the Government against the bank. The bill, as reported and finally passed, contained a restriction limiting the sale to "the par value of the bond sold at the time of sale, calculated according to the rules for estimating the par value of securities upon which interest has run for a time, but which securities have not reached maturity," and it conferred on the Department no authority to enter into any guarantee by the United States of the ultimate payment of the bonds. Apprehensive that it would be difficult, if not impossible to effect a sale of the bonds or either of them upon these terms, the Department, whilst the bill was pending, opened a correspondence to ascertain whether the same could probably be accomplished, if the bill became a law. This correspondence is annexed. The replies strengthened the apprehension before entertained by the Department, and the result was communicated to the chairmen of the financial committees of the two Houses before the final action of Congress upon the bill.

But the bill afterwards became a law without any alteration in the terms, or any guarantee to be given, on the part of the United States. The appropriations actually made having proved to be unusually great, and the expenditures anticipated during the two next ensuing months being much larger in amount than the immediate means which the Department would expect to derive in money from other sources within those months, I at once addressed letters to bankers of the United States at London and to our Minister at Paris, requesting that measures might be taken, without delay, to obtain offers for those bonds, if possible, from capitalists in Europe. To these, answers were received in due season, stating that from the short time the bonds had to run, the absence of the guarantee of the United States for their eventual payment, and other causes, no sale could probably be effected of them either in London or Paris within the limits fixed by law. In the meantime, however, finding that the demands for the public service during the month of June, had exceeded four and a half million dollars, and expecting, as the fact turned out to be, that they would equal about seven millions in July and August, and finding, also, that the available balance in the Treasury, applicable to general purposes and subject to draft, fell below one million dollars, and that payments were making at times in new Treasury notes, which could not be rendered at all available, I considered it necessary to

effect a sale of at least one of the bonds at an earlier day than advices could be received, and any proceeds realized from Europe. Particular inquiry was, therefore, instituted in the city of New York, and elsewhere, concerning the probability of selling soon one or more of the bonds, and, also, a public advertisement was issued, inviting proposals generally for their purchase.

The result was, that from the abundance of State stocks in the market, at very reduced prices, the lower rate at which other securities of the bank were selling, and the want of a guarantee by the United States, the sale was found, with the exception hereafter stated, to be wholly impracticable in this country, and was expected to be so abroad, under the conditions prescribed in the act. Indeed, no bids were at any time made for either of the bonds, in conformity to those conditions, except that of Charles Macalister, Esq., of Philadelphia, who offered to purchase both of them within the terms of the law. In answer to some other particular inquiries on this point, I would observe that the purchase-money for the bond which was sold, "was placed to the credit of the Treasurer on the books of the bank," the 1st day of August, 1838.

"The terms on which it was negotiated" were at the par value of the bond at that time, computing it under the limitations prescribed in the act of Congress, and the payment was expressly stipulated to be made in specie, or its equivalent, and placed to the credit of the Treasurer in special deposit in the Bank of the United States. The Department, hoping it might be able to get through the year without the sale of more than one bond, provided the second one, due in September, was paid punctually, and in money rather than new Treasury notes not reissuable; and if disappointed in this, that it might soon have a better offer from abroad, concluded the sale unconditionally of only one bond. But it may be proper here to notice the circumstance that as no other offer has since been received in this country or Europe to purchase either of the bonds for cash within the terms of the act, and as it will probably be found necessary to sell the other bond during the present year, embarrassment may arise in effecting the sale within those terms, except to the bank itself, unless Congress authorize the guarantee to be given of its eventual payment. Indeed, it will be perceived, from these remarks and the annexed correspondence, that the authority to make sale of the remaining bond, as limited in the present law, if continued without alteration will, in effect, as it has done already, amount to a direction to sell the same, when necessary, to the United States Bank. The likelihood of offers from other quarters to buy it is no greater now than heretofore.

Inquiry is next made as to the "particulars of any understanding or agreement that the proceeds of the same should be left in deposit with the said bank, until wanted in the ordinary disbursements of the Government."

Those particulars, as shown in the letters annexed, were, that the bank should, without expense or cost to the United States, hold this money in special deposit to the credit of the Treasurer, till the same was wanted for the public service, and should then pay his various drafts, as presented, without any charge to the Treasury.

The Department being deprived of its usual depositories, and the sum being very large, these stipulations were readily assented to. To avoid the payment of the bond that was to fall due on the 1st of October, being made in new Treasury notes, not reissuable, nor available in any way to discharge appropriations, and which event was apprehended by the Department, the written agreement was made with the bank, which will be found among the documents, stipulating, among other things, for the payment of that bond on drafts to the public creditors, and in specie or its equivalent. This, though collateral to the sale of the other bonds, was a part of the same negotiation.

It was very clear at the time, and has been confirmed by subsequent events, that the payment by the bank of its bond in such Treasury notes, and a failure to make that arrangement the only practicable one for the sale of the third bond, would render either a special call of Congress or a suspension of payment of some of the demands upon the Treasury inevitable. The Department

did not feel itself at liberty to hesitate in deciding between an exposure of the public service to either of those extremities, by insisting upon having the whole of these large sums of money paid at one time, and placed elsewhere in other suitable depositories, if any could be found in the present imperfect state of the law, or a consent to leave them in the hands of the public debtor until they were actually wanted, and then to draw for them, in specie or its equivalent, when and where the public service required. Especially could the Department not hesitate when this course was not injurious to that service, and it was unable at the time to withdraw those funds, except by the debtor's voluntary consent.

With regard to the other inquiry under this head, as to "what understanding or arrangement, if any, has taken place respecting the benefit which might accrue to the bank in the transfer of money it would make to distant places on account of the Government," I would remark that no such understanding or agreement existed on the side of this Department, in respect to the third bond, when the sale was effected.

But soon after this was done, being apprised that the bank entertained an impression, derived from some communications between it and the War Department, and perhaps from the correspondence in April last, before referred to, that the money would chiefly be required for military purposes, in sums of about a half a million monthly, at certain points convenient to the War Department, as had been suggested in communications with others, and that an expectation existed with the bank that the money would mostly be called for at those points, I entered into an arrangement to meet this expectation. Such a course appeared to be required by a proper regard to equitable considerations, and, while operating, it is supposed, in some respects beneficially to the bank, was at the same time not prejudicial to the Treasury; but, in connection with the arrangement made as to the earlier times and convenient places of paying the second bond, proved highly conducive to promptitude and efficiency in the public service.

In relation to another inquiry concerning "the period when the sum of \$1,600,000, in part payment of the second bond of the Bank of the United States was placed to the credit of the Treasurer," I state that \$800,000 was placed to his credit on the 15th day of August, and \$800,000 more on the 15th September, 1838. As to the "nature of the" whole agreement on that subject, I reply that it will be found in the correspondence annexed.

The substance of it was that about one third of the amount of the bond should be paid in the middle of August, one third in the middle of September, and the other third in the middle of October, as these periods and amounts of payment were deemed likely to promote the convenience of the Treasury, if not of both parties, better than to pay the whole large sum of near two and a half millions at once at the close of the month of September. It was further stipulated that interest should cease on each of the installments thus paid on the day they were placed to the credit of the Treasurer, and made subject to his draft. As the money was wanted at different points to meet the public expenditures near them, the drafts of the Treasurer on the bank, payable at those several points, were engaged to be met there with promptitude, and in specie or its equivalent.

In answer to the inquiry as to "the aggregate balance standing weekly to the credit of the Treasurer in the Bank of the United States, its branches or agencies, whether subject to draft or not, as well as the weekly aggregate balance in the Treasury, from the time the first deposit was made in the said bank of moneys arising from the payment or sale of its bonds up to the present period," a statement is annexed, which gives the particulars requested.

It may be proper to add, in connection with these balances, that, between the suspension of specie payments and August, 1838, the receipts for duties, except after May last, at New York and east of it, were not in any considerable degree in money, and hence were not often to be drawn for or deposited anywhere. Besides what was in the United States Bank and the Mint, the money in the Treasury from April to September, which was subject to draft and available for general purposes, is believed to have been sometimes less

than two hundred thousand dollars, and seldom to have equaled a million.

Deprived as the Department was of most of its general depositories since the spring of 1837, and without any specific, well-guarded system instead of them having been provided by law, the drafts of the Treasurer, when any money was collected, as it has been largely since the more general resumption of specie payments in August, were therefore directed to be drawn first on those collectors and receivers who had no bank of general deposit, and resided near the place of disbursement.

In this way most of the funds in the hands of collectors and receivers have been drawn for earliest, or the amount in their hands kept low by deposits in appropriate banks, while, in general, little has been drawn from any banks, except what was from time to time needed to supply the deficiency.

Consequently, their aggregate balances have changed slowly in amount. But the funds due from the United States Bank, and allowed to remain there till wanted, being frequently needed at points where the amounts held by the collectors and receivers were small, have been drawn for more rapidly than those in most other banks. Indeed, on the 17th instant, they had been drawn for to an amount equal to the whole of the third bond sold, and all of the second bond afterwards paid, except \$1,232,317, leaving still subject to draft only that balance, and the amount of \$300,000 which it assumed to pay to the United States for the Bank of Kentucky.

Information is also desired in the resolution concerning "all the branches or agencies of the said Bank of the United States, on which the Treasury Department has drawn drafts, the amount of public money directed to be placed at each, and of the drafts severally drawn on them, and the rates of exchange between Philadelphia, and each of the places to which sums were ordered to be transferred."

All the drafts drawn on any funds in the United States Bank have been drawn on the bank itself. But in cases where the disbursement was to be made near the points heretofore mentioned, as arranged for partial payments, the drafts have, by a memorandum attached to them, been made payable at those points by the persons or local banks, previously designated for that purpose to the Treasurer by the United States Bank. A schedule is annexed of the points or places of payments; the amount of money agreed to be paid at each of those points; the persons, agents, or banks indicated at each, and the amount of drafts already drawn on each.

It will be seen that at several of them the whole sums have been drawn for, and the residue will probably be needed in a few weeks.

The inquiry as to "the rates of exchange between Philadelphia and each of the places to which sums were ordered to be transferred," cannot be otherwise answered than by saying that no such transfers have been ordered; but the rates between that city and some of the places of payment agreed on, and detailed in the schedule, can be given, so far as they appear in the different prices current received at this office. No particular date being specified in the resolution, and the exchange having varied greatly between the 1st of August and the present period, I can only add, that from the sale of the bond till recently, the rates are believed to have been nominally high, on account of the deranged condition of the currency and the continued suspension of specie payments by most of the banks in the West and Southwest. But, at the same time specie or its equivalent was, at that period, quoted in many of those places at a large per cent. higher than the local currency; so that the difference in exchange between them and Philadelphia, in specie or its equivalent, or in Treasury notes, or in United States Bank notes, is believed not in reality to have been large, and that all these were often at a higher premium, varying from one and a half to two per cent., than even bills of exchange on Philadelphia. Thus, as an illustration, at Nashville, on the 20th July, exchange on the east is quoted at eight and a half to nine, specie at nine to eleven, Treasury notes at ten, and United States Bank notes at nine to ten, or from one half to one and a half per cent. higher than exchange. So on the 12th of September, at Natchez, exchange on Philadelphia

and New York is quoted at fifteen to sixteen premium, and United States Bank notes and Treasury notes at seventeen to eighteen, and specie at eighteen; making specie or Treasury notes or United States Bank notes there from two to three per cent. more valuable than exchange on New York or Philadelphia.

In conclusion, the resolution asks for "the amount, so far as it can be conveniently ascertained, that has been drawn from the Bank of the United States, its branches, or agencies, or in notes of said bank, for paying Indian annuities, or other claims of the Indians on the Government, or for defraying the expenses attending the removal of the Indians, and, in general, the nature of the arrangements, if any, made for the more distant public disbursements in the notes of the bank, together with all the correspondence, agreements, or instructions, given or entered into, connected with any or all the heads of inquiry above stated."

The Department generally has no means of information in its power as to the kind of money which is actually paid by the banks on any of the Treasurer's drafts. But the original agreements in this case having been that the payments should be in specie or its equivalent, and the public creditors and public officers knowing that they were entitled to these, it is to be presumed that they have generally, if not always, been made in this manner.

No arrangements have been formed by this Department, nor any instructions given by it, as to any different kind of payment. All the drafts placed on the bank have been duly honored, so far as the information of this Department extends, except in one case at Mobile, where the agent of the bank did not, in the first instance, offer the kind of currency demanded; but it was afterwards paid satisfactorily, and without prejudice to the public service.

With regard to the call, under this head, for "all the correspondence, agreements, and instructions given or entered into by the Department, and connected with any or all the heads of inquiry above stated," copies of all supposed to bear on the subject are annexed.

The closing paragraph of this part of the resolution further requests to be informed by the Secretary of the Treasury "of the nature of the arrangements made with him by those banks; in which, according to his report of the 3d instant, portions of the public money have been placed to the credit of the Treasurer on special deposit; the kind of money in which the said special deposit was made; whether the same was entered on the books of the bank; whether the identical moneys deposited have continued to be held by the banks; whether the drafts of the Treasury Department that have been drawn on these deposits have been paid in the specific moneys deposited; and whether the balances remaining are part and parcel of the very moneys originally deposited."

The arrangements made with the banks that hold special deposits, or deposits to the special credit of the Treasurer, have been regarded as temporary in their nature or character, and have in most cases, therefore, been informal. It having been expected that Congress would, at an early day, adopt some general system that could be carried into practical effect on the subject of keeping the public money, and comparatively few collections having been made, except in Treasury notes and Treasury drafts, since the suspension of specie payments, till within the last three months, the Department has deemed it most respectful to Congress to abstain from adopting any uniform and permanent arrangement on the subject of deposits in banks not selected under the general deposit act, but to use them, for the present at least, only as necessity should require.

The deposit act of June, 1836, not having been repealed, it is still the duty of the Department to place all of the public moneys in general deposit in banks, if suitable ones can be found, which are in a condition to comply with the requirements of that act, and are willing to take them. But, as stated in the annual report, a sufficient number of them to satisfy the requirements of that branch of the public service could not be found. No public moneys can by the existing laws be deposited with collectors or receivers, except such as have been collected by themselves. In the absence, there-

fore, of a sufficient number of banks under the general deposit act, and without a provision by law for the deposit of the public moneys elsewhere, though anxiously desired by the Department, it has been obliged to employ other banks under its general powers, exercised since 1789; when not otherwise expressly provided by Congress. These have been used to keep such moneys as accumulated in the hands of the collectors and receivers, beyond what was deemed safe under their present securities and liabilities, and also such as were paid into the Treasury from other sources.

In cases of deposits in bank, made specially, the money has, in some instances, been placed in specie, in boxes, fastened up, and not to be withdrawn by the receiver or others, without the draft of the Treasurer on him, payable at the bank where the specie deposit was made. In other cases, it has been placed in specie, or bills of specie-paying banks, to the credit of the Treasurer, sometimes as "in special deposits," and sometimes as "in deposit to his special credit," and allowing the bank to have entire charge of it afterwards.

But in all these latter cases, as explained in the recent annual report on the finances, it is understood that the money is to be kept ready for payment at any moment, but is not required to be set apart, or specially secured in a box, chest, or bag. It may be paid out by the officers of the bank, on the draft of the Treasurer, without his presence or that of the depositor; and access must, of course, be constantly had to it by those officers.

No other course of deposit of our current funds is practicable in fiscal operations, without incurring an expense which the Department, without express legislation, did not feel warranted in incurring, for the temporary objects contemplated during the last few months.

In answer to the further specific questions in the concluding clause of the resolution, it may be added that, in some of these cases, the kind of money deposited is stated by the receiver or collector in his return, and in some it is reported by the banks; but it is always supposed to be in legal currency.

It is presumed that, in some cases, the drafts are paid out of the identical money deposited, but in a few only that the precise money deposited is retained till then, and the balance remaining a part of the original deposit.

Should Congress adjourn without making any new provision as to the keeping of the public money, and should much of it accumulate at several points before it is disbursed, the Department would feel bound, under its supervisory duty of seeing that this money be kept safely as possible, to adopt some uniform rule on the subject of deposits, whether special or general, in banks not able to be selected under the act of 1836.

It would feel obliged, also, to introduce some general system for its faithful custody till paid out, provided a sufficiency of banks, at suitable places, could not be obtained, in conformity to the act. But it would deeply regret the necessity of being left to the exercise of powers so wide and general—powers so likely to be misused, misunderstood, and misrepresented; and ardently hopes, as often stated on former occasions, to be relieved from the responsibility, as well as necessity, of doing it, by some specific legislation for keeping the public money which may be suited to the present condition of the country, be susceptible of a safe, uniform, and practical operation, and afford those checks and securities which are so essential to the preservation of public morality, as well as public faith.

Respectfully,  
**LEVI WOODBURY,**  
*Secretary of the Treasury.*  
**HON. RICHARD M. JOHNSON,**  
*President of Senate.*

When the report was read,

Mr. NILES moved that five thousand additional copies should be printed. He said he would state very briefly the reasons which induced him to move for printing an extra number of copies of the report. The importance of the paper, he thought, might fully justify the motion he had submitted; but as he was not in the habit of asking for printing, he should not have done it in this instance, had there not been special reasons to which he desired to call the attention of the Senate.

The course which the mover [Mr. RIVES] of the resolutions, to which this report is a response, saw fit to pursue, when they were under consideration, was very extraordinary and wholly unexampled, so far as his experience went; and he doubted whether any precedent could be found of a proceeding so unusual and, in his judgment, so unjust. The resolution, being one of inquiry only, its adoption was a matter of course; yet the gentleman had made it the occasion for a long, and evidently a prepared, speech, occupying nearly two hours. This premeditated assault on the Secretary of the Treasury, and the President himself, containing charges and insinuations of a very grave character, was based on an assumption of the truth of the facts called for in the resolution. The Secretary was first condemned, and the sentence pronounced against him has been, or will be, published and sent forth to the world, and afterwards was to be permitted to be heard in his defense. It was not his purpose now to speak of the unfairness and injustice of this proceeding; but he alluded to it as a reason why we ought to publish an extra number of the report, which was not only an answer to the resolutions, but also to the gentleman's speech. He did not complain of the Senator's course; it was, perhaps, perfectly proper for him, in his anxiety to criminate the Administration, to make his speech first, and obtain the facts upon which it purports to be founded afterwards. But as the speech had gone forth to the country, it was certainly proper that the report should also be circulated somewhat extensively, that the people might understand the facts in the case, and be able to decide how far the imputations rest on any foundation in truth. This premeditated blow at the Administration, however unexpected, and coming from a quarter which heretofore had professed friendship, gave him, as one of its humble supporters, no sort of uneasiness or apprehension. He had carefully listened to the report, and, if he had not misunderstood it, it was a complete answer to the Senator's speech, and a most satisfactory explanation and refutation of all his gratuitous accusations.

If he did not misapprehend the speech, the burden of the Senator's complaint was, that the Administration, in conducting the concerns of the Treasury the past year, had departed from its avowed principles, and had acted in conformity to the Senator's own views. This seems to be the essential ground of complaint; and he would not stop to inquire with what propriety such a complaint came from the quarter it did. It is made a serious charge against the Secretary, and even against the President, that they have restored the connection between the Treasury and the banks, and have revived the deposit system; and made use of the agency of banks, particularly the Pennsylvania Bank of the United States. This is the charge: that the Secretary has done precisely what the Senator so often told us he ought to do—made use of the State banks as depositories and fiscal agents to disburse and transfer the public funds where they may be wanted. All this, it is alleged, is wholly inconsistent with the avowed purposes of the Administration and its supporters here, who, during the last two sessions of Congress, occupied no small portion of their time in attempting to effect an entire separation of the financial concerns of the Government from all banks.

It seems now to be insinuated that in these efforts neither the Executive nor his supporters on this floor were sincere, and that the real object was to use the banks without any legal regulation or restraint. How this insinuation is to be reconciled with the charge, so zealously urged and so long persevered in by the Senator and those with whom he acted, he left for the gentleman and his new friends to decide. It was sufficient for his present purpose to say, that the report which had just been read proved conclusively to his mind that the Administration had not revived the deposit system, nor in any respect changed its views on this subject. It appeared that the transactions with the United States Bank were entirely confined to the sale by the Secretary of the Treasury, to the bank, of two of its own bonds, which were stipulated to be paid for in specie, and drafts on the bank deemed equivalent to specie. So much of the avails of the bonds as was not wanted for immediate use was permitted

to remain in the bank, which was the original debtor of the United States, and placed to the credit of the Treasurer. These drafts were, some of them, paid by other banks as agencies, at distant points, where the convenience of the public service required, but were all drawn on the United States Bank and the fund received for the sale of the two bonds.

If there was anything wrong in the negotiation of these bonds to the United States Bank, (and he could not perceive that there was,) the Secretary tells us that it was an act of necessity, as the Treasury could not get along without the money, and as no other purchaser, either in this country or in Europe, could be found—the difficulty of negotiating the bonds to any one but the Bank of the United States, which was the debtor, being increased in consequence of the act of Congress, which authorized the sale, containing no provision that authorized the guarantee on the part of the United States of their ultimate payment. It appears that no public moneys have been deposited either on special or general deposit with the Bank of the United States, and that its agency has in no way been used or sought by the Treasury, except in regard to the payment of its own bonds, which had been purchased in upon terms more advantageous to the Treasury than could be obtained from any other quarter. The delay in paying over the avails was no doubt advantageous to the bank, without being detrimental to the Government; as the money was paid when wanted for the public service.

In these transactions, growing entirely out of the claims of the United States upon the bank, he could see nothing that looked like a revival of the deposit system, or a concession that the agency of banks is necessary in conducting the concerns of the Treasury.

In regard to other State banks it appears that the only connection the Treasury has had with any of them—except those four or five, he believed, which were still depositories under the act of 1836—was, that in some few instances special deposits had been made in some of them. In the absence of any general law to regulate the action of the Treasury—the deposit system being broken down, yet a fragment of it remaining, only sufficient to embarrass the action of the Department—it must be apparent that during the past year the finances could not have been conducted on any uniform and settled principle. The Secretary has been compelled to act on different rules, according to the circumstances under which the public revenues have been placed, for their security and safe-keeping. In some instances he had found it necessary to make special deposits in banks, from the failure of legislation on the subject. These deposits have been made according to special and particular contracts, and not in pursuance of any general regulation or system adopted by the Department. In some cases the public funds have been kept by themselves; in others not. These deposits appear to have all been temporary, and, in the absence of any general system, to have been necessary and convenient, from the condition of the public revenue, at the points where they were made. These temporary deposits involved no agency of the banks, as they did not disburse them.

In these facts, which appear from the report, he could see nothing to support the charge to which he had referred, that the deposit system had been restored, nor any evidence of a desire to revive it. Without any substitute being provided, the concerns of the Treasury had been managed the past year, and one of great difficulty, without any agency of banks, except in the few instances mentioned in the report, of intrusting to some of them, temporarily, special deposits. All he desired was that the facts should go out to the public; and this, which, perhaps, under any circumstances, would be proper, was demanded by every consideration of justice, on account of the unusual and extraordinary course which the mover of the resolutions has seen fit to pursue.

Mr. N's motion was agreed to.

PETITIONS, ETC.

Mr. WRIGHT presented a memorial of sundry citizens of New York, praying that Indian Key may be made a port of entry; which was referred to the Committee on Commerce.

Mr. DAVIS presented the petition of Charles H. Todd, praying for a remission of certain duties; which was referred to the Committee on Finance.

Mr. ROBBINS presented the petition of the Manual Labor Society of the City of Washington, praying for an act of incorporation; which was referred to the Committee on the District of Columbia.

Mr. LINN presented the petition of Richard Coulter, praying for permission to enter a tract of land; which was referred to the Committee on Public Lands.

Mr. L. also presented the petition of certain citizens of the District of Columbia, stating that they are associated for the purpose of rearing the morus multicaulis, and asking for a charter and the lease of certain public lots; which was referred to the Committee on Agriculture.

Mr. CALHOUN presented a communication from the Intendant of Cheraw, South Carolina, inclosing the proceedings of a public meeting of the citizens, on certain mail arrangements to that place; which was referred to the Committee on the Post Office and Post Roads.

Mr. C. also presented the petition of Mr. McKay, a citizen of Charleston, stating that in consequence of information given by him, a vessel was seized and confiscated under the embargo laws, and asking compensation therefor; which was referred to the Committee on Claims.

Mr. CLAY, of Alabama, presented the memorial of Laurent Millaudon, asking for permission to erect wharves on the eastern shore of Mobile bay; which was referred to the Committee on Commerce.

Mr. YOUNG presented two memorials from citizens of Illinois, praying for the creation of the new mail routes therein mentioned; which were referred to the Committee on the Post Office and Post Roads.

Mr. MERRICK presented the memorial of Lydia White, praying for a pension; which was referred to the Committee on Pensions.

Mr. M. also presented the petition of Joseph Radcliff, praying compensation for losses sustained under a contract with the Government; which was referred to the Committee on Naval Affairs.

Mr. LINN presented the petition of Adam Gorham, stating that he had performed certain services at New Orleans, under the order of Commodore Porter, and asking remuneration therefor; which was referred to the Committee on Claims.

Mr. WALL presented a petition from an association styling themselves the friends of the slave, praying for the abolition of slavery in the District of Columbia, and of the slave trade between the different States; which he moved should be received, and referred to the Committee on the District of Columbia.

The motion to receive was, on motion of Mr. KING, laid on the table.

Mr. KNIGHT presented a petition of similar import; which he moved should be received.

The motion to receive was, on motion of Mr. KING, laid on the table.

Mr. WILLIAMS, of Maine, presented the petition of Rufus K. Lane, an officer of the last war, asking for arrears of pension; which was referred to the Committee on Pensions.

Mr. CLAY, of Kentucky, presented the memorial of a number of citizens of New York, deprecating war, and praying Congress to adopt some measures for the formation of a congress of nations, to settle disputes between nations; which was referred to the Committee on Foreign Relations.

Mr. C. also presented the petition of a number of manufacturers of starch, of the city of New York, praying for the imposition of a duty on imported starch; which was referred to the Committee on Manufactures.

#### REPORTS FROM COMMITTEES.

Mr. LYON, from the Committee on Private Land Claims, to which had been referred the bill for the relief of Obed P. Lacy, reported the same without amendment.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the following bills, reported them severally without amendment:

A bill for the relief of Isabella Hill, widow, and

John Hill, Elizabeth Hill, and Samuel Hill, children and minor heirs-at-law, of Samuel Hill, deceased;

A bill to continue in force the "Act for the final adjustment of private land claims in Missouri," approved July, 1832, and the act supplemental thereto, approved March 2, 1833;

A bill for the relief of Sebastian Butcher, and the heirs and legal representatives of Bartholomew Butcher, Michael Butcher, and Peter Bloom;

A bill for the relief of Joseph Boggy;

A bill for the relief of Michael Ambrister; and

A bill to authorize the issuing of a patent to the heirs or legal representatives of Francis Rivaud, deceased.

Mr. CLAY, of Alabama, from the Committee on Public Lands, to which was referred the bill authorizing the relinquishment of the sixteenth sections of land granted for the use of schools, and the location of other lands in lieu thereof; also the bill for the relief of certain settlers on the public lands who were deprived of the benefits of the preemption act of June 19, 1834, reported them severally without amendment.

Mr. TIPTON, from the Committee on Indian Affairs, to which had been referred the bill for the relief of Peter Warner, of Indiana, reported the same without amendment.

Mr. KING, from the Committee on Commerce, to which had been referred the bill for the relief of Asa Armington; also the bill for the relief of Elisha Eldridge, reported them severally without amendment.

Mr. LUMPKIN, from the Committee on the Post Office and Post Roads, to which had been referred the bill for the relief of Thomas W. Owen, John W. Skidmore, and others, reported the same without amendment.

Mr. MOUTON, from the Committee on Private Land Claims, to which had been referred the following bills, reported the same severally without amendment:

The bill to confirm certain land claims in the State of Missouri;

The bill to confirm certain land claims in the Washita district, Indiana;

Two bills for the relief of Charles Morgan, of Louisiana; and

The bill to confirm certain claims to lands between the Rio Hondo and Sabine.

Mr. PIERCE, from the Committee on Pensions, to which had been referred the petition of James H. Bradford, made an unfavorable report on the same.

Mr. P., from the same committee, to which had been referred the petition of Samuel Collins, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. PRENTISS, from the Committee on Pensions, made unfavorable reports on the petitions of Elias Carpenter, Jacob Slye, and Jedediah Hunt.

On motion of Mr. P., the same committee was discharged from the further consideration of the petition of Esther Sampson.

#### RESOLUTIONS.

The following resolutions were submitted and agreed to:

By Mr. LYON:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing at the city of Detroit, in the State of Michigan, an hospital for the relief of the sick and disabled seamen and navigators of the great American lakes.

By Mr. CLAY, of Alabama:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at the city of St. Joseph, in the Territory of Florida.

#### BILLS INTRODUCED.

Mr. KING, on leave, and in pursuance of notice given, introduced a bill for the relief of the corporate authorities of Mobile; which was read twice and referred.

Mr. STRANGE, on leave, and in pursuance of notice given, introduced a bill for the relief of William Lefevre, of North Carolina; which was read twice and referred to the Committee on Pensions.

Mr. LYON, on leave, and in pursuance of notice given, introduced a bill for the relief of Daniel Goodwin; which was read twice and referred.

Mr. ROBINSON, on leave, and in pursuance of notice given, introduced a bill for the relief of

Daniel B. Bush; which was read twice and referred.

#### NOTICES OF BILLS.

Mr. MERRICK gave notice that he would tomorrow introduce a bill for the relief of the heirs of Francis Newman, late collector of direct taxes in the State of Maryland.

Mr. TALLMADGE gave notice that he would hereafter ask leave to introduce a joint resolution proposing certain amendments to the Constitution of the United States.

#### BILLS PASSED.

The following bills were severally read the third time and passed:

The bill for the relief of the owners of the brig Despatch;

The bill to reward the captors of the privateer Lydia;

The bill for the relief of the sureties of William Manning, late collector of the customs for the district of Beaufort, North Carolina; and

The bill to refund to the Philadelphia, Wilmington, and Baltimore Railroad Company the duties paid by them on certain imported railroad iron.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. NILES, the memorial and papers of Commodore Isaac Hull, on the files of the last session, were again referred to the Committee on Naval Affairs.

#### ROADS IN ALABAMA.

The Senate took up, as the unfinished business of yesterday, the bill to grant to the State of Alabama the two per cent. fund, reserved by the act providing for her admission into the Union, for the purpose of making a road or roads leading to said State.

Mr. BENTON moved to amend the bill by providing that it shall not take effect till the 1st January, 1840.

After a debate, in which Messrs. BENTON, CLAY of Alabama, KING, NILES, CLAY of Kentucky, WALKER, CRITTENDEN, LINN, and CALHOUN took part, the amendment of Mr. BENTON was agreed to, and the bill was ordered to be engrossed for a third reading.

The bill to create an additional land office in the State of Michigan;

The bill to change the location of the office of surveyor of the land district composed of the States of Ohio, Indiana, Illinois, and Michigan; and

The bill to authorize the President of the United States to cause the reserved lead mines in Illinois, Wisconsin, and Iowa, to be sold as other public lands; were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

On motion of Mr. ALLEN, the Senate went into executive business; after which,

The PRESIDENT presented a communication from the Secretary of the Treasury, containing a tabular statement prepared by the Register in obedience to a resolution of the Senate of the 17th instant, relative to the sums of money paid out of the Treasury under private appropriations, and the particulars connected therewith, since December, 1833; which was referred to the Committee on the Judiciary, and ordered to be printed.

The Senate then adjourned.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, December 27, 1838.

#### WISCONSIN CONTESTED ELECTION.

The report of the Committee of Elections on the right to the seat of the Delegate from Wisconsin being the special order for to-day,

Mr. BUCHANAN, chairman of the committee, hoped this subject would be postponed to some future time, as the House was to-day very thinly attended. He would therefore move that the consideration of this subject be postponed till Monday next, at one o'clock, and continue to be the order of the day, from day to day, at the same hour, until the subject be disposed of.

Mr. HAMER suggested that Wednesday or Thursday next would be a much better day than Monday, inasmuch as it would give to those gen-

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members who were absent, and who wished to speak upon the subject, time to arrive and prepare themselves for the discussion.

Mr. BUCHANAN modified his motion, in accordance with the suggestion of Mr. HAMER, to Thursday next.

The question was taken on making it the special order for that day; and resulted—yeas 78, nays 37, (no quorum voting.)

Mr. HOWARD inquired of Mr. BUCHANAN at whose request the motion for postponement was made, and if the gentleman (the sitting member) on whose motion the subject has been postponed till this day, wished a further postponement? If that gentleman was not prepared to enter into the discussion, he would willingly agree to a further postponement; but if not, he was anxious that the subject should be taken up.

Mr. BUCHANAN said it was not at his instance the motion had been made, but in consideration of the large number of members absent. He thought the time of the House would be economized by postponing it.

Mr. BRONSON said that the sitting member had intimated to him that he would prefer the subject should be postponed; upon which intimation it had been his intention to make such a motion if he had not been preceded in it by the chairman of the committee.

Mr. JONES, of Wisconsin, said he was willing and anxious for the postponement till Thursday next, to afford the many gentlemen whom he knew desired to speak upon the subject an opportunity of so doing. They would be in their seats at that time.

The question was then taken on the postponement till Thursday next; and decided in the affirmative—yeas 89, nays 40.

## REFERENCE OF PRESIDENT'S MESSAGE.

Mr. HAYNES moved that the House go into the Committee of the Whole on the state of the Union, upon the same subject on which the House was in committee yesterday.

Mr. LINCOLN asked the gentleman to withdraw his motion to enable the House to dispose of an engrossed joint resolution which was now on the Speaker's table.

Mr. HAYNES refused to withdraw his motion.

Mr. CUSHING asked the gentleman if he would give way for a moment, to enable him to offer the same resolution which he submitted to the House yesterday, granting the use of the Hall to Professor Lee, to deliver an address upon the condition of the Oregon territory?

Mr. HAYNES refused.

Mr. CUSHING objected to the motion of Mr. HAYNES to go into committee.

Mr. HAYNES then called for a suspension of the rules, to enable him to submit his motion; which being decided in the affirmative, the House then resolved itself into the Committee of the Whole on the state of the Union (Mr. ADAMS in the chair) to consider the President's message.

The resolutions submitted by Mr. HAYNES proposing to refer the various topics embraced in the message to appropriate committees being before the committee,

Mr. PRENTISS, of Mississippi, who was entitled to the floor, resumed his remarks from yesterday, and having reviewed at some length the various topics embraced in the message, and in particular that part having reference to the defalcations, concluded about four o'clock; at which time,

Mr. CUSHMAN, who obtained the floor, moved, at the suggestion of several members, that the committee now rise.

The committee accordingly rose and reported progress.

## WORKMEN ON THE TREASURY BUILDING.

Mr. LINCOLN asked the indulgence of the House that the joint resolution proposing to indemnify the workmen on the Treasury building for the loss of time during the suspension of their

labors last summer, which was ordered to be engrossed a few days ago, be now read a third time.

No objection being made, the resolution received its third reading; when

Mr. RENCHER objected to the passage of the resolution. He considered the principle involved in it as unjust. The petitioners would make it appear that the Government was under an obligation to pay them their wages, whether they were at work or not. But he maintained that if there was any obligation at all, that obligation was reciprocal; and that the workmen were as much bound to remain with Government, as the latter was to pay them. He knew that no one would contend for a moment the workmen had not the power to leave at any time and seek employment elsewhere; therefore the Government could upon no principle of justice be required to pay them when their services were not demanded. With these views, he moved the reference of the whole subject to the Committee on Claims.

Mr. LINCOLN hoped the gentleman would not persist in his motion, as it would be very easy to satisfy him that the claim was based on the strictest principles of equity. Mr. L. then went on to show that the laborers had come from a great distance, and were engaged under a promise that they should be employed for the whole season. All they sought for was indemnity for the actual loss sustained during the suspension of the work by order of the President; and the resolution provided that, if they had in the interim obtained employment elsewhere, such amount should be deducted. The fact was, the men considered themselves bound to continue in the city under their agreement, for they did not know how soon they might be required to resume the work. It was true the amount of loss was small; but to poor men with large families, and who had no other resources, it was an important object. He felt confident that, after such an explanation, all opposition would be withdrawn.

Before taking the question, however,

On motion of Mr. LEGARE, the House adjourned.

## IN SENATE.

FRIDAY, December 28, 1838.

## PETITIONS, ETC.

Mr. LINN presented the memorial of Philip Barbour, asking compensation for certain tracts of land taken from him by the United States; which was referred to the Committee on Private Land Claims.

Mr. WRIGHT presented additional documents in relation to the claim of Lyon and Howard; which were referred.

Mr. W. also presented the petition of Frederick Gebhart, praying that certain duties may be refunded; which was referred to the Committee on Finance.

Mr. HUBBARD presented the petition of Moses Turner, for arrears of pension; which was referred to the Committee on Pensions.

Mr. RIVES presented the petition of John Roberts, praying for the passage of a law exonerating him from his liability as a security; which was referred to the Committee on Claims.

Also, the petition of the Petersburg Railroad Company, in relation to a mail contract; which was referred to the Committee on the Post Office and Post Roads.

Also, the petition of the heirs of Colonel William Grayson; which was referred to the Committee on Revolutionary Claims.

Mr. YOUNG presented certain resolutions of the Legislature of the State of Illinois, for a survey of the northern and western lakes, and the navigable waters entering into the same; which were referred to the Committee on Commerce.

## BILLS INTRODUCED.

Mr. MERRICK, on leave, and in pursuance of notice given, introduced a bill for the relief of the heirs of Colonel Francis Newman; which was read twice and referred.

Mr. MOUTON, on leave, and in pursuance of notice given, introduced a bill for the relief of Don Carlos Debault Delassus; which was read twice and referred.

The reports of the Committee on Pensions unfavorable to the petitions of Jedediah Hunt, H. Tucker, Elias Carpenter, Holly Raper, Jacob Sly, and James H. Bradford, were severally considered and concurred in.

## NOTICES OF BILLS.

Mr. LINN gave notice that he would to-morrow ask leave to introduce a bill to revive the act entitled "An act to enable claimants to land within the limits of Missouri and Arkansas to institute suits to try the validity of their claims," approved May 26, 1834.

Also, a bill for the relief of James Cochran.

## REPORTS FROM COMMITTEES.

Mr. WALL, from the Committee on the Judiciary, reported a bill to explain and limit the powers of the circuit court of the District of Columbia; which was read and ordered to a second reading.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the petition of Agnes Dundas, reported a bill for her relief; which was read and ordered to a second reading.

Mr. LYON, from the Committee on Private Land Claims, to which had been referred the bill to amend the act confirming certain land claims in Michigan, reported the same without amendment.

Mr. LINN, from the same committee, to which had been referred the bill to authorize John E. Metcalf and others to locate certain preemption claims to lands in Indiana, reported the same without amendment.

Mr. L., from the same committee, to which had been referred the memorial of Philip Barbour, reported a bill for his relief; which was read and ordered to a second reading.

## PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. STRANGE, the Committee on the Judiciary was discharged from the consideration of the petition of William R. Cheever, and it was referred to the Committee on Claims.

On motion of Mr. LINN, leave was given to William Triplett to withdraw his petition and papers.

## SALT DUTIES.

Mr. BENTON rose to submit a motion, and hoped that he might engage the particular attention of the Senate to it, because he was unwilling that any member should vote on any subject without distinctly understanding it. The motion, which he deemed to be of the greatest importance, was somewhat different from motions generally made in Congress, as it had no relation to politics, but related solely to the agricultural interests of the country, the laboring classes, and those engaged in the pursuits of industry. He would now proceed to state his motion, or rather to read it, as he had reduced it to writing for the sake of precision and to enable the Secretary with greater facility to take it down: His motion was to print certain papers relating to the salt duties, and to the use of salt in agriculture and the various departments of the animal economy and vegetable kingdom. The first of these papers owed its origin to inquiries set on foot in England by Lord Kenyon, before the Board of Trade, when Mr. Vansittart was president of that body. The other was a series of evidence taken before the House of Commons, for the purpose of showing the effects of the salt duty on the interests of the agricultural classes. Both of these papers were ordered by the House of Commons to be printed.

Mr. B. here read his motion, as follows:

On motion by Mr. BENTON, it was

Ordered, That — thousand copies of the following papers be ordered to be printed for the use of the Senate:

1. Copies of written evidence (as required by an order of the British House of Commons, dated 24th June, 1817) which was laid before the Board of Trade, the right honorable Nicholas Vansittart being president, in a survey re-

cently made at the instance of Lord Kenyon and Sir Thomas Bernard, as to the supposed operation of the salt duty and restrictions on the fisheries, agriculture, and laboring classes of the Kingdom of Great Britain. (Ordered by the House of Commons to be printed, 4th of July, 1817, thirty-five folio pages.)

2. The report of the select committee of the British House of Commons, appointed in the year 1818, to take into consideration the laws relating to the salt duties, and the means of remedying the inconveniences arising therefrom, and to report thereon, with their observations and opinions, and to the House, together with the minutes of the evidence taken before them. (Ordered by the House of Commons to be printed, June 1, 1818, eight folio pages.)

3. Minutes of evidence taken before the same committee from the 18th of March, 1818, to the 7th of May of the same year, presented to the House of Commons, with the report, June 1, 1818, and ordered by the House to be printed, (two hundred and four folio pages.)

Mr. B. said that his object in moving to have these papers printed, and a large number circulated, was, in the first place, to diffuse among the agricultural classes of the United States the information contained in them, and which, in their present form, was inaccessible to them. He knew of but one copy in the United States, and that was in a volume belonging to the library of Congress. His second object in view was to lay the foundation for a bill, hereafter to be introduced, for the total repeal of the salt duty. He had shown these reports to several members of the Senate, who concurred with him in the opinion that the information they contained would be to the agricultural interest the most valuable present that could be made by Congress; and large as the number was that he proposed to have printed, he thought he might venture to say in advance that every Senator would have applications for more copies than would fall to his share. With this explanation, he would move for the printing of the largest number ever yet ordered by the Senate, his object being that the information should go not only to every county in every State, but to every neighborhood in every county. Mr. B. then moved to fill the blank with thirty thousand, so as to provide for the printing of thirty thousand copies. His own opinion was that fifty thousand would not be too many.

On taking the question, Mr. BENTON's motion was carried without a division.

#### NATIONAL DEFENSE.

Mr. RUGGLES submitted the following resolutions:

*Resolved*, That the Committee on Military Affairs be directed to consider and report upon the expediency of constructing fortifications, or establishing other defenses at important and exposed points on the maritime frontier of the State of Maine, especially at Portland harbor, at the entrance of Kennebec river, and at the narrows of the Penobscot river; and that they consider the subject with reference to the claim of that State to an equal and just participation with the other States of the Union in the benefits of the system of national defense embraced within the constitutional duties of this Government; and more especially with reference to the existing controversy, so greatly prolonged, in which the territorial rights of Maine are involved, a large portion of her territory having been usurped by a foreign Power, and being now held in subjection thereto; with leave to report by bill or otherwise.

*Resolved*, That the same committee further consider, with reference to the same subject of controversy, and the right which every State has, under the Federal Constitution, to protection for its territory from foreign aggression, whether any, and what, further provisions are necessary to be made for the security of the inland frontier of Maine and the staying of encroachments; with leave to report as aforesaid.

#### BILLS PASSED.

The following bills were severally read the third time and passed:

The bill to change the location of the office of surveyor general for the district composed of the States of Ohio, Indiana, and Illinois;

The bill to create an additional land office in the State of Michigan, and for other purposes; and

The bill to relinquish to the State of Alabama the two per cent. fund reserved by the act providing for her admission into the Union, for the purpose of making a road or roads leading to said State.

#### SALE OF LEAD MINES.

The bill to authorize the President of the United States to cause the reserved lead mines in the State of Illinois and the Territories of Wisconsin and Iowa to be sold as other public lands, being on its third reading.

Mr. MERRICK rose, and expressed his doubts whether the bill, in its present shape, would not subject the mineral public lands to the operation of the preemption laws. In his opinion, this bill

would have that effect; but as there existed doubts on the subject, he suggested whether it would not be better to insert an amendment to obviate any such difficulty. As no amendment, however, could be made at this stage of the proceedings, he must, therefore, move a reconsideration of the vote on the question of engrossment, unless, indeed, the Senate would by unanimous consent insert the proposed amendment.

Mr. LINN thought the Senator from Maryland was entirely mistaken in the construction he had given to this bill. He (Mr. L.) himself would be glad to have the right of preemption applied to these mineral lands, for he believed it injurious to the interests of the States in which they were situated that they should continue in this way in the possession of the Government, which was deriving a miserable revenue from them by leasing them out to individuals. We were anxious (said Mr. L.) that they should be sold to individuals who, with their capital, would penetrate the bowels of the earth and bring forth its wealth; and while thus enriching themselves, add to the population and resources of the State. This bill, however, did not give the right of preemption, for it could not, if it did pass this and the other House; and, consequently, the friends of the measure were willing that these lands should be put up to the highest bidder.

Mr. MERRICK did not coincide in the views of the Senator from Missouri as to the policy of preemption rights attaching the mineral lands by persons who had established themselves on them without the sanction of law; nor was he satisfied that the provisions of the bill under consideration might not be so construed as to bring these lands under the operation of the preemption act.

Mr. LINN replied, that the Senator from Maryland had forgotten the provisions of the preemption law, which expressly excluded from its operations all mineral lands and all lands reserved for any purpose whatever. If the gentleman would take up that law and carefully examine its provisions, all his doubts would be removed.

Mr. MERRICK here read some extracts from the preemption law, for the purpose of showing that under the wording of this bill the mineral lands would not be excluded from the right of preemption.

Mr. CLAY, of Alabama, thought the Senator from Maryland [Mr. MERRICK] was mistaken in his view of the subject. The preemption gave no right whatever to preemptions on the mineral lands. The Senator will see, by turning his attention to the bill, that its phraseology is wholly at variance with the idea that any preëmptioner can have the right of entry under its provisions. [Mr. CLAY here read extracts from the preemption law in support of his argument.] He was warmly in favor of the bill, and had no doubt it would be greatly to the advantage of Government, as well as to the tract of country in which these lands are situated, if these lands were disposed of to individuals. If the present mode of working them was not arrested, they would in a short time be wholly valueless to Government.

Mr. WALKER observed that the motion of the Senator from Maryland presented the extraordinary idea that a mere declaration of Congress can establish the fact whether a right does or does not exist under a previous law. Either the right of preemption (said Mr. W.) to these lands does or does not exist under the preemption law of the last session. If it does, it could not be taken away by the present law; and if it does not, surely no preemption right could be found in the provisions of this bill. So far from it, the lands were to be proclaimed for public sale as other lands of the United States, and in a manner wholly different from those sold under preemptions. Instead of providing for preemptions, the bill provided against them. It declared that the lands shall be proclaimed for six months, and under that proclamation they should be offered for sale; after which, and not before, they may be subject to private entry. The motion of the Senator from Maryland presented the extraordinary spectacle, that where this bill did not, by any rule of construction, allow the right of preemption, there should be a reconsideration, for the purpose of introducing an amendment to exclude such right—an amendment altogether inapplicable to the case before them. If the gentleman would look at the preemption law with more care, he would find

that mineral lands, as well as lands reserved for any purpose whatever, are excluded from the operation of that law. It surely could not for a moment be maintained that any preemption right was given by this bill.

Mr. SMITH, of Indiana, had no doubt of the beneficial tendency of the bill, but thought that in order to guard against misconstruction there was a necessity for adopting the amendment proposed by the honorable Senator from Maryland. He was in favor of that course of legislation which left as little as possible for construction. The proposed amendment, if adopted, could do no injury. It would be the safer mode to reconsider the vote, and, by adopting the amendment, place the matter beyond doubt.

Mr. MERRICK said that he had never meant to convey the idea that either of the Senators intended that the bill should include preemption rights. His only object was to guard against such a construction being given to it. He was very willing that the necessary amendment should be made, by the unanimous consent of the Senate, and would withdraw his motion conditionally for that purpose.

Mr. LINN would say one word to the gentleman from Maryland, to correct an error into which he had fallen, in stating that these miners went on the public lands without law. This was a very great mistake. The Government of the United States had, through their agents, from time to time, invited individuals on these lands, for the purpose of mining, in order that it might derive a revenue from them. This was the way in which that beautiful region of Iowa and Wisconsin was opened to settlement and cultivation. With respect to this bill, he did not believe it would have been judicious to insert the right of preemption, otherwise he would gladly have seen it done. He knew that the construction given by the Department to the act of the last session was exceedingly rigid, and excluded from preemption all the lands in the mining regions, and that this construction had been extended to all the land offices.

Mr. NILES made a few observations, in which he expressed the apprehension that this act might be so construed as to give the right of preemption, and read a few extracts from the act of the last session, which he compared with the present act, in support of the position assumed by him. As no gentleman present intended that this act should confer the right of preemption, he thought that there ought to be no objection to the insertion of an amendment to prevent any difficulty on the subject.

Mr. KING observed that the subject was taken up just before he came into the Senate, and he had not, therefore, heard the first part of the debate. His honorable friend, however, who had just taken his seat, [Mr. NILES] was mistaken when he supposed that the mineral lands were subject to the preemption laws. All the reservations of the Government were so protected by general regulations that no preemptions of them could be obtained—commencing from 1829–30, up to the present time. With regard to the amendments proposed to this bill, he did not believe that it was necessary; he did not believe that any settler could avail himself of it so as to obtain a preemption; but he was not disposed to throw any obstacle in the way of making that more clear which some gentlemen considered doubtful. He was willing to adopt such an amendment as would leave no room for such a construction as gentlemen apprehended.

Mr. WALKER called the attention of the Senate, and particularly of his friend from Connecticut, to another portion of the act of the last session, which expressly excluded preemptions from these lands. Mr. W. here read the following extract:

"And provided always, That this act shall not be so construed as to give the right of preemption to any person or persons in consequence of any settlement or improvement made before the extinguishment of the Indian title to the land on which such settlement or improvement was made, &c., or to any sections or fractions of sections included within the location of any incorporated town, or to other alternate sections granted to the use of any canal or railroad or other public improvement on the route of such canal or railroad or other public improvement, or to any portions of public lands, surveyed or otherwise, which have been actually selected as sites for cities or towns, lotted into smaller quantities than eighty acres, and settled upon and occupied for the purposes of trade, and not of agricultural cultivation or improvement, or to any lands specially occu-

pied or reserved for town lots or other purposes, by the authority of the United States."

Now, (said Mr. W.) if we look at the acts of Congress, it will be found that several of them have been passed specially reserving these lands to be leased; and therefore these lands, having been specially reserved, are excluded under the construction very properly given by the Secretary of the Treasury, that the preemption laws never were intended to apply to them. The case being so very clear, he could not consent to receive the amendment.

Mr. CLAY, of Alabama, appealed to his friend from Mississippi, [Mr. WALKER,] as some Senators appeared to have doubts on the subject, to assent to a proviso that would remove all the difficulties suggested. He thought that two lines would accomplish this object, and he had accordingly drawn up an amendment, which he hoped might be taken by general consent.

Mr. C. then submitted the following:

*Provided*, That this act shall not be so construed as to give the right of preemption in any case whatever.

Mr. LYON observed that he would certainly make no objection to this or any other amendment which gentlemen thought necessary to render the bill more clear in its exclusion of preemption rights. He would observe, however, that he was in favor of giving this right, and was about, when the bill was ordered to be engrossed, to object to it because it excluded preemptions. He knew men who had spent many years of their lives, and ten or fifteen thousand dollars of their capital, in improving these mineral lands, who would, if the bill became a law, have to enter into competition with other purchasers for their own improvements. He thought the claims of these persons very strong, and much regretted that no provision was made for them.

Mr. L., after a few more observations, referred to the act of 1830 and the act of the last session, for the purpose of showing that no preemption right existed as to mineral lands.

Mr. NILES expressed his doubts whether the proviso would effect the object in view.

No amendment being in order but by unanimous consent, and Mr. WALKER objecting to the one just offered, the question was then taken on reconsidering the vote ordering the bill to be engrossed, and it was carried without a division.

Mr. CLAY, of Alabama, then renewed his motion to amend, and the proviso submitted by him was read.

Mr. CALHOUN gave it as his opinion that it would be better to put such a proviso in the bill as to prevent the possibility of any such construction being given to it by the officers of the Government as to allow of preemptions under it. He did not believe that the bill conferred any such right; but as the lands were valuable, every means would be employed to bring them within the preemption laws; the ablest lawyers would be engaged, and every sort of machinery brought to bear to induce the Treasury officers to give such a construction as would open them to preemption claims.

Mr. ROBINSON thought that the bill bore hardly on those interested in mining operations. A great many of these persons had made large expenditures in working the mines, and were as much entitled to relief as any other settlers on public lands. The idea of the miners, as well as he could understand it, was that each individual should have a preemption right to that portion which he worked, and this in no case exceeded ten acres. The difficulty of making these small divisions alone, induced him to consent to the passage of the bill.

The question was then taken on the proviso of Mr. CLAY, of Alabama, and it was adopted with a slight modification.

The bill was then ordered to be engrossed, and by unanimous consent passed as amended.

The bill for the relief of the corporate authorities of the city of Mobile.

After the consideration of executive business, The Senate adjourned until Monday next.

## HOUSE OF REPRESENTATIVES.

FRIDAY, December 23, 1838.

Immediately after the reading of the Journal, Mr. HAYNES rose, and asked the House now to go into Committee of the Whole on the state of

the Union, for the purpose of resuming the consideration of the President's message.

But, at the request of Mr. WISE, Mr. H. withdrew his motion for the present.

### PUBLIC DEFAULTERS.

Mr. WISE then, on leave given, offered a motion to print twenty thousand copies extra of Documents Nos. 111 and 297 of the 2d session of the 25th Congress, (both being documents in relation to public defaulters.)

Mr. CURTIS hoped the gentleman from Virginia [Mr. WISE] would modify his motion, so as to include ten thousand extra copies of the report from the Secretary of the Treasury in relation to the defalcation of Mr. Swartwout.

Mr. WISE modified his motion accordingly.

Mr. DE GRAFF suggested twenty thousand copies of this latter document, and Mr. WISE again modified his motion accordingly.

Mr. CAMBRELENG said that, as he presumed the gentleman from Virginia wished to have documents printed of five or six hundred pages, which Mr. C. thought it was very doubtful whether any one would read, he hoped that they would be printed separately.

Mr. WISE said he had no objection, it being his desire to have them so printed.

Mr. BOND moved that the printing be done in such order that the documents having reference to the same persons might appear consecutively.

Mr. WISE hoped the gentleman from Ohio [Mr. BOND] would suffer the printing to be secured in the first instance. The document read the other night in relation to public defaulters, was printed in such a manner as to present the idea, at first sight, that the Secretary of the Treasury had been very active, very energetic indeed, in keeping the public officers to their duty; but when the letters to certain individuals (Harris and Boyd) came to be examined, it was found, that so far from putting the spurs up to the rowels in the sides of public defaulters, he had only been writing them letters of supplication. He hoped Mr. B. would withdraw his motion.

Mr. BOND, after expressing his opinion, that before the printing, the Secretary should be called upon to state whether all the documents were genuine or not, consented to do so.

So the last mentioned motion was withdrawn.

Mr. CRARY inquired of the Chair if there was not a resolution in force requiring that each member of the House be furnished with copies of the Executive communications of the last session? On receiving an answer in the affirmative, he said that he considered it to be his duty to object to the printing called for by the motion of the gentleman from Virginia, [Mr. WISE.] One of the documents mentioned had been printed for the use of the members, and an extra number for distribution. The other document had been published for the use of the members, and information of its contents had gone to the people through them. Besides, Mr. C. objected that it was unjust to send forth the document containing the long list of public defaulters, when the accounts of many of them had since been adjusted. To do so would be to spread false information. If the gentleman from Virginia [Mr. WISE] would specify any particular document, the printing of which was requisite, he would go for it.

Mr. TILLINGHAST said he could readily agree with the gentleman from Michigan, that there had been on many occasions, and particularly in recent years, great extravagance in the expenditure of public money for printing. But it by no means followed that all expense for printing was extravagant. He would discriminate as to the objects of the expense, retrenching in cases where the object was not so much to inform the public mind by bringing it into direct acquaintance with facts, as to bias it by opinions and arguments in favor of particular theories or views of individuals or parties. Enormous expense had been legalized in this and in the other part of the Capitol, for publication of arguments of committees or public functionaries, in the shape of reports, wherein facts were assumed without sufficient evidence, or too highly colored, and made subservient to a particular design. He would instance, also, the President's annual message as a paper upon the printing of which, without the accompanying documents, far too much of the

public money was periodically expended. The number ordered to be printed was always, in his opinion, unnecessarily large. That paper, in the form usually given to it, could hardly be called a document, in the appropriate and strict sense of that term. It was rather a commentary upon facts communicated in it, than the original and simple evidence of facts. The largest portion of it was sure to be an argument, drawn up, generally, with great ability and care, sometimes with great art and adroitness, intended to impress upon the public mind the particular opinions and views, and, perhaps, also to advance in public estimation, the particular cause, prospects, or hopes, of the individual author. But the very interest which it necessarily excited—the eager and impatient interest with which it was expected by the whole country—insured for it, without the aid of Congress or of the public purse, the earliest and most extensive publication. Before the reading can be half finished in this Hall, it is gone miles away, flying forth in every direction, upon the swiftest wings of fiery expedition, to every portion, populous or waste, of the vast Republic. It is reprinted at every press, and read at the most distant firesides, long before the extra copies ordered by this House reach our desks.

To these and to other like subjects of expense, let the gentleman apply his economy and retrenchment, and thus save and secure a liberal fund for furnishing the people with information and evidence, instead of argument and opinion; with facts, instead of theories and projects; with such original, undistorted, and authentic proofs of facts and transactions of the highest interest as are contained in the documents which are the subject of the present motion. In this course he would cordially coöperate. But he could not but feel surprise and regret that there should be, in any quarter, or in any portion of this House—particularly in that portion from which the opposition seemed about to come—an objection to giving to the people the naked, ungarlished truths contained in these documents. Whence did these documents come? From a high Department of our Government; originated in that Department, and authenticated by its head. They were not only the best evidence of transactions on which the people had a right to be truly informed, but the two most important documents were in truth the very transactions themselves. This was the sort of information which it was not only expedient and proper that the representatives of the people should furnish, and which they were expected to furnish to their constituents; but which it was the right of their constituents to have, and which it was necessary they should have to enable them to form a true judgment of the doings and intentions of those whom they intrust with power, and to act correctly in the performance of their own civil duties, and the exercise of their own civil rights. Here were the acts and proceedings of their public functionaries, whole and ungarbled and undistorted, uncolored by declamation, undisguised by sophistry, going directly and naked to the mind, the intelligence of the nation, with all their original motives, modifications, and objects fresh upon them. Why should they be suppressed? They were of the highest interest to all who feel an interest in the administration of that vast Executive power which, legitimately or illegitimately, for good or evil, is exercised and brought to bear upon all the concerns of society. They related to the Executive management of the finances and the patronage of the nation; to the wielding of that power of powers, the money power, which, in hands that know its potency and its appliances, overreaches, subsidizes, and controls all other powers. Now, it could not be disguised that genuine, perfect, unsophisticated information of the acts of public servants, from the highest to the lowest, was the great want of the freemen of this country. It was of the utmost importance for the safety of their free institutions, and for the security of their means of life and happiness, that they should have it. Their representatives were intrusted with the power and means of furnishing them with it, and it seemed to him that this was a most fit occasion for exercising that power.

He would not now comment upon the contents of the documents, or what was proved by them, nor anticipate, at this time, the judgment which the public mind, if allowed to receive them whole and

entire, without bias or sophistication, would pronounce upon the transactions disclosed in them. It was sufficient that they were the sort of information which every citizen of a Republic was bound to obtain, if possible, and to digest and pronounce upon according to the dictates of his unbiased intelligence and integrity. Let it be remembered, too, that these documents could not or would not be published whole and perfect by any newspaper press. They would be assorted, selected, and confused. The genuineness of some would be denied, the force of others would be disguised; they would be robbed of their genuine power over the mind by being brought in, in detached and imperfect portions, as aids to an argument in support of some particular view. All the benefit of the mutual explanations they afford, of the interpretation of one paper or transaction by another in the same series, would be lost to the public, and the speech or the essay would embody only such as might be made subservient to its particular design. He trusted there was no portion of this House that would avow a desire to withhold from the people such important proofs of facts, until they could be made to pass through the menstium of such processes as these; and he therefore hoped that the objection to the printing would not be further pressed.

Mr. WISE said he should have thought no objection would have been made by any member of the Administration party to the printing of a document which had the name and authority of the Department itself for the information it contained. The gentleman from Michigan [Mr. CRARY] said we should throw out false information. If false, it was the handiwork of the Secretary himself.

But suppose that some individuals had since settled their accounts: did that alter the fact? Or could it be said that false information was spread abroad, when the document itself would show that the Secretary himself had connived at the defalcations? If the documents had emanated from the members of the Whig party—the Federal Bankites, as they were called—he should have expected that opposition would have been made; but coming from whence it did, what objection could be made? Were gentlemen afraid of their own documents? Were they afraid of their own reports? The gentleman from Michigan said that to print this document, filed here from the Department itself, and to distribute twenty thousand copies among the people, was worse than the defalcation itself. This was the old cry. It seemed that one of the party, at least, had nerve enough to take the ground assumed in 1836—that it would be actual fraud to publish information in regard to those who were not defaulters. That was not what he was after. What he wanted was to publish to the world the manner in which the Secretary himself had performed his duty. He could file articles of impeachment this day, not only that the Secretary was guilty of gross neglect, but of corrupt neglect. He could show not less than twenty specifications for articles of impeachment in this very document, if the House would entertain them, and if the Senate would try the impeachment. Give us light; not the light of my speeches, but the light which is to be found in your own documents. I will try you out of your own mouth, and, in the language of Scripture, you are already condemned to your own consciences, like an old and hardened sinner, without the law. You cannot withhold this information, which you yourselves have sent to the House.

Mr. BOON said it was a little singular that no subject could be introduced into this House without a most violent attack being made on the Administration. He understood that the document which gentlemen were now desirous to have republished, had been published heretofore and thrown out to the country.

Mr. WISE was understood to say that it had only been printed for the members, not for the special information of the people.

Mr. BOON said it was enough that it had gone to the people through their Representatives on this floor. What proportion would twenty or fifty thousand copies bear to the aggregate amount of the dear people of this country, for whom certain persons in this Hall professed so tender a regard for particular purposes? Here was to be another item of extravagance set down. He was one of the friends of the Administration, and he

was not afraid that any and everything should go to the people whom he had the honor to represent; they had heard the truth before now. But he was not prepared to go for such a wasteful expenditure of the public money as was here proposed.

Mr. CRARY repeated that one of the documents would not furnish correct information to the people. It was known that some persons had there been put down as defaulters who, at the time, had vouchers in their hands more than covering the amount charged against them. Many of them had since been settling up from quarter to quarter. The document, therefore, did not set forth the facts. In order to give correct information, it would be necessary to call on the Department to know who had settled their accounts, and what was the actual condition of the accounts of individuals at the present time. As to being afraid to send forth documents to the people, he had no fear of the kind. He cared not how many documents were printed, if their publication was needed. His constituents did not ask of him to furnish them with stale and gone-by information. They wanted information of things as they existed at the present time.

He had been charged with wearing the party collar of 1836. Notwithstanding the charge, he would be found as ready as the gentleman from Virginia to vote for the impeachment of any officer of the Government, on being satisfied of his guilt. Let the gentleman produce his evidence, and not be continually crying "peculation, peculation!" The House had long ago heard enough of this cry. They ought now to be furnished with the evidence to support it, if there was any in existence. He had no doubt there were peculators; we have always had them; but they were not more guilty of a dereliction of duty than would be the majority of the House, if they voted for the motion before them.

Mr. THOMPSON said that, since he had held a seat on this floor, he never before remembered an instance in which the prominent men of the party had refused to print the largest number of a document, not emanating from the Opposition, but from the party themselves, and a Department of the Government. The Opposition had long stood in this position, that the only light which they could get was dragged forth, extorted from the public functionaries of the country. All we want is light. If ever the prayer of Ajax—"Give us, great God, but light!"—were applicable to the condition of any party, it is so here in reference to the Opposition. Give us light, and victory and triumph await that party.

What is the objection made to this document? It is, that it is stale. Probably it may be so; probably it is obsolete; probably peculation will now be acknowledged to be, as it is in truth, the order of the day; and honor and integrity are obsolete. If they are not obsolete, there are facts contained in this document which never can become so. There is one single fact in that document the publication of which, looking to it even in a pecuniary point of view, is worth hundreds and thousands of dollars. What is it? It is that on which so much stress has been laid by the gentleman from Mississippi, [Mr. PRENTISS,] and previously by the gentleman from Virginia, [Mr. WISE,] that, whilst your President now with alacrity rushes not only upon Swartwout, but upon his securities, by a summary process, almost, if not quite, in violation of the Constitution, the Secretary of the Treasury has, in another instance, permitted the law to slumber from day to day, and from year to year, with the knowledge of the most gross peculations—not peculations simply; that is too soft a term for such flagrant dishonesty. Take the case given yesterday, where a man puts down to himself public lands as sold when they had not been sold, and then has not the honesty to pay even that small modicum with which he has charged himself.

But there are collateral enormities in all these acts. The act which the President says deserves nothing less than the ignominious punishment of a felon is not only connived at, but a premium offered for it. Here is a man whom the Secretary has been supplicating, not dismissing with the prompt indignation which ought to have followed such proceedings, but supplicating from day to day to give up the money which he had taken; and yet this very man was reappointed after the perpetration of repeated acts which the President

now says ought to be made felony. Let the people have the facts. The people of this country are honest at the core. Give them light; let them see that their functionaries have done thus and thus, and my life upon the result.

But this document is stale. When did it become stale? It never can be stale until corruption prevails all over the land. Here are men convicted of frauds, who are not only tolerated, but are reappointed to office. I say in sincerity, that I believe, if the people will submit to acts of this kind, they are no longer capable of self-government. They are no longer fit to be free, for they are no longer honest. The gentleman says there are excusatory facts. I only speak of facts as they are here presented. But suppose it should turn out that these men are not defaulters: what does that matter? The Government thought that they were so, when they trusted them again. They thought they were speculators, and reappointed and continued them; that they had been guilty of offenses worthy the ignominious punishment of a felon, and yet they were reappointed. Still, if there are excusatory facts, let gentlemen bring them out; I will go for the publication of an equal number of all such documents, and I will send one of them to each man to whom I may transmit one containing the damning facts set forth in this present document.

Mr. CAMBRELENG said that the gentleman from South Carolina [Mr. THOMPSON] seemed to take it for granted that the friends of the Administration were all opposed to the printing of the documents.

Mr. THOMPSON gave some sign of dissent. Mr. CAMBRELENG said, the gentleman said so.

Mr. THOMPSON said his remarks must have been misunderstood, as he certainly had not made that assertion. What he had said was, that this was the first instance, within his experience, in which the prominent members of an Administration party had refused to print a public document. He did not know, and could not know, that all the members of that party would vote to refuse. He supposed, on the contrary, that they might divide, as on other occasions.

Mr. CAMBRELENG was glad the gentleman qualified his remark. I concur with the gentleman from Virginia [Mr. WISE] in the necessity of publishing an extra number of these documents; not, however, in the necessity of publishing them all, because I hope that, before one of the documents is printed it will be referred to a committee, to examine and see what parts are requisite for publication, and that we shall not do as we did two years ago, publish a libel upon dead men—men who have produced their vouchers, and settled their accounts.

Mr. WISE. Who was the author of that libel?

Mr. CAMBRELENG. I concur in the opinion that that document never should have come from the Department without explanatory documents.

Mr. WISE. The Secretary was the author of that libel, if a libel it was.

Mr. CAMBRELENG. The document was furnished in obedience to a resolution—was specially called for. But the other document contains information of an entirely nominal character. One half the individuals there implicated are dead men, and others have brought their vouchers, and yet we have been publishing the document annually. If the Secretary did publish it, it was under an ancient act of Congress, requiring the annual publication. Nominal defaulters should not be punished as actual defaulters. Allow me here to say to those gentlemen who seem so sensitive about the case of Mr. Swartwout, that the public may imagine that they mean, by raising up the ghosts of dead men for forty years past, to cover up the last fraud of one of their own friends. I will say that I commiserate, as much as any man, the case of Mr. Swartwout. I ascribe his case, as I do all such, to that favorite credit system of theirs, which, in other words, is the gambling system. This is the source of all the degradation in morals and character which we now witness. To this system, I say, gentlemen may trace all these evils. But I shall not now go into that question.

Mr. WISE desired to correct the gentleman from New York in one fact. The gentleman speaks, and I understand the whole secret of it, with a view to throw the Opposition party in this

House into the attitude of defending Mr. Swartwout, and says that he commiserates that individual as much as I or any other gentleman. Now I want the gentleman and all his party to understand that I have no commiseration with Mr. Swartwout. I hold him in utter contempt—in utter detestation—as a dishonest public officer, who was retained in office by the Secretary of the Treasury with full means of knowing his dishonesty, and without any disposition on the part of the Secretary to do his duty, and bring the defaulter to punishment. I appeal to the ghosts of no dead men. My appeal is to the living—the living who now walk abroad unscathed, unwhipped of justice, through the whole length and breadth of this land. My business is with the living, not the dead. Let them rest in their graves; I shall not disturb their repose.

Mr. THOMPSON said that he also disclaimed all sympathy with Mr. Swartwout. He entirely approved of the course of the Administration in relation to his defalcations. But he wanted to contrast their present course with that previously adopted by them.

Mr. CAMBRELENG. The gentleman from Virginia [Mr. Wise] will pardon me. I mean to say that I feel as much sympathy with the case of Mr. Swartwout as I do with the case of the poor smuggler. When we make laws contrary to the rights of man, if the smuggler should be taken and hanged, I should be more prone to desire that the law-maker himself should be hanged rather than the smuggler. I do say that those who are in favor of laws which will bring upon the country such evils as these are as responsible to the country as the individual who commits the fraud; and when some poor man becomes the victim, the gentleman from Virginia will pardon me if my impulse of humanity goes ahead of his. The case of Mr. Swartwout I regard as of the most flagrant character, and deserving of the severest reprobation; but, at the same time, I cannot avoid looking at the cause of this whole system, of the demoralizing tendency of which we have such abundant evidences. But, sir, we shall have ample time to go into this question, and to trace all these ruinous speculations in lands and stocks to the right source—the credit system. I am willing that all the defalcations should be published as much as gentlemen please, because I believe that the more we multiply copies of them, the more satisfied will the people become that the law which was before us the session before last and the last session, and which has again been reported, ought to have been the law from 1789 down to the present time. I believe that if the law now reported had been the law of the land Mr. Swartwout never could have escaped detection, and that he never would have been a defaulter. All I ask of gentlemen is to read the provisions of the bill, and see whether they are not the only provisions which can be adopted to prevent similar defalcations.

Mr. REED said that he well recollected to have heard the gentleman from New York, [Mr. CAMBRELENG,] a few days previous to the close of the last session of Congress, and after the signal defeat of the sub-Treasury bill, boast loudly that the sub-Treasury was in operation, and would continue to be until 1840—he added “in spite of the lamentations here and elsewhere.” And now the private and public losses and evils we have suffered, and even the frauds and defalcations of public officers, are charged to the Opposition—to us of the minority.

Mr. CAMBRELENG said that the remark of the gentleman afforded him an opportunity of stating what his opinion was in relation to the law of the land as now existing. His opinion was that, since the suspension of specie payments, the deposit act of 1836 had become null and void, and that the last clause of the eighth section revived the act of 1789, which was the only act organizing the Treasury Department, and by which the keeping of the public moneys was made the express duty of the Treasurer of the United States. Under that act the Treasurer was the exclusive keeper of the public money, and nothing but gold or silver was receivable in payment of public dues. The latter had, however, been subsequently modified by the joint resolution of 1816, and the act of 14th July, 1836, tolerating the receipt of bank notes conditionally.

Mr. REED. The statement and explanation

now given by the gentleman does not at all change the facts. The statement of the gentleman which I have alluded to, made here last session, and which is not denied, no man in this House can have forgotten. We were then assured, and the country was assured, by that gentleman that the sub-Treasury was then in operation, and would continue to be until 1840, in spite of us. Is it not in operation? Did not President Jackson “take the responsibility,” and make it known to Congress and the country, that the Secretary of the Treasury and all the subordinate officers of the Treasury Department were subject to his control?

The gentleman charges the speculations and overtrading monopolies, and even the frauds and defalcations of public officers, to the minority. Have the minority made your laws? Have they appointed your collectors and district attorneys, (Swartwout, Price, &c.,) and your land receivers? We are, at this late day, called upon by the President to aid in detecting and punishing defaulters. The great defaulters are far beyond our reach, and we shall probably search in vain for the vast amount of money they have fraudulently taken from the sub-Treasury. If the President would save the money of the people, he should appoint men honest and capable for custom-house officers and land receivers. And the Treasury Department should require them to render a strict account of their stewardship, and their accounts should be rendered frequently and intelligibly. Then, if frauds were attempted, they would soon be detected, and, under a proper supervision, could never be practiced, as they have been under our new system for years, and to an alarming amount. But the gentleman informs us that these losses are the result of a gambling system, and that certain politicians are responsible for the consequences. Who are they? Who have had the power and control of the Government for ten years past? Has it not been in the hands of the gentleman himself and his friends? Should they not be held responsible for their own measures and the conduct of their own officers?—their own sub-Treasury operations?

Although I differ entirely from the gentleman from New York [Mr. CAMBRELENG] as to his argument upon responsibility, I entirely agree with him as to the propriety of printing the documents proposed by the motion we are now considering. They will afford most important information to the people, and they will demand it at the present time. It will show them what has been done, and what has been left undone in the appointment of fit men to take care of the Treasury. It will show how they have been treated by the Executive, and what care has been taken of the public money.

It may, and I trust will, attract the attention of the Government and people, and be the means of saving a part, at least, of what otherwise might be lost, of what yet remains, and of that which may hereafter come into the Treasury. I confess, I have heard the objection of the gentleman from Michigan [Mr. CRARY] with surprise. He objects on account of the expense of printing. The expense, at most, can be but small, and it must be ill-judged economy to refuse a few dollars expense when we may hope by such means to save millions of the money of the country from being swept away by miserable and unprincipled defaulters.

It is objected by several gentlemen that, if one of the documents named is published, it will be most cruel and unjust to the memory of the dead and the living, inasmuch as, by the books of the Treasury, some appear to be defaulters who are not so in reality. The books of the Treasury (if not burnt) must remain, whether published or not; and had I a friend or ancestor who appeared to be a defaulter, and who was not so in reality, I should thank the Government for publishing it, that it might attract attention, that the accounts might be settled and balanced, and justice done to his memory. Nothing is asked to be published but recorded truth.

The publications desired for ourselves and the people are facts. Facts from the Treasury Department itself. Facts which the people should know at this time; suffering, as they do, from the most ruinous and profligate defalcations. Facts which may have a most important bearing upon public opinion, and may yet have an influence upon ourselves. Under such circumstances, let

those alone refuse the publication who fear the effect of the light of truth.

Mr. LOOMIS said that he deemed the resolution an extraordinary one; it was for the reprinting of documents which have been called for by the House, printed by its order, and laid on the tables of all the members at the last session; it could not, therefore, be for the information of members. A large extra number were also ordered by the House at the last session, and were distributed by the members to their constituents. The public were in possession of this information. In this state of the case, there must be some very good reason to induce him to consent to select this document, an edition of twenty thousand copies, equal to the largest number ever ordered of the most interesting and important documents of the present session; but that this document of all others should be selected, was most extraordinary. He well recollected that when one of these documents was published, complaints were heard from the press, in all parts of the country, of the great injustice done private individuals. Many persons had been exhibited to the public as defaulters who in reality were not so. A balance stood against them on the books of the Treasury. Some of them had lost their vouchers, and could not, therefore, have the books balanced, though everybody was satisfied they were not defaulters. Some, through inadvertence or inability, have not had their disbursements formally allowed and credited on the books of the Department; others were long since dead. Sir, the complaint was well founded. The House had no right to inflict pain unnecessarily, to do injustice to individuals. It is said that they want light and truth. Then let them call for information, and I will go with them. If they wish to know the present state of the books, let them call for that; their condition last year they have heard—they can refer to it in their speeches, publish it in the newspapers, and make use of it in any and every way they choose for electioneering purposes; but if they wanted the truth, if light was their object, why not call for it? Why not take the state of things as they now exist? If injustice was done to individuals by the publication of the balances on the books as then existing, and which balances some of the individuals concerned may since then have had corrected, why insist on republishing an unjust, erroneous statement, whose only use must be for electioneering purposes, and by which the House would again perpetuate a great wrong? For one, he could not be driven to vote for the expenditure of the public money for such purposes, by any apprehension that he should be charged with suppressing light. Sir, I move to amend the resolution, by striking out all that part which relates to the documents of last session.

Mr. C. H. WILLIAMS. It is not my intention, Mr. Speaker, to address the House. My object is simply to make a motion. Before I do so, sir, I wish to state, for the information of the gentleman from New York, [Mr. CAMBRELENG,] that William M. Price, the associate and companion in guilt of Mr. Swartwout, is an acknowledged Loco-foco; and on the eve of the gentleman's election, at Tammany Hall Mr. Price made, as I am informed, an able speech in favor of the “Independent” sub-Treasury scheme. He succeeded, to the entire satisfaction of the party, in proving that it would work in practice infinitely better than banks. This information is given as a set-off against the gentleman's fears that the Whigs might, perchance, be supposed to be defending a friend in the person of Samuel Swartwout, and for the additional purpose of relieving the gentleman's mind from the unpleasantness that must necessarily accompany such an unfounded belief. I move the previous question.

Mr. W. withdrew the demand on the request of Mr. GARLAND, of Virginia, and on the pledge of that gentleman to renew it.

Mr. GARLAND, of Virginia, said he should vote for the publication of these documents. He had originally called for them; and to show the gentleman from Michigan [Mr. CRARY] that he was unwilling to do injustice to any individual, he held in his hand a resolution which he proposed to offer as an amendment, and by which the Secretary of the Treasury was called upon to furnish a list not only of those whose accounts

had been adjusted, but also a list of defaulters, up to the 1st of October. His proposition was in the following words:

*Resolved*, That the Secretary of the Treasury report to this House—

1. What defalcations by collectors and receivers, or other depositaries of the public money, have taken place since the 1st day of October, 1837, the names of the defaulters, when and where they took place, and what amount.

2. What amount has been paid, or what balances appearing due from defaulters, in the report of the 17th of January last, have been adjusted and reduced.

Mr. WISE accepted the above as a modification of his motion, which he again further modified by adding:

And that he be requested to report to this House all the correspondence touching defalcations of receivers and collectors of public money since the Department furnished document No. 297.

The question being on the amendment of Mr. LOOMIS,

Mr. GARLAND, of Virginia, resumed. He would not go into an argument, as he was under pledge to renew the demand for the previous question. He certainly believed, as the gentleman from Michigan [Mr. CRARY] had stated, that, in some instances, balances did appear against public agents who were not guilty. It was right and proper that corrections in such cases should be made. When they were made, they would accompany the present documents as they were sent out to the country, and then the country would know the whole system from head to foot, not only under the operation of the act of 1789, but of all the laws which had been subsequently passed. He desired that this information should go to the country, whether it illustrated the value of the sub-Treasury scheme, or whether it illustrated the contrary. He wanted the information to go to the people in the shape in which it was presented at the Treasury Department, exhibiting the facts, and leaving the people to draw their own inferences. It was a question of vital interest to them. It was now proposed to change the system of finance, as it had stood from 1789 up to the present hour. The good or the evil of the present scheme was to be illustrated by that best of all tests, experience. If these facts should go to show, as the gentleman from New York [Mr. CAMBRELENG] had stated, that the credit system was false, let it so appear; if the contrary, let it so appear, and let the people draw their inferences accordingly. It was important that the whole truth should go to the country, that it might receive, not the partisan, but the unbiased judgment of the people. Some gentlemen seemed to think that an extra number of these documents had already been printed. When the first report came in, a gentleman from New York moved the printing of five thousand extra copies; which were ordered. But of the second document no extra copies had been printed, it having been printed only for the use of the members. All he wanted was, to test the conflicting systems before the country. Gentlemen drew one conclusion, he drew another. He had taken his position, and he did not intend to retreat from it. Other gentlemen had taken theirs. Let, therefore, the whole facts go to the country, and let the people decide the question under the full blaze of light which those facts would shed. And for the purpose of probing those facts to the bottom, and developing the whole truth, he would go with gentlemen to any extent.

In accordance with his pledge, he renewed the demand for the previous question; but Mr. WILLIAMS having released him from the promise, the demand for the previous question was again withdrawn.

Mr. DUNCAN said, if he understood himself, he should be the last man to suppress the publication of anything that was calculated to enlighten the minds of the people; and, if he understood himself, he would be the last man to do anything having a tendency to cover the iniquity or the fraud of any officer in any department of the Government. But when had the House been out of the sound of charges against the Government of extravagance and profligacy? It was a standing charge. When the members of the Administration party voted to retrench, it was attributed to improper motives—to a desire to cover up the iniquity of the various departments of the Government—the demagogism—or to some sinister in-

fluence. He cared not what the question might be, with that end in view, it was at once and invariably met with a cry of corrupt motives.

Mr. D. alluded to the care and caution required for the protection of the public money, in the three readings of bills in both Houses, before a dollar could be expended; and yet gentlemen introduced a resolution to expend twenty, thirty, or forty thousand dollars to no purpose whatever, and that resolution was to be adopted in five minutes, and almost without a word being said. He hoped it would not be agreed to. He objected to its adoption, because no good could grow out of it, and because, as had been stated, the characters of innocent men would be injured; for there were some appearing as defaulters who were not so. To publish information of such a character would be to do an injustice which never could be remedied. The very least that could be done on behalf of those who might be injured, would be to refer the documents to a committee, to see what portions ought, in justice, to be published.

He would move, however, to lay the whole subject on the table. But Mr. D. withdrew the motion, at the request of several gentlemen.

Mr. BRONSON, after alluding to the manner in which these documents had severally been published at the last session of Congress, by order of the House, and to the injustice which one of these documents had inflicted, expressed himself opposed to the motion to reprint.

Mr. MENEFE said he was happy to witness such scenes as this in the House of Representatives. He could perceive a feverish anxiety in the party in power, which indicated that, after all the enormities which had come to light, there were other and greater still behind. Hence the anxiety to stifle debate, and quench the light which was beginning to be shed on dark transactions long hidden from the public eye. After the proof had come of iniquity after iniquity, which had been plunged like avalanches from the heights of power into the pure lake of our republican institutions, now that liberty was looking to this House for help, now came a solemn trade in the Globe against wasting time in this most villainous debate, and an appeal to the liege subjects of the throne at once to put a stop to it; and, while such intimations came from the official organ, simultaneously there was an effort within the House to smother documentary light. Mr. M., after some remarks on the increase of the public expenditures, and the use which had been made of the public money, said it was vain to hope for longer concealment; the deeds of the party were rushing to the light with the resistless force of destiny. The petty excuses of economy would not answer the purpose; they had lost their charm; the public began too well to understand the economy of this Administration. It might as well at once, with arms crossed and hearts resigned, come up to that bar, where the American people would pass on its deeds, and award their due recompense. That people would embody the iniquities of ten long years, and, placing them on the head of the victims, would stretch the sacrificial knife, and, calling on Heaven, would make one great expiatory offering to the god of liberty.

Mr. M. denied that the documents gave a false statement in relation to defaulters; they only stated what appeared on the record; this was all they professed to do, and this they did. These commencing groans of detected guilt were as nothing, they were mere whispers, yea, sweet sounds, in comparison to the outcries of national agony that would soon fill the air as the whole truth came to view. Come it must. Let it affect this party or that party, things had reached a point at which concealment was any longer hopeless. Whether these defaulters were or were not an argument against the sub-Treasury—let them be even the strongest argument in its favor—still the people must have the truth. The truth would go like a two-edged sword; error must get out of the way, or be cut in twain. Away with this pitiful talk about the expense of printing a document! Let the people be no longer insulted by an open attempt to stifle the light and hide the truth from them. Have it they would, and have it all.

Mr. PRENTISS, of Mississippi, said he was as well pleased as the gentleman who had just taken his seat at witnessing the sensation in certain parts of this House at every fresh haul of truth from the great deep of this Administration's

secrets. The great oyster bed had not been disturbed for years, now, and he did not doubt that another grab would bring upon water larger and fatter oysters than any which had yet been opened. Yes, there were other fine fish below, which had not yet been hooked up or speared. He was for trying all ways to get at them; lines, nets, spears, harpoons; any means and all means he was for trying, so that by some means the fish might be made to appear above water. He was happy to perceive, from some symptoms of compunction on the other side, that the party was not as yet "desperately wicked;" they were not judicially hardened; there was some little nucleus of moral principle, around which better feelings might yet cluster, so as to leave a hope that they might still be snatched as brands from the burning. He had begun to think that the skin of this Administration was like that of the rhinoceros, insensible to all attacks, and proof against the keenest dart; but he now began to have a better hope. The Globe might admonish and warn and entreat, but it was in vain; the Globe could not stop this debate on corruption. It would go on; the nation would hear it. Gentlemen did not like this word "corruption;" but if he thought their ears were not callous, he would buy a starling, and have it taught to cry nothing but "corruption!" He would find the Administration when it lay asleep, and in its ear he would halloo "corruption! corruption! corruption!" He would not, according to the advice of the gentleman from New York over the way, [Mr. CAMBRELENG,] have the anatomical dissections confined to dead subjects; no, there were plenty of living ones whose imposthumes needed the knife. He trusted these documents would be published; he wanted them for two purposes: first for lessons of morality, and then as models of the King's English. His friend had said they would cut like a two-edged sword; ay, like a three-edged one.

Mr. ATHERTON said he merely rose to reply to a single remark made by the gentleman from Mississippi, [Mr. PRENTISS.] That gentleman had said he would continually cry out "corruption" against this Administration; nay, he would buy a starling which should be taught to speak nothing but "corruption, corruption." Mr. A. would make the reply, which was once made in the British Parliament on a similar occasion. The member of Parliament to whom he alluded, said in reply to a similar remark, that gentlemen need not trouble themselves to buy a starling for that purpose. For as long as they themselves kept continually uttering the same words, with just as much reason and meaning as the starling would have in uttering them, the words would produce, no doubt, just as much effect as if the starling himself should speak them.

Mr. THOMAS expressed a reluctance to prolong this desultory debate, and yet he must consent to do so, or to vote without having the reasons upon which his vote would be founded presented to the public. No one who had participated in the discussion had stated the considerations by which he was governed.

The question before the House was complex. It had a double aspect. The resolution originally presented called for the publication of certain documents. The gentleman from Virginia [Mr. GARLAND] had moved an amendment to this resolution, requiring the Secretary of the Treasury to communicate further information concerning the defaults of public officers. This amendment has been accepted by the mover of the original resolution, and thus two questions, not necessarily connected, are blended in one proposition. A vote for or against this proposition could not be satisfactorily given. Many members, like himself, may be willing to call upon the Secretary for further information, and, nevertheless, be hostile to the passage of that part of this resolution authorizing the publication of twenty thousand copies of certain public documents. To relieve us from this embarrassment, the gentleman from New York [Mr. LOOMIS] has proposed to strike out of this amended resolution all that part that relates to the publication of the documents, and for this proposed amendment Mr. T. was prepared to vote.

He was opposed to the publication designed to be made, and would give his reasons touching each document separately. This would be done regardless of denunciation or declamation from any quarter of the House. There is shrewd-

ness and sagacity in the country sufficient to distinguish bold assertion and harsh invective from argument and proof. Instead of an attempt to show that the public interest required that this publication should be made, nearly the whole time of one class of speakers had been consumed in what looked very much like an effort to deter the friends of the Administration from voting for the amendment moved by the gentleman from New York. The Republican party, and the friends of the independence of the national Treasury of the banks of the States, it is said, dare not publish these documents; because they serve to illustrate the fallacy of the principles upon which the proposed separation of the Government and the banks is vindicated. This declaration has been made, and as often answered; and yet it is reiterated here. By what kind of reasoning do gentlemen form and cherish this most extraordinary opinion? Who are the public defaulters, a list of whose names is furnished in document No. 111? And when was the public money with which they were intrusted embezzled? The documents show that these depredations upon the public treasure commenced immediately after the Government was organized, and have continued under every Administration which has been in power. The public defaulters are not then confined to any one class of politicians. And the fact that public money has been misapplied by those who had it in charge under the late and present Administrations cannot, in itself, be fairly adduced in support of the charge that the executive branch of the Government is corrupt, or that it has failed to exercise due diligence in the execution of the laws. The truth is, that the source of this great public evil can be traced to unwise legislation. The laws intended to guard the public money are defective. The legislative branch of the Government is justly censurable for the loss of a large share of the money which has been properly organized, and until Congress becomes sensible of this, and undertakes coolly and deliberately to amend the existing laws instead of dealing daily in wholesale denunciations of those who have to administer them, the public money cannot be preserved from the plunderers by any vigilance that a Secretary of the Treasury can exercise.

Monstrous as this attempt was to throw upon the party in power the whole odium of these defalcations, commencing with and extending through the entire existence of the Government, must be considered by all fair and impartial men, it is exceeded in enormity by the pretense that the friends of an independent Treasury have cause to fear a publication of the documents illustrating those frauds. Who, sir, are the public defaulters? To what class of public officers do they belong? Some of them have been employed to collect your revenues from lands, customs, and other sources; and others have been appointed to pay out and expend the public money in pursuance of appropriations made by law. Does any party in this country propose to dispense with the agency of either class of these public functionaries? Has any member upon this floor yet made such a proposition? Let gentlemen come out and declare that we must have no individual agents responsible to the people of the United States to receive or disburse the public money. Let them say that the cashiers of the State banks shall exercise these functions of the Treasury Department. Let them bring in a bill to authorize the directors of certain State banks to appoint individual agents to collect and disburse the public moneys, instead of devolving that power upon the Chief Magistrate of the American people, and they can then, with some propriety, claim to be the projectors of a system not to be injuriously affected by the disclosures contained in the documents they propose to publish. Until that is done, in the names of justice and common sense, let us hear no more florid declamation about the annihilating effect of these defalcations upon the proposed separation of the Government and the banks. They cannot retard the progress of that great measure in public opinion; they must serve to quicken its march. Nearly all the money which has been lost was embezzled while banks were used as depositories of the public funds. Notwithstanding, those who wish to return to that system charge that its opponents are hostile to the publication of a document

containing proof of that fact. There is not the slightest foundation for the charge. No member has signified a wish to withhold information from the people. Five thousand copies of the first document in the series contained in this resolution were published at the last session. It has been scrutinized and examined. It makes, all admit, erroneous impressions, doing great injustice to many worthy men. The names of individuals are upon it, as defaulters, who are known not to be indebted to the United States. The Secretary, in accordance with the resolution of Congress, has sent to us extracts from the books of the Department, showing large amounts charged to public officers who have, upon final settlement of their accounts, exhibited vouchers showing that every dollar in their hands has been properly applied. Such a document ought not to be republished. No fair man ought to desire a recirculation of these errors. In proof of his statement, Mr. T. referred to the name of Mr. McCulloch, late collector of the port of Baltimore, who stood charged with more than thirteen thousand dollars, although he had in his possession a receipt from the accounting officers in the Department, showing that he owed not a dollar. Other similar instances could be adduced.

Mr. WISE here modified his amendment by striking out the document No. 111 altogether; he wanted the two others to show that, without going one inch beyond the date of the present Administration, there had been not less than from fifty to sixty cases of defalcation during the incumbency of Mr. Taney and Mr. Woodbury. Mr. W. inquired whether the gentleman from Maryland would now vote for the resolution?

Mr. THOMAS said he could not. He objected to the publication of twenty thousand copies of document No. 297 at any time. It was very voluminous. It contained four hundred pages. Much of the correspondence in it was valueless, worthless. The circulation generally of such a document could be of but little service. The public money would be more advantageously employed in the printing for distribution of one single speech illustrating this correspondence, than in the publication of the document itself. By printing it we would furnish a lucrative job to the public printer, and do but little service to the public interest. He was opposed, therefore, to printing twenty thousand copies at any time, and he would not vote for the printing of any number of copies now. The document is imperfect. Before it is published, we should have from the Secretary of the Treasury further information. Mr. T. urged similar objections to the publication of document No. 13, relating to Swartwout's defalcation. He was in favor of referring that subject to a committee empowered to make a searching examination into that stupendous fraud, in all its ramifications. When that has been completed, the House could publish full information on that most important matter, and no man, he hoped, would be disposed to oppose the proceeding.

In conclusion, Mr. T. denied that he and those who acted with him desired to cover up or hide any of these defalcations. He was prepared to expose these plunderers of the public Treasury. But he would not be forced to vote for a resolution involving a useless and extravagant expenditure of public money, from an apprehension that by withholding his sanction from such a measure, he would subject himself to unworthy and unfounded imputations. He had the moral courage to obey the dictates of his own judgment on this or any other occasion; and he presumed that all other members would do likewise.

Mr. LEGARE rose to express his astonishment at what had fallen from the gentleman from Maryland. It was inconceivable to him that any gentleman should have serious objections to the printing of an important public document.

Mr. THOMAS said he had no objection to the printing of document No. 297, (the correspondence,) but was unwilling to vote for twenty thousand copies.

Mr. LEGARE said this somewhat diminished his astonishment, though it did not wholly remove it. For, without pretending to say on whose head the charges made would ultimately fall, or what would be the verdict of the public after seeing those documents, he must, with all due respect to the gentleman from Maryland, say that he had shown no good reason against the printing.

It was to him personally a matter of profound indifference whether one party or the other would be condemned for their shameful depredations on the public purse; it was of immense importance at the present moment that all the light should be shed on the public mind that could be brought to bear on the great subjects before the country. He was amazed at what he had heard. And was it, indeed, true that the country was so fallen, that if the Government were administered as it ought to be, men could not be found to fill public offices in whom the public could confide? He had hardly ever listened to anything with a more awakened interest than to the very extraordinary correspondence which had been read in his ears. He would by all means have it spread before the world. It was the very thing he wanted to see. He wanted to see whether, as soon as any laxity or remissness was manifested by a custodian of the public money, he was frowned upon by the Government, or whether its organs bowed to a defaulter, and treated him with criminal lenity because he was a powerful demagogue? Were they ready to sacrifice the principles of the Constitution to the interests of party? The gentleman from Mississippi had amused them all by the manner in which he has exposed some of these transactions; it was impossible to listen to some things he had said, and resist the force of his humor; but still it was a most grave and serious matter; and Mr. L. had left the House deeply and painfully musing at the disclosures of official malfeasance which had been brought to light. And what was his astonishment to hear, at this particular moment, of all others, the principles of economy resorted to as a reason against printing these matters, and sending them abroad into every part of the country! Never was there an expenditure which would better pay for itself in the good it would effect. This was a document, which above all others, ought to be sent abroad on all the winds, especially at this moment, when a new system was proposed by the Executive for the custody of the public treasure, and the people were called to compare the two schemes between which they were, by their Representatives, to choose. He hoped the printing would be ordered.

Mr. WISE said he was desirous of saying a few words in reply to the remarks of the gentleman from Maryland, [Mr. THOMAS.] That gentleman assumed that my object in wishing for the printing of the Secretary's correspondence (the most important documents among those proposed to be printed) was merely to show that defalcations existed to a large amount.

Mr. THOMAS interposed to explain. He had not intended to take any such position; he then went into a recapitulation of the points he had made in his speech.

Mr. WISE. I understand the gentleman; I understand him most perfectly. I should not understand him any better after he had made five thousand explanations of his speech than I did before he made it. I knew that that gentleman's party instincts would lead him to oppose the publication of these documents. I say this without intending to impugn that gentleman's motives or his integrity. I speak only of his party instincts. Modify the motion as I may, I well know he will never vote for it. If the gentleman had patiently sat here with me the other day for six hours and a half, until I had pretty fully eviscerated this document No. 297, containing the correspondence of Mr. Woodbury with his land office receivers, he would have found out that my object had not been to show; as he says, what everybody knew before, viz: that great and numerous defalcations do exist, but to declare in the face of day that, if I had the least hope of either being sustained by this House, or of getting an honest trial in the other branch, I would not wait twenty-four hours till I filed articles of impeachment, and rely on no other proof than is contained in this document. And I will agree to forfeit forever my public station, to turn my back upon these halls, and never again dare to offer myself to the confidence of my constituents, if on this document No. 297, and on this alone, I cannot convict the Secretary of the Treasury of willful and corrupt neglect and violation of his official duty. And I ask, was there ever such an offer publicly made, such a challenge openly proposed, in Parliament or Congress, in respect to a Cabinet Minister, without his friends

accepting it, and calling for charges? I say again, give me twelve honest men of the Secretary's own party, and let them be put upon their oaths to render a true verdict according to evidence, and I pledge myself to convict him on an indictment at common law. I will show not merely that defalcations have taken place, but that the Secretary is himself the chief offender. I do not mince my terms; I speak coolly, deliberately. I once more repeat the averment, that the Secretary of the Treasury is guilty of willful, gross, and corrupt neglect and violation of his public duty; and I say that this document No. 297 will prove the fact under his own hand. It is to furnish these proofs that I have called for the printing of these documents. I do not cry, like the starling, without knowledge what my cry means. I have been treated by the gentleman from New Hampshire [Mr. ATHERTON] just as my friend near me [Mr. PRENTISS] was treated by him to-day. He has accused me of a vague, unmeaning charge of corruption; but I will stand before any honest tribunal, and I will ask that the Secretary may there be heard in his own defense. I cannot with safety do this here; it would not be safe; I should get a verdict according to party, not according to evidence. I am, therefore, driven to another tribunal—the tribunal of the American people. I ask only that the Secretary may be heard at their bar; and yet gentlemen are disposed to deny me this fair, open, honest opportunity of trying a public delinquent. I do not ask you to give my charges to the people; that I will do at my own expense; I barely ask that Mr. Woodbury himself may be heard.

The gentleman from Maryland [Mr. THOMAS] says that he must have the strongest proof before he can believe the charge which I have preferred. I do not ask him or any man to believe it without the strongest reasons. I have preferred the charge openly—in the face of the Department. I am ready to take the responsibility of making it before the gentleman's own Senate. He says he must have strong proof; no doubt, and I will give him proofs as strong as Holy Writ: but though one should rise from the dead, there are some men who will not believe. I ask the gentleman from Maryland, seriously, respectfully, candidly, how it is possible he could rise here in his place, and talk about requiring strong proof, when there is proof before his eyes? He holds the document this moment in his hand. I ask him if he has read it? Has he carefully and patiently eviscerated its contents? I pause for his reply.

Mr. THOMAS said that he did not suppose so voluminous a document had been read throughout by any member of the House. He had looked into the document, and read parts of it, but he had not read the whole.

Mr. WISE. I have read the whole—every word and letter and figure, from page one to four hundred. I have read the whole of these two hundred and sixty letters to his receivers; and I doubt whether one in fifty of the gentleman's own party would not, if examined now, be found totally ignorant of the facts which these letters disclose. Yes, sir; gentlemen rise and reproach the Opposition with making charges like the starling, and they themselves are utterly ignorant of the true facts of their own case—the true condition of things in the country around them; ignorant of admitted facts—facts admitted by their own official associates! The gentleman objects to printing the document. Why? Has he read it? Has it been sent to the people? Has one in a hundred of them ever looked into it? To hear the gentleman talk, one would think they had gone through the document—masticated it, and digested all it contains; and yet they are as ignorant of it as their constituents, who never saw the outside of the book, or ever heard of what is inside. Still they cry “useless! useless! extravagant!”

The gentleman from Maryland says that there have always been defalcations; that they ran through all Administrations, from the foundation of the Government. But that has nothing to do with the question. I propose to print only what have happened between the years 1834 and 1838. Has that gentleman, I wonder, forgotten that this Administration came into power in 1829? I rather think not. Well, sir, I give him up all the interval, from 1829 to 1834; yes, sir, five years' grace.

Though this Administration was conceived and born in sin, and has grown up in manifold iniquities, I will give him a space like that required for the growth of the morus multicaulis; I will not touch his plant till its stem is firm and its fibers well compacted, and its leaves full and flourishing. And after that—since 1834—I will show him sixty cases of defalcation, fully known to this Secretary of the Treasury, where the defaulters were warned, watched, reproached, threatened, forgiven, and their defaults, while still existing and continued, in some cases actually sanctioned by a RENOMINATION TO OFFICE.

Sir, the gentleman actually objects to printing a report of the Secretary of the Treasury! What, sir, has it come to this? Have you a Secretary whose reports cannot be relied on—whose reports you dare not print lest you spread before the people a libel?

Mr. THOMAS. I certainly said no such thing.

Mr. WISE. Why, sir, the gentleman made such objections to printing one of these reports as actually induced me to strike it out of my resolution. I did so on his own argument, that the document contained false information.

Mr. THOMAS. I said “erroneous.”

Mr. WISE. Well, you may be as gentle in your terms as the Secretary himself to his defaulting subalterns; it does not alter the matter. The gentleman from New York [Mr. CAMERELONG] did say, that to print the documents would be to publish a multitude of libels on good and honest citizens. The reports of your Secretary, then, are to be suppressed for false and libelous matter. Did I ever make a worse charge against your Secretary? Was ever a grosser charge made against a man at the head of the most important Department of the Government than that his friends are under the necessity of suppressing his public official reports? Verily it is time we had a change of men. What! a Secretary of the Treasury, whose duty it is to send to this House nothing but true and authentic information touching things under his supervision and cognizance, to send here a document which his own friends dare not send abroad, because it is false and libelous! Sir, I believe what the gentlemen say of that document. Though the document No. 111 shows gross neglect and great incorrectness in the records of his Department, yet I do believe it does exhibit many men as public defaulters who are not defaulters; nay, the very reverse. I have therefore stricken document No. 111 out of my resolution.

But, sir, no such objection applies to document No. 297, which contains this precious correspondence. Gentlemen cannot, will not, dare not say that Mr. Woodbury has libeled himself. They dare not deny his signature. He did not forge his own name, I suppose. No, sir; no plea can be put in here of *non est factum*.

The gentleman from Maryland says that no party in particular is to blame for these defalcations, because defalcations have happened under all parties. Will the gentleman be so good as to tell us what party was to blame in the case of the receiver, Linn? That man was guilty of malversation; the Secretary knew it, and threatened him, and then renominated him for a new appointment. He was confirmed; and, again proving in default, was warned again and again and again, and, after all, continued in office till he finally fell into the slough of defalcation. Was no party to blame for this? Or is it the villainous Whigs who are to blame for thus rewarding a public depredator? The gentleman, however, says that some defaulters have been Whigs, and some Locofocos; they have been men of all parties. I answer, not under this Administration. I ask the gentleman to point out one. It has been said that Swartwout was a Conservative. Be that as it may, he was one of the very greatest of all General Jackson's favorites; he was his open, active, clamorous advocate, and did more to effect his election to the Presidency than any other man in the State of New York, if not in the United States; and he was rewarded for it to his heart's content. Sir, the gentleman cannot show us a solitary Whig among all the defaulting receivers at the western land offices. I will show the gentleman, if he will print this document, where one of the defaulters gives it openly to the Secretary, as his excuse for not paying over a

large amount of public money in his hands, that his Democratic friends advised him not to leave the ground till after the presidential election which brought Mr. Van Buren into power. But admitting that they were Whigs, every one of them, does that justify or excuse a Secretary of the Treasury in continuing men in office who, as he well knew, were diverting the public money to their own use—shaving with it—speculating on it—and in renominating them to office while still defaulters? In permitting one of his perambulating agents to advise him to retain a thief in office, because his hands were now full, and he would steal no more, whereas a new hand would only follow his example? And is it to be an excuse for the thefts of one party, to say, “well, you stole too?” I do not know one Whig in all this document of defalcations; if there were a hundred, is this an argument to be used here? Is this the salt that is to cure the corruptions of Administration men? The charge is, that the party picked out these men, appointed them to office, and held them in office, while they were picking and stealing, until their “hands were full.” And what is the answer? “You pick and steal too.” How many Whigs they may have bought up by the hopes of such golden opportunities, I cannot say; perhaps many. But I put it to the honor and the integrity of the proud and honorable gentleman from Maryland, a man who would disdain to become a defaulter himself, to say whether this is a fit argument for him to put forth in defense of such an officer as Mr. Woodbury? Sir, it is the strongest of all demonstrations of the state of morals to which the party is reduced. For myself, I despise a Whig thief as heartily as any other.

Mr. THOMAS. I am sure the honorable gentleman from Virginia does not intend willfully to misrepresent me; but he has now certainly put me in a false position. I said that men of all political parties, and under every successive Administration, had been found public defaulters; some of them under the Administration of the venerable gentleman behind me, [Mr. ADAMS.]

Mr. WISE. I understand the gentleman's position perfectly: it is, that defaulters have not belonged to one party alone. Well, sir, and what does that argument amount to? Analyze it, and it comes to precisely what I say. The charge on his party and his Secretary is, that they knew of these enormous defalcations, and connived at them; and the answer to that is, “there always have been defaulters of all parties.” Can a gentleman of integrity rely on such a defense? The true answer would be, “your party and your Secretaries knew as well as we, and they connived at defalcations just as we have done.” That would be an answer. But can it be said: is it true? will the gentleman say it? I do not, in my call, go back an inch beyond 1834, and I show the defalcations were not only multiplied and enormous, but that they were tolerated and connived at. Now let the gentleman show us any other Secretary of the Treasury, from Washington's days, who did the like. Let him produce us a Secretary who ever before reported to Congress that he knew of cases, by fifties and by hundreds, where his subordinates were faithless and corrupt, and yet that he retained them in office, and renominated them when their term expired, and that they still went on to plunder, and were still retained, till the money was finally lost. Let him show us that. Show me one such case, and then he may talk of precedents for an offense which no precedents can justify.

I do show him such proof against his officer; and now when I ask that this proof, so plain, so conclusive, so undeniable, that the plainest farmer in the country can understand it who can read English, the gentleman very gravely talks about twenty thousand copies being too many: oh, it will cost so much! Sir, would he stand ten thousand any better? or five thousand? Does he forget how many readers there are? how many readers who vote? Why, sir, in New York there were polled, at the last election, three hundred and seventy thousand votes, and in Pennsylvania two hundred and fifty thousand. Sir, in these two States alone there are three hundred thousand blind men—men who as blindly and implicitly believe in this Administration as the gentleman from Maryland does, but the scales from whose eyes would fall before the bright and piercing

light of facts like these, as before the touch of the Saviour. The book will be read by the gentleman's own constituents: has he any objection? I wish to send this information into his own district; dare he not let it in? or does he desire them to remain so blind as not to see the light of the noonday sun? How many copies will these twenty thousand give to each State? Just seven hundred and sixty-nine. Seven hundred and sixty-nine copies to a whole State! This illumination, I should imagine, was partial enough to suit his views. Sir, I would, if I had my will, gather the light of those documents into a focus so bright and so hot that every Dutchman in Maryland and Pennsylvania might light his pipe with it. [A laugh.] But the gentleman cannot bear even twilight; the glimmerings of a dark lantern are too much for him. Twenty thousand copies are too many! He cannot bear even light that is strong! For myself, I would multiply it like the primers and the catechisms and the religious tracts are multiplied by the societies, and I would put a copy into the hands of every babe in politics, from Maine to Georgia. Yes, sir, from Maine. Give the truth fair play, and it will work like heaven, till it leavens the whole lump.

But, sir, the gentleman branched off from the printing of these documents into a discussion of the sub-Treasury system. [Mr. W. here illustrated this digression by some remarks which seemed to amuse those members seated near him, but which the reporter was not able to catch.] The gentleman tells us that when we can dispense with all officers to collect our revenue, then defalcations will be a good argument against that scheme. Sir, we are not driven to any such absurdity. We apply these facts of defalcation to the true and legitimate use; we say, that since we must have men to collect the revenue, it is highly important that they be honest men; and that to make them sub-Treasurers, and then indulge them in default after default, and still keep them in office, is not a likely way to make them honest. And further, we say, that if such are the fruits even under the pet bank system, they will be still worse under a sub-Treasury. And we point to these as the natural consequences of such a system, and as the strongest argument against its being perpetuated. Can the gentleman see no connection? And yet further, we say, that, adopt what system you please, unless you place honest men than honest Levi at the head of your Treasury, the system must totter and fall. There is the application we make of these facts, and there is the argument for printing not only twenty thousand copies of this document, but a far greater number. Sir, the people will understand the argument, though the gentleman from Maryland cannot. We do not want this publication merely to show the country that one sheep has gone astray. No, sir, it is not in politics as in religion; there we are told the good shepherd leaves the ninety and nine sheep who have not gone astray, and goes after the poor stray sheep; but here it is just the reverse. I want to stick by the ninety and nine, holding the straying of one as an indication that if we do not look out, the rest will follow. I would hold them together till I have removed the scab from the whole of them. Yes, sir, I would wash them thoroughly—not white-wash them, Mr. Speaker, [laughter]—and yet I have my fears that washing would kill some of them, [loud laughter.] Sir, it would be as much dreaded by them as by a dog with the hydrophobia. [Laughter.] Sir, I would spread the alarm, and spread it in time. When I see a dog running swiftly along, with his head covered with foam, and his eyes looking green and glassy, I am for crying "mad dog!" that everybody may be on their guard. If we have lepers in the community, I will cry out, as others approach, "unclean! unclean!" I have been raising that cry for years; you would not believe me; but now you all see the truth, for the leprosy has broken out into a running sore. I admit that each defaulter is answerable for his own offense, but I hold Mr. Woodbury answerable for them all; he knew of their crimes, and kept them still in office. Give me this document, that I may show that to the nation.

But, lest this debate continue forever, I will now attempt to bring it to a close by moving the—

Mr. STANLY asked Mr. WISE not to move

the previous question, but allow him to say a few words in reply to the gentleman behind him, [Mr. ATHERTON.]

Mr. WISE consented, on condition that Mr. STANLY would himself make the motion.

Mr. STANLY said he would vote for printing these documents, for the reason that they will give light to the people of his district. It is light only that the people of our country want; that they may be induced to assist those who are now struggling to wrest power from the hands of the "spoilsmen." I took these documents home with me, after the adjournment in July last, and read extracts from them to my constituents, and they listened to them with surprise. Even those who had heretofore supported this Administration, and that which immediately preceded it, resolved hereafter not to believe men who could so shamefully abuse their confidence. They had heard charges of this sort before from Whig newspapers, but were told they were false. But now the evidence came from the Secretary of the Treasury himself; they could doubt no longer. There are six counties in my district, Mr. Speaker, and there is but one copy of Document No. 297 in the district. I appeal to the generosity of the gentleman from Maryland, and ask him not to refuse to so large a portion of the people of this country the information which this document will give them. There are some in my district who still think General Jackson was sincere and correct when he told the country that he "turned none but knaves out of office, and put none but honest men in." I want these men to see how these "honest" receivers have taken care of the people's money, and how much mistaken the old General was.

Mr. Speaker, there was much said by the gentleman from Maryland [Mr. THOMAS] which called for reply, but which has been answered by the gentleman from Virginia [Mr. WISE] who has just taken his seat. That gentleman [Mr. THOMAS] has said, sir, that there were defaulters "of all political parties." It may be that there are Whig defaulters; but how they came into office under this Administration is matter of astonishment to me; for I have been repeatedly solicited, since I have been a member of this House, to sign recommendations for applicants for office, (and recommendations, too, written by some who hold seats in a body said to be higher and more dignified than this,) and the reason assigned, above all others, in favor of the applicant, has been that he is "a genuine Democrat." "Defaulting Whigs," therefore, must have obtained office before this form of recommendation became fashionable, and are probably defaulters in some office worth about ten dollars a year—the emoluments being so small none of the "genuine" wanted it.

The gentleman from Maryland says speeches will answer as well as this document. Now, Mr. Speaker, if any Whig member of Congress should make a speech, embodying the facts set forth in these documents, and one of these speeches, perchance, should find its way into that gentleman's district, what would the Administration papers say of it? Would not the Globe, and the thousand bought-up presses of the country, say, in their usual language, that it was all a "Whig lie?" Why, sir, no Locofoco would read it. But a public document comes to them in a different form—from the Administration party, from an executive officer—the people cannot but hear it; and "out of their own mouths" will they be condemned.

Mr. Speaker, the gentleman from New Hampshire [Mr. ATHERTON] said, in reply to the remarks of the gentleman from Mississippi, that there was no need of buying a starling to teach him to cry "corruption! corruption!" in the ears of the people of this country; and the gentleman from New Hampshire seemed to intimate that those who thus cry out "corruption!" were but starlings, taught to use words without meaning.

Mr. Speaker, this may be so; but, sir, there are various kinds of political starlings. Those who thus cry out "corruption, corruption, corruption," are starlings for the great body of the American people; these corruption-crying starlings were taught by respectable constituents to sing this note. They are starlings, sir, for a noble lion. But, sir, there is another class whose office is not quite so respectable. These are starlings of a party whose constant occupation has been to

sing that they were the true Republicans, and all opposed to them "Aristocrats." Yes, sir, there are starlings of a caucus, too; of a midnight caucus, whose office it is to introduce resolutions upon slavery, which may be interpreted one way at the South, and another way at the North; which condemn abolition when it comes with one "view," but justify it when it has not "the views aforesaid;" resolutions which

"palter with us in a double sense;  
That keep the word of promise to the ear,  
And break it to the hope."

Resolutions which come in the spirit of Joab, when he said to Amasa, "Art thou in health, my brother?" and stabbed him under the fifth rib; resolutions which agree to lay petitions for the abolition of slavery on the table, but which yield the question of reception. I see you are uneasy, Mr. Speaker. You may save yourself the trouble of calling me to order. I have said all I intend to say upon abolition.

But, sir, the starlings. There are, sir, other starlings than those I have mentioned. I do not intend to be offensive in my language to any gentleman; but only to repel the charge that those who cry out "corruption" against this Administration are merely repeating words without meaning, and making charges without sufficient evidence. Our Secretary of the Treasury may have his starlings, too; and if he has, sir, I can only say with Pope, "What must be the priest, when the monkey is a god?"

As a quotation has been made from something that has been formerly said in the British Parliament, I suppose it is lawful to quote what has been said on this floor as an offset. At the last session, Mr. Speaker, an eloquent gentleman from Pennsylvania [Mr. BIDDLE] said something about starlings. You remember it, no doubt, Mr. Speaker, for few here have heard that gentleman without wishing to remember what he said. I intend only to apply his remarks to that race of politicians who are crying out "Abolitionist" against all who differ from them politically. He told us, sir, that the starling was a "gentle and interesting bird." Rather are we reminded of a filthy parrot, hung out in front of a sailor boarding house, taught by its master to utter exclamations at each passer-by, and never joyous or happy unless when engaged in screaming out rogue or strumpet." So I am reminded of this parrot whenever I hear this cry of "Abolitionist! Abolitionist! Aristocrat! Aristocrat!" against all who think for themselves, and dare to differ with this Administration.

We are told, sir, that there has been no corruption in this Administration. I am at a loss to conceive what gentlemen call corruption. I ask those who say there has been no corruption, if they heard the speech of the gentleman from Virginia [Mr. WISE] the other day? The gentleman's presence restrains me from speaking of that speech in the language of commendation which it merits. I ask the Representatives from New Hampshire if any of them heard that speech, when the House was considering the motion of the gentleman from New York, to appoint a committee to examine Mr. Swartwout's defalcation? (By the way, Mr. Speaker, I suspect we have heard the last of that for this session. I do not believe the party intend to have any examination of that matter.) I ask those who say there was no corruption, if they heard the remarks of either the gentleman from Virginia, [Mr. WISE], or the painful speech of the gentleman from Mississippi, [Mr. PRENTISS.]

Few of the party would listen to speeches of this character, sir, I know—speeches not merely abounding in biting sarcasm and galling invective, but well supported by facts, undenied, undeniable facts, from public documents. There were a few who listened to the speech of the gentleman from Virginia; for, after candlelight, I thought I saw some behind your chair, sir, in the dark, gnashing their teeth.

I ask the gentleman from New Hampshire, [Mr. ATHERTON], who won for himself last session the name of "Advocate General" of the Secretary of the Treasury, what he has to say to all these charges? Once, I remember, a gentleman from South Carolina, [Mr. PICKENS], who is now considered as an ally of the Administration, said on this floor, the Secretary of the Treasury ought to have a schoolmaster to teach him grammar and

arithmetic, and his countryman [Mr. ATHERTON] raised himself in my estimation by his gallant and patriotic defense. Now, when a well-supported charge is brought, the simple answer is, "there is no corruption."

I want to call the attention of the House to another fact. When the gentleman from Virginia had finished, a Representative from New Hampshire rose in haste, and, I thought, to make some defense for the Secretary of the Treasury, when, lo and behold! he actually asked leave to offer a resolution that the Speaker appoint a Committee on Enrolled Bills! I hope yet to hear that gentleman [Mr. CUSHMAN] defend the Secretary with his accustomed ability. I hope, for the sake of the country, to hear some explanation of Harris's case, of Linn's case, and of Boyd's case. I hope to hear some excuse to justify the Secretary in allowing Swartwout to be a defaulter for six or seven years, and keeping it concealed, or some excuse for not discovering the defalcation. But, sir, when I return home, I will take this document in my hand, and will tell the honest men whom I represent that the defenders of this Administration say that there was no corruption in this Secretary's allowing, knowingly, partisan office-holders thus to use the public funds.

Mr. WILLIAMS, of Kentucky, said it had been insinuated, if not directly charged, by the gentleman from New Hampshire, [Mr. ATHERTON,] that documents which had been ordered to be printed at this session were not comestable. In reply, he made an explanation, showing that the delay in furnishing the extra copies of the documents accompanying the President's message was occasioned by the want of one of the maps which was to accompany these documents, and which was not yet completed by the engraver.

Mr. THOMPSON said that one of the remarks of the gentleman from Maryland sounded somewhat strangely in his ear. It was this: that the present Administration was not responsible, because the cases contained in the report occurred during the past Administration.

Mr. THOMAS said that any attempt to hold this Administration responsible for the defalcations stated in document No. 111 must be futile, since defalcations had happened under all Administrations.

Mr. THOMPSON. Well, sir, what is the position now taken by the gentleman? Why, that, because defalcations have taken place under all Administrations, and in the nature of things will take place, therefore the Administration is not to be held responsible for continuing in office and reappointing known defaulters; men who, without excuse or palliation, had embezzled the public money. Defalcations may have taken place under all Administrations; but were the delinquents reappointed to office after a knowledge of their frauds? That is the gravamen of the charge. It is in this that we say that peculation was not only tolerated but encouraged. In one of the cases the embezzlement was not denied, but was admitted, and a bond given for the amount, and the officer reappointed. It shows, sir, as was said by the gentleman from Mississippi, that their morality is the Spartan, by which the offense does not consist in doing the act, but in doing it so bunglingly as to be discovered; that virtue which Shakspeare ascribes to the Venetian ladies—not to leave undone, but to keep unknown. It is saying, in no unequivocal language, embezzle, use, and speculate on the public money as much as you choose, provided you keep it concealed. But it is said that these things took place under the late Administration; that it is not the fox that has broken into the roost, but the lion. Ay, yes, sir, we are now beyond the reach of that lion's paw.

But, sir, all these robberies of the Treasury sink into utter insignificance in comparison with the stupendous proposal to legalize such a system, and make it perpetual. This, we are told, is to be a constitutional Treasury. Yes, sir, everything is baptized "constitutional" in these days. I think I saw the other day, in some paper published "down east," an advertisement of "constitutional pens," and with just as much reason. What is the gentleman's argument for this independent Treasury? Why, sir, it is that we cannot well avoid having agents to receive the public money, faithful as they now have been proven to be; and what would common sense draw as an inference from that? Why merely that, if we must

have them, and as they are liable to temptation, we ought to trust them as little as possible. But what is the gentleman's inference? It is that, as they cannot be trusted with small sums, he is for trusting them with all the revenue. The gentleman seems to reverse the scriptural principle of recompense: "because thou hast been faithful in a few things, I will make thee lord over many things;" but his principle seems to be, "because thou hast been faithless in a few things, I will make thee ruler over many." We have had two classes of agents—banks and individuals. The first have been faithful beyond anticipation; the latter faithless to a general and alarming extent. We have lost by banks as depositories less than a million, from the foundation of the Government; whilst we have lost by one single sub-Treasurer a million and a quarter.

Mr. CAMBRELENG. We have lost forty millions by banks.

Mr. THOMPSON. No, sir; I know better. I know that such a statement has been in public documents, and one emanating from that gentleman; but it is a fraud to say so—a fraud in argument, I mean. I will give the gentleman the precise amount lost by the banks as depositories—\$759,000. In the reports alluded to, this sum is swelled by charging upon the banks the loss from the use of their depreciated paper. Let us examine this shallow deception. It was during the war that this depreciated paper was used: what else could be done? There was not ten millions of specie in the country, and annual appropriations of fifty millions. Specie was clearly out of the question. Treasury notes were the only alternative; and they were tried; and the result was, that they were at a discount much below bank notes, and this, in the limited amounts issued, from the fact that bank notes were used; but if bank notes had been rejected, and Treasury notes issued, they would have fallen to the worthlessness of Continental money. As it was, they were greatly below paper money. Yes, sir, we have lost nearly twice as much by one sub-Treasurer as we have lost in all from banks from the foundation of the Government. What does this comparison show? It shows, as clear as the light, the superior safety of banks. No man here will dare rise in his place, and attempt to prove that indebtedness from corporations is not a more safe condition than indebtedness from individuals. We have tried both; we have found the one class dishonest; tempted even by small sums to defraud the public, and led on to speculate at last to the amount of millions. And what is the remedy? Why, sir, to make them the depositories of our entire revenue. That is the logic. Were these logicians acting in their own private affairs, I am apt to think they would draw sounder conclusions.

Take this case of Swartwout. In carrying the public funds from the custom-house to the bank, he embezzled more than a million: the panacea is, to give him millions on millions to keep permanently. Small sums are not safe whilst merely *in transitu* from the custom-house to the bank; but we are urged to trust millions to them permanently; and why? Because of the additional cobweb securities of this bill. It is, in my judgment, a most unsafe mode of keeping the public money, and fearfully demoralizing in its tendency. If adopted, as expunging is the order of the day, it would be well to expunge from the Lord's prayer that admirable passage, "Lead us not into temptation."

Mr. T. said he took no pleasure in thus early being forced into a discussion of this question. But the gentleman from Maryland had introduced it, and he could not permit his remarks to pass unanswered. Mr. T. was aware of the many considerations that demanded that he should measure his language upon this subject. The State which he in part represented held different opinions from himself, and he did not hesitate now to say, when improper motives can scarcely be attributed to him, and there is no community upon earth for whose enlightened patriotism he had so profound a respect. This is no new opinion; it had grown with his growth, and strengthened with his strength; it was more than an opinion; it was a sentiment, a passion; and he would add, in all sincerity, that never was the State (he spoke of the State, not of individuals) actuated by a more sincere conviction, or a more interested patriotism, in any of those periods which have heretofore so gloriously marked her high career. If he

had any doubts on the question, he would long since have surrendered his opinions to those of the State. But believing, and, indeed, knowing, as he did, he never could support, and never should cease to oppose, with all his poor powers, so disastrous a measure. He greatly doubted whether the people of this country ever would practically elect another President; whether we have not taken the step fatal to all other Republics, of the President nominating his successor. Adopt this system, and he saw little hope of resistance to any future Administration.

Mr. JOHNSON, of Maryland, made further explanations in relation to the delays in the delivery of certain documents ordered to be printed in consequence of a map not being completed.

He then went on to admit that the revenue must be collected by agents, and that these agents would always be more or less liable to corruption. He maintained, however, that the sub-Treasury scheme would be no remedy for the evil. Yet he thought a remedy was practicable; and if no other member did, he now gave notice that, when the sub-Treasury bill came up, he should move an amendment providing for the adoption of the plan now in use in Virginia in regard to the collection of the revenue. The collectors never touched a dollar of the money collected; the merchant deposited the amount of his duties in bank, and gave a bank certificate to the collector; the money was drawn out, not by the collector, but by the Treasurer of the United States. This plan would go far to obviate the difficulty, and render such cases as that of Swartwout impossible. Mr. J. was opposed to the whole plan of securities, and this mode of collection would render them unnecessary. It would concentrate responsibility, and fix the public eye on a single man. He complimented the eloquence of his colleague, [Mr. THOMAS,] agreed with him that corruption ever had and ever would exist under all Governments; but objected to the sub-Treasury scheme as going to radiate and disseminate that corruption in all directions through the country. If the receiver could be placed in some safe where he could be locked up, then Mr. J. would trust him with the personal custody of a million and a half of dollars, as in Swartwout's case; but not otherwise.

Mr. THOMAS rose to say a few words to the gentleman from Virginia, [Mr. WISE,] and make a brief reply to one part of the remarks of the gentleman from South Carolina, [Mr. THOMPSON.]

The gentleman from Virginia had taken an extraordinary advantage of an admission made in a private conversation. He had said to the gentleman from Virginia that he (Mr. T.) had not read the whole of document No. 297. Possessed of this fact, in this way, the gentleman from Virginia had put the question, in the course of his speech, "has the gentleman read the document proposed to be printed?" He knew what answer would be given, for he had previously been privately told that the whole of the document had not been perused. This circumstance the gentleman has commented on for effect, and charges me with ignorance of material facts. Such a proceeding cannot but be considered as very unfair. When the gentleman reflects, he will feel that he has done himself and me gross injustice. I can, without difficulty, lay a foundation for returning this language to the gentleman. Has he read the report of the Secretary of War, with its accompanying documents? Has he read a report from the same source, recommending a system of defense for the northern frontier, with its tabular statements, throughout? Has the gentleman read one fourth of the voluminous document I hold in my hand? We know he has not. Then he is ignorant of all these important papers, and has voted, notwithstanding his ignorance, for or against this publication. In so doing, he has acted as ninety-nine hundredths of the House have done. It is not to be presumed that any one of us reads all the documents published to enable us to vote for or against their publication. Before we act finally upon the subjects to which they relate, we read all or such parts of them as are required, to be prepared to vote understandingly. This is what I have done, and shall do in the present case. And I repeat, the gentleman has acted very unfairly in attempting to produce an impression anywhere that the statement made by me to him in the first instance, in a private conversation,

was worthy of being brought out in the debate to be commented on.

But, as the gentleman seems to challenge a comparison of the degree of information which we respectively possess, I will run the parallel a little further. I have shown that he is as ignorant as I am (borrowing his phraseology) of facts. I now propose to convict him of an ignorance of a more important character. Unless he has better reasons to assign for his declaration that the Secretary of the Treasury ought to be impeached than any urged here to-day, he is ignorant of the principles of morals and law by which the conduct of that officer should be tried. The proof he has adduced is to be found in document No. 297. It furnishes in many, if not in all cases, partial testimony only. We learn from it that certain public officers stand charged in the books of the Treasury Department with large sums of money, placed in their hands for disbursement; and, also, that the Secretary and other officers of that Department have made repeated calls in vain upon these disbursing officers for a final settlement of their accounts. But this document does not give us the letters of those officers in reply. We know not what apologies they have offered for delay. They may have unadjusted claims against the United States to set off. They may need vouchers for expenditures yet to be procured. With this state of facts, the gentleman undertakes to charge the Secretary, not only with negligence, but with willful misconduct; with malfeasance of a grade justifying impeachment, because he has failed to dismiss all those officers. Surely this proceeding is in violation of all law and of sound morals. No man who has been in public employment could have escaped impeachment, if the gentleman has to-day made out a case justifying such a proceeding. In support of this, cases innumerable could be produced. I will content myself with one known to the whole country. For many years, the late James Monroe, whose personal integrity was never impeached, stood charged upon the books of the Treasury with about eighty thousand dollars. According to the record, he could have been arraigned as a defaulter.

Mr. WISE. Mr. Monroe never was a defaulter.

Mr. THOMAS replied, I know that, and am about to refer to facts in proof of it. But while his accounts were unsettled, and a balance of public money was in his hands unaccounted for, he could have been styled a defaulter with as much propriety as that epithet can be applied to many who are now arraigned. Mr. Monroe, in the course of time, settled his accounts, when he satisfied the accounting officer that the United States were in fact indebted to him. Was Mr. Monroe, on account of this transaction, excluded from office? Did he not, on the contrary, subsequently rise from grade to grade of public appointment, until he reached the presidential chair? And were the men who promoted him guilty of high crimes and misdemeanors? Let it not be supposed that I am justifying the proceeding of the Secretary of the Treasury, or passing judgment upon those men who are said to be public defaulters. I am doing no such thing. I have undertaken simply to show that the gentleman from Virginia is ignorant of the principles upon which an impeachment should be based, unless he has other evidences of guilt besides those exhibited to-day. But is it not time to be done with declamation and invective (for which the gentleman has much talent) upon this subject?

If the Secretary be guilty, let the gentleman bring forward a specific, tangible charge. Let him submit a resolution declaring that therein, and then the Secretary of the Treasury did an act calling for his impeachment, and therefore I arraign him before the bar of this House and before the bar of public opinion. Let this be done, and I pledge myself solemnly to do justice in the matter. I know that I have party attachments. They are strong. I cannot but feel a partiality for men with whom I have fought many a hard battle in what we esteemed a good cause. But I know that I can divest myself of all prejudice, and give an impartial vote, when the issue is made up in due form between the Secretary and his accusers.

Before I close my remarks I desire to say a very few words in reply to the gentleman from

South Carolina, [Mr. THOMPSON.] He much mistakes in supposing that I intended to palliate the defalcations of the friends of the Administration by showing that their opponents were no better.

In repelling the assertion that the friends of this Administration dreaded the publication of a list of the names of these defaulters, I referred to the known fact that there are on the list men of both political parties now existing, and of all parties which have ever existed in this country. These men were not put in office by General Jackson and his successor alone. Some of them have been appointed by each of the other Presidents of the United States. This circumstance was adduced to show that no particular party has cause to dread the publication and republication of these documents. Let them be published; and let us, instead of criminating and recriminating for mere party purposes, profit by the past, and, looking to the great and vital interests involved, guard, if we can, against a recurrence of similar evils hereafter. But let not the friends of economy now, or any time hereafter, be driven or dragged into a lavish and extravagant expenditure of money by printing an unreasonable number of copies of any document whatever. Gentlemen tell us there are three hundred and seventy thousand voters in New York, and nearly an equal number in Pennsylvania. Well, what then? Are we to publish one copy of these documents for every voter in the United States? No man has proposed a measure of that monstrous character. Then, if that is not to be done, some medium between no publication at all and the printing of millions of copies of large documents must be adopted, and that medium seems to be to print a sufficient number to furnish with a copy each editor of a periodical or newspaper, each legislator, and each public library in the Union, and leave a few copies to each member of this House for general distribution. When that has been done, we should touch the public money no further. If a more general diffusion of information than is to be had here is desirable, each member can, out of his own private funds, get the means; and in expenditures of that character my constituents have not had, and will never have, cause to charge me with parsimony.

Mr. MERCER had heard with great regret the name of Mr. Monroe introduced in this debate as having been a defaulter to the Government. It might, perhaps, have arisen from the circumstance that he had mentioned, at his seat, that, as far back as the administration of Mr. Madison, it had been the practice to publish the names of defaulters, and that Mr. Monroe's name had been so published. He might have added the name of Timothy Pickens also, which was published under a similar charge. The publication of Mr. Monroe happened in a singular manner. A box of public account books had been wheeled, on its way to another place, into the office of Benjamin Franklin Bache, of Philadelphia, editor of the *Aurora*, who had copied the debit side alone of Mr. Monroe's account with the Government, in which it appeared he was debtor to the amount of \$80,000, and published it in that paper. Mr. Monroe was then sick in Albemarle county, Virginia; yet he arose from his bed and mounted his horse, drew out his account and immediately had it settled. This was a different matter from the final settlement of his account after leaving the Presidency. It was the custom of the Treasury to charge a public officer with all the sums paid him on account of his salary, and not to credit him by his services; hence he stood on the books as a debtor, when he did not owe a farthing. This might occasion some of the statements in Document No. 111, which had created such amazement. Mr. M. said he had no idea that these cases had the slightest analogy to those of these land receivers; and he would undertake to say that a more scandalous correspondence he had never listened to in his life than that which had taken place between these men and the Secretary of the Treasury; and he was prepared to sustain an impeachment of that officer whenever it should be moved in the House.

Mr. BOON said the epithet of "corruption" had been so long and so often charged upon the late and present Administrations of the General Government, both in and out of this Hall, that it had now become an old song, stripped of all the

influence upon the public mind; for which so many unfounded charges had been made, and ten thousand times reiterated, without ever one of them having been sustained by even the shadow of proof. Mr. B. said this system of charging upon the Administration corruption by wholesale had been persevered in for years past, in every possible manner, and what, he would ask, had been the response from the people in every quarter or section of this Confederacy? I (said Mr. B.) have been listening to hear some reference made by those who originated those charges to the recent general elections which have taken place in some twelve States of this Union since the adjournment of the last panic-making session of Congress, to show that those charges are believed, and that the Administration is condemned by the people. But, Mr. Speaker, I have not heard the first allusion made by the Opposition to the late popular elections which have taken place in those States, and where the measures of the Administration were made test questions in the election of Representatives to the next Congress? Sir, these vague charges of corruption, made against the Administration, have been passed upon by the people of twelve States since the last adjournment of Congress, and they have said, by their late election for Congressmen and other officers, that they do not believe one word of all that has been said and published against the Administration and its leading measures. A gentleman near me, from Kentucky, [Mr. WILLIAMS,] mentions the State of New York as not having given a favorable response at her late elections to the measures of the Administration. Be it so. Yet eleven other States, in which general elections have been held since the panic-making session of Congress, have given unequivocal demonstrations of their entire confidence in the wisdom and integrity of the Administration, and of their approval of its general policy, including the independent Treasury measure.

With a full knowledge of these unerring facts, the eloquent and talented member from Mississippi [Mr. PRENTISS] declared in his place, but a few moments since, that he will continue to ring in the ears of the Administration party the cry of "corruption!" "corruption!" "corruption!" so long as he is a member of this House; and after his public services shall have closed here, he will still cry "corruption!" This cry of corruption has been loud and long proclaimed in this Hall of the people's Representatives, and he had supposed that no gentleman could be elected to a seat on that floor whose word would not be taken as truth by his constituents; yet it would seem that some gentlemen wished their word to be indorsed by the publication of a document from a Government officer!

Mr. B. said he would vote against the printing of an extra number of these documents, which had been once printed by order of the House, simply because the only possible good that could or would be obtained by the printing of an extra number of them would be a useless and extravagant expenditure of the public money, which could in no wise benefit any person save the *Public Printer*. To him it would be a fat job, and then it would be charged by the Opposition as another item of wasteful and extravagant appropriation of the public money on the part of the Administration. In reference to the oft-repeated charge of corruption on the part of the Administration, why, I ask, do not gentlemen thus vaguely charging, bring forward specific charges with a view to have those who may be found guilty punished and removed from office by impeachment or otherwise? Until this shall be done, the cry of corruption here or elsewhere will fall dead upon the public ear. As to the "picking and stealing" from the public Treasury, charged by the gentleman from Virginia, [Mr. WISE,] Mr. B. said he somewhat suspected, from recent developments, that before all was over, it would become matter of dispute whether the *Whigs* or *Conservatives* had "picked" or stolen most from the public Treasury. They seem to be the great whales in this business of "picking and stealing" from the Treasury, as has been charged by the gentleman from Virginia, [Mr. WISE,] That there has been public defaulters under the present and former Administrations, was not to be denied; and the like may be expected so long as there shall be public money collected and disbursed, whether through

the agency of banks, or other Government agents. But if we are to judge of the future by recent passed indications of public sentiment in reference to the numerous vague charges of "corruption" in the Administration, made on this floor during the last two or three years, there is reason to believe that the whole affair will pass off as it did with the shepherd boy, of whom we have read in Dillworth's fables, who is represented to have been in the habit of crying wolf, wolf, wolf, when there was no wolf, until every one who heard the cry of wolf, settled down in the belief that there was no wolf.

Mr. BOND obtained the floor, and moved an adjournment; whereupon  
The House adjourned.

## HOUSE OF REPRESENTATIVES.

SATURDAY, December 29, 1838.

Mr. BOND asked the House to proceed with the consideration of the unfinished business at the adjournment on yesterday, (the resolution to print certain documents.)

Objection being made, Mr. B. moved a suspension of the rules, on which motion,

Mr. HARLAN demanded the yeas and nays; which, being ordered, were—yeas 79, nays 65.

So the rules were not suspended, not being two thirds.

Mr. CHAMBERS made an earnest appeal to the House to proceed with the Private Calendar, first disposing of the Senate bills on the Speaker's table.

Mr. WILLIAMS, of Kentucky, hoped his colleague would except the bill to postpone the payment of the fourth installment.

Mr. CAMBRELENG suggested that when that bill came up it could be postponed to a day certain.

Mr. CHAMBERS's resolution was agreed to without a dissenting voice; and the bills from the Senate were taken up, read twice, and referred to their appropriate standing committees.

The bill to postpone the payment of the fourth installment was, on motion of Mr. CAMBRELENG, postponed to and made the special order of the day for Tuesday week.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, in compliance with a resolution of the House of Representatives of the 7th July, in respect to the donations of the public lands and the quantity surveyed, the plans for dividing it in its proceeds, the improvements most eligible in its present system of sale, with other matters of a character somewhat similar.

Mr. JOHNSON, of Maryland, moved that these documents be laid on the table, and five thousand extra copies printed.

Mr. ROBERTSON remarked that this was a very important subject, and he hoped the gentleman would move that this report and his own resolution, together with, if he thought proper, the resolution of the gentleman from Georgia, [Mr. HAYNES], be referred to a committee composed of one member from each State.

Mr. JOHNSON, of Maryland, after a few eulogistic remarks upon the character of the report and the importance of the statistical details appended thereto, made the motion suggested by Mr. ROBERTSON.

Mr. CASEY remarked that he believed this report related to the disposition of the public lands generally, and as such subjects had always heretofore been referred to the Committee on Public Lands, he now made the motion for that reference. To the printing he had no objection.

Mr. MENEFE opposed this motion on the ground that it was a subject that belonged to the States exclusively in their separate interests.

Mr. FLETCHER, of Vermont, said that he was opposed to sending the report and accompanying documents to the Committee on Public Lands. The subject-matter did not legitimately belong to that committee. It was a subject of no ordinary legislation. It involved millions and hundreds of millions in its consequences. Every State in the Union had a deep interest in it. The States were tenants in common in the public domain, and a question of such vast, such deep and general interest, ought to be referred to a special committee, in which the interest of each individ-

ual State should be represented. Vermont has a deep interest, with her sister States, in the public domain. If any legislation is had touching this great question, the members of the House ought on their return home to be able, not only to inform their constituents of the principles upon which the decision of the House rested, but the facts that governed them in making this decision.

This is not like the question just decided by the House, on motion to reconsider the vote of the House sending a bill from the Senate, and accompanying documents, to the Committee on Public Lands, for the purpose of committing to the Committee of Claims, the subject-matter of which confessedly belonged to the Committee on Public Lands, and so recognized by this House in sending it repeatedly, from session to session, to that committee. The subject-matter of this report no more belongs to the Committee on Public Lands than to any other standing committee of this House.

He did not well understand why the honorable gentleman from Illinois should be so very solicitous that it should go to the committee of which he is chairman. He did not impeach the justice and integrity of that committee; but, sir, such are the infirmities of human nature that we cannot, at all times and on all occasions, divest ourselves of local feelings and local interest. The Committee on Public Lands consists of nine members, three of whom belong to the thirteen confederated States, and but one to the northern and eastern States. Is this a just and fair representation, where so great and extensive interests are the subject of consideration and disposal? The State of Illinois will be fully represented in a committee of one from each State. This was the justice and equity of the case, and he hoped the motion of the gentleman from Maryland would be sustained by the House.

Mr. HAYNES said it required no argument to prove the importance of this subject. The House had been sufficiently instructed by its experience for the last few years. The importance of the question of distributing the public lands being conceded, it was obvious that a committee should be instituted as broadly as the interests concerned in it. It was a subject which interested every State in the Union, and notwithstanding the inconvenience arising from so large a committee as that proposed by the gentleman from Maryland, [Mr. JOHNSON,] and apart from the alleged hostile organization of the Committee on Public Lands, he was decidedly in favor of the proposition of his friend from Maryland. He entertained views somewhat peculiar as to the most proper mode of distribution, if Congress should determine to distribute the public lands, but would take a more suitable occasion to lay his views before the House and the country. He hoped the motion of the gentleman from Maryland would prevail, and that the subject would be sent to a select committee, which would not be embarrassed by a multiplicity of business, as was known to be the case with the Committee on the Public Lands.

Mr. ROBERTSON advocated the reference to a general committee.

Mr. EWING complained of the injustice that would be inflicted on the new States by a consideration of this subject, when they had scarcely a moiety of their proper representation on this floor; and he moved to lay the whole subject on the table: but the yeas and nays having been ordered, he withdrew the motion.

Mr. TILLINGHAST briefly sustained Mr. JOHNSON's motion; after which,

Mr. WILLIAMS, of Kentucky, demanded the previous question, which prevailed.

The main question was on Mr. CASEY's motion to refer the report and documents to the Committee on the public Lands, and thereon

Mr. CHILDS demanded the yeas and nays, which were ordered, and were—yeas 51, nays 130; as follows:

YEAS—Messrs. Bell, Birdsall, Boon, Brodhead, Cambreleng, Casey, Chapman, Cheatham, Crabb, Cushing, Duncan, Dunn, Ewing, Fry, Gallup, Rice Garland, Goode, William Graham, Hamer, Harrison, Herod, Howard, Henry Johnson, Nathaniel Jones, Kemble, Klingensmith, Leadbetter, Lewis, Loomis, Lyon, Martin, May, Miller, Samuel W. Morris, Calvary Morris, Murray, Petrik, John H. Prentiss, Sergeant S. Prentiss, Randen, Kidway, Shields, Shepherd, Snyder, Spencer, Stone, Swearingen, Turney, Webster, Christopher H. Williams, and Yell—51.

NAYS—Messrs. Adams, Heman Allan, Anderson, Atherton, Banks, Beatty, Beers, Beirne, Bicknell, Bond, Bor-

den, Bouldin, Briggs, Bronson, Buchanan, William B. Calhoun, John Calhoun, Carter, Chambers, Childs, Clark, Clowney, Coles, Corwin, Craig, Cranston, Crockett, Curtis, Cushman, Dawson, Davee, Davies, Deberry, Edwards, Elmore, Evans, Everett, Farrington, Richard Fletcher, Isaac Fletcher, Foster, James Garland, Giddings, James Graham, Grandland, Grant, Graves, Grennell, Griffin, Halley, Halsted, Hammond, Harlan, Harper, Hastings, Hawes, Haynes, Henry, Hoffman, Holt, Thomas B. Jackson, Jabez Jackson, William C. Johnson, Keim, Kennedy, Legare, Lincoln, Marvin, Sampson Mason, Maxwell, McKay, Robert McClellan, Abraham McClellan, McClure, McKennan, Menefee, Mercer, Mitchell, Montgomery, Noyes, Owens, Parker, Parris, Paynter, Peck, Phelps, Pickens, Plumer, Pope, Potts, Pratt, Putnam, Randolph, Reed, Robertson, Robinson, Rumsey, Russell, Saltonstall, Sheffer, Augustine H. Shepperd, Charles Shepard, Sibley, Slade, Southgate, Stanley, Stuart, Stratton, Taliaferro, Taylor, Thomas, Thompson, Tillinghast, Titus, Toland, Toucey, Towns, Underwood, Vail, Vanderveer, Wagener, John White, Whittlesey, Lewis Williams, Sherrard Williams, Jared W. Williams, Joseph L. Williams, Wise, and Word—130.

So the motion to refer to the Committee on the Public Lands was decided in the negative; and it was referred to a committee to be composed of one member from each State, and five thousand extra copies ordered to be printed.

The SPEAKER also laid before the House a communication from the First Comptroller of the Treasury, in compliance with the provision of the acts of Congress, containing a statement of such officers as have not rendered their accounts within the year, or have balances unaccounted for, advanced one year prior to the 30th September, 1838.

2. Statement of the accounts in his office which have remained unsettled, or on which balances, appear to have been due more than three years prior to 30th September, 1838.

3. An abstract of moneys advanced prior to the 3d of March, 1809, on the books of the late accountant of the War Department, and which remained to be accounted for on the books of the Third Auditor.

Mr. WISE moved to print five thousand extra copies; which was agreed to.

Mr. POPE, on leave, presented a joint resolution of the Legislature of Kentucky on the subject of a western army; which was referred to the Committee on Military Affairs.

Mr. THOMAS asked leave to lay the following amendment to the rules on the table, giving notice of his intention to call it up on Monday:

*Resolved*, That the rules of the House be amended by adding to the twentieth rule the words "and on the first and third Friday of each month the calendar of private bills shall be called over, and the bills to the passage of which no objection shall be made, shall be first considered and disposed of—private bills from the Senate having a preference over private bills of the House."

Objection being made, Mr. T. moved to suspend the rules; but the House refused.

The Private Calendar was then proceeded in.

The bill for the relief of the heirs of Colonel George Gibson was the first in order, being on its third reading.

It was opposed by Mr. ALLEN, of Vermont, who moved to strike out the enacting clause, (equivalent, that motion prevailing, to a rejection of the bill,) and demanded the yeas and nays; which were ordered.

Mr. UNDERWOOD moved to recommit the bill to the Committee on Revolutionary Claims.

Mr. MCCLURE moved to postpone it till this day three weeks; whereupon

Mr. UNDERWOOD withdrew his motion, and Mr. MCCLURE's was agreed to.

The bill for the relief of the heirs of Thomas P. Harrison had been rejected on the 15th of June last, and on the following day a motion was made to reconsider that vote, and it was now postponed to the same day as the above.

The bill for the relief of Josiah Strong and Samuel Remick was discussed at some length, and postponed to the same time.

The bill for the relief of James Bailey was postponed to the same day.

The bill for the relief of Pamela Brown was discussed for some time under the same motion; when

On motion of Mr. SOUTHGATE, the House adjourned.

## IN SENATE.

MONDAY, December 31, 1838.

The PRESIDENT announced a communication from the War Department, transmitting a report from the Chief Engineer, in answer to a resolution of the Senate of the 27th instant, or

the subject of the improvement of the harbor of St. Louis; which, on motion of Mr. LINN, was referred to the Committee on Commerce, and ordered to be printed.

#### PETITIONS, ETC.

Mr. NORVELL presented a memorial from the Brady Guards, a gallant volunteer corps of the city of Detroit, composed of intelligent and patriotic young men, stating their services during the last winter in maintaining the supremacy of the laws and the neutrality of the country, and praying for the passage of an act granting them pay for three months' service on the occasion.

The memorial, with the documents which accompany it, was referred to the Committee on Military Affairs.

Mr. N. also presented a petition from William Tuff, of Michigan, praying for a pension; which was referred to the Committee on Pensions.

Mr. N. also presented two memorials from citizens of Michigan, praying for appropriations to improve the harbor of Brest, and the erection of a light-house at Stony Point, in that State; which were referred to the Committee on Commerce.

Mr. KING presented a memorial of citizens of the Territory of Florida, interested in the construction of a railroad from Pensacola to Montgomery, Alabama, stating that they have imported railroad iron, which has been admitted free of duty on condition that it should be laid within three years, and not being able to place it on the road in the limited period, they ask an extension of time; which was referred to the Committee on Finance, and ordered to be printed.

Mr. HUBBARD presented the memorial of John Prince, asking indemnity for the loss of a vessel destroyed by an officer of the Government during the last war; which was referred to the Committee on Claims.

Mr. BENTON presented the petition of a large number of the citizens of Missouri, praying for the erection of a custom-house at St. Louis, which shall also accommodate all the public officers at that place; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. LINN presented the petition of Charles S. Hempstead, one of the sureties of Thomas Hempstead, praying for relief; which was referred to the Committee on the Judiciary.

#### REPORTS FROM COMMITTEES.

Mr. WRIGHT, from the Committee on Finance, to which was referred the bill allowing equitable commissions to agents for persons in whose favor awards have been made under treaties with foreign Powers, which awards have been retained in the Treasury in payment of debts due to the United States, reported the same without amendment.

Mr. W., from the same committee, to which was referred the bill supplementary to the act establishing branch mints of the United States, reported the same without amendment.

Mr. FULTON, from the Committee on the Public Lands, to which was referred the memorial on the subject, reported a bill to revive an act authorizing certain soldiers in the late war to relinquish their lands, and locate other lands in lieu thereof, and for other purposes; which was read and ordered to a second reading.

Mr. WALKER, from the same committee, to which the subject was referred, reported a bill to relinquish to the State of Mississippi the two per cent. fund accruing to said State upon her admission to the Union; which was read and ordered to a second reading.

Mr. PIERCE, from the Committee on Pensions, to which were referred the memorials of William Coley, Wilfred Knott, Joseph Veazy, and Isaac Hilton, made unfavorable reports severally thereon.

Mr. WILLIAMS, from the same committee, to which was referred the memorial of Jacob Gideon, for arrears of pension, made an unfavorable report thereon.

#### NOTICES OF BILLS.

Mr. LINN gave notice that he would to-morrow ask leave to introduce a bill to establish an additional land office in the State of Missouri.

Mr. WILLIAMS, of Mississippi, gave notice that he would to-morrow ask leave to introduce a bill for the relief of Alvarez Fisk and the legal representatives of Thomas P. Eskridge.

Mr. FOSTER gave notice that he would to-morrow ask leave to introduce a bill to amend the act to authorize the State of Tennessee to issue grants and perfect titles to the lands therein named, &c.

#### BILLS INTRODUCED.

Mr. PIERCE, on leave, and in pursuance of notice given, introduced a bill to provide for the punishment of certain frauds committed on persons claiming pensions, and for other purposes; which was read twice, and referred to the Committee on Pensions.

Mr. LINN, in pursuance of notice given, asked and obtained leave, and introduced the following bills; which were severally read twice, and referred:

A bill to revive the act entitled "An act to enable the claimants to land within the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," passed May 26, 1824, and the act amending the same; and

A bill for the relief of Joseph Cochran.

#### RESOLUTIONS.

Mr. ALLEN submitted the following resolutions; which lie over:

*Resolved*, That the financial policy established at the origin of this Government by the first acts of its legislation, and especially by the thirtieth section of the "Act to regulate the collection of duties," &c., approved by President Washington July 31, 1789, and by the fourth section of the "Act to establish the Treasury Department," &c., approved by President Washington September 2, 1789, was in strict conformity to the plain and frugal genius of a Republic, and to the fundamental principles of the Constitution.

*Resolved*, That that policy has, by a long series of subsequent acts, been departed from, and ought to be restored in the future administration of the Government. And, therefore,

*Resolved*, That the Government ought to collect no more taxes from the people, either directly or indirectly, than are absolutely necessary to an economical administration of its affairs.

*Resolved*, That the taxes paid by the people ought not to be loaned out, by the Government, to individuals or to corporations.

*Resolved*, That the taxes so paid by the people ought not to be placed by the Government in the custody of agents, who are not made by the Constitution and the laws responsible to the people.

*Resolved*, That those legal provisions by which the Government was originally required, in the transaction of its own affairs, to receive and to tender, in payment, as money, nothing but that which is made a legal tender by the Constitution, ought to be revived; with those modifications only, as to time and proportion, suggested by the present condition of the country.

Mr. TALLMADGE submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Committee on Naval Affairs be instructed to inquire into the expediency of allowing house rent to the officers stationed at the navy-yards at Philadelphia and New York.

Mr. CLAY, of Alabama, submitted a joint resolution providing for the settlement and quieting of titles to land in Alabama and Mississippi, derived under the permit or orders of survey given by the Spanish Government; which, after a few explanatory remarks by Mr. C., was read twice, and referred to the Committee on the Judiciary.

#### PERSONAL EXPLANATION.

Mr. RIVES rose, and begged the indulgence of the Senate while he made a statement somewhat of a personal character, with regard to himself, but not altogether without reference to the public interest. He was not in his seat when the report of the Secretary of the Treasury, in answer to the resolution lately submitted by him, was read, and therefore had not the opportunity of commenting on it; but he had since seen it in the public prints, and given it a careful perusal. He had seen it moreover, accompanied by some remarks made by a Senator on this floor, who spoke of it as a satisfactory and triumphant refutation of all the charges made in the speech which preface the introduction of the resolution to which it was a reply. Now he rose to state that, notwithstanding this claim on the part of the Senator from Connecticut, that the report was a satisfactory refutation of all the charges that had been made against the Secretary, he considered the report as a substantial admission of everything that had been alleged. Indeed, if the documents to which it referred, should, when laid on their tables, correspond with the description given of them, the conduct of the Secretary will be placed in a more reprehensible light than he had at first

supposed it to be. His object now was, to state that when the documents should be laid on their tables, he would be prepared to show to the House and to the country, that taken together, the report and accompanying documents were a substantial admission of the truth of everything he had said.

Mr. KING asked if the Senator made any proposition?

Mr. RIVES replied no. He had only asked the courtesy of the Senate to enable him to make this statement relative to the light in which he viewed the report of the Secretary, in consequence of the remarks made by an honorable Senator at the time the report was read, and to which he had not then an opportunity of replying, which had gone forth to the world treating the report as a triumphant vindication.

Mr. KING observed that there certainly was a great deal of courtesy in this body, but in this instance the Senator was taxing the courtesy of the Senate a little further than usual. The honorable Senator thought proper to preface the introduction of his resolutions by remarks highly condemnatory of the Secretary of the Treasury; and, though he was surprised at it then, he was unwilling to offer any comments that might have a tendency to protract the debate, at a time so unsuitable, from the absence of all information on the subject. The honorable Senator now again repeats his censures, when the subject was not open for discussion. He had hoped that he would have waited till all the information was on their tables, and the subject properly before them. Then a fair occasion would be offered for any charges the Senator might think proper to make, and the discussion could be openly carried on. He regretted much to see the honorable Senator persevere in this course, which had a tendency to prejudice the public mind in advance of the evidence.

Mr. RIVES said he would venture to assert that the files were full of precedents for the course he had taken, though he had not searched for them. The examples were without number, in which a gentleman, on presenting a resolution for inquiry, gave a detailed statement of the views with which he offered it. He did not undertake to condemn the Secretary of the Treasury. His statements were hypothetical merely; and his object was to obtain a more full explanation with regard to the connection between the Government and the bank; and this led him incidentally into a discussion of some of the topics connected with the subject. What did his friend from Alabama now find fault with? He was charged with seeking to anticipate public opinion. Now, who set the example? When the report was read, a member of this body, [Mr. NILES,] who was known to be an indiscriminate supporter of this Administration, right or wrong, gets up and declares that it was a triumphant refutation of every allegation that had been made. Now, when this was done on one side, might he not be permitted to deny it? He merely gave notice of the fact that he considered these documents as substantially admitting the truth of everything he had alleged in his speech; and that he considered them totally in a different light from that in which the Senator from Alabama viewed them; and also that if the documents should turn out to be what they purported, he should hold himself prepared to sustain every allegation he had made.

Mr. NILES, after a few introductory remarks, said that it seemed that the gentleman from Virginia grounded the necessity of making his remarks at this inappropriate moment, on the few observations he (Mr. N.) had made when the report was read, and had taken the opportunity of distinguishing him as an indiscriminate supporter of the Administration, right or wrong. He would not apply the converse of this proposition to the Senator, and say of him that, while he professes to be a friend of the Administration, he was its indiscriminate opposer; he should leave all that to the public. The Senator knew that on one occasion, at least, he was not the indiscriminate supporter of the Administration; but that he had followed the lead of the Senator himself in a measure known not to be acceptable to the President. He did not consider his conduct on this occasion as forming a point for a departure or an abandonment of the principles he had professed and acted on. The Senator seemed to ground his remarks on the necessity of entering

his protest against the few observations he had made, as he happened not to be in his place at the time. He regretted that such was the case; it was the Senator's duty to be in his place at the time, as he moved the resolution, and made the charge contained in his speech. When this report came in, he (Mr. N.) moved the printing of an extra number of copies, as well on the ground that it was but an act of justice due to the officer implicated, to the Senate, and to the country, that these documents should be sent out as an answer, not only to the Senator's resolution, but to his speech. The Senator says that in the light in which he views this document, it forms no justification for the acts of the Secretary. Now, if this was true, he ought not to object to the circulation and distribution of these documents. But, from the Senator's remarks, he was inclined to think that he was not much disposed to exculpate the Secretary.

Mr. N. said he could not conceive what the honorable Senator had to complain of, or what had called for his extraordinary course of proceeding. The document went to the public, accompanied by his remarks, which were in reply to those made by the Senator when he introduced his resolution. Still they were not in the same character with the remarks made by the Senator; they were not made in advance of the evidence, like those of the Senator. The Senator asked who it was that set the example? Why it was the Senator himself, who prefaced a mere resolution of inquiry with remarks highly condemnatory of a public officer. Now, if his remarks were not sustained by the documents, and it was not for him to say whether they were or not, yet his course of proceeding was not to be compared with that of the honorable Senator. The gentleman instituted a certain course of inquiries, and without waiting to get the facts he sought for, according to all the established rules of parliamentary proceeding, and all the principles of justice, he accompanies that inquiry with a speech occupying two hours of the time of the Senate, the whole of which were imputations of the truth of the facts yet to be ascertained. If he understood the sum and substance of it, it went to charge that the Secretary of the Treasury had revived and restored the deposit system, by a connection with the Bank of the United States and others, without any legal regulations, for the purpose of being relieved from all legal restraints in the use of the banks; and that all the professions on the part of the Administration of hostility to a connection with banks were hypothetical and deceptive, that there was no disposition on the part of the Secretary to get along without the aid of banks. That was the gist of the whole speech. Now, if the report sustained all this, his [Mr. R.'s] speech would go before the world triumphantly. But the public would look at the whole matter with regard to the facts, and not with regard to the coloring given to them by the gentleman from Virginia.

Mr. YOUNG offered the following resolution, which lies over:

*Resolved*, That the Secretary of the Treasury be required to report to the Senate detailed statements of the accounts of such of the collectors, receivers, and disbursing agents of the United States as have been reported defaulters to either House of Congress during the late session, together with all delinquencies which have since occurred (with the exception of the case of Samuel Swartwout, late collector of the port of New York) including in each case all suspended and rejected items of credit connected with any such account; and which, if passed to the credit of any such defaulter, would cover or extinguish in the whole or in part, the amount of the deficits, which are reported as standing on the books of the Department, against such defaulters; with suitable explanations in each case showing why such items of credit have been suspended or rejected, and why they ought not to be allowed as credits to such defaulters; the said report to include all such suspended or rejected items of credit as are remaining in the said Department up to the present period.

Mr. Y. observed that this resolution was the same in substance as the one submitted by him at the last session, and which had not yet been answered by the Secretary. He now submitted it again for the purpose of recalling the subject to the Secretary's attention. That great injustice had been done to many individuals, and to some particularly in his own State, by reporting them as defaulters when they were entitled to credits, he had before had occasion to state. It might be that vouchers were produced by those persons who had been reported as defaulters, which, not

being deemed formal by the Department, were not placed to their credit, and consequently they appeared simply as defaulters in the documents, without there being any reference to the credits which they claimed. Great injustice was thus done to these individuals, by not stating the fact that there were items of credit claimed by them which were not allowed. He could point out men of property, and of the highest standing in his State, who thus appeared as defaulters, while they owed little or nothing to the Government. He knew an instance in which a person, since dead, had been reported as a defaulter for \$75,000, and he knew that there was a receipt in the Treasury for \$25,000 of this money, which on account of some informality, was not passed to his credit, while there was also a bank deposit of \$18,000 not credited for the same reasons. There were other payments, also, in this case, which brought the credits nearly up to \$50,000, whilst the default appeared in the documents to be \$75,000.

Now he knew that if the credits claimed by these persons were reported at the same time with the charges against them, a great many who now seemed to be defaulters, would not appear in the reports as defaulters at all. We all know (said Mr. Y.) the effect that it has upon the credit and character of a man to publish him as a defaulter to the Government, and the great injustice that was done thereby. Perhaps the Secretary had prepared a statement in obedience to the resolution of the last session. If this was the case, the present resolution, which was drawn up precisely as the one of the last session, would serve to call his attention to it, and to include defaulters who had subsequently become so.

Mr. HUBBARD observed that the Senator was mistaken in supposing that the Secretary had not responded to the call on the subject at the last session. There was a statement, and a very full one, embracing every particular called for by the Senator, sent in at the last session, and it must have escaped the Senator's notice. He had no objection, however, to the present resolution, as it would produce a statement with regard to subsequent defaults.

Mr. YOUNG apprehended that the Senator was mistaken. The statement to which he had reference was made in answer to another call, and did not contain the information that he particularly wanted.

#### SALT DUTY.

Mr. MORRIS moved to rescind the order made on Friday last for printing certain documents in relation to the salt duty.

Mr. M. said he would state his reasons briefly for offering the resolution to rescind. He objected to the order to print, because it was an order to print a document of the British Parliament. He did not know what effect might be produced by the dissemination of this book—it might be a political one—but he thought it quite enough for us to print the official documents of this Government. If the work was of such vast utility, of such general interest, there were many booksellers in this country who would be glad of an opportunity to publish it. He greatly preferred to leave this matter to private enterprise. He ventured the opinion that if this book was printed for the use of the Senate, not one fourth of the members will open the leaves of it. He was opposed to the duty on salt—every man was opposed to it. He thought there was no need of information on this subject. But suppose we print thirty thousand copies of this document: they become, *ipso facto*, our property; we can do what we please with them. Suppose, when we go home, each of us would tell our people, we tax you thirty thousand dollars to pay for printing these books; each of you must pay your quota; and when printed, we take them to ourselves, and give them to whom we please. The question resolves itself into this: shall the people—the whole people—be taxed to enable us to distribute books among our friends and acquaintances. He thought the printing was a useless waste of the public money, and hoped the Clerk would be directed not to proceed with it until further ordered by the Senate.

Mr. BENTON observed that this motion to print the papers relative to the salt duties, was an unfortunate one. It was made a few years ago, when the high tariff party was predominant on

that floor. It was carried; but the next day the order was rescinded, as it was proposed to do now. He did not then think it strange, because the high-tariff party had the ascendancy. The Senator from Rhode Island, who was then in his place, [Mr. ROBBINS,] was the member who made the motion to rescind. When he introduced this motion a few days ago, he very distinctly stated his object, and called the particular attention of the Senate to it; and so far he had engaged the attention of the members of the body, that all voted with a full knowledge of what the document was. The Senator from Ohio was not present when the motion was made, but he availed himself of the first opportunity to show his objections to it. His objections were, first, because the paper to be printed was a foreign paper. Now the very first thing that this Government ever ordered to be printed was a parcel of foreign papers, relative to the fisheries of England, France, and Holland; and he believed that from that time to this foreign papers had been printed as often as asked for. The Senator from Ohio feared the introduction of foreign politics. Now there certainly was no politics, either foreign or domestic; so that objection had no force. The Senator also objected to the printing of books. Now this happened to be no book at all. It was a document that he had two objects in wishing to print. One was to disseminate among the people information valuable to them; and the other was that it might be used on that floor in support of a bill to abolish the salt tax. These papers were deemed so valuable by the British Parliament, that they ordered them to be printed; and the effect of this publication was, that the salt tax, which had stood for one hundred and fifty years, fell, though the Chancellor of the Exchequer stated in his place that the Treasury could not do without the one and a half millions which the salt tax produced. Such was the effect of spreading before the country the valuable information contained in these papers, that the universal consent was that the salt tax must go on something else, and the tax on that indispensable article was left without a defender. The information collected on this subject, gathered from a vast number of individuals, commencing with men of the greatest eminence, and going down to the humble individual who with his own hands tended his cow or his sheep, exhibited a perfect union between the results of science and experience, and conclusively demonstrating that the country suffered many ten times over by the tax beyond the amount produced by it to the Government. So much with respect to the publication of the papers and the existence of the tax.

With respect to the effect on agriculture and all its interests, (including the greatest of its interests, that of stock raising,) the repeal of this tax had done more to improve and increase the stock in England than anything that had ever been done for that great branch of national wealth. Everybody knew that the stock of England was in the highest state of perfection, and that we were daily importing the finest specimens of it. It was in vain (Mr. B. said) for us to import these fine specimens without also importing along with it the knowledge necessary to sustain it. One single fact shown in these documents will give an idea of their importance. For instance, it was shown that there were thirty millions of sheep in the kingdom, and that to each sheep was given a half bushel of salt, making fifteen million bushels given to the sheep—given for the purpose of improving its health, its flesh, and its wool, and as a security and defense against the many diseases to which the animal was liable. The same document (continued Mr. B.) went on to show the quantity of salt given to all other kinds of stock, both milk cattle and working cattle, as well as those fattening for the market, together with the quantity used in preserving, improving, and restoring the various kinds of food with which stock is sustained, all of which was ascertained by actual experiment. In short, take the whole paper, and it would be found to be one of the most valuable from the amount of intellect, combining science with experiment, that was comprised in it. It was also a perfect specimen of the manner of conducting accurate investigations by a committee of a legislative body. The effect of publishing these papers in England, as he said before, was to abolish the salt tax there. It would

do the same thing here. The effect had been to improve the stock of that country to the highest degree. The same result would be felt here. Now as to the effect of a salt tax, who was so ignorant as to judge of the effect of such a tax by the mere amount levied? He who would so judge knew nothing of political economy. The effect was that the most valuable sun-made salt, which cost only four cents a bushel, and brought into the port of New Orleans as ballast, was taxed double as much as it cost, nearly two hundred per cent. tax. What further? Because the duty must be paid in cash or secured by bonds given by American citizens as security, the importer has to throw the salt into the hands of the regraters or monopolizers, who charge the consumer their own price. The whole business was thrown into the hands of these regraters, who advanced the money to pay the duty, and who put the salt which originally cost four cents a bushel up to fifty cents. What was the second effect? It was to stint the country of its needful supplies. From estimates made some years ago, it appeared that the importations were ten million bushels, while there are twenty million sheep in the country; so that if our sheep received the same supply that was given to the English sheep, there would not be one bushel for the use of man. It was known that our manufacturers of salt would suffer several of their wells to lie idle, that they might make a little, and keep up the price to three and four times as much as it ought to be. The effect of this monopoly had been such in Missouri, that he had known salt to be three dollars for the fifty pounds weight. At Louisville, as he came along, the price was \$1 50 for fifty pounds weight, and take notice (said Mr. B.) that that fifty pounds can be put in the compass of a bushel, while the bushel of foreign sun-made salt is eighty-four pounds.

Mr. B. then drew a comparison between the pure salt, made by solar evaporation, and that taken from the salt springs, and evaporated by fire: the first pure and wholesome, the latter containing putrescent, bitter, and poisonous qualities, which the results of the experiments made by the ablest chemists had shown could be removed from the salt by no other means yet discovered than by solar evaporation. The English, he contended, had ascertained, by their experiments, that neither beef, bacon, nor butter, could be preserved by salt such as that made at our manufactories. So much for the effect of this publication in England.

Now as to the cost of the printing. It was well known that the expense of printing a document was caused altogether by the first copies that were printed. The additional copies were nothing more than the mere cost of the paper and lamp-black. He had understood that the publication of this document would not cost more than sixty cents a volume; and this expense he thought trifling, commensurate with the immense value of the information that would be conveyed to the country.

The Senator from Ohio said that if this was a valuable work the people would get it through the means of private enterprise; and almost in the same breath acknowledged that he had never heard of it before. Now, how were the people of the United States to get this volume, when there was but one copy in the country, and that was in the library of Congress? The only way for them to get it was for it to be printed and circulated by order of one of the Houses of Congress.

One of the objects which induced him to move the printing of these documents was, that they might be used in support of the bill for the abolition of the salt tax. Now, (said Mr. B.) refuse to print them, and there was no estimating the cost that would be incurred by the speeches that would be made against abolishing that duty. But (said Mr. B.) print them, and they will throw such a light on the subject, that no man will venture to open his mouth in support of this odious tax.

After some further remarks from Mr. B.,

Mr. KNIGHT made a few observations in support of the motion, but in too low a tone to be heard.

Mr. BENTON, in reply, said that it was not the amount of the tax, but the tax itself, which puts the article in the hands of the regrater. The bounties and allowances to the fisheries, in con-

sideration of the salt tax, were alone \$250,000, so that the outgoing from the Treasury at this moment, originating from this tax and dependant upon it, was nearly as much as the tax itself. He hoped there was no gentleman who would wish to keep up this tax on the people of the South and West, because it put money in the pockets of the Northeast; for, strange as it might appear that any tax should be a money-making business, he would undertake to make it plain that this tax was so to some of the people of this Union, and that there was not, at this moment, so unjustifiable a tax in Europe or Asia as this salt tax.

Mr. MORRIS said that the honorable Senator from Missouri [Mr. BENTON] had not convinced him either of the necessity or propriety of printing this document. It is very apparent that the Senator is already possessed of all the information necessary to show the propriety of repealing the duty on salt; and why not bring in a bill to repeal it at once? He was prepared at once to repeal the duty on salt; and not on salt alone, but on coal, on breadstuffs, on sugar, and on coarse wools: to take the burden of supporting your Government off of the necessities, and to impose it upon the luxuries of life. We make a parade of relieving our constituents from the duty on salt, and at the same time impose on them a duty to print foreign books. He referred to another document that was printed a few years ago, of which a vast number was circulated to enlighten the people of this country on the abuses of one of the Departments of this Government: he meant the report of the Committee on the Post Office. In one section of the country the leaves of this document were used for wadding for the cannon employed in celebrating a Democratic victory. In his neighborhood they were used in wrapping up tea, coffee, sugar, and other groceries. This was the proper mode, they said, to circulate such a document.

We make many professions of economy, and talk much about the necessity of retrenchment! Why, sir, when I look around me, and see the gorgeous drapery over your head, the extravagant covering on your floor, the immense expenditure on the area inclosed by your iron railing, I ask myself who pays for all this? Why, sir, the people. We are here, sir, in the service of the people; and to convince them that we are doing something for them, every now and then we send them a document which is printed at their own expense. Sir, I am one who does not believe in the constitutionality of protecting duties, and one who thinks that the expenses of the Government should be raised from luxuries; and I ask the Senator to bring in his bill for the repeal of the salt duty, and it shall have my support. Is he afraid of what is termed the compromise act? I acknowledge the power of no law to restrict our acting for what we deem the public weal. Are the rights of the people compromised? Are my rights compromised? No, sir; I come here a free and independent Senator, prepared to pass any law, if I can carry a majority with me, that I may deem necessary for the public good.

Mr. CLAY, of Alabama, observed that as he was called on to vote upon this question he should give briefly the reasons which would govern his vote. He confessed he had heard with some surprise the remarks of the Senator from Ohio, as he had recollected the manner in which the resolution was introduced, and especially the manner in which the Senator from Missouri called the attention of the Senate to it, and stated the objects he had in view. The Senator from Ohio, it was true, was not in the Senate at the time, and therefore did not hear the remarks which accompanied the motion. For his part, he was disposed to have all the light on the subject that could be obtained, the more so as he resided in a part of the country where the oppressions of the salt tax were felt in a higher degree than any other. He had long been of the opinion that it was just as reasonable to tax the light of heaven, as to tax salt; and being in favor of an entire repeal of the duty, as he ever had been, he was anxious to disseminate as widely as possible such information as would bring about a universal sentiment throughout the country in favor of that measure. With regard to the question as to the power of the Senate to order the printing of documents necessary to elucidate the subjects on which they were about to legislate, was too clear

to be disputed. Did any Senator doubt the power of the body to print documents which were to be the basis of legislative action? Surely there was no doubt as to the power. He did not undertake to say that they had the right to print books for the individual use of the members. Indeed he had never given a vote for printing any such books; but here the case was different. It was proposed to print a document calculated to throw light on a very important subject, and necessary not only for their own information, when legislating with regard to it, but highly necessary for the information of the people at large. Then as to the question of expediency. He apprehended that the people did want light on the subject of this salt tax. He apprehended that but few of his intelligent constituents were aware of the extent to which they were oppressed by the tax they were paying for the use of this indispensable article of subsistence, or of the extent to which the monopoly of it was carried. In the first place, the works from whence the domestic salt came, with which his part of the country was supplied, were monopolized—were in the hands of a single man, who worked but one of his many wells, in order to keep up the price. This was not unusual; for he had heard of instances where the proprietors of these wells were paid by the salt speculators to keep their wells idle to prevent a sufficient quantity from being made to bring down the price.

Mr. BENTON said that it had been proved in a document laid before the Senate, that salt made at Holstein was sold as cheap below the Muscle Shoals, after all the expense of transportation, as at the place where it was made.

Mr. CLAY, of Alabama. Yes, sir; and it is the custom to sell on higher terms at the manufactory than at a distance, where their salt meets the foreign salt. Then at what rate do we buy our salt? Ordinarily at \$1 50 for a bushel of fifty pounds weight. And what was the cost of manufacturing the article? We have it from the highest authority—one of the individuals who manufactures salt—that it can be manufactured at a cost not exceeding twelve cents per bushel. Then what was the cost of transporting it to Holstein? Why, comparatively nothing.

Mr. C. then made an estimate of the quantity consumed in his section of the country, and the amount of the tax, which, in one single county, was more than the cost of printing these documents? Should he then hesitate about incurring this small expense—small in comparison with the enormous amount of the tax—when the object was to disseminate such information as would aid in the removal of it. For one, he should vote against rescinding the resolution.

One of the individuals whose evidence was laid before the Senate, some years ago, said that the average cost of production of the article was not more than six and a quarter cents per bushel; and yet we are to be taxed this enormous amount for the benefit of speculators and monopolizers, who always take advantage of the existing state of things, and in some parts of the country have extorted as much as three and four dollars a bushel. Indeed, he had heard of one instance when eight dollars per bushel was extorted, it being at that particular season of the year when the people were putting up their year's provisions. Mr. C., after speaking of the combinations between the proprietors of the wells and those who sell the salt, asked what sort of protection was needed by the manufacturers? Were they not sufficiently protected by the cost of transportation from the sea-board across the mountains? It would be a day of gratulation to the whole country when this odious tax should be abolished, and he was so anxious to see it done that he would not hesitate at the trifling cost of printing the papers which he thought would aid in accomplishing that desirable object. The cost of the whole publication would not amount to the cost of the salt tax in one single county in his State.

Mr. PRESTON said that the argument of the Senator from Alabama [Mr. CLAY] amounted to this: the salt tax is a bad one; and, therefore, Mr. Blair must have a job of eighteen or twenty thousand dollars. Now, sir, I am as much opposed to this tax as the honorable Senator is; and when the proper moment arrives, I will show it; but I cannot see the necessity of throwing this job into the hands of the Government printer. What is

the excuse for ordering the printing of this document? To enlighten the public mind! Then why not print works in every department of political economy to enlighten the people? Why not, instead of giving the public printer this paltry job of \$20,000, give him a job of half a million at once, to put him beyond the reach of contingencies? He knew, from personal experience, how apt we are, when giving the public printer a job, to imagine a necessity for doing so. He himself had to place a check of principle on his tendencies in this matter. If we undertake to enlighten the public mind, the true way would be to enlighten the people on all subjects of free trade. He knew how easy it was to be economical in the abstract; to make professions of retrenchment of expenditure in the general; but when it came to particulars, when it encroached upon some darling interest of our own, how easy it was melted. It would give way at once to a two per cent.; it would give way to a question of printing. With the strong feeling he had to protect the Government from extravagance, he felt bound to oppose the printing, and would vote in favor of rescinding the order.

Mr. CLAY, of Alabama, said that he really was not aware when he spoke that he was expressing sentiments calculated to excite the Senator from South Carolina [Mr. PRESTON] to a degree of warmth so unusual, and to a course of remarks not altogether warranted by the rules of deliberative bodies. The gentleman sat out with saying that he (Mr. C.) assumed that the salt tax was a bad one; and that, therefore, they must pay Mr. Blair sixteen or eighteen thousand dollars. Was it possible that the Senator wished to impute to him the desire to print documents merely for the purpose of giving money to the printer of that body?

Mr. PRESTON disclaimed any such idea, and said that what he meant to convey was, that it was a logical deduction from the position assumed by the gentleman from Alabama.

Mr. CLAY, of Alabama, said he had assumed no such position. He took a practical view of the subject, and supported the printing of the documents on the ground that their publication would disseminate information valuable to the country, and eminently useful to the body as a basis for legislative action. We have been assured (said Mr. C.) by the Senator from Missouri that his intention is to bring in a bill to abolish the salt tax. Was it, then, extraordinary that he and others who concurred in opinion with him, that policy as well as justice required the suppression of this grievance, should desire the publication of information that would be valuable to themselves as well as to their constituents? The gentleman asked, why not publish documents in relation to the tax on coal and sugar? The answer readily was, that it would be time enough to do so when they should see the practical utility of such publication, and that when there was a design on foot to abolish these taxes, it would be time enough to publish documents connected with those subjects, provided there were any of sufficient importance. How long was it since the Senator from South Carolina entertained these ideas with regard to economy in printing? If he was not much mistaken, the Senator was here when the celebrated and voluminous Post Office document was printed. Did not the gentleman vote for that printing, which cost three or four times as much as the printing of the documents now in question would cost? By what process of reasoning did he come to the conclusion that that voluminous report, never read by one man in a thousand, could be printed with a view to economy, while it would be extravagance to print this? He was willing to have his views as to economy tested by his votes here, and he should not fear the judgment of the country, or a comparison with the Senator from South Carolina. When the proper time came for testing his principles on this subject, he would not hesitate to act as he had always professed that he would, and he trusted that he should have the cooperation of the Senator from South Carolina, in accordance with the pledges just given by him.

The gentleman asked whether the tax of six cents a bushel had imposed on the people of Alabama the enormous extortion of eight dollars per bushel for salt? Sir, I had reference to what took place many years ago, when I spoke of as high a price as eight dollars a bushel—twenty years

and upwards, when the tax was much higher than now. But, put it in the power of individuals to monopolize the article, and extort from the consumers the price they want, and what is the consequence? Why, a few years ago, three or four dollars per bushel was extorted from the people of the town where he resided. He was aware that the tax had been reduced; but it was his object, as it should be that of the people of this country, to abolish it entirely.

Mr. C., after some further remarks, said that the only question with him was whether this information was necessary for the legislation of the Senate and for the interests of the people. If such was the fact, he would always give it to the public, whether it was contained in this or in any other document. He was not aware of the cost of the publication, but from what had been stated in the course of the debate, it would be very inconsiderable in comparison with the amount of the salt tax paid in one of the counties of Alabama.

Mr. CALHOUN said he was not present when the order to print this document was adopted, and therefore did not hear the remarks of the Senator upon the occasion of introducing it. He now understood the printing was to be followed by a bill for the repeal of the duty on salt. As a preliminary, it is necessary to inquire, ought the salt duty to be now repealed? He thought there was not a Senator within the sound of his voice who would say it should be. The Secretary of the Treasury has told us there is a necessity for the most rigid economy, and he told us truly; for, with all our resources, it would be difficult work to get through the next three years. If the duty on salt was not to be repealed at present, but to come up in the general question in 1842, where was the necessity of printing this document so far in advance, when it would be lost and forgotten before the subject came up for consideration? The duty on salt was going off gradually, and as rapidly as the duty on other articles; and every person conversant with the subject knows that duties should be taken off, as well as laid on, gradually. This was necessary on account of our mercantile and manufacturing establishments. Mr. C. regretted that the motion to rescind had been offered. He would prefer that some gentleman present when the motion was adopted should move a reconsideration, and that the subject might be referred to the Committee on Finance, that they might report on it with reference to a general system. He was utterly opposed to taking up such great questions one by one—piecemeal. He thought they should be taken up and acted on as one entire system. He felt that they were all questions of the highest magnitude to the whole Union, but especially to the southern section of it. He was averse to any course of policy by which the South would lose the advantages received by the compromise. He was of opinion that some general and permanent system should be adopted, but that the present was too early to move in the matter. He thought that the Administration, or its friends in that body at the next session, should take the lead in this matter; if they did not, he himself would be prepared with a proposition on the subject, but he would cheerfully lend his assistance to any proposition which he should deem right, or nearly right.

He hoped that the Senator near him [Mr. MORRIS] would adopt his suggestion, and that some Senator who was present at the adoption of the order would move a reconsideration that the whole subject should be sent to the Committee on Finance.

Mr. DAVIS observed that he should vote for the motion to rescind, and for a very obvious reason. He had no objection to gentlemen having light, but he was not for purchasing it at so dear a rate. He understood the mover of this proposition to state that the printing of these documents would cost eighteen or twenty thousand dollars. That was a large sum of money to appropriate to such an object. It ought to be very valuable to cost so much money. He was not present when the Senator from Missouri brought forward his proposition, and, therefore, had not the satisfaction of hearing him the other day. It was not until the Senator from South Carolina addressed the Senate that he knew what was the immediate object in view. He understood now

that the Senator from Missouri had intimated the intention of following up the publication of the documents with a bill to repeal the duty on salt, and the fishing bounties dependent upon it. Now, when the Senator from South Carolina [Mr. CALHOUN] said that this involves considerations of profound interest to the country, he was entirely right. These fishing bounties were coeval with the existence of the Government, and were founded on the soundest principles of national policy, and when the occasion served he would be found ready to vindicate them. When the question of repealing the duty on salt came up, he for one was ready to meet it openly; and whenever that matter should be deliberately examined into and the facts comprehended, the result would be entirely different from what had been anticipated in to-day's description. What led them to believe? why that the high price of salt in the western country was owing to the duty, though it was purchased abroad at a nominal price. This low price was true with regard to some inferior kinds of salt only. The Senator from Alabama spoke of the price of salt being \$1.50 in his country, and of the numerous oppressions practiced there in forestalling the article. Now were they to understand that the duty was the cause of all this? Mr. D. then went into an argument to show that the duty was not the cause of the high prices. He understood the Senator from Alabama to say that no foreign salt reached his country. How then could the duty cause the high prices?

Mr. CLAY, of Alabama, said that where the steamboat navigation extended, foreign salt was carried. It was brought to the foot of the Muscle Shoals in considerable quantities; but it was not much carried beyond that. He did not ascribe the high prices to the amount of the duty. He spoke of the duty as being a principal cause of enabling individuals to monopolize the domestic article.

Mr. DAVIS said he was happy to hear that the Senator from Alabama did not attribute the high prices to the duty. He thought, if the candor of the gentleman had suffered him to go a little further, he would have stated that the duty had nothing at all to do with these prices.

Mr. CLAY, of Alabama, said that surely the Senator must misunderstand him. He did not say that the duty caused the high prices, but that the duty, operating with other causes, had produced the effects he spoke of.

After some further remarks from Mr. DAVIS, contending that the duty had nothing to do with the high prices of salt in the western country,

Mr. BENTON said that some observations which had fallen from the Senators from South Carolina and Massachusetts would require a brief answer on his part. First, as to the condition of the Treasury, and how far it could dispense with this tax. That was a matter of indifference. Supposing the importation to be about five million bushels, the tax, at six cents, would produce something like three hundred thousand dollars. Now, he did not exactly know what the fishing bounties were, but when he looked at them last they were something like half a million, and then increasing. Now, as these fishing bounties and the tax must stand or fall together, there would be no great difference to the Treasury in the repeal. As to the effect of suddenly taking off a duty of six cents a bushel, why that was done a few years ago without any inconvenience being felt. The gentleman said there was no difference as to the price in consequence of the diminution of duty that had already taken place. That was very true. There would be no difference as to the price whether the tax was one cent or six cents. To bring the price down, the article must be kept out of the hands of the regraters, and this could not be done so long as there was a duty of one cent. With respect to the effect of taking off the tax by a single operation, that had been tried in England when the price had risen to sixpence sterling. One half was struck off at six months, and the other half at the end of six months thereafter, and the effect had been most beneficial. The Senator from Massachusetts spoke of the cheap salt as that of an inferior quality. Now, exactly the contrary was the fact. It was the pure sun-made salt, brought from the Mediterranean, that was so cheap, and that which came from England was the poisonous, bitter stuff that they found not good enough for home consumption, and so ex-

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ported it. All this could be learned from these documents if they ever saw the light. We had a salt tax of about twenty cents a bushel in 1797-98, when we had a Federal Administration, a standing army, and the alien and sedition law; but when Mr. Jefferson came into office, he recommended that the salt tax should be "suppressed," using the term that is applied to vice. Mr. B. then read the law repealing that tax, which he said he should make the model of the bill he was about to introduce.

When this tax was put on again, it was put on as a war tax, and he well remembered the saying of the venerable Nathaniel Macon, which was characteristic of the man, that though it went on as a war tax, it would be hard to get it off as a peace tax. Mr. B. said he proposed to offer for the consideration of the Senate a bill which would be a copy of the one just read; and here (he said) we can put one finger on the hinge on which the whole question turns. It was the fishing bounties on which the salt duty rested, and which had kept it in existence to this day. He now gave notice to the Senator from Massachusetts, [Mr. Davis,] that he would bring up this question, and then enable the gentleman to maintain the position he had taken by him this day, and he might prepare himself for an answer. Before a man can get this fishing bounty from the Treasury, he must take an oath that he has paid an equivalent on the salt duty, and it was because these fishing bounties would have nothing upon earth to stand on, after the duty is repealed, that such great opposition is made to so just and necessary a measure. Yet, sir, while the South and West is not only taxed, but the whole business is thrown into the hands of the regraters to extort what they please, and stint the country, the people of the Northeast make money out of it. Mr. B. here made various statements to prove that the country was stinted in the article of salt, and referred to the fact that the pork market at Cincinnati opened at \$6 50, and fell to \$4 50 in consequence of the want of salt to cure it, and this, too, while pork at New Orleans was selling at twenty-seven dollars.

Mr. MORRIS said that, in accordance with the suggestion, he was willing to withdraw the motion to rescind, with a view to the order being reconsidered, and the subject referred to the appropriate committee. He would remark that he thought the Senator from Missouri was mistaken in the cause to which he attributed the depression of the price of pork in the Cincinnati market. He had never heard in that section of the country that the tax on salt was considered onerous.

The price of pork had fallen, not in consequence of the salt tax, but principally on account of the exertions of the friends of a sound currency, among whom the Senator from Missouri bore so conspicuous a part. It was the substitution of a sound and healthy currency in place of the expanded paper system which had led to the fall of prices. The farmers do not like paper, and they are now getting something like money for their produce. This was the reason; and for the efforts of the Senator on that occasion, and his agency in bringing about this state of things, he has my most hearty thanks. He concluded by saying he would withdraw the motion to rescind, if he had the unanimous consent of the Senate to do so.

Mr. CLAY, of Kentucky, objected; and as the motion could not be withdrawn but by unanimous consent, the question on it was taken, and decided in the affirmative—yeas 23, nays 15.

After the consideration of executive business, the Senate adjourned till Wednesday.

To the Reporters for the Globe:

GENTLEMEN: Statistical statements, made in debate, are difficult to be reported with accuracy, and therefore it was easy for several errors to creep into your report of my remarks on the salt duties a few days ago. I here correct some of them as being material to the sense of what I said, and to avoid giving erroneous information.

1. As to the quantity of salt imported into the United States: the report represents me as saying ten million bushels, when it should be five to six million, and about

the same quantity made at home, so that the whole supply of the Union was ten or eleven million bushels; the whole of which would be needed for our twenty million sheep, if salted as the English sheep are.

2. As to the prices to which salt had risen, on some occasions, in Missouri: the report says, three dollars for fifty pounds weight, which fifty pounds weight might be put into a half bushel measure. This is correct, but it required circumstantiality as to time and place, to wit: that it occurred in November last, and about one hundred and fifty miles above St. Louis.

3. As to the price of salt in Louisville, as I came on to Congress, this fall: the report ascribes me \$1 50 as the price, it should be one dollar, with the qualification of being easily put into a half bushel measure.

4. The report speaks of the putrescent, bitter, and poisonous ingredients, which remain more or less in all salt made by the boiling process in contradistinction to the natural crystallizing process under solar evaporation. This is all right, only bitter should be bittern.

5. As to the amount of the fishing bounties and allowances, the report ascribes to me the sum of half a million per annum as their probable amount; it should be a quarter of a million.

6. As to the duty on salt in England, when it was abolished by Parliament: the report says sixpence a bushel; it should be thirteen shillings and sixpence.

7. As to the price of mess pork in New Orleans, and pork falling in the northwest, while rising in the market to which it was to be sent: the report says the market in Ohio opened at \$6 50 and fell to \$4 50 per hundred, while mess pork in New Orleans rose to \$20 a barrel, and this because of the scarceness and dearness of salt. This is all right, except that mess pork rose to \$27 a barrel in New Orleans.

Yours, respectfully,  
THOMAS H. BENTON.  
January 3, 1839.

## HOUSE OF REPRESENTATIVES.

MONDAY, December 31, 1838.

Mr. HAYNES asked the consent of the House to submit a motion to go again into Committee of the Whole on the President's message, but withdrew it at the request of

Mr. GARLAND, of Virginia, on whose motion the rules were suspended, and the House agreed that when it adjourns to-day, it will adjourn to meet on Wednesday at the usual hour.

Mr. HAYNES then renewed his request, but it being objected to by Mr. BRONSON, on account of its being resolution day, Mr. H. withdrew it till the States should be called through.

## RESOLUTIONS.

The States were then called in their order for resolutions.

On motion of Mr. EVANS, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of authorizing, under suitable regulations, postmasters to receive, in addition to the postage now payable, such amount on letters carried by mail, destined to be sent abroad, as may be required to be paid to packets or steamships for their transportation to foreign ports, and such amounts also as may be required to be paid for their transmission in foreign countries, which additional amount shall be paid by the postmaster of the port from which such packets or ships may sail, to the agents or persons by whom such letters may be forwarded.

On motion of Mr. NOYES, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of allowing the claim of Major Sylvester Churchill, of the United States Army, for extraordinary services as inspector general with the army in Florida, Alabama, and Georgia, in the years 1837 and 1838.

Mr. CUSHMAN submitted the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring therein,) That the following articles be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the said States, shall be valid as a part of the said Constitution, namely: That no person shall be capable of holding, or of being elected, to any office of honor, trust, or profit, either civil or military, legislative, executive, or judicial, under the Government of the United States, who shall hereafter fight a duel, or send or accept a challenge to fight a duel, the probable issue of which may be the death of the challenger or challenged, or shall be a second to either party, or shall in any manner aid or assist in such duel, or shall be knowingly the bearer of such challenge or acceptance.

The resolution having been read twice, Mr. JOHNSON, of Maryland, moved to lay it on the table.

Mr. GRENNELL inquired if a motion to postpone to a day certain would not take precedence?

The SPEAKER said it would not.

Mr. BOON moved that the resolution be printed; which Mr. JOHNSON accepted as a part of his motion.

Mr. ADAMS called for a division of the question; for though he should vote for the printing, he could not consent to lay the resolution on the table.

Mr. GRENNELL demanded the yeas and nays; whereupon

Mr. JOHNSON, of Maryland, withdrew his motion, and the resolution was ordered to lie over under the rule.

On motion of Mr. WILLIAMS, of New Hampshire, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of granting a pension to Elisha Hoyt.

On motion of Mr. GRENNELL, it was

Resolved, That the report of the Secretary of War, of the 23d of December last, on the subject of the claims of the State of Massachusetts for militia services and expenditures during the late war with Great Britain, be referred to the Committee on Military Affairs.

Mr. CUSHING submitted the following resolution:

\* Resolved, That the President of the United States be requested, if in his judgment not incompatible with the public interest, to communicate to this House—

1. The correspondence, if any, which has been had between the Government of the United States and that of Great Britain, or the military or civil authorities of either, in relation to the troubles in the British Provinces of Upper or Lower Canada, and to alleged violations of neutrality on the part whether of Great Britain or of the United States, or any of the officers, subjects, or citizens of each.

2. The correspondence had, or measures taken by the Executive, if any, regarding citizens of the United States made prisoners of war, at any time, in any of the insurrectionary movements of Upper or Lower Canada.

3. Whether the Government of Great Britain has made reparation for the seizure and destruction of the steamboat Caroline, within the waters of the United States, and the murder of American citizens on board the same by a band of armed invaders from the province of Upper Canada, acting under the orders and authority of the Colonial Government of said province?

4. Whether the Government of the United States has entered into negotiations with that of Great Britain, for the purpose of arresting and preventing the further distribution of presents and payment of war subsidies by the latter Government to the Indian tribes within the territorial limits and jurisdiction of the United States; and if so, what has been the result of the said negotiations.

5. Whether the Government of the United States has given to that of Great Britain the stipulated notice to annul and abrogate the convention of the 6th of September, 1827, under cover of which, and of the convention of the 20th October, 1818, the Hudson's Bay Company has proceeded, with permission, or by connivance of the Government of Great Britain, to establish military posts in the territories of the United States beyond the Rocky Mountains.

6. Whether the Government of the United States has taken any measures, and if any, what, to adjust, settle, and mark the boundaries between the United States and the British Provinces in North America, from St. Mary's Falls, between Lake Huron and Lake Superior; and so northwardly and westwardly along the frontier of the State of Michigan and the Territories of Wisconsin and Iowa, to the Rocky Mountains.

7. What correspondence, if any, the Government of the United States has had with that of Great Britain or any of its authorities or officers, or with the government of the State of Maine, in regard to the late survey or investigation of the northeastern boundary line of the United States by the government of said State.

8. Whether any correspondence has recently passed between the British and American Governments relative to the free navigation of the navigable rivers coterminous to the United States and the British possessions in North America, or of the navigable rivers running in part or in whole through the territories of both Governments; and if so, the results of the same.

Mr. PETRIKIN inquired whether, under the rule, it was in order for gentlemen to offer resolutions embracing two subjects?

The SPEAKER said he did not so consider these resolutions; and decided it was not out of order to entertain them.

The resolutions were then laid on the table and ordered to be printed.

Mr. CUSHING then said the discharge of his particular duties as a member of the House had called his attention to another subject of inquiry, perfectly unexceptionable in itself, and of the deepest immediate interest to the whole Union, and more especially to the States of the Southwest. He asked that the resolution of inquiry should be read, in order that the House might

judge whether they would permit him to offer it at this time, which he would not ask if the subject were not one of pressing, immediate importance.

The House assenting, Mr. C. offered the following resolution; which was read, and lies over one day, under the rules:

Whereas, in the message of the President of the United States, at the opening of the Eighteenth Congress, it was, among other things, avowed and proclaimed as the settled national policy of the United States that, "in the wars of the European Powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do;" that, "with the movements in this hemisphere we are, of necessity, more immediately connected;" that "we owe it, therefore, to candor, and to the amicable relations existing between the United States and those Powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety;" that "with the existing colonies or dependencies of any European Power, we have not interfered, and shall not interfere; but with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European Power, or in any other light than as the manifestation of an unfriendly disposition towards the United States;" and that "it is impossible, therefore, that we should behold such interposition, in any form, with indifference:"

Resolved, therefore, That the President of the United States be requested to inform this House, if the same be not, in his judgment, incompatible with the public interest, what explanations the King of the French has rendered to the United States in relation to the recent blockade of a part of the coast of the Mexican Republic by France; the treatment of vessels of the United States, public or private, by the blockading squadron; the reduction of the castle of San Juan d'Ulloa; and the ulterior views and designs of the French Government respecting the Mexican Republic. Also, to inform the House whether he has proffered, to either of the contending parties, the mediation of the United States in the premises; and to communicate any correspondence on the subjects aforesaid which may have passed between the Government of the United States and that of France.

On motion of Mr. CUSHING, ordered to be printed.

On motion of Mr. BRIGGS, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing the name of Jacob Adams, of Massachusetts, on the pension list.

On motion of Mr. LINCOLN, it was

Resolved, That the Committee on the Militia be instructed to consider the expediency of providing by law that the distribution of arms procured by virtue of the act making provisions for arming and equipping the whole body of the militia of the United States, passed April 23, 1808, should be made according to the apportionment of the representation of each State and Territory in the Congress of the United States, or by some other rule of apportionment which shall practically be more equal and just, among the different States and Territories, in respect to their population, subject by the laws of Congress and of the States and Territories respectively, to enrollment in the militia, and the active performance of military duty therein.

On motion of Mr. LINCOLN, it was

Resolved, That the Committee on the Militia be instructed to consider the expediency of increasing the annual appropriation by Congress for the purpose of providing arms and military equipments for the whole body of the militia of the United States.

On motion of Mr. LINCOLN, it was

Resolved, That the Secretary of War be directed to communicate to this House a statement of the quantity and description of arms which, since the conclusion of the last war with Great Britain, have been procured and distributed to the States and Territories respectively, pursuant to an act "making provision for arming and equipping the whole body of the militia of the United States," passed April 23, 1808; and also to state by what rule of apportionment the arms have been distributed; the manner and times in which the returns of the militia have been received from the States and Territories; whether these returns have been made annually, and, in default of such annual returns, what rule has been adopted in making the distribution, and for what number of years any of the States have neglected to make such returns; and also, that the Secretary communicate to this House an abstract of the latest returns of the number of the militia of the States and Territories, respectively, with their dates, together with an abstract of the quantity and dates of the issue of arms upon such returns.

On motion of Mr. FLETCHER, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the law in relation to the pay of jurors attending upon the courts of the United States.

Mr. ADAMS asked the House to take up and consider the resolution offered by him on the 6th of December, calling for information in relation to the controversy between Andrew Stevenson and Daniel O'Connell; and sent to the Clerk's table the following letter, received by him through the post office, which was read:

MONTGOMERY, ALABAMA, December 19, 1838.

SIR: In looking over the proceedings of Congress, I observed that you have introduced your fantasies again, by

trying to impeach the *character* and *honor* of our Minister to England, Mr. Stevenson. Mr. S. is a relative of mine, one who I hold dear to me, and shall call you to account when I get to Washington. I think, and so does the country, that Mr. S. was condescending too much a friend of devility, such as I consider you; and on my arrival in the Metropolis, I shall shoot you the very first time you rise to make any remarks about my friend Mr. S. So soon as Mr. C. Perry returns to the United States, you will die certain. You are better suited for a cell in the mad-house, than a seat in one of the highest places on earth. I am no party man myself, and would to my God were to see you in the act of speaking disrespectfully of my friend. If you mention their names, no explanation will satisfy me, only to take your life, and that I shall do in the presence of the assembled wisdom of the world. I expect to fight a duel in the District of Columbia before the session is ended, if you open your broad-trap about that mode of settling affairs I shall be much induced to *avow* you, as on most anything else. I shall be in Washington by the 2d of January, 1839.

B. J. CONVALD.

J. Q. ADAMS.

Mr. PETRIKIN objected to the consideration of the resolution at this time.

Mr. REED moved to suspend the rules.

Mr. THOMAS hoped gentlemen would not agree to suspend the rules, in consequence of this miserable quizz being practiced upon the gentleman from Massachusetts.

Mr. DAWSON deeply regretted that a letter of this character, which all must perceive was fictitiously signed, should be made a serious matter of. It is evidently a quizz, and should not have been presented.

Mr. ROBINSON asked whether it would be in order to amend the motion to suspend the rules, for the purpose of considering the letter?

The SPEAKER decided that it would not. The letter was not before the House for consideration.

Mr. CRABB moved to postpone the matter until the 2d day of January.

The SPEAKER. It is not in order.

Mr. BOON moved to lay the motion to suspend the rules on the table, and upon that motion,

Mr. ADAMS called for the yeas and nays; which were not ordered.

The House then laid the motion to suspend the rules upon the table.

Mr. CALHOUN, of Massachusetts, submitted the following resolution; which, under the rule, lies over one day:

Resolved, That no order, resolution, or rule of this House, upon the subject of petitions, shall apply to resolutions from State Legislatures.

On motion of Mr. TILLINGHAST, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of reducing and so regulating the postage on letters and papers carried by mail, as that the same may be made payable in money of the United States, dispensing with fractional parts of cents.

On motion of Mr. CRANSTON, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of amending the law in relation to ship letters, so as to make it the duty of the captain, or other person having returned ship letters, to return them to the postmaster of the port where he shall arrive.

On motion of Mr. CURTIS, it was

Resolved, That the Secretary of the Treasury be requested to inform the House of Representatives of the causes why it was not in the power of the Secretary of the Treasury to ascertain, by means of the weekly and monthly returns, and other records in his office, the defalcation of the late collector at New York, when it first commenced, or at the different settlements afterwards, before his term of office expired. That the Secretary of the Treasury be requested, also, to communicate to this House a copy of his circular, addressed to the collector of New York in November, 1835, and copies of all the returns made by said collector in compliance with said circular; and also to inform the House of Representatives whether the practice of entering on the books of the Secretary of the Treasury, kept in his own office, the quarterly accounts current of the customs, as soon as received by the First Auditor, has been discontinued, and when discontinued; and whether the practice, by the Secretary of the Treasury, of calling for the account current of the customs received at the office of the First Auditor, and the quarterly accounts of collectors, and of comparing the same with the several returns rendered to the Secretary by collectors, in conformity with the requisitions of his circular of 14th October, 1818, and repeated on the 12th November, 1835, has been discontinued by the Secretary of the Treasury, and when discontinued; and also whether, if the practice of properly arranging and comparing the said last-mentioned returns of collectors with each other, in the office of the Secretary of the Treasury, has been discontinued, and when discontinued; and that the Secretary of the Treasury also inform this House whether, in his opinion, the defalcation of the late collector of New York could have been concealed from the naval officer of that port, if the said naval officer had "examined the collector's abstracts of duties, and other accounts of receipts, bonds, and expenditures," with ordinary and proper caution, before certifying the same, and had faithfully performed the duties imposed by law upon naval offi-

cers; and that the Secretary of the Treasury also communicate to this House copies of all correspondence between the Treasury Department and William M. Price, late district attorney of the United States for the southern district of New York, in relation to any bond or bonds executed by the securities of said Swartwout for the faithful performance of his duties as collector of New York; and also to communicate copies of all bonds executed to the United States by the sureties of said Swartwout.

On motion of Mr. PARKER, it was

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of remunerating the legal heirs of William Anderson, for property taken or destroyed by the Cherokee Indians about the year 1788; and that the papers on file of the House in relation thereto be referred to the same committee.

On motion of Mr. PRATT, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of authorizing a survey of the mouth of the Catskill creek, in the Hudson river.

On motion of Mr. BRODHEAD, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of allowing to Elhathan Sears, of the State of New York, the amount equal to five years' pay under the resolve of Congress of the 22d of March, 1783.

On motion of Mr. BICKNELL, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the justice and expediency of granting to John Keith, a soldier of the Revolution, a pension; and that the papers on file in his case in the War Department be referred to the said committee.

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Joanna Bartlett, the widow of Aaron Bartlett, deceased, a soldier of the Revolution; and that the papers in this case now on file in the War Department be referred to the said committee.

On motion of Mr. HAMMOND, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Christian Brougher, of Pennsylvania, a soldier of the revolutionary war.

On motion of Mr. HENRY, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of so changing or modifying the law with relation to postage that all public newspapers shall be carried in the mail free of all charge within the limits of the counties where they are respectively printed and published.

Mr. WISE offered the following resolution:

Resolved, That a select committee, to consist of nine members, and to be elected by ballot, be constituted, with power to send for persons and papers, to inquire and report whether there are sufficient grounds on which to found an impeachment by this House of Levi Woodbury, the Secretary of the Treasury.

The question being on the adoption of the resolution,

Mr. CUSHMAN objected.

So the resolution, giving rise to debate, lies over one day.

Mr. WISE offered a resolution, which was adopted, instructing the Committee on Naval Affairs to inquire into the expediency of building steam ships of war.

Mr. WILLIAMS, of North Carolina, offered the following resolution:

Resolved, That the select committee lately appointed on the subject of the public lands be instructed to inquire into the expediency of changing the mode for selling said lands, so as to require that all the bids of purchasers shall hereafter be made or proposed in writing, in the same manner as bids are now made for contracts in the Post Office Department.

Mr. ADAMS offered the following amendment:

And that they inquire into the frauds that have been practiced in the sale of the public lands, and to report to this House a remedy therefor.

Mr. WILLIAMS, of North Carolina, accepted this as a modification.

Mr. SNYDER expressing his desire to speak to this question, the resolution, as modified, lies over one day by the rule.

Mr. STANLY offered the following resolutions:

Resolved, That, in the opinion of this House, petitions praying for the abolition of slavery in the District of Columbia, in the Territories, or in the States, with a "view" of affecting slavery within the District of Columbia, or in the States, or in the Territories, ought not to be received, entertained, or considered by the House.

Resolved, That Congress has no right to do that indirectly which it cannot do directly, and that the agitation of the subject of slavery in the District of Columbia, or in the Territories, or in any manner, with a view of disturbing or overthrowing that institution either in the District of Columbia or in the Territories or in the several States, is equally unconstitutional, and beyond its legislative competency, and is an infringement of the rights of the States and a breach of the public faith on which they entered into the Confederacy.

Resolved, That all attempts on the part of Congress to abolish slavery in the District of Columbia, or in the Terri-

tories, or to "regulate" the removal of slaves from State to State, or to discriminate between the institutions of one portion of the Confederacy and another, either with a view of disturbing or overthrowing that institution in the District of Columbia, or in the Territories, or in the States, are in violation of the Constitution, destructive of the fundamental principle on which the union of these States rests, and beyond the jurisdiction of Congress; and that, as such, no petition, memorial, resolution, proposition, or paper touching or relating in any way, or to any extent whatever, to slavery, as aforesaid, or to the abolition thereof, shall be entertained or considered by this House.

*Resolved*, That "the right of the people peaceably to assemble and to petition the Government for a redress of grievances," as secured by the first article of the amendments of the Constitution, does not give to citizens of non-slaveholding States the right to petition Congress to interfere with or abolish slavery, either in the District of Columbia, or in the Territories, or in the States, inasmuch as slavery is denied by the citizens of the slaveholding States to be a "grievance," and was not so considered at the time of the formation of the Constitution.

Mr. STANLY, in offering the resolutions, said his object was to supply the omissions in the resolutions which caucus No. 2 had made. Those now offered by him contained the substance of those which caucus No. 1 had agreed upon, and afterwards reconsidered.

The SPEAKER decided that, under the resolution of the 12th instant, these resolutions must be laid on the table.

Mr. ADAMS. Sir, are these resolutions to be laid on the table?

The SPEAKER. Yes.

So the resolutions were laid on the table.

The State of South Carolina having been called, Mr. PICKENS rose and said, that he had prepared a resolution he intended to present, in relation to the movements of the *French squadron* on the coast of Mexico; but the gentleman from Massachusetts [Mr. CUSHING] had introduced one that covered the ground, and Mr. P. would withhold his. He was rejoiced to see the resolution coming from the quarter it did. A question of great importance might arise, in which the South-western States would feel a deep interest, and we could not look to it too soon.

On motion of Mr. OWENS, it was

*Resolved*, That the Committee on Claims be directed to inquire into the expediency of allowing compensation to Mrs. Eliza Mackey, for property destroyed in the service of the United States.

*Resolved*, That the Committee on Revolutionary Pensions be directed to inquire into the expediency of granting a pension to Mrs. C. Rhodes, the widow of a revolutionary officer.

Mr. WILLIAMS, of Kentucky, offered the following resolution:

*Resolved*, That the Secretaries of State, Treasury, War, and Navy, and the Postmaster General, be, and they are hereby, respectively required to report and communicate to this House, as soon as practicable, what were the expenses of their respective Departments, including every item of expenditure, in the year commencing on the 4th day of March, 1828, and ending on the 3d day of March, 1829, and so on for each successive year up to the 4th of March, 1838, and from thence up to the 1st day of January, 1839, placing each item of expenditure under its proper head; and further, to report and communicate the number of clerks and other officers, of every description whatever, belonging to their respective Departments, with the salary or pay of each, in each year, separately, commencing on the 4th day of March, 1828, and so on for each successive year up to the 4th of March, 1838, and from thence up to the 1st day of January, 1839.

The resolution would regularly lie over one day, but Mr. W. asked the House to consider it at this time.

Objection having been made,

Mr. W. moved a suspension of the rule, and asked for the yeas and nays; which were ordered, and being taken, were—yeas 106, nays 61. (Not two thirds.)

So the rule was not suspended.

Mr. W., by leave, then modified his resolution, by adding thereto the following:

And further, to report how much (if anything) has been allowed as extra pay to any clerk or other officer of their respective Departments, at any time within the foregoing periods, and for what services those extra allowances were made.

On motion of Mr. J. L. WILLIAMS, it was

*Resolved*, That the Committee on the Judiciary inquire into the expediency of providing by law for the holding of a special term of the circuit court of the United States for the district of Eastern Tennessee, at Knoxville, on the third Monday of April next, by the district judge of said district, at which term to hear and try all issues and matters cognizable at the regular term of said court; and that said committee inquire, also, into the expediency of authorizing the judges of the circuit courts of the United States to direct said courts to be adjourned over to some future day, designated in a written order to the clerk of either of said courts, in case of the prevalence of a dangerous and general disease at the place where said court is usually holden; and

that the adjournment over by the clerk, in the absence of the judges, shall have the same force and effect as if the judges had been present.

On motion of Mr. STONE, it was

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of increasing the pay of the volunteers or drafted militiamen who are now, or who may hereafter be, called into the service of the United States; also, those who are, or may have been, employed by the General Government for the purpose of removing the Cherokees out of the States of Georgia, North Carolina, Tennessee, and Alabama, and settling them west of the Mississippi, as well as those volunteers who have just returned home from the Florida war; also, to provide by law for the payment of all horses and their equipment at their first valuation, which have either been turned over to the quartermaster's department by order of General Jesup, or which have been lost by death, or become unfit for use on account of the Government having failed to furnish forage sufficient to sustain them.

Mr. BOND offered the following resolution:

*Resolved*, That the Secretary of the Treasury be directed to communicate to this House a copy of a circular issued by the Comptroller, in the year 1821, and which is referred to by the said Secretary in his report to the President of the United States, dated 6th November, 1838, in relation to the default of Samuel Swartwout, late collector of the customs of the port of New York, being the same circular which, in said report, is alleged "to have tended to remove a check on the collector." And also, to inform this House whether the bonds set forth in document No. 10, appended to said report, were included in any return, bond account, or other account of said late collector, communicated by him to the Treasury Department, and if so included, at what time such returns or accounts were communicated to said Department. And also, whether three certain Treasury warrants, amounting in the aggregate to \$39,240 05, received by said late collector, during the years 1834 and 1835, mentioned in paper No. 15, annexed in said report, appear in any quarterly or other account or return rendered by said collector to said Department; and if so, to communicate a copy of such return or account to this House.

Mr. B. asked that the resolution be considered at this time; and, objections having been made, moved a suspension of the rule; but the motion was rejected.

On motion of Mr. Allen, of Ohio, it was

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the commencement of a breakwater at the harbor of Cleveland, in the State of Ohio, on the plan suggested in the report of Captain Henry Smith, on the files of the War Department.

On motion of Mr. HARPER, it was

*Resolved*, That the Committee on the Public Lands be instructed to inquire into the expediency of reducing the number of land offices in the State of Ohio.

Mr. PRENTISS, of Mississippi, offered the following resolutions:

1. *Resolved*, That the power of designating the time, place, and manner, of elections for Representatives is expressly given, by the Federal Constitution, to the Legislatures of the States, respectively, subject to no supervision or control, except by law of Congress only; and that, in the exercise of this power, the State Legislatures may constitutionally fix the time of election subsequent to the expiration of the Congress preceding that for which such election is to be holden.

2. *Resolved*, That neither the Federal nor State executive can constitutionally anticipate, supersede, or change, the times of election as fixed by the State Legislatures.

3. *Resolved*, That this House has not the constitutional power, either legislative or judicial, by its own action alone, to annul, suspend, or impede the operation of an act of a State Legislature, fixing the time, place, and manner of election for Representatives.

4. *Resolved*, That no resolution or action of this House can deprive the people of any State of their constitutional right of electing Representatives to Congress at the time designated for that purpose by the Legislature of such State; that the claim of such power, on the part of this House, would be a dangerous encroachment upon the rights of the States, and its exercise a direct and palpable violation of the Constitution.

5. *Resolved*, That the constitutional jurisdiction of this House over the subject of representation is a limited one, embracing the questions of election, qualification, and return, only; and that, in judging of election, this House is bound to judge in accordance with the act of the State Legislature regulating the time, place, and manner thereof.

6. *Resolved*, That, in accordance with a constitutional act of the Legislature of the State of Mississippi, prescribing the time, place, and manner of election for Representatives to Congress, and in compliance with all the provisions of said act, an election was holden in November, 1837, for two Representatives from said State to the Twenty-Fifth Congress, at which election SERGEANT S. PRENTISS and THOMAS J. WORD were duly elected, possessed the constitutional qualifications, and were duly and legally returned.

7. *Resolved*, That the resolution of this House, adopted on the 5th day of February last, denying to said PRENTISS and WORD seats in this House as members thereof, was a dangerous attack upon the elective franchise, in derogation of the rights of the State of Mississippi, in violation of the Constitution of the United States, and a mischievous example to future times.

8. *Resolved*, therefore, That said resolution be, and the same is hereby, rescinded.

Mr. HAYNES said there were many important questions in these resolutions which required consideration.

Mr. WILLIAMS, of Kentucky, inquired of the Chair whether the mere fact of a single member rising in his seat and stating that there were matters in the resolutions which required consideration, would subject those resolutions to be laid over under the words of the rule which speak of resolutions "giving rise to debate."

Mr. HAYNES said it was obvious that such resolutions could not pass without debate.

The SPEAKER said that, under the rule, the resolutions would lie over.

Mr. PRENTISS, of Mississippi, said he was desirous to have the resolutions considered soon, as his own position was somewhat peculiar. He must, therefore, move to suspend the rule for the purpose, at least, of fixing a day certain for their consideration.

The question was then taken, and decided in the negative—yeas fifty-nine, noes not counted.

So the rule was not suspended.

Mr. LYON asked the permission of the House to present a letter received by him from a soldier of the Revolution, who resided in his district, (Samuel Earle,) inclosing \$157 in Continental money. The writer stated in his letter that he had served as a regular soldier during the war of the Revolution, and had received for his services, at the close of the war, only \$200 in Continental money, a part of which he inclosed. He stated further, that he was in indigent circumstances; was upon the pension list at the rate of eighty dollars a year, but that this sum was not sufficient for his support, and that he had received no bounty land.

Mr. L. said he was charged by this old soldier to present the money inclosed to Congress, accompanied by his respects, and with a request that the amount, with interest, might be paid to him.

He presented the letter, together with the money, and offered the following resolution:

*Resolved*, That the communication from Samuel Earle, a soldier of the Revolution, inclosing the sum of \$157, in Continental money, be referred to the Committee on Revolutionary Claims, with instructions to inquire into the nature and extent of his claim, and into the expediency of increasing his rate of pension.

On motion of Mr. MILLER, it was

*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of making an appropriation for the further improvement and completion of the harbor of St. Louis, Missouri; also, an appropriation for the improvement of the navigation of the Mississippi river from the mouth of the Ohio to the mouth of the Missouri river; and also, an appropriation for the improvement of the navigation of the Missouri river from its mouth as far up said river as Fort Leavenworth.

Mr. M. also presented the petition of Richard Graham and John O'Fallon, of Missouri, asking the passage of a law for their relief, as the securities of E. T. Longham, late surveyor general at St. Louis, so far as to authorize the proper accounting officer of the Treasury Department to adjust with them, according to the principles of equity and justice, the amount that may be due the United States on their bonds, as the securities of the said Longham.

On motion of Mr. TOUCEY, it was

*Resolved*, That the Committee for the District of Columbia be instructed to inquire into the expediency of establishing a territorial government for said District.

On motion of Mr. SLADE, it was

*Resolved*, That the Secretary of War be directed to communicate to this House a statement showing the number and amount of invalid pensions which have been relinquished under the pension act of the 15th March, 1818, and the number of pensioners having thus relinquished who are now on the pension roll, with the annual amount of the pensions relinquished by them under the said act.

On motion of Mr. HALL, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of authorizing the Postmaster General to contract for carrying mails in steamboats, packets, or otherwise, between the United States and foreign countries, and also between points without the limits of the United States, under such regulations and restrictions as should be deemed necessary and proper.

Mr. EVERETT submitted the following resolution; which, under the rule, lies over one day:

*Resolved*, That the Secretary of War be directed to lay before this House a statement of the number of troops from the Army and marine corps, militia and volunteers, employed in the Seminole war since its commencement, their terms of service, the number killed and wounded; and also a statement of the amount of moneys expended in said war.

On motion of Mr. GRANT, it was

*Resolved*, That the Committee on Military Affairs be

directed to inquire into the expediency of repairing and rebuilding Fort Ontario, situated at Oswego, in the State of New York, and, with the view of making such inquiry, that the said committee correspond with the Secretary of War, Major General Alexander Macomb, and Colonel W. J. Worth, of the Army, as to the probable expense of such repairs, and the importance of said fortification as a military post for the protection of the northern frontier.

**On motion of Mr. MARVIN, it was**

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of causing such parts of Lakes Ontario, Erie, St. Clair, Huron, Michigan, and Champlain, and the bays contiguous, and the rivers and straits connected with said lakes, to be surveyed, and accurate maps and charts of such surveys to be made, for the security and safety of the navigation and commerce on said waters.

**On motion of Mr. RUSSELL, it was**

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of rebuilding the fortifications on Castleton Island, at the outlet on Lake Ontario, in the county of Jefferson, in the State of New York.

**On motion of Mr. BRONSON, it was**

*Resolved*, That the Committee on Invalid Pensions be instructed to inquire into the expediency of allowing a pension to Peter A. Myers, late a soldier in the Army of the United States.

**On motion of Mr. TAYLOR, it was**

*Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of so altering the laws relating to bounty lands as to allow those entitled to them to locate on any public lands subject to entry at private sale, or to receive land scrip in lieu of bounty lands.

**On motion of Mr. ANDREWS, it was**

*Resolved*, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of granting a pension to Elizabeth Davidson, widow of John Davidson, deceased.

**On motion of Mr. YORKE, it was**

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the erection of a breakwater on Crow shoals, at Cape May roads, in the Delaware bay.

**On motion of Mr. SIBLEY, it was**

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at the mouth of Suwannee, in Florida, as requested by a resolution of the Legislative Council of that Territory.

Mr. LOOMIS submitted the following resolution; which, under the rule, lies over one day:

*Resolved*, That the following be adopted as a part of one of the standing rules of the House, to be added to the 61st rule: "All appropriation bills for special objects other than private bills shall be by separate bill for each specific object, and accompanied with a report or brief statement of the particular reasons and grounds which render such appropriation necessary."

**On motion of Mr. WORTHINGTON, it was**

*Resolved*, That the Committee on Revolutionary Claims be instructed to inquire into the propriety of allowing to the heirs of Edward Farnell the amount due on a certificate signed by Lord Butler, assistant deputy master general of the Army of the United States in the revolutionary war.

**On motion of Mr. EWING, it was**

*Resolved*, That the Committee on Claims be instructed to inquire into the expediency of abridging its onerous duties by reviving such sections of the act passed the 9th day of April, 1816, entitled "An act to authorize payment for property lost, captured, or destroyed during the last war, as may be deemed proper, and to embrace horses lost, and private property consumed by mounted rangers, and militia, and volunteers in the authorized campaigns of 1811, previous to the formal declaration of war in 1812;" also, into the expediency of authorizing and granting to the officers and privates, in the service of the United States as rangers, volunteers, and militia, for six months altogether from and after the date of the order given to the Army to embody to march to Tippecanoe, in 1811, to the end of the war, scrip sufficient to enter a tract of public land each, apportioned according to rank.

**On motion of Mr. HALSTED, it was**

*Resolved*, That the Committee on Naval Affairs be instructed to inquire into the propriety of paying to William Fabre his share of prize money, as one of the sailors on board the *Saratoga*, under Commodore McDonough, in the battle on Lake Champlain of the 11th September, 1814.

**On motion of Mr. BEIRNE, it was**

*Resolved*, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of replacing William Meade, of Logan county, Virginia, on the pension roll.

**On motion of Mr. GRAHAM, of North Carolina, it was**

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of authorizing the militia to be called into the public service for a longer term than three months; and that they extend the term of service to twelve months, if they shall be so long required.

*Resolved further*, That said committee inquire into the expediency of increasing the pay of militia soldiers to eight dollars per month.

**On motion of Mr. FOSTER, it was**

*Resolved*, That the Secretary of the Treasury be instructed to report to this House the amount of money due to the Government from the late deposit banks on account of the public moneys on deposit with them at the time of their late

suspension of specie payments; specifying the name and place of business of each such bank; the amount due from each, and how secured; and when (by the terms of any agreement) payments are to be made to the Government.

**On motion of Mr. PECK, it was**

*Resolved*, That the Committee on Revolutionary Claims be directed to inquire into the expediency of reporting a bill authorizing the Secretary of the Treasury to issue scrip to David Searle on a United States military land warrant for one hundred acres now held by said David Searle as the assignee of Jonathan Wheelock, deceased.

**On motion of Mr. CAMBRELENG, it was**

*Resolved*, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Elizabeth Fitch, the widow of a Revolutionary soldier.

**On motion of Mr. DE GRAFF, it was**

*Resolved*, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for improving the navigation of the river Suwannee, in Florida, in accordance with a resolution of the Legislature of said Territory.

**On motion of Mr. WAGENER, it was**

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of repealing so much of an act, approved March 2, 1833, "to improve the condition of the non-commissioned officers and privates of the Army and marine corps of the United States, and to prevent desertion," which authorizes the punishment of stripes and lashes for that offense, and the rules and articles for the government of the armies of the United States, which authorizes the infliction of corporal punishment by stripes or lashes.

**On motion of Mr. CURTIS, it was**

*Resolved*, That the Secretary of the Treasury be directed to communicate to this House a copy of a circular issued by the Comptroller in the year 1821, and which is referred to by the said Secretary in his report to the President of the United States, dated 6th November, 1833, in relation to the default of Samuel Swartwout, late collector of the customs at the port of New York, being the same circular which, in said report, is alleged to have "tended to remove or check the collector;" and also, to inform this House whether the bonds set forth in document No. 10, appended to said report, were included in any return, bond account, or other account of said late collector, communicated by him to the Treasury Department; and if so included, at what time such returns or accounts were communicated to said Department; and also, whether three certain Treasury warrants, amounting in the aggregate to \$39,340 05, received by said collector during the years 1834 and 1835, mentioned in paper No. 15, annexed to said report, appear in any quarterly or other account or return rendered by said collector to said Department; and if so, to communicate a copy of such return or account to this House.

**On motion of Mr. WORD, it was**

*Resolved*, That the select committee on the Public Lands be instructed to inquire into the expediency of so amending the laws relating to the disposition of the said lands, as to restrict the sales of the same to bona fide settlers thereon, and also to limit the purchase by the same individual to one section of land at most, and that said committee report.

**On motion of Mr. HAMER, it was**

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the judge of the district of Ohio.

**On motion of Mr. GARLAND, of Louisiana, it was**

*Resolved*, That the Committee on Private Land Claims be instructed to inquire into the expediency of providing by law for the adjustment of all unsettled land claims of the Baron Bastrop, the Marquis de Maison Rouge, Elisha Winters and others, Davenport Bar and others, the claims derived from the Spanish Government, in that part of Louisiana east of the Mississippi, and the Island of Orleans, called Florida, whilst said Government was in actual possession of said territory, and all other claims that have been presented to the proper officers and by them recommended for confirmation, or which have not been acted on by said officers since the date; and that all the documents on file relating to the same be referred to the said committee.

**On motion of Mr. MITCHELL, it was**

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of making an appropriation to preserve the public works at Fort Niagara, in the State of New York, from destruction, and to put the same in complete repair.

**On motion of Mr. GARLAND, it was**

*Resolved*, That the Committee on Naval Affairs be instructed to inquire into the expediency of constructing steam ships for the naval service of the United States.

**On motion of Mr. BANKS, it was**

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at the town of Fredericksburg, in the State of Virginia.

Mr. JOHNSON, of Maryland, submitted the following resolution:

*Resolved*, That the select committee on the subject of the national foundry and on the public lands be allowed a committee clerk, when, in the judgment of said committee, they may think that necessary.

Mr. PETRIKIN moved to amend the resolution, by adding the following:

Who shall only receive pay for the days when actually in the service of the committee.

Mr. JOHNSON accepted the amendment as a modification of his resolution.

The question was then put upon the resolution, as modified, and it was rejected.

**On motion of Mr. PETRIKIN, it was**

*Resolved*, That the Committee on Invalid Pensions be instructed to inquire into the expediency of granting a pension to Benjamin V. Wesley, of Luzerne county, Pennsylvania, who was wounded at Queenstown, during the late war with Great Britain, and that the papers on the files of this House be referred to said committee.

**On motion of Mr. CHILDS, it was**

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of regulating the postage on letters so as to conform the same to the rates recommended to the last Congress by the Postmaster General.

**On motion of Mr. MORGAN, it was**

*Resolved*, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of so extending the provisions of the act of Congress entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution," passed June 7, 1832, as to provide, for the term of five years only, a pension for all such officers and soldiers of the United States and militia of the States, as were engaged in the Indian wars between the year 1783 and the treaty of Greenville, with the Indians, in the year 1795.

**On motion of Mr. GRAY, it was**

*Resolved*, That the Committee on Invalid Pensions be instructed to inquire into the propriety of granting William Steele a pension.

**On motion of Mr. EDWARDS, it was**

*Resolved*, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of increasing the pension of David Morse, and that the documents in support of his claim be referred to said committee.

**On motion of Mr. CLARK, it was**

*Resolved*, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of granting a pension to Frederick Hopkins, and that the papers on file in regard to such application be referred to such committee.

**On motion of Mr. HUNTER, of Ohio, it was**

*Resolved*, That the papers in the case of David Casswell James Thompson, and Joseph Wilson, be referred to the Committee on Revolutionary Pensions.

**On motion of Mr. DUNN, it was**

*Resolved*, That the Committee on Public Lands inquire into the expediency of providing by law for the issue of land scrip for the satisfaction of such warrants for bounty land as have issued or may hereafter issue, for revolutionary or other military services.

**On motion of Mr. RARIDEN, it was**

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of allowing Thomas J. Collins additional compensation for transporting the mail on route 2521, in the year 1837.

*Resolved*, That the Committee on Claims be instructed to inquire into the expediency of allowing Charles Simpson compensation for property destroyed by the Indians in 1814 whilst in treaty with the United States.

**On motion of Mr. HARLAN, it was**

*Resolved*, That the Committee on the Post Office and Post Roads inquire into the expediency of reporting a bill to abolish postage on newspapers and periodical publications.

**On motion of Mr. SHIELDS, it was**

*Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of changing the law relative to issuing, examining, and signing land patents, and whether the duties now performed by the signer of patents may not be properly assigned to the Commissioner General of the Land Office.

**On motion of Mr. CRABB, it was**

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing by law a post route direct from the seat of government of the State of Alabama, by way of the town of Gainesville, in said State, to the seat of government of the State of Mississippi; also, that the said committee be instructed to inquire into the expediency of establishing by law a post route direct from Greensboro, by way of Livingston, in the said State of Alabama, to the seat of government of the State of Mississippi; also, from Livingston, in the county of Sumter, through the southwestern part of said county, the nearest and best route, by way of Washington court-house and the Ridge road, to the city of Mobile; also, from Louisville, in Madison county, to Trenton, in Jackson county, in the State of Alabama.

**On motion of Mr. JOHNSON, of Louisiana, it was**

*Resolved*, That the Secretary of War report to this House the progress made in the construction of Fort Livingston, at Grande Fair, Louisiana, the sum expended in the said work, the amount yet applicable to the object, and also the causes which have retarded the completion of the said fortification.

**On motion of Mr. CAMPBELL, of South Carolina, it was**

*Resolved*, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of allowing a pension to John Cobb; and that the papers presented upon that subject at the last session of Congress, be again referred to the said committee.

On motion of Mr. A. H. SHEPPERD, it was  
*Resolved*, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of restoring William Cummings and Christopher Eaton, of North Carolina, on the pension roll.

On motion of Mr. CORWIN, it was  
*Resolved*, That the Committee on the Public Lands be instructed to inquire and report to this House what quantity of land, if any, is due to the several townships in the State of Ohio, within the territory purchased by the United States, of the Indian tribes, since the 3d of March, 1803; and what further legislation, if any, is necessary to enable said townships to obtain the benefit of the grant of said lands, as provided in the act of Congress, approved March 3, 1803, entitled an act in addition to, and in modification of the propositions contained in the act entitled an act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes.

On motion of Mr. SNYDER, it was  
*Resolved*, That the Commissioner of the General Land Office communicate to this House the quantity of lands belonging to the General Government in that part of the Edwardsville and Kaskaskia district, in the State of Illinois, which comprises the American Bottom, from Wood river to the mouth of the Kaskaskia river; also, the number of years said land has been subject to entry.

On motion of Mr. CAMPBELL, of Tennessee, it was

*Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of satisfying the bounty land warrants of soldiers of the late war, either in scrip, or by laying off a district of the public lands for the location of such warrants.

On motion of Mr. C. H. WILLIAMS, it was  
*Resolved*, That the Committee of Claims be instructed to inquire into the expediency of allowing the claim of Captain R. P. Neely's company for additional pay, on account of service rendered in the Cherokee nation, under the orders of Major General Scott.

On motion of Mr. CROCKETT, it was  
*Resolved*, That the Committee on Indian Affairs be instructed to inquire into the expediency of allowing the claim of George G. Allen against Pryor Frame, under the treaty of the 24th of May, 1834, with the Chickasaw Indians.

On motion of Mr. TURNEY, it was  
*Resolved*, That the Committee of Claims be instructed to inquire into the expediency of paying to Preston Frazier the value of a horse lost in the service of the United States in Florida, and that the accompanying papers be referred to said committee.

On motion of Mr. CAMPBELL, of Tennessee, it was  
*Resolved*, That the Committee of Claims be instructed to inquire into the expediency of passing a law for the payment of the staff of government of the State of Tennessee while engaged in mustering and organizing into regiments the Tennessee volunteers called into the service of the United States in the summer of the year 1838, for the Cherokee country.

On motion of Mr. HAYNES, it was  
*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the compensation of the marshal of the district of Georgia, as also of amending the law providing for the resignation of the marshal, so as to compel the deputy to act until another marshal is appointed; and in case there be no deputy, authorizing other person or persons to serve process, such service to be affixed by affidavit.

On motion of Mr. CALHOON, of Kentucky, it was

*Resolved*, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of increasing the pension of Thomas Kincheloe.

On motion of Mr. McKENNAN, it was  
*Resolved*, That the Committee of Ways and Means be directed to inquire into the expediency of making an appropriation for the erection of guard fences on the Cumberland road east of the Ohio, and for refunding to the commissioners of Maryland, Pennsylvania, and Virginia, the sums advanced out of the tolls received for the completion of the toll-houses and toll-gates on the said road; and also for widening the said road at Doonard's Spring, on the western side of Laurel Hill, in Fayette county, Pennsylvania, and that House document No. 134, second session of Twenty-Fifth Congress, be referred to the said committee.

On motion of Mr. McCLELLAN, of Tennessee, it was

*Resolved*, That the Committee on Invalid Pensions be instructed to inquire into the expediency of granting to George Miller and John Steers, pensions as invalids.

On motion of Mr. JONES, of Wisconsin, it was

*Resolved*, That the Secretary of the Treasury be directed to inquire into, and report to this House, the condition of the banks of Wisconsin Territory; to ascertain whether the said banks have been put in operation in pursuance of the acts of the Territory chartering such banks, and the acts of Congress approving, if any were passed, and whether the said banks have or have not violated the provisions of their charters, if any were granted.

*Resolved*, That the said Secretary also report to this House the character of the currency received at the differ-

ent land offices in the said Territory, in payment for the public lands, and report the names of the banking institutions the notes of which are so received.

On motion of Mr. LYON, it was  
*Resolved*, That the Committee of Ways and Means inquire into the expediency of making an appropriation sufficient to complete the marine hospital authorized to be erected in the city of Mobile.

On motion of Mr. CHAPMAN, of Iowa, it was

*Resolved*, That the Committee on Roads and Canals be instructed to inquire into the expediency of making a road from Dubuque, in the Territory of Iowa, to the Missouri State line, passing through as many of the county seats as practicable, so as to terminate in the county of Van Buren; that said committee also inquire into the expediency of constructing a canal from Bloomington, in the Territory of Iowa, to some suitable point on the Red Cedar river, and of the expediency of granting lands to aid in the construction of the same.

*Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of reporting a bill granting to the Territory of Iowa the quantity of land usually given to the Territories for the benefit of education; also, a bill granting the preemption right to the claimants of lots in certain towns reserved from sale by the act of Congress of 1838.

*Resolved*, That the Committee on Territories be instructed to inquire into the expediency of reporting a bill to define the eastern boundary of the Territory of Iowa; a bill to authorize the election of judges of probate, sheriffs, justices of the peace, and county surveyors, in the Territory of Iowa; and a bill to authorize the people of said Territory to form a constitution and State government, and for its admission into the Union.

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Dubuque, through the counties of Jones, Cedar, Slaughter, and Henry, to the town of Keosauqua, in the Territory of Iowa.

*Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of granting to the counties of Lee, Des Moines, Jackson, and Dubuque, in the Territory of Iowa, lands to aid in the erection of court-houses and jails, in lieu of lands sold by the Government.

*Resolved*, That the Secretary of State be requested to communicate to this House, at as early a period as possible, any report he may have received from the commissioners appointed to survey and run the western boundary line of the State of Missouri.

On motion of Mr. CRARY, it was  
*Resolved*, That the Committee on Naval Affairs be instructed to inquire into the expediency of so reorganizing the Navy Department as to dispense with the service of the Board of Navy Commissioners.

On motion of Mr. CASEY, it was  
*Resolved*, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the improvement of the navigation of the Great Wabash river.

On motion of Mr. DOWNING, it was  
*Resolved*, That the Committee on Territories be instructed to inquire into the expediency of making an appropriation to enlarge or reconstruct the public buildings for the accommodation of the legislative body of the Territory of Florida.

On motion of Mr. DOWNING, it was  
*Resolved*, That the claim of General Duncan L. Clinch, for forage and other articles included in his account, furnished to the troops and militia of the United States, or taken by them, be referred to the Committee of Claims.

On motion of Mr. HARRISON, it was  
*Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of ceding to the State of Missouri such inundated and swamp lands lying within the said State as have not been surveyed, and which have been reported as impracticable to be surveyed, or as not worth the expense of surveying.

On motion of Mr. YELL, it was  
*Resolved*, That the Committee on Foreign Affairs be instructed to inquire if immediate legislation is necessary to carry into effect a treaty between the United States and the Republic of Texas, in relation to the running and establishing the line between the two Governments, in accordance with said treaty; and that the treaty of limits between the Republic of Texas and the United States, communicated to Congress at the beginning of the present session, be referred to the same committee.

Mr. BOND submitted the following, which, under the rules, lies over one day:

*Resolved*, That the Secretary of the Treasury be directed to furnish to this House a copy of the quarterly accounts of Samuel Swartwout, late collector of the port of New York, in which are included credits by said collector, for three several Treasury warrants, to wit: 1834, August 23, No. 9677, \$7,537 21; 1835, May 2, No. 837, \$21,895 15; 1835, June 22, No. 993, \$9,707 60.

On motion of Mr. LEGARE, it was  
*Resolved*, That the Committee on Naval Affairs, to which was referred the memorial of the Charleston Chamber of Commerce, in relation to nautical schools, be requested to take the subject into consideration, and report thereon in the course of the session.

Mr. MONTGOMERY submitted the following resolution; which, under the rule, lies over one day:

*Resolved*, That the annual expenditures of this Government ought not to exceed \$15,000,000 in time of peace.

*Resolved*, That the appropriations to be made by the present session of Congress, for the support of the Government for the year 1839, should not exceed the sum of \$15,000,000, exclusive of the revenue derived from the Post Office Department.

*Resolved*, That the Clerk of this House shall hereafter cause the appropriation bills to be printed with lines and figures, showing the amount contained in each item of appropriation, and after their second and third reading, add up the amount contained in each bill, and keep the same on his table ready for the examination of the members of this House, at all times.

On motion of Mr. JOHNSON, of Virginia, it was

*Resolved*, That the Clerk be instructed to dispose of the damaged and useless stationery now on hand, on the best terms he can, either at auction, or in exchange for other stationery.

Mr. McKAY submitted the following resolution; which, under the rule, lies over one day:

*Resolved*, That the Secretary of the Treasury inform the House whether the accounts of any, and if any, which, of the public officers, whose names were reported by him on the 17th of January last as defaulters, have, since that report was made, been settled, either in whole or in part, specifying in each case the nature of the settlement.

Mr. CHAPMAN submitted the following resolution; which, giving rise to debate, lies over one day:

*Resolved*, That the Committee on the Public Lands be instructed to inquire into the expediency of amending the preemption law of the 22d day of June last, so as to extend its provisions to all persons settled on public lands during the year 1835; also to dispense with the oath required to be taken under the said law.

The SPEAKER laid before the House a communication from the Postmaster General, containing the annual estimates for the year 1839; which was ordered to be printed.

Mr. KENNEDY submitted the following preamble and resolution; which, under the rule, lie over one day:

There having been well-founded complaints, from divers quarters, of manifold corrupt practices in the holding of the late elections, which corrupt practices are said chiefly to have consisted in attempts to bribe some of the voters in said elections, by means both direct and indirect; in the open and active interference of the officers and agents of the General Government in the conduct of the said elections; and in the employment of threats, blows, and riots, designed to prevent the lawful exercise of the privilege of voting; and as the preservation of the purity of the elective franchise is of the deepest concern to the safety of Republican Government; and as it is the duty of the National and State Legislatures to guard the right of suffrage against all improper influences; to preserve it from all official interference; from bribery, both open and secret; from all practices that have the effect to hinder or prevent the free and fair expression of the popular will; and as it is the especial duty of Congress to look to "the correction of those abuses which have brought the patronage of the General Government into conflict with the freedom of elections;" Therefore,

*Resolved*, That a select committee, to consist of — members, be appointed by the Chair, and that it shall be their duty to inquire into the existence of such abuses as, by common report, are charged to have been practiced in the exercise of the elective franchise in various quarters of this Union; and that, for the purpose of this inquiry, said committee be authorized, if they should deem it necessary, to send for persons and papers.

*Resolved*, That said committee be instructed to inquire into the expediency of this House adopting as a rule of decision for settling the validity of contested elections, some provision or regulation which, with suitable limitations, shall, in effect, determine that actual bribery practiced in any election for a seat in this House by the reported successful candidate, or by his friends or supporters (the same being clearly proved to have procured for such candidate a certain number of votes,) shall vitiate said election, and be held as conclusive ground for setting the same aside, and for referring it again to the people; that said committee be also instructed to inquire into the expediency of this House adopting as a rule of decision in cases of contested elections, some provision or regulation which, with suitable limitations, shall, in like manner, determine any election to be void, and proper to be referred again to the people, wherein it shall be made to appear by ample proof that a certain number of voters friendly to the successful candidate in such election shall have been prevented by threats, blows, or riots, from casting their votes in said election.

*Resolved*, further, That said committee be instructed to report a bill to this House for the remedying of all such disorders as the experience of past years has shown to have disturbed or affected the freedom and fairness of elections, the remedy whereof may be within the constitutional power of Congress; and that said committee be especially directed to incorporate into said bill suitable provisions or clauses by which it may be enacted that the salaries of all officers of the General Government, and all stipends, commissions, wages, or emoluments, agreed to be paid by the Government to any of the public servants or agents appointed by the Executive, shall be subject to the condition that the said officers, agents, or servants shall abstain from the exercise of any kind of interference with the elections, either of the Federal Government or State governments, further than the quiet and orderly casting of their respective individual votes, under the penalty of forfeiting, for a specified period, one half of their salaries, stipends, commissions, or other compensation as aforesaid; and that every officer, agent, or servant of the General Government, appointed by the Executive thereof, shall be rendered subject to the said forfeiture, who shall be proved before some competent judi-

cial tribunal, and upon the verdict of a jury, to have busied himself in any manner whatever in the ordering, adjusting, or proceeding of any public meeting held with a view to the promoting of any political election, or to have attended such meeting knowing its character, or to have subscribed any sum of money for the defraying of the expenses of any such election, or to have attended at any polls on the day of such election, and there have employed himself in procuring the voters or others to vote, or to have joined in any processions, meetings, or assemblages, got up for purposes connected with any such election.

Mr. UNDERWOOD submitted the following joint resolutions; which were ordered to lie on the table and be printed:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to open a correspondence with the Government of the confederacy of Central America on the subject of connecting the commerce of the Gulf of Mexico with that of the Pacific ocean, by means of a railroad or canal, or both, and the propriety of authorizing the construction of a railroad or canal by the united capital of the citizens of the two countries.*

*Resolved, That the President be requested to enter into treaty stipulations with said Government, providing suitable guarantees for the protection of the interests of our citizens who may invest capital in the construction of such railroad or canal.*

*Resolved, That the President be requested to depute some one or more officers of the engineer corps to survey any route or routes for a railroad or canal connecting the Gulf and Pacific: Provided, Said Government consent thereto.*

Mr. SOUTHGATE submitted the following joint resolution; which was ordered to lie on the table and be printed:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two thirds of each House concurring therein,) That the following amendment to the Constitution of the United States be submitted to the Legislatures of the several States, which, when ratified by the Legislatures of three fourths of the States, shall form a part of the Constitution of the United States, to wit: That, if any officer of the United States shall embezzle, or in any way convert to his own use, the money of the United States confided to his care, he shall, on conviction thereof before any of the courts of the United States by the verdict of a jury and the judgment of the court, be declared forever thereafter incapable of holding any office of honor, trust, or profit, under the United States, or of exercising the right of suffrage.*

On motion, the House then adjourned till Wednesday, at twelve o'clock.

*Select Committee on the subject of past donations of public lands, quality surveyed, plans for dividing it or its proceeds, &c.—Messrs. JOHNSON of Maryland, DAVEE, ATHERTON, CUSHING, TILLINGHAST, HOLT, ALLAN of Vermont, PARKER, AYCRIFF, POTTER, MILLIGAN, ROBERTSON, CONNOR, PICKENS, HAYNES, MENEFFEE, McCLELLAN of Tennessee, HAMER, JOHNSON of Louisiana, BOON, PRENTISS, SNYDER, LEWIS, HARRISON, YELL, and CRAIG.*

## IN SENATE.

WEDNESDAY, January 2, 1839.

### PETITIONS, ETC.

Mr. McKEAN presented a memorial from two hundred and twenty-seven ladies of Delaware county, Pennsylvania, praying the passage of a law to prohibit the slave trade, and to abolish slavery in the District of Columbia.

Mr. McK. said he had been instructed to move that it be referred to a select committee, with instructions to report a bill to that effect.

On motion of Mr. CLAY, of Alabama, the motion to receive was laid on the table.

Mr. CLAY, of Kentucky, presented the petition and memorial of the New York Peace Society, asking Congress to act as arbiter between France and Mexico, and to take measures for having a Congress of nations, for the purpose of forming an international code of laws; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. BUCHANAN presented the memorial of a large number of the merchants of Philadelphia, requesting Congress to establish Newcastle as a port of entry; which was referred to the Committee on Commerce.

Mr. B. also presented the memorial of Dr. John Campbell White, praying Congress by legislation to correct an error in his naturalization papers; which was referred to the Committee on the Judiciary.

Mr. B. also presented the memorial of a number of physicians residing in the western part of Pennsylvania, asking that vaccine may be transmitted by mail free of postage; which was re-

ferred to the Committee on the Post Office and Post Roads.

Mr. B. also presented the memorial of C. Newbold, President of the Chesapeake and Delaware Canal Company, asking Congress for an appropriation for clearing out and deepening the harbors at the outlets at either end of the canal; which was referred to the Committee on Commerce.

Mr. ROANE presented the memorial of the Mayor and Common Council of Georgetown, asking an extension of time to redeem their small notes; which was referred to the Committee on the District of Columbia.

Mr. R. also presented a memorial from the same authorities, asking Congress to grant an appropriation to aid in building the bridge across Rock Creek; which was referred to the Committee on the District of Columbia.

Mr. R. also presented the memorial of Jonathan Elliot, praying for remission of interest on the purchase money of a lot bought from Government.

Mr. LINN presented the petition of a number of the citizens of the Territory of Florida, praying for the passage of a law for the adjudication of titles to land; which was referred to the Committee on Private Land Claims.

Mr. CLAY, of Kentucky, presented the petition of Betsy Crosswell Shtmah, of New York, asking a pension for services performed by her husband in the revolutionary war; which was referred to the Committee on Pensions.

Mr. MORRIS presented the memorial of Richard Elliot, praying for a reconsideration of the memorial and documents in his case on the files of last session; which, on Mr. M.'s motion, were recommitted to the Committee on Pensions.

Mr. HUBBARD presented the petition of Sarah Smith, of Vermont; which was referred to the Committee on Pensions.

### REPORTS FROM COMMITTEES.

Mr. WALKER, from the Committee on the Public Lands, to which was referred the bill for the relief of Daniel B. Bush, reported the same without amendment.

Mr. W. also, from the same committee, to which was referred the bill to authorize the selection of lands for the University of Michigan, instead of other lands heretofore selected, reported the same without amendment.

Mr. FULTON, from the Committee on the Public Lands, to which was referred the bill to authorize the location of preemption certificates given by the register of the land office at Batesville, Arkansas, under act of May 26, 1824, on any public lands in the State of Arkansas, reported the same without amendment.

Mr. F. also, from the same committee, to which was referred the bill to authorize the inhabitants of township eight north, range thirty-two west, in Arkansas, to enter a section of land upon surrender of the sixteenth section for military purposes, reported the same without amendment.

Mr. F. also, from the same committee, to which was referred the bill to set apart a belt of land on the borders of Missouri and Arkansas, for the purpose of bounty lands to such volunteers as may serve in defense of the frontier, reported the same with an amendment.

Mr. WALL, from the Committee on the Judiciary, to which was referred the bill for the relief of the heirs of Francis Newman, late collector of internal revenue and direct taxes in Maryland, reported the same without amendment.

Mr. WILLIAMS, from the Committee on Pensions, to which was referred the memorial of Brigadier General John R. Fenwick, made an adverse report thereon.

Mr. PIERCE, from the Committee on Pensions, to which was referred the petition and papers of John S. Billings, introduced a bill for his relief; which was read, and ordered to a second reading.

Mr. TIPTON, from the Committee on Military Affairs, to which was referred the bill for the relief of J. and W. Beeson, and others, reported the same without amendment.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the bill supplementary to an act, entitled "An act to amend an act under the 14th article of the treaty with

the Choctaws of 1830," reported a substitute for the bill.

Mr. BENTON, from the Committee on Military Affairs, to which had been referred the message of the President on the subject of the Pea Patch Island, in the river Delaware, reported a joint resolution authorizing the purchase thereof; which was read, and ordered to a second reading.

Mr. B. also, from the Committee on Military Affairs, to which was referred the memorial of the widow of Lieutenant Colonel Thompson, who was killed in battle with the Seminole Indians, requested that the committee might be discharged from the consideration thereof, and that it be referred to the Committee on Pensions; which was agreed to.

### BILLS INTRODUCED.

Mr. WILLIAMS, of Mississippi, on leave, and in pursuance of notice given, introduced a bill for the relief of Alvarez Fisk, and the legal representatives of Thomas P. Eskridge; which was read twice, and referred to the Committee on Public Lands.

Mr. LINN, on leave, and in pursuance of notice given, introduced a bill creating a new land district in the State of Missouri, and altering the boundary of the western and southwestern land districts in the same State; which was read twice, and, with the documents relating thereto, referred to the Committee on Public Lands.

Mr. MOUTON, on leave, and in pursuance of notice given, introduced a bill for the relief of the heirs of Madam De Lusser, and their legal representatives; which was read twice and referred.

On motion of Mr. SPENCE, the memorial of George McCall, on the files of the last session, was again referred to the Committee on Pensions.

### RESOLUTIONS.

On motion of Mr. CLAY, of Alabama, it was

*Resolved, That the Secretary of War be directed to inform the Senate at what time the claims of the volunteers from the State of Alabama for horses lost in the service of the United States in the late campaign against the Seminole Indians will be examined and settled under existing regulations, and whether any, and what further provisions are, in his opinion, necessary to a prompt and just settlement of said claims.*

On motion of Mr. WALL, it was

*Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the removal of certain obstructions in the navigation of Newark bay and the river Passaic, in the State of New Jersey.*

On motion of Mr. WALL, the resolutions of the Common Council of Newark on the foregoing subject were referred to the same committee.

On motion of Mr. MERRICK, it was

*Resolved, That the Secretary of the Treasury be directed to report to the Senate the quantity of public lands sold since the 30th September, 1837, which had at the time of sale been subject to entry for five or more years prior to such sale, designating between the several quantities of land which had, at the time of the sale thereof, been subject to private entry for five, ten, fifteen, and twenty or more years; and also, designating the State or Territory in which each description of land so sold is situated. Also, that the Secretary of the Treasury be directed to report the number of land offices now existing under the authority of the United States.*

On motion of Mr. LINN, it was

*Resolved, That the select committee on the Oregon Territory be instructed to inquire into the expediency of extending the laws of the United States over said Territory.*

On motion of Mr. FULTON, it was

*Resolved, That the Secretary of War be instructed to report to the Senate all the information in the possession of the War Department, in relation to the present situation of the Memphis road, and what further appropriation will be necessary to complete the same.*

On motion of Mr. TIPTON, it was

*Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of compensating Hiram H. Lewis and William T. Lewis for two horses lost by them while in the military service of the United States.*

The documents relating to the above were also, on Mr. T.'s motion, referred to the same committee.

On motion of Mr. BENTON, it was

*Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making payment and compensation to Colonel A. G. Morgan, of Missouri, for military services in Florida, and for raising troops for service in that Territory.*

On Mr. B.'s motion the papers relating to the foregoing were referred to the same committee.

Mr. SMITH, of Indiana, offered the following; which was agreed to:

*Resolved*, That the Committee on Indian Affairs be instructed to inquire into the expediency of making an appropriation to compensate and pay the militia who were called out by authority of the Indian agent at Logansport, Indiana, in the year 1836, to suppress a threatened riot at the payment of the annuity at that place, and that the papers relative to the same, on the files of the Senate, be referred to said committee.

#### PUBLIC DEFAULTERS.

The resolution offered yesterday by Mr. YOUNG, calling for information from the Secretary of the Treasury, was taken up for consideration.

Mr. YOUNG stated that this resolution was similar to one which had been offered at the last session, and to which he was not aware there had been any answer received. He had been informed, however, that information had already been collected, and would shortly be presented to the Senate, which would render unnecessary a part of the resolution; and he therefore proposed to substitute for it the following:

*Resolved*, That the Secretary of the Treasury be required to report to the Senate, in addition to the information called for by the resolution of February 15, 1838, in relation to public defaulters, all defalcations which have since occurred, (with the exception of the case of Samuel Swartwout, late collector of the port of New York,) and the names of the securities in each case; the suspended and rejected items of credit claimed by such defaulters; the reasons why the same have not been passed to their credit; the measure, if any, adopted in each case to enforce payment; and the probability of ultimate indemnity to the United States.

The bill to relinquish to the State of Mississippi the two per cent. fund accruing on her admission into the Union, was read a third time and passed.

#### NOTICES OF BILLS.

Mr. LINN gave notice that on to-morrow he would ask leave to introduce a bill to establish a port of entry at Fort Independence, Missouri, and to allow a drawback on such merchandise as is used in the Indian trade, and the trade with the internal provinces of Mexico.

Mr. BENTON gave notice that he would, in the course of a few days, ask leave to introduce a bill for the payment of the Missouri volunteers.

Also, a bill to repeal the duty on salt, and the fishing bounties dependent thereon.

#### PUBLIC LANDS.

The bill to graduate and reduce the price of the public lands was taken up, as the special order; when

Mr. CLAY, of Kentucky, offered a resolution to refer it back to the Committee on the Public Lands, with instructions to that committee so to amend it as to restrict its benefits to actual settlers.

An animated discussion ensued, in which Messrs. CLAY of Kentucky, WALKER, CLAY of Alabama, BENTON, and MERRICK, participated.

Before the question was taken on Mr. CLAY's proposition,

The Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 2, 1839.

Mr. ADAMS moved that the Journal be corrected, so as to enter thereon the request made by him on Monday, to take up and consider his resolutions calling upon the President of the United States for certain information in relation to the controversy between our Minister to England and Daniel O'Connell; and also that he sent to the clerk's table, to be read, a letter, threatening him with assassination, and that the said motion was rejected.

Mr. LEWIS, in reference to that letter, said he was satisfied it was a quiz, and was purely fictitious, for no individual of that name was known in Alabama.

Mr. ROBERTSON bore testimony to the same fact.

Mr. ADAMS respected the motives of the gentleman from Alabama in vindicating the people of his State; but Mr. A. could not consider a threat of assassination, whether true or false, as a quiz, unless treason be a quiz, or murder be a quiz, or forgery be a quiz.

Mr. A. was here called to order.

The motion of Mr. ADAMS was rejected—ayes 70, noes 87.

Mr. ADAMS inquired if this motion would be entered on the Journal?

The SPEAKER said it would.

Mr. HAYNES asked leave to move that the House go again into committee on the President's message.

Objection being made,

Mr. H. moved a suspension of the rules: lost.

#### PERSONAL EXPLANATION.

Mr. CUSHMAN asked leave of the House to make a statement in reference to the Secretary of the Treasury.

Objection being made,

Mr. C. moved a suspension of the rules, assuring the House that he would not occupy two minutes. The rules were suspended—ayes 114, noes 38.

Mr. CUSHMAN expressed his acknowledgments to the House, and said he would not trespass upon its patience so long as it had taken to decide the question. All he wished to say was this: that on Monday a resolution was offered by a gentleman from Virginia, [Mr. WISE,] proposing to raise a select committee to investigate the conduct of the Secretary of the Treasury, and to inquire whether they can find sufficient evidence upon which to found articles of impeachment against him; and this committee was proposed to be chosen by ballot. Mr. C. at the time objected to the then consideration of the resolution, not because he was opposed to investigation—far from it; and he knew at the time the Secretary of the Treasury would solicit an investigation whenever the House desired to have it; and he would say now that, if the gentleman would so modify his resolution that the committee should be raised forthwith in the usual way, Mr. C. would withdraw his proposition. He was further authorized to say, that so anxious and so desirous was that distinguished officer of the Government to have an investigation into the whole of his official conduct, that Mr. C. would now say that he would not interpose an objection to raising the committee, if it was done in a reasonable time.

Mr. MENEFEE called the gentleman to order. He had leave to make a statement, and he was making an argument.

Mr. CUSHMAN. I have done.

Mr. PRENTISS, of Mississippi, inquired if the gentleman's argument was a subject of reply? [Cries of "Order!"] I ask leave, then, to make a statement.

Objection being made, Mr. P. moved a suspension of the rules; on which motion

Mr. WILLIAMS demanded the yeas and nays; which being ordered, were—yeas 97, nays 97, not two thirds:

YEAS—Messrs. Adams, Heman Allan, John W. Allen, Ayer, Bell, Biddle, Bond, Borden, Buchanan, William B. Calhoun, John Calhoun, William B. Campbell, Carter, Chambers, Cheatham, Childs, Clark, Clowney, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Darling, Deberry, Everett, Ewing, Richard Fletcher, Foster, Rice Garland, Giddings, Goode, James Graham, William Graham, Grantland, Graves, Grennell, Hall, Halsted, Harper, Hawes, Henry, Hoffman, Robert M. T. Hunter, Jabez Jackson, Jenifer, Henry Johnson, William C. Johnson, Kennedy, Lyon, Sampson Mason, Maury, May, Maxwell, McKonnan, Menefee, Milligan, Mitchell, Matthias Morris, Calvary Morris, Naylor, Noyes, Pearce, Peck, Pope, Sergeant S. Prentiss, Rariden, Randolph, Reed, Ridgway, Robinson, Rumsey, Russell, Saltonstall, Augustine H. Shepperd, Shields, Sibley, Slade, Smith, Southgate, Stanly, Stuart, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Lewis Williams, Sherrard Williams, Christopher H. Williams, Wise, Word, and Yorke—97.

NAYS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beers, Beirne, Bicknell, Birdsall, Boon, Bouldin, Briggs, Brodhead, Bronson, John Campbell, Casey, Chapman, Coles, Connor, Craig, Crary, Cushman, Dawson, Davee, De Graff, Dromgoole, Duncan, Dunn, Edwards, Elmore, Evans, Farrington, Isaac Fletcher, Fry, Gallup, Grant, Gray, Griffin, Hammond, Hamer, Haynes, Holt, Howard, Hubley, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, Keim, Kemble, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Parmenter, Parris, Paynter, Petrik, Plumer, Potts, Pratt, Reily, Rencher, Rives, Robertson, Sheffer, Shepler, Snyder, Spencer, Swearingen, Taylor, Titus, Toucey, Turney, Vail, Vanderveer, Wagener, Webster, Whittlesby, Jared W. Williams, Joseph L. Williams, Worthington, and Yell—97.

Mr. WISE stated that he was not present when the gentleman from New Hampshire made his statement; and as he also wished to make one, he asked of the House a similar indulgence for a very short time.

Objection being made,

Mr. WISE moved a suspension of the rules, and demanded the yeas and nays; which were ordered.

Mr. PICKENS begged leave to say that he voted against the request of the gentleman from New Hampshire, and he could not now vote in any other way.

Mr. WISE notified the House that his object was to make an inquiry as well as a statement. He wanted to know whether the statement made by Mr. CUSHMAN was by authority of the Secretary of the Treasury.

The question was then taken; and the House refused Mr. Wise's request—yeas 90, nays 89; the motion requiring two thirds:

YEAS—Messrs. Adams, John W. Allen, Ayer, Biddle, Bond, Borden, Buchanan, John Calhoun, William F. Campbell, Carter, Chambers, Childs, Clark, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Darling, Davies, Deberry, Everett, Richard Fletcher, Foster, Rice Garland, Giddings, Goode, James Graham, William Graham, Grantland, Graves, Grennell, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Robert M. T. Hunter, Jabez Jackson, William C. Johnson, Kennedy, Legare, Lyon, Sampson Mason, Maury, May, McKonnan, Milligan, Matthias Morris, Calvary Morris, Naylor, Noyes, Pearce, Peck, Pope, Pratt, Putnam, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Saltonstall, Augustine H. Shepperd, Charles Shepard, Sibley, Slade, Smith, Southgate, Stanly, Stuart, Taliaferro, Tillinghast, Toland, Underwood, Albert S. White, John White, Lewis Williams, Sherrard Williams, Christopher H. Williams, Wise, Word, and Yorke—90.

NAYS—Messrs. Andrews, Atherton, Banks, Beatty, Beers, Beirne, Bicknell, Birdsall, Boon, Bouldin, Briggs, Brodhead, Bronson, John Campbell, Casey, Chapman, Clowney, Coles, Connor, Craig, Crary, Cushman, Dawson, De Graff, Dromgoole, Dunn, Edwards, Evans, Farrington, Isaac Fletcher, Fry, Gallup, Grant, Gray, Haley, Hamer, Haynes, Holsey, Holt, Howard, Hubley, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, Keim, Kemble, Klingensmith, Leadbetter, Lewis, Logan, Loomis, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Moore, Morgan, Murray, Noble, Palmer, Parmenter, Parris, Paynter, Petrik, Pickens, Potts, John H. Prentiss, Reily, Sheffer, Shepler, Snyder, Spencer, Swearingen, Taylor, Thomas, Titus, Toucey, Turney, Vail, Wagener, Webster, Jared W. Williams, Worthington, and Yell—89.

#### REPORTS FROM COMMITTEES.

Reports from committees were then called for.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a resolution, which was concurred in, that the Committee of Ways and Means be discharged from the further consideration of sundry estimates for new appropriations, and that they be referred to the proper committees.

Mr. CHAMBERS, from the Committee of Claims, reported, without amendment, Senate bill for the relief of William East.

Also, Senate bill for the relief of the corporate authorities of the city of Mobile, with a recommendation that it do not pass.

Mr. RUSSELL, from the same committee, reported a bill for the relief of the legal representatives of Nimrod Farrow and Richard Harris.

Mr. DARLINGTON, from the same committee, reported a bill for the relief of the legal heirs of David and James Wilkinson.

Mr. CHAMBERS, from the same committee, made an unfavorable report on the petition of John Peebles; which was laid on the table.

Mr. RUSSELL, from the same committee, made unfavorable reports in the cases of Isaac Bell, John H. Robinson, George Ash; and Alexander Humphreys; which were severally laid on the table.

On motion of Mr. RUSSELL, the Committee of Claims was discharged from the further consideration of the memorial of Thomas Ap Catesby Jones, asking remuneration of expenses incurred on account of the South Sea exploring expedition; and the same was referred to the Committee on Naval Affairs.

Mr. STUART, from the Committee of Claims, made an unfavorable report on the petition of Benedict J. Heard; which was laid on the table.

Mr. GIDDINGS, from the same committee, made adverse reports on the petitions of the executors of John Donnell, deceased; the petitions of Hiram Murphy, Robert Davis, Jonathan Davis, Daniel Hines, and John Metcalf; which were severally ordered to lie on the table and be printed.

Mr. SALTONSTALL, from the same committee, made unfavorable reports on the petitions of Catharine Beard, J. L. Milligan, Ephraim Meniss, Lyman King, William H. Williams,

Joel Martin, and David Bartlett; which were ordered to lie on the table and be printed.

Mr. CHAPMAN, from the Committee on Public Lands, reported without amendment Senate bill to establish an additional land district in the State of Alabama.

Mr. WORD, from the same committee, reported a bill for the relief of the heirs and legal representatives of John Tremble, sen., deceased.

Mr. W. also, from the same committee, made unfavorable reports on the petitions of the citizens of the State of Missouri, praying preemption upon certain inundated land in that State, and that they may be permitted to drain the same. Also, on the petitions of Samuel Davis, William Brown, and Martin H. Arthur. Also, on the petitions of James Alexander Clark, Charles McPherson and others, and David Bagerly; which were laid on the table and ordered to be printed.

Mr. GARLAND, of Louisiana, moved that the vote on laying on the table the unfavorable report on the petition of David Bagerly, praying the building of a levee on the south side of the Red river, be reconsidered; which was carried.

Mr. G. then moved that the same be referred back to the Committee on Public Lands, with instructions to inquire into the expediency of making appropriation for estimates and surveys, and the cost thereof; which was agreed to.

On motion of Mr. CASEY, the Committee on Public Lands was discharged from the further consideration of the petition of the citizens of the State of Illinois, praying a grant of land to construct roads, &c.; and the same was referred to the Committee on Roads and Canals.

Mr. MARTIN, from the Committee on the Judiciary, reported a bill to amend the act to reorganize the circuit court of the northern district of Mississippi, which was ordered to be engrossed for a third reading to-day.

Mr. CORWIN, from the same committee, reported without amendment, Senate bill entitled an act to amend an act entitled "An act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes."

Mr. CRAIG, from the Committee on Revolutionary Claims, reported a bill to authorize the payment of seven years' half-pay, due on account of the revolutionary services of Thomas Knowlton.

Mr. TALIAFERRO, from the same committee, reported a bill for the relief of the heirs of Jonathan Dye.

Also a bill allowing seven years' half-pay to heirs of David Gould.

Mr. MAY, from the Committee on Private Land Claims, reported a resolution authorizing that committee to employ a clerk; which was rejected—yeas 49, nays 82.

Also, a joint resolution for the relief of the heirs of John Brown, deceased; which was ordered to be engrossed for a third reading to-day.

Mr. EVERETT, from the Committee on Indian Affairs, made an unfavorable report on the petition of Nathaniel Taylor; which was laid on the table.

Mr. MORGAN, from the Committee on Revolutionary Pensions, reported a bill for the relief of John Smith.

Also, a bill for the relief of Samuel Edgecomb. Mr. WHITTLESEY, from the same committee, reported a bill for the relief of Ichabod Beardsley.

Also, a bill for the relief of S. Barnes; and a bill for the relief of Elizabeth French.

Mr. JOHNSON, of Virginia, from the same committee, reported a bill granting a pension to William Ford.

Also, a bill for the relief of John Glasson. Also, a bill for the relief of Samuel Parsons.

Mr. CHILDS, from the same committee, reported a bill for the relief of Patrick Allen.

Mr. EWING, from the Committee on Invalid Pensions, reported a bill granting a pension to William Smith.

Also, a bill granting a pension to William Fitzgerald.

Also, a bill granting a pension to Eunice Sanders.

Also, a bill granting a pension to Martha Strong.

Also, a bill for the relief of the heirs of Charles Fitzgerald.

Mr. WILLIAMS, of Kentucky, from the same committee, reported a bill for the relief of Elijah Blodgett.

Also, a bill for the relief of Thomas Collins.

Also, a bill the relief of Samuel M. Ashbury.

Also, a bill for the relief of James Fleming.

Mr. TAYLOR, from the same committee, reported a bill for the relief of Bradbury Jepson; which was ordered to a third reading, engrossed, read a third time, and passed.

Mr. ALLAN, of Vermont, from the same committee, reported the following:

A bill for the relief of Robert Whitley;

A bill for the relief of Miron Chapin;

A bill for the relief of Jared Winslow;

A bill for the relief of Nathaniel Davis; and

A bill for the relief of Isaac Justis.

Mr. HEROD, from the same committee, reported the following:

A bill for the relief of Josiah Parker;

A bill for the relief of Isaac Boyd; and

A bill for the relief of Levi M. Roberts.

Mr. PLUMER, from the same committee, reported a bill for the relief of Gideon Sheldon.

Mr. FLETCHER, of Vermont, from the Committee on Patents, reported, without amendment, Senate bill for the relief of Erastus Fairbanks and Thaddeus Fairbanks.

Also, without amendment, Senate bill for the relief of Elisha Town.

On motion of Mr. HOWARD, the Chair was authorized to fill the vacancy on the Committee on Foreign Affairs.

#### REFERENCE OF PRESIDENT'S MESSAGE.

On motion of Mr. HAYNES, the House then went into committee on the President's annual message, (Mr. ADAMS in the chair.)

The question was on the series of resolutions moved by Mr. HAYNES to distribute the various portions of the message among the appropriate committees.

Mr. CUSHMAN, who was entitled to the floor, addressed the House for some time in reply to Messrs. WISE and PRENTISS.

Mr. DUNCAN then obtained the floor, and on his motion the committee rose and reported.

The SPEAKER laid before the House a statement of the number and compensation of the clerks in the Post Office Department.

On motion of Mr. CONNOR, laid on the table. On motion, the House adjourned.

#### IN SENATE.

THURSDAY, January 3, 1839.

Mr. WHITE, of Tennessee, appeared in his place in the Senate.

The PRESIDENT presented a communication from the War Department, transmitting a report from the Second Auditor, containing a statement of the contingent expenses of the Military Academy; which was laid on the table, and ordered to be printed.

#### PETITIONS, ETC.

Mr. McKEAN presented a memorial praying for the abolition of slavery and the slave trade in the District of Columbia.

On motion of Mr. WILLIAMS, of Mississippi, the motion to receive was laid upon the table.

Mr. McKEAN presented another memorial, remonstrating against the admittance of any new State into the Union whose constitution tolerated the institution of slavery; and also remonstrating against the annexation of Texas.

Mr. WILLIAMS, of Mississippi, again raised the question of reception.

The PRESIDENT said there was no question of reception before the Senate.

Mr. KING stated that the rule had been distinctly settled by the decision of the Senate, and did not now admit of a question. Whenever a petition, in which the subject of slavery was involved, was presented, the established course had been for the Chair, and it was its duty, to state the preliminary question, "Shall the petition be received?" and when this was done, a motion had always been made to lay this question of reception on the table; which being carried, the matter was ended. This was the parliamentary rule; but it was usual for the Presiding Officer to dispense with it, and take the reception as for

granted, when the petition related to a matter about which no objection would be made.

The PRESIDENT did not consider it the duty of the Chair to state the preliminary question as to the reception of petitions, and thought it matter with which the Chair had nothing to do. It had been the unvarying rule of the Chair, when petitions involving the subject of slavery were presented, to state to the Senate distinctly their purport, in order that some member present might raise the question of reception.

Mr. RUGGLES said that, coming from the section of country he did, he felt compelled to object to the course indicated by the remarks of the Senator from Alabama, [Mr. KING.] The petition does not involve the question of domestic slavery in the States or Territories of this Union, but was of a very different character, appertaining to questions connected with the general legislation of the country. Though he was very unwilling that the question of slavery should be agitated or discussed in that body, he thought the present memorial should be received and have a proper reference.

Mr. McKEAN said that the petition did not involve the question of the abolition of slavery, and he supposed it did not come under the general rule. His intention was to lay it on the table, and move its reference at a subsequent period. He now moved that the petition be received; and on that question he asked for the yeas and nays.

The yeas and nays were accordingly ordered.

Mr. WILLIAMS, of Mississippi, said that he understood the prayer of the petition to be, that no new State may be admitted into the Union whose constitution tolerates slavery; that is, (said Mr. W.) one branch of the petition is on the subject of slavery; therefore, I move to lay the question as to its reception on the table.

Mr. MORRIS wished to obtain the decision of the Chair on a question of order. He wished to know if, after the yeas and nays had been demanded on the question of reception, a motion to lay the question of reception on the table could deprive him of the right of recording his vote on the former question? He had always looked on this motion to lay on the table as a violation of the constitutional rights of a minority of that body. The Constitution, in express terms, says that the yeas and nays shall be called upon the requisition of one fifth of the members present, and he protested against the right—not the right, but the power—of a majority to deprive him and the one fifth of the members of their constitutional right of recording their votes on any question that might be presented to them. He did not wish to occupy time in discussing this subject on the proposition at present before the Senate, but he would take a future occasion to bring it up in such a manner as to be enabled to present his views on the subject, and place himself in a right position before the country.

The PRESIDENT then stated his decision on the point of order. The Chair (he said) now finds, after a reference to the parliamentary rules just pointed out to him by the Senator from Alabama, that it is his duty, on the presentation of a petition, first to put the preliminary question, "Shall the petition be received?" It was the duty of the Chair always to put this question, except in those cases where, by universal consent, there would be no objection made to the reception of the paper. The Chair, in all cases where petitions in reference to the abolition of slavery in the District of Columbia were presented, had distinctly stated to the Senate the subject involved, in order that the attention of those members who objected to their reception might be directed to them, and that they might have an opportunity of raising the question of reception. The Chair, on the present occasion, acted, as he believed, in accordance with his duty, believing that the usual difficulty was not involved, and that, as the petition related to Texas solely, it was to be received *sub silentio*, as had been the case with other memorials in reference to that subject. The question now raised by the Senator from Ohio was, whether the question can rightfully be taken on the motion of the Senator from Mississippi, to lay the motion for reception on the table, after the yeas and nays have been ordered on the question of reception. On this question the Chair had no doubt. The question raised by the Senator from Mississippi was one of those privileged questions that it was

at all times competent for the Senate to sustain. It was like a motion for adjournment or for recommitment, which could be made at any stage of a proceeding.

Mr. McKEAN then asked for the yeas and nays on the motion to lay the question of reception on the table; which were accordingly ordered.

Mr. NORVELL said that the decision of the Chair, that the motion to lay the question of reception on the table, even after the yeas and nays had been ordered on that question, was undoubtedly correct. A motion to lay any subject on the table was always the first privileged motion, except that of adjournment. But he desired to say that the petition under consideration embraced two propositions, neither of which was before the Senate. It remonstrated against the admission of any State into the Union hereafter the constitution of which sanctioned slavery. No Territory or State was now, or likely to be at this session, before Congress, or the Senate, asking for admission. The memorial remonstrated against the annexation of Texas, with slavery, to this Union. It was well known that Texas had withdrawn her application for annexation. It was not probable that it would ever be renewed by Texas; and he presumed that none of us here had any disposition to renew it for her. In voting, therefore, to lay the question of reception on the table, his object was simply to dispense, for the present, with the consideration of subjects which were not before the Senate, and not likely to come before it for a long time.

The question was then taken, and decided in the affirmative, as follows:

YEAS—Messrs. Benton, Buchanan, Calhoun, Clay of Alabama, Foster, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Norvell, Preston, Rives, Roane, Robinson, Strange, Tipton, Walker, White, and Williams of Mississippi—23.

NAYS—Messrs. Allen, Clayton, Davis, Knight, McKean, Morris, Niles, Pierce, Prentiss, Ruggles, Smith of Connecticut, Smith of Indiana, Swift, and Williams of Maine—14.

So the motion to receive the petition was laid on the table.

Mr. McKEAN presented a petition from sundry women of Delaware county, Pennsylvania, praying that Congress would so regulate the commerce between the several States as to abolish the sale and transfer of slaves from one State to another.

The PRESIDENT then stated the preliminary question, "Shall the petition be received?"

Mr. WILLIAMS, of Mississippi, moved to lay the question on the table.

Mr. McKEAN called for the yeas and nays; which were accordingly ordered; and the question was decided in the affirmative—yeas 27, nays 12; as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Foster, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Nicholas, Niles, Norvell, Preston, Rives, Roane, Robinson, Smith of Connecticut, Strange, Tipton, Walker, White, Williams of Maine, Williams of Mississippi, and Wright—27.

NAYS—Messrs. Allen, Clayton, Davis, Knight, McKean, Morris, Pierce, Prentiss, Robbins, Ruggles, Smith of Indiana, and Swift—12.

So the question of receiving this petition was laid on the table.

Mr. BUCHANAN presented the memorial of Cadwallader Evans, of the city of Pittsburg, son of the celebrated Oliver Evans, stating that he has discovered an infallible mode of preventing the explosion of steam boilers, and asking that his invention may be investigated by a committee of the Senate; which was referred to the Committee on Commerce.

#### REPORTS FROM COMMITTEES.

Mr. BENTON, from the Committee on Military Affairs, to which had been referred that part of the President's message in relation to Indian hostilities, reported a bill to provide for the occupation and settlement of a part of the Territory of Florida, which was overrun by the hostile Indians; which was read, and ordered to a second reading.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, reported a bill to provide for additional clerks in the Post Office Department; which was read and ordered to a second reading.

Mr. STRANGE, from the Committee on the Judiciary, made an unfavorable report on the petition of Joseph Espy.

On motion of Mr. SMITH, of Connecticut, the Committee on Agriculture was discharged from the further consideration of the petition of a number of citizens of the District of Columbia, praying for an act of incorporation to enable them to raise silk; and it was referred to the Committee on the District of Columbia.

On motion of Mr. SMITH, of Connecticut, the same committee was discharged from the further consideration of the petition of John Logan.

On motion of Mr. MORRIS, it was

Ordered, That the petition of Mrs. Bateman, the widow of the first man killed in the war of the Revolution, praying for a pension, and the papers of William B. Worden on the same subject, be referred to the Committee on Pensions.

#### BILLS INTRODUCED.

Mr. MOUTON, on leave, and in pursuance of notice given, introduced a bill for the relief of Juan Pelgar; which was read twice and referred.

Mr. LINN, on leave, and in pursuance of notice given, introduced a bill for the relief of Thomas A. Smith; which was read twice and referred.

Mr. LYON, on leave, and in pursuance of notice given, introduced a bill for the relief of Henry H. Marsh, Francis La Venture, Ebenezer Childs, and Linas Thompson; which were severally read twice and referred.

#### RESOLUTIONS.

Mr. RIVES submitted the following resolution:

Resolved, That the President be requested to communicate to the Senate, at as early a day as practicable, "the terms of any agreements," informal or otherwise, which may have been entered into between the Secretary of War and the Bank of the United States respecting the sale or payment of one or more bonds of that institution held by the United States relative to the proceeds; of the deposit thereof in said bank; the periods when, and the proportions in which they were to be drawn out, the places where to be paid, the manner in which they were to be disbursed; the time when such arrangements were entered into, and whether with the bank directly, or with an agent or agents of the bank; and, in the latter case, the name or names of such agents, together with all the correspondence which may have passed between the Secretary of War and the bank or its agents in relation thereto. Also, copies of all circulars issued or instructions given by any branch of the War Department relative to the mode or medium in which the money arising from the sale or payment of the said bonds or any part thereof, was to be disbursed, and, as far as can be conveniently stated, the amount which has been disbursed in the notes of the bank under the said instructions, and the objects for which such disbursements were made, together with all correspondence which may have taken place between the Secretary of War and the Bank of the United States or its agents, or between him and any other Department of the Government on the subject-matter of these instructions.

Mr. PRESTON offered the following resolution:

Resolved, That the President of the United States be requested to communicate to the Senate such proceedings as have been had under a law of the last session providing for the examination of inventions designed to diminish or prevent the calamities resulting from the explosion of steam boilers.

Mr. MERRICK submitted the following resolution:

Resolved, That the Committee on the District of Columbia be instructed to inquire and report what alterations, if any, the progress of improvement and the altered condition of the city of Washington render it expedient and proper to make in the charter of said city.

Mr. MERRICK said that the charter would soon expire by its own limitation, and Congress have power to revoke or amend it in any form they may think proper. There is considerable dissatisfaction as to the inequality of the distribution of power in the present charter, as a great change has taken place in the condition of the city since it was incorporated, and a very large portion of the population of the city is not represented in the corporation. He made these remarks for the purpose of attracting the attention of those interested, and he hoped that the citizens might attend before the committee, and present their views on the subject. He hoped there would be no objection to its reference to the Committee on the District, where the subject would receive the proper investigation.

The resolution was then adopted.

#### PUBLIC LANDS.

The bill for the graduation and reduction of the price of the public lands came up as the unfinished business, the question being on the adoption of the proposition to recommit with instructions,

offered yesterday by Mr. CLAY, of Kentucky.

On this question the debate was continued by Messrs. CLAY of Kentucky, CLAY of Alabama, WALKER, NILES, BENTON, and WILLIAMS of Mississippi; when,

On motion of Mr. CLAY, of Alabama, the question on Mr. CLAY's proposition was divided, so as to take it first on the recommitment, and secondly on the instructions.

On the question of recommitment the yeas and nays were as follows:

YEAS—Messrs. Buchanan, Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, Foster, Knight, McKean, Merrick, Morris, Niles, Pierce, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Smith of Indiana, Strange, Swift, and Williams of Maine—23.

NAYS—Messrs. Allen, Benton, Brown, Clay of Alabama, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Norvell, Robinson, Smith of Connecticut, Tipton, Walker, Williams of Mississippi, Wright, and Young—20.

Previous to the vote being taken on the question of instructions,

On motion of Mr. CLAY, of Alabama, and by general consent, the number of acres to be granted to each actual settler was left blank in the instructions.

The question was then taken on the instructions thus modified, and was carried by the following vote:

YEAS—Messrs. Buchanan, Clay of Kentucky, Clayton, Crittenden, Davis, Foster, Hubbard, Knight, Lyon, McKean, Merrick, Morris, Nicholas, Niles, Pierce, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Smith of Indiana, Strange, Swift, Walker, and Williams of Maine—26.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Fulton, King, Linn, Lumpkin, Mouton, Norvell, Robinson, Smith of Connecticut, Tipton, Williams of Mississippi, Wright, and Young—17.

On motion, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, January 3, 1839.

Mr. WILLIAMS, of Kentucky, said they had now been in session a month and passed but one bill, and he supposed it was entirely unnecessary for the committees to assemble any more, as they had already more business on the Calendar than they could act upon; and, believing that, he asked leave to offer a resolution providing that, in future, until otherwise ordered, the House should meet at 11 o'clock, a. m. instead of 12, m.

Objection being made, Mr. W. moved a suspension of the rules, and called for the yeas and nays; they were refused, and the motion to suspend was rejected.

Mr. MAY asked the House to take up Mr. CAMBRELENG's resolution for a select committee to investigate the defalcations of Samuel Swartwout. [Cries of "No! no!"] Mr. M. therefore moved a suspension of the rules, and asked for the yeas and nays, so that (he said) it might be seen who was in favor and who was against the investigation.

Mr. CAMBRELENG said if the gentleman would suffer the morning business to go regularly on, that subject would be reached sooner than by a motion to suspend.

Mr. DROMGOOLE inquired of the Chair whether, if the rules were suspended, the special order of to-day would not be set aside.

Mr. MAY withdrew the motion.

On motion of Mr. CRABB, the bill to reorganize the district courts of the United States in the State of Alabama was recommitted to the Committee on the Judiciary.

The SPEAKER laid before the House a communication from the Secretary of War, in compliance with the provisions of an act of Congress, inclosing a report from the Second Auditor, showing the expenditure of the appropriation for the contingent expenses of the military establishment during the year 1838.

On motion of Mr. BRIGGS, laid on the table and ordered to be printed.

#### REPORTS FROM COMMITTEES.

Mr. CONNOR, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Patrick Green.

Mr. C. also reported the following:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of reporting a bill for the erection of a fire-proof building for the Post Office Department.

Mr. LINCOLN was at a loss to perceive how that committee could claim cognizance of this matter, which belonged to the Committee on the Public Buildings. The latter, too, he stated, had had the subject under consideration, and would shortly be prepared to bring in a bill for the same object.

Mr. CONNOR did not know that the right belonged to any particular committee; but certainly it fell more properly within the jurisdiction of the Post Office Committee. Moreover, two years ago that committee had reported a bill to the same purport, to which no objection was then made, and which bill was only lost for want of time. The Committee on the Post Office were not tenacious; but they were now ready to report a bill, and intended to ask its immediate consideration; for it was but recently that the present temporary building was likely to be destroyed by fire, a wing to the roof of another building in the vicinity being on fire.

Mr. LINCOLN referred to the terms of the resolution instructing the Post Office Committee to "inquire," whereas the other committee had already considered the subject.

Mr. BOND moved to strike out "Committee on the Post Office and Post Roads," and insert "Committee on the Public Buildings."

Mr. MERCER saw no necessity for instructing a committee to inquire into a subject already before them; and therefore he moved to lay the resolution on the table; which was disagreed to, and Mr. BOND's amendment agreed to; and the resolution, as thus amended, was concurred in.

Mr. ADAMS, from the Committee on Manufactures, reported, without amendment, Senate bill entitled "An act to remit or refund to the Philadelphia, Wilmington, and Baltimore Railroad Company the duties upon certain railroad iron."

Mr. ALLAN, of Vermont, from the Committee on Invalid Pensions, reported a bill granting a pension to John F. Wiley.

#### RESOLUTIONS.

Mr. UNDERWOOD, on leave, submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Secretary of War be directed to communicate to this House, as speedily as practicable, all the facts touching the defalcation of General Charles Gratiot, late chief engineer, showing the time when he was first a defaulter, and for what sum; what orders were given stopping his pay in consequence of his default, and when; what orders were given him directing the settlement of his accounts, and when; together with all correspondence on the files or books of his office relative to said Gratiot's defalcation. And that the Secretary of War be directed to communicate to this House, as soon as convenient, all facts and correspondence relative to the defalcation of any and every civil or military disbursing agent or officer now in service, either in the staff or line, subject to the orders of the War Department, who has failed within the last two years, for a longer period than two months, to settle his accounts in the manner prescribed by law, or who, upon settlement, has been found in arrears to the Government, and has failed to pay over the balance against him when demanded.

On motion of Mr. A. H. SHEPPERD, it was

*Resolved*, That the Committee on the Public Lands be instructed to inquire into the expediency of providing by law for the location and satisfaction of the bounty land warrant issued to James Ward, of North Carolina.

On motion of Mr. JOHNSON, of Louisiana, it was

*Resolved*, That the President of the United States be requested to communicate to this House such information as he may have received touching the invasion of the southwestern frontier of the United States, by an armed force from the Republic of Texas.

#### WISCONSIN ELECTION CASE.

At one o'clock the special order of the day, being the consideration of the contested election for a Delegate from Wisconsin Territory, came up.

The question was on the adoption of the following resolution of the Committee of Elections:

*Resolved*, That James Duane Doty is entitled to a seat in this House as a Delegate from Wisconsin Territory, and that George W. Jones is not so entitled.

The report was made on the 21st of December, and twice postponed at the solicitation of the contestant, [Mr. JONES], till it was positively made the special order for this day.

The report was in the following words:

The Committee of Elections, to whom was referred the order of the House on the subject of the "right to a seat in the House as the Delegate from the Territory of Wisconsin," report:

That, by the order of the House as submitted to them,

the only question which presented itself was, whether or not the Territory was entitled to a representation by a Delegate? In deciding this question the committee could have no difficulty, and might have absolved itself from further trouble by reporting an affirmative resolution. But believing the intention of the House, in making the order, to have been that the committee should examine the whole ground, and not only report as to the right of representation, but also designate the person who was the rightful representative, they proceeded to perform that duty, and report the following as the result of their investigation. By the act of 20th of April, 1836, which act was to take effect the 4th of July following, the Territory of Wisconsin was organized, and the Territorial government established; and by the fourteenth section of that act it was declared "that a Delegate to the House of Representatives of the United States, to serve for the term of two years, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as have been granted to the Delegates of the several Territories of the United States to the said House of Representatives; the first election shall be held at such time and place or places, and be conducted in the same manner as the Governor shall appoint and direct; the person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given to the person so elected." By virtue and in pursuance of the said act of Congress, Henry Dodge, the Governor of said Territory, (duly appointed,) issued a proclamation, dated the 9th of September, 1836, wherein, amongst other things, he orders and directs that the first election for members of the House of Representatives and Council shall be held on the second Monday of October, then next ensuing; and did also "direct and appoint that, at the same time and place specified for electing the members of said Legislature, there shall be elected, by the voters of the several counties, one Delegate to the Congress of the United States for the term of two years, agreeable to the fourteenth section of the act of Congress." In pursuance of said proclamation, an election for a Delegate in Congress was held, and George W. Jones was duly elected, as appears by the certificate of the Governor, herewith reported, and marked A.

It appears by the Journal of the House of Representatives that on the 5th day of December, 1836, Mr. Jones appeared, was qualified, and took his seat in the House as a Delegate from Wisconsin Territory.

From further evidence before the committee, it appears an election for a Delegate to Congress from the Territory of Wisconsin was held on the 10th day of September, 1836, in conformity with the act of Congress and the laws of the Territory, which resulted in the election of James Duane Doty, as appears by the certificate of the Governor, herewith reported, and marked B.

No doubt exists as to the due election of Mr. Doty to serve as a Delegate for a term of two years; but the question presented to the committee is this: When does his term of service commence? On the one side, it is contended that it commences with his election, or at least with the date of the Governor's certificate of his election; on the other side, it is contended that the term for which Mr. Jones was elected in the fall of 1836 does not expire until the 4th of March, 1839; and in support of this view of the case, reference is made to the act of Congress of 3d March, 1817, the first and only section of which now in force is in the words following:

"In every Territory of the United States in which a temporary government has been, or hereafter shall be, established, and which, by virtue of the ordinance of Congress of 13th July, 1787, or of any subsequent act of Congress, passed or to be passed, now hath, or hereafter shall have, the right to send a Delegate to Congress; such Delegate shall be elected every second year, for the same term of two years, for which members of the House of Representatives of the United States are elected."

Reference is also made to the act of 16th February, 1819, in which it is provided that the citizens of Michigan Territory be, and they are thereby, authorized to elect one Delegate to the Congress of the United States; that the person who shall receive the greatest number of votes at such election, shall be furnished by the Governor of said Territory with a certificate, setting forth that he is duly elected the Delegate for the term of two years from the date of said certificate.

Under the act of 1819, Mr. Jones was elected a Delegate for Michigan Territory, in October, 1835, and took his seat at the ensuing session, in December, 1835. By the act of June, 15, 1836, the constitution and State government which the people of Michigan had formed for themselves was accepted, ratified, and confirmed, and she was declared to be one of the United States of America, and was admitted into the Union according to the boundaries therein prescribed, on condition that the boundaries so prescribed and established should receive the assent of a convention of delegates elected by the people of said State, for the sole purpose of giving the assent required; and as soon as said assent was given, the President of the United States was to announce the same by proclamation; and thereupon, and without any further proceeding on the part of Congress, the admission of said State into the Union shall be considered as complete. A convention of delegates, elected for the purpose expressed in the said act, was held, and gave their assent to the boundaries therein described, on the 15th of December, 1836.

The committee is of opinion that although, in October, 1835, Mr. Jones was elected a Delegate for Michigan Territory to serve two years, yet, in the nature of the case, his term of service could not survive the existence of the corporation he was elected to serve. If the corporation of the Territory of Michigan was dissolved before the expiration of the two years for which he was elected, his office, as well as that of all other territorial officers, expired with it. It would seem to the committee that the Territory of Michigan, as a political corporation, was no more after the passage of the act of 15th June, 1836, organizing and erecting Michigan into a State; for, although there was a condition in that act, on compliance with which only she was to be admitted into the Union, yet that did not derogate from

her character as a State, or prevent her from exercising all the powers of a State. Her being a State, and, as such, being admitted into the Union, are two different things. She might be a State, and was a State, exercising all the powers of a State under her own constitution, before she was admitted into the Union, and before the election in Wisconsin in October, 1836. At the time Mr. Jones was elected a Delegate for Wisconsin Territory, in October, 1836, he was not a Delegate for Michigan Territory, for the plain reason that no such Territory was in existence. In December, 1836, he took his seat, and was sworn, as a Delegate from Wisconsin, since which he has served two years—the full period allowed him by law. But it is alleged by Mr. Jones that, under the act of 1817, a Delegate must be elected only for one Congress, and not for parts of two congressional terms; that his term as a Delegate from Wisconsin did not commence until the 4th of March, 1837, and consequently will not expire until the 4th of March, 1839. In this the committee does not concur with him; because it would have been leaving Wisconsin unrepresented for one whole session, contrary to the intention of the people as expressed in electing a Delegate in October, 1836, in conformity with the privilege granted them for that purpose by the act of Congress of April, 1836; and because it does not follow, from the act of 1817, that a Delegate from a Territory must be elected for and serve the same two years for which members from the States are elected; but (although this construction is not given with entire confidence in its correctness) the committee would construe the law to mean that Delegates should be elected for the same length of time as Representatives from the States. This construction is fortified by the fact that, previous to that law, Delegates were elected annually. Such construction will not clash with any provision of the Constitution, as Delegates are so far the mere creatures of law that their term of service may be long or short, and may commence and terminate at such periods as Congress, in their wisdom, may direct.

But if in this construction of the act of 1817 the committee should be in error, still their opinion would induce them to give Mr. Doty the seat, because, as the committee believe, that act has nothing to do with the present contest. It is nothing but an act of Congress, and, of course, subject to the control of subsequent legislation. It was controlled (if Mr. Jones's construction of it be right) by the act of 1819, which directed that the Delegate of Michigan should serve two years from the date of the certificate of the Governor, without regard to the commencement of his term—whether at the beginning or in the middle of a term of Congress. So would it be controlled by the act of April 20, 1836, organizing the Territory of Wisconsin, which gives the power to its citizens to elect a Delegate to represent them in Congress, without fixing any time for the commencement of his services; consequently, according to common construction in all such cases, where an obligation is imposed, or a duty to be performed, and no time fixed for discharging the obligation or performing the duty, it is to be done forthwith; and therefore the inference is that Mr. Jones's duties as a Delegate from Wisconsin commenced with his election in October, 1836, and terminated with Mr. Doty's election in 1838. The act of April, 1836, organizing the Territory, needs the aid of no other; it is perfect in itself, and would seem to be independent of all other acts.

On the whole, after all the consideration which the committee have been able to bestow on the subject, they have no hesitation in saying that considerable difficulty exists in reconciling the provisions of the different acts which may be supposed to have a bearing on the matter; yet they feel a great degree of confidence in two positions: first, that it was the intention of Congress, by the act of April, 1836, organizing the Territory, to afford the people of the Territory the privilege of an immediate representation in Congress by a Delegate to be elected by themselves; and second, that the people of the Territory acted with a view to the enjoyment of that privilege in electing a Delegate in October, 1836. The conclusion would then seem to be that Mr. Jones has served out the term for which he was elected in October, 1836, and that Mr. Doty is entitled to the seat under his election in 1838.

The committee submit the following resolution:

*Resolved*, That James Duane Doty is entitled to a seat in this House as a Delegate from Wisconsin Territory, and that George W. Jones is not so entitled.

A.

*Certificate of the election of G. W. Jones.*

EXECUTIVE DEPARTMENT.

WISCONSIN TERRITORY, November 1, 1836.

I, Henry Dodge, Governor of the Territory of Wisconsin, do hereby certify that, in conformity with the organic law of Congress, passed April 20, 1836, and agreeable to the fourteenth section of said act of Congress, I have caused elections to be held in the several counties in this Territory for a Delegate to the Congress of the United States, to serve for the term of two years; and I hereby declare and make known that George W. Jones, esq., has been duly elected a Delegate to the Congress of the United States, agreeably to the provisions of said organic law.

Given under my hand and seal, this 1st day of November, A. D. 1836.

H. DODGE, [L. S.]

B.

*Certificate of the election of J. D. Doty.*

TERRITORY OF WISCONSIN, EXECUTIVE DEPARTMENT.  
To all to whom these presents shall come, greeting:

This is to certify that, at an election held in the Territory of Wisconsin, on the 10th day of September last, in conformity with the act of Congress establishing the Territorial government, and the laws of the said Territory, James Duane Doty received the highest number of votes for the office of Delegate to the Congress of the United States, and is therefore declared to be duly elected.

In testimony whereof I have hereunto set my hand, and caused the great seal of the Territory to be affixed. [L. S.] Done at Mineral Point, this 27th day of October, in the year of our Lord 1838.

HENRY DODGE.

Mr. CRAIG called for the reading of the opinions of Mr. JONES's counsel, (Messrs. Jones and Key;) which was done; and then

Mr. THOMAS moved to amend the resolution by transposing the names, so as to declare Mr. JONES entitled to the seat, and proceeded at length to oppose the conclusions of the report.

Mr. CUSHING was understood to argue in favor of vacating the seat of the sitting Delegate, upon the ground of the irregularity and illegality of the tenure by which he held it, and in favor of the amendment of Mr. THOMAS; and intimated that he would, at the proper time, move a division of the question.

The question was further argued by Messrs. RANDOLPH, CRARY, FLETCHER, and TILLINGHAST, in favor of the resolution as reported by the committee.

Mr. DE GRAFF having obtained the floor, moved the previous question; which motion was sustained, and the main question was ordered.

The question being upon concurring with the resolution as reported by the committee,

Mr. ROBINSON moved a called of the House.

The SPEAKER decided that it was not in order, the previous question having been seconded.

The House then adopted the resolution of the committee by the following vote—yeas 165, nays 25:

YEAS—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Anderson, Andrews, Atherton, Ayerick, Banks, Beatty, Beers, Belme, Bell, Bicknell, Bond, Borden, Briggs, Broadhead, Bronson, Buchanan, William B. Calhoun, Cambreleng, William B. Campbell, John Campbell, Carter, Casey, Chambers, Chapman, Cheatham, Childs, Coffin, Connor, Corwin, Crabb, Crary, Cranston, Crockett, Curtis, Cushman, Darlington, Dawson, Davee, Davies, Deberry, De Graff, Dunn, Edwards, Elmore, Evans, Everett, Richard Fletcher, Isaac Fletcher, Foster, Fry, Gallup, James Garland, Rice Garland, Giddings, Goode, James Graham, William Graham, Grantland, Graves, Gray, Grennell, Griffin, Haley, Hall, Harlan, Harper, Hastings, Hawkins, Haynes, Henry, Herod, Hoffman, Holt, Howard, Robert M. T. Hunter, Thomas B. Jackson, Jabez Jackson, Jenifer, Joseph Johnson, Nathaniel Jones, Kumble, Kennedy, Legare, Leadbetter, Lewis, Lincoln, Loomis, Lyon, Marvin, James M. Mason, Sampson Mason, May, Maxwell, McKay, Robert McClellan, Abraham McClellan, McKennan, Mercer, Milligan, Mitchell, Samuel W. Morris, Calvary Morris, Maury, Naylor, Noble, Ogilvie, Owens, Paynter, Pierce, Peck, Pennybacker, Petrikon, Pickens, Plumer, Potts, Pratt, John H. Prentiss, Putnam, Kariden, Randolph, Reed, Reilly, Rencher, Ridgway, Rives, Robertson, Robinson, Rumsey, Russell, Saltonstall, Sheffer, Augustine H. Shepperd, Shields, Shepler, Sibley, Slade, Smith, Spencer, Stanly, Stone, Stratton, Swearingen, Taylor, Thompson, Tillinghast, Tius, Toland, Toucey, Towns, Turney, Underwood, Vanderveer, Wagener, Albert S. White, John White, Whitelless, Lewis Williams, Sherrard Williams, Jared W. Williams, Joseph L. Williams, Wise, Word, and York—165.

NAYS—Messrs. Bouldin, John Calhoun, Coles, Dromgoole, Ewing, Hamer, Harrison, Hawes, Hubley, Keim, Logan, Martin, Maury, McClure, Morgan, Parmenter, Pariss, Pope, Southgate, Stuart, Thomas, Webster, and Christopher H. Williams—25.

Mr. DORR then presented himself at the Speaker's table, and was qualified as the Delegate from Wisconsin Territory.

On motion, the House then adjourned.

## IN SENATE.

FRIDAY, January 4, 1839.

## PETITIONS, ETC.

Mr. McKEAN presented the petition of a large number of citizens of Erie county, Pennsylvania, praying Congress to pass a law authorizing and requiring the Secretary of the Treasury to build an armed steamboat, to be used as a revenue cutter on the northern lakes; which was referred to the Committee on Commerce.

Mr. ROANE presented the petition of General James Leftwich, late of the revolutionary army, praying for an increase of his pension; which was referred to the Committee on Pensions.

Mr. R. also presented the petition of certain holders of lots in the city of Washington, praying that a law may be passed authorizing the Mayor of said city to make deeds to them for the same; which was referred to the Committee on the District of Columbia.

Mr. KING presented the memorial of William H. Slacum, of the District of Columbia, asking compensation for his expenses and services in the examination made by him of the territory of the United States on the Oregon or Columbia river, under the orders of the United States; which was referred to the Committee on the District of Columbia.

Mr. BENTON presented several petitions,

signed by Colonel Bankhead, Major Kirby, Captain Lovell, and twenty other officers of the Army of the United States, praying that the pay of the officers of the line and the staff of the Army may be equalized.

Mr. WRIGHT presented the memorial of William Redman, a merchant of New York, praying that certain duties paid by him may be refunded; which was referred to the Committee on Finance.

Mr. LYON presented the petition of Joseph Campan, praying that his title may be confirmed to a small tract of land on the border of Lake St. Clair, in the State of Michigan.

Mr. BUCHANAN presented the memorial of the Chamber of Commerce of the city of Philadelphia, signed by Daniel W. Cox, their President, asking for an appropriation to clear out their harbor at the mouth of the Delaware and Chesapeake canal and in the Delaware; which was referred to the Committee on Commerce.

On motion by Mr. LUMPKIN, leave was given to William Fuller to withdraw his petition and papers presented at the last session.

## NOTICE OF A BILL.

Mr. LINN gave notice that he would tomorrow ask leave to bring in a bill to authorize the Portage Canal Company to enter at the Government price certain lands in the Wisconsin Territory, at or near the Fox river portage.

## BILLS INTRODUCED.

Mr. CLAY, of Alabama, in pursuance of previous notice, asked and obtained leave to introduce a bill supplemental to the act entitled "An act to grant preemption rights to settlers on the public lands," approved 22d June, 1830; which was read twice, and referred to the Committee on Public Lands.

Mr. CALHOUN, in pursuance of notice given, obtained leave, and introduced a bill for the relief of the legal representatives of Eihu Hall Bay; which was read twice and referred.

Mr. PRENTISS, on leave, introduced a bill for the relief of Dennis Trammel; which was read twice and referred.

Mr. BENTON, in pursuance of previous notice, obtained leave, and introduced a bill to authorize payment to be made to certain Missouri volunteers for services rendered in 1829 and 1836; which was read twice and referred.

Mr. FOSTER, in pursuance of previous notice, obtained leave, and introduced a bill to amend the act entitled "An act to authorize the State of Tennessee to issue grants, and perfect titles to lands therein described, and to settle the claims to vacant lands unappropriated within the same," passed 18th April, 1806; which was read twice and referred.

[This bill cedes forever to the State of Tennessee all the public lands lying within the "congressional reservation," with an unconditional right of preemption in favor of occupants at twelve and a half cents per acre, and directing the proceeds to be applied to the redemption of outstanding North Carolina land warrants—any surplus to be accounted for to the United States. On the 1st January, 1844, all vacant waste and refuse lands lying within the "reservation," are ceded forever to Tennessee without reserve.]

## RESOLUTIONS.

Mr. MOUTON submitted the following resolution; which was adopted:

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of making an appropriation for the erection of barracks in the vicinity of Shreveport, in the State of Louisiana, for the accommodation of such military force as may be necessary for the protection of our frontier settlements in that neighborhood.

Mr. LUMPKIN presented the following resolution; which was adopted:

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into and investigate the causes and impediments which so often obstruct the regular and punctual transportation of the mail to and from the seat of Government on the great leading post routes of the country; and report, by bill or otherwise, such remedy as may be deemed entitled to the consideration of Congress.

Mr. BENTON submitted the following resolution; which was adopted:

*Resolved*, That the Secretary of the Treasury be directed to communicate to the Senate any authentic information he may recently have received in respect to the modes of collecting, keeping, and disbursing public moneys in foreign countries.

## REPORTS FROM COMMITTEES.

Mr. MORRIS, from the Committee on Pensions, to which had been referred the petition and papers of Hannah Laughter, reported a bill to place her on the pension list; which was read and ordered to a second reading.

Mr. TIPTON, from the Committee on Claims, to which the same had been referred, reported without amendment the bills for the relief of John F. Scott and John Magill.

Also, with an amendment, the bill for the relief of Charles A. Dodd.

Mr. T., from the same committee, to which was referred the petition and documents of Richard Robertson, of Alabama, reported a bill for his relief; which was read and ordered to a second reading.

Mr. LINN, from the Committee on Private Land Claims, to which the memorial on the subject was referred, reported a bill to confirm the title to a certain tract of land in the county of Mobile; which was read and ordered to a second reading.

Mr. L., from the same committee, to which had been referred the bill for the relief of Juan Pelgar, reported the same without amendment.

Mr. L. also, from the same committee, to which had been referred the bill to revive the act entitled "An act to enable claimants to land within the limits of Missouri and the Territory of Arkansas, to institute proceedings to try the validity of their claims, approved May 26, 1824, and an act amending the same," reported the same with an amendment; which was read.

Mr. WALKER, from the Committee on Public Lands, to which had been referred the bill for the relief of Alvarez Fizk, and the legal representatives of Thomas P. Eskridge, reported the same without amendment.

Mr. W., from the same committee, to which had been recommitted the bill providing for the reduction and graduation of the price of the public lands, with instructions to amend the same, so as to limit the sales at the reduced prices to actual settlers, &c., &c., reported back the same amended in accordance with the instructions.

Mr. WALKER said he would take this occasion to say that the committee considered themselves restricted by their instructions to the limitation of the sales at reduced prices to actual settlers. It was proposed, however, by the committee to add to the number of those who are to be permitted to purchase at such reduction, those persons who, being actual cultivators, wished to add to their farms portions of the public lands contiguous to them. But this amendment the committee would not propose till the bill was up before the Senate for consideration. Mr. W. then moved that the amendments be printed, and made the special order of the day for to-morrow.

The amendments were then read, limiting the sales of the public lands at the graduated and reduced prices, under such regulations as may be prescribed by the Secretary of the Treasury, to such persons as are, or are about to become, *bona fide* actual settlers.

Mr. CLAY, of Kentucky, hoped the chairman of the committee would concur with him in postponing the bill till Monday next. This would give gentlemen more time for examining the amendments that had been made, and for preparing others. The gentleman would perceive that the state of the business at the other end of the Capitol was not such as to render one day a matter of very great importance with regard to this bill.

Mr. YOUNG said he would be glad to have an opportunity of suggesting an amendment, which he thought would be acceptable to all parties. That was, to make the same provision in this bill as was made in the existing laws in regard to the entry of quartersections, allowing the entry where the individual made oath that he wanted the land either for his own use, for actual cultivation, or for the benefit of the improvements already held by him. This would be a very useful provision, as there were a number of persons owning small farms who wanted the waste lands contiguous to them, such as marsh lands for pasture, and barrens for timber; and they ought to have the benefit extended to them of purchasing such at the reduced prices.

Mr. CLAY, of Alabama, observed that the pro-

vision suggested by the Senator from Illinois was the very amendment that the committee proposed to offer, when the bill came up for consideration, as had just been notified to the Senate by the chairman of the committee. In relation to the postponement, he hoped the Senate would make the bill the special order of the day for to-morrow, and give that earnest that it is not their intention to permit it to be killed by delay.

Mr. BENTON observed that, to make the bill the special order of the day for any day named, even for to-day, would put it behind a bill (the Cumberland road bill) which was already a special order.

Mr. WALKER said that, under all the circumstances, and as he thought the Senate would probably adjourn over to Monday, he would, for his part, agree to make the bill the special order for that day, provided he had a general understanding, both from the opponents of the bill and from the friends of the Cumberland road bill, that no other business should take precedence of it on that day.

This understanding being generally given,

The question was taken, and the bill was postponed to, and made the order of the day for, Monday next.

The resolution submitted yesterday by Mr. RIVES, relative to the transactions between the Secretary of War and the agent of the Bank of the United States, growing out of the sales of the bonds of the said bank, came up for consideration; and, after a debate in which Messrs. RIVES, WRIGHT, KING, and NILES, took part, The Senate adjourned.

## HOUSE OF REPRESENTATIVES.

FRIDAY, January 4, 1839.

Mr. MARTIN asked the consent of the House to take up on its passage the amendatory bill to reorganize the district courts of Mississippi; but Mr. CHAMBERS objected.

Mr. MAY moved a suspension of the rules, to take up Mr. CAMBRELENG's resolution to raise a select committee to investigate the defalcations of Samuel Swartwout, and demanded the yeas and nays; which were ordered.

Mr. LEGARE trusted the House would go on with the private business, for they were really doing gross injustice to claimants in thus, from time to time, setting it aside.

The House refused to suspend the rules—yeas 101, nays 88; not being two thirds.

## REPORTS FROM COMMITTEES.

Mr. CHAMBERS, from the Committee of Claims, reported a joint resolution in favor of the claim of Captain John Downs.

Mr. C. also, from the same committee, made an unfavorable report on the petition of David Powers; which was laid on the table.

Mr. RUSSELL, from the same committee, reported a bill for the relief of Frederick Richmond.

Mr. GRAY, from the same committee, reported, without amendment, Senate bill for the relief of Jechonias Pigot and Benjamin Lecraft, sureties of James Manney, late collector of the customs for the district of Beaufort, in the State of North Carolina.

Mr. SALTONSTALL, from the same committee, reported a bill for the relief of William A. Whitehead.

On motion of Mr. GIDDINGS, the Committee of Claims was discharged from the further consideration of the petitions of John Harmon and William Harmon, and they were referred to the Third Auditor of the Treasury for adjustment.

On motion of Mr. PETRIKIN, the Committee on Indian Affairs was discharged from the further consideration of the petition of William Smith.

Mr. CUSHMAN, from the Committee on Commerce, reported, without amendment, Senate bill for the relief of the owners of the British brig Despatch.

Mr. CURTIS, from the same committee, reported, without amendment, Senate bill to remunerate the captors of the privateer Lydia.

Mr. DROMGOOLE, from the Committee on Foreign Affairs, reported a bill to provide for

carrying into effect the convention between the United States and the Republic of Texas, for marking the boundary between them, giving notice that he should call it up to-day.

Mr. LEGARE, from the same committee, reported, without amendment, Senate bill for the relief of Thomas Sumpter.

Mr. CUSHING, from the same committee, reported a bill to provide for the protection of citizens of the United States residing in the Oregon Territory, or trading on the Columbia river or its tributaries.

Mr. DROMGOOLE moved to print five thousand extra copies of the accompanying report.

Mr. ADAMS moved ten thousand, which Mr. DROMGOOLE accepted; and the motion was agreed to *nem. diss.*

Mr. SIBLEY, from the Committee on Revolutionary Pensions, reported a bill granting a pension to Leonard Smith.

Mr. HEROD, from the same committee, reported a bill for the relief of Samuel B. Hugo.

Mr. A. H. SHEPPERD, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs and legal representatives of Nick alias Rignal Henry, deceased.

Also, a bill for the relief of the legal representatives of James Broadhurst, deceased.

Mr. JOHNSON, of Maryland, from the select committee on the public lands, reported the following resolution; which was concurred in:

*Resolved*, That the Committee on the Public Lands be authorized to appoint a clerk, and to have the various propositions which may be submitted for their consideration printed.

Mr. TALIAFERRO submitted the following preamble and resolutions; which were referred to the select committee on the public lands:

Whereas the Continental Congress for the then Confederacy of the United States did, by resolution, in the year 1780, recommend to the several States of the Confederacy, or Federal Union, having claims to western lands, a liberal surrender thereof, as a common fund, in aid of establishing the public credit, and to discharge the debt incurred by the then existing war with Great Britain; and whereas the State of Virginia, responding to the said recommendation of Congress, did, on the 2d day of January, by an act of her Legislative Assembly, adopt and submit to Congress, for their consideration and acceptance, the terms and conditions on which that State would surrender to the United States, for the purposes aforesaid, all the lands within the chartered boundaries of Virginia north and west of the river Ohio; and whereas Congress, having the said terms and conditions of cession proposed by the State of Virginia under consideration, resolved, on the — day of September, 1783, to accept the same, with the exception only of a stipulation in said terms of cession requiring the United States to guarantee to Virginia the residue of her western territory lying south and east of the river Ohio; and whereas the State of Virginia, assenting to the proposed exclusion from her terms of cession, did, by an act of her Legislative Assembly, authorize her then delegates in Congress to execute the contemplated deed of cession; whereupon, and in virtue of the full powers vested in them, the said delegates, then present, did, on the 1st day of March, 1784, execute a conveyance to the United States for all the lands to which Virginia had claim north and west of the river Ohio, according to the original terms and conditions proposed by Virginia to Congress for the cession thereof, with the exception only of the guarantee aforesaid, proposed by Congress to be excluded therefrom, and assented to by Virginia, as aforesaid; and whereas the original terms and conditions proposed by Virginia, and assented to by Congress, for the cession by that State of all her lands north and west of the Ohio, impose the following obligations on Congress:

1. That, provided the State of Virginia had not reserved a sufficient quantity of good land on the southeast side of the river Ohio to satisfy the land bounty promised by Virginia to her officers and soldiers who served in the continental line of the Army, and who served in her own State establishment, Congress should make up such deficiency, and of good lands lying between the Scioto and Miami rivers.

2. The aforesaid terms and conditions of cession provide, and it is so expressed in the deed, "that all the lands in the territory hereby ceded to the United States, and not reserved or appropriated for any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American Army, shall be considered a common fund for the sole use and benefit of such of the United States as have become, or shall become, members of the Confederation, or Federal alliance of the said States, Virginia inclusive, according to their respective proportions of the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatever."

*Resolved*, That the select committee to whom that part of the report of the Secretary of the Treasury in relation to the public lands was referred, be instructed to inquire and report whether the conveyance of the lands above referred to, by Virginia, to the United States, is not a conveyance in trust for the specific objects expressly enumerated in the deed of cession.

2. Whether those objects have been satisfied, and especially whether Congress, out of the ceded territory, has made provision for the deficit of good lands on the southeast side of the Ohio river, and to satisfy the land promised by the State of Virginia to the officers and sol-

diers of the Virginia line on Continental establishment; if not, ought to be promptly made for that purpose.

3. What quantity of the ceded territory has been, or the proceeds thereof, devoted and applied towards the specific objects enumerated in the deed of cession; and what quantity of the said territory has been devoted to uses and purposes not comprehended in the terms and conditions of cession; finally, if it shall appear that there will be a surplus of land in the ceded territory beyond what is required to satisfy the objects and purposes specially enumerated in the original terms and conditions, in pursuance of which the deed of cession was executed, whether Congress is not bound, by the manifest intention of that deed, to provide for a prompt and "bona fide" distribution of the proceeds of the remaining lands, including the value of so much of these lands, if any, as may have been devoted to purposes not warranted by the deed, amongst the States of the Union, according to the ratio of distribution specified in the deed of cession, for the sole use and benefit of the said States; and that the committee have leave to report by bill.

## COURTS IN MISSISSIPPI.

On motion of Mr. MARTIN, the bill amendatory of the act to reorganize the district courts of the United States in the State of Mississippi, was taken up, read a third time, and passed.

## TEXAS BOUNDARY.

Mr. DROMGOOLE then asked the House to go into committee on the bill in relation to the Texas boundary.

Mr. CHAMBERS objected, for if they did not take up private business they might as well reject all claims at once.

Mr. DROMGOOLE moved a suspension of the rules; but it was disagreed to.

## AMENDMENT OF THE RULES.

Mr. CHAMBERS moved a suspension of the rules to take up the following resolution, submitted by Mr. THOMAS on Saturday last:

*Resolved*, That the rules of the House be amended by adding to the 20th rule the following:

And on the first and third Friday of each month the Calendar of Senate bills shall be called over, and the bills to the passage of which no objection shall then be made shall be first considered and disposed of.

The House refused to suspend the rules—yeas 84, nays 68; not two thirds.

## PAMELA BROWN.

The House proceeded to the private orders, and took up on its passage, the bill for the relief of Pamela Brown, widow of the late General Brown.

The bill was opposed at some length by Mr. WILLIAMS, of Kentucky, and supported by Messrs. FOSTER, ADAMS, and TAYLOR.

Mr. PETRIKIN having obtained the floor, moved the previous question; which was seconded.

The main question being on the passage of the bill,

Mr. GRIFFIN called for the yeas and nays; which were ordered.

Mr. DUNCAN moved to lay the bill on the table, and upon that motion demanded the yeas and nays; which were not ordered.

The question upon laying upon the table was then taken, and decided in the negative.

Mr. DUNCAN moved that the House adjourn; decided in the negative.

The question was then taken upon the passage of the bill, and resulted—yeas 109, nays 72.

Mr. DUNCAN then rose and gave notice that he would, on to-morrow, move to reconsider said vote.

Mr. GARLAND, of Louisiana, said as it was evidently the intention of the gentleman to defeat the bill, he would move to reconsider the vote now, notwithstanding he would vote against it; and thereupon moved the previous question.

Mr. DROMGOOLE moved a call of the House, and upon that motion demanded the yeas and nays; which were ordered.

Mr. WHITTLESEY moved that the House adjourn. Not agreed to.

Mr. BRIGGS moved to lay the motion for a call of the House upon the table; and upon that motion demanded the yeas and nays, but subsequently withdrew it.

The question was then taken upon the motion for a call of the House, and decided in the negative—yeas 52, nays 95.

Mr. LOOMIS moved that the House adjourn. Not carried.

The question then recurred upon the previous question, moved by Mr. GARLAND, of Louisiana; which was seconded—yeas 81, nays 47.

Mr. WILLIAMS, of Kentucky, moved that the House adjourn; upon which motion,

Mr. ELMORE demanded the yeas and nays; which were ordered; and were—yeas 43, nays 96.

So the House refused to adjourn.

The question then recurring on the motion to reconsider,

Mr. DUNCAN demanded the yeas and nays; which were not ordered.

The House then refused to reconsider the vote on the passage of the bill.

#### EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a communication from the Secretary of War, in compliance with a resolution of the House of Representatives of May last, in relation to the petition of Elijah Bell, for indemnification of certain losses; which was laid on the table.

Also, a communication from the Secretary of State in compliance with a resolution of the House of Representatives of the 31st December last, in relation to the commissioners appointed to survey the north boundary line of the State of Missouri; which was referred to the Committee on Territories and ordered to be printed.

Also, a communication from the Secretary of State, inclosing a report respecting the clerks employed in that Department during the last year; which was laid on the table, and ordered to be printed.

Also, a communication from the Secretary of the Treasury, in compliance with a resolution of the House of Representatives of the 31st ultimo, in relation to a circular issued by the Comptroller in the year 1834 to Samuel Swartwout, having reference to his default; which was laid on the table and ordered to be printed.

On motion, the House adjourned.

#### IN SENATE.

SATURDAY, January 5, 1839.

The PRESIDENT announced a communication from the State Department, stating the names and compensation of the clerks employed in that Department during the past year; which was ordered to be printed.

Also, a communication from the Secretary of State, in compliance with a resolution of the Senate of March 13, 1838, in relation to the suits on trial document of the various circuit courts, and district courts having circuit court jurisdiction, &c.; which was ordered to be printed.

Also, a communication from the Secretary of the Treasury, in compliance with a resolution of the Senate of the 31st ultimo, in relation to the correspondence and arrangements between the Secretary of the Treasury and the Bank of North America and Bank of New York; which was ordered to be printed.

Also, a communication from the Secretary of the Treasury, in compliance with a resolution of the Senate of the 20th ultimo, in relation to the public lands through which the Mount Carmel and New Albany railroad passes; which was laid on the table, and ordered to be printed.

Also, a communication from the Secretary of the Treasury, transmitting returns from the incorporated banks in the District of Columbia; which was ordered to be printed.

#### PETITIONS, ETC.

Mr. MOUTON presented a memorial of citizens of New Orleans, praying Congress to grant unappropriated lands to Mount Carmel and New Albany Railroad Company; which was referred to the Committee on Roads and Canals.

Mr. STRANGE presented the petition of Hugh A. Crawford & Co., praying the reimbursement of a sum of money lost in its transmission through the post office; which was referred to the Committee on the Post Office and Post-Roads.

Mr. LINN presented the memorial of upwards of four hundred citizens of St. Louis, asking for such aid as Congress may think proper, in aid of the construction of a railroad from Louisville to St. Louis; which was referred to the Committee on Roads and Canals.

Mr. LYON presented a petition from a large number of the citizens of Milwaukee, in the Territory of Wisconsin, praying that the preemption

claims of Francis La Venture, Ebenezer Childs, and Linus Thomson, to certain lands upon which a portion of that town stands, may be confirmed by Congress.

Mr. PRESTON presented the memorials of Colonel Croghan and Brigadier General Wool, praying for back rations; which were referred to the Committee on Military Affairs.

#### BILL INTRODUCED.

Mr. LINN, on leave, and in pursuance of notice given, introduced a bill authorizing the Portage Canal Company to enter at the Government price certain lands at the Wisconsin and Fox river portage, in the Territory of Wisconsin; which was read twice and referred to the Committee on Roads and Canals.

#### NOTICE OF A BILL.

Mr. WALKER gave notice that on Monday he should ask leave to introduce a bill to transfer, on certain conditions, the stock held by the Government in the Chesapeake and Ohio Canal Company, to the State of Maryland.

#### REPORTS FROM COMMITTEES.

Mr. MORRIS, from the Committee on Pensions, to which had been referred the memorial of Mrs. Mary Thompson, widow of Colonel Alexander Thompson, who was killed in action with the Seminoles in Florida, made an adverse report thereon; which, after some remarks from Messrs. MORRIS, HUBBARD, and NORVELL, was laid upon the table, and ordered to be printed.

Mr. M. also, from the Committee on Pensions, to which was referred the petition of Dr. Joseph C. Cornell, a surgeon in the Army, made an adverse report; which was adopted, and the committee discharged from the further consideration of the subject.

Mr. NORVELL, from the Committee on Revolutionary Claims, to which had been referred the memorial of the widow and other heirs at law of the late Alexander Hamilton, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. KNIGHT, from the Committee on Pensions, to which had been referred the bill for the relief of Sarah Angell and the other heirs-at-law of Benjamin King, deceased, reported the same without amendment; which was ordered to be engrossed for a third reading.

The bill from the House of Representatives to reorganize the district courts of the State of Mississippi, was read twice, and referred to the Committee on the Judiciary.

#### RESOLUTIONS.

Mr. WILLIAMS, of Mississippi, submitted the following resolution; which was adopted:

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Hernando, De Soto county, Mississippi, to the town of Commerce, on the Mississippi river, in the same county.

Mr. BENTON submitted the following resolution; which was considered and adopted:

*Resolved*, That the Committee on the Public Lands be instructed to inquire into the expediency of granting to Asa Fisk, Jr., of Mason county, Missouri, the privilege of surrendering the bounty land to his father for military service in the late war with Great Britain, as unfit for cultivation, and of entering the same quantity on other public land; and also, to inquire into the expediency of providing, by a general law, for all persons in like circumstances to surrender bounty land granted to the soldiers of the late war and found to be unfit for cultivation, and enter the like quantity elsewhere.

On motion of Mr. LINN, it was

*Ordered*, That the petition of John Perry, on the files of the second session of the Twenty-Fourth Congress, be referred to the Committee on Private Land Claims.

#### SEATS FOR REPORTERS.

The Senate took up in its order the report of the Committee on the Contingent Fund, to which had been referred the petition of the reporters of distant papers, asking that accommodations might be provided for them, either within the Chamber or in the galleries of the Senate; the report concluding with a resolution providing that the front seats of the eastern gallery be set apart for reporters.

The report and resolution having been read,

Mr. KING wished to know whether it was the object of the committee who presented the report that the rule heretofore adopted by the Senate

should be changed, and that the reporters who were admitted by that rule to seats on the floor of the Senate should also be sent to the gallery. We have already six or seven gentlemen engaged in reporting the proceedings for the newspapers of the District, whether correctly or otherwise he would not say; but he was not disposed so to extend this privilege as to give reporters the whole front of the gallery. This would exclude many honest and respectable citizens, who were desirous of witnessing our proceedings. They might, to be sure, put up a box or two for those letter-writers, as he supposed them to be, who represented things in their own way; but he objected to appropriating so large a space for their accommodation. He hoped the resolution would be suffered to lie on the table.

Mr. KNIGHT explained the grounds on which the committee were induced to make this report; but he spoke in so low a tone that it was impossible for the reporters to hear him.

Mr. NILES moved that the resolution be postponed indefinitely. He was somewhat surprised at a proposition that that body should sanction, and in some manner indorse, the vile slanders that issued daily from these letter-writers, by assigning them seats within the Chamber. Who were those persons who styled themselves reporters? Why, miserable slanderers—hirelings, hanging on to the skirts of literature, earning a miserable subsistence from their vile and dirty misrepresentations of the proceedings here, and many of them writing for both sides. As his term of service was about to expire, he could speak disinterestedly on the subject. Perhaps no member of that body had been more misrepresented and caricatured than himself by those venal and profligate scribblers, who were sent on here to earn a disreputable living by catering for the depraved appetite of the papers they wrote for. Shall we sanction such miserable caricatures of the proceedings of this body as are daily sent abroad by these hirelings, and thus give currency to them? for their vile trash goes out to the world in advance of the reports of the regular reporters! No. Were he not unwilling to do any act that might be supposed to interfere, in the slightest degree, with the freedom of the press, he would move some resolution to prevent their coming within the walls of the body at all. As it was, let them take their seats in the galleries, and write what they pleased, without asking for the sanction of the Senate; for he would not consent, for their accommodation, to exclude the honest and respectable citizens who came here as spectators.

Mr. PRESTON said we had already admitted reporters under a rule of the Senate, but this was a monopoly of the local presses; and he knew no reason why they should have a special right of admission. He was in favor of the adoption of this resolution, and opposed to any monopoly in the matter. He was aware that highly colored, and in many instances vituperative, letters had gone forth from this city, and were published and circulated by the party presses of the country. We may, perhaps, all feel that we have more or less cause of complaint against these letter-writers; and he thought that the conduct of no member of the Senate had been more frequently or greatly misrepresented than his own; yet this was one of the evils of a free, and even licentious press; and he was for bearing the ills inflicted on him personally, for what he deemed a greater public good. We have reporters here for papers of both parties, and among them the reporters for a paper that would be the last to say anything to the disadvantage of the Senator from Connecticut, or give him the least cause of complaint. Since the adoption of the rule by the Senate, he had seen but a single editor of one of the city papers on the floor, and he had yet to learn what right he had to be admitted. He thought that the resolution would do no more than justice to the gentlemen connected with the press of the country, of whom it may be said that it is better to have their favorable report while living, than a good epitaph when dead. He did not imagine that it would require as much room to accommodate them as to exclude, to any great extent, that respectable portion of citizens who do us the honor of superintending, and, to some extent, of supervising, our doings in this Chamber.

Mr. NORVELL observed that he had pre-

sented the petition of the reporters, whose accommodation was proposed to be provided for in the report now under consideration. Having done so, he felt bound to say that he viewed the proposition made by the Committee on the Contingent Fund to be proper and correct. If the reporters for distant papers could be placed in positions from which they could take notes of what passed in the Senate, without any great inconvenience to other citizens, he thought that this privilege ought to be extended to them. It would enable them to perform with greater facility and accuracy, their engagements to the newspaper press and the reading public. He should exceedingly regret that because members of the Senate had suffered under the calumnies of some of the letter-writers, perhaps some of these very reporters, they should be excluded from the accommodation within the gallery which they had solicited. Their exclusion from the hall of the Senate rendered it difficult, if not impossible, for them to take notes of our proceedings and debates. Perhaps much of the misrepresentation of which complaint had been so feelingly made, occurred in consequence of this very exclusion. He was not of the opinion that newspaper abuse inflicted any great degree of injury upon any public man. He repeated what he had frequently elsewhere said, that so far as he had been the humble object of attack, these newspaper slanders had done him more good than harm, and, with the Senator from South Carolina, he would, on all occasions, go the whole length not only for the freedom, but for the license—the licentiousness of the press, rather than seem to put the free exercise of its liberty under any restraint. He would interpose no obstacle to the unlimited publication of whatever the letter-writers or reporters might choose to say of us. He would do nothing to prevent them from giving full and fair reports. If we cannot sustain ourselves here, or with our constituents, against their calumnies, we must be unworthy of our seats in this hall. He did hope, for these and other reasons, that the Senate would adopt the report under consideration, and grant the accommodations which had been requested.

Mr. NILES observed that he was much obliged to the honorable Senator from South Carolina for his philanthropic system. He would only say to him, that having no interest in it, his case did not require it. The Senator spoke of the exclusive accommodations allowed to the reporters for the city papers as a monopoly, and therefore, unjust; to which he would reply, that from the very nature of things, it must be a monopoly; they could not extend their accommodations to all the newspapers of the country without excluding spectators altogether. It was necessary to fix on some limit; and it had been decided that, to extend accommodations to the papers of the District was going far enough. The reporters of the city papers gave the earliest and fullest intelligence of the proceedings of the body; but these petitioners were not here for the same object that the regular reporters were sent. They were not sent here to report the proceedings; they were, as he understood, letter-writers, sent here to give such a false coloring to what was said and done in that Hall, as would answer the purposes of their employers. He would not, however, interfere with them any more than would the Senator from South Carolina. He had no right to interfere; but, at the same time, he would not, by providing accommodations for them, have their reports go out under the sanction of the House. What were these persons sent here for? Was it not known that the regular reporters here gave full and faithful reports of their proceedings, and though they were somewhat partial, yet, in this particular, the two political parties were equalized? He could say with the Senator from Michigan, he had no right to complain of any injury done him by newspaper slanders. He had, at all events, acquired no small share of notoriety in consequence of the abuse that had been heaped on him. But the true question was, shall we give our sanction to the perversions and deceptions of a parcel of hireling scribblers, sent abroad to pervert, mislead, and corrupt public sentiment? He did not say that they should do anything to stop them; but he would not do anything that could be construed into sanctioning their vile practices. Mr. N. did not wish to take up the time of the Senate further, and, therefore, concluded by asking for

the yeas and nays; which were accordingly ordered.

Mr. STRANGE said he would vote for the indefinite postponement; but for a different reason than the one indicated by the Senator from Connecticut. We are all aware of the extent to which misrepresentation and abuse has attained as regards the public men of our country; but he thought it would be as impossible to stop it as to arrest the current of the Potomac. He acknowledged that the present system of admitting reporters was a monopoly; but it must be a monopoly from the nature of the case. If we extend the privilege, where are we to stop? Must every editor who publishes a paper in this country, amounting to upwards of a thousand, have admittance here, to the exclusion of respectable citizens, who are equally entitled to the privilege with themselves? And if you pass this resolution to admit eight or ten additional reporters, why not eighty or a hundred, as they all have the same right to demand admittance here. He thought that a sufficient number were already admitted here for all necessary purposes; and though they could not arrest misrepresentation and calumny, he was opposed to opening the door any wider.

Mr. KNIGHT said that this memorial was presented to the Senate by several gentlemen, who state that they are reporters of the proceedings of Congress, and pray that they may have some place assigned them in the gallery, or any other convenient place. This memorial (said Mr. K.) was referred to a committee of the Senate. The committee supposed that the object referred to them was, to select a convenient and proper place for these reporters. They have done so; and have reported that the front seat in the east gallery, on the right of the President's chair, is a place suitable for them; and they have also reported the resolution now under consideration, assigning it to their use. The committee do not propose to assign to these reporters the whole of the front seat, as is supposed by some Senators; neither does the resolution direct that the present reporters who are accommodated on the floor of the Senate shall be removed to the gallery. No, sir; they will remain where they are. It permits these petitioners to have a place on a part of the front seat of the gallery, for their use. The committee did not consider these memorialists as slanderers and venal letter-writers, as stated by the Senator from Connecticut, but viewed them in the character of reporters.

It is for the Senate to decide whether we shall be shut up in this room, and transact the business of the nation, or whether we shall let our doings be known to the world through the instrumentality of reporters.

My intention, Mr. President, was only to vindicate the committee; not to follow the wide range taken in this debate, but to consider the resolution before the Senate, and whether these reporters shall have a place assigned to them or not. These memorialists are represented in their memorial as reporters of the proceedings of Congress; they have signed their names to the memorial, and have given the names of the public papers they report for; they are papers at a distance from this place.

It is not presumed that these persons will give long and detailed reports of the debates of Senators, but they will give a synopsis of the transactions of the Senate in a manner as acceptable to the public as the reports of whole speeches; they will give the substance, and save the time of reading column after column of a newspaper to find it. They will, no doubt, report facts as truly as the present reporters. Although they may give only a synopsis, yet it will contain much of the doings of the Senate, and in a mode similar to a New York correspondent of the National Intelligencer. We all see in a small corner of that paper, in a condensed form, much of the information we should get by reading a yard square newspaper; all the principal events are related that occur; and these reports will be similar, and will be diffused sooner than the ordinary reports published here. If these reporters have places assigned them, they will feel their responsibility, and they will not be those vile slanderers and venal letter-writers that gentlemen suppose, nor were they so considered by the committee.

Mr. BUCHANAN observed that he should vote for the motion of the Senator from Connec-

ticut; and he would, with the permission of the Senate, briefly state the reasons which had brought him to this conclusion. For his own part, he could not say that he had any personal feelings in relation to these letter-writers. He bore, with as much philosophic patience as any other gentleman, that portion of infliction with which they had thought proper to visit him; and he could not say that they had abused him more than he had reason to expect. He never was mortified but by one letter, and that had been written, he believed, to a Maine newspaper, in which he was represented to be a venerable old gentleman, apparently between sixty and seventy years of age. This, he acknowledged, had touched him upon a tender point.

If it were proposed to furnish seats to as many reporters for the different newspapers of the United States as could be accommodated in the whole of the front seat of the front gallery, he would vote for the proposition with all his heart. But, he would ask, who was a reporter? A reporter was a person who gave a faithful historical account of the proceedings of the body, with full reports or fair abstracts of the speeches of its different members, from which the public could be made acquainted with the nature of the business transacted. Were the letter-writers reporters in this sense? Would any Senator contend that they were? No; they did not themselves pretend to be so. They gave partial and piquant accounts of such proceedings and debates as struck their own fancy; and having the same party feelings with the members of the body, they represented us in the light which would be most agreeable to the readers of the journals for which they were employed. Whilst the letter-writer of one party was in raptures with the speech of a favorite Senator, and represented it as the very perfection of eloquence and argument, another letter-writer of the opposite party denounced the very same speech as a poor, flimsy, frothy affair, which had been scattered to the winds by the breath of some Ajax Telamon on the other side. Now it was notorious that these were the gentlemen, under the name of reporters, for whom seats were to be provided under the resolution then before the Senate. He thought they were not entitled to any such privilege, nor were their labors worthy of such a sanction by the Senate. He had nothing to say against them. Let them mingle with our respectable fellow-citizens who daily frequent the galleries, and let them write what they thought proper. Personally, he did not regard their censure. In the long run, the people always came to a correct conclusion in regard to the merits of public men, no matter how much they were misrepresented. The case of the Senator from Connecticut [Mr. NILES] was a striking example of the justice of this remark. The letter-writers had done him no injury, although he had been caricatured to a greater degree than any member of the body. Indeed, he believed that these caricatures, instead of injuring, had elevated him in the public esteem. He thought he could appeal with confidence to all sides of the House, whether Whigs, Conservatives, or Democrats, for the truth of the assertion that the Senator from Connecticut now stood higher, much higher, in the body itself, than he had done two years ago.

Mr. B. had on several former occasions stated that, if the Senate expected to have full and faithful reports of their proceedings and debates, there was but one mode of accomplishing this purpose. They could not expect the editors of the Globe and Intelligencer to employ a sufficient number of skillful and experienced reporters to present to the public everything of importance that was said and done in the body. The patronage of these journals would not justify the expense; and in this respect they differed from the leading journals of London, in which you might read the next morning the whole debate of the preceding evening in both Houses of Parliament. The few reporters employed by the Globe and Intelligencer had done their duty as well and even better than could have been expected; but, if the Senate thought it desirable to communicate to the public a full and accurate account of their debates and proceedings, they must employ and pay a sufficient number of their own reporters and make them responsible to the body itself.

Under all the circumstances, he was in favor of leaving the rule as it now was, at least until

the end of the present short session. If these gentlemen who asked for the accommodation were really reporters, he would cheerfully vote for the resolution; but as they were not, he would leave them to take their chance, with other citizens of the United States, in the comfortable galleries of the Senate.

Mr. PRESTON thought that the Senator from Pennsylvania was mistaken as to the purport of the resolution; it conferred the privilege of admission on reporters alone, not on letter-writers; and, therefore, if the resolution was adopted, letter-writers would not be admitted under it. But he was not disposed to join with honorable Senators in the unmitigated condemnation they had dealt out to this class of persons; he was of opinion that these letter-writers presented a more interesting sketch, a more faithful picture of the doings of the Senate, than the mere journal-like records of the official proceedings furnished by our city papers, however correct they might be. If, as the Senator from Pennsylvania seemed to think, he had been dealt with more kindly than the Senator from Connecticut, it was because he was a much more humble individual. As the Senator had related an instance in which his vanity was grievously mortified, he would mention one in which his was as highly excited. He had seen one of these letters, in which the writer asserted there was a strong personal resemblance between the Senator from Connecticut and himself, only that he (Mr. P.) was somewhat more venerable in appearance. Now, this, to a person of his humble pretensions to personal attractions, was highly flattering, and might account for his partiality to this class of persons, and to the aversion with which they are regarded by the Senator from Connecticut. But the Senator was amply compensated for this single unpleasant comparison by the many eulogiums which were passed upon him. Why, sir, was it not said by one of them that the Senator from Connecticut spoke extemporaneously in the sententious and forcible language that Franklin, with all his philosophic research, elaborated in the closet? But (said Mr. P.) gentlemen seem to think that our side have the advantage in the misrepresentations which are sent from this city respecting our proceedings. He thought they were mistaken, and that their favors were pretty equally distributed. It was said that these gentlemen wrote for both sides; for papers of both political parties. Well, then, the same letter-writer, to please his employer, in one paper serves up the gentlemen on that side of the House, while in another paper he is equally unceremonious in his caricatures of gentlemen on this side. Now, here was a striking evidence of the impartiality of these gentlemen. In regard to caricature, though somewhat overcharged and distorted, and calculated to make one laugh, yet to be efficient it was always necessary to preserve a likeness, and he thought that a more vivid picture of the doings of the Senate had been presented to the public in that mode than by any other. For his own part, he thought that the misrepresentations of this class could work injury to no one; and that error may be safely tolerated when reason was left free to combat it.

Mr. NILES observed that the honorable Senator from South Carolina was mistaken in one particular. He was sensible that he should be a gainer by a change of constituency, and it was very probable the Senator also would be. The Senator had a wonderful faculty of moving in a circle, and of being at the extremes of politics. He thought he knew the Senator from South Carolina, and that some of his (Mr. N.'s) constituents, the men of the Hartford convention stamp, could not be better represented than by him, whilst he thought that he himself, with the assistance of a gentleman near him, could get along very well in representing the Nullifiers of South Carolina. He was very sorry that his worthy and excellent friend had let fall some observations which might have the appearance of being ironical. He was sensible, however, that the Senator was sincere, and was serious in all that he said. As to these newspaper scribblers, he disregarded them altogether. He was an old campaigner, and what they wrote never affected him. He never read any of their effusions but one letter; and that was done up in a handsome style, and inclosed to him directed in such a neat

handwriting, that, supposing it to be from some fair damsel, he took the trouble to read it.

Mr. PRESTON said he could not acquiesce in the suggestion of the Senator that it might be advantageous to them to change positions—that he (Mr. P.) might be the representative of the members of the Hartford convention, and the Senator from Connecticut might represent the Nullifiers of South Carolina. No, sir, (said Mr. P.) I never could be a fit representative of the old Hartford Convention Federalists; nor would the Senator from Connecticut be an appropriate representative of the bravery and magnanimity of the chivalrous Nullifier. Nor would he change States with the Senator. He would not change South Carolina, wrong as he thought she was at present, for Connecticut, however right he might deem her to be. It was better to be wrong with Cato, than right with anybody else.

The question was then taken on the motion to postpone the resolution indefinitely; and it was carried—yeas 20, nays 17; as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Fulton, Hubbard, King, Mouton, Nicholas, Niles, Pierce, Roane, Smith of Connecticut, Strange, Tipton, Walker, Williams of Maine, Williams of Mississippi, and Wright—20.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, Foster, Knight, Linn, Lyon, Morris, Norvell, Prentiss, Preston, Rives, Robbins, Robinson, Smith of Indiana, and Swift—17.

The PRESIDING OFFICER then rose and asked the indulgence of the Senate while he made a short statement. A remark had been made in the course of the debate, which, to say the least of it, was calculated to throw upon the Presiding Officer of the Senate the imputation of negligence in the discharge of his duty. He alluded to the remark made by the Senator from South Carolina, [Mr. PRESTON,] in which he expressed his disapprobation of an editor enjoying the privileges of coming into that Chamber "from rights unknown to him," or something to that effect. Presuming that the Senator intended to refer to one of the public printers, who was an editor of a daily paper, (Mr. Blair,) and at all times willing to explain the motives which governed his conduct, however inadequate the Presiding Officer might feel to the perfect discharge of the high and responsible duties devolving on him, he would now, with their indulgence, proceed to state to the Senate the grounds on which this gentleman had been admitted within the Chamber. The Presiding Officer intended that his conduct should be such that neither personal nor political considerations could be imputed to him by his admitting any person on this floor, or to any privilege, great or small, in violation of his duty. If the Senator from South Carolina had thought proper to have honored the Presiding Officer with a knowledge of his disapprobation, it would not have been unknown to him by what rights the editor he referred to entered the Chamber. A proposition was submitted to him in writing, soon after his taking the chair, for his decision whether, by a proper construction, the rule adopted at the close of the last session excluded the printers of the body. The Chair had no hesitation in giving it as his construction of the rule, that the public printers, as officers of the body, were not excluded. They were sworn officers, made so by the votes of the body, and as much entitled to come into the Chamber as the clerks, messengers, doorkeepers, and other officers; subject only to the observance of that decorum which was expected of every one coming within their walls. In fact, the public printers, elected by the body, and sworn to the faithful performance of their duty, had been considered as officers of the body, and admitted as ever such, since the foundation of the Government.

The Presiding Officer had thought it his duty, in consequence of the remarks of the Senator from South Carolina to make this explanation, that the Senate might correct him if he had been in error. He would assure the Senator that not the affections of a brother—no partialities, personal or political—should ever induce him to swerve, for an instant, from the strict line of his duty.

Mr. PRESTON said that, with the permission of the Senate, he would say, that in his remark in his allusion to the admission of an editor of one of the city papers, he had not intended the

slightest offensive allusion to the Presiding Officer of the Senate. He had taken the occasion of a discussion as to the propriety of admitting reporters on that floor, to say that he did not know by what right a certain editor was admitted. If it was under a general rule of the Senate, as a member of the body he had a right to know what that rule was. He still said that he did not know what right the Public Printer had on that floor, more than the printer of any other paper, as he was not mentioned in the rule of the Senate.

The PRESIDENT said, in reply, that he did not bring this matter to the notice of the Senate to convey the idea that the Senator from South Carolina had any personal object in view, or that he intended to wound the feelings of the Presiding Officer. But the Senator must know that these remarks, whether expressed in kindness or otherwise, involved an imputation of neglect of duty on the part of the Presiding Officer, or those who executed the rules under his direction. The Presiding Officer did not feel so neglectful of his own character as to hear remarks calculated to throw on him the imputation of a neglect of duty, without making a prompt and suitable explanation. As to the correctness of his decision, it was for the Senate to judge. The rule did not say that Senators should be admitted, or that the Secretary, or clerks, or Sergeant-at-Arms, or doorkeepers should be admitted, any more than the Public Printer. These were all admitted as sworn officers of the Senate; and if they were not admitted as such, the rule, of course, excluded them.

#### PUBLIC DEPOSITS.

The resolution submitted by Mr. RIVES, calling on the President for additional information relative to the transactions between the Government and the Bank of the United States, growing out of the sales of the bonds of said bank, was taken up as the unfinished business; when

Mr. NILES addressed the Senate at great length, with considerable force and ability, in reply to Mr. RIVES's speech of yesterday; after which,

Mr. CLAY, of Alabama, moved that the whole subject be postponed until Tuesday, in order that it might not interfere with the graduation bill, which the Senate was pledged to take up on Monday.

After some objections made by Mr. CLAY, of Kentucky, and a reply by Mr. WALKER, the motion of Mr. CLAY, of Alabama, was agreed to, and

The Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, January 5, 1839.

Mr. MASON, of Ohio, asked leave to present a resolution; which was read, as follows:

*Resolved*, That the Hon. J. W. Jones, late Delegate from the Territory of Wisconsin, is not entitled to his mileage and per diem allowance for his attendance at the present session.

Mr. WISE objected; whereupon

Mr. MASON said, as it was a matter of some importance, he would move that the rules be suspended; upon which motion he called for the yeas and nays.

The SPEAKER stated that he had received a communication upon the subject from Mr. Jones, and would prefer that the House should come to some decision on it. He then laid before the House the following letters; which were read:

HOUSE OF REPRESENTATIVES,  
January 4, 1839.

SIR: I take this mode of informing you that a resolution will, at the earliest opportunity, be introduced to this House, denying your right to receive any compensation as Delegate to the present session of Congress.

I am, sir, with respect, your obedient servant,  
J. R. GIDDINGS.

Hon. GEORGE W. JONES, Washington City.

WASHINGTON CITY, D. C., January 5, 1839.

SIR: Considering myself entitled, under the usages of the House and the laws of the United States, to receive my mileage and per diem compensation as the sitting Delegate from the Territory of Wisconsin, I received from the Sergeant-at-Arms, on the 20th ultimo, a check on the Bank of Washington for my mileage and per diem allowance up to that date.

Having received last evening the accompanying communication from a member of the House, Hon. J. R. GIDDINGS, of Ohio, and not feeling willing to retain in my hands the

compensation alluded to unless most clearly so entitled, I respectfully return to the House, through you, the original check, to be canceled by the House if in their judgment I am not entitled to it.

I came here under the solemn conviction that I was the rightful Delegate of the people of Wisconsin, to serve them here as such until the 4th of March next. This opinion was strengthened by the advice of able counsel, before and since my arrival here. I entertain the same opinion still, but will submit to the decision of the House in both cases without a murmur.

Very respectfully, your obedient servant,  
GEO. W. JONES.

Hon. JAMES K. POLK,  
Speaker of the House of Representatives.

The SPEAKER, with the permission of the House, made a brief explanation of the course of the Sergeant-at-Arms and the Presiding Officer of the House.

By the Journal of the extra session, at the opening of the present Congress in September, 1887, it appeared that "George Wallace Jones appeared as the Delegate from the Territory of Wisconsin, was sworn to support the Constitution of the United States, and took a seat in the House." No certificates of election of members or Delegates were presented at the time of qualification, and the Speaker could not know under what authority they took their seats. Mr. Jones was sworn, and took a seat.

At the commencement of the present session, Mr. Jones appeared in his seat, claiming to be the rightful sitting Delegate from Wisconsin. When the claim of Mr. Doty was presented, Mr. Jones rose in his place and asserted his right. The House, by its acquiescence, recognized him as the sitting Delegate, and took order in the case, by referring the claim to a seat as the Delegate from Wisconsin to the Committee of Elections. Mr. Jones continued in his seat as the sitting Delegate. He, at various times, as the Journal shows, presented petitions and resolutions, and participated in the business of the House, as the sitting Delegate. This was permitted by the acquiescence of the House, until the right to the seat was decided by the House. Whilst Mr. Jones was thus the sitting Delegate, in his seat, in discharge of his duties as such, the Sergeant-at-Arms or the Presiding Officer had no right or power to inquire whether he was rightfully there. That was a question which the House alone could decide. The law regulating the pay of members and Delegates, for aught that appeared of record, entitled him to his compensation until the time he was ousted by a vote of the House. He called for his compensation, and neither the Sergeant-at-Arms or the Speaker had any discretion to refuse it under the law. The check for his compensation was made out in the usual way, by the Sergeant-at-Arms, and signed under the law. Since taking the chair this morning, a letter from Mr. Jones had been laid on his table. And now the question of compensation, under the resolution before the House, was an open one. The House alone can, by its order, refuse the compensation. Under the law, the Sergeant and Speaker cannot. The Speaker expressed the hope that the House would decide the question, and thus relieve the subject from all doubt and embarrassment.

A long debate then ensued, in which the resolution was advocated by Messrs. MASON of Ohio, and GIDDINGS, and opposed by Messrs. WISE, BOULDIN, THOMAS, POPE, CALHOON of Kentucky, BRONSON, and BIDDLE. The latter, at the conclusion of his remarks, moved the previous question; which was seconded.

The question being taken on the adoption of the resolution, Mr. GRIFFIN, demanded the yeas and nays; which were ordered.

Mr. THOMAS inquired of the Speaker whether, in case the resolution should be rejected, he would consider it as authority to pay Mr. Jones his per diem and mileage.

The SPEAKER said he should so consider it. The question was then put upon the adoption of the resolution, and decided in the negative—yeas 89, nays 96; as follows:

YEAS—Messrs. Alexander, Heman Ailan, Banks, Bell, Bicknell, Birdsall, Bond, Boon, Borden, Buchanan, William B. Calhoun, William B. Campbell, Chaney, Cheatham, Clowney, Connor, Corwin, Craig, Cravy, Cranston, Curtis, Cushman, Darlington, Dawson, Davee, Davies, Dunn, Elmore, Evans, Richard Fletcher, Fry, Gallup, Giddings, Goode, Griffin, Hall, Halsted, Hawkins, Haynes, Henry, Herod, Hoffman, Thomas B. Jackson, Joseph Johnson,

Kennedy, Lewis, Loomis, Marvin, Sampson Mason, May, Maxwell, Robert McClellan, Abraham McClellan, Mitchell, Samuel W. Morris, Calvary Morris, Naylor, Noble, Noyes, Ogbe, Owens, Parker, Peck, Petrik, Phelps, Potts, Pratt, John H. Prentiss, Rariden, Reed, Rencher, Ridgway, Rives, Robinson, Russell, Saltonstall, Sheffer, Augustine H. Sheperd, Charles Shepard, Sibley, Stanley, Swearingen, Taliaferro, Toland, Underwood, Vanderveer, Albert S. White, Whittlesey, Lewis Williams, Sherrard Williams, and Jared W. Williams—89.

NAYS—Messrs. Adams, Andrews, Atherton, Beatty, Beirne, Biddle, Bouldin, Briggs, Bronson, John Calhoun, Cambreleng, John Campbell, Carter, Casey, Chambers, Cleveland, Coles, Crabb, Crockett, Cushing, Deberry, De Graff, Dromgoole, Edwards, Everett, Ewing, Farrington, Isaac Fletcher, James Garland, William Graham, Grantland, Gray, Halsey, Hammond, Hamer, Harrison, Hastings, Hawes, Holsey, Holt, Hubley, Robert M. T. Hunter, Jenifer, Henry Johnson, William C. Johnson, Nathaniel Jones, Keim, Kemple, Klingensmith, Leadbetter, Logan, Lyoz, James M. Mason, Martin, Maury, McClure, McKennan, Mercer, Milligan, Miller, Moore, Morgan, Parmenter, Paris, Paynter, Pierce, Pickens, Plumer, Pope, Potter, Putnam, Randolph, Robertson, Rumsey, Shields, Shepler, Slade, Snyder, Southgate, Spencer, Stuart, Stone, Thomas, Toney, Towns, Vail, Wagener, Webster, Weeks, John White, Joseph L. Williams, Christopher H. Williams, Wise, Word, Yell, and Yorke—96.

#### DELEGATES FROM TERRITORIES.

Mr. THOMAS asked leave of the House to present a resolution that the Committee on the Judiciary be instructed to inquire into the expediency of amending the law relating to the election of Delegates from Territories, so as to define the exact period for which they shall be elected.

Objection being made to its reception at this time,

Mr. THOMAS moved a suspension of the rules to effect that object.

Mr. ATHERTON moved that the House adjourn; which was decided in the negative.

The question was then taken upon suspending the rules, and decided in the negative.

#### ACCOUNTS OF LEWIS CASS.

Mr. HARLAN asked leave to present a resolution; which was read, as follows:

*Resolved*, That the Secretary of War be directed to communicate to this House a statement of the final settlement of the accounts of Lewis Cass, late Superintendent of Indian Affairs; of the annual salary of the said Superintendent, and of any extra compensation, commission, or other allowances, over and above his annual salary, which has been credited or allowed to him at the Treasury Department.

Objection being made to its reception at this time,

Mr. HARLAN moved that the rules be suspended to enable him to offer it; and upon that question demanded the yeas and nays; which were ordered.

Mr. POTTS moved that the House adjourn; which was decided in the negative—yeas 72, nays 75.

The question was then taken upon suspending the rules, and decided in the affirmative—yeas 125, nays 27.

Mr. HAMER moved to amend the resolution by adding the following:

Under what rule or law of the Department such extra allowance was made.

Which being accepted by the mover as a modification,

Mr. McKAY moved further to amend by adding the words:

Together with any opinion which may have been given by the Attorney General in regard to said claim.

Mr. McK. was of opinion that Mr. Wirt, then Attorney General, had given his opinion in relation to the commission. It was nothing but fair that the whole matter appertaining to this subject should be presented to the House.

Mr. HARLAN was understood to oppose the amendment, inasmuch as his object was merely to get a simple statement of the facts first.

Mr. WISE said the amendment of the gentleman from Ohio embraced all that was necessary, including the opinion of the Attorney General.

The question was taken upon the adoption of the amendment, and agreed to—yeas 77, noes not counted.

The question was then taken upon the resolution as amended, and agreed to without a division.

#### LANDS TO NEW STATES.

Mr. MILLER asked leave of the House to offer a resolution instructing the select committee on public lands, to distribute a portion of the pub-

lands to the new States for the purposes of internal improvement.

Objections being made,  
Mr. MILLER moved for a suspension of the rules.

Mr. MITCHELL moved that the House adjourn; and, upon that motion,

Mr. MILLER demanded the yeas and nays; which were not ordered.

Pending the motion,

The SPEAKER asked permission to present a communication from the Secretary of the Treasury, furnishing copies of returns made to that Department by certain banks in the District of Columbia; which was laid on the table, and ordered to be printed.

On motion, the House adjourned.

#### IN SENATE.

MONDAY, January 7, 1889.

The PRESIDENT presented a communication from the Secretary of the Treasury, in conformity to a resolution of the Senate of the 4th instant, in relation to the modes of keeping and disbursing public moneys in foreign countries.

On motion of Mr. BENTON, it was referred to the Committee on Finance.

The PRESIDENT also presented a communication from the Secretary of War, in compliance with a resolution of the Senate of the 2d instant, in relation to the present situation of the Memphis road; which was ordered to be printed.

Mr. WHITE presented a communication from the Secretary of War, relative to additional clerks; which was referred to the Committee on Indian Affairs.

Mr. W. also presented another communication from the Secretary of War, relative to the disbursing agents of that Department for the bureau of Indian Affairs; which was referred to the Committee on Indian Affairs.

Mr. W. also presented a communication from the Secretary of War, inclosing a communication from the Commissioner of Indian Affairs, asking for an appropriation to prevent the spread of the smallpox among the Choctaws, Chickasaws, Cherokees, Creeks, and Seminoles, and the tribes of the Upper Missouri; which was referred to the Committee on Indian Affairs.

#### PETITIONS, ETC.

Mr. PRENTISS presented the petition of Stephen F. Heminway, asking for arrears of pension; which was referred to the Committee on Pensions.

Mr. BUCHANAN presented the memorial of Samuel R. Slaymaker, praying compensation for carrying the mail in 1835-36; which was referred to the Committee on the Post Office and Post Roads.

Mr. ALLEN presented the petition of John Grigsby; which was referred to the Committee on Pensions.

#### REPORTS FROM COMMITTEES.

Mr. TIPTON, from the Committee on Roads and Canals, to which the subject had been referred, reported a bill granting to the State of Indiana a quantity of land to aid in the construction of a railroad from New Albany, in the State of Indiana, to Mount Carmel, in the State of Illinois; which was read and ordered to a second reading, and five hundred extra copies of the report accompanying the bill ordered to be printed.

Mr. STRANGE, from the Committee on Patents, to which had been referred the petition and papers of Chauncey Hall, moved that the committee be discharged from the further consideration thereof; which was agreed to.

Mr. DAVIS, from the same committee, to which the subject had been referred, reported a bill for extending the patent of Thomas Blanchard; which was read twice and ordered to be engrossed for a third reading.

#### PAMELA BROWN.

The bill from the House of Representatives, for the relief of Pamela Brown, was read twice and referred to the Committee on Pensions.

#### BILL INTRODUCED.

Mr. WALKER, in pursuance of notice given,

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asked and obtained leave to introduce a bill to authorize the transfer, on certain conditions, to the State of Maryland, of the stock held by the United States in the Chesapeake and Ohio Canal Company.

Mr. W., on asking leave, said that on the 9th of April last, the Senate, upon his motion, had adopted a resolution calling upon the Secretary of the Treasury for information as to the dividends received, and present market value of the stock held by the United States in various canal companies. To this call the Secretary of the Treasury had responded in a statement, showing that the Government had never received any dividend from its stock in the Chesapeake and Ohio Canal Company, that this stock is much below par, and that it is doubtful whether it can be converted into money at any price. Mr. W. said, as this stock was yielding nothing to the Government, and could not be sold for money, he was willing to transfer it for a reasonable equivalent to the State of Maryland. This equivalent was, that the State of Maryland should cause, within a specified period, this canal to be completed to the Ohio river, and that, when completed, the canal, throughout its entire distance, should be forever free for the transportation of any property, troops, or seamen of the United States, without the payment of any toll or charge whatever. This bill, then, involved the exercise of no doubtful or disputed constitutional power, but simply provided for the sale for a reasonable equivalent of this stock to the State of Maryland.

The bill was read twice and referred to the Committee on Roads and Canals.

## RESOLUTIONS.

Mr. ALLEN presented the following resolution; which was considered and adopted:

*Resolved*, That the Committee on the District of Columbia be instructed to inquire and to report to the Senate whether the Banks of the District have, in all things, conformed to the conditions of the act entitled "An act to continue the corporate existence of the banks in the District of Columbia," approved May 31, 1838, and especially whether they, or either of them, have evaded, or attempted to evade, the conditions of said act, by using, in any manner, the notes or bills of other banks, corporations, or companies, of a denomination less than that which they are allowed to use of their own notes.

Mr. NORVELL offered the following resolution; which was considered and adopted:

*Resolved*, That the Committee on the Public Lands be instructed to inquire into the expediency of granting one hundred thousand acres of land to the State of Michigan, the proceeds of which shall be applied to the construction of a canal around the falls of St. Marie, to connect the navigation of lake Huron with lake Superior.

## BILLS PASSED.

The bill for the relief of the heirs of Sarah Angell, and other heirs-at-law of Benjamin King, deceased, was read a third time and passed.

The bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of a treaty with the Choctaws, was read a third time and passed.

The bill for the support of the Penitentiary of the District of Columbia was read a third time and passed.

The bill for the relief of James H. Clark was taken up, and after being discussed for some time, was laid upon the table, for the purpose of taking up the special order of the day.

## PUBLIC LANDS.

The bill for the graduation and reduction of the price of the public lands came up as the special order, the question being on the amendment offered by the Committee on the Public Lands, under the instructions of the Senate when the recommendation was ordered.

Mr. CLAY, of Alabama, offered an amendment to the amendment, proposing to extend the privilege of purchasing at the reduced prices to contiguous landholders.

A debate then ensued, in which Messrs. CLAY of Alabama, CLAY of Kentucky, WALKER, SMITH of Indiana, and ROANE, took part; and, without taking any question,

On motion of Mr. CRITTENDEN, The Senate adjourned.

## HOUSE OF REPRESENTATIVES.

MONDAY, January 7, 1839.

As soon as the Journal had been read, Mr. SLADE wished to know if it would not be in order for him to call up for consideration a memorial presented by him on a former day, relating to the recognition of Hayti.

The SPEAKER decided that it would not.

Mr. SLADE, intimating that he was desirous to address the House on the subject of the memorial, moved that it be taken up for consideration, and on that motion demanded the yeas and nays; which were not ordered.

Mr. CRAIG was opposed to the motion. He wished to know whether it was of more importance to hear a speech from the gentleman from Vermont, or to proceed in the regular order for presenting petitions?

The motion was rejected.

The SPEAKER then proceeded to call the States for petitions; whereupon petitions were presented by

Messrs. EVANS, ANDERSON, DAVEE, PARRIS, and ROBINSON, of Maine.

[Mr. DAVEE presented the petition of E. S. Greely, of Dover, in the county of Piscataquis, in the State of Maine, who states that he was appointed by the county commissioners of the county of Penobscot, by authority of law, to take the census of Madawaska, a portion of the disputed boundary between this country and Great Britain; that he attempted to perform that service, and in doing so was imprisoned by the British authorities for a great length of time; that he suffered greatly in health and pecuniary resources, and therefore now prays Congress to allow him such compensation as they may deem proper. The petition was referred to the Committee on Foreign Affairs.]

Mr. DOWNING, of Florida.

Mr. CRARY, of Michigan, presented a petition for a mail route from Orion to Romeo.

Mr. YELL, of Arkansas.

Messrs. MILLER and HARRISON, of Missouri.

[Mr. MILLER presented the petition of William Sanders, of Green county, Missouri, asking the passage of a law granting him the right of preemption to certain lands therein mentioned.]

Mr. HARRISON presented the petition of John Moore, for compensation for services rendered during the Black Hawk war; of Jeremiah Clay, praying the confirmation of a private claim; of Henrietta De Kersaint, of St. Louis, praying a remission of duties; of Richard Brannin, for compensation for horses lost during the Black Hawk war.]

Messrs. MAY and CASEY, of Illinois.

Mr. CASEY presented the petition of sundry citizens of Edgar county, Illinois, praying the right of preemption to a certain section of the public land in said county, for the use and benefit of the Paris Seminary; which, on his motion, was referred to the Committee on Public Lands and ordered to be printed.]

Messrs. CRABR and CHAPMAN, of Alabama.

[Mr. CHAPMAN presented the memorial of Eliza Howard, praying arrearages of pension due her late husband, George W. Howard; which, on motion, was referred to the Committee on Invalid Pensions.]

Messrs. RARIDEN, DUNN, EWING, and GRAHAM, of Indiana.

[Mr. GRAHAM presented the petition of James Smallwood, of Clark county, Indiana, praying to be placed on the pension roll, or such other relief as Congress may, in their wisdom, grant; which was referred to the Committee on Invalid Pensions. Also, the petition of George Summers, of Clark county, Indiana, a soldier of the revolutionary army, praying to be placed on the pension roll; which was referred to the Committee on Revolutionary Pensions.]

On motion of Mr. G., the claims of Mudy W. Shields, William Thomas, John Gibson, James

W. Anderson, William J. Owens, John M. Paurds, Alfred Huckelberry, James Cooper, William Garner, Basil Powel, Thomas Kelly, James Hays, William Patrick, Daniel O. Beem, and Hannibal Durham, for horses lost in the service of the United States, be taken from the files, and referred to the Committee on Claims.

Mr. RARIDEN presented a petition for a post route from Cambridge city, Indiana, via Hagers-town, Franklin, and Rogersville, to Muncy town, in Delaware county.

Mr. DUNN presented the petition of George W. Hopkins, jr., and sixty other men, citizens of Decatur county, Indiana, praying for the abolition of slavery in the District of Columbia; the petition of George W. Hopkins, jr., and seventy-seven other men of Decatur county, Indiana, praying—1. That the traffic in slaves among the States may be abolished. 2. That no new slave State may be admitted. 3. Protesting against the admission of Texas. Also, three petitions of Horace Pease and five other men and six women, of Salt creek, in Decatur and Franklin counties, Indiana, on the same subjects.]

Mr. DOTY, Delegate from the Territory of Wisconsin, presented the petitions of owners and masters of vessels, for an appropriation for a harbor at Southport; of the inhabitants of Racine, for an appropriation for a harbor at Racine; of inhabitants of Oswego, New York, for an appropriation for a harbor at Racine; of merchants and citizens of Buffalo, New York, for an appropriation for a harbor at Racine; of the inhabitants of Toledo, Ohio, for an appropriation for a harbor at Racine; of the inhabitants of Rochester, Wisconsin Territory, for an appropriation for a harbor at Racine; of the inhabitants of Milwaukee and its vicinity, for an appropriation for a harbor at Milwaukee; of the inhabitants of Milwaukee, praying that Milwaukee may be made a port of entry; of the inhabitants of Wisconsin, for the improvement of the navigation of the Pекатоника river, in Wisconsin; of the inhabitants of Wisconsin, that a post route may be established from Springfield, Wisconsin Territory, by Eagle Prairie and Fort Atkinson, to Madison; of the people of the Brotherton nation, that their lands may be equally divided among them by Government, and that they may be declared citizens of the United States; of the inhabitants of the Wisconsin lead mine district, for a redress of grievances.

Mr. JOHNSON, of Louisiana, presented a memorial of Duncan N. Hennan, clerk of the United States district and circuit court for the eastern district of Louisiana, exhibiting charges against P. K. Lawrence, United States district judge of Louisiana, of negligence, corruption, intemperance, &c.

Mr. J. said, as it was a subject of much importance to the judge, as well as to the State, he would move to refer it to a select committee.

Mr. THOMAS said he did not conceive that he would perform his duty by permitting this memorial to take such a course. He considered the Committee on the Judiciary a proper tribunal for the decision of such matters, and that prompt action would be had thereon.

Mr. JOHNSON said, with the assurance that the memorial would be promptly acted upon, he would withdraw the motion.

Mr. POPE said it had been unusual to refer such charges of a specific nature to a standing committee. He was in favor of a select committee.

Mr. JOHNSON then renewed his motion for a select committee; which was agreed to, the number of members to consist of seven.

Messrs. GOODE, COFFIN, HARPER, GIDDINGS, CORWIN, MORRIS, RIDGWAY, SIEPLOR, ALLEN, and SWEARINGEN, of Ohio.

[Mr. COFFIN presented the petition of Elizabeth P. Heaton and one hundred and ninety-nine others, women of Columbiana county, Ohio, praying the abolition of slavery and the slave trade in the District of Columbia; of Jacob Heaton and

one hundred and fifty-six others, citizens of Columbiana county, Ohio, praying for the total and immediate abolition of slavery in the District of Columbia; which were laid on the table; of John Might, praying an increase of his pension; which was referred to the Committee on Revolutionary Pensions.

Mr. HARPER presented the petition of sundry citizens of Muskingum, Coshocton, and Knox counties, Ohio, praying for a mail route from Zanesville, via Belmeaz Cross Roads, Frayeysburg, West Carlisle, and East Union, to Gambia, Knox county. Also, the petition of Davy Pratt, of the District of Columbia, praying an increase of pension.

Mr. RIDGWAY presented the petition of Frederick Reinhart, a citizen of the kingdom of Bavaria, praying for a grant of land from the Congress of the United States, as a recognition of his services in the allied army during the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Mr. SWEARINGEN presented the petition of Elizabeth Wilson and one hundred and fifty-four other women, for the abolition of slavery in the District of Columbia; a petition of Elizabeth Wilson and one hundred and six other women, remonstrating against the annexation of Texas to this Union; a petition of Andrew Saltzman and eighty-nine others, citizens of Jefferson county, praying Congress to abolish slavery and the slave trade within the District of Columbia, and so to regulate commerce among the several States as to prohibit the traffic in slaves between the States. Also, of one hundred citizens of Jefferson county, remonstrating against the admission of any new States into this Union, whose constitution tolerates domestic slavery.]

Messrs. STONE, CARTER, WILLIAMS, and SPEAKER, of Tennessee.

[Mr. STONE presented the petition of William Brown, assignee of John Dwiggings, praying compensation for lands lost, which had been purchased by the Tennessee Land Company; which was referred to the Committee on Private Land Claims. Also, the petition of John McCoullhan, praying compensation for spoiliations done his property by the Cherokees, after having been settled peaceably among them under the authority of Governor McMinn; which was referred to the Committee on Indian Affairs.]

Messrs. CHAMBERS, SOUTHGATE, MURRAY, and MENEFFEE, of Kentucky.

Messrs. JACKSON and TOWNS, of Georgia. Messrs. CAMPBELL, THOMPSON, and LEGARE, of South Carolina.

Messrs. GRAHAM and McKAY, of North Carolina.

Messrs. WISE, BOULDIN, MASON, GARLAND, COLES, BANKS, JOHNSON, CRAIG, TALIAFERRO, and BEIRNE, of Virginia.

Mr. WISE said he was about to present a petition of rather a unique character. It had been forwarded to him, and was addressed to the House of Representatives. It came from one woman and one man. He could not say whether or not they were joined together. "Their names were J. S. White and Louisa Grosvenor, of Calais, in the State of Maine. There was a seal upon the paper also of a singular character. Stamped upon the wax was the representation of a sheaf of wheat, sitting on an end in a wheat field. The inscription thereon was "you deserve a thrashing." Mr. W. then went on to say that he could not tell whether it was himself or others who were designated as deserving "the thrashing." Be that as it might, the prayer of the petition was that the House would rescind its standing resolution by which all abolition papers are laid upon the table.

Mr. W. then moved, in substance, that the petition be referred to the Committee of the Whole on the state of the Union, with instructions to report a resolution rescinding the "Atherton resolutions;" and more especially that portion of them by which abolition papers are laid upon the table on presentation; that the memorials already received by the House and laid on the table, be taken from the files of the House and returned to the petitioners, and that in future all abolition memorials, of whatever character, be not received by this House.

Mr. DROMGOOLE moved to lay the whole subject on the table; but,

Mr. WISE intimating a desire to address the House on the subject, the motion to lay on the table was withdrawn.

The SPEAKER decided, however, that, a debate arising, the resolution would lie over one day under the rules. It lies over accordingly.

Messrs. WORTHINGTON, THOMAS, and KENNEDY, of Maryland.

Messrs. KLINGENSMITH, McKENNAN, PLUMER, NAYLOR, PETRIKIN, DAVIS, TOLAND, BEATTY, and BIDDLE, of Pennsylvania.

[Mr. PLUMER presented a petition for an appropriation to improve the Alleghany river; which was referred to the Committee on Roads and Canals. Also, a petition for the establishment of a steam revenue cutter; which was referred to the Committee on Commerce.

Mr. PETRIKIN presented the petition of Jacob Boston, praying for a pension for wounds received in the service of the United States, at the blockade of Tripoli.]

Mr. HALSTEAD, of New Jersey.

Messrs. LOOMIS, GALLUP, MITCHELL, NOBLE, MARVIN, RUSSELL, McCLELLAN, CAMBRELENG, ANDERSON, VANDERVEER, FOSTER, PRATT, KEMBLE, TAYLOR, CURTIS, CLARK, BRODHEAD, MOORE, PUTNAM, HOFFMAN, PECK, SIBLEY, and FILLMORE, of New York.

[Mr. PRATT presented petitions from the citizens of Catskill in the county of Green, New York, for the improvement of the mouth of the Catskill creek; which was referred to the Committee on Commerce and ordered to be printed. Also, a petition for a mail route from Sherborn to Oneonta, through Davenport to Sanford, in Delaware county, New York; also, one from Potter's Hollow, in Albany county, to Broom, (through the center of that town,) in Schoharie county.

Mr. GALLUP presented the petition of Mrs. Nancy G. Van Rensselaer, widow of the late Colonel Henry R. Van Rensselaer, of the New York line of the revolutionary army, praying for a pension.

Mr. McCLELLAN presented the petition of Charles Rohler, of the city of New York, asking remuneration for services performed in the pilotage of Government vessels; which was referred to the Committee on Commerce. Also, the petition of Charles Darling and others, of Hudson, New York, praying an appropriation for the benefit of the harbor at North Black River Lake, in Michigan; which was referred to the Committee on Commerce. Also, the petition of Abigail Allen, of Hudson, New York, praying a pension; which was referred to the Committee on Revolutionary Pensions.

Mr. FOSTER presented a petition from Joanna Smith, praying for a pension; from Gorham A. Worth, praying to be discharged from a bond signed by him as surety for Samuel Edmond; and from Lettis Pond, praying for a pension.

Mr. CURTIS presented a memorial from two hundred and five citizens and voters of the city of New York, praying for a repeal of four resolutions adopted by the House of Representatives on the 12th of December last, on motion of Mr. ATHERTON, of New Hampshire, in respect to memorials and petitions relating to slavery. Mr. C. said he was personally acquainted with many of the persons whose names appear on this memorial. They were of the most intelligent, substantial, and worthy citizens of New York. Among them he recognized the name of William Cullen Bryant, a gentleman whose fame as an author, and whose learning and ability as a political writer, are familiar to the House and the country. Mr. Bryant, as editor of one of the leading journals of the country, (the New York Evening Post,) occupies a position of much power and influence over the public mind.

Mr. C. was here called to order by Mr. MORGAN; but upon the declaration of Mr. C. that he would not occupy the time of the House further than to state the contents of the petition, which he had a right to do under the rule, the Speaker said Mr. C. was in order; and he proceeded to say, that the petitioners denounced the resolutions of the 12th of December as false in principle, anti-republican in their character, utterly subversive of all that is precious in the sacred right of petition, alarming as a precedent, especially to be reprobated for the unfounded imputation

which the resolutions cast upon the signers of abolition memorials, in ascribing to them a design to "overthrow an institution of the several States," and, above all, (said Mr. C.) these memorialists complain of the resolutions because they were passed under the spur of the previous question, without time for consideration, discussion, or debate. Mr. C. moved the reference of the petition of Mr. Bryant and others to the Committee of the Whole on the State of the Union.

Mr. C. also presented a memorial of William A. Whitehead and Captain Hunter, in relation to Indian Key, in Florida, proposed to be made a port of entry; which was referred to the Committee on Commerce. Also, the petition of Sarah Bagley, praying for a pension; which was referred to the Committee on Revolutionary Pensions. Also, the petition of William Colgate & Co., and others, praying for the imposition of a duty on starch imported into the United States, sufficient to counteract the duty now levied upon imported wheat; which was referred to the Committee on Manufactures. Also, the petition of William Austin and others, for a law providing for the continuance of pensions heretofore granted to persons wounded on board of private armed vessels during the last war with Great Britain; which was referred to the Committee on Naval Affairs. Also, the memorial of Joseph L. Smith and others, citizens of Frederick and Carroll counties, of Maryland, praying for the recognition of the independence of Hayti, and the establishment of the customary political and commercial relations between the United States and Hayti; which was referred to the Committee on Foreign Relations. Also, the memorial of John Chambers and others, citizens of Virginia and Maryland, praying for the recognition of the Republic of Hayti as an independent nation, and for the establishment of political and commercial relations with that Republic; which was referred to the Committee on Foreign Relations.

Mr. BRODHEAD presented the petition of Peter W. Short, of New York, for a pension; which was referred to the Committee on Invalid Pensions.]

Messrs. HALL, ALLAN, FLETCHER, and EVERETT, of Vermont.

[Mr. ALLAN presented resolutions of the Legislature of the State of Vermont, for the grant of a tract of land for each of the colleges in that State; which were referred to the select committee raised on the subject of the public lands; petition of seventy-five citizens of Johnson, Vermont, for the recognition of the Republic of Hayti; petition of seventy-four males and sixty-four females, inhabitants of Johnson, Vermont, against the admission of any new State into the Union whose constitution tolerates slavery, and against the annexation of Texas to the Union; petitions of fifty-eight males and fifty-eight females, inhabitants of Johnson, Vermont, for the abolition of slavery in the District of Columbia and the Territory of Florida, and to prohibit the traffic in slavery between the States.

Mr. FLETCHER presented the petition of Mary Peck; which was referred, with the vouchers, to the Committee of Claims. Also, the resolutions of the General Assembly of the State of Vermont, asking for a grant of land to the several colleges within the State.]

Mr. HEROD presented the petition of Thomas Bronaugh, praying for a pension on account of injuries received while in the service of the United States during the late war; which was referred to the Committee on Invalid Pensions.

Messrs. TOUCEY, INGHAM, HALEY, HALL, WHITTLESEY, and HOLT, of Connecticut.

[Mr. INGHAM presented the following petitions: Petition of Elizabeth Pratt, for a pension; which was referred to the Committee on Revolutionary Pensions; petition of children of Daniel Starr, for a pension; which was referred to the Committee on Revolutionary Pensions; petition of inhabitants of Guilford, Connecticut, asking an appropriation for a light-house; which was referred to the Committee on Commerce; petition of inhabitants of Wolcott, Connecticut, for a mail route; which was referred to the Committee on the Post Office and Post Roads; petition of Colonel Robert D. Wainright, of the marine corps, asking an increase of pension; which was referred to the Committee on Naval Affairs; peti-

tions of officers and students of the Wesleyan University in Middletown, Connecticut, asking Congress to act as mediator between France and Mexico, and also to take measures for the establishment of a national code and board of arbitration for the adjustment of national disputes; which were referred to the Committee on Foreign Affairs; petition of Lydia Wentworth, for a pension; which was referred to the Committee on Revolutionary Pensions; petition of inhabitants of New Haven, Connecticut, praying for an appropriation to improve the harbor at that place, and also that the work for the improvement of the entrance of Connecticut river may be speedily matured; which was referred to the Committee on Commerce; petition of citizens of Hartford, Connecticut, asking Congress to adopt measures to procure a congress of nations, to establish a code of international law and board of arbitration for the adjustment of national difficulties; which was referred to the Committee on Foreign Affairs; petition of one hundred and fifty-four persons, men and women, of Saybrook, Connecticut, against the admission of Texas, or any new State whose constitution tolerates slavery; also a petition of one hundred and forty-two persons, citizens of the same place, for the abolition of slavery in the District of Columbia; also of one hundred and eighteen persons, men and women, of Middletown, Connecticut, praying for the abolition of slavery and the slave trade in the District of Columbia and the Territories of the United States; also of one hundred and forty-four persons, men and women, of the same place, against the annexation of Texas, or the admission of Florida, or any other new State into the Union whose constitution tolerates slavery; and of one hundred and eleven persons, of the same place, praying Congress to rescind the resolution of the 12th of December; all of which were laid on the table.

Mr. HOLT presented the petition of John Parker, of Connecticut, praying Congress to place his name on the pension roll. Also, the petition of the inhabitants of Columbia, Tolland county, Connecticut, asking Congress to make a grant of land to the heirs of those who participated in the military services and sufferings at Wyoming.]

Messrs. CRANSTON and TILLINGHAST, of Rhode Island.

Messrs. FLETCHER, BRIGGS, CUSHING, GREENELL, REED, LINCOLN, PARMENTER, CALHOUN, ADAMS, and SALTONSTALL, of Massachusetts.

[Mr. PARMENTER presented the petition of Louisa S. Wetherbee and sixty-three others, women of Roxborough, Massachusetts; of Sarah Brigham and two hundred and three others, women of Walham, Massachusetts; of Ruth Bowker and seventy-two others, women of Sudbury, Massachusetts; of Sally Woods and forty-nine others, women of Dunstable, Massachusetts, all praying for the abolition of slavery in the District of Columbia and of the slave trade between the States. Also, the petition of Joseph W. Cross and forty-six others, of Boxborough, Massachusetts, for the rejection of all proposals for the admission of any new State whose constitution may tolerate slavery; of Joseph W. Cross and forty-five others, of Boxborough, Massachusetts, for the abolition of slavery in the District of Columbia.]

Mr. CUSHING presented the memorial of Peter Sanborn and others, of Reading, in the State of Massachusetts, praying the House to rescind the resolution of the 12th of December last; and moved that said memorial, together with the resolves of the State of Massachusetts, on the right of petition and debate, presented to the House on the 28th of May last, and not finally acted on by the House, be referred to the Committee of the Whole on the State of the Union, with instructions to consider the expediency of adopting the following resolutions:

*Resolved*, That the several States composing the United States of America are not associated on the principle of unlimited submission to the Federal Government, or to the Houses of Congress, or either of them; but that, by the Constitution, the people of the States constituted one general Government for special purposes, and delegated to that Government certain definite powers only, reserving each State to itself the residuary mass of right to their own self-government; that while the Constitution and laws of the United States do attach to the whole people of the several States immediately in those matters within the true jurisdiction and confines of said Constitution, and in the modes limited and defined thereby, yet in all other matters the

said States retain each its own political sovereignty; that to this Constitution each State acceded as a State, and is an integral party, and in its capacity of a sovereign State is represented in Congress by its Senators duly appointed; that among the residuary rights so by each State reserved, is that of freely and fully expressing its opinions on all subjects of public concernment to the States or the people thereof; and of communicating the said opinions to Congress; and that it is the constitutional duty of the Senate and of the House of Representatives respectfully to receive, entertain, and consider, and maturely and deliberately to decide upon all such communications addressed to it by either of the States of this Union; and the summary rejection of the same, without their being debated, printed, or referred, or any action whatever had thereon, is insulting to the honor and injurious to the rights and interest of the said sovereign States of the Union.

*Resolved*, That the Federal Government is a Government of limited and specific powers, derived from the people of the States thereby confederated and united, and to said Government by them granted under the Constitution; that all powers not delegated to the said United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people; that, therefore, no right of any denomination can be canceled, abridged, restrained, or modified, by the Congress, by the Senate, or the House of Representatives, acting in any capacity, by the President, or any department or officer of the United States, except in the instances wherein power is given by the Constitution for those purposes; and that among other inalienable and essential rights, the freedom of conscience, of speech, and of the press, and the right of the people peaceably to assemble and to petition the Government for a redress of grievances, are of the original and innate immunities of the said people of the United States; rights of theirs not derived from, or to be weakened by, the common or any other positive law of this or any other country, but inherent in the said people as people, and under the constitutions of the several States by and to the said people guaranteed and consecrated forever; and which, by reason thereof, cannot be canceled, abridged, restrained, or modified, constitutionally, by any authority of the United States whatsoever, nor in any form of law, whether the same be the act of the two Houses of Congress, or of either of them separately.

*Resolved*, That the people of the United States did ordain and establish the Constitution thereof in order, amongst other things, to secure the blessings of liberty to themselves and their posterity; that, to this end, the powers of legislation were vested in representative and deliberative assemblies, to wit, a Senate appointed by the States, and a House of Representatives chosen by the people of the States; that, in the exercise of their rights by the said House of Representatives and the members thereof, there should be full scope and perfect equality, without interdiction of any subject of public concernment, and without inhibition of any subject to members from one portion of the Union, or exclusive privilege of it to those from another portion; that all such attempts to smother and suppress the discussion of particular subjects, whilst illusory and fruitless in themselves, do moreover impeach the first principles of Democratic liberty, which enjoin the establishment and propagation of political truth without let or fear; that the freedom of speech, forbidden by the Constitution to be abridged in whatever case, is more supremely entitled to immunity and respect in the person of the Representatives of the people in Congress, who, for all orderly speech or debate in either House, should not be questioned nor hindered there nor elsewhere; that the House of Representatives may determine the rules of its proceedings, but that it cannot, constitutionally, by a perpetual antecedent prohibition, preclude its members, or any one or more of them, from debate and motion as to a specific excepted class of subjects, provided the same be things within the purview of the Constitution, and concerning which the people of the United States, or any part thereof, desire to be heard through their Representatives in Congress.

*Resolved*, therefore, That all that part of a certain resolution of the House of Representatives, adopted on the 12th day of December last, which provides that "every petition, memorial, resolution, proposition, or paper," of a prescribed class, "shall, on the presentation thereof, without any further action thereon, be laid on the table, without being debated, printed, or referred," is a violation of the rights of the States, whose official communication, of said class, is excluded from due and proper consideration; a violation of the right of petition inherent in the people of the United States, which it cancels and abridges; and a violation of the privilege of speech and of debate, rightfully appertaining to the members of this House, which it forecloses and abolishes; and, therefore, that so much of said resolution be, and the same is hereby, declared to be unconstitutional, and merely void, and of null effect.

Mr. C. having indicated a wish to debate this resolution, it lies over for one day under the rules.

Mr. ADAMS presented a memorial from sundry inhabitants of Boston, in the State of Massachusetts, asking Congress to remove the present seat of Government from the District of Columbia to some point North, where the principles of the "Declaration of Independence" are not treated as a "mere rhetorical flourish." After alluding to a memorial presented at the last session, from inhabitants of the District, in favor of the retrocession of the same to the States of Virginia and Maryland, but on which there had been no action, Mr. A. observed that the memorial now presented would furnish an opportunity of considering so serious and important a subject. He wished the House to consider it as a proposition for a compromise. After some further remarks which, owing to the noise, were inaudible, he moved its

reference to a select-committee, with instructions to consider the same, and report on the constitutional power of Congress to recede the District to the States from which it was taken. And on that motion he demanded the yeas and nays.

Mr. JOHNSON, of Maryland, moved to lay the whole subject on the table; on which motion the yeas and nays being ordered, were—yeas 108, nays 53.

So it was laid on the table.

Mr. ADAMS presented another memorial of a humorous character, asking the appointment of a "committee on color," to whom should be referred all officeholders and members of Congress, for the examination of their respective pedigrees, said committee to report on the same, and in all cases where the parties shall be found to have the least drop of colored blood in their veins, they shall be expelled from office, and their places filled by persons of pure Anglo Saxon blood.

Mr. A. was about to make some remarks on the subject, when

Mr. DROMGOOLE rose to ask if the memorial had been received, as, if not, he would raise the question of reception. He considered the memorial as an evident ridicule of the House.

The SPEAKER stating that it had not as yet been received—

Mr. DROMGOOLE raised the question of reception.

Mr. ADAMS denied that the memorial was in the least disrespectful to the House, and demanded the yeas and nays on the question of reception; which, being ordered, were—yeas 24, nays 117.

So the House refused to receive.

Mr. ADAMS inquired, as the House had refused to receive, whether the motion to refer would be entered on the Journal?

The SPEAKER replied that it would not, the memorial being in the possession of the member.

Mr. ADAMS said, if it was in order, he would move the printing of the memorial, that the House might see what it was they had refused to receive.

The SPEAKER said that such a motion was not in order.

Mr. ADAMS then made a request that it be entered upon the Journal that he had made the motion to print.

The SPEAKER decided the motion to be out of order.

Mr. ADAMS presented a memorial from the State of Maine, asking the House to rescind the resolution of December 12; also, in favor of the recognition of Hayti. Mr. A. moved a reference of the latter portion of the memorial to the Committee on Foreign Affairs, with instructions to report a resolution in favor thereof.

Mr. DROMGOOLE moved to lay that motion on the table; which was agreed to.

Mr. ADAMS then moved a reference of the former portion of the memorial; which,

On motion of Mr. DROMGOOLE, was also laid on the table.]

Mr. LINCOLN, of Massachusetts.

Messrs. FARRINGTON, CUSHMAN, WILLIAMS, and ATHERTON, of New Hampshire.

[Mr. CUSHMAN presented the petition of Samuel E. Coues and one hundred and thirty-nine others, citizens of Portsmouth, New Hampshire, praying for the establishment of a high court of nations, to adjudge and determine upon all international difficulties which may be brought before said court by two or more nations; which was referred to the Committee on Foreign Affairs. Also, the petition of Samuel Kincaide, praying for an increase of pension for disabilities incurred during the late war; which was referred to the Committee on Invalid Pensions.]

Mr. MERCER, (who was not in his seat when petitions were called from his State,) on leave, presented the petition of Joseph Harris, of Alexandria.

Mr. DOTY, of Wisconsin, on leave, presented several petitions; when,

On motion of Mr. YORKE, the House adjourned.

Mr. TOUCEY has been appointed a member of the Committee on Foreign Affairs, to fill the vacancy occasioned by the resignation of Mr. FAIRFIELD as a member of the House of Representatives.

## IN SENATE.

TUESDAY, January 8, 1839.

The PRESIDENT presented a communication from the Secretary of the Treasury, in compliance with a resolution of the Senate of the 11th of May last, in relation to the value of imports, and the amount of duties thereon, from 10th May, 1837, to 10th May, 1838; which was laid on the table, and ordered to be printed.

Also, a communication from the Secretary of the Treasury, in compliance with a resolution of the Senate of the 19th ultimo, inquiring whether certain exiles of Poland have complied with the terms upon which certain lands were granted to them in Rock River county, Illinois, &c.; which was laid on the table, and ordered to be printed.

Also a communication from the Secretary of War, in conformity to a resolution of the Senate of the 2d instant, in relation to the time when the claims of volunteers of Alabama, for horses lost in the campaign against the Seminoles, will be investigated; which was laid upon the table, and ordered to be printed.

## PETITIONS, ETC.

Mr. SWIFT presented resolutions of the Legislature of the State of Vermont, in favor of a more thorough organization of the militia of the United States; which was laid on the table, and ordered to be printed.

Mr. SMITH, of Indiana, presented the petition of John Miller, praying that a mistake in relation to a land entry may be rectified; which was referred to the Committee on the Public Lands.

Mr. PIERCE presented the petition of Mary Slow; which was referred to the Committee on Pensions.

Mr. CLAY, of Alabama, presented a memorial from citizens of Benton county, Alabama, praying for the passage of bill No. 135 for the relief of those persons who were deprived of the benefit of the preemption law of 19th June, 1834, and whose preemptions were taken by the Indians; which was ordered to be printed.

Mr. ALLEN presented the memorial of upwards of one hundred citizens of Stark county, Ohio, on the subject of the neutrality bill of last session, and the manner in which it was executed; which was read, and referred to the Committee on Foreign Affairs.

Mr. PRENTISS presented a resolution of the Legislature of Vermont, requesting their Senators and Representatives in Congress to use their efforts to procure the grant of a tract of land for each of the colleges in that State.

Mr. CRITTENDEN presented the petition of Susan Trigg; which was referred to the Committee on Revolutionary Claims.

Mr. C. presented the petition of Mira Alexander, praying for compensation on account of revolutionary services; which was referred to the Committee on Revolutionary Claims.

Mr. WALL presented the petition of officers of the Army, praying that their compensation may be equalized with the officers of the staff; which was referred to the Committee on Military Affairs.

Mr. YOUNG said he was requested to present the petition of a number of gentlemen of the legal profession, in the State of Illinois, for an amendment of the acts of Congress establishing the circuit and district courts of the United States for the district of Illinois, so as to require terms of the said courts to be held at the city of Chicago, in addition to those directed to be held at the seat of government under the existing laws. The petition was signed by the chief justice and two of the three associate justices of the supreme court, by two of the circuit judges, the member elect to Congress from the southern district, and several of the most distinguished attorneys, including the district attorney in the State; and, in his judgment, was entitled to consideration and respect. The northern congressional district in Illinois, in which Chicago is situated, contained, at this moment, more population than the other two districts together, and the business in the courts in that part of the country had increased in a still greater proportion. He trusted, therefore, that the subject might receive the favorable consideration of this and the other House of Congress; and, with that view, he now proposed its reference to the Committee on the Judiciary.

The motion was agreed to; and the petition referred accordingly.

Mr. BENTON presented the memorial of Lieutenant Ketchum, commissary of subsistence, praying for relief; which was referred to the Committee on Military Affairs.

Mr. KING presented the memorial of Edward C. Jones, praying compensation for the transportation of troops; which was referred to the Committee on Military Affairs.

Mr. K. also presented the memorial of Joshua Kennedy, of Mobile, praying compensation for a mill which was destroyed by the Seminole Indians, while in the occupancy of the troops of the United States; which was referred to the Committee on Indian Affairs.

Mr. K. also presented the memorial of citizens of Benton county, Alabama, asking that they may be permitted to enter lands in lieu of others taken up by Indian reservations.

On motion of Mr. PRENTISS, the petition of Andrew Bean, presented at the last session, and remaining on file, was referred to the Committee on Pensions.

## REPORTS FROM COMMITTEES.

Mr. CRITTENDEN, from the Committee on Claims, to which had been referred the petition of John Burd, presented a bill for his relief, accompanied by a report, which was ordered to be printed; and the bill was read, and ordered to a second reading.

Mr. WALL, from the Committee on the Judiciary, to which had been referred the bill from the House of Representatives to amend an act to recognize the district courts of the United States in the State of Mississippi, reported the same without amendment.

Mr. TIPTON, from the Committee on Military Affairs, to which had been referred the petition of Josephine Nourse, reported a bill for her relief; which was read, and ordered to a second reading.

Mr. T. also, from the Committee on Claims, to which was referred the bill for the relief of James H. Ralston, reported a bill for his relief; which was read, and ordered to a second reading; and the accompanying report ordered to be printed.

Mr. T. also, from the same committee, reported a bill for the relief of E. W. and H. Smith; which was read, and ordered to a second reading.

Mr. HUBBARD, from the same committee, to which had been referred the claim of John Prichett, for remuneration for the loss of a vessel, moved that the committee be discharged from the further consideration of the subject; which was adopted.

Mr. H. also, from the same committee, to which had been referred the claim of John Ireland and the heirs of John G. Mackall, moved that the committee be discharged from the further consideration of the subject; which was agreed to.

Mr. H. also, from the same committee, to which had been referred the petition of Royal Hopkins, for property destroyed during the last war in Canada, prayed to be discharged from the further consideration thereof; which was agreed to.

Mr. H. also, from the same committee, asked to be discharged from the claim of John Robbarts, and that it be referred to the Committee on the Judiciary; which was agreed to.

Mr. H. also, from the same committee, to which was referred the claim of Joseph W. Paige, for information furnished during the last war of infraction of the embargo laws, asked to be discharged from the further consideration thereof; which was agreed to, and the accompanying report ordered to be printed.

Mr. H. also, from the same committee, reported a bill for the relief of David Stone; which was read, and ordered to a second reading.

Mr. PIERCE, from the Committee on the Judiciary, to which the subject had been referred, reported a bill for the relief of Thomas L. Winthrop and others, directors of an association called the New England and Mississippi Land Company; which was read, and ordered to a second reading.

Mr. WALL, from the same committee, to which the subject had been referred, reported a bill fixing the salaries of certain district judges of the United States; which was read, and ordered to a second reading.

Mr. PRESTON, from the Committee on Military Affairs, reported a bill for the relief of Colo-

nel George Croghan; which was read, and ordered to a second reading.

## BRANCH MINTS.

On motion of Mr. BROWN, the bill supplementary to an act to establish branch mints was taken up, and after a few remarks from Mr. BUCHANAN, was, at his suggestion, laid over for the present.

## BILLS PASSED.

The following bills were taken up for consideration, read the third time, and passed:

The bill to renew the patent of Thomas Blanchard;

The bill making appropriations for the support of the penitentiary in the District of Columbia; and

The bill further to regulate the transmission of the mail upon railroads.

## COURT IN THE DISTRICT.

The bill to amend an act entitled "An act to establish a criminal court in the District of Columbia," was taken up; and, at the suggestion of Mr. KING, its further consideration was postponed for a few days.

## PUBLIC LANDS.

The bill for the graduation and reduction of the price of the public lands came up as the special order, the question being on the amendment of Mr. CLAY, of Alabama, proposing to extend the privilege of purchasing at the reduced prices to contiguous landholders, to the amendment proposed by the Committee on Public Lands, under the instructions of the Senate when the recommendation was ordered.

Mr. CRITTENDEN, who was entitled to the floor, addressed the Senate at length in opposition to the amendment and the bill generally; and was followed by Messrs. CLAY of Alabama, YOUNG, and CLAY of Kentucky.

Mr. MERRICK intimated his intention of addressing the Senate on the subject to-morrow.

After a brief executive session, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

TUESDAY, January 8, 1839.

Mr. WILLIAMS, of Kentucky, asked leave of the House to offer a resolution, in substance that the House in future should meet at the hour of eleven o'clock instead of twelve as heretofore.

Objection being made to the reception of the resolution at this time,

Mr. WILLIAMS moved a suspension of the rules to enable him to offer it, and upon that motion demanded the yeas and nays; which were not ordered.

The question was then taken on the suspension of the rules, and decided in the negative.

Mr. EVERETT asked the consent of the House that the resolution upon the subject of the defalcation of Mr. Swartwout, submitted several days ago, should be taken up.

Mr. CAMBRELENG remarked to the gentleman that, after the reports of the committees had been made, that resolution would come up in order. He hoped the reports of committees would, therefore, be first received.

Mr. EVERETT then waived his motion for the present.

Mr. HUNTER, of Virginia, asked leave of the House to present and have printed the following resolution:

*Resolved*, That a select committee be appointed to inquire into the expediency of reporting a bill which shall provide:

First. That all money hereafter to be received by the United States for customs, shall be paid on four certain days fixed, at intervals for three months, the duties required by the existing laws to be paid in cash, to be secured by bonds with approved security, bearing interest at the rate of six per centum per annum from its date until paid, and payable at the next fixed quarterly day, unless it bears date within twenty days of that period, in which case it is to be payable on the next succeeding day fixed for payments to the United States. But if the importer be entitled to credit under the existing laws, the sum due is to be diminished by a discount at the rate of six per centum for the time through which the said credit extends, and the sum thus ascertained to be secured by bond as aforesaid, under the limitations above prescribed.

Secondly. That all debts due from the United States shall be made payable, so far as practicable, on four certain days, occurring at intervals of three months, and fixed at twenty days respectively after the days fixed as aforesaid for pay-

ment to the United States. These debts, in all cases when practicable, to be made payable at the next day of disbursement, unless incurred within twenty days of that time; in which case to be payable at the second succeeding day fixed for that purpose. But if the public creditor should fail to present his claim at the place at which it is payable when due, or within — days of that time, then the United States to be absolved from all responsibility for any failure in the disbursing agent at that place to pay the said creditor: *Provided, however, That the said agent and his sureties shall be liable, in their individual capacity, to pay to the said creditor any sums received for his use, upon demand, and without interest.*

Thirdly. That all requisitions on the Treasury Department by other Departments of this Government for sums to be disbursed at the next day fixed for that purpose, shall be made at least twenty days before the day fixed for public receipts, and next succeeding that of the requisition.

Fourthly. That the Secretary of the Treasury, after a comparison of the liabilities to and from the Government, at the next succeeding days of receipt and disbursement, shall ascertain the probable surplus which will be due to the United States upon the next quarterly day of receipt, after collecting what will be sufficient to discharge the debts due from the Government at the next disbursing day, together with whatever sum may be needful as a cash surplus for emergencies of the Department not otherwise provided for. The debtors of the United States to be entitled to an extended credit upon the surplus thus ascertained, upon their giving bonds, with approved sureties, bearing interest as aforesaid, up to the quarterly day of the receipts next succeeding that at which the original bond was due. Each public debtor offering security as aforesaid, to be entitled to this further credit upon an equal proportion of his debt; which proportion is to be specified by public advertisement of the Secretary of the Treasury, at least twenty days before the next succeeding day of receipt. But all bonds given for the surplus as aforesaid, to be wholly collected at the next quarter when due, before any portion is demanded of their bonds given, when the debt for duties was increased.

The resolution was then laid on the table and ordered to be printed.

#### REPORTS FROM COMMITTEES.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill making appropriation for the civil and diplomatic expenses of the Government for the year 1839; which on his motion was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Also, a bill to amend the act to authorize the issue of Treasury notes to meet the current expenses of the Government, approved 21st May, 1838; committed, and ordered to be printed.

On motion of Mr. C., the Committee of Ways and Means was discharged from the further consideration of a certain communication from the Department of State, in relation to the extra services of the attorney of the northern district of New York.

Mr. HAYNES, from the same committee, reported a bill for the support of the Military Academy of the United States for the year 1839; which was committed and ordered to be printed.

Mr. H. also, from the same committee, reported the following resolution:

*Resolved, That the Committee of Ways and Means be discharged from the further consideration of the estimates for new barracks for the cadets, and barracks for a company of dragoons, and stable for their horses, at West Point, and that they be referred to the Committee on Military Affairs.*

Mr. POPE, from the same committee, reported a bill making appropriations for the continuation of the Cumberland road in Ohio, Indiana, and Illinois.

Mr. PICKENS inquired if this bill had been reported from a majority of the committee?

Mr. POPE was understood to say that two were in favor and two against. He did not know how the others were. Mr. P. moved its commitment to the Committee of the Whole on the state of the Union.

Mr. PICKENS moved that it be recommitted to the Committee of Ways and Means.

Mr. POPE was understood to say that a majority of a quorum of the committee had authorized him to report the bill for the reconsideration of the House.

Mr. PICKENS stated that the object he had in view in moving the recommitment was to call the attention of the House to the dangerous system now coming into practice, of reporting bills to the House with the understanding that they had received the sanction of a majority of the committee, when such was not the case. It was obvious that such a system was calculated to lead to unsound legislation, as it was well known that the House was greatly influenced on any measure by the fact of a majority of a standing committee having recommended it. It was not this bill in particular to which he objected, but the

principle, which applied to all other cases of the same nature.

Mr. DROMGOOLE made some observation against the practice of reporting bills to the House, when the majority of committees were against them. He hoped the bill would be recommitted.

Mr. EWING was surprised at the course of the gentleman from South Carolina, [Mr. PICKENS,] in attempting to affect the important measures of the country by informal action. It had been stated that the bill had been reported by the direction of a majority of a quorum of the committee; and what could he wish more? If the gentleman had anything to say against the committee, why did he not arraign them, and not impede the progress of measures of such importance to the country? He would have the gentleman to know that at this session the will of the people, and not that of the Executive, would rule the action of the House. At all events, if he did not learn the lesson at the present session, he would soon learn it.

Mr. PICKENS repelled the charge of having any prejudice against the committee, with much warmth. He wished it to be understood that it was with reference to the principle alone which had induced him to move a recommitment of the bill. He alluded to several bills of deep interest reported at the last session, but which had not received the sanction of a majority of the committees from which they came, and argued that the House had undoubtedly acted under the impression that the case was otherwise. As for what the gentleman from Indiana had said about the people ruling, he did not understand what he meant. He (Mr. P.) had always been of opinion that it was the people who ruled. He had learned that long ago. The present measure was neither an Executive measure nor the people's measure; it was a measure in which *all* were interested. Mr. P. repeated that his objection was not so much against the present bill as against the principle of reporting bills to the House with the understanding that a majority were in their favor, when such was not the case. He hoped that gentlemen, in deciding this question, would consider it as testing a question calculated to produce unsound legislation.

Mr. SIBLEY opposed the motion to recommit; as the gentleman from South Carolina had referred to bills reported at the last session, he would ask him to consider the history of those bills. He would then find, that although a majority of the committee declared themselves adverse to them, yet they passed the House by a large vote, and also the other branch of Congress. He argued at some length against the policy of making no reports in favor of measures, without the concurrence of a majority, as when the propositions came before the House, independent action could be had thereon, without any reference to what had been done by the committee.

After some remarks from Mr. MERCER, which were inaudible,

Mr. PICKENS said what he wished to say was, that upon all great matters reported to the House, it ought to be announced whether or not the report was concurred in by the majority of the committee. By such a course the House would be in no danger of receiving a false impression. But he must protest against the system of receiving bills as having received the sanction of a majority, when the fact was otherwise.

Mr. CAMBRELENG said the gentleman from South Carolina was partly right and partly wrong. The fact was that it frequently happened that members of the committee were opposed to the objects for which the appropriations were intended, although they reported in favor of such appropriations, because they were required by law so to do. He added the bill making appropriations for the support of the Military Academy as an instance. Some of the committee were opposed to the institution, although they considered themselves bound by law to report the appropriation. But on other occasions it became the duty of the committee to take into consideration the state of the finances, before they made the appropriations. Mr. C. explained that recently three members had been absent from the committee, two of whom were sick, but that the committee had been bound by the rules of the House to report the four large bills within thirty days from the commencement of the session. The bills

reported that morning had been reported by the majority of a quorum, but not until after the appropriations had been cut down to the smallest amount.

Mr. FILLMORE opposed the motion to recommit. As there was no law for the House to fill the committee after the manner of a jury, it was bound to take the word of a member when he said that a bill had been reported from the majority of a quorum.

Mr. POPE said it was contrary to the usual course of legislation to require the names of each member of a committee who might vote on any report. If that was required, it would then be necessary for every committee to have a clerk and keep a journal. He went on to state that when he was directed to report the bill, there were five members of the committee present, and the majority of a quorum were in favor of the report.

After some remarks from Mr. CRAIG in opposition to the resolution,

Mr. PICKENS said he had moved the instructions under the impression that there were only three members of the committee who had agreed to the report; but as the gentleman from Kentucky had stated otherwise, he would withdraw the instructions, and simply move to recommit the bill.

The question was then taken on that motion; and it was rejected.

The question then recurring on the motion to refer to the Committee of the Whole on the state of the Union, it was agreed to.

Mr. STEWART, from the Committee of Claims, made an unfavorable report on the petition of the heirs of John Broome, and the petition of Eliza McKay; which was laid on the table.

Mr. GIDDINGS, from the same committee, reported the following resolution; which was read and agreed to:

*Resolved, That the Committee of Claims be discharged from the further consideration of the memorial of Anne Temple Green; and that so much of said memorial as relates to the heirs of Captain Nicholson, prior to the adoption of our present Constitution, be referred to the Committee on Revolutionary Claims, and so much of said memorial as relates to the services of said Captain Nicholson since the adoption of the present Constitution, be referred to the Fourth Auditor of the Treasury.*

Mr. CASEY, from the Committee on Public Lands, to which had been referred Senate bill entitled "An act to create an additional land office in the State of Michigan, and for other purposes," reported the same back to the House without amendment.

Mr. LOOMIS, from the same committee, made unfavorable reports on the petitions of Morris Wright and Captain Samuel Dodge; which were severally laid upon the table.

Mr. LINCOLN, from the same committee, to which had been referred Senate bill entitled "An act for the relief of the heirs of John Braham, late receiver of the public moneys at Huntsville, Alabama," reported the same back without amendment.

On motion of Mr. WORD, the Committee on Public Lands was discharged from the further consideration of the petition of Robert Scagg; and it was laid upon the table.

Mr. MURRAY, from the same committee, reported unfavorably on the petitions of Thomas C. Cope and John T. Austin; which were laid upon the table.

On motion of Mr. MURRAY, said committee was discharged from the further consideration of the petition of James Butler and others.

Mr. UNDERWOOD, from the Committee on Revolutionary Claims, reported a bill for the relief of the children of Apollon Cooper, deceased; which was committed.

Mr. EVERETT, from the Committee on Indian Affairs, made an unfavorable report on the petition of George P. Allen; which was laid on the table, and ordered to be printed.

Mr. McKAY, from the Committee on Military Affairs, reported a bill making appropriations for the payment of the services of a company of volunteers mustered into the service of the United States by Captain Drain; which was committed.

Mr. INGHAM, from the Committee on Naval Affairs, stated that that committee, at the last session, reported a number of bills of great public interest, which failed to receive the action of this House. The committee have made a selection from bills of the last session, those which

they conceive of the greatest importance, and have directed me to report the following resolution:

*Resolved*, That Thursday, the 10th instant, from and after one o'clock, be specially assigned for the consideration, in preference to any other business, of House bills—

No. 703. A bill for extending and improving the navy-yard at Brooklyn, and for constructing a dry dock at the same.

No. 572. A bill to alter and regulate the Navy ration.

No. 573. A bill to regulate the pay and emoluments of pursers of the Navy.

No. 570. A bill to authorize the purchase of two vessels to be employed as receiving vessels in the naval service.

No. 571. A bill for reducing, under one head of appropriations, various appropriations for building, rebuilding, purchasing, and repairing vessels of war, and for providing materials for the same.

No. 525. A bill for the payment of certain pensions heretofore paid out of the privateer pension fund.

And if all of said bills shall not be finally disposed of on said day, then, and in that case, the next succeeding day, at the hour aforesaid, shall be in like manner assigned for the further consideration of the same.

Mr. PETRIKIN moved to amend by striking out the bill providing for the dry-dock at Brooklyn.

Mr. INGHAM hoped the proposition to amend this resolution would not succeed.

The question was taken on striking out, and decided in the negative.

Mr. WISE asked the House to amend the resolution by adding the bill for the augmentation of the United States marine corps.

Mr. INGHAM said this was one of the bills that the committee would have included, if they thought it would meet the approbation of the House.

After a few words from Mr. CRAIG, the amendment was agreed to.

Mr. RUSSELL moved to strike out that part of the resolution which appropriated any other day beside Thursday. The resolution, as adopted, would encroach upon private bill day, to which he was opposed.

After a few further remarks from Mr. INGHAM in support of the resolution, the question was taken on the proposed amendment, and decided in the negative.

Mr. TOLAND then moved to amend the resolution by adding the bill providing for the construction of a dry-dock at Philadelphia.

Mr. SMITH said there was another subject of much importance which he wished would receive the attention of the House; and therefore he would move to amend the resolution by adding the "bill providing for the erection of certain hospitals upon the western waters."

Mr. WISE. That is not a naval bill. It was never before our committee.

The amendment was not agreed to.

The question was then taken on the adoption of the resolution, and decided in the affirmative.

Mr. ELMORE, by consent, offered the following resolutions:

*Resolved*, That the Secretary of the Treasury report to this House statements of the value of the exports and imports of each State and Territory for the years 1837 and 1838, showing what amount of the exports was of foreign and what of domestic growth and manufacture; the amount of duties accruing each year on such imports, and the amount actually collected; what amount was duty free, and what amount was chargeable with duty; and also what amount of drawbacks was paid into each State.

*Resolved*, That the Secretary of the Treasury report further to this House what articles under the present tariff of duties are duty free, and what are chargeable with duties; also, what is the specific and *ad valorem* duty paid on each article now, and what will be the amount of duty under each reduction provided for by law.

The resolution, under the rules, lies over for one day.

#### CONVENTION WITH TEXAS.

Mr. DROMGOOLE asked the consent of the House, before proceeding to the orders of the day, to go into the Committee of the Whole upon the bill entitled "An act to provide for carrying into effect the convention between the United States of America and the Republic of Texas, and for marking the boundary between that Republic and the United States."

Mr. GARLAND, of Louisiana, said this was a subject of considerable interest to his State, and hoped the House would agree to the motion of the gentleman from Virginia.

The House then went into Committee of the Whole, on the suggestion of Mr. DROMGOOLE, (Mr. BANKS in the chair,) and took up the above bill; and, there being no proposition to amend the

same, it was reported to the House, and received its third reading, and was passed.

#### DEFALCATION OF SWARTWOUT.

The House then proceeded to the consideration of the resolution of Mr. CAMBRELENG, to refer the message of the President in relation to the defalcation of Mr. Swartwout, except so much as relates to the modification of the revenue laws, to a select committee.

Mr. WISE withdrew his former motion, leaving, as an amendment, the resolution of Mr. GARLAND for the appointment of a select committee of nine, to be chosen by ballot.

Mr. CAMBRELENG accepted the resolution as a modification, except the words "by ballot."

Mr. GARLAND moved to insert the words "by ballot."

A long debate then arose, in which Messrs. WISE, CAMBRELENG, CUSHING, GARLAND, PICKENS, BOON, and others, participated, and which will be given hereafter.

Without taking any question,

On motion of Mr. BOON, the House adjourned.

#### IN SENATE.

WEDNESDAY, January 9, 1839.

The PRESIDENT presented a communication from the President of the United States, in compliance with a resolution of the Senate of the 21st of December last, containing information relative to the several Departments, called for by said resolution; which was laid on the table, and ordered to be printed.

Also, a communication from the President of the United States, inclosing a report from the Secretary of the Navy, in answer to the resolution of the Senate of the 3d instant, calling for information in regard to the examination of inventions designed to prevent the calamities resulting from the explosion of steam boilers, directed by the acts of June 28 and July 9 last; which was laid on the table, and ordered to be printed.

Also, a communication from the Secretary of the Treasury, in relation to the number and compensation of clerks in his Department during the year 1838; which was laid on the table, and ordered to be printed.

#### MEMORIALS.

Mr. TIPTON presented the memorial of Edward Tippet, asking for an investigation into the merits of an improved steam boiler; which was referred to the Committee on Commerce.

Mr. RIVES presented the memorial of W. S. Naylor, administrator of the estate of William Sanford; which was referred to the Committee on Revolutionary Claims.

Mr. R. also presented the memorial of the clerks in the Fourth Auditor's Office, for an increase of salary; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. CLAY, of Kentucky, presented a memorial of officers of the line of the Army, praying that their pay may be equalized with that of the officers of the staff; which was referred to the Committee on Military Affairs.

#### RESOLUTIONS OF VERMONT.

Mr. PRENTISS presented certain resolutions from the Legislature of the State of Vermont, instructing their Senators and requesting their Representatives to use their efforts to prevent the passage of any law for the annexation of Texas to the Union, and to procure the passage of a law for the abolition of slavery and the slave trade in the District of Columbia and the Territories of the Union, and of the slave trade between the several States; and also protesting against certain resolutions [Mr. ATHERTON's] adopted by the House of Representatives, as unconstitutional; which Mr. P. moved should be laid upon the table and ordered to be printed.

The question was, on motion of Mr. FOSTER, divided, and the first division was agreed to.

The question coming up on the second division, viz: to print the resolution,

Mr. PRENTISS said he had made the motion to print these resolutions because he supposed it would be an act of proper courtesy to the Legislature from whom they come. When he presented them he had not the slightest idea that any serious objection would be made to them, or that

they would excite any debate, and he would say to gentlemen of the South, that the course which they were pursuing was precisely the course to increase the number and augment the strength of the Abolitionists; and he thought it in other respects impolitic and injurious, as well as wrong and unreasonable in itself.

The virtual rejection of petitions here was regarded as an infraction of the right of petition, and this was connected with the great subject of abolition, and had given to it a power not properly its own, so that those who were opposed to extreme and premature measures, and who wished to prevent useless excitement and agitation, found themselves powerless in consequence of this connection; and if this course were persisted in, they would be obliged to give way entirely. Mr. P. trusted these resolutions would be printed as an act of common courtesy, and he called for the yeas and nays on the question; which were ordered.

Mr. CALHOUN confessed that he was amazed when he saw a gentleman of the calmness and correct judgment of the Senator from Vermont, pursuing the course that he did. That there should be any man of any intelligence whatever who did not see that this question strikes at the very foundation of the Union, alienating one portion of it from the other, and that it tended to the overthrow of the best hopes of mankind, indeed surprised him. Nor was it less wonderful to him that any gentleman of that description should pretend to say that the best course of southern gentlemen was to permit the Abolitionists to come here and urge the question whenever they pleased. They tell us (said Mr. C.) that we have no right to our own estates; that a large part of our property is held without law; and that they have the right to come here week after week, year after year, questioning our right to it, and calumniating our character, while the best mode for us to pursue is to be quiet. Sir, (said Mr. C.), I would not have made these observations, if the remarks that called them forth had not come from a respectable quarter. The course of the gentleman from Vermont was a striking proof that on all questions of deep excitement the strongest minds may be carried away. Mr. C. would say to the Senator from Vermont that this thing must be arrested at home, by strong measures, or the South would take care of itself.

Mr. PRENTISS said he had simply asked that these resolutions might be printed, as a mark of the courtesy usually evinced to States of this Union. He did not enter into any argument on the question of abolition. Neither he nor any other Senator from the North had, on any occasion, been found to agitate that question. The fault, if it was one, lay in another quarter. He wished merely to discharge an obvious duty. If he found it certain that he could not carry out his own opinions on the subject of slavery, which he trusted were well known, he thought it best to defer the attempt to a more favorable opportunity. These resolutions were passed by the Legislature of Vermont in consequence of petitions requiring their passage. They were resolutions of instruction, and, so far as he was concerned, he wished to discharge the duty imposed upon him.

Mr. KING found no fault with the Senator from Vermont for discharging his duty to his State, in presenting such resolutions as they thought proper to charge him with. He waived, therefore, under these considerations, any objections to receiving the resolutions. They came from a sovereign State; but whether that State was true to the principles which should govern every member of the Confederacy, was another question. With regard to the prayer of these resolutions, every man of common intelligence knew that, if it were granted, this Union would not last twenty-four hours. He knew that he, and every man from that section of the Union which would be so grossly outraged by such a measure, would instantly on the adoption of it retire from their seats. He would, in such an event, return to his constituents, and tell them that the compact was broken, the Constitution violated, and their property taken away from them, and that he, as their representative, could render them no further service by remaining where he was: Believing that such would be the inevitable consequences of carrying out the doctrines contained in these resolu-

tions, he could not consent to give them any circulation. What was the object of the Senator from Vermont, in wishing to have these resolutions printed? The Senator himself declared that he did not expect any such thing as action on those resolutions; and yet he wished to have them printed. For what? To give encouragement to these people to send out more memorials to act on their Legislature, inducing them to interfere with matters which do not belong to them. If that was the object of the gentleman—and he trusted and believed that it was not—he might have some reason for urging the printing of these papers; but, as he had a great respect for the gentleman, and believed that he had no such object in view, he was at a loss to conceive why he persisted in the motion. He thanked the gentleman for warning the South of what became their duty under the present state of excitement on this subject. Sir, (said Mr. K.), we will discharge our duty to ourselves and our constituents, without asking advice from the Senator from Vermont or from his Legislature, or the Legislature of any other State. He had hoped that they would have been spared, in this body, the agitation of this exciting subject. He knew that it had taken place elsewhere in a manner highly disgraceful, but he had confidently expected that this body would escape it, and that the Senator from Vermont would be the last man to bring it up. He regretted the necessity of making these few observations, but he was compelled to do so, because he thought the Senator from Vermont was forcing this matter beyond what was necessary.

Mr. LUMPKIN said his object in rising was to move that the motion to print be laid upon the table. But before he submitted that motion, he would remark that he fully concurred in the remarks of the Senators from South Carolina and Alabama, [Mr. CALHOUN and Mr. KING,] and that he felt no disposition to countenance or respect attempts to agitate the question of slavery, the more because it was brought before the Senate by the proceedings of a sovereign State. No, sir, (said Mr. L.), the agitation of this question by obscure and ignorant individuals is harmless and innocent when compared with the proceedings of the Legislature of Vermont. Yet the Senator from Vermont [Mr. PRENTISS] admonishes the South to keep cool and quiet, to disregard the efforts of those who are constantly warring against their rights and interests. Sir, (said Mr. L.), this advice reminds me of a robber, who, while he has his hand in my pocket, taking from me that to which he has no just claim, ceases not to admonish me to be quiet—be easy—he will do me no harm. Every lover of this Union should cease to agitate this question. The interference of the Abolitionists and their supporters with the domestic concerns of the South is daily becoming more offensive. These proceedings are rapidly alienating the affections of one portion of the Union from the other. We should circulate nothing from this Senate calculated to increase excitement and prejudice. Under this view of the subject, I move to lay the motion to print on the table.

The question was then taken on Mr. LUMPKIN's motion to lay the motion to print on the table, and carried—yeas 29, nays 8; as follows:

YEAS—Messrs. Allen, Bayard, Brown, Buchanan, Calhoun, Clay of Alabama, Crittenden, Foster, Fulton, Hubbard, King, Linn, Lumpkin, Merriek, Mouton, Nicholas, Norvell, Pierce, Preston, Rives, Roane, Robinson, Smith of Connecticut, Southard, Tipton, White, Williams of Mississippi, Wright, and Young—29.

NAYS—Messrs. Davis, Knight, McKean, Morris, Prentiss, Robbins, Smith of Indiana, and Swift—8.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. ALLEN, it was

Ordered, That the petition and papers of John Elliott, on the files of the last session, be taken therefrom and again referred to the Committee on Claims.

On motion of Mr. DAVIS, it was

Ordered, That the memorial and papers of Henry H. Pickering, on the files of the last session, be again referred to the Committee on Finance.

#### REPORTS FROM COMMITTEES.

Mr. ROANE, from the Committee on the District of Columbia, to which had been referred the bill giving assent of Congress to an act of the General Assembly of Virginia incorporating the Falmouth and Alexandria Railroad Company, reported the same with an amendment.

Mr. R., from the same committee, to which was referred the bill concerning the estates of idiots or lunatics and infants, in the District of Columbia, reported the same without amendment.

Mr. R. also, from the same committee, to which was referred the bill extending the jurisdiction of the corporation of the city of Washington over the Potomac bridge, reported the same with an amendment.

Mr. RIVES, from the Committee on Naval Affairs, reported a bill to explain and amend the fifth section of the act passed June 30, 1834, for the better organization of the marine corps of the United States; which was read twice, and referred to the Committee on Naval Affairs.

#### GENERAL HERNANDEZ.

Mr. BENTON said, that at the last session the Committee on Claims presented an adverse report in the case of General Hernandez. He had now in his hand additional evidence, which established, on oath, the occupancy of the property by the troops of the United States, which he wished should be referred, in addition to the papers already on file, to the Committee on Claims.

On this motion a long debate ensued, in which the merits of this claim, and other similar claims, was discussed; which resulted in a motion, by Mr. BAYARD, to rescind a former order of the Senate postponing the consideration of these claims until the passage of a general law on the subject; which was adopted, when,

On motion of Mr. HUBBARD, it was

Ordered, That the petitions and papers relating to the claims of Gad Humphreys, John J. Bulow, and others, be again referred to the Committee on Claims.

#### CONVENTION WITH TEXAS.

The bill from the House of Representatives to provide for carrying into effect the convention between Texas and the United States, and marking the boundary, coming up for consideration,

Mr. BUCHANAN said that it was necessary to pass this bill as early as possible. The season when operations should commence was near at hand, as the surveyors should be on the line by the 1st of March next. The bill is an exact transcript of the bill which was framed for carrying into effect the convention respecting the boundary line between this country and Mexico—Texas now standing in the place of Mexico. The bill had been shown to the members of the Committee on Foreign Affairs, who had unanimously approved of it, and acquiesced in the necessity of its immediate passage. It had, therefore, in fact, been referred to the committee and reported on, and he hoped it would be put upon its passage at once.

The bill was then read twice, and by unanimous consent, ordered to be engrossed for a third reading, and passed.

#### MAILS UPON RAILROADS.

An act further to regulate the transmission of the United States mail upon railroads, was read the third time and passed.

#### • PUBLIC LANDS.

The Senate then resumed the consideration of the special order, which was the bill to provide for the reduction and graduation of the price of the public lands.

The question being on the amendment of Mr. CLAY, of Alabama, to the amendment which the Committee on Public Lands reported under instructions, to allow persons already settled on, and cultivating farms, to purchase contiguous tracts at the reduced price.

After a debate, in which Messrs. MERRICK, FULTON, and WALKER took part,

Mr. NILES moved to modify the amendment so as to restrict the right of entry to persons who "own, reside upon, and cultivate" adjoining lands, instead of "who own" adjoining lands.

This modification being agreed to,

The question was taken, and the amendment to the amendment was decided in the affirmative—yeas 24, nays 22; as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Clay of Alabama, Foster, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, McKean, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Smith of Connecticut, Smith of Indiana, Tipton, Walker, Williams of Mississippi, and Young—24.

NAYS—Messrs. Bayard, Brown, Calhoun, Clay of Kentucky, Crittenden, Davis, Knight, Merriek, Morris, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Southard, Strange, Swift, Wall, Williams of Maine, and Wright—22.

Mr. BUCHANAN, after a few remarks, offered an amendment to limit the operations of the bill more strictly to actual settlers, by providing that patents shall not be issued for entries made under it until two years thereafter, when proof shall be made of the actual settlement, under such regulations as the Secretary of the Treasury shall prescribe; in default of which the entry shall be void, and the land revert to the United States.

This amendment was agreed to—yeas 21, noes not counted.

Mr. BUCHANAN then offered a second amendment, to limit the quantity to be entered under the provisions of this bill, by each actual settler, to three hundred and twenty acres; which amendment was also agreed to.

Mr. B. offered another amendment, to limit the operations under this bill for five years after its passage and no longer, except for the purpose of granting patents to those who have made their entries, but have not had an opportunity of making their proof.

This amendment was also agreed to—yeas 25; noes not counted.

Mr. CLAY, of Kentucky, then offered two amendments in lieu of the whole bill; the first of which authorizes the purchase, by actual settlers, of such of the public lands as have been in the market for fifteen years, at the following rates and in the following quantities, namely: eighty acres at fifty cents per acre; one hundred and sixty acres at seventy-five cents per acre; and three hundred and twenty acres at one dollar per acre. And the second amendment introduces the bill formerly brought in by Mr. C. and passed in 1832, and vetoed by President Jackson, to divide the proceeds of the sales of the public lands among the States.

Mr. BENTON said that he wished to mark this as the first step towards the reestablishment of the old tariff, and he wished to draw the attention of Senators to it. This distribution was intended to commence in 1840, when the revenue would be reduced to its lowest point; and the amount thus distributed will have to be raised by reviving the old tariff.

The amendment was then ordered to be printed, and the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 9, 1839.

Mr. EVANS asked that certain communications on the Speaker's table be presented to the House; to which objection was made.

#### REPORTS FROM COMMITTEES.

The SPEAKER proceeded to call the committees for reports; whereupon,

Mr. MORGAN, from the Committee on Revolutionary Pensions, reported a bill for the relief of John Sibbrook; which was read twice and committed.

Also, a bill for the relief of Matthew Wiley; which was read twice and committed.

Mr. JOHNSON, of Virginia, from the same committee, reported a bill granting a pension to Frances Jones, the widow of John Jones, of the State of Virginia; which was committed.

Mr. SIBLEY, from the same committee, reported a bill granting a pension to Susannah Hoagland; which was committed.

Mr. CHILDS, from the same committee, reported a bill for the relief of William A. Cudderback; which was committed.

Mr. C. also, from the same committee, made an unfavorable report on the petition of Allen Wardwell; which was committed to the Committee of the Whole on the state of the Union.

Mr. FRY, from the same committee, reported bills of the following titles; which were severally read and committed:

A bill granting a pension to Helen Miller;

A bill granting a pension to William Andrews;

A bill granting a pension to Houston Cornell; and

A bill granting a pension to Stephen Olney.

On motion of Mr. FRY, the Committee on Revolutionary pensions was discharged from the further consideration of the petitions of David Corson, Mary Page, Frederick Wilheid, and Martha Green; the latter of which was referred to the Committee on Invalid Pensions.

Mr. STANLEY, from the Committee on Invalid

Pensions, made an unfavorable report on the petitions of Hugh McDonald and Captain James Duncan; which was laid on the table.

Mr. S. also, from the same committee, reported a bill for the benefit of E. Stafford; which was committed.

Also, a bill for the relief of Wright Hulbert; which was committed.

On motion of Mr. MITCHELL, the Committee on Invalid Pensions was discharged from the further consideration of the petitions of James McLaughlin, William White, James Allen, Jacob Crudeck, Stephen Morill, Richard Reynolds, Isaac W. Taylor, Rufus Parker, and B. H. Shethorus; which were laid on the table.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported a bill granting a pension to Harvey Reynolds.

Also, a bill for the relief of Dr. Sylvestus Nash.

Also, a bill granting a pension to Stephen Appleby; which were severally read twice and committed.

Mr. McCLELLAN, of New York, from the same committee, made an unfavorable report on the petition of James Singleton; which was laid on the table.

Mr. McC. also, from the same committee, reported the following bills; which were severally read and committed:

A bill granting a pension to John Clark;  
A bill granting a pension to William Swann;  
A bill granting a pension to Gilbert Sprague Fish; and  
A bill granting a pension to David Rollins.

Mr. HEROD, from the same committee, reported a bill granting arrears of pension to Josiah Westlake.

Also, a bill granting arrears of pension to Ann Ross, widow of Lieutenant Ross; which bills were read twice and committed.

On motion of Mr. MERCER, the Committee on Roads and Canals were discharged from the further consideration of the memorial of certain citizens of Appalachicola, Florida, and the same was committed to the Committee on Manufactures.

Mr. DARLINGTON, from the Committee of Claims, made an unfavorable report upon the petition of William Stouts; which was laid on the table.

Mr. GRAY, from the same committee, made an unfavorable report upon the petition of James L. McKennie.

Mr. GIDDINGS, from the same committee, made an unfavorable report on the petition of Mariah L. Kenshaw; which was laid on the table.

Mr. STUART, from the same committee, made an unfavorable report on the petition of William W. Scott; which was laid on the table.

Mr. SALTONSTALL, from the same committee, reported a bill for the relief of Henry Grady; also, a bill for the relief of the legal representatives of John T. Adams; which bills were read, and laid on the table.

On motion of Mr. CUSHMAN, the Committee of the Whole on the state of the Union was discharged from the further consideration of the bill to extend the privileges of drawback, and abolish distinctions in ports of entry.

The question being on ordering the bill to be engrossed for its third reading,

Mr. GRENNELENG wished to ask if a bill of so much importance ought not to be discussed in Committee of the Whole.

Mr. CAMBRELENG suggested to the gentleman from New Hampshire the propriety of postponing its further consideration until to-morrow.

Mr. CUSHMAN, with a view of affording time for the examination of the bill, consented to its postponement until to-morrow.

Mr. CUSHMAN, from the Committee on Commerce, reported a bill authorizing the canceling of certain debenture bonds; which was committed.

Mr. HARLAN, from the Committee on Private Land Claims, reported a bill for the relief of Nicholas Phelan, heir-at-law of John Phelan, deceased; which was committed.

Mr. H. also, from the same committee, reported the following resolution; which was agreed to:

*Resolved*, That the papers in the case of the heirs of Carlos de Villemont, who claim a tract of land at Point

Chicot, be referred to the Committee on Private Land Claims, with instructions to inquire into the expediency of confirming the sale.

Mr. GARLAND, of Louisiana, from the same committee, made an unfavorable report on the petition of T. F. Peterson; which was laid on the table.

#### EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a communication from the Solicitor of the Treasury, submitting documents in the case of Gamaliel E. Smith, referred to that office by resolution of the House of Representatives of 7th July, 1838.

On motion of Mr. EVANS, referred to the Committee of Ways and Means.

Also, a communication from the Secretary of War, in answer to a resolution of the House of Representatives of 31st December, showing the progress made, sum expended, and the amount yet applicable to the object, and the causes which have retarded the completion of Fort Livingston, at Gra d Terre, Louisiana; which was laid on the table, and ordered to be printed.

Also, a communication from the Secretary of the Treasury, in compliance with a resolution of the House of Representatives of the 31st December, giving information of the amount due of the late deposit banks at the time of the suspension of specie payments, with the sums now due, and how received; which was laid on the table, and ordered to be printed.

Also, a communication from the Secretary of the Treasury, in compliance with an act of Congress, inclosing a statement showing the names of clerks employed in the Treasury Department in the year 1838; which was laid on the table, and ordered to be printed.

Also, a communication from the Secretary of the Treasury, in compliance with a resolution of the House of the 31st December last, showing the cause why that officer could not ascertain the defalcation of the late collector of New York; which was laid on the table, and ordered to be printed.

Mr. ADAMS presented to the House certain papers and lithographs in relation to the Smithsonian bequest; which were, on his motion, referred to the select committee on that subject, and ordered to be printed.

#### SOLDIERS IN INDIAN WARS.

Mr. POPE asked leave of the House to submit a motion.

Objection was made.

Mr. POPE moved to suspend the rules of the House, to enable him to move the House to have the bill (No. 369) to extend the provisions of the pension act to the officers, soldiers, rangers, and spies, engaged in the Indian wars on the western waters prior to the treaty of Greenville, in the year 1795, made the special order of the day for Tuesday, the 19th instant.

Mr. P. remarked that this subject had been before Congress for several years, and he feared that it would not be reached, or acted on, during the present session, unless the House would consent to fix some day for its special consideration. The class of men for which this bill intended to provide, were as brave and meritorious, and had as high claims on the liberality of this Government, as any other to which the public attention had been called.

Mr. P. earnestly pressed the House to afford an opportunity to have the merits of these claimants, who had contributed so much to conquer the western world from the Indian tribes, fully and fairly discussed and decided.

#### DEFALCATION OF SWARTWOUT.

The House then resumed the consideration of the motion of Mr. CAMBRELENG, referring the President's message in relation to the defalcation of Mr. Swartwout, except so much as relates to a modification of the revenue laws, to a select committee.

Mr. WISE had modified his amendment by accepting as a modification the following amendment, offered by Mr. GARLAND, of Virginia, some time ago:

*Resolved*, That a select committee be appointed, to consist of nine members, to be chosen by ballot, whose duty it shall be to inquire into the causes and extent of the late defalcations of the custom-house at New York and other places, the length of time they have existed, the correctness of the returns which have been made by the collector and

naval and other officers, and the deposit banks, respectively; and all such acts connected with such defalcations as may be deemed material to develop their true character.

*And be it further resolved*, That said committee be required to inquire into and make report of any defalcations among the collectors, receivers, and disbursers of the public money, which may now exist; who are the defaulters, the amount of defalcation, the length of time they have existed, and the causes which led to them; and that said committee have power to send for persons and papers.

Mr. CAMBRELENG had accepted this amendment as a modification of his motion, except the words "by ballot," and modified it accordingly.

Mr. GARLAND had then moved to amend the motion as modified by inserting, after the words "to be appointed," the words "by ballot."

After some remarks from Messrs. BOND and TAYLOR,

Mr. UNDERWOOD moved the previous question; but, on being reminded that it would have the effect of cutting off the amendment, at the suggestion of several members, he withdrew it.

Mr. THOMAS then took the floor; and, at the conclusion of his remarks, moved further to amend the resolution by striking out "by ballot," and inserting "*viva voce*."

Messrs. MENEFFEE and ROBERTSON continued the debate until a late hour; when

Mr. LEGARE having obtained the floor, moved an adjournment.

Mr. MAY demanded the yeas and nays; but subsequently withdrew it.

Mr. GARLAND, of Louisiana, renewed the motion for the yeas and nays; but the House refused to order them—yeas 28, nays 161.

The House then adjourned.

#### IN SENATE.

THURSDAY, January 10, 1839.

The PRESIDENT presented a communication from the Secretary of the Treasury, in compliance with a resolution of the Senate of the 12th ult., relating to the number of superficial acres in the States of Alabama and Mississippi, embraced in the treaty of Dancing Rabbit creek; which was referred to the Committee on the Public Lands, and ordered to be printed.

#### PETITIONS, ETC.

Mr. WALKER presented the petition of the Mississippi City Company, requesting a grant of public land to aid them in the construction of a railroad from Paulding to Mississippi City; which was referred to the Committee on the Public Lands, and ordered to be printed.

Mr. MORRIS presented the petition of a number of citizens of Brown county, Ohio, praying the repeal of all laws of Congress in any way favoring slavery or the slave trade in the District of Columbia.

The motion of reception was, after some remarks by Mr. MORRIS,

On motion of Mr. CLAY, of Alabama, laid on the table.

Mr. ROANE presented the memorial of officers of the line of the army, praying equalization of compensation with officers of the staff; which was referred to the Committee on Military Affairs.

Mr. LYON presented the memorial of the Legislative Council of the Territory of Wisconsin, praying confirmation of title to land upon which the town of Milwaukee stands; which was referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. KING presented a communication from the Governor of the State of Alabama, inclosing resolutions of the Legislature of that State, relative to claims for spoiliations committed on citizens of Alabama by the Creeks in 1836; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PRESTON presented the petition of Benjamin F. Hard, asking compensation for losses sustained by a mail contract; which was referred to the Committee on the Post Office and Post Roads.

Mr. MERRICK presented the petition of Daniel Hyatt, for seven years' half pay; which was referred to the Committee on Military Affairs.

Mr. BENTON presented the petition of James H. Kennedy and Benjamin O. Fallon, for losses sustained by Indians on the Upper Mississippi; which was referred to the Committee on Indian Affairs.

Mr. BUCHANAN presented the petition of Simon Brewster, a soldier of the revolutionary army, for an increase of pension, for reasons therein set forth; which was referred to the Committee on Pensions.

Mr. CALHOUN presented the petition of William E. Chase; which was referred to the Committee on Military Affairs.

Mr. RUGGLES presented a letter from President Morse, in relation to his magnetic telegraph; which was referred to the Committee on Commerce.

#### REPORTS FROM COMMITTEES.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the claim of Gad Humphreys for losses in Florida, reported a bill for his relief; which was read, and ordered to a second reading; and, on motion of Mr. H., the accompanying report was ordered to be printed, and the bill made the special order for Wednesday next.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, to which the subject had been referred, reported a bill for the relief of William B. Ferguson and sureties; which was read, and ordered to a second reading.

Mr. R., from the same committee, to which was referred the petition of the heirs of Thomas W. Becket, asked to be discharged from the further consideration of the subject; which was agreed to.

Mr. LYON, from the Committee on Private Land Claims, to which had been referred the petitions of Francis La Venture, Ebenezer Childs, and Linus Thompson, reported a bill for their relief; which was read, and ordered to a second reading; and the accompanying report was ordered to be printed.

Mr. FULTON, from the Committee on the Public Lands, to which had been referred the bill for the relief of Henry Wilson, confirming purchases of certain lands in Arkansas, reported the same without amendment.

Mr. MORRIS, from the Committee on Pensions, to which had been referred the petition of Samuel Crapin, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. M. also, from the same committee, made unfavorable reports on the petitions of Rufus R. Lane and others, citizens of White county, Illinois, in relation to Simon Hail and John Neil, and asked to be discharged from the further consideration thereof; which was agreed to.

Mr. LUMPKIN, from the Committee on the Post Office and Post Roads, to which had been referred the memorials of the Taunton Branch Railroad Company, and of Jesse Smith, made an unfavorable report thereon, and asked to be discharged from their further consideration; which was agreed to, and the reports ordered to be printed.

Mr. TIPTON, from the Committee on Roads and Canals, to which was referred the bill to grant to the States and incorporated companies engaged in the construction of roads or canals, the right of way through the public lands of the United States, reported the same without amendment.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PRESTON, it was

*Ordered*, That the petition and papers of William Seaton, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion of Mr. RUGGLES, a paper from Thomas J. Smith was ordered to be printed and referred to the Committee on Commerce.

#### RESOLUTIONS.

Mr. HUBBARD submitted the following resolution:

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of constructing and improving as many artificial harbors upon Lake Michigan as will render more safe the commerce and navigation of that lake, and afford greater security and protection to human life.

This resolution, after some remarks by Messrs. KING, HUBBARD, CALHOUN, NORVELL, DAVIS, and LYON, was adopted.

On motion by Mr. KING, it was

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of making compensation to Lieutenant S. B. Thornton, for losses sustained by him by the destruction of the steamboat Pulaski.

On motion of Mr. K. the papers in relation to

the above were also referred to the same committee.

Mr. ROBBINS submitted the following resolution; which, after some remarks by Mr. R. and Mr. PRESTON, was agreed to:

*Resolved*, That a committee be appointed, consisting of five members of the Senate, jointly with such committee as may be appointed by the House of Representatives, to consider the expediency of providing an institution of learning, to be established in the city of Washington, for the application of the legacy bequeathed by Mr. James Smithson, of the city of London, to the United States, in trust for that purpose; also, to consider the expediency of a charter for such institution, together with the powers and privileges which, in their opinion, the said charter ought to confer; also, to consider the expediency of ways and means to be provided by Congress other than said legacy, but in addition thereto, and in aid of said benevolent intention; and to report by bill or bills in the premises.

Mr. CLAY, of Kentucky, submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Secretary of the Treasury be directed to report to the Senate the net proceeds of the public lands which each State would have received up to and including the 1st of January, 1839, under the bill entitled "An act to appropriate for a limited time the proceeds of the sales of the public lands of the United States, and for granting land to certain States," which passed both Houses of Congress, if it had received the approbation of the President.

Mr. CLAY, of Alabama, submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the existing laws as to equalize the amount of labor to be performed, and the amount of compensation to be received by the several judges of the Supreme Court.

Mr. WHITE submitted the following resolutions; which were considered and agreed to:

*Resolved*, That the Secretary of War be, and he hereby is, required to report to the Senate the whole amount of the expenses incurred by the United States in negotiating and concluding the treaty with the Cherokee Indians, dated 29th December, 1835, to whom the several sums expended were paid, the sum paid to each, and for what particular services.

*Resolved*, That the Secretary of War be, and he is hereby, required to report to the Senate whether the commission created under the treaty between the United States and the Cherokee Indians, dated 29th day of December, 1835, for the adjudication of claims, has been terminated; and if not, by what authority the said commission has been continued since the 23d day of May last; and further, what has been the expense of said commission, to whom the sums expended have been paid, and the sums paid to each individual.

Mr. WHITE said, with the permission of the Senate, he would offer a few remarks on a subject which concerned him personally. When he arrived here some days since, he found that he had been appointed on two of the standing committees of the Senate, but as the state of his health was such as to prevent him from paying that attention to the subjects brought before them which the Senate and his colleagues on the committees had a right to expect, his object in rising was to ask that he might be excused from serving on them.

After some remarks from Mr. KING and Mr. TIPTON, in which the services of Mr. WHITE were appropriately noticed, and wishes expressed that he would change his determination,

Mr. WHITE returned thanks to the gentlemen for their kindness in noticing his efforts; but persevering in his wish, the Senate acceded thereto.

On motion of Mr. KING, by unanimous consent, it was

*Resolved*, That Hon. JOHN TIPTON be appointed chairman of the Committee on Indian Affairs, and that the President of the Senate appoint a member to fill the vacancy in said committee.

On motion of Mr. NORVELL, the President of the Senate was also directed to fill the vacancy in the Committee on Revolutionary Claims, occasioned by the resignation of Hon. Hugh L. White.

On motion of Mr. HUBBARD, and by unanimous consent, the resolution offered by Mr. RIVES, some days since, was taken up and agreed to.

#### GRADUATION BILL.

The Senate resumed the consideration of the bill to provide for the reduction and graduation of the price of the public lands.

The question being on the amendment submitted yesterday by Mr. CLAY, of Kentucky, to limit the reduction to lands only that have been in the market fifteen years, and to the quantities of eighty, one hundred and sixty, and three hundred

and twenty acres, according to the rate of reduction; and further, to distribute the proceeds of the sales of the public lands, after 1840, among the several States of the Union,

Mr. CLAY, of Kentucky, addressed the Senate in favor of his amendment; after which,

Mr. BUCHANAN addressed the Senate in opposition to the amendments, and in favor of the bill as at present amended; after which,

The question was taken on Mr. CLAY's amendments, and they were rejected—yeas 13, nays 29; as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Crittenden, Davis, Knight, McKean, Merrick, Prentiss, Robbins, Smith of Indiana, Southard, Swift, and Tipton—13.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Foster, Fulton, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Preston, Rives, Roane, Robinson, Strange, Walker, Wall, White, Williams of Maine, Williams of Mississippi, Wright, and Young—29.

Mr. BENTON then submitted the fifty cent clause of Mr. CLAY's amendment—to permit actual settlers to enter lands that have been in the market fifteen years, at fifty cents per acre, the quantity being limited to eighty acres for each actual settler.

The amendment was agreed to—yeas 24, nays 19; as follows:

YEAS—Messrs. Allen, Bayard, Benton, Clay of Alabama, Clay of Kentucky, Crittenden, Foster, Fulton, King, Linn, Lumpkin, Lyon, McKean, Merrick, Mouton, Nicholas, Norvell, Robinson, Smith of Indiana, Tipton, Walker, White, Williams of Mississippi, and Young—24.

NAYS—Messrs. Brown, Buchanan, Calhoun, Davis, Hubbard, Knight, Niles, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Southard, Strange, Swift, Wall, Williams of Maine, and Wright—19.

On motion of Mr. CLAY, of Alabama, the bill was then ordered to be printed as at present amended; and

The Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, January 10, 1839.

The SPEAKER having proceeded to call the committees for reports,

Mr. HUBLEY, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Peter Moore & Co. and others; which was read twice and committed.

Mr. GARLAND, of Louisiana, from the Committee on Private Land Claims, reported a bill for the relief of Rozaline Proudhomme; which was read twice and committed.

Mr. G. also, from the same committee, made unfavorable reports upon the petitions of Henry M. Fleury and Alexander L. Deblien; which were severally laid on the table, and ordered to be printed.

On motion of Mr. HOWARD, the Committee on Foreign Affairs was discharged from the further consideration of the petition of John Cowper.

Mr. MORGAN, from the Committee on Revolutionary Pensions, reported a bill for the relief of Dennis Trammel; which was read twice and committed.

Mr. SIBLEY, from the same committee, reported a bill granting a pension to David Meilen; which was read twice and committed.

Mr. PLUMER, from the Committee on Invalid Pensions, reported a bill for the relief of Levi M. Roberts.

Also, a bill for the relief of Benjamin Wesley; which bills were severally read twice and committed.

#### PUBLIC DEFAULTERS.

The House then resumed the unfinished business of the morning hour, being the modified resolution of Mr. Wise to print twenty thousand extra copies of documents No. 297 and No. 13, relating to the defalcation of public officers.

The question pending was the motion of Mr. Loomis to amend, by striking out No. 297, and leaving only No. 13, relating to the defalcation of Samuel Swartwout, late collector of the port of New York.

Mr. GRAVES moved a call of the House.

On that motion Mr. MENEFFEE demanded the yeas and nays; which, being ordered, were—yeas 88, nays 95.

So the call was not ordered.

The question then being on agreeing with the amendment,

Mr. BRONSON demanded the yeas and nays; which were ordered, and resulted as follows:

**YEAS**—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beers, Belme, Bicknell, Birdsall, Boon, Bronson, Buchanan, Cambreleng, Cleveland, Coles, Connor, Craig, Cray, Cushman, Davee, De Graff, Dring, Doolittle, Farrington, Isaac Fletcher, Foster, Fry, Gallup, Grant, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Loomis, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Noble, Owens, Parker, Parmenter, Parris, Paynter, Phelps, Plumer, Potter, Pratt, John H. Prentiss, Reilly, Rhett, Rives, Sheffer, Charles Shepard, Shepler, Spencer, Swearingen, Toucey, Towns, Vail, Vanderveer, Webster, Weeks, Jared W. Williams, Worthington, and Yell—89.

**NAYS**—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Bell, Bond, Borden, Briggs, William B. Calhoun, William B. Campbell, Casey, Chambers, Cheatham, Childs, Clark, Coffin, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dunn, Edwards, Evans, Everett, Ewing, Richard Fletcher, Fillmore, Rice, Garland, Goode, James Graham, William Graham, Grantland, Graves, Grennell, Halstead, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, Robert M. T. Hunter, Jabez Jackson, Jenifer, William C. Johnson, Kennedy, Legare, Lincoln, Lyon, Mallory, Marvin, Sampson Mason, Maury, May, Maxwell, McKenney, Menefee, Mercer, Mitchell, Matthias Morris, Calvary Morris, Naylor, Noyes, Ogle, Pearce, Peck, Pickens, Pope, Potts, Putnam, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Sergeant, Augustine H. Shepperd, Shields, Sibley, Slade, Smith, Snyder, Stanley, Stuart, Stone, Talaferro, Thompson, Tillinghast, Titus, Toland, Underwood, Albert S. White, John White, Lewis Williams, Sherrard Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yorke—112.

So the amendment was rejected.

The further consideration of the subject was cut off by the expiration of the morning hour.

#### NAVY-YARD AT BROOKLYN.

On motion of Mr. INGHAM, the House went into the Committee of the Whole on the state of the Union, on a bill for extending and improving the navy-yard at Brooklyn, and for constructing a dry-dock at the same.

Mr. PAYNTER moved to amend by adding "\$100,000 for the construction of a dry-dock at Philadelphia."

On this amendment a long debate ensued, in which Messrs. PAYNTER, PICKENS, NAYLOR, MALLORY, THOMPSON, CAMBRELENG, REED, PARMENTER, HOFFMAN, SERGEANT, and others participated.

Mr. THOMPSON moved further to amend, by striking out all after the enacting clause, and inserting "\$100,000 for the construction of a dry-dock at Pensacola, Florida."

The debate was then continued by Messrs. HOFFMAN, ELMORE, A. H. SHEPPERD, PICKENS, PETRIKIN, THOMPSON, and STANLEY; when

Mr. EVANS, having obtained the floor, moved that the committee rise.

The committee then rose and reported progress, and asked leave to sit again.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, in compliance with the tenth section of the deposit act, accompanied by a statement showing the condition of the Citizens' Bank of Louisiana, which had been selected a depository of the Government; which was laid on the table, and ordered to be printed.

Also, the following message, in writing, from the President of the United States:

To the House of Representatives:

I communicate to the House of Representatives, in compliance with its resolution of the 3d instant, reports from the Secretary of State and War, containing all the information called for by said resolution now in possession of the Executive.

WASHINGTON, January 10, 1839.

[The resolution called for information in relation to an invasion of the southwestern frontier by an armed force from Texas.]

On motion, the House adjourned.

#### IN SENATE.

FRIDAY, January 11, 1839.

Mr. SEVIER, of Arkansas, appeared in his place in the Senate this morning.

The PRESIDENT presented a communication, in compliance with the tenth section of the deposit act of 1836, in relation to the selection of a deposit bank; which was laid on the table, and ordered to be printed.

He also presented a communication from the President of the United States, in compliance with a resolution of the Senate of yesterday, relative to the agency of the Secretary of War in negotiating the sale of the bonds of the Bank of the United States; which was laid on the table, and ordered to be printed.

#### PETITIONS, ETC.

Mr. LUMPKIN presented a joint resolution of the General Assembly of the State of Georgia, directing their representation in Congress to use their efforts to effect the establishment of certain post routes; which was referred to the Committee on the Post Office and Post Roads.

Mr. L. also presented a joint resolution from the same source, requesting their representation to procure the passage of a law for compensation for horses lost by the volunteers of General Nelson's brigade in the Florida war; which was referred to the Committee on Military Affairs.

Mr. L. also presented a joint resolution from the same source, requesting their representation to procure the passage of a law for compensating citizens of Georgia for losses occasioned by the illegal destruction of their property by troops of the United States; which was referred to the Committee on Claims.

Mr. NORVELL presented a certificate of eleven sailing masters on Lake Erie, as to the facility of access to the harbor of Brest; which was referred to the Committee on Commerce.

Mr. STRANGE presented the petition of Hazard Knowles; which was referred to the Committee on Patents and the Patent Office.

Mr. DAVIS presented a report made to the topographical bureau in 1834, of a survey of the harbor of Newburyport; which, on his motion, was referred to the Committee on Commerce.

Mr. HUBBARD presented certain documents; which were referred to the Committee on Commerce.

Mr. SEVIER presented two memorials from settlers on public lands in the State of Arkansas; which were referred to the Committee on Public Lands.

#### REPORTS FROM COMMITTEES.

Mr. TIPTON, from the Committee on Claims, to which was referred the petition of the executrix of William D. Cheever, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. STRANGE, from the Committee on the Judiciary, to which was referred the bill for the relief of Daniel Goodwin, reported the same without amendment, with a recommendation that the bill do not pass.

#### REPORTS ADOPTED.

The report from the Committee on Pensions adverse to the petition of the widow of Colonel Alexander Thompson, was considered and adopted.

The report from the Committee on Claims adverse to the petition of Joseph W. Paige, was considered and adopted.

The joint resolution introduced yesterday by Mr. ROBBINS, relative to the Smithsonian Institution, was considered and adopted.

On motion of Mr. ROBBINS, the appointment of the committee on the part of the Senate was devolved on the President.

#### NOTICE OF A BILL.

Mr. FOSTER gave notice that to-morrow he would ask leave to bring in a bill for the relief of Andrew J. Johnson and Samuel Love.

#### BILLS INTRODUCED.

Mr. YOUNG, on leave, and in pursuance of notice given, introduced a bill for the relief of Samuel Ferguson; which was read twice, and referred to the Committee on Claims.

Mr. Y. also, on leave, and in pursuance of notice given, introduced a bill for the relief of James Dutton; which was read twice, and referred to the Committee on Public Lands.

#### CITIZENS OF ARKANSAS.

The bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of a treaty between the United States and Choctaw Indians, being taken up for consideration, and Mr. MORRIS having made some objections to its passage,

Mr. FULTON said: The bill under consideration passed the Senate at the last session, and has repeatedly failed for want of time to be acted on in one House of Congress or the other. The justice of the measure is so manifest, that no one who understands it could find, he thought, any sufficient ground for opposition to it. The circumstances under which the citizens who lost their improvements in the country ceded to the Choctaw tribe of Indians ask relief of the United States Government, are these: The Territory of Arkansas, as it was originally organized, extended forty miles west of the present western boundary of the State of Arkansas. During the existence of the territorial government, this strip of country—a portion of it possessing great fertility, and being in a healthful part of the country—belonged exclusively to the United States; but the jurisdiction over it having been surrendered by the creation of the territorial government, was organized into counties, and settled upon by an industrious and enterprising population, who made valuable improvements, and opened up fine settlements in that remote and wild region; so much so that when these forty miles of territory, extending along the whole western border of our State—at that time Territory of Arkansas—were ceded to the Choctaws and Cherokees, some of the most flourishing settlements in the counties included in those limits were broken up. Our citizens were forced to abandon their houses, and to leave behind them valuable tracts of cleared land, fit for cultivation, with comfortable dwellings, good fences, and all the conveniences requisite for farming purposes, and which were given up to the enjoyment of the Indians, who were removing into the country. The Indians who got the benefit of the labor and enterprise of those frontier settlers and meritorious citizens, had surrendered to the United States, in exchange for those improvements, a valuable country in the States east of the Mississippi; and, consequently, the United States received a valuable consideration for those improvements, and are, therefore, justly indebted to those settlers for the losses and sacrifices they were compelled to make in giving up their homes, and removing from the country they had settled in, as a part of the Territory of Arkansas.

Those settlers who lost their improvements by virtue of the Cherokee treaty, were remunerated by a grant of three hundred and twenty acres to each settler, made to them by Congress many years ago. At the time of the ratification of the Cherokee treaty, his colleague (who was then the delegate from the Territory) considered it so great a grievance, that he remonstrated against it in the most decided and spirited manner; and by way of compensating the sufferers, and to induce the inhabitants to abandon their settlements, Congress passed the act granting them three hundred and twenty acres, as he had already mentioned.

The settlers who are sought to be provided for by the present bill, had previously abandoned their improvements, under a treaty made with the Choctaws, for that part of the same strip of forty miles, (then a part of the Territory,) and which, by a treaty made in 1824, was ceded to that tribe of Indians. These sufferers were not provided for by the bill granting lands to the sufferers under the Cherokee treaty; and although their claim was certainly equally just and meritorious, yet owing to the procrastination of legislation in Congress, a bill for their relief has never yet passed both Houses of Congress.

The Committee on Public Lands, at the last, as also at this session, were not willing to report a bill for giving more than a quarter section of land to each of those sufferers; although those who had been previously provided for had received double that quantity. As, however, even this small remuneration is better than a total denial of justice and right, he was willing to accept this grant, rather than submit to a longer delay.

He said that he felt satisfied, taking into view all the circumstances of the case, and considering the previous action of Congress in a similar instance, that no fair objection could be urged to the passage of this bill; and he therefore hoped that the Senate would give the same decided vote in favor of this bill which it had given at the last session of Congress in favor of a similar bill.

#### COURT IN THE DISTRICT.

The bill for amending an act entitled "An act

for establishing a criminal court in the District of Columbia," was informally passed over.

JAMES H. CLARK.

The bill for the relief of James H. Clark was taken up, and after a discussion, in which Messrs. WILLIAMS, of Maine, and SOUTHWARD advocated the passage of the bill, and Messrs. KING and CALHOUN opposed it, it was laid on the table for the purpose of taking up the special order.

#### PUBLIC LANDS.

The Senate resumed the consideration of the bill to provide for the reduction and graduation of the price of the public lands, and the bill was reported, as amended, to the Senate; when, the question on concurring with the amendments made in committee coming up, the first amendment was concurred in.

After some remarks from Messrs. BUCHANAN, CLAY of Alabama, BENTON, MORRIS, NILES, PRESTON, RIVES, and WALKER, the question was taken on concurring in the amendment allowing the entry by actual settlers of lands that have been fifteen years in the market at fifty cents per acre; which amendment was rejected—yeas 21, nays 23.

Mr. RIVES then moved to postpone the bill indefinitely.

Mr. MORRIS, after some remarks, moved an adjournment, but withdrew it at the request of Mr. WALL, to enable him to make a report; when

Mr. WALL, from the Committee on the Judiciary, to which was referred the bill to reorganize the district courts of the United States in the State of Alabama, reported the same without amendment.

The question was then taken on Mr. MORRIS's motion to adjourn, and decided in the affirmative—yeas 25, nays 22; as follows:

YEAS—Messrs. Bayard, Brown, Calhoun, Clay of Kentucky, Crittenden, Davis, Foster, Knight, Lumpkin, McKean, Merrick, Morris, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Smith of Indiana, Southard, Strange, Swift, Wall, White, and Williams of Maine—25.

NAYS—Messrs. Allen, Benton, Buchanan, Clay of Alabama, Fulton, Hubbard, King, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith of Connecticut, Tipton, Walker, Williams of Mississippi, Wright, and Young—23.

The Senate then adjourned over until Monday next.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, January 11, 1839.

The SPEAKER having proceeded to call the committees for reports,

Mr. CAMPBELL, of Tennessee, from the Committee of Claims, reported a bill for the relief of Chauncey Calhoun; which was read twice and committed.

Mr. WILLIAMS, from the same committee, made an unfavorable report on the petition of C. H. Beard and J. Gray; which was laid on the table.

Mr. CHAMBERS, from the same committee, made unfavorable reports on the petitions of Easton and wife, representatives of Captain Robert D. Richardson, and the petition of A. B. Wills; which were severally laid on the table.

Mr. C. also, from the same committee, reported a bill for the relief of Tacle Savage, administrator of Bolidia Laws, deceased; which was read twice and committed.

Mr. GIDDINGS, from the same committee, reported the following resolution; which was read and agreed to:

Resolved, That the Committee of Claims be discharged from the further consideration of the petition of George B. D. Peysters, and that the petitioner have leave to withdraw the papers.

Mr. GIDDINGS also, from the same committee, made an unfavorable report upon the memorial of David R. Denham, and other citizens of the Territory of Florida; which was ordered to lie on the table, and be printed.

Mr. WORTHINGTON, from the Committee on Commerce, reported a bill for the relief of John McColgan; which was read twice and committed.

Mr. CASEY, from the Committee on Private Land Claims, reported the following bills; which were read twice and committed, and ordered to be printed:

A bill for the relief of W. B. Lindsay;

A bill for the relief of Philip Catner;  
A bill for the relief of Isaac Miller; and  
A bill for the relief of Peter Samuel Jaccard.

Mr. TALIAFERRO, from the Committee on Revolutionary Claims, reported the following bills; which were read twice and committed:

A bill for the relief of the heirs of John D. Treville; and

A bill for the relief of Richard Shubrick.

Mr. HARLAN, from the same committee, made unfavorable reports on the petition of Robert Carey, of New York, and the petition of William Brown; which were severally laid upon the table.

Mr. H. also, from the same committee, reported a joint resolution for the relief of the heirs-at-law of Captain Frederick M. Bell, deceased; which was read twice, and ordered to be engrossed.

Mr. GARLAND, from the Committee on Private Land Claims, reported a bill for the relief of Thomas M. Burland; which was read twice and committed.

On motion of Mr. PARKER, the Committee on Indian Affairs was discharged from the further consideration of the petition of Richard Brannin.

On motion of Mr. BELL, a certain communication from the Department of War in relation to the appointment of an agent to the Osages, was committed to the Committee on Indian Affairs.

Mr. BRONSON, from the Committee on Territories, reported a bill to define and establish the eastern boundary line of the Territory of Iowa; which was read twice and committed.

Mr. JONES, from the same committee, reported a bill making appropriations to purchase a library for the use of the Legislative Council and court of appeals of the Territory of Iowa; which was read twice and committed.

Mr. MORGAN, from the Committee on Revolutionary Pensions, made an unfavorable report on the petition of Esther Culver; which was laid on the table.

Mr. CRAIG asked the favor of the House to submit a resolution. He could not excuse himself without showing some attention to the subject.

The resolution was read as follows:

Resolved, That the first Tuesday in February next be set apart for the consideration of House bill No. 546, entitled a bill granting an additional quantity of land for the location of revolutionary bounty land warrants. The said bill to take precedence of all other business of that day.

Objection was made to its reception.

#### PUBLIC DEFAULTERS.

The House then resumed the consideration of the unfinished business of the morning hour, being the resolution of Mr. Wise for the printing of twenty thousand extra copies each of documents No. 297 and No. 13, relating to the defalcations of public officers.

Mr. WHITTLESEY was convinced that five thousand extra copies would be amply sufficient for distribution among members of the House, and for the use of the public press; as, if twenty thousand were ordered, they would not be sufficient for a general distribution. He, therefore, moved to amend the resolution by striking out "twenty thousand," and inserting "five thousand."

Mr. MITCHELL thought sufficient time had already been wasted on the subject. He would, therefore, move the previous question.

The call for the previous question being seconded, it was ordered—yeas 71, nays 65—thereby cutting off the amendment of Mr. WHITTLESEY.

The question then recurred on ordering the main question.

Mr. PETRIKIN moved to lay the whole subject on the table.

On that motion Mr. WISE demanded the yeas and nays, but subsequently withdrew it.

Mr. PETRIKIN inquired if it would be in order to move a division of the question?

The SPEAKER said it would.

Mr. PETRIKIN then demanded a division; and the yeas and nays having been ordered,

On motion of Mr. GRIFFIN, the question was taken on the first branch of the resolution, in the following words:

Resolved, That the twenty thousand extra copies of Document No. 297, of the second session of the Twenty-Fifth Congress, and a like number extra of Document No. 13, of the present session, the former relating to the public de-

faulters, the latter to the defalcation of Samuel Swartwout, be printed for the use of this House.

This branch of the resolution was agreed to—yeas 100, nays 82; as follows:

YEAS—Messrs. Adams, Alexander, John W. Allen, Bell, Biddle, Bond, Borden, Bouldin, Briggs, William B. Calhoun, Cambreleng, William B. Campbell, Carter, Casey, Chambers, Cheatham, Childs, Clark, Clowney, Coffin, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Darling, Dawson, Deberry, Dunn, Edwards, Evans, Everett, Ewing, Fillmore, James Garland, Rice Garland, Giddings, Goode, William Graham, Grantland, Graves, Grennell, Hall, Harlan, Harrison, Harper, Hastings, Hawes, Henry, Herod, Jabez Jackson, Jenifer, Henry Johnson, Kennedy, Lewis, Lincoln, Mallory, Marvin, James M. Mason, Sampson, Mason, Martin, Maury, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Matthias Morris, Calvary Morris, Naylor, Noyes, Ogle, Pearce, Potts, Pratt, Sergeant S. Prentiss, Putnam, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Augustine H. Shepperd, Shields, Sibley, Smith, Snyder, Southgate, Stanley, Stuart, Stone, Taliaferro, Thompson, Tillinghast, Toland, Albert S. White, Lewis Williams, Sherrard Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yorke—100.

NAYS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beers, Beirne, Bicknell, Birdsall, Boon, Bronson, Buchanan, Chaney, Chapman, Cleveland, Coles, Craig, Crary, Cushman, Davee, De Graff, Dromgoole, Donean, Farrington, Isaac Fletcher, Fry, Gallup, Gray, Griffin, Haley, Hamer, Hawkins, Haynes, Hopkins, Howard, Hubley, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Klingensmith, Leadbetter, Loomis, McKay, Robert McClellan, Abraham McClellan, Miller, Montgomery, Moore, Morgan, Noble, Owens, Palmer, Parker, Parmenter, Paris, Paynter, Pettrikin, Phelps, Plumer, John H. Prentiss, Rhett, Rives, Sawyer, Sheffer, Charles Shepard, Shepler, Spencer, Swearingen, Thomas, Titus, Toucey, Turney, Vail, Weeks, Whittlesey, Jared W. Williams, Worthington, and Yell—82.

The question was then taken on the second branch, as follows:

Resolved, That the Secretary of the Treasury report to this House—

1. What defalcations by receivers and collectors, or other depositaries of the public moneys, have taken place since the 1st of October, 1837; the names of the defaulters, and when and where it took place, and what amount.

2. What amount has been paid, or what balances appearing due from defaulters in the report of the 17th of January last, have been adjusted and reduced; and that he be required to report to this House all the correspondence touching defalcations of receivers and collectors of the public money since the Department furnished document No. 297.

The question on this branch was decided in the affirmative—yeas 185, nays 7.

#### NAVY-YARD AT BROOKLYN.

On motion of Mr. INGHAM, the House then went into the Committee of the Whole on the state of the Union, (Mr. BANKS in the chair,) and resumed the consideration of the bill for the improvement of the navy-yard at Brooklyn, and the construction of a dry-dock at the same, with the amendments pending thereto.

Mr. EVANS being entitled to the floor, spoke at some length, principally in reply to the remarks of Messrs. THOMPSON and ELMORE, of yesterday.

Messrs. LEGARE, TILLINGHAST, JENIFER, THOMPSON, and KEIM continued the debate.

The question was taken on the amendment to the amendment offered by Mr. THOMPSON, proposing to appropriate \$100,000 for the erection of a dry-dock at Pensacola; and it was decided in the negative.

The question recurred on the amendment proposed by Mr. PAYNTER, to appropriate \$100,000 for the establishment of a dry-dock at Philadelphia; which was decided in the negative.

Mr. PETRIKIN moved to strike out the enacting clause of the bill; which was decided in the negative.

The committee then proceeded to the consideration of the following bills:

A bill (No. 573) to regulate the pay and emoluments of pursers in the Navy;

A bill (No. 572) to alter and regulate the Navy ration;

A bill (No. 570) to authorize the purchase of two vessels to be employed as receiving vessels in the naval service;

A bill (No. 571) for reducing, under one head of appropriations, various appropriations for building, rebuilding, purchasing, and repairing vessels of war, and for providing materials for the same;

A bill (No. 525) for the payment of certain pensions heretofore paid out of the privateer pension fund; and

A bill (No. 526) to reorganize the marine corps

The committee, after spending some time in the discussion of these various bills, rose and reported to the House, without amendment, bills No. 525, 570, and 571; and No. 572 and 573 with amendments; and that upon bill No. 526 they had come to no decision.

#### EXECUTIVE COMMUNICATIONS.

The SPEAKER then laid before the House a letter from the Secretary of the Navy, in compliance with the act of Congress of the 20th of September, 1818, showing the names of the clerks employed during the year 1838 in that Department.

Also, a letter from the Commissioner of the General Land Office, in answer to a resolution of the House of Representatives of the 31st ultimo, calling for the quantity of lands belonging to the General Government in that part of the Edwardsville and Kaskaskia district in Illinois, which comprises the American Bottom, and the number of years the said land has been subject to entry.

On motion of Mr. CASEY, referred to the Committee on Public Lands and ordered to be printed.

Also, a letter from the Secretary of the Treasury, in compliance with an act of Congress, transmitting a statement showing the payments made according to law by the Treasury, during the year 1838.

Also, a statement of the same Department, showing the expenditures and receipts of the marine hospital fund for the relief of sick and disabled seamen; which was laid on the table.

On motion, the House adjourned.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, January 12, 1839.

Mr. CUSHMAN, from the Committee on Commerce, reported a bill to grant a register to Simon Meneghatty.

Mr. C. said he wished to call the attention of the House to this bill. The individual for whose benefit it is, purchased a foreign vessel, upon which it is his design to put repairs, after which it is his intention to call upon the Secretary of the Treasury to issue to him a register. It being a foreign bottom, will require the passage of an act for that purpose. He hoped the House would agree to have the bill disposed of.

Mr. CAMBRELENG inquired if the individual complied with the law, by expending three fourths of the original cost.

Mr. CUSHMAN said that the Secretary would not be authorized until the owner has expended upon it three fourths of the original cost.

The bill was then read twice, and ordered to be engrossed for a third reading.

Mr. MASON, from the Committee on Commerce, made an unfavorable report upon the petition of Francis Watkins; and it was laid on the table.

Mr. M., from the same committee, made an unfavorable report on the petitions of Caleb Williams and Stephen W. Hunt; and it was laid on the table.

On motion of Mr. McKAY, the Committee on Military Affairs was discharged from the further consideration of the resolution of the House of the 31st December, in relation to the repeal of the punishment by lashes and stripes in the Army and marine corps.

Mr. LINCOLN, from the Committee on the Public Buildings and Grounds, reported a bill to provide for the erection of a fire proof building for the use of the General Post Office Department.

Mr. ADAMS suggested to his colleague that he would, as chairman of the committee upon that subject, move to take up the joint resolution proposing to pay the workmen engaged upon the public buildings. He said they were suffering deep distress in consequence of withholding their pay; and unless it be taken up out of its order upon the Calendar, by the consent of the House, it would not receive the action of the House this session. The claim is of such a nature that those persons concerned could recover it in a court of law. They are hard working mechanics, and who are, no doubt, necessitated for the amount withheld from them.

Mr. LINCOLN suggested to Mr. A. to delay the motion until the reports of committees had

been gone through with. To which suggestion Mr. A. acceded.

Mr. CLOWNEY, from the Committee on the Expenditures in the Department of War, made a report, accompanied by the following resolution:

*Resolved*, That the Secretary of War be directed to require from Samuel Lewis the repayment of the sum of \$800, improperly allowed to him for the services of his son Edward, (a minor,) as clerk in the Pension bureau, from July, 1818, to July, 1819, together with interest from the day he received the same; and upon the refusal or neglect of the said Samuel Lewis to refund the said sum of money, with interest, that the Attorney General of the United States be, and he is hereby, instructed forthwith to institute proper legal proceedings for the recovery of the same.

Mr. CHAMBERS moved that the report be laid on the table, and printed.

Mr. WISE hoped, as this was the first report made from that committee since he had been a member of this House, it would receive the action of the House immediately.

Mr. CHAMBERS said he had not heard the resolution read, and must persist in his motion; but,

On motion of Mr. CLOWNEY, it was made the order of the day for Saturday week next.

Mr. JOHNSON, of Maryland, from the select committee appointed last session, and authorized to continue during the present session, on the subject of a national foundry, on leave, reported a bill for that object. It was read twice, committed, and made the order of the day for to-morrow.

#### BILLS REFERRED.

On motion of Mr. CHAMBERS, the following Senate bills on the Speaker's table were taken up, read a first and second time, and referred:

An act to relinquish to the State of Mississippi the ten per cent. fund, arising from the sale of the public lands.

An act further to regulate the transportation of the mail upon railroads.

An act making appropriation for the support of the penitentiary in the District of Columbia; together with several private bills.

Also, a joint resolution of the Senate, asking the concurrence of the House, and the appointment of a committee on its part to act with a committee of the Senate, to consider the best means of carrying into effect the objects of the Smithsonian bequest.

On motion of Mr. GARLAND, the resolution was concurred in, and the Speaker authorized to appoint a committee, consisting of nine, on the part of the House.

#### FALMOUTH AND ALEXANDRIA RAILROAD.

Mr. BOULDIN called the attention of the House to an engrossed bill, then on the Speaker's table, relating to the incorporation of the Falmouth and Alexandria Railroad Company. He stated that, since the bill had been ordered to its third reading, he had received numerous communications on the subject in opposition to the bill. On that account, and with a view of considering the objection urged, he moved a recommitment of the bill to the Committee on Roads and Canals.

Mr. PETRIKIN moved to amend by recommending the bill to the Committee for the District of Columbia, with the following instructions:

To report a bill with all the reservations, restrictions, and provisions, contained in "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio railroad into and within the District of Columbia," approved March 2, 1831. And further, that said committee be instructed to inquire into the expediency of further amending said bill, to provide for the payment, by said railroad company, to the corporation of the city of Washington, of ten cents, or some other sum, for each and every passenger carried into or from said city of Washington, on said road; and also to make such provisions as will prevent said railroad company from asking an unreasonable and exorbitant price for carrying the United States mail on said road.

After a desultory debate, the amendment was rejected, and the motion of Mr. BOULDIN agreed to.

So the bill was recommitted.

#### WORKMEN ON THE TREASURY.

Mr. LINCOLN asked leave to submit a motion to call up for consideration the engrossed joint resolution for the relief of certain workmen employed on the Treasury building.

Mr. CHAMBERS objected to the resolution having precedence of other subjects before it.

Mr. LINCOLN then moved a suspension of

the rules to enable him to submit his motion, but subsequently withdrew it, upon the understanding that no objection would be made to the resolution when it should come up in its regular order.

#### DEFALCATION OF SWARTWOUT.

Mr. CURTIS asked leave to submit a resolution for the printing of twenty thousand copies of Documents Nos. 54 and 69, communicated by the Secretary of the Treasury on the subject of the late defalcation of Samuel Swartwout, to be printed with the documents already ordered by the House.

Objection being made,

Mr. CURTIS moved a suspension of the rules, to enable him to submit his resolution.

On that motion Mr. SMITH demanded the yeas and nays; which being ordered, were—yeas 107, nays 77—not two thirds.

So the rules were not suspended.

Mr. CAMBRELENG gave notice that on Tuesday next he should ask the House to consider some of the appropriation bills.

#### PRIVATE CALENDAR.

The House then proceeded to the consideration of bills on the Private Calendar, being engrossed bills and joint resolutions entitled:

A bill for the relief of the representatives of Captain Thomas Triplett;

A bill for the relief of Smith and Town;

A bill for the relief of Levi Chadwick;

A joint resolution authorizing an examination and payment of the claims of the workmen upon the public buildings;

A joint resolution for the relief of the heirs of Charles Brown, deceased;

A joint resolution for the relief of the heirs of Captain Frederick M. Bell; and

A bill to authorize the issuing of a register to Anthony C. Meneghatty, of the brig Sarah.

Which bills and joint resolutions were severally read the third time, and passed.

The House then proceeded to consider the bills on the Speaker's table, which had been reported from the Committee of the Whole, and were on their third reading.

A bill for the relief of the representatives of Thomas Glascock.

The question was on concurring with the Committee of the Whole in striking from this bill so much as proposed to give interest upon commutation.

The amendment of the committee was advocated by Mr. CUSHMAN, and opposed by Messrs. TALIAFERRO, HAYNES, UNDERWOOD, and CRAIG.

Said bill was then read the second time, and ordered to be engrossed.

A bill for the relief of Larkin Smith was next taken up; and after a debate, in which Messrs. CRAIG and HALL participated in opposition to, and Mr. TALIAFERRO in favor of, its engrossment, the question was taken thereon by yeas and nays, on the demand of Mr. WILLIAMS, of North Carolina, and rejected—yeas 64, nays 79.

A bill for the relief of William Madison was next taken up.

A debate of considerable length took place upon this bill, in which Messrs. TALIAFERRO and BANKS advocated, and Messrs. HALL, UNDERWOOD, and CRAIG opposed, its passage; after which,

The question was taken, whether said bill should be engrossed for a third reading; and decided in the negative. It is consequently rejected.

The SPEAKER laid before the House a communication from the Secretary of War, in compliance with an act of Congress, transmitting a statement of the number of clerks employed in that Department during the year 1838; which was laid on the table.

Also, a communication from the same Department, in answer to a resolution of the House, relating to the defalcation of General Gratiot.

Mr. UNDERWOOD asked leave, and presented to the House a letter from General Gratiot, which had been addressed to him, giving his version of his transactions with the Government; which letter, at the request of Mr. U., was ordered to be printed, in connection with the report from the Secretary of War.

On motion of Mr. WISE, the House then adjourned.

## IN SENATE.

MONDAY, January 14, 1839.

Mr. CUTBERT, of Georgia, Mr. WEBSTER, of Massachusetts, and Mr. SPENCE, of Maryland, appeared in their places in the Senate this morning.

The PRESIDENT presented a communication from the Secretary of the Treasury, transmitting a statement of the Register of the Treasury, showing the payments made during the year 1838, not otherwise provided for; which was laid upon the table, and ordered to be printed.

Also, a communication from the Secretary of War, transmitting a statement of the names and compensation of the clerks employed in that Department during the year 1838; which was laid upon the table, and ordered to be printed.

Also, a communication from the Secretary of War, transmitting a report from the Chief Engineer respecting works of improvement in harbors; which was laid upon the table, and ordered to be printed.

Also, a communication from the Secretary of the Navy, transmitting the names and compensation of the clerks employed in that Department during the year 1838; which was laid upon the table, and ordered to be printed.

Also, a communication from the Commissioner of the Patent Office; which was referred to the Committee on Patents and the Patent Office.

## RESOLUTIONS OF NORTH CAROLINA.

Mr. BROWN said he rose to present to the Senate certain resolutions which had been adopted by the General Assembly of the State of North Carolina, at their late session, expressive of their views and opinions in regard to some of the important measures and questions of public policy which have been, and now are, pending before the country. However uncourteous some of the language was in reference to a late act of this body, which it had performed in the exercise of its high constitutional powers, and profoundly as he regretted that expressions derogating from the respect due this body were embraced in the resolutions, yet he could not hesitate, in obedience to a proper sense of respect to the Legislature of his State, to offer them, in compliance with the request contained in one of the resolutions.

It was alike due to himself, to his constituents, and to the importance of the occasion itself, to state very explicitly the view he took of the resolutions, and the course which high considerations of public duty required that he should pursue in regard to them. He felt the deep responsibility under which he acted, and had given to the subject that anxious deliberation which its public importance, and the great questions of public interest involved in it, demanded.

In regard to most of the resolutions, it would readily be perceived that the opinions expressed in them directly conflict with the course which he had heretofore pursued on the measures of public policy to which they refer, and that a principle is asserted in one of them, in regard to a question of constitutional power, entirely at variance with his vote on the resolution ordering the expunction of the condemnatory resolution passed against President Jackson, for removing the public deposits from the late Bank of the United States. In relation to extravagant expenditure and Executive patronage, referred to by two others of the resolutions, his votes would most abundantly prove that his whole course had been, since honored with a seat in that body, to diminish both as far as it was practicable for him to do so.

Having very briefly adverted to the political character of the resolutions, the next inquiry which presents itself for consideration is, whether they are to be viewed by my honorable colleague and myself as instructions, or as the mere expressions of the opinions of the Legislature, leaving to us a discretionary power in exercising our judgments on the subjects to which they relate. That they are not to be considered as instructions the proofs, to his mind, were clear and irresistible. They do not, on their face, profess to instruct, but, on the contrary, that word, or any other of mandatory import, is omitted with the most guarded caution; omitted, no doubt, not by accident, but by design. What could have been the intention for omitting it? The motive clearly was not to commit the party passing these reso-

lutions to the doctrine of instructions. Whenever (said Mr. B.) the General Assembly of North Carolina has thought proper, on former occasions, to resort to the great republican principle of instruction, it has spoken out in bold, frank, and unequivocal language. It has, by directly instructing the Senators representing the State, taken the responsibility on itself of the vote which it commanded them to give. A positive command, by instructions, from the Legislature of a State to its Senators to give a particular vote, places the vote under the control of the Legislature, and is, in effect, the vote of the power commanding it; thereby taking from the Senator all discretion, and consequently relieving him of all responsibility to the people of the State. The Legislature, therefore, does not take on itself the responsibility of the Senator's vote unless it instructs him. On the contrary, if it declines to instruct him, it declines taking the responsibility of his vote, and therefore has no right to expect him to express their opinions when they refuse to take on themselves the consequences of his vote to the people of the State. The Legislature of North Carolina has long since established the principle that they had the right to instruct; and so essential has the employment of that word been considered to the efficacy of resolutions of instruction, that the Republicans of that State have invariably employed it on all great occasions when they intended to command the votes of their Senators.

Mr. B. said, in referring to the Journals of the Senate, he perceived that the late venerable Mr. Macon, then a member of this body, had presented resolutions, passed by the Legislature of North Carolina, at their session in 1816, instructing their Senators to endeavor to procure certain amendments to the Constitution in relation to the mode of electing President and Vice President of the United States. The Legislature which adopted them resolved, in one of the resolutions, "that our Senators in the Congress of the United States be instructed, and our Representatives be requested, to endeavor to obtain the said amendment to the Constitution of the United States." At the succeeding session of the Legislature of North Carolina the same resolutions were again adopted, and again asserted, in the same language, the right of instruction. That the General Assembly then considered mandatory language as essential to instructions is most strikingly obvious, from the marked distinction between the terms employed by them in the resolutions to the Senators and the Representatives in Congress. The former are expressly "instructed," the latter are merely "requested," to perform their will. It is, therefore, perfectly clear, from the use of the latter term to the Representatives in Congress, over whose votes the Legislature never professed to have any control, that a mere expression of opinion, unaccompanied by instructions never was viewed by them as obligatory on those to whom they were addressed. This great right had been repeatedly since asserted, and exercised in the same language of command, to their Senators by successive Legislatures of North Carolina, from the period just referred to down to its session of 1834, when they reasserted and exercised, in positive and unequivocal language, the right of instruction on the question of expunging from the Journals of the Senate of the United States the resolutions condemnatory of President Jackson. The long continued practice, therefore, of the Legislature of that State in regard to instructions, shows very conclusively that whenever they have intended to take all discretion from their Senators in regard to any particular vote, they have expressly, and in plain language, instructed.

Mr. B. said he held, when resolutions directly instructing had passed a legislative body, that it was not competent to go beyond the instructions themselves to ascertain the meaning of the Legislature; but when instructions were not given, on the face of the resolutions, that it was competent to look beyond them to arrive at the intentions of those passing them. He adverted to an amendment offered in both branches of the Legislature, when the resolutions were before them, proposing to insert the word "instruct," and which was rejected by the unanimous vote of the friends of the resolutions, in both instances. This act, in his opinion, was decisive of the question, and proved that those who passed them did not intend

to commit themselves, by their acts, to the doctrine of instruction.

The resolutions did not merely omit to instruct; but they contained, on their face, expressions which constituted a direct attack on that great fundamental principle of the republican creed. They declare that act of the Senate of the United States, expunging from its Journals the condemnatory resolution against President Jackson, to have been "an act of party servility, calculated to degrade the Senate."

Mr. B. said, so far as his own vote had had any agency in carrying into effect that just sentence, vindictory of the Constitution and the liberties of the people, both of which had been wantonly assailed in the unauthorized and unjust sentence against the Chief Magistrate of the nation, that he had acted under resolutions passed by the Legislature of his State commanding it to be done. He believed a majority of the State Legislatures of the Union had also passed similar instructions to their Senators. If, therefore, the doctrine of instruction be correct, what power is there that can rightfully arraign the motives of those who have only acted in obedience to it, and carried out the will of those under whose commands they have performed the act required to be done? To impeach, therefore, the motives of those, thus acting under instructions, is a direct attack on the principle of instruction, and, in effect, a denial of the right to instruct.

But in order to have all doubt removed as to the intention of those who passed them, his honorable colleague and himself had addressed a respectful communication to the Legislature of their State, asking to be informed if the resolutions were to be taken as instructions. We had publicly declared that we would obey or resign, if instructed. We considered that to have done either, under resolutions not containing instructions, was not required by our pledge, and would have been a manifest dereliction of public duty, under all the circumstances. We desired, then, proper ground to stand on. If we resigned, we wished to do so under the great principle of instruction, and not under resolutions in which it was not recognized. The Legislature, thus candidly and respectfully appealed to, have refused in terms not very courteous, to give any further information as to the question of instruction.

When the issue was thus fairly presented, we had a right to expect, on every principle of candor, an emphatic expression of opinion, one way or the other, in regard to the intentions of the Legislature on the question of instruction. If they had asserted their intention to instruct, I was prepared, as is known to many of my friends, instantly to have surrendered to them the public trust which I hold. They, however, again decline to assert the principle of instruction, in the resolution passed by them, and thus afford clear and unquestionable proof that they do not intend to commit themselves to the doctrine. Which of the parties had acted in good faith—those addressing the communication, and soliciting an expression of opinion on a plain question to which an answer was easy, and which they deemed important to the public liberty, as well as to the regulation of their own conduct, or those who had declined to answer it? He would appeal to the honest and intelligent judgment of his constituents to decide.

When, therefore, he took into view the circumstances which formed a part of the history of the resolutions—the guarded caution with which the party passing them avoided committing themselves on the record to the right of instruction, and the open and avowed hostility of some of those voting for the resolutions to the doctrine of instruction, the direct attack on that great principle itself, on the face of the resolutions, and the refusal of the Legislature, on a candid appeal made to them, to assert the right—the most irresistible proof is afforded, by positive acts, that they (the Legislature) did not intend to recognize the right of instruction; and if not, on what principle of honor, or by what right, either moral or political, can it be expected that they will be considered and acted on by others as instructions?

The resolutions profess to speak the will of the people. If they were instructions, he admitted that they would be obligatory in the fullest sense of the term; but they were not, and did not profess to be, and therefore the question, as respects

public opinion, as well as every other in relation to them, is open to the freest inquiry. He did not, himself believe that they expressed public opinion as to many of the important topics on which they undertake to declare it. He believed the people of the State had heard with utter surprise that the subject of the expunging resolutions had been introduced. It was a topic that had not been brought before them at the election, and therefore could not have been anticipated. Again, he did not believe they expressed public opinion, as no question had ever been brought more directly and immediately before the people of North Carolina than that was, at the elections in 1834, involving the course of President Jackson in regard to the Bank of the United States, and the justice of expunging the sentence pronounced against him from the Journals of the Senate.

The Legislature, at its session of 1834, in obedience to that public will, commanded their Senators, by express instructions, to vote for it. The people elected two successive Legislatures which ratified and reaffirmed, in effect, that decision, as the resolutions remained unrevoked by them. It would, therefore, be in derogation of the well known political consistency of the people of North Carolina to suppose that a decision so well considered, and so deliberately made, had been reversed by them. No President had ever been more strongly sustained than was President Jackson, at three successive elections, by the people of that State, whose well-earned fame the resolutions which the Legislature had passed aimed so strong a blow at. He could not, therefore, admit that his constituents had abandoned their long-cherished political attachments, and were prepared to aid in sacrificing the public character of the honest soldier and patriot statesman. He could not consent, therefore, to record, by his vote, a sentence so derogatory to the people and to the Legislature of 1834, to whose favor he was indebted for his reelection. To resign would, in his opinion, be a tacit admission, on his part, that the people had changed their opinion on this question, and an acquiescence in the charge of inconsistency against them, (which it involved,) which he should consider it a departure from his duty to do, unless acting under instructions that left him no other alternative.

He had declared, in his speech on the constitutional Treasury, and on other occasions, that, if instructed by his Legislature, he would obey or resign. He had used the word in that sense which conveys a meaning universally acted on and understood by the Republican party of this country; and had likewise asserted it, in his speeches, to be a duty, in the absence of instructions, to pursue the dictates of his own judgment. In the absence of instructions, therefore, his decision as to the present resolutions, which did not recognize, in any part of them, that right, was entirely consistent with his often-repeated declarations on that subject.

The course which his colleague and himself felt bound to take, from a high sense of public duty, on this occasion, involved not simply the question of what was due to themselves and their own principles—not simply a question of mere party ascendancy, but it involved questions of far more transcendent importance. It involved a great principle of popular liberty. If they resigned their seats, they indirectly aided in attacking the great fundamental right of instruction, which the resolutions, on their face, not only attacked, as he had already shown, but, by their unquestionable tendency, went to overthrow. They, in effect, as he had shown, contained a denial of that doctrine. For us, therefore, to acquiesce in them, by obedience or resignation, would aid in subverting a principle long consecrated in the Republican creed. If they suffered themselves, by indirection, to be driven from the post which the public had assigned them, he could not permit himself to doubt that the very party that had passed the resolutions, would point to them to prove that their political friends had never admitted the doctrine of instruction. We should thus be accessory to the establishment of the doctrine that the people, through their Legislature, had no right to instruct. We should thus contribute to establish the doctrine that Senators of the Federal party, if hereafter elected from the State, would be licensed to disobey in-

structions, and should be irresponsible to the people, as they would no doubt quote these very resolutions to prove that instructions were no part of their political creed. It would, therefore, he repeated, be, in effect, an attack on the doctrine of instruction, if we acquiesced in them either by obedience or resignation, and would be a surrender of a great question of public liberty. Thus we should be placing in the hands of a political party, already denying the right of instruction and asserting other dangerous doctrines in regard to popular rights, an immense engine to beat down those rights. It was placing in their hands an instrument which would serve as a sword to use against their political adversaries, and would at the same time be used as a shield to shelter and protect themselves, when in power, from instructions. He, therefore, should consider the abandonment of his post, under such circumstances, as an abandonment of his duty to the people whom he represented, and as betraying a want of firmness to meet the crisis. He could not respect himself if he were to do it, and he sincerely trusted that his highminded and intelligent constituents would appreciate his motives and the delicacy of his situation. He had been sustained by them with a firmness and fixedness of purpose, for a period of more than nine years, through many trying and difficult events in public affairs, that impressed him with an indelible sense of gratitude.

He had never sought office nor desired it for himself; nor had any of those connected with him ever, through his means, enjoyed office under this or the past Administration. He, therefore, appealed to his constituents to decide how far the charge of "party servility" applied to him, or to his public course. In order to remove all doubts as to the motives which actuated him, and to show that he desired his public course should be tested by the popular will of his State, at the first State elections which intervened, he had come to the determination to resign his seat in the Senate of the United States to the next Legislature of his State, when they should assemble, for the residue of his term then remaining.

Mr. B. said that he felt deeply, and to its fullest extent, the great responsibility of his present situation. But at a great crisis in our public affairs, when the very existence of free Government was at stake, when an evident effort was making to strip the people of their political sovereignty, and, in effect, to transfer it to the banking corporations of the country, he should dare to do his duty. To falter under such circumstances, and in such a crisis, and to shrink from a just responsibility from a fear of consequences, would, while it betrayed an unbecoming timidity, be treachery to those who had committed to him their dearest rights and interests. His course, therefore, was taken, and it was for his constituents to decide on it; and to that decision he was prepared to yield with entire deference.

Mr. STRANGE said: It is with great reluctance, Mr. President, that I occupy the public time and attention of the Senate, upon matters which seem properly to rest between our constituents and my colleague and myself. Two considerations, however, prompt me to occupy a portion of both. The one is, the established practice, so far as I am able to judge, prevailing in this body, on like occasions; and the other, its being, in my judgment, the most convenient and respectful mode of throwing immediately before our constituents our purposes, with a short statement of the reasons which govern us. I find myself in one of the most responsible positions I have ever occupied, and my anxious wish has been so to act as to insure, at least, the unwavering approbation of my own conscience. From my political adversaries, I have learned to know, by sad experience, that I have no favor to hope for, and not even justice to expect. Act as I may, my conduct will be misrepresented and my motives impeached. Even from my political friends, I have reason to apprehend division in their judgment of my course, while I know they will do justice to my motives.

The resolutions just read come from a source entitled to my highest respect and most deferential consideration. They are from the Legislature of a State to which I am deeply indebted, ways without number. Though but an adopted son of that State, she has heaped upon me kindnesses far,

very far, beyond my deserts; and I have enjoyed golden opinions far beyond my merits from all sorts of people. Though not a native of the State, there has my heart found the objects of its tenderest affections, and thither does it turn instinctively when that magic word "home" stirs within it those holy associations which no other word has power to awaken. Coming, then, from such a source, how gladly would I have found myself able to follow in any direction to which they might point! how cheerfully have reposed upon such a counselor, and thrown off the responsibility of acting upon my own fallible judgment! Had these resolutions been couched in terms of command, no alternative would have been left me but obedience or resignation. Coming, as they do, merely in the language of counsel or advice, I should unhesitatingly follow that counsel could I do so consistently with my sense of duty and my own self-respect. But the first two of these resolutions counsel me to that which not all the terrors of an *auto de fe* could induce me to perform. Gracious heaven! to place upon the everlasting records of my country my own declaration that I had violated her Constitution, upon the infamous motive of party servility! No! sooner would I bite off my tongue, and spit it back in the faces of those who had counseled such infamy, however high and dignified the stations they might fill. No! conscious as I am of having been actuated in what I did by motives the highest, the purest, the most patriotic, I am proud to have my name associated with the act, and am content that posterity may judge of me by it alone. Mistaken I may have been, but never was corruption further from my heart. If those were corrupt who did the deed, what were the Legislatures of the noble States who commanded it to be done? I myself, in the part I acted, but conformed to the express instructions of the Legislature of North Carolina. A Legislature elected when that question was distinctly before the people; and, notwithstanding those instructions were given, a Legislature a majority of which was favorable to those instructions was again elected. I could not, therefore, with proper respect to the Legislature and people of North Carolina by whose command the act was done, censure it in the manner proposed, if there was nothing else to restrain me.

Far be it from me, in thus remarking upon the resolutions, to impeach the motives or impugn the conduct of those who passed them. My own opinion is, that family quarrels should never be carried beyond the paternal domain; and, if I have anything to complain of in the temper, language, or substance of these resolutions, on a different theater will that complaint be made. Here, at least, it is my wish and my purpose always to speak respectfully of those whom the people of North Carolina shall see fit to elevate to high places.

The terms of the resolution having placed conformity to them entirely out of the question, it remains to be considered what is my alternative course. Were I at liberty to consult the suggestions of impassioned personal pride, I should certainly resign. It is always easier to retreat from a difficulty or danger than to encounter it, and abide the issue. When a man gets into a political difficulty, the shades of private life have many attractive charms, and upon them he is apt to cast a wishful eye. For my part, I acknowledge that I feel myself in a political difficulty, from which I would willingly retreat, if I might do so with propriety. But the question is one of duty simply, and not of choice. If it is not my duty to resign, it is my duty to remain here. One or the other is clearly obligatory on me; and which, is the question? As I said before, had these resolutions been couched in the language of command, obedience or resignation would have been my duty. I accepted the trust I now hold, under the full knowledge that those who sent me here expected me to obey instructions when received, or resign. Such is the creed of the political party that elected me, and I should disappoint their expectations if I refused to act upon that principle; but, on the other hand, I should be guilty of treachery to them if, upon any other ground than a high sense of duty, I surrendered the post to which they have assigned me. If the legislative elections in North Carolina were shortly to occur, my position would be clear of all difficulty. I

would at once, at the close of this session, return back to the people the trust I hold, to be conferred by them according to their pleasure. But in the long interval to ensue before another election in that State, very calamitous results might, in my apprehension, attend an immediate resignation. Every man knows that a most important political struggle is now going on in the land, pregnant, as all admit, with the most interesting consequences. Each party is full of hope, and expects victory in the issue. A feather may turn the scale. The diminution of force on one side, or a slight accession on the other, may decide the controversy. And shall I cast a feather into the scale of my adversaries? It is my duty to stand here, and do my utmost in advancement of those principles which I hold sacred. It is my duty, if for no other reason but to keep those out who would certainly be sent in my place. I know there are many men of both parties in North Carolina who are better qualified than myself to fill this station. But of the many able sons of North Carolina who differ with me in political opinions, and for whom I have the highest personal respect, I should reluctantly see any one here at the present moment. Those who sent me here, therefore, have a right to expect that I will maintain my post, unless driven from it by some paramount principle, and that I do not abandon it in a cowardly manner, upon the occurrence of the first difficulty. There is but one great and paramount principle which can be for a moment supposed to demand my resignation; and that is the doctrine of instruction. Upon that doctrine my colleague has fully and ably enlarged.

Am I, then, by any creed upon that subject, placed in a situation to render my resignation a duty? Of the political party of which a majority of those who voted for these resolutions constitute a part, it is a principle that there is no right in the Legislature to instruct, and, consequently, no obligation on the part of the Senator either to obey or resign. No complaint, therefore, can be made by them of any course which we may think proper to adopt. Of the political party to which I have been attached, the creed is to be found in Mr. Leigh's celebrated report in the Virginia Legislature, and in the uniform practice of all those Legislatures who have attempted any efficient action in Federal affairs. In the document before mentioned it is said, "Senators are instructed, and Representatives requested;" and it goes on to give the reason for this difference of language, that over the one a right to command is claimed, and towards the other the mere tender of advice. In the one case, they may assume to declare the popular will in the language proper to the expression of will—*command*; and when so expressed, it must stand for that will, whether really so or not. In the other, their command does not stand for the popular will, and the responsibility still rests upon the Representative to find out what it is. This difference of language has been uniformly used, so far as I am able to learn, in all resolutions adopted by Legislatures of the different States, whenever they have attempted any direct action in Federal affairs. They have assumed that the Legislature is recognized as embodying the popular will of the State, so far as Senators are concerned, whenever they think proper to use language appropriate to the utterance of will. But whenever they adopt only such language as they may with propriety use to a Representative, in addressing their Senators, it is not intended to be more operative upon the one than the other. In the one case, they themselves assume the responsibility, and stand between the Senator and the people of the State. In the other, they do not undertake to utter the public will; but while they suggest, leave the public servant to judge of that will upon his own responsibility. Such has been the obvious understanding of all the preceding Legislatures of North Carolina, who have undertaken to address their agents in this body. From their earliest action, down to 1834, when the resolutions were passed commanding the act now denounced as unconstitutional, and dictated by party servility, they used this peculiar phraseology. Language consists merely of the signs, which, by common consent, have been received as representing particular ideas. Technical language frequently differs from common language. By common consent, the word *instructions* has received a technical signification, when

used in an address by the Legislature of a State to its Senators in Congress. These facts were all known to the Legislature of North Carolina, which passed the resolutions under consideration.

Was, then, the omission of the word uniformly used by the Legislatures heretofore, when they designed direct action upon their Senators, an accidental or whimsical omission merely; and was it intended or believed that those used would be coefficient? I have not the slightest idea that it was. In the first place, the known belief of many who voted for these resolutions that the Legislature has no right to instruct Senators, and consequently that there is no obligation on Senators to obey, forbids the idea. They could not have intended what they believed they had no right to do. Such a suspicion would, I am persuaded, do them great injustice. The just conclusion is, that they meant to do just what they have done—the expression of their belief that public opinion is what they set forth in those resolutions to be their own opinions; believing, most justly, that while they had no right to command, their opinions would be most respectfully considered by their Senators. The omission of the word "instructions" was designed. And why? Because it was well known that a peculiar force and signification was attached to it, and an operation given to it which they did not approve, and therefore did not wish to sanction by its use. That the omission was designed is further proved by the fact, which is a matter of history, that in both Houses a proposed amendment by its insertion was rejected. But to place the matter beyond all doubt, my colleague and myself addressed a joint letter to the Legislature—not inquiring what effect they intended their resolutions to have; not implying a doubt which we did not entertain—but openly declaring what we firmly believed, that we should not hold them as instructions; at the same time declaring our purpose to obey or resign, should we be instructed. This letter was written in the most perfect sincerity and good faith. I care not who may think proper to question it. I can appeal to God and my own conscience for my truth.

But it is also known to friends here, to whom I declared my determination to resign if my construction of the resolutions was pronounced erroneous. It was not so pronounced. We received no answer to our communication. The vindication of my sincerity in addressing that letter, therefore, presents a strong consideration against resignation. If I resign now, it may be justly said that when I wrote my letter to the Legislature I considered these resolutions as instructions, in the face of my declaration to the contrary, and am now borne down by the weight of my conviction. I still think, as I thought then, that they are not instructions either in fact or according to the intention of most of those who voted for them; and so believing, the alternative of obedience or resignation is not presented to me. Is there, then, any obligation upon me to resign? Does any human being perceive any? Who can point it out? Perfect obedience is out of the question. It follows, then, in my judgment, that for the present it is my duty to remain here, and, while I do not treat the resolutions as instructions, I will show them all due respect and give to them such influence over my conduct as my judgment may approve. I have said that had the Legislature met during the ensuing year, I would resign at the close of this session; but it is still my purpose to afford the sovereign people of North Carolina the earliest opportunity of deciding the important question, by what class of politicians they choose to be represented in this body. The Legislature, at its first biennial session, shall have an opportunity of selecting for the seat I fill a Democrat or a Federalist; one who thinks it right to wipe off the foul and unjust stigma cast upon the fame of Andrew Jackson, or one who is for perpetuating it through all generations. This they will have an opportunity of doing, under a fair expression of popular sentiment, and to the people of North Carolina will I cheerfully submit the issue.

Mr. CLAY, of Kentucky, contended that these resolutions were neither indecorous nor disrespectful.

Mr. STRANGE said he made no allusion to disrespectful language.

Mr. CLAY said he understood at least one of the Senators to say that one of the resolutions was disrespectful to the Senate.

Mr. BROWN said he spoke of one of the resolutions; but, emanating as they did from the Legislature of his State, in no possible contingency could he have refused to present them.

Mr. CLAY said, if there was indecorum, it was his duty, under the rules of the Senate, not to present the resolutions.

Mr. BROWN said there was a very marked difference between the Legislature of a sovereign State and individuals on this subject.

Mr. CLAY said he was not aware there was any such distinction in the rules; and if the Legislature of a State uses disrespectful language, it is no more to be received than if it were from a private citizen. But the Senators gave as a reason for not complying with the resolutions of the Legislature, that they did not contain the word "instruct." He thought it was infinitely more respectful to those receiving the instructions, not to use the word "instruct." Sir, suppose I say to my man Charles, "please bring me my boots or shoes;" he does it with alacrity. But if I should say, "Charles, I instruct you to bring me my boots," he would think it strange language, and very probably would ask me for an explanation. Mr. C. said, while the Senators expressed their disinclination so strongly to obeying these instructions, they seemed altogether to overlook that there was an alternative presented to them—that of resignation.

Mr. STRANGE replied, that he certainly felt much indebted to the Senator from Kentucky [Mr. CLAY] for the advice he had seen proper to volunteer on the present occasion. But it had been very long since it had been his wont to look for political information from that quarter. On the contrary, he viewed the Senator from Kentucky, with all his talents, rather as a beacon than a guide, and when a course was indicated by him, generally considered it a reason for shunning, rather than pursuing it. It was not, therefore, to be considered at all remarkable if his suggestions, on the present occasion, should have but little weight. The Senator is pleased to say that he considers my complaint, that I have neither favor nor justice to expect from my political opponents, a little gratuitous. No man knows better where the shoe pinches than he who wears it. The Senator knows nothing of the ground upon which this complaint is made, and has, therefore, no right to say whether it is gratuitous or not. He (Mr. S.) had said, that sad experience had warned him not to expect either favor or justice from his political opponents—and he said so truly. And now that the Senator had somewhat forced it upon him, he would remark, that no man had shown more comity or deference to his political opponents than himself; and yet not only the scurrilous partisan newspapers of the country, but even by those with whom he had exchanged the courtesies of life, and from whom he had parted with the grasp of friendship, had his motives been assailed, and his conduct impeached. With such facts before him, he might well say that he could expect neither favor nor justice from his political opponents. The Senator from Kentucky, with an unfairness and coarseness which he had not thought altogether becoming, had observed, that in remarking upon the impracticability of obedience, he (Mr. S.) and his colleague seemed to have overlooked another alternative, and that was resignation. Now, unless the Senator's senses were less acute than usual, he must have heard both him and his colleague very distinctly advert to that alternative, and himself to declare that were he at liberty to act in obedience to his own feelings, he would resign; but that, under present circumstances, a high sense of duty to those who sent him here compelled him to remain.

The Senator from Kentucky then takes up the doctrine of instruction, and, according to his wont in the absence of argument and reason, attempts to drive us from our position by railery and jest, and for that purpose parades before us that ever favorite and fertile theme, his man Charles, and entertains the Senate with a dialogue between himself and that distinguished personage. But his illustration has no application to the subject. There is no parity between the relationship subsisting between the sovereignty of a State and its representative upon this floor, and that between the Senator and his slave. He was the servant of the people of North Carolina, but not their

slave, or the slave of any other man. He served the people of North Carolina, as far as he was able to discern, in compliance with the public will; and when he could not conscientiously conform to that will, he would resign. Poor Charles has no such alternative. If the Senator's title to him is good, he is his slave, and he must yield obedience in whatever way he may think proper to address him; he cannot resign. Whether the Senator from Kentucky is able to perceive any difference in the signification of certain terms, is a matter with which he (Mr. S.) had nothing to do. When the Legislature of Kentucky spoke, it would be for the Senator from Kentucky to interpret its language; and he (Mr. S.) would be very far from indelicately obtruding his advice. But when the Legislature of North Carolina spoke to his colleague and himself, it belonged to them to interpret; and he recognized the right of no one to interfere in the matter.

As he understood the opinions of the people of North Carolina, they recognized a difference between instructions and other language used by the Legislature. When he was elected to his present position, he came into it with a determination to act conformably, as far as possible, to the popular will, the principle which the Senator from Kentucky had admitted to be correct; and the only question was, what was the popular will? He believed a part of the popular will of North Carolina was, that when the Legislature instructed a Senator to vote for or against a particular measure, such instruction should stand with him for the popular will, whatever, in truth, the popular will might be; but that, when not instructed, it was his duty to exercise his best judgment, and ascertain, from the several sources within his reach, what was, upon the whole, the popular will. He believed, therefore, that he would act in conformity to the public will in North Carolina, whenever instructed by the Legislature either to obey or resign; but to treat everything else coming from the Legislature as merely advisory, and conform to it or not, as, in his judgment, it either did or did not concur with the popular will. The Senator from Kentucky intimates that our course of reasoning leads to the conclusion that even if the word instruct had been used, we should have been at liberty to look behind this legislative declaration, and ascertain what was, in fact, the popular will. In his judgment, the reasoning led to no such result, but precisely the contrary. They had expressly stated that they believed it to be the popular will in North Carolina, that whenever the Legislature instructed, such instructions are to be taken as the popular will, and acted upon as such; but in the absence of such instructions, the Senator must, at his own peril, ascertain that will.

The Senator from Kentucky, in conclusion, rather ungenerously, as he thought, chided him and his colleague for not bringing forward these resolutions last week when the land bill was under discussion. If the Senator from Kentucky would tax his recollection, he would find that, at this session of Congress, upon every test question upon the graduation bill, both his colleague and himself had voted against it. As he had said before, he should always vote in conformity to the wishes of his State, so far as he could understand them, when they did not conflict, in his judgment, with any great principle which he had no right to disregard. Last year he voted for the graduation bill under (as he now thought) a mistaken impression that public sentiment in North Carolina, if not in favor of it, was at least quiescent. But he hoped never to see a year when he could not look back and say, "I am wiser this year than I was last." He was now inclined to think that the majority of the people of North Carolina was opposed to the bill, and should therefore unhesitatingly vote against it.

Mr. BROWN, in rising to reply to the Senator from Kentucky, [Mr. CLAY,] who, with his accustomed delicacy, had, in a very extraordinary manner, presented himself before that body to arraign the course of his colleague and himself, said, that at the outset of his remarks he should protest against, and peremptorily challenge, the right of the Senator to interfere in a question purely between themselves and their constituents. What right had the Senator to assume upon himself the authority thus attempted to be exercised by him? From whom did he derive his author-

ity? Where were his credentials? Who had constituted him their attorney, in fact, thus to arraign the course of members on this floor?

Having felt it to be his duty thus emphatically to except to the assumed power of the Senator, and considering that he had been fairly ousted of the jurisdiction that he had sought to assert, he would now go a step further, and say that he should peremptorily decline, from high considerations of what was due to himself and his own rights, to notice any of the topics introduced by him, or to join issue with him on any one of the questions which he seeks to raise, in reference to the manner of discharging our duties as members of this body. If, however, he had considered it incumbent on himself to refuse to join issue with the Senator on any of the topics raised by him, yet there were some other things which it was his purpose to say to him before he concluded his remarks.

In the first place, his constituents would no doubt feel exceedingly obliged to that gentleman, whose political course had long been distinguished for its peculiar devotion to southern interests, for having volunteered, on the present occasion, to appear as the champion of their rights. The friends of the great right of instruction will, no doubt, in every part of the country, learn with no little surprise that the Senator has become its advocate and eulogist! What, (said Mr. B.,) the Senator from Kentucky now assuming to pronounce, with oracular certainty and authority, the true doctrines of the right of instruction! How long, he would ask, had it been since that gentleman had entitled himself to become its teacher and expounder? Was it from the eminent services rendered by him to its principles, when instructions were coming from a majority of the States of this Union to their Senators on this floor, directing them to sustain the late Administration in the mighty conflict then waging against it by the Bank of the United States and the political party acting in concert with it? Who does not remember that gentleman's course on that most important occasion? A majority of the States of this Union, believing that a great crisis in our public affairs had arrived, sent resolutions here to their Senators, instructing them directly and peremptorily—not resolutions so framed as to be, in effect, fraudulent in regard to that great right, but resolutions commanding their Senators, in terms plain and unequivocal, to carry out their wishes. Did the Senator then stand forth as their defender and vindicator? Did he exhort the large number of his political friends, then boldly violating and defying positive instructions, to respect that great doctrine? No, (said Mr. B.,) his course was far otherwise. We then heard daily anathemas from his political friends against instructions; the popular voice was scouted, although it had been expressed in some instances twice or thrice to some of the gentleman's friends, in the shape of positive commands, and standing foremost among those who animated them to resist the will of their constituents, and exhorted them to unyielding firmness in that course, was the Senator from Kentucky himself; and yet he now undertakes to become a lecturer to others on the great principle of instruction!

Who did not remember the reception given in this body, during the famous panic session, to the instructions sent by the patriotic State of New Hampshire to her Senators, the first movement of the kind, directing them to vote for expunging the condemnatory sentence against President Jackson, and to sustain his administration against the war then waged by the Opposition party and the Bank of the United States? The able Republican Senator who presented them was assailed in debate on this floor, his State insulted, and even the common courtesy of printing the resolutions of instruction was refused by the political friends of the Senator, who then held the power in this body. With what propriety, then, he demanded, could a political party, who had trampled on the right of instruction, scorned and contemned the public will by the most highhanded outrages, whenever and wherever they had possessed power—with what propriety could they reproach others in regard to their course, when no instructions had been given them?

His constituents would, no doubt, be exceedingly obliged for the advice of a gentleman in their affairs who had been conspicuously asso-

ciated as one of the leading members of what was familiarly known, in this country, by the name of the "Coalition Administration." Judging from their past sentiments in regard to it, he did not believe that they possessed, at this time, any very strong desire to witness its restoration to power in any shape. If one member of that bygone Administration had a right to interfere in their affairs, by offering advice, the great political high priest himself who headed it, may, with the same propriety, claim to offer his. And where now is the head of that famous Administration, and what are his daily occupations? Fallen from what was due to the dignity of his former station he is almost daily engaged in the disgusting and wretched pursuit of abolition agitation!

Where, Mr. B. would ask, were the political friends of the Senator from Kentucky, who resided north of the Potomac, with some honorable exceptions, to be found on that question? The great mass of them were found, in the two Houses of Congress, and in the legislative halls of their respective States, pursuing a course of direct hostility to the South. There was not a State Legislature north of the Potomac, in which the political friends of that Senator had obtained power, unless in those where slavery existed, that resolutions attacking the rights and interests of the South on the vitally important question of slavery had not passed! And be it said, to the immortal honor of the Democratic party of the North, who have been so scandalously calumniated by most of the Federal presses of the South on that question, that while their Senators and Representatives, in almost an entire body, have sustained our just rights in the two branches of Congress, there is not a single State north of the Potomac, in which the Democratic party have had the power in its Legislature, that they have not, in the noble spirit of justice and union, passed resolutions strongly sustaining the rights of their sister confederate States of the South!

The Senator from Kentucky had, to illustrate his views of the right of instruction, referred to his own servant, and his obligations to obey his commands, when given by him. In alluding to his remarks on this subject, it was no part of his purpose to join issue with him, and to debate that point, as he intended carefully to preserve the ground taken at the outset of his remarks, not to admit, directly or indirectly, his jurisdiction on this subject, by joining issue with him on any question which he had thought proper to raise; but he would answer him somewhat after the Yankee manner, by asking another question. Let us suppose (said Mr. B.) that a servant who desired occupation, had applied three several times to a farmer or planter for employment, and that that farmer or planter had three times, either from a supposed want of honesty or skill in the applicant, in pretty plain and positive language, rejected his importunities to enter his service; what would be the opinion of the world as to the modesty which, under such circumstances, could venture a fourth opportunity? He thought this very like the case of a distinguished individual who had presented himself three times to the American people to be employed in a certain high station, and who had been three times signally rejected; and, if public rumor was now to be credited, was again prepared for a fourth rebuff by the popular voice.

Again, Mr. B. said his constituents would, no doubt, feel and appreciate a defense, coming from a gentleman whose almost entire public course, for a series of years, has been directly at war with their rights and interests; a Senator whose misallied American system, until thrown off by determined resistance, had, for a series of years, impoverished and desolated the South, oppressed her citizens, and almost ruined her commerce; a Senator whose favorite system of policy he declared most solemnly, in his opinion, had aimed a more fatal blow at the Constitution and Union of the States, than any other and all other measures combined. A system which had, at one time, shaken the pillars of our glorious Confederacy to their very foundations; and which had created, and, he feared, had established those dangerous sectional prejudices and feelings which were destined to endure too long for the harmony and safety of our country.

Mr. B. had now finished saying what he had felt due to himself and to the occasion, and due

# THE CONGRESSIONAL GLOBE.

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to the interference which his remarks were intended to repel.

## PETITIONS, ETC.

Mr. TALLMADGE presented the petition of certain members of the Oneida tribe of Indians; which was referred to the Committee on Indian Affairs.

Mr. SEVIER presented the petition of Benjamin Murphy and John Rogers; which was referred to the Committee on Indian Affairs.

Mr. CLAY, of Kentucky, presented the petition of John S. Wilson; which was referred to the Committee on Pensions.

Mr. RIVES presented the petition of Julia L. Weed; which was referred to the Committee on Naval Affairs.

On motion of Mr. WRIGHT, the vote by which the report of the Committee on Pensions, adverse to the memorial of Mrs. Mary W. Thompson, was adopted, was reconsidered, and the report was ordered to lie on the table.

Mr. W. then presented a supplemental memorial and papers; which were ordered to be printed.

On motion of Mr. MORRIS, the report of the committee was also ordered to be printed.

Mr. MERRICK presented the memorial of the Board of Trade of the city of Baltimore, asking for encouragement for the employment of boys in merchant ships; which was referred to the Committee on Commerce.

Mr. ROBINSON presented a memorial from citizens of the northern part of the State of Illinois, for the location of a land office at Milwaukee; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. YOUNG presented a memorial of similar import to the foregoing; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. MERRICK presented the petition of William Bayley, a major in the Revolution, asking for bounty land; which was referred to the Committee on Revolutionary Claims.

Mr. DAVIS presented the petition of the Western Railroad Company; which was referred to the Committee on Military Affairs.

Mr. KING presented the petition of Françoise Dagneaux; which was referred to the Committee on Private Land Claims.

Mr. NORVELL presented a communication from the Governor of Michigan, relative to a claim for services of the militia of that State; which was referred to the Committee on Military Affairs.

Mr. N. accompanied the presentation of the communication with the following resolution; which was considered and adopted:

*Resolved*, That the Committee on Military Affairs inquire into the expediency of providing by law for the payment of such of the militia of Michigan as were ordered into the service of the United States on the requisition of the marshal of that district, for the maintenance of the neutral obligations and the laws of the United States.

Mr. RUGGLES presented the petition of Noah Miller, for remuneration for the capture of a vessel containing clothing and supplies by the enemy during the late war; which was referred.

Mr. WILLIAMS, of Maine, presented the memorial of certain citizens of the State of Maine, in favor of a Congress of nations; which was referred to the Committee on Foreign Relations.

## REPORTS FROM COMMITTEES.

Mr. MOUTON, from the Committee on Private Land Claims, to which was referred the petition of Albin Michael, introduced a bill for his relief; which was read, and ordered to a second reading, and the report ordered to be printed.

Mr. WALKER, from the Committee on Public Lands, to which was referred the bill granting the right of way over the public lands to the Galena and Chicago Union Railroad Company, reported the same with an amendment.

Mr. W., from the same committee, to which was referred the bill for the relief of James Dutton, reported the same without amendment.

Mr. W., from the same committee, to which

was referred the bill providing for the establishment of the Peoria land district, reported the same without amendment, with a recommendation that the bill do not pass.

Mr. W., from the same committee, to which was referred the bill establishing a surveyor general's office for the State of Illinois, reported the same without amendment, with a recommendation that the bill do not pass.

Mr. W., from the same committee, to which was referred the bill authorizing the Portage Canal Company to enter lands at the Fox river and Wisconsin portage, reported the same without amendment.

Mr. W., from the same committee, to which was referred the bill to authorize the State of Tennessee to issue grants and perfect titles to certain lands, &c., reported the same without amendment, with a recommendation that the bill do pass.

Mr. CLAY, from the Committee on the Public Lands, reported a bill to discontinue the office of surveyor general in the several districts so soon as the surveys therein made can be completed, for abolishing land offices under certain circumstances, and to abolish the office of Solicitor of the Land Office; which was read, and ordered to a second reading.

Mr. C., from the same committee, to which was referred the bill from the House supplemental to the act entitled "An act to grant preëemption rights to settlers on the public lands," reported the same without amendment.

Also, the bill for the relief of Jane Waller, without amendment.

Also, the bill for the relief of Benjamin Parsons, with an amendment.

On motion by Mr. KING, it was

*Ordered*, That the Committee on Commerce be discharged from the further consideration of the resolutions of the General Assembly of the State of Illinois in relation to a survey of the Northern and Western lakes.

Mr. PIERCE, from the Committee on Pensions, to which were referred the petitions of Amasa Brown and John R. Midwinter, made unfavorable reports thereon.

On motion of Mr. TALLMADGE, the petition of Timothy Powers, on the files of last session, were again referred to the Committee on Pensions.

## NOTICE OF A BILL.

Mr. LINN gave notice that he would to-morrow ask leave to introduce a bill to provide for the defense of the Western frontier.

## BILLS INTRODUCED.

Mr. FOSTER, on leave, and in pursuance of notice given, introduced a bill for the relief of Andrew J. Johnston, and Samuel Love; which was read twice, and referred to the Committee on Claims.

Mr. PRESTON, on leave, and in pursuance of notice given, introduced a bill for the relief of the heirs of John De Treville, deceased; which was read twice, and referred to the Committee on Revolutionary Claims.

## BILLS, ETC., REFERRED.

The following resolutions and bills from the House of Representatives were severally read the first and second time:

Resolution for the relief of the heirs of Charles Brown, deceased.

Resolution for the relief of the heirs-at-law of Captain Frederick M. Bell, deceased; and severally referred to the Committee on Revolutionary Claims.

The bill for the relief of Levi Chadwick was read twice, and referred to the Committee on Revolutionary Claims.

The resolution authorizing an examination and payment of the claims of the workmen on the public buildings was read twice, and referred to the Committee on the Public Buildings.

The bill for the relief of Messrs. Smith and Town was read twice, and referred to the Committee on Finance.

The bill to authorize the issuing of a register to Anthony C. Meneghatty, for the sloop Sarah, was read twice, and referred to the Committee on Commerce.

## GRANTS TO POLISH EXILES.

Mr. YOUNG said that some days since the Senate, at his motion, had adopted a resolution of inquiry, whether the conditions on which certain grants of land in Illinois were made to Polish exiles had been complied with; and a response had been given by the Department, which was printed, and was now lying on our tables. It seemed from this document, that a selection had been made by the agent of the exiles; but it had not been confirmed by the Department. They were allowed, by the terms of the grant, to select thirty-six sections from three contiguous townships, upon condition that they would go upon the lands, and occupy them for ten consecutive years, at the end of which time they were to receive patents upon the payment of \$1 25 per acre, the minimum price of the Government; that four years and upwards of the time limited had gone by, and that there was not, according to the information he had received, a single Polish exile in that part of the country. He further remarked that the agent of these exiles had so located their claim as to include eighteen miles on each side of Rock river, embracing the finest portion of the country, and in many instances interfering with the improvements of the settlers, who would be greatly prejudiced by a confirmation of the selections of land as made by the agent; that another difficulty had occurred by the location of several floating Indian reservations on a part of these same lands; which, having been approved by the President, further legislation had become necessary to enable all the parties concerned to understand their respective rights under the circumstances alluded to; that, in his judgment, whatever right these exiles may have had to an exclusive occupancy of these lands, under the act of Congress passed for their benefit in 1834, that that right had become forfeited by reason of their failure to comply with the conditions of the act, in not occupying the lands, as is required. He concluded by moving a reference of the report to the Committee on Public Lands; which was agreed to.

## REDEMPTION OF NOTES.

The report of the Committee on the District of Columbia, on the memorial of the corporate authorities of Georgetown for an extension of time to redeem their small notes, viz., that the prayer of the memorial be rejected, was agreed to.

## PUBLIC LANDS.

The Senate took up, as the special order, the bill to provide for the graduation and reduction of the price of the public lands; the question being on the motion of Mr. Rives to postpone the bill indefinitely.

After some remarks from Messrs. WEBSTER and MORRIS, the question was taken; and the motion of indefinite postponement was lost—yeas 23, nays 27; as follows:

YEAS—Messrs. Bayard, Calhoun, Clay of Kentucky, Crittenden, Davis, Knight, McKean, Merrick, Morris, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Southard, Pence, Strange, Swift, Tallmadge, Wall, Webster, and Williams of Maine—23.

NAYS—Messrs. Allen, Beaton, Buchanan, Clay of Alabama, Cuthbert, Foster, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Tipton, Walker, White, Williams of Mississippi, Wright, and Young—27.

Mr. CLAY, of Alabama, submitted an amendment to make the operations of the bill commence on the 1st of May, 1839, instead of December, 1838; which was agreed to.

Mr. MORRIS offered a substitute to the bill, by way of amendment, to strike out all after the enacting clause, and insert a new bill containing two sections: the first providing for the absolute cession of all the lands that have been twenty years in the market to the States in which they

lie, to dispose of them in such manner and at such prices as the Legislatures of said States may think proper; and the second section, that a like session shall be made in future, on the first day of January in each coming year, as shall then have been twenty years in market.

After some remarks from Mr. M. in support of this amendment, and from Mr. CLAY, of Alabama, in reply,

On motion of Mr. SOUTHARD, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

Monday, January 14, 1839.

Mr. CRAIG moved a reconsideration of the vote by which the bill for the relief of the heirs of Larkin Smith was ordered to be engrossed. Mr. C. said his own opinion in favor of the bill remained unshaken; but he had submitted the motion at the desire of others.

The motion was entered, to be taken up when the private orders shall be next reached.

## DEFALCATION OF SWARTWOUT.

Mr. HARLAN, premising an intimation that it appeared as if the gentleman from New York [Mr. CAMBRELENG] had abandoned his motion to raise a select committee to inquire into the defalcations of Samuel Swartwout, he (Mr. H.) moved now to proceed to its consideration. If it was intended to adopt the resolution, it should be adopted at once; if it was intended to abandon it, let the country know that determination.

Mr. WILLIAMS, of Kentucky, objected to the consideration of the subject at this time, preferring its taking the usual course.

Mr. CAMBRELENG remarked that, as the gentleman from Kentucky [Mr. HARLAN] had intimated a design on the part of Mr. C. to abandon the resolution, he begged leave to say that, from first to last, he (Mr. C.) had not occupied ten minutes upon it, whereas the gentleman's friends had occupied whole days.

Mr. HARLAN did not press the motion.

## RESOLUTIONS.

Resolutions were then called for, in the reverse order, commencing with the Territories.

Mr. PRENTISS, of Mississippi, moved a suspension of the rules for the purpose of setting apart a day for the consideration of the resolutions offered by him this day fortnight, in relation to the Mississippi election case, and asked for the yeas and nays.

Both requests were refused almost unanimously.

Mr. WILLIAMS, of Kentucky, offered the following resolutions:

*Resolved*, That it was the intention of the framers of the Constitution, and the expectation of the people, that the Congress of the United States should make and enact laws for the general good and welfare of the nation, and to promote the prosperity and happiness of the people; and whereas, instead of making and enacting laws for the general good and welfare of the nation, and to promote the prosperity and happiness of the people, the Congress of the United States seems to be assembled for the purpose of obtaining power for those who are out, and of retaining it for those who are in office, thereby contravening the great object and intention of the framers of the Constitution and the just expectation of the people: Therefore,

*Be it resolved*, That we proceed to the dispatch of the public and private business of the nation and the people, by enacting such laws as will redound to the best interests of the nation, and by the passage of such bills for private claimants as justice and right demand.

*Resolved, further*, If it is intended not to act upon the public and private business for which we were assembled, but only to remain here for the purpose of making speeches, that Congress ought to be forthwith adjourned, and that the people should hereafter elect members to Congress who will work more and talk less.

Mr. McCURE moved that the resolutions be laid on the table.

Mr. ADAMS demanded the question of consideration. This (Mr. A. said) he would not have done, if there was not a precedent of a decision last week upon a petition offered by himself, refusing the reception of that petition on the ground that it was disrespectful to the House. If that petition was disrespectful to the House, these resolutions, he maintained, were much more so. Therefore it was that he asked the question of consideration.

Mr. WILLIAMS, of Kentucky, (amidst some confusion,) was understood to deny that the resolutions were disrespectful to the House, and to say that he held himself responsible to any gen-

tleman who considered himself aggrieved by them.

Mr. DUNCAN and Mr. McCURE rose at the same time to make some remarks, the latter gentleman expressing himself desirous to explain the reasons for the motion he had made.

The SPEAKER said the question of consideration was not debatable, and read the rule applicable to it.

Mr. WILLIAMS, of Kentucky, demanded the yeas and nays on the question of consideration; which were ordered.

The question of consideration being taken, there were—yeas 67, nays 93; as follows:

YEAS—Messrs. Alexander, Atherton, Bicknell, Bronson, Buchanan, Casey, Chaney, Cheatham, Cleveland, Coles, Connor, Crabb, Craig, Crary, Cushman, Davee, Davies, Deberry, De Graff, Elmore, Farrington, Isaac Fletcher, Gallup, Goode, Gray, Griffin, Haley, Hamer, Hawkins, Haynes, Henry, Herod, Hopkins, Howard, Hubley, Ingman, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, Keim, Kenble, Klingensmith, Logan, McKay, Abraham McClellan, Montgomery, Morgan, Samuel W. Morris, Calvary Morris, Noble, Parmenter, Parris, Petrikin, Potter, John H. Prentiss, Richardson, Sheffer, Shepler, Spencer, Stone, Swearingen, Taliaferro, Towns, Vail, Vanderveer, Webster, Weeks, Sherrard Williams, and Jared W. Williams—67.

NAYS—Messrs. Adams, Anderson, Acirigg, Banks, Beatty, Biddle, Boon, Borden, Brodhead, William B. Calhoun, John Campbell, Carter, Chambers, Chapman, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Dromgoole, Dunn, Evans, Everett, Richard Fletcher, Fillmore, Fry, Rice Garland, James Graham, Grantland, Graves, Grennell, Hall, Harlan, Harper, Hoffman, Holsey, William H. Hunter, Robert M. T. Hunter, Jenifer, Henry Johnson, William C. Johnson, Kennedy, Legare, Loomis, Lyon, Mallory, Marvin, James M. Mason, Sampson Mason, May, Robert McClellan, McClure, McKennan, Menefee, Mercer, Murray, Naylor, Noyes, Parker, Pearce, Peck, Phelps, Potts, Pratt, Kariden, Reed, Ridgway, Rives, Robertson, Robinson, Russell, Saltonstall, Sawyer, Sergeant, Augustine H. Shepperd, Charles Shepard, Shields, Sibley, Snyder, Stewart, Thomas, Toucey, Albert S. White, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, Yell, and Yorke—93.

So the House refused now to consider the resolutions.

Mr. WILLIAMS, of Kentucky, inquired of the Chair whether the resolutions would not come up regularly in their order?

The SPEAKER said that was a question for the consideration of the House. The resolutions having been presented, were now on the Speaker's table, subject to the order of the House.

Mr. WISE rose, and read the following letter:

NEW YORK, January 10, 1839.

MY DEAR SIR: I hope you will pardon the liberty I am about to take in addressing to you this communication, and sincerely hope that the subject of it may be deemed of sufficient importance to meet your early consideration. A difficulty of an extremely aggravating and painful nature has been some time pending between Commodore J. D. Elliott, late commander-in-chief of the Mediterranean squadron, and myself; and although I have repeatedly demanded action on the charges I have lodged against him, I regret to say as yet no notice has been taken of those demands. The point at issue, it appears to me, (and must appear so to every reflecting mind,) involves matter of the highest importance to the naval service of the United States. The decision of this question will determine whether officers in future are tamely and quietly to submit to outrage and insult from a superior, and, agreeably to the regulations of the Navy, receive redress from the Department, or whether they are to take it into their own hands. I have demanded the trial of Commodore Elliott for a most violent, unprovoked, and insulting outrage upon my feelings, committed publicly on a race course near Port Mahon, Island of Minorca, in the presence and hearing of several thousand spectators. I have appealed to the Department for justice, and the only justice I have received is a trial upon that appeal on two different sets of charges preferred by the commander-in-chief; upon both of which I have been fully and honorably acquitted. My wish is that Commodore Elliott may be brought before a court of inquiry for his general conduct while commander-in-chief of the Mediterranean squadron; and that the proceedings of the two courts by which I have been tried, and upon which my charges against him are grounded, may be called for by Congress. This, it appears to me, is at present the only effectual mode of bringing the matter to a final and just issue; and I sincerely hope that (if your other duties will admit of it) you will lend me your aid on this occasion.

Very respectfully, your obedient servant,

C. G. HUNTER.

Hon. HENRY A. WISE, Washington.

In connection therewith, Mr. W. offered the following resolution:

*Resolved*, That the Secretary of the Navy be directed to furnish this House with certain charges heretofore preferred by C. G. Hunter, of the United States Navy, against Captain J. D. Elliott, of "most violent, insulting outrages upon the feelings and rights of said Hunter, on a race-course, near Port Mahon, Island of Minorca," and of general misconduct while commander-in-chief of the Mediterranean squadron, and to furnish the reasons, if any, why the Department has not heretofore ordered a court of inquiry to sit upon said charges against said Elliott; and to furnish, also, copies of the proceedings of the two courts of inquiry which were ordered to try certain charges preferred by said

Elliott against said Hunter, upon which said Hunter was acquitted, and upon which the charges of said Hunter against said Elliott were founded.

The SPEAKER said that the resolution would, regularly, lie over one day.

Mr. WISE asked its consideration now.

Mr. CRARY suggested an amendment, proposing an inquiry into the circumstances attending the presentation of a certain service of plate to Commodore Elliott.

The SPEAKER said the House had not yet determined to consider the resolution.

And objection being made,

Mr. WISE moved a suspension of the rule; which motion was agreed to.

The resolution was considered and adopted.

## PETITIONS, ETC.

Petitions and memorials were presented, on leave, by the following gentlemen:

Mr. MARTIN, of Alabama, presented the petition of John S. Wilson; which was referred to the Committee on Private Land Claims.

Messrs. HAYNES and TOWNS, of Georgia.

[Mr. HAYNES presented a petition. Also, a certain joint resolution of the Legislature of that State, in relation to post routes; which was referred to the Committee on the Post Office and Post Roads.

Mr. Towns presented joint resolutions of the Legislature of the same State, asking compensation for the services of certain militia; which were referred to the Committee on Military Affairs.]

Messrs. BEIRNE, GARLAND, MALLORY, and MERCER, of Virginia.

Mr. GALLUP, of New York, presented the petition of Major Hoffman and others, officers of the United States Army, praying that the officers of the line of said Army may be placed upon an equal footing with the officers of the several staff corps. Also, the petition of John M. King, for relief in the matter of his bounty land.

Mr. ADAMS, of Massachusetts, presented the petition of Anne Royal; which was referred to the Committee on Revolutionary Pensions.

Messrs. DAVIES, SERGEANT, and McCURE, of Pennsylvania.

[Mr. McCURE presented the petition of J. M. Foltz, for the pay of a surgeon from 7th June, 1836, to the 9th March, 1837; which was referred to the Committee on Naval Affairs. Also, the petition and documents of John Stigleman, a soldier of the late war; which was referred to the Committee on Invalid Pensions. Also, papers relative to the claim of John Smith; which were referred to the Committee on Revolutionary Claims.]

Mr. HALEY, of Connecticut.

Mr. HOWARD, of Maryland.

Messrs. HAMER and GIDDINGS, of Ohio.

Messrs. RARIDEN and EWING, of Indiana.

Mr. TILLINGHAST, of Rhode Island.

Mr. CHAPMAN, of Iowa Territory, presented certain printed acts of the Legislative Council of said Territory.

## NOTICE OF A BILL.

Mr. MERCER gave notice that he would ask leave to introduce a bill to alter the mode of appointing certain officers of the United States, and for other purposes.

Mr. HENRY gave notice that when bill No. 696, to establish a board of commissioners to examine and decide certain claims against the United States, should be called up, he would offer as an amendment the following additional section:

*And be it further enacted*, That the provisions of this act shall be and remain in full force and virtue for two years from the 4th day of March next, but no longer.

## BILL INTRODUCED.

Mr. MASON, of Ohio, on leave heretofore given, introduced a bill to repeal the second section of the act "to extend the time of locating Virginia land warrants," and to return the surveys thereon to the General Land Office; which was referred to a select committee of three.

## EXECUTIVE COMMUNICATION.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting a printed statement of the receipts and expenditures.

Also, a communication from the Commissioner of Patents, inclosing his annual report.

## RESOLUTIONS—AGAIN.

The SPEAKER called over the States for resolutions; when the following were presented:

On motion of Mr. CHAPMAN, of Iowa Territory, it was

*Resolved*, That the Committee on the Public Lands be instructed to inquire what probable proportion of the public lands remain unoccupied and unsold, in consequence of not granting preemption on timbered land, in conjunction with prairie; and whether any considerable number of the actual settlers intended to be brought within the provisions of the late preemption law, have been, or are liable to be, excluded. That said committee inquire into the expediency of amending the preemption law so that all who have settled, or shall hereafter settle, may purchase timbered land and prairie in conjunction, if they desire.

On motion of Mr. CHAPMAN, of Iowa, it was

*Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of granting to the Territory of Iowa a quantity of land, whereon the seat of government thereof may be located.

On motion of Mr. CHAPMAN, of Iowa, it was

*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of making a further appropriation for the improvement of the Des Moines and Rock river rapids, in the Mississippi river.

On motion of Mr. DOTY, it was

*Resolved*, That the Secretary of War be requested to communicate to the House of Representatives a copy of the report and survey of the Neenah or Fox river, of Green bay, made by Mr. J. B. Pettival, under the direction of the topographical bureau, and also such information as he may have of the route of a canal from Fond du Lac to Rock river, and to the Wisconsin.

On motion of Mr. DOTY, it was

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of declaring Green bay and Milwaukee ports of entry; and of making an appropriation for placing buoys at the entrance of the channel of the Neenah or Fox river; and that the report of Lieutenant J. T. Homans, contained in the document No. 24, of the documents of this session, be referred to the said committee.

On motion of Mr. DOTY, it was

*Resolved*, That the Committee on Territories be instructed to inquire into the necessity of changing and limiting to shorter periods the tenure of office of the Governor, Secretary, members of the Legislative Assembly, judges, attorneys, and marshal of the Territory of Wisconsin; and of defining by law the commencement and termination of the term of service of the Delegate for said Territory in the House of Representatives.

On motion of Mr. DOTY, it was

*Resolved*, That the Committee on Territories be instructed to inquire into the expediency of establishing a general system of internal improvements in the Territory of Wisconsin, and of providing such means as may be required to carry the same into effect.

On motion of Mr. CRARY, it was

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the improvement of the harbor of Mackinac, according to the recommendation of Lieutenant Thomas, of the Navy.

On motion of Mr. YELL, it was

*Resolved*, That the Committee on Private Land Claims be instructed to inquire into the propriety of confirming to Major Henry Wilson, certain tracts of land, purchased by him in the State of Arkansas.

Mr. MILLER submitted the following resolution; which, under the rule, lies over one day:

*Resolved*, That the select committee appointed on the subject of the public lands, be instructed to inquire into the expediency of granting to each of the States of Louisiana, Mississippi, Alabama, Arkansas, Illinois, Indiana, Michigan, and Missouri, a quantity of land to be applied to the construction of works of internal improvement within those States respectively; which land, so granted, with what each of those States have heretofore received (if any) from the United States for such purposes, shall make the entire grant to each equal to that heretofore granted to the State of Ohio.

On motion of Mr. MILLER, it was

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the state of the military defenses on the western frontier of the United States, and into the expediency of adopting for the protection of said frontier an adequate system of defense; and that the said committee be further instructed to inquire into the expediency of making an appropriation to enable the United States Government to carry into effect such system of defense on said frontier as may be adopted for its permanent protection and security.

On motion of Mr. HARRISON, it was

*Resolved*, That the select committee on steamboats be instructed to inquire into the expediency of so amending the act regulating steamboats and other vessels propelled by steam so as to require all engineers, before they shall be allowed to act as such, to be examined by a competent board of persons appointed for that purpose, who, upon being found qualified, shall obtain a certificate to that effect. That they further inquire into the expediency, also, of requiring all pilots of steamboats and other vessels propelled by steam to be examined in like manner, and if found qualified upon such examination, shall also obtain a certificate

of his qualifications. That they further inquire into the propriety of amending said act so as to prohibit any person from acting as captain or commander of any steamboat, until he shall have served at least two years in said business; also, into the expediency of requiring every applicant, before examination, to bring forward testimonials of his sober, moral, and industrious habits. That the Committee on Commerce inquire into the expediency of so amending the laws relative to debenture, as to allow drawbacks upon goods employed in the trade from Missouri and Arkansas to Santa Fé and other provinces of Mexico.

On motion of Mr. LYON, it was

*Resolved*, That the Committee on the Judiciary inquire into the expediency of changing the time of holding the full term of the circuit court of the United States for the southern district of Alabama to a later and more healthy season of the year, so as to prevent a failure of the courts.

On motion of Mr. CRABB, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of providing by law for continuing the present mail facilities to the people of the United States.

On motion of Mr. CRABB, it was

*Resolved*, That the Postmaster General be instructed to report to this House what amount of funds, in addition to the proceeds of the Post Office Department, will be necessary to continue, during the present year, the mail facilities on the present establishment of that Department; and also, to report to this House what reduction in said mail facilities he has ordered, and whether such reductions have been general in any part of the Union, in due proportion to the facilities heretofore extended to the different States respectively.

On motion of Mr. CASEY, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Shelbyville, in Shelby county, by Walker's settlement, to East Nelson, in said county, State of Illinois.

On motion of Mr. RARIDEN, it was

*Resolved*, That the Committee on the Public Lands be instructed to inquire into the expediency of reporting and passing a joint resolution authorizing the Commissioner of Public Lands, upon proper cases made out, to issue duplicate bounty land warrants, when the originals have been lost or destroyed.

On motion of Mr. WHITE, of Indiana, it was

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of amending so much of the act "making appropriations for the improvement of certain harbors therein mentioned for the year one thousand eight hundred and thirty-six, and for other purposes," approved July 4, 1836, as prescribes the plan for constructing the harbor at Michigan city, so as to authorize the Secretary of War to determine the plan of the same.

On motion of Mr. BOON, it was

*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of abolishing the duty on alum salt.

On motion of Mr. EWING, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of changing the mail route from Green Castle, Putnam county, to Bowling Green, Clay county, Indiana, so as to pass from Manhattan, through the town of Pleasant Garden, in said county of Putnam; also, into the expediency of providing fixed, uniform rules for the government and guidance of the Post Office Department in the establishment of post offices, in lieu of a discretionary power now exercised on this point.

On motion of Mr. JOHNSON, of Louisiana, it was

*Resolved*, That the Committee on the Public Lands be instructed to inquire into the expediency of making a grant of lands to the State of Louisiana, to aid in the construction of the various works of internal improvements passing through the lands of the United States in which the said State is engaged.

On motion of Mr. SHEPLOR, it was

*Resolved*, That the standing Committee on the Post Office and Post Roads be, and they are hereby, instructed to inquire into the expediency of establishing a mail route from Bethlehem, in Stark county, Ohio, by way of Medina, to Iliria, in Lorain county.

On motion of Mr. HAMER, it was

*Resolved*, That the Committee on Naval Affairs be instructed to inquire into the expediency of establishing a hydrographical bureau in the Navy Department.

On motion of Mr. GOODE, it was

*Resolved*, That the Committee on the Public Lands be instructed to inquire into the expediency of reporting a bill authorizing the State of Ohio to purchase the United States' alternate section on the Miami canal, in the State of Ohio, and on so much of the Maumee canal as lies in the State of Ohio, at \$2 50 per acre.

On motion of Mr. GOODE, it was

*Resolved*, That the Committee on Private Land Claims be instructed to inquire into the expediency of so amending the Senate bill now before them, for the relief of Allen Hamilton, Hiram Todd, and Cyrus Taylor, as to insert the name of Jacob Haas, so as to entitle him to the provisions of said bill.

On motion of Mr. MAURY, it was

*Resolved*, That the Committee of Claims be instructed to inquire into the expediency of so amending the law allowing compensation for horses or other property delivered

over to the United States by the volunteers in Florida, as to embrace cases in which such delivery was made without the order of the commanding general, or other commanding officer.

On motion of Mr. MAURY, it was

*Resolved*, That the Committee of Claims be instructed to inquire into the expediency of extending the provisions of the third section of an act, approved March 3, 1837, entitled "An act making appropriations for the support of the Army for the year 1836, and for other purposes," to all the companies of volunteers and mounted men whose services were accepted by the Governor of Tennessee, and who were called into service under requisitions from the Secretary of War, or from generals commanding the troops of the United States, at any time during the year 1836.

On motion of Mr. CHEATHAM, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of so amending the law in relation to the franking privileges of members of Congress, as to curtail the privilege to sixty days before and after the rise of each session of Congress; and further, to inquire into the expediency of curtailing and limiting the exercise of the franking privileges of the various officers of the Executive Departments.

On motion of Mr. TURNER, it was

*Resolved*, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of providing by law for the payment of commutation pay to the heirs of Captain Stephen Merritt; and that said committee also inquire into the expediency of providing by law for the payment of commutation pay to the heirs of Captain Jiles Raines; and that the accompanying papers be referred to the said committee.

On motion of Mr. J. L. WILLIAMS, it was

*Resolved*, That the Committee on Revolutionary Pensions inquire into the expediency of repealing the act of Congress of the 6th of April, 1838, which provides in certain cases for the payment of pensioners at the Treasury Department.

On motion of Mr. SOUTHGATE, it was

*Resolved*, That the claims of Miles W. Dickey and James H. McClure and Company be referred to the Committee of Claims.

On motion of Mr. GRANTLAND, it was

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of making provision by law, during the present session, for the payment of the troops called into service by the Governor of Georgia, to repel the invasion of the Indians in the vicinity of the Okafinoka swamp, and the expenses incident thereto; and that a letter from the Executive of Georgia to the delegation from the State, inclosing one from the Acting Secretary of War on that subject, be referred to the same committee.

On motion of Mr. McCLELLAN, of New York, it was

*Resolved*, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of granting a pension to Nancy Williams, widow of David Williams, one of the captors of Major André.

Mr. KEIM offered the following joint resolution; which was read twice and committed:

*Resolved*, (the Senate concurring herein.) That the joint committee on the Smithsonian bequest be instructed to inquire into the propriety of establishing a professorship of the German language as a part of the literary instruction in the intended Smithsonian Institution.

Mr. CUSHING said that he was constrained by circumstances, and by the questions raised in various quarters touching his conduct here in the matter of the public lands, to submit a proposition on the subject, which he would have preferred to offer at some other time, when his views might be accompanied with proper explanations and statements, but which he would now submit, to go, with other propositions on the subject, into the hands of the select committee:

*Resolved*, That, for the purpose of relieving the whole people of the United States from the inconveniences attending the present relation of the Federal Government to the Federal domain, and at the same time securing to the old and new States alike their just and lawful rights therein, the select committee on the public lands be instructed to consider the expediency of providing for the division of the said domain among the several States of the Union, according to the following principles, viz:

1. To ascertain the quantity of said domain of which the title is complete in the United States by the extinction of the Indian occupancy, distinguishing the respective States or Territories in which the same is, and classifying the same according to its quality and value.

2. To fix and establish a just and equitable rule or ratio for measuring the interest of the several States, respectively, in the said domain, allowing, as far as may be, equalized shares thereof, in quantity and in value, to each and all of the said States; the whole subject, however, to the reservations in favor of the new States now existing by law.

3. To make partition of said domain among the individual States, by cession and assignment from the United States, to the said respective States in severalty, and in equalized shares, so as above limited, measured, and ascertained.

4. To distribute and apportion said shares in such wise that the share ceded and assigned to any of those of the States in which the said domain partly lies shall consist, in part or in whole, of lands within its own State limits, thus immediately extinguishing the title of the United States therein so far forth, and vesting the same in the said State.

5. To arrange and apportion the said shares so that the interest in the soil of any one State, to be acquired by any other State or States, in virtue of said partition and cessions, shall be confined to one or more, the smallest number of such other States consistent with the observance of the assumed equal ratio of distribution.

6. To regulate and define, by organic law incorporated in the acts of cession, the relative rights and powers over the lands assigned to one State within the limits of another, which shall be possessed and exercised by each of the said States.

7. To make, repeat, and continue the said equal partition of the Federal domain by successive graduated allotments, under the direction of Congress, until the whole interest of the United States therein be completely extinguished, and vested in the several States.

Mr. CRAIG submitted the following resolution; which was considered and rejected:

*Resolved*, That the first Tuesday in February next be set apart for the consideration of House bill No. 546, entitled "A bill granting an additional quantity of land for the location of revolutionary bounty land warrants;" the said bill to take precedence of all other business on that day.

Mr. MORGAN submitted the following resolution; which was considered and rejected:

*Resolved*, That from and after Monday, the 21st instant, the hour of the meeting of this House shall be 11 o'clock, a. m.

On motion of Mr. ADAMS, it was

*Resolved*, That the powers of Congress being conferred by the Constitution of the United States, no resolution of this House can add to or deduct from them.

Mr. KING submitted the following resolution; which was rejected:

*Resolved*, That the bill (No. 696) reported at last session to establish a board of commissioners to examine and decide certain claims against the United States, be made the special order of the day for next Friday week, and every succeeding Friday thereafter, until said bill is disposed of.

On motion of Mr. CURTIS, it was

*Resolved*, That the communications made to this House by the Secretary of the Treasury, relating to the delinquency of Samuel Swartwout, late collector of the port of New York, in compliance with two resolutions of this House, adopted on the 31st December last, which communications, among other things, express the opinion of the Secretary of the Treasury in respect to the manner in which the late naval officer of the port of New York discharged the duties of his office, and from which communications, among other things, it also appears that the official surety bond for the second term of office of the said Swartwout, commencing in March, 1834, required by law to be filed within three months thereafter, was not filed with the Comptroller of the Treasury until the year 1837, be added to, and printed with document No. 13, relating to the same subject, heretofore ordered to be printed.

Mr. JENIFER submitted the following resolution; which, under the rule, lies over one day:

*Resolved*, That the Committee on Public Buildings be instructed to inquire into the expediency of making compensation to Samuel Archison, for an injury sustained while at work on the public buildings.

Mr. KENNEDY submitted the following resolution; which was read and rejected:

*Resolved*, That a select committee be appointed to inquire into the expediency of establishing a naval school or academy for the education of young men intended for the naval service of the United States; and that said committee be authorized, if they should deem it proper, to report a plan for the organization of such an academy, the most eligible site for the same, and such other matters relating thereto as they may think necessary to be brought to the consideration of this House.

On motion of Mr. YELL, it was

*Resolved*, That the Committee on Public Lands be instructed to inquire into the propriety of reviving the act of 1830, authorizing the soldiers of the late war to surrender their military bounty lands, where they are unfit for cultivation, and to select others in lieu thereof.

On motion of Mr. WILLIAMS, of New Hampshire, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of extending the mail route now terminating at Pingreyville, New Hampshire.

On motion of Mr. LOGAN, it was

*Resolved*, That five thousand extra copies be printed of the report of the select committee on a national foundry.

On motion of Mr. BRONSON, it was

*Resolved*, That the Committee on Roads and Canals be instructed to inquire into the expediency of making appropriations for the following purposes: to construct a road from Jacksonville to the river St. Mary's, in Florida; to build a bridge over the Bayou, between Pensacola and the navy-yard. And also, into the propriety of directing the appropriations made by law, for the construction of a common road from St. Augustine to Picoletta, and repairing the bridge over the St. Sebastian, for said purposes; and of authorizing its use by the railroad company on the same route.

On motion of Mr. PETRIKIN, it was

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of bringing in a bill prohibiting any clerk or other officer of either House of Congress, or any person holding any office or appointment under the Government of the United States, acting as agent

or attorney in the prosecution of any claim against the Government of the United States, during the pendency of said claim before either House of Congress, or before any of the Departments, agents, or officers of the Government.

On motion of Mr. CARTER, it was

*Resolved*, That the Committee on the Post Office and Post Roads be, and are hereby, instructed to inquire into the expediency of establishing a mail route from Regusville, via Grassy Springs and Russellville, to the mouth of Chucky river, in the State of Tennessee, and establish a post office at Grassy Springs and Russellville.

On motion of Mr. MASON, of Virginia, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in Virginia, viz: From Ridgeville, on the northwestern turnpike road, in Hampshire county, to Hazard Forge, and thence by Williamsport, to Ridgeville; and from Ridgeville to Sheely Mill, in same county, and thence by Paddytown to Ridgeville.

On motion of Mr. DE GRAFF, it was

*Resolved*, That the Committee on Foreign Affairs be instructed to inquire into the expediency of allowing compensation to William D. Jones, Esq., the American consul at the city of Mexico, for services rendered during his residence in that place.

On motion of Mr. FILLMORE, it was

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of authorizing accurate surveys and charts to be made of such parts of Lakes Ontario, Huron, Erie, Michigan, and Superior, and the rivers and straits connecting the same, and the bays and harbors thereof, as lie within the boundaries of the United States.

On motion of Mr. TOUCEY, it was

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of confirming the estates of all persons claiming an interest in land by a title originating under a Spanish grant, permit, or order of survey, and derived from conveyances which have been executed in good faith and for a valuable consideration, subsequent to an act of Congress relinquishing the title of the United States to such land, notwithstanding it since may have been ascertained that the original grant, permit, or order of survey upon which such act was predicated, was antedated or fraudulent.

On motion of Mr. CHILDS, it was

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for filing in the supreme court of the State of New York, a transcript of all the judgments rendered in the district courts of the United States for the State of New York.

On motion of Mr. ALLAN, of Vermont, it was

*Resolved*, That the Committee on Roads and Canals be instructed to inquire into the expediency of causing a survey of the sand bar in Lake Champlain, between the towns of Milton and South Hero, for the purpose of erecting a bridge on the said bar between said Milton and South Hero.

On motion of Mr. JONES, of New York, it was

*Resolved*, That the Committee on Commerce be instructed to inquire into the propriety of authorizing the purchase of a suitable number of copies of Jones's Digest and Tariff, for the use of the offices connected with the customs.

On motion of Mr. PARKER, it was

*Resolved*, That the Committee on the Judiciary be instructed to report a bill allowing costs to be taxed against the United States, in all suits commenced by the United States, in which verdicts shall be given in favor of the defendants, and in which the United States, if successful in the suit, would recover costs against the defendants.

On motion of Mr. PRATT, it was

*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of reporting a bill directing the Secretary of the Treasury to furnish all the banks from which he may require returns of their condition, with blank copies, so as to insure uniformity in such returns.

On motion of Mr. MENEFEE, it was

*Resolved*, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting pensions to James Hughes, of Montgomery county, Kentucky, and James Christy and Archibald Ramey, of Morgan county, Kentucky; and of increasing the pensions of John Chadwick, of Greenup county, Kentucky; Joseph Snodders and Thomas Lewis, of Morgan county, Kentucky; John Beatty, of Montgomery county, Kentucky; and Robert Kinkaid, of Bath county, Kentucky; all soldiers of the Revolution.

On motion of Mr. TOWNS, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of reporting a bill making it the duty of postmasters, upon the deposit of letters containing money, bills of exchange, or other valuable papers, to be forwarded by the due course of mail, to give a certificate or receipt of the same.

On motion of Mr. J. L. WILLIAMS, it was

*Resolved*, That the Committee on Revolutionary Pensions inquire into the expediency of repealing the act of Congress of the 6th of April, 1833, which provides, in certain cases, for the payment of pensioners at the Treasury Department.

On motion of Mr. SOUTHGATE, it was

*Resolved*, That the claims of Miles W. Dickey and James H. McClure & Co., be referred to the Committee of Claims.

On motion of Mr. HARLAN, it was

*Resolved*, That the Committee on Revolutionary Claims

inquire into the expediency of allowing the claim of Lewis Webb, for services as an officer in the war of the Revolution.

On motion of Mr. CAMPBELL, of South Carolina, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Marion Court-House, in South Carolina, by Potato Red Ferry, to Conwayborough, in the same State.

On motion of Mr. WILLIAMS, of North Carolina, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route to Louisville, in Surry county, North Carolina.

On motion of Mr. A. H. SHEPPERD, it was

*Resolved*, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of establishing a pension agency at Salem, North Carolina.

On motion of Mr. SAWYER, it was

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of establishing buoys in the waters of Pamlico, Croatan, and Albemarle sounds, and Chowan river.

On motion of Mr. McKAY, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of permitting agricultural publications in the magazine, pamphlet, or other form, to be conveyed by mail free of postage, or chargeable with newspaper postage only.

On motion of Mr. McKAY, it was

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of either prohibiting officers of the United States from selling or exchanging public funds in their hands for the purpose of profit, or of providing that the profit or premium received shall accrue to the Government.

On motion of Mr. SAWYER, it was

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of prescribing by law some limitation to claims against the Government of the United States, and also to prohibit the prosecution of any claim, after it has been rejected, except upon additional testimony.

On motion of Mr. TITUS, it was

*Resolved*, That the Committee on Manufactures be instructed to inquire into the expediency of an explanatory act in relation to the provisions of the second clause of the second section of the act to alter and amend the several acts imposing duties on imports, approved July 14, 1832, and of the fourth section of the act to modify the act of July 14, 1812, and of all other acts imposing duties upon imports, approved March 3, 1832.

On motion of Mr. RUSSELL, it was

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of establishing a marine hospital at Whitehall, in the county of Washington, and State of New York.

On motion of Mr. TAYLOR, it was

*Resolved*, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of restoring Job Hawkins, of Dutchess county, in the State of New York, to the pension list.

On motion of Mr. McCLURE, it was

*Resolved*, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of reporting a bill allowing commutation pay to Captain John Smith, of Cumberland county, Pennsylvania, whose papers were mislaid by the said committee, after agreeing to report in favor of his claim, at the last session of Congress.

On motion of Mr. YORKE, it was

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the construction of a road from the light-house at Cohaney point, in the Delaware bay, to the main land.

On motion of Mr. JONES, of New York, it was

*Resolved*, That the President of the United States be requested to communicate to this House whether any, and if any, what, proceedings have been had in relation to the requirements of the act of Congress approved June 28, 1833, providing for the examination of useful inventions designed to detect the causes of and preventing the explosion of steam boilers.

On motion of Mr. MALLORY, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Franklin to Somerset, via South Quay, in the county of Nansemond, Virginia.

On motion of Mr. HOWARD, it was

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of providing by law that all vessels employed in the merchant service of the United States shall be obliged to have on board one or more boys, as apprentices, in proportion to the tonnage of the vessel.

On motion of Mr. NAYLOR, it was

*Resolved*, That the Committee on Naval Affairs be instructed to inquire into the propriety of allowing Mark Hawkemouth the pay of a yeoman during the term he did the duties of that office on board the United States schooner Dolphin, to wit, from the 4th of November, 1833, to the 20th November, 1835.

On motion of Mr. HOPKINS, it was

*Resolved*, That a select committee be appointed to inquire into the expediency and practicability of divorcing by law the patronage of the Federal Government, in all its departments, from the public press, by prohibiting in future any officer thereof, in his official capacity, from employing any conductor of a political journal, or others in any way connected with such journal, to execute any portion of the public printing; and that the said committee be authorized and instructed to report thereon by bill or otherwise.

Mr. MORRIS, of Ohio, submitted the following resolution; which, under the rule, lies over one day:

*Resolved*, That the Secretary of the Treasury be directed to inform this House whether the fourth installment of the surplus revenue has been deposited with the several States, as provided by the act of Congress approved June 23, 1836, and the payment of which was (by an act of Congress approved October 2, 1837) postponed until the 1st day of January, 1839; and if not, why it is withheld contrary to law.

Mr. UNDERWOOD submitted the following resolution; which, under the rules, lies over one day:

*Resolved*, That the Secretaries of State, of War, of the Treasury, and of the Navy, and the Postmaster General, be directed to report to this House, at as early a day as practicable, the number and salaries of the clerks and other persons employed in their respective Departments and offices, at the commencement and end of the Presidency of General Jackson.

Mr. GRAVES submitted the following resolution; which was considered and rejected:

*Resolved*, That the bill of this House proposing a purchase by the Government of the stock held by individuals in the Louisville and Portland Canal, be made the special order for Tuesday, the 29th instant, from and after one o'clock.

Mr. DROMGOOLE submitted the following resolution; which, under the rule, lies over one day:

*Resolved*, That the rules of this House be so amended as to substitute the *visa voce* vote of the members in all cases in which the ballot is at present required.

Mr. GARLAND, of Louisiana, submitted the following resolution; which, under the rule, lies over one day:

*Resolved*, That the Postmaster General be directed to communicate to this House, who was the postmaster at Monroe, in the State of Louisiana, on the 1st day of August, in the year 1838, and for six years previous, and who is the postmaster at that office at this time; and if any change has been made, when it was made; that he also communicate whether or not Bernard Hemkin, during the time he was in office, conducted the business in a faithful, methodical, and correct manner; also, that he (the said Postmaster General) do communicate to this House all the documents, letters, or papers of any kind, addressed to him or any of his subordinates, relating to the removal of said Bernard Hemkin from office, (if he has been removed,) and the appointment of his successor.

Mr. LEWIS presented a memorial of the Legislature of the State of Alabama, praying that compensation may be made to certain citizens of said State, for depredations committed by Creek Indians prior to and since the year 1836; which said memorial, accompanied by resolutions of said Legislature in relation thereto, was referred to the Committee of Claims.

Mr. EWING, on leave, presented a petition for a mail route from Washington, via Telfir's bridge, Daviess county, to Edwardsport, Knox county, thence to Carlisle, Sullivan county, Indiana; which was referred to the Committee on the Post Office and Post Roads.

Mr. ELMORE submitted the following resolutions; which, under the rules, lie over one day:

*Resolved*, That the several States composing the United States of America are not associated on the principle of unlimited submission to the Federal Government, or to the Houses of Congress or either of them; but that, by the Constitution, the people of said States constituted one General Government, for special purposes, and delegated to that Government certain definite powers, only reserving each State to itself, the residuary mass of right to their own self-government; that, while the Constitution and laws of the United States do attach to the whole people of the several States immediately, in those matters, within the true jurisdiction and confines of said Constitution, and in the mode limited and defined thereby, yet, in all other matters, the said States retain each all its rights; and that to this Constitution each State acceded as a separate sovereign State, and is an integral party, and in its capacity of a sovereign State is represented in Congress by its Senators, duly appointed; that, among the residuary rights, so by each State reserved, is that of fully and freely expressing its opinions on all subjects delegated to the General Government, or touching the infraction of the constitutional compact and of communicating the said opinions to Congress; and that it is the constitutional duty of the Senate and of the House of Representatives respectfully to receive, entertain, and consider, and maturely and deliberately to decide upon all such communications addressed to it by either of the States of this Union; and the summary rejection of the same without their being debated, printed, or referred, or any action whatever had thereon, would be insulting to the honor and injurious

to the rights and interests of the said sovereign States of the Union.

2. *Resolved*, That the Federal Government is a Government of limited and specific powers, derived from the people of the States, thereby confederated and united, and to said Government by them granted under the Constitution; that all powers not delegated to the said United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people; that, therefore, no right of any denomination can be canceled, abridged, restrained, or modified, by the Congress, by the Senate or House of Representatives, acting in any capacity, by the President or any Department or officer of the United States, except in the instances wherein power is given by the Constitution for those purposes; and that, among other imprescriptible and essential rights, the freedom of conscience, of speech, of the press, and the right of the people peaceably to assemble and to petition the Government for a redress of grievances, are of the original and innate immunity of the said people of the United States—rights of theirs not derived from, or to be weakened by, the common or any other positive law of this or any other country, but inherent in the said people as a people, or under the constitutions of the several States by and to the said people guaranteed and consecrated forever; and which, by reason thereof, cannot be canceled, abridged, restrained, or modified, constitutionally, by any of the United States whatsoever, nor in any form of law, whether the same be the act of the two Houses of Congress or of either of them separately: but the same were thus guaranteed in order to protect the citizen against the abuse of power, and not as the means of assailing the right of others; and that to permit one or more States, or their citizens, to convert them into an instrument not of protection, but of assault, against the reserved rights or institutions and peace of the other States or their citizens, or of the Territories and of this District and their citizens, would be a manifest violation of the constitutional compact, a gross breach of the public faith, tending to convert the brotherly love in which the Constitution originated into hatred, and, if not effectually arrested, must subvert the Union itself; and that this body owes a most solemn obligation to itself, and the people of the States which it represents, not to permit itself to be made an instrument or party to an attempt so flagitious and dangerous.

3. *Resolved*, That the people of the United States did ordain and establish the Constitution thereof, in order amongst other things "to form a more perfect union, establish justice, insure domestic tranquility, and to secure the blessings of liberty to them and their posterity;" that to this end the powers of legislation were vested in representative and deliberative assemblies, to wit: a Senate appointed by the States, and a House of Representatives chosen by the people of the States; that, in the exercise of their rights, by the said House of Representatives, and the members thereof, there should be perfect equality and full scope, as far as is consistent with the proper conducting the business of the House, on all subjects within its constitutional jurisdiction; but to permit the members of this House, under the pretext of freedom of debate, to convert it into a hall to discuss questions beyond its jurisdiction, and to denounce and attack the domestic institutions of a portion of these States, essential to their peace, security, and tranquility, and the property of their citizens existing before, and expressly guaranteed by the Constitution itself, would be destructive of all harmony among the members of the body, incompatible with the discharge of its acknowledged duties, and destructive of the great and avowed objects for which the Constitution, this Union created, and this House instituted.

4. *Resolved*, therefore, That the resolution of the House of Representatives, adopted on the 12th day of December last, which provides that every petition, memorial, and resolution, proposition, or paper, of a prescribed class, "shall, on the presentation thereof, without any further action thereon, be laid on the table, without being debated, printed, or referred," rests on great and fundamental principles of the Constitution, and on public faith and honor, the observance of which is essential to the peace, tranquility, and security of the States which compose the Confederacy; and the safety and continuance of the Union; and that this House, in adopting the said resolution, has but fulfilled its constitutional obligations and duties, without in anywise infracting the legitimate limits of the right of petition, the freedom of debate, or the constitutional equal rights of the members of this body.

On motion of Mr. C. H. WILLIAMS, it was

*Resolved*, That the Secretary of War be directed to report to this House the manner of the expenditure of the \$150,000 appropriated during the last session of Congress for the erection and repair of arsenal on the western waters, and to specify the particular expenditure on each.

On motion of Mr. UNDERWOOD, it was

*Resolved*, That the Secretaries of State, of War, of the Navy, and of the Treasury, be respectively directed to inform this House whether the reports of the standing committees of either House of Congress are recognized by the accounting officers in their Departments as a proper foundation upon which to allow a claim against the Government after the same has been rejected; and how many claims, if any, have been allowed within the last two years in consequence of such reports, after the same have been first rejected by the proper accounting officers.

Mr. POPE submitted the following; which was read and committed to the Committee of the Whole on the state of the Union:

Whereas, according to the clear intent and meaning of the seventh section of the first article of the Constitution of the United States, which provides that all bills for raising revenue shall originate in the House of Representatives, and the ninth section of the same article, which provides that no money shall be drawn from the Treasury but in consequence of appropriations made by law, the control and safe-keeping of the public moneys belong to the representatives of the people:

1. *Therefore, resolved*, That a law ought to be passed by Congress to divorce the public purse from the custody and

control of the President and all officers removable at his pleasure, and to provide that no money shall be drawn from the Treasury, or places designated for the deposit and security of the public money, either by the mandate of the Executive or the judiciary.

2. That the public Treasury ought to be made independent of the executive and judicial departments, and subject only to the control of the Legislature.

3. That the Treasurer of the United States ought to hold his office, not at the pleasure of the President, but during his good behavior, and the term for which he may be appointed, subject to removal only by impeachment, or upon the address of a majority of the House of Representatives and the Senate.

4. That all the officers to be employed or concerned in the collection or receipt of the public revenue, whose compensation does not exceed the sum of ——— dollars, ought to be appointed by the Treasurer of the United States, removable by him for reasonable cause, to be reported to Congress at their next session; but the expression of political opinion, without partisan violence or unbecoming interference in elections, ought not to be deemed cause for removal, and fitness, integrity, and good behavior ought to be the essential requisites in a public officer.

5. That the public dues ought to be paid to the keepers or depositaries of the public money, designated by Congress or under their authority, instead of the collectors and receivers, as now authorized by law.

6. That the guardianship and control of the public money, assigned by the Constitution to the Legislature, has been long held by the enlightened friends of freedom in England and the United States as the best and only effectual security to the liberties of the people, and that all laws necessary and proper ought to be passed to maintain inviolate this essential and only barrier to corrupt administration and arbitrary power.

Mr. HAYNES presented several joint resolutions of the General Assembly of the State of Georgia:

First. Requiring the Senators and requesting the Representatives from the State in the Congress of the United States to apply to the proper authorities to have established a mail route three times a week from Augusta, in said State, to Tuscaloosa, in Alabama, to be carried on the Georgia railroad to its western terminus, thence in four-horse coaches.

Second. Requesting the said Senators and Representatives to procure the establishment of a direct mail route from Milledgeville to Rossville.

Third. Requesting the said Senators and Representatives to have a mail route established from Double Wells, on the Georgia railroad, to Washington, in Wilkes county; thence to Clarksville, by Elberton and Clarksville.

Fourth. Requesting the said Senators and Representatives to have a mail route established from Clarksville, by Habersham, to Clayton, in Rabun county; also from Perry's Mills, in Tatnall county, to Eden, in Effingham county; also from Hawkinsville to Troupville.

Fifth. Requesting said Senators and Representatives to procure the establishment of a mail route from the city of Augusta, by Waynesboro', Swansboro', Mount Vernon, Lumber City, Jacksonville, Troupville, and Thomasville, in Georgia, to Tallahassee, in Florida.

On motion of Mr. DAWSON, it was

*Resolved*, That the Secretary of War be instructed to report to this House the correspondence between that Department and General John W. A. Sandford, as agent of the Creek Indians west of the river Mississippi, including that part of said correspondence touching the supplies purchased by the officers of Government for said Indians, and how said supplies were disposed of, and by whom, and why; also, the correspondence between said agent and that Department in relation to the missionaries among said Indians.

*Resolved further*, That said Department be instructed to communicate to this House how the supplies, purchased by the Government for the Army, sent to the Cherokee country, during the past year, after the discharge of said Army, were disposed of—the quantity of said supplies sold by the order of the Government—for how much they were sold, and by whom—and the instructions under which said supplies were sold, and such other information touching the disposition of said supplies, which the Secretary may think important to be known to this House; and especially whether any order issued from that Department requiring said supplies to be sold for specie or Treasury notes, and in what kind of funds were said supplies purchased for the Government; whether in the bills of the State banks, or specie and Treasury notes.

The said resolutions were read, and the rule which requires the same to lie on the table one day being dispensed with, they were considered and agreed to.

Mr. TOWNS presented a joint resolution of the General Assembly of the State of Georgia, instructing the Senators and requesting the Representatives of that State in Congress to urge the immediate adjustment and settlement of claims for horses, the property of volunteer soldiers in Nelson's brigade, lost in the campaign of that brigade in Florida, and in its marches to and from Flori-

da; which resolution was referred to the Committee on Military Affairs.

Mr. HOLSEY presented a joint resolution of the General Assembly of the State of Georgia, instructing the Senators and requesting the Representatives of that State in Congress to exert themselves to have compensation made to such persons as had their crops burned and their property destroyed by the United States troops south of Wale's line; which resolution was referred to the Committee of Claims.

Mr. TILLINGHAST submitted the following joint resolution; which was read twice, and referred to the Committee of the Whole on the state of the Union:

Whereas examinations and surveys have heretofore been made in the Narraganset bay, in Rhode Island, with a view to military and naval establishments, and reports have been made to the Navy Department, and communicated to Congress, containing evidence of the fitness and advantages of a place upon the waters of that bay for a naval depot:

*Resolved, &c.,* That the Secretary of the Navy, as soon as may be, cause such further examinations and surveys to be made as are in his opinion necessary for ascertaining the fitness and the relative advantages or disadvantages of a place in the said Narraganset bay for a naval establishment, yard, and depot, on shore, and the best location thereof in said bay; with estimates of probable expense; and that said estimates, and the reports of said examinations and surveys, when made, and all such evidence as is now, or may then be, in possession of his Department, as to such fitness and advantages or disadvantages, be by the said Secretary communicated to Congress as soon as may be, with such views and opinions as he may deem important.

*Resolved, further,* That for carrying this resolution into effect, there be now appropriated, and there is hereby appropriated, the sum of \$1,000, out of any money in the Treasury not otherwise appropriated.

Mr. MONTGOMERY moved the following resolutions:

*Resolved,* That the public lands belonging to the United States is a remainder of a joint common stock, belonging to the people of the United States and Territories, that may and should be disposed of by Congress, among the rightful owners, by some equitable plan of distribution.

*Resolved,* That a select committee of this House, consisting of twenty-six members, one chosen from each State, be instructed to prepare and report to this House some plan for an equitable distribution of the public lands, or their proceeds, among the rightful owners.

Debate arising on these resolutions, they were laid over under the rule.

Mr. COLES moved the following resolution:

*Resolved,* That the Secretary of War be directed to communicate to this House a statement showing the number of Indians annually removed from the eastern to the western side of the Mississippi from 1789 to 1838, inclusive; with the quantity of land annually purchased of the Indians; the sums of money annually paid to the Indians; and the quantity of land granted each year for common schools, roads and canals, colleges and universities, and to the States, public institutions, and individuals, during the same period.

The rule which requires this resolution to lie on the table one day being dispensed with, it was read, considered, and agreed to.

On motion of Mr. HUNTER, of Virginia, the House, by consent, proceeded to the consideration of the resolution submitted by him on the 8th of January instant, in relation to the mode of collecting and disbursing the public revenue; and said resolution being read, and modified by the mover, was agreed to by the House.

Mr. HUNTER of Virginia, Mr. McKAY, Mr. BRIGGS, Mr. ELMORE, Mr. OGLE, Mr. MOORE, Mr. CALHOON of Kentucky, Mr. WILLIAMS of New Hampshire, and Mr. MARTIN, were appointed a committee in pursuance of said resolution.

Mr. TALIAFERRO submitted the following joint resolution for amending the Constitution of the United States:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* (two thirds of both Houses concurring,) That the following amendments to the Constitution of the United States be submitted to the Legislatures of the several States, which, when ratified by the Legislatures of three fourths of the States, shall form a part of the Constitution of the United States, anything therein to the contrary notwithstanding, to wit:

1. That from and after the adoption of this amendment, the term for which the then Senate of the United States shall have been elected shall cease; and the several States shall proceed to elect Senators to serve four years, and in all time thereafter to elect Senators to serve four years, and no longer, in the Senate of the United States; the elections to be made in the same manner as is now prescribed by the Constitution of the United States.

2. That upon the first meeting of the Senate under an election in pursuance of the foregoing amendment, the Senators shall be divided into two classes by lot; and the term of service of one class shall cease at the expiration of two years, so that a moiety of the Senate shall be elected every two years thereafter.

3. That the term of service of the President and Vice President of the United States shall be four years; and that the same individual shall not be elected to those offices respectively two terms in succession.

4. That the assent of the President of the United States to bills passed by the two branches of Congress be dispensed with.

5. That the power of the President of the United States to remove from office, and to fill vacancies thus created, is not a power conferred on him by the Constitution expressly, or by necessary construction of any power delegated to him by that instrument.

6. That the only provision made in the Constitution of the United States for removal from office is the process of impeachment, and that clause in that instrument which vests in Congress the authority to pass all laws necessary to carry into effect all the powers vested by the Constitution in the Government of the United States or any Department thereof. It shall therefore be required of Congress to provide for, and to regulate by law, all that concerns the removal from office, or the filling of vacancies in office which may happen during the recess of the Senate.

7. That all appointments to office, except such as may be otherwise directed by law, shall be made by the Senate, *vice voce*, on nomination by a member of that body.

8. That it shall be the duty of the President of the United States to commission all the officers to be appointed under the Government, whether civil, military, or naval; and to express in each commission the term of service of the officer, as the same shall be prescribed by law or the Constitution of the United States.

*Ordered,* That the said resolution be committed to the Committee of the Whole House on the state of the Union.

Mr. PETRIKIN moved the following resolution:

*Resolved,* That the Secretary of the Treasury be directed to communicate to this House a statement showing the amount of money expended annually by each Administration of the Government from the 4th of March, 1789, to the 4th of March, 1837, with the amount of public money lost annually by defalcations of public officers; designating what amount has been lost by collectors; and also the number of public officers annually in the employment of the United States under each of said Administrations, with the number who have embezzled the public money committed to their charge; showing, in like manner, the amount of public money lost annually by using banks as depositories, or receiving their notes in payment of public dues.

The said resolution was read, and the rule which requires the same to lie upon the table one day being dispensed with, it was considered and agreed to.

Mr. POTTS moved the following resolution:

*Resolved,* That the Secretary of the Treasury be directed to furnish this House with a tabular statement showing the quantity and description of iron, whether for railroads, steamboats, or for other purposes, which has been imported free of duty, or on which the duty has been remitted since the 1st day of January, 1832, together with the names of the person or persons importing the same, and the amount of the revenue which would have accrued to the Government had the duties been charged regularly thereon.

The resolution was read, and the rule which requires it to lie upon the table one day being dispensed with, it was considered and agreed to.

Mr. DARLINGTON moved the following resolution:

*Resolved,* That the Secretary of War be directed to communicate to this House any examination or survey that may have been made of the harbor of Marcus Hook, on the river Delaware, in the State of Pennsylvania, under the direction of the Chief Engineer; together with an estimate of the sum of money necessary for repairing and improving said harbor.

The rule which requires this resolution to lie on the table one day being dispensed with, it was read, considered, and agreed to.

Mr. AYCRIGG submitted the following resolution:

*Resolved,* That the Secretary of the Navy be directed to cause to be laid before this House seven hundred and fifty copies of the chart of Newark bay, and of the sand-bars in the vicinity of said bay, recently surveyed by Lieutenant Gedney.

The rule which requires this resolution to lie on the table one day being dispensed with, it was read, considered, and agreed to.

Mr. RANDOLPH submitted the following resolution:

*Resolved,* That the Secretary of War be required to furnish this House with a statement of the contracts entered into by the engineer superintending the improvements of Little Egg harbor, under the several appropriations made for that purpose; also, copies of said engineer's accounts, with a tabular statement of the quantity and kind of the materials (and the prices of the same) used in the work, together with the names of the persons to whom any part of said appropriations have been paid, and the amounts paid to them respectively; and also, that the Secretary of War inform the House of the mode of improvement adopted by said engineer, and wherein it differs from the mode originally proposed for the improvement of said harbor, as well in the cost and permanency of the same as in the manner of construction; and whether the partial destruction of the improvements by storms, and the cost of the same beyond the original estimate, are not owing in a great measure to the departure of the said engineer from the plan of improvement originally proposed; or, if not, to what cause the same may be attributed.

The rule which requires this resolution to lie on the table one day being dispensed with, it was read, considered, and agreed to.

Mr. PECK offered the following resolutions:

*Resolved,* That the Secretary of War be directed to communicate to this House whether the annuities due the Seneca Indians in the years 1837 and 1838 have been paid; and if so, at what time and in what manner, and by whom the same were paid; and whether any goods have been paid or offered to be paid to said Indians on account of any such annuity; and if so, by what authority the same were paid or offered to be paid; and if the said annuities, or any portion thereof, remain unpaid, or were not paid at the time when the same became due, the reason why the payment thereof was delayed; and also to communicate to this House copies of all correspondence in relation to the same since the 19th day of March last.

*Resolved,* That he also furnish this House with a detailed statement of the "expenses of the delegation of Senecas of New York opposed to the treaty," amounting to \$789 23; and the "expenses of the delegation of Indians in favor of the treaty," amounting to \$9,500; and the "expenses of submitting the treaty to the several bands of New York Indians," amounting to \$4,000; and also the "expenses of certain Indian delegations," amounting to \$2,630, as contained in the report from the Indian department accompanying the President's message, particularly specifying in each case the names of the persons to whom the money was paid, the amount to each, the time when paid, and the services or other thing for which paid.

The rule which required these resolutions to lie on the table one day being dispensed with, they were read, considered, and agreed to.

Mr. LOOMIS submitted the following resolution:

*Resolved,* That the Postmaster General be directed to report to the House of Representatives, at the commencement of the first session of the next Congress, a modification of the present rates of postage, to take effect at such future time as may be expedient, having reference—

1. To the greatest amount of benefit to be attained at the least expense.

2. To the relative proportion and difference which ought to exist between the rates of postage on manuscript parcels and printed parcels.

3. To the equalization of the rates of postage on printed and on manuscript parcels, each with reference to its own class, and in proportion to the entire expense of the care and transmission of the same.

The rule which requires this resolution to lie on the table one day being dispensed with, it was read, considered, and agreed to:

Mr. HALL moved the following resolution:

*Resolved,* That the Secretary of War be directed to inform this House what amount of claims has been adjusted and paid under the provisions of the third section of the act of July 5, 1832, for liquidating and paying certain claims of the State of Virginia, during each of the fiscal years since the passage of said act; what rule of evidence and principles of action have been adopted by the Department in adjusting such claims; whether judgments obtained by the claimants in the courts of Virginia are, or have been, received by the Department as evidence of the validity of such claims; and, if so, what rule or order of the Department, what amount of such judgments have been paid, and on what species and character of evidence, and on what rules and principles the said courts proceed in adjudicating such claims. And that the Secretary of the Treasury be directed to inform this House what amount of scrip has been issued, under the provisions of the act of May 30, 1830, for satisfying Virginia bounty land warrants; what quantity, in acres, of such warrants presented at the Treasury before the 1st day of September, 1835, and what quantity, presented since that day, remain unsatisfied; whether any spurious or fraudulent warrants have been presented at the Treasury, and of what kind and character; and whether any, and what amount of, scrip is known or believed to have been issued upon such spurious or fraudulent warrants. And that he also communicate any information in his possession, showing under what acts and resolutions of the State of Virginia, and on what species and character of evidences, and on what rules and principles, the executive officers of that State have granted the land warrants, for the satisfaction of which provision is made in the act aforesaid.

The resolution was read, and the rule which requires the same to lie on the table being dispensed with, it was considered and agreed to.

Mr. EVERETT moved the following resolution:

*Resolved,* That the Secretary of War be directed to lay before this House a statement of all the allowances made prior to the 30th of June, 1834, as an annual compensation for the services of superintendents of Indian affairs who were such in virtue of holding the office of Governor or secretary of any of the Territories of the United States, exhibiting the name of the person to whom made, his office, (whether Governor or secretary,) the name of the Territory, the period for which the allowance was made, the rate per annum, and the amount allowed to each; and also to state under what law or regulation such allowances were made.

The resolution was read; and, the rule which requires the same to lie on the table one day being dispensed with, it was considered, and agreed to.

Mr. INGHAM moved the following resolution:

*Resolved,* That the Secretary of the Treasury be instructed to communicate to this House a copy of so much of "Hass-

ler's Survey" as relates to the harbor of New Haven, Connecticut.

The resolution was read; and, the rule which requires the same to lie on the table one day being dispensed with, it was considered, and agreed to.

On motion of Mr. HALEY, it was

*Resolved*, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing the name of Griswold Avery, a revolutionary soldier, on the pension roll.

On motion of Mr. HALEY, it was

*Resolved*, That the Committee of Claims be instructed to inquire into the expediency of allowing the claim of Dr. Thomas Cot, for arrears on short pay as surgeon's mate, while stationed at Fort Trumbull, in New London, Connecticut.

On motion of Mr. REED, it was

*Resolved*, That the Secretary of the Treasury be directed to lay before this House a statement showing the amount of money received yearly for five years past, by each of the collectors of customs of the United States and others, on account of fines and forfeitures; and that he also inform this House whether any compromises have been effected during the said period after seizures made, and if so, by whom, and upon what condition.

On motion of Mr. REED, it was

*Resolved*, That the Secretary of the Treasury be directed to lay before this House the amount of money received as fees, or in any other way, by any officer of the Government, or other person in the custom-house or its employment, each year for five years past, which has not been recorded in the Blue Book.

On motion of Mr. FLETCHER, of Massachusetts, it was

*Resolved*, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of amending the act passed in 1836, in addition to former acts, so as to make provision for the widows and children of the officers and soldiers of the Revolution who died or were wounded in the service.

On motion of Mr. SALTONSTALL, it was

*Resolved*, That the report and plan of the survey of the harbor of Lynn, Massachusetts, with an estimate of the cost of the improvements of the same, communicated to the House of Representatives by the Secretary of War on the 9th day of March last, be taken from the files, and referred to the Committee on Commerce; and that said committee be instructed to inquire into the expediency of making an appropriation for the said improvements.

Mr. EVANS submitted a joint resolution for the relief of John Morrison, acting lieutenant in the battle on Lake Champlain during the late war; which resolution was read, and referred to the Committee on Naval Affairs.

On motion of Mr. NOYES, it was

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of reporting a bill making an appropriation for perfecting a road required for use as a military road along the northeastern frontier of the United States, from the town of Eastport to the town of Houlton, both in the State of Maine, as recommended in the report of General John E. Wool and Major James D. Graham, of the United States Army, made to the Department of War on the 29th of December, 1838.

Mr. GRAHAM, of North Carolina, moved the following resolution:

*Resolved*, That the Secretary of State be instructed to inform this House who are employed at this time by the Federal Government as printers to publish the laws of the United States, in the State of North Carolina, and what compensation they each receive in payment for their services.

The rule which requires this resolution to lie on the table one day being dispensed with, it was read, considered, and agreed to.

On motion of Mr. WORD, it was

*Resolved*, That the Secretary of War be requested to communicate to this House, at as early a day as convenient, what number of Choctaw claims for reservations under the fourteenth article of the treaty of Dancing Rabbit Creek has been examined by the board of commissioners under the act of 3d March, 1837; what number of applications has been made for examination, and not yet examined; and also all information in the possession of the Department relating to the claims of the Choctaws, under the article of the treaty above named, together with all information touching the contingent locations made by George W. Martin, and the instructions or authority under which said locations were made.

On motion of Mr. ROBERTSON, it was

*Resolved*, That the select committee on the public lands be instructed to inquire into the propriety of reporting a bill providing for the division of the public domain, on the following principles: That, hereafter, the Secretary of the Treasury shall cause separate accounts to be kept of all moneys paid into the Treasury on account of sales of the public lands. That the Secretary of the Treasury be directed to ascertain the quantity of public lands heretofore granted to or bestowed on the States, or any of them, for education, internal improvement, or other State or local purposes; and having ascertained the value thereof, computing the same at an average price of — per acre, and adding thereto the sums arising from proceeds of sales of the said lands granted to or bestowed on them for similar purposes, shall, on —, and thereafter semi-annually, on

the 1st day of January and July in every year, divide the proceeds arising from sales of said lands among the several States of the Union, in the ratio of the Federal numbers, as ascertained by the census next preceding such division, making the first apportionment among those States which have not received any part or a proportionate part of the ratio aforesaid, until each shall have received its due proportion; and all subsequent apportionments among all the States according to the said ratio: *Provided, nevertheless*, That nothing herein contained shall be construed to prohibit the appropriation of the proceeds of the public lands to meet the expenditures of the Government for any year in which the receipts from customs or other sources of revenue shall be estimated to fall below — million dollars, and when it shall be deemed proper on that account to apply the said proceeds by special appropriation to meet the necessary expenditures of the Government: *Provided, also*, That in the event of war between the United States and any foreign Power, the said semi-annual division shall cease and be suspended during the continuance of such war.

And then the House adjourned.

## IN SENATE.

TUESDAY, January 15, 1839.

Mr. TALLMADGE presented the petition of A. D. Ostrander for arrearage of pay; which was referred to the Committee on Naval Affairs.

Mr. T. also presented a petition from Alfred Vail and others, praying permission to import free of duty the materials for constructing the American electro-magnetic telegraph; which was referred to the Committee on Finance.

Mr. T. also presented a petition of Catharine Hood, praying for a pension; which was referred to the Committee on Pensions.

Mr. WILLIAMS, of Maine, presented the petition of John Phinney, for a pension; which was referred to the Committee on Pensions.

## REPORTS FROM COMMITTEES.

Mr. HUBBARD, from the Committee on Claims, asked to be discharged from the further consideration of the memorial of Susan Trigg, and the petitions of L. R. Lyon and D. S. Howard; which was agreed to.

Mr. WILLIAMS, from the Committee on Pensions, to which had been referred the bill from the House for the relief of Bradbury T. Gypson, reported the same without amendment; and, on motion of Mr. W., the bill was then taken up, and considered as in Committee of the Whole, and ordered to be read a third time.

Mr. SOUTHARD, from the Committee on Naval Affairs, to which was referred the petition of the heirs and legal representatives of Henry Eckford, deceased, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. KNIGHT, from the Committee on the Post Office and Post Roads, to which had been referred the petition of Ira Day, of Vermont, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. SOUTHARD, from the Committee on Naval Affairs, to which had been referred the petition of Andrew Armstrong, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. TIPTON, from the Committee on Claims, to which the following bills had been referred, reported them severally without amendment, recommending their passage:

- A bill for the relief of William Bennett;
- A bill for the relief of David McNair;
- A bill for the relief of Jacob Hands; and
- A bill for the relief of Samuel Ferguson.

Mr. TIPTON, from the same committee, to which the following bills had been referred, reported them severally without amendment, recommending their rejection:

- A bill for the relief of Dennis Quinlivan; and
- A bill for the relief of Alfred Westfall.

Mr. FULTON, from the Committee on Public Buildings, reported a bill providing for the erection of a fire proof building for the use of the Post Office Department; which was read, and ordered to a second reading.

Mr. F., from the same committee, to which had been referred the joint resolution authorizing an examination of the claims of the workmen employed on the public buildings, reported the same without amendment; and, on motion of Mr. F., the same was taken up, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

On motion by Mr. YOUNG, the Committee on

Claims was discharged from the further consideration of the petition of John Elliott, of Ohio.

## BILL INTRODUCED.

Mr. MOUTON, on leave, and in pursuance of notice given, introduced a bill to confirm certain land claims in the Greensburgh land district, in the State of Louisiana; which was read twice, and referred to the Committee on Private Land Claims.

## REPORTS AGREED TO.

The reports of the Committee on Pensions, unfavorable to the petitions of Amasa Brown and John R. Midwinter, were severally considered and concurred in.

The report of the Committee on the Post Office and Post Roads, unfavorable to the petition of William A. Crocker, was also considered, and agreed to.

## RESOLUTION ADOPTED.

Mr. YOUNG submitted the following resolution; which was agreed to:

*Resolved*, That the Committee on the Public Lands be instructed to inquire into the expediency of authorizing and requiring the registers and receivers of the United States land offices, in their offices respectively, to administer oaths in all cases where, by law or the regulation of the Treasury or Land Office Department, affidavits are required to be made previous to the purchase or entry of any tract of land, without any fee or extra compensation for such service.

## COURT IN THE DISTRICT.

The Senate took up and considered, as in Committee of the Whole, the bill to amend the act entitled "An act to establish a criminal court in the District of Columbia;" and, after some remarks from Messrs. ROANE and BAYARD,

Mr. WHITE moved to strike out the eleventh section, which increases the salary of the judge from \$2,000 to \$2,700. This amendment was supported by Messrs. WHITE, NILES, and CLAY of Alabama; and opposed by Messrs. ROANE and BAYARD.

On taking the question, Mr. WHITE's motion was adopted—yeas 28, nays 16.

Mr. MORRIS called the attention of the committee to that clause of the bill which provides that one of the associate judges of the circuit court shall preside in the criminal court in the absence of its judge; and moved to amend the bill by striking it out.

After some remarks from Messrs. ROANE, BAYARD, and MORRIS,

Mr. WALKER observed that, as a debate was likely to grow out of the question raised, he would move to lay the bill on the table, for the purpose of taking up the land bill.

The motion was agreed to.

## PUBLIC LANDS.

The bill to provide for the graduation and reduction of the price of the public lands, was taken up, the question being on the amendment offered by Mr. MORRIS.

After some remarks from Mr. WALKER, Mr. MORRIS withdrew his amendment, with the consent of the Senate, and offered another amendment to the bill, providing that when the public lands in any of the new States shall be so far sold out that there shall remain the quantity of two million acres, that then the same shall be ceded to such State in absolute property, to be disposed of in such manner and upon such terms as the authorities of such State may direct.

After a debate, in which Messrs. MORRIS, SOUTHARD, and ALLEN took part,

Mr. BAYARD moved that the Senate adjourn; which motion was rejected—yeas 23, nays 25; as follows:

YEAS—Messrs. Bayard, Calhoun, Clay of Kentucky, Crittenden, Davis, Knight, Linn, Merrick, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Southard, Spence, Strange, Swift, Tallmadge, Tipton, Wall, and White—23.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Lumpkin, Lyon, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith of Connecticut, Walker, Williams of Maine, Williams of Mississippi, Wright, and Young—25.

After a debate, in which Messrs. LYON and SOUTHARD took part,

The question was taken on Mr. MORRIS's amendment, and it was rejected—yeas 14, nays 34; as follows:

YEAS—Messrs. Allen, Benton, Clay of Alabama, Fulton, King, Linn, Morris, Mouton, Robinson, Sevier, Walker, White, Williams of Mississippi, and Young—14.

**NAYS**—Messrs. Bayard, Brown, Buchanan, Calhoun, Clay of Kentucky, Crittenden, Cuthbert, Davis, Hubbard, Knight, Lumpkin, Lyon, Merrick, Nicholas, Niles, Norvell, Pierce, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Smith of Connecticut, Smith of Indiana, Southard, Spence, Strange, Swift, Tallmadge, Tipton, Wall, Williams of Maine, and Wright—34.

Mr. RUGGLES then moved that the Senate adjourn; which motion was decided in the negative—yeas 21, nays 26; as follows:

**YEAS**—Messrs. Bayard, Calhoun, Clay of Kentucky, Crittenden, Davis, Knight, Lumpkin, Merrick, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Southard, Spence, Swift, Tallmadge, Wall, White, and Williams of Maine—21.

**NAYS**—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Strange, Tipton, Walker, Williams of Mississippi, Wright, and Young—26.

Mr. TALLMADGE then moved an adjournment; which was carried—yeas 25, nays 23; as follows:

**YEAS**—Messrs. Bayard, Buchanan, Calhoun, Clay of Kentucky, Crittenden, Davis, Foster, Knight, Lumpkin, Merrick, Morris, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Smith of Indiana, Southard, Spence, Strange, Swift, Tallmadge, Wall, White, and Williams of Maine—25.

**NAYS**—Messrs. Allen, Benton, Brown, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith of Connecticut, Tipton, Walker, Williams of Mississippi, Wright, and Young—23.

And so the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

TUESDAY, January 15, 1839.

Reports from standing committees being called for—

Mr. CAMBRELENG moved that the Committee of Ways and Means be discharged from the further consideration of a communication from the Secretary of the Treasury in relation to a construction of the revenue laws, and that it be referred to the Committee on Manufactures, and be printed. Mr. C. made the motion because the latter committee had had charge of the subject in 1828, 1833, and 1834.

Mr. ADAMS remarked that the gentleman was mistaken in the latter assertion, for the subject had been taken away from the Committee on Manufactures, and referred to the Committee of Ways and Means. He therefore hoped this committee would not now be relieved of the duty which properly belonged to them.

Mr. CAMBRELENG said he was unfortunate enough never to be able to satisfy the chairman of the Committee on Manufactures. Those who had been long in that House knew with what avidity the gentleman always insisted upon having this subject referred to the committee of which he [Mr. A.] was chairman. Mr. C. had, therefore, really thought that when he made the motion, if any gentleman would be gratified, it would be that gentleman, who had been for seven years struggling to have everything on the subject of the tariff sent to his committee. Mr. C. congratulated the country, however, that the gentleman had at last discovered that the tariff should be a revenue measure, and not a measure of protection. Mr. C. had always contended that the subject was one that constitutionally belonged to the Committee of Ways and Means, but the gentleman had always opposed it. He was glad the gentleman had changed his ground, and on that account Mr. C. withdrew his motion of reference, and merely moved the printing of the document; which was agreed to.

Mr. SALTONSTALL, from the Committee of Claims, reported a bill for the relief of James Maglemon.

Mr. CASEY, from the Committee on the Public Lands, reported, without amendment, Senate bill for the relief of John Newton.

Mr. WORD, from the same committee, reported a bill to confirm the purchases of certain lands in the State of Mississippi, under the act of 9th of June, 1834.

Mr. LOOMIS, from the same committee, reported, with an amendment, Senate bill to change the location of the office of surveyor general of the district composed of the States of Ohio, Indiana, and Michigan.

Mr. L. also reported, without amendment, Senate bill for the relief of Jean B. Valle.

Mr. L. also reported the following resolution:

*Resolved*, That the Secretary of the Treasury prepare and report to this House, as soon as may be conveniently done:

1. Statements showing the whole amount of public lands to which the Indian title has been extinguished, the amount surveyed, the amount granted for bounties and public services, the amount ceded to the States and Territories, and granted and reserved for the purposes of education, for roads and canals, and all other special and local objects, and the amount sold.

2. The entire cost to the Government of all the public lands to which the Indian title has been extinguished, and of the care and sale of the same, as near as the same can be ascertained and estimated, including the pay and compensation and expenses to the Government of all persons employed.

3. The amount paid, and obligated to be paid, for the extinguishment of Indian titles, accounting annuities at such sums as invested at five per cent would produce them, and excluding the purchase-money for cessions from foreign Governments, and the expense of Indian wars, and the like amount, including the purchase-money paid for the acquisition of lands and territories from foreign Governments; the quantity of lands that have remained unsold by the latest returns, after having been in market for the space of each of the periods—five years, ten years, fifteen years, and twenty years; and the quantity sold after having been in market for each of the same periods, and the quantity thrown into market each year, and the quantity sold during each year.

Mr. L. moved its present consideration; which was agreed to; and the question being on its adoption,

Mr. GARLAND, of Louisiana, saw no necessity for it, as all the information, if not in an embodied form, had been already furnished to the House.

Mr. LOOMIS replied that there were many points of information embraced in the resolution which were not before the House.

Mr. YELL moved to strike out the third branch of the inquiry, relating to lands sold which had been in market from five to twenty years, &c.

Mr. LOOMIS said no return had ever been made of the amount of lands sold after those periods.

Mr. HARLAN expressed his conviction that the Senate and House documents would furnish all the information called for.

Mr. MONTGOMERY was in favor of embodying the whole of these returns in one document, so that the people might see at a glance the actual condition of the public domain.

Mr. MURRAY was also in favor of the proposed inquiry.

Mr. YELL's amendment was rejected; and the resolution was concurred in—ayes ninety-six, noes not counted.

Mr. TURNEY, from the Committee on the Judiciary, reported, with an amendment, Senate bill to amend an act entitled "An act to require the judge of the district courts of East and West Tennessee to hold a court at Jackson, in said State," approved June 18, 1838.

The amendment, on Mr. T.'s motion, was concurred in; and the bill was read the third time, and passed.

Mr. MARTIN, from the same committee, reported back the House bill, recommitting to that committee, to reorganize the district courts of the United States in the State of Alabama, with sundry amendments; all of which were concurred in.

Mr. CHAPMAN submitted some further amendments, which he supported with much earnestness, and they were opposed by Mr. LYON.

Mr. THOMAS moved to postpone the bill till Friday morning.

Mr. MARTIN moved to recommit it to the Judiciary Committee; whereupon

Mr. THOMAS withdrew his motion.

The motion of Mr. MARTIN to recommit, was agreed to.

On motion of Mr. FLETCHER, of Vermont, the communication of the Commissioner of Patents; sent in yesterday, was referred to the Committee on Patents.

The orders of the day being called for,

Mr. CAMBRELENG said it had been his intention, pursuant to the notice he had given, to ask the House to take up the appropriation bills to-day; but, in the hope that the House would finish the defalcation case, he would waive his intended motion.

[Cries of "Agreed!" "Agreed!"]

Sundry executive communications were presented by the Chair, and laid on the table.

Mr. JOHNSON, of Maryland, on leave, laid on the table a substitute he intended to submit to

the Independent Treasury bill; which was ordered to be printed.

Mr. BOON, on leave, presented sundry petitions.

## DEFALCATION OF SWARTWOUT.

The House then resumed the consideration of the resolution to raise a select committee of nine, to inquire into the defalcations of Samuel Swartwout and William H. Price; the question pending being on the motion to strike from the proposition that part of it proposing to raise the committee by ballot, and insert "*viva voce*."

Mr. LEGARE, who was entitled to the floor, addressed the House at length in opposition to the appointment of the committee by the Chair.

The debate was further continued by Messrs. CUSHMAN, CAMBRELENG, WISE, HOFFMAN, THOMAS, MENEFEE, and PRENTISS of Mississippi; after which,

Mr. UNDERWOOD having obtained the floor, spoke about half an hour, and then moved an adjournment; upon which motion

Mr. CAMBRELENG demanded the yeas and nays; which were not ordered.

The House then adjourned.

## IN SENATE.

WEDNESDAY, January 16, 1839.

The PRESIDENT presented a communication from the Secretary of the Navy, transmitting a copy of the survey of May river, from Tybee to Hunt river; which was referred to the Committee on Commerce, and ordered to be printed.

Also, a communication from the President of the United States, in relation to the percentage allowed to disbursing agents; which was referred to the Committee on Finance, and ordered to be printed.

Also, a communication from the President of the United States, in relation to the condition of the Seminole Indians who have emigrated; which was referred to the Committee on Indian Affairs, and ordered to be printed.

## PETITIONS, ETC.

Mr. BUCHANAN presented the petition of a number of citizens of Pittsburg, praying for an appropriation for improving the navigation of the Ohio river; which was referred to the Committee on Roads and Canals, and ordered to be printed.

Mr. BENTON presented the petition of Richard Graham and John O. Fallon, asking to be released from responsibility incurred as sureties.

Mr. MORRIS presented a paper from William Beck, of Cincinnati, who supposed that he had discovered a grand catholicism for all the diseases of the monetary system; which, after being read, was laid on the table.

Mr. MCKEAN presented the memorial of Henry C. Corbitt and two hundred and forty-one others, legal voters of Chestnut ward, in the city of Philadelphia. Also, the memorial of Samuel W. Picking, and fifty-nine men and ten women of Frankford, Pennsylvania, of similar purport, remonstrating against admitting any State into the Union with a constitution tolerating slavery, and requesting Congress to reject all propositions for the annexation of Texas to this Union.

The motion of reception was, on motion of Mr. WILLIAMS, of Mississippi, ordered to lie on the table.

Mr. WALL presented the remonstrance of citizens of Gloucester county, New Jersey, against the admission of any State into the Union with a constitution tolerating slavery, and against the admission of Texas into the Union.

The question of reception was, on motion of Mr. ROANE, laid on the table.

## REPORTS FROM COMMITTEES.

Mr. NICHOLAS, from the Committee on the District of Columbia, to which a resolution of the Senate, in relation to the banks in the District of Columbia, was referred, made a report thereon; which was ordered to be printed.

Mr. N. also, from the Committee on the Judiciary, reported a bill relating to the manner in which certain laws of the District of Columbia shall be executed; which was read, and ordered to a second reading.

Mr. ROANE, from the Committee on the District of Columbia, to which the subject had been

referred, reported a joint resolution authorizing the Mayor of Washington to execute deeds to certain citizens of Washington; which was read, and ordered to a second reading.

Mr. TIPTON, from the Committee on Claims, reported a bill for the relief of Malachi Hagan, of the Territory of Florida; which was read, and ordered to a second reading, and the accompanying report ordered to be printed.

Mr. WALKER, from the Committee on Public Lands, to which the subject had been referred, reported a bill in relation to certain railways in the State of Mississippi; which was read, and ordered to a second reading.

Also, a bill granting to the State of Michigan one hundred thousand acres of land, to aid said State in constructing a canal around the falls of Ste. Marie; which was read, and ordered to a second reading.

Also, the bill for the relief of Henry Marsh, without amendment.

Mr. W. also, from the same committee, to which was referred the resolution of the Legislature of the State of Vermont, in favor of granting a tract of land to each of the colleges in that State, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. WALL, from the Committee on the Judiciary, to which was referred the petition of John Roberts, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. W. also, from the same committee, asked to be discharged from the further consideration of the memorial of Charles S. Hempstead; which was agreed to.

Mr. W. also, from the same committee, to which was referred the memorial of John Campbell White, of Baltimore, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the petition of a number of citizens of Ohio in favor of the incorporation of a National Bank, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. W. also, from the same committee, to which was referred the bill to allow a drawback on imported hemp, reported the same without amendment.

Mr. BENTON, from the Committee on Military Affairs, to which had been referred the inquiry as to the expediency of remunerating Lieutenant J. B. Thornton, for losses sustained by the wreck of the Pulaski, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. WILLIAMS, of Maine, from the Committee on Pensions, to which had been referred the petition of the heirs of Abraham White, asked to be discharged from the further consideration thereof; which was agreed to.

#### CLAIMS OF VOLUNTEERS.

Mr. CLAY, of Alabama, moved to refer to the Committee on Military Affairs the report of the Secretary of War, (Doc. No. 58,) in reply to the resolution of the Senate, adopted on the 2d instant, calling for information as to the time when the claims of the volunteers of Alabama, for horses lost in the service of the United States, in the late campaign against the Seminole Indians, will be examined and settled; and what further, if any, provisions are necessary to a prompt and just settlement of said claims.

Mr. C. also offered the following resolution on the same subject:

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of making further provision by law for the more prompt adjustment and payment of claims for horses lost in the service of the United States; and also into the expediency of removing the limitation fixed by the War Department on the value of horses lost in said service.

Mr. C. also remarked, in connection with the resolution, that he wished to call the attention of the honorable chairman of the Committee on Military Affairs to so much of the document to be referred to the committee as related to restriction indicated by the last clause of his resolution. The Third Auditor, in his report to the Secretary of War, remarks:

"Your decision on the subject prohibits the allowance for any cavalry, or wagon horse, in cases in question, of more than one hundred and twenty dollars, the sum fixed

on in your letter to General Jesup of the 2d December, 1837," &c.

Mr. C. remarked, that as regarded the Alabama volunteers, and probably most of those from other States, the operation of this restriction would be retrospective, and consequently unjust. He said he believed the Alabama volunteers had been mustered into service before the promulgation of this rule, and, of course, without any knowledge of its existence; and it would operate with extreme hardship on those who had carried into the public service horses of greater, or perhaps double the value, to be restricted to the sum of \$120. It was (he said) with a view to prevent the unjust operation of the rules referred to that he had penned the last clause of the resolution he had submitted; and he hoped it would attract the special attention of the committee.

The resolution was then adopted *nem con.*

#### WORKMEN ON THE TREASURY.

Mr. BAYARD asked that the bill to amend the act establishing a criminal court in the District of Columbia might be taken up.

Mr. BENTON begged the Senator from Delaware to withdraw his motion a few minutes, for the purpose of taking up the joint resolution from the House to pay the workmen on the public buildings.

Mr. BAYARD acceding to Mr. BENTON's request,

The joint resolution from the House of Representatives to investigate and settle the claims of the workmen on the public buildings in the city of Washington, was taken up.

Mr. MORRIS opposed the passage of the resolution, on the ground that it would be taking money from the Treasury without an appropriation by law.

Mr. KING and Mr. FULTON answered the objections, and the joint resolution was ordered to be engrossed for a third reading, and, by unanimous consent, was read the third time and passed.

#### COURT IN TENNESSEE.

The amendment of the House of Representatives to the bill to amend an act to require the judge of the district of East and West Tennessee to hold a court at Jackson, in said State, was considered and agreed to.

#### SMITHSONIAN LEGACY.

The amendment of the House of Representatives to the joint resolution relative to the Smithsonian legacy, was laid on the table.

#### BRADBURY T. JEPSON.

The bill from the House for the relief of Bradbury T. Jepson was read the third time and passed.

#### PATENT OFFICE REPORT.

On motion of Mr. STRANGE, it was

*Ordered*, That the report of the Commissioner of the Patent Office, made to the Senate on the 14th instant, be printed.

#### PUBLIC LANDS.

The bill for the graduation and reduction of the price of the public lands came up as the unfinished business; and, after a debate, in which Messrs. CALHOUN, BAYARD, ROBINSON, and CLAY of Kentucky, took part, the question was taken on ordering it to be engrossed for a third reading, and was decided in the affirmative—yeas 27, nays 22; as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Clay of Alabama, Cuthbert, Foster, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Tipton, Walker, White, Williams of Mississippi, Wright, and Young—27.

NAYS—Messrs. Bayard, Brown, Calhoun, Clay of Kentucky, Crittenden, Davis, Knight, McKean, Merriek, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Southard, Spence, Strange, Swift, Tallmadge, Wall, and Williams of Maine—22.

The Senate then went into executive session; after which it adjourned.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 16, 1839.

Mr. DROMGOOLE asked the consent of the House to take up the resolution submitted by him on Monday last, for an amendment to the rules, so as to substitute the *viva voce* mode of

voting by the House, where it is now provided to be by ballot.

Mr. WISE objected.

Mr. DROMGOOLE thereupon moved a suspension of the rules.

Mr. WISE moved a call of the House.

Mr. PICKENS inquired if the mover of the resolution intended it to embrace the cases of election of President and Vice President?

Mr. DROMGOOLE replied that he had drafted the resolution expressly with regard to the rules of the House only, which were adopted by each Congress; and no such case as that referred to by the gentleman could come on this session.

Mr. ADAMS requested Mr. Wise to withdraw the motion for a call of the House.

Mr. WISE could not do so; for, on the adoption of a proposition of this kind, he wished it fully debated in a full House.

Mr. ADAMS appealed to Mr. DROMGOOLE to postpone the motion to some future day, as, if adopted, it would have an immediate effect upon another subject—the mode of appointing or electing the select committee on the Swartwout case.

Mr. DROMGOOLE could not consent to do so; the less so as the principle had already been settled by the House at the commencement of the present session.

A call of the House was then ordered, without a division, and proceeded in until the roll was called over a second time, when it was dispensed with.

The question then recurred on Mr. Dromgoole's motion to suspend the rules, and the yeas and nays were ordered on the call of the same gentleman.

Mr. WILLIAMS, of North Carolina, moved to lay the resolution on the table.

The SPEAKER ruled the motion to be out of order, on the ground that the resolution was not before the House till the rules were suspended.

The question being then taken, resulted—yeas 97, nays 93; as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beers, Beirne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bronson, Cambreleng, John Campbell, Casey, Chaney, Cleveland, Coles, Connor, Crabb, Craig, Crary, Cushman, Davee, Deberry, De Graff, Dromgoole, Elmore, Farrington, Isaac Fletcher, Fry, James Garland, Grantland, Gray, Harrison, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, Robert M. T. Hunter, Thomas B. Jackson, Jabez Jackson, Joseph Johnson, Nathaniel Jones, Keim, Kemble, Klingensmith, Lewis, Logan, Lyon, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Morgan, Murray, Noble, Owens, Palmer, Parmenter, Paynter, Perukin, Phelps, Potter, John H. Prentiss, Reilly, Richardson, Rives, Robertson, Sheffer, Shields, Shepler, Snyder, Stuart, Swearingen, Taliaferro, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Weeks, Whittlesey, Jared W. Williams, Worthington, and Yell—97.

NAYS—Messrs. Adams, Alexander, Ayer, Bell, Bidle, Bond, William B. Calhoun, William B. Campbell, Carter, Cleatham, Childs, Clark, Clowney, Coffin, Cranston, Curtis, Cushing, Darlington, Dawson, Davies, Edwards, Evans, Everett, Ewing, Richard Fletcher, Fillmore, Rice Garland, Giddings, Goode, James Graham, William Graham, Graves, Grenuell, Hall, Harlan, Harper, Hastings, Hawes, Henry, Herod, Henry Johnson, William C. Johnson, Kennedy, Lincoln, Mallory, Marvin, Sampson Mason, Maury, May, Maxwell, Menefee, Mercer, Mitchell, Matthias Morris, Calvary Morris, Naylor, Noyes, Ogile, Peck, Ports, Pratt, Sergeant S. Prentiss, Putnam, Rariden, Randolph, Reed, Ridgway, Robinson, Rumsey, Russell, Saltonstall, Sergeant, Augustine H. Shepperd, Sibbey, Slade, Smith, Southgate, Stanly, Stone, Stratton, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yorke—93.

So the rules were not suspended, requiring a majority of two thirds.

#### REPORTS FROM COMMITTEES.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported, without amendment, Senate bill for the relief of Sarah Angel and the other heirs-at-law of Benjamin King, deceased.

Mr. McKAY, from the Committee on Military Affairs, reported a bill entitled "An act to amend an act for calling forth the militia to execute the laws of the Union, suppressing insurrection, and repelling invasions, and to repeal the act now in force for this purpose, approved February 28, 1795."

Mr. HOWARD, from the Committee on Foreign Affairs, reported a bill for the settlement of the accounts of the State of New Hampshire.

Mr. WHITTLESEY, from the Committee on Revolutionary Pensions, reported a joint resolution, explanatory of the act of the 3d of July, 1838, granting half pay and pension to certain

widows, [providing that a subsequent marriage of the widow, or the death of her husband since the passage of the act, shall not bar her claim.]

The resolution having been read twice, and referred to the Committee of the Whole, Mr. W. asked its present consideration; but it being objected to, Mr. W. gave notice that he would move to take it up the first convenient opportunity.

Mr. FRY, from the same committee, reported bills granting pensions to Benjamin Price, William Harper, and Mary Uptegraft.

Mr. JOHNSON, of Virginia, from the same committee, reported a bill granting a pension to Konrad Widrig.

Mr. MALLORY, from the Committee on Invalid Pensions, reported a bill for the relief of Martin Hooper and Charles Grisley.

Mr. MITCHELL, from the same committee, reported a bill for the relief of John Wheeler.

Mr. SERGEANT, from the select committee on the subject of steam engines, reported the following resolution; which was concurred in:

*Resolved*, That two communications from the Secretary of the Treasury to the committee on steam engines, and the accompanying papers, the petition of the citizens of Pittsburg in behalf of Cadwallader's invention, and the petition of owners of steamboats at Louisville, be printed.

Mr. SERGEANT submitted the following resolution; which was agreed to.

*Resolved*, That ten thousand extra copies of the report of the Secretary of the Treasury on steam engines, and of the two communications from the said Secretary this day ordered to be printed, be printed for the use of the House.

Mr. MASON, of Ohio, from the select committee on the subject, reported a bill to repeal the second section of the act to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office, approved July 7, 1838.

Mr. M. moved the engrossment of the bill.

Mr. PETRIKIN moved its commitment; which was lost.

The bill was then ordered to be read a third time to-day.

Mr. TOUCEY, from the Committee on the Judiciary, made an unfavorable report on the petition of John M. Seran.

Mr. CORWIN, from the same committee, made an unfavorable report on the petition of Benjamin Heart.

Mr. DEBERRY, from the Committee on Agriculture, made an unfavorable report on the petition of Andrew Logan, of Iowa Territory.

Mr. PARKER, from the Committee on Indian Affairs, made an unfavorable report on the petition of Robert Johnson, administrator of L. Roy.

Mr. DROMGOOLE, from the Committee on Foreign Affairs, reported unfavorably on the memorial of Charles W. Dalney.

On motion of Mr. LEGARE, the Committee on Foreign Affairs was discharged from the memorial of sundry citizens of the State of Massachusetts upon the subjects of war and peace.

Mr. MORGAN, from the Committee on Revolutionary Claims, made unfavorable reports on the petitions of Jane Vreeland, Nehemiah Phillips, and Catharine Rhodes, of Savannah, Georgia.

Mr. CHILDS, from the Committee on Revolutionary Pensions, made unfavorable reports on the petitions of Paoli Wills, Patience Smith, James Thompson, Susannah Lilley, Mary Wilman, and Colonel William Lawrence.

Mr. WHITTLESEY, from the same committee, made unfavorable reports on the petitions of David Goodrich, Abijah Hitchcock, Sylvanus Wood, heirs of Benjamin Chappell, Cornelius Phillips, Edmund Price, heirs of Daniel Starr, and Elisha Dillingham.

Mr. JOHNSON, of Virginia, from the same committee, made an unfavorable report on the petition of Benjamin Bibben.

Mr. MALLORY, from the Committee on Invalid Pensions, made an unfavorable report on the petitions of Betsey Warner, Elias Carpenter, James Taylor, and Samuel Butler.

Mr. ALLAN, of Vermont, from the same committee, made unfavorable reports on the petitions of Aden Bartlet and David Bartlet.

#### PETITIONS, ETC.

Petitions, on leave, were presented by Messrs. CUSHMAN and SPENCER.

Mr. WILLIAMS, of North Carolina, on leave, presented certain joint resolutions from the Legis-

lature of North Carolina on the subject of the public lands; which, on his motion, were read, ordered to be printed, and referred to the general committee of twenty-six on the public lands.

#### DEFALCATION OF SWARTWOUT.

The House then resumed the consideration of the resolution to raise a select committee to inquire into the defalcations of Samuel Swartwout, as stated in the proceedings of yesterday.

The debate was continued by Messrs. UNDERWOOD, FRY, MARTIN, BIDDLE, TOUCEY, and DUNCAN. The latter gentleman, after having discussed the proposition before the House at some length, gave way to

Mr. BOON, who moved that the House adjourn.

Mr. GARLAND, of Louisiana, demanded the yeas and nays; which were ordered.

Mr. BOON then withdrew the motion for adjournment.

Mr. TURNEY renewed the motion to adjourn; upon which the yeas and nays were ordered; and were—yeas 92, nays 78.

The House accordingly adjourned.

#### IN SENATE.

THURSDAY, January 17, 1839.

The PRESIDENT communicated a report from the War Department, containing statements showing the contracts entered into by that Department during the year 1838; which was laid on the table, and ordered to be printed.

The PRESIDENT communicated reports from the Executive Departments, as follows; which were severally laid on the table, and ordered to be printed:

A communication from the Commissioner of the General Land Office, inclosing reports of the Surveyors General of Illinois and Missouri, which were not received in time to be included in the annual report of that bureau.

A report from the Secretary of War, inclosing a statement from the Indian Bureau, showing the number of persons employed in that branch of the public service.

A report from the Secretary of the Treasury, made in compliance with the resolution of the 10th instant, showing the amount that would have been distributed up to June, 1839, under the bill to provide for the distribution of the proceeds of the sales of the public lands, which passed both Houses and was vetoed by President Jackson.

#### PETITIONS, ETC.

Mr. LYON presented the petition of Joseph Campan, asking for a patent for a certain tract of land; which was referred to the Committee on Private Land Claims.

Mr. PRENTISS presented the petition of Ezekiel Rodgers; which was referred to the Committee on Pensions.

Mr. BENTON submitted a document prepared by General Hernandez, relative to the bill for the armed occupation of Florida.

Mr. BAYARD presented the petition of sundry inhabitants from New Castle county, Delaware, praying for an appropriation for the construction of a harbor at Delaware city; which was referred to the Committee on Commerce.

#### REPORTS FROM COMMITTEES.

Mr. SWIFT, from the Committee on Indian Affairs, to which the subject had been referred, reported a bill for the relief of Benjamin Murphy, of Arkansas; which was read, and ordered to a second reading.

Mr. WRIGHT, from the Committee on Finance, to which the same had been referred, reported the bill from the House for the relief of Smith & Towns, without amendment.

Mr. W. also, from the same committee, to which had been referred the petition of Henry J. Pickering, reported a bill for his relief; which was read, and ordered to a second reading.

The report of the Committee on Pensions unfavorable to the petition of the heirs of Abraham White, was considered and concurred in.

#### NOTICE OF A RESOLUTION.

Mr. NORVELL gave notice that he would to-morrow ask leave to introduce a joint resolution providing for the purchase of the island at

the confluence of the St. Peters and Mississippi rivers.

#### COURT IN THE DISTRICT.

On motion of Mr. BAYARD, the Senate took up and considered, as in Committee of the Whole, the bill to amend the act to establish a criminal court in the District of Columbia; and, after some remarks from Mr. B., the bill was ordered to be engrossed for a third reading.

#### PUBLIC LANDS.

The bill to provide for the graduation and reduction of the price of the public lands came up on its third reading.

Messrs. CLAY, CALHOUN, BUCHANAN, NILES, BENTON, and KING addressed the Senate; and the question on the passage of the bill being taken, resulted—yeas 27, nays 22; as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Clay of Alabama, Cuthbert, Foster, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Tipton, Walker, White, Williams of Mississippi, Wright, and Young—27.

NAYS—Messrs. Bayard, Brown, Calhoun, Clay of Kentucky, Crittenden, Davis, Knight, McKean, Merriek, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Southard, Spence, Strange, Swift, Tallmadge, Wall, and Williams of Maine—22.

On motion, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, January 17, 1839.

Mr. SALTONSTALL, from the Committee on Claims, reported a bill for the relief of John —.

Mr. CONNOR, from the Committee on the Post Office and Post Roads, reported, without amendment, Senate bill regulating the transportation of the mail by railroads; which was read the third time and passed.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported, with a recommendation that it do not pass, Senate bill for the relief of the legal representatives of Captain Thomas Ripley; and said bill was laid on the table.

Mr. ADAMS, from the Committee on Manufactures, reported a bill to authorize Isaac Gage, of Augusta, in the State of Maine, to import, free of duty, the iron materials for the construction of steam vessels to be used in the coasting trade.

Mr. INGHAM, from the Committee on Naval Affairs, reported a bill for the relief of the widow of John Marshall.

Also, a bill for the relief of Dr. J. M. Foltz.

Also, the following resolution:

*Resolved*, That the Committee on Naval Affairs be instructed to inquire into the expediency of building five brigs or schooners for the public service, the same having been recommended by the Secretary of the Navy.

Mr. HOWARD submitted an amendment proposing to extend the inquiry to the expediency of constructing one or more steam revenue cutters; but he withdrew it on the suggestion of Mr. INGHAM that the subject was already before the Naval Committee.

Mr. PETRIKIN should like to know where was the use of adopting a resolution from the Naval Committee to instruct itself. If the object was considered by that committee to be a proper one, let them take the responsibility, and not relieve themselves by throwing it thus indirectly upon the House.

Mr. INGHAM replied that this was the inviolable usage of the House, at least ever since he had been a member of it, to instruct a committee on a subject which was not already before them. The committee could not report otherwise on this subject, because, though the object was recommended by the Secretary of the Navy, his report had not yet been referred to the Naval Committee. Hence the committee was driven to adopt this course.

The resolution was then concurred in.

Mr. SALTONSTALL, from the Committee of Claims, made an unfavorable report upon the petition of William Kilgore; which was laid on the table.

Mr. CUSHMAN, from the Committee on Commerce, made an unfavorable report on the petition of Charles Whitcomb and James Gullison; which was ordered to lie on the table.

On motion of Mr. ADAMS, the Committee on

Manufactures was discharged from the further consideration of the petition of William Colegate and others, in relation to the duty on starch; and it was referred to the same Committee of the Whole on the state of the Union to which was referred a bill upon the same subject.

#### EXECUTIVE COMMUNICATIONS.

The following message from the President of the United States was laid before the House by the Speaker:

*To the House of Representatives:*

I lay before you a communication from the Secretary of War, which is accompanied by one from the Commissioner of Indian Affairs, suggesting the propriety of setting apart a tract of country west of the Mississippi for the Seminole Indians, so that they may be separate from the Creeks; and representing the necessity of a small appropriation for supplying the immediate wants of those who have been removed; and I respectfully recommend these subjects to the early consideration and favorable action of Congress.

M. VAN BUREN.

WASHINGTON, January 16, 1839.

Also, a letter from the Secretary of War, transmitting information called for by the resolution of the 31st December ultimo, in relation to the distribution of arms to the militia of the United States, under the act of April 23, 1808; which letter was ordered to lie on the table.

Also, a letter from the Secretary of War, transmitting a statement of the contracts made by the various officers of the War Department on behalf of the United States, in the year 1838; which letter and statements were laid on the table.

Also, a letter from the Secretary of State of Vermont, inclosing the credentials of the Vermont delegation for the Twenty-Sixth Congress of the United States; which was ordered to lie on the table.

Mr. CASEY presented to the House certain documents from the Secretary of War in relation to an application which had been made to Congress by J. B. Beaubien and his associates, for his confirmation of their claim to the military reservation at Fort Dearborn, adjoining the city of Chicago, on Lake Michigan; which, on his motion, was ordered to be printed and laid on the table.

#### PETER MOORE AND COMPANY.

Mr. HUBLEY asked the consent of the House to take up and consider the bill for the relief of Peter Moore and Co. and others; which was agreed to, and the bill was ordered to be engrossed for a third reading to-day.

#### CONGRESS OF NATIONS.

Mr. LEGARE said, that, yesterday, in making the report upon the memorial of certain citizens of Massachusetts, praying for a congress of nations for the settlement of national disputes, he had neglected to make the motion that the same be printed. He would beg leave now to make that motion.

Mr. HOWARD suggested the following amendment:

For reasons stated in the report of the Committee on Foreign Affairs, made to the House on 13th June, 1838, and numbered nine hundred and seventy nine, in the printed documents of the second session of the Twenty-Fifth Congress.

Mr. ADAMS suggested the propriety of amending the motion so as to include the memorial which he presented last year, forming the basis of this report, and also those presented since. These memorialists seem to be well acquainted with the report made by the gentleman at the last session.

Mr. LEGARE had no objection to this amendment.

Mr. ADAMS said he presumed the committee had not looked into the memorial which discusses the report made by that committee at the last session. It was the most luminous of all presented them. He hoped the present report would be recommitted to that committee to take into consideration these memorials. He had many upon the same subject which had not yet been presented, from enlightened citizens from various parts of the Union.

The SPEAKER decided that the motion to print was a distinct one from that of the Committee on Foreign Affairs. It would not, therefore, be in order to amend that motion by moving to recommit the report; but a motion to recommit and print would be in order.

Mr. ADAMS so modified his motion.

Some conversation took place between Messrs. ADAMS and LEGARE in relation to the memorials presented, and the report of the committee of the last session upon this subject.

Mr. HOWARD said there were two classes of memorials before the committee; one class relating to the creating of a congress of nations, to settle national difficulties generally, and the other asking the interposition of the United States between the Republic of Mexico and the French nation. The latter class the committee now had under consideration, and, he hoped, would be prepared in a few days to make a report thereupon. The former, proposing a congress of nations, had been fully considered and reported upon by that committee at the last session. No new matter on the former point had been brought before them in these memorials, which they did not touch upon at that time; and it was for that reason that the committee asked to be discharged from the further consideration of the subject. He had no objection to vote for printing the memorial also. Mr. H. was understood to say that the report had been founded upon one memorial.

Mr. ADAMS rejoined, that as this report had been founded upon but one single memorial, he considered it an additional reason why it should be recommitted. He considered the report made by that committee at the last session, one of the ablest that had ever been produced upon that subject, and would be willing to vote for printing one million copies to disseminate among the people.

Some further conversation here took place between Messrs. LEGARE, CUSHING, and ADAMS.

Mr. PETRIKIN, having obtained the floor, moved the previous question; but subsequently withdrew it for an explanation from

Mr. ADAMS, who said, as he felt himself satisfied by the explanations of the gentlemen of the committee, he would withdraw his motion to recommit, but insist on that to print the memorial.

Mr. PETRIKIN here renewed his motion for the previous question; which was seconded—yeas 68, nays 57.

The main question was then ordered—being upon the motion of Mr. LEGARE to print the report of the Committee on Foreign Affairs, made on yesterday—and decided in the affirmative.

#### IMPORTS, ETC.

Mr. ELMORE asked leave of the House to take up the resolution submitted by him on the 8th of January, calling for information from the Secretary of the Treasury on the subject of imports, exports, and duties; which was agreed to, and the resolution adopted.

#### NOTICE OF A BILL.

Mr. TILLINGHAST gave notice that he should, to-morrow, ask leave to bring in a bill to allow a drawback on duties on imported hemp, when manufactured into cordage and exported.

#### DEFALCATION OF SWARTWOUT.

The House then resumed the consideration of Mr. CAMBRELENG's motion to raise a select committee to investigate the defalcations of Samuel Swartwout; the question being on the motion to strike from the modified resolution the proposition to raise said committee by ballot.

Mr. DUNCAN addressed the House at some length; and having concluded his remarks,

Mr. PETRIKIN obtained the floor, and moved the previous question.

Mr. GRENNELL moved a call of the House; before taking the question, however,

Mr. PETRIKIN withdrew the motion for the previous question, at the solicitation of

Mr. STANLY, who, having spoken some time in reply to Mr. DUNCAN, renewed the motion for the previous question.

Mr. WISE inquired what would be the effect of the motion for the previous question, if it prevailed? Would it cut off the amendment which proposed the appointment of the committee by ballot?

The SPEAKER replied in the affirmative.

Mr. WISE moved a call of the House.

The question was taken by tellers; and there appeared—yeas 91, noes 90.

The SPEAKER voted against it, and consequently it was lost.

Mr. KENNEDY obtained the floor, and moved that the House adjourn; upon which motion

Mr. COFFIN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there appeared—yeas 14, nays 193.

So the House refused to adjourn.

Mr. GARLAND, of Louisiana, renewed the motion for a call of the House.

The question was taken by tellers; and there appeared—yeas 99, noes 101.

So the motion was decided in the negative.

The question then recurred upon the motion for the previous question.

The question was taken by tellers; and there appeared—yeas 94, noes 118.

So the motion was decided in the negative.

Mr. KENNEDY, being entitled to the floor, proceeded to discuss, for a short time, the proposition before the House; but waived his right to admit a motion for adjournment.

The question upon the motion to adjourn was then taken; and decided in the negative—yeas 83, nays 113.

Mr. KENNEDY intimated a wish that the House should come to a decision upon the subject before it; and to enable it to do so suspended all further remarks.

The question being on the proposition of Mr. THOMAS, to strike from the amendment moved by Mr. GARLAND, of Virginia, the words "elect by ballot," and insert the words "viva voce,"

Mr. FILLMORE thereon demanded the yeas and nays.

Mr. SMITH inquired of the Chair if the amendment to the amendment would not, as involving a change of the rules, require a majority of two thirds for its adoption?

The SPEAKER was understood to say that, if the amendment to the amendment required two thirds, it would also require two thirds to adopt the resolution. He decided that it was competent for a majority to amend the resolution; but as it involved a change of the rules, it would require a vote of two thirds to pass it; and cited precedents of the House and parliamentary law to sustain him in his decision.

Mr. WISE said he did not coincide with the opinion of the Speaker; that the law did not satisfy his mind. He contended that it was not competent for the Chair to entertain a motion which was, in effect, to change and abrogate the rules of the House, and stated his point of order to be founded upon the rules of the House, in the following words:

"All committees shall be appointed by the Speaker, unless otherwise specially directed by the House; in which case they shall be appointed by ballot."

The SPEAKER decided that it was in order to move the amendment, and that the point raised might be "a fit ground for its rejection by that House, but not within the competence of the Speaker to suppress, as if it were against order;" that if the amendment to the amendment be agreed to by a majority, and the amendment as amended be incorporated into the resolution by a majority, the resolution, in that form, would require, under the 119th rule, which provides, "nor shall any rule be suspended except by a vote of at least two thirds of the members present," a vote of two thirds to pass the same.

Mr. WISE appealed from this decision of the Chair, and demanded the yeas and nays upon said appeal.

Mr. ELMORE suggested to the gentleman from Virginia [Mr. WISE] that this was not the time to raise the question of order; that it would be much better to raise it upon the resolution itself, and not on a preliminary motion.

Mr. WISE replied that it was the proper time; he wanted the House to determine whether it was competent to entertain a motion that, in his opinion, violated a rule of the House.

Mr. FILLMORE here read the rule of the House, which, in substance, says that a proposition to amend the rules should be submitted one day previous to the question on its action; and gave it as his opinion that it was not in order to entertain the motion to amend the resolution.

Mr. BANKS said he had risen for the purpose of sustaining the decision of the Chair, and should have preferred adhering to the course he had prescribed to himself in voting rather than in participating in the protracted and boundless debates of

this House, and especially upon the resolutions and amendments now under consideration; but, concurring in the decision made by the Chair in the question of order now raised, and as an appeal had been taken from that decision to the House, he felt bound by every consideration of duty which he owed to himself and the privileges due to every member of the House, briefly to assign the reasons for the opinion he entertained. He regretted that, in the views he should present upon this subject, he should be compelled, by way of illustration, to allude to the practice of another legislative body, over whose deliberations he long had the honor of presiding.

Mr. Speaker, (said Mr. B.,) what is the question we are called upon to decide? Certain resolutions have been introduced proposing to raise a committee to investigate the defalcation of Mr. Swartwout, late collector at the port of New York; a motion had been made by his colleague [Mr. Wise] to amend the resolutions so as to change the mode of appointing the committee, by inserting the words "by ballot;" and the gentleman from Maryland [Mr. Thomas] had moved to amend the amendment by substituting in lieu thereof, "*viva voce*." He asked whether it was in order to move to amend the amendment? There could be no doubt upon that point. It is a principle of parliamentary law recognized by every writer upon the subject, and practiced upon by every legislative body known to our history, that a further amendment at this time would not be in order. However inconsistent or incompatible an amendment may be to one already agreed to, or to the main question itself, it furnished proper ground for its rejection by the House; but it could not be suppressed by the Speaker. Suppose that the proposition of the gentleman from Maryland was in direct and palpable violation of the Constitution of the United States: could the Speaker say that it was out of order, and, therefore, not entertain the motion? Surely not, sir. Each member decides for himself what is constitutional or unconstitutional, expedient or inexpedient. The only question for the Speaker to decide, when a proposition is submitted, is, whether it is in order to amend. If that question be answered affirmatively, he has no right to decide upon the character or bearing of the proposition or amendment. If this amendment to the amendment should be adopted, and finally become incorporated with, and stand as a part of, the original resolution, then, by another rule of the House, it would require two thirds of the members present to pass the resolution, which he believed would be carried by nine tenths of the members of this body; for no member was opposed to this investigation. In the House of Delegates of Virginia everything is decided by a majority of the House; we know nothing of this two-thirds system. By a standing rule of that House, no committee, whether standing or select, shall be less than five, nor more than thirteen members; it had often happened there, upon great and general questions, affecting every portion of the State, that a resolution would be adopted directing the Speaker to take one member from each congressional or senatorial district; the standing rule, by the action of the House itself, would be, *pro tanto*, suspended or repealed; so the same principle would prevail here under the rules of this House. But, sir, you are doing every day in practice the identical principle involved in this amendment. He would not, however, recapitulate and comment upon the precedents and authorities brought to bear upon this question by the Speaker, and would not trespass longer upon the patience of the House, believing that action was more important than words.

Mr. JOHNSON, of Maryland, replied briefly to Mr. Banks, and in opposition to the decision of the Speaker, and contended that the adoption of the two-third principle, by entertaining the motion to incorporate in this resolution the words "*viva voce*," would be practicing a fraud upon the House.

The SPEAKER here made a further brief explanation in support of his decision.

Mr. HARLAN moved the previous question upon the appeal; which was seconded.

The main question being, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. CAMBRELENG demanded the yeas and nays upon that question; which were ordered.

Mr. WISE thereupon withdrew his appeal.

Mr. CAMBRELENG so modified his original resolution as to accept the words "*viva voce*," in the place of "by ballot."

Mr. WISE inquired if the resolution, in this form, providing for the appointment of the committee *viva voce*, was in order?

The SPEAKER decided it to be in order; but that, if the resolution, in its modified form, be agreed to, it would operate as a suspension of the rules, and would require a "vote of at least two thirds of the members present" to pass the same; and that, if not passed by a vote of two thirds, the message of the President would remain the business before the House, subject to be referred to a committee to be appointed by ballot, or to any other disposition which the House might choose to make of it.

The resolution being modified by the mover to read, "appointed by the House *viva voce*," the amendment moved to the original resolution by Mr. GARLAND, of Virginia, and the amendment moved thereto by Mr. THOMAS, fell.

Mr. MARVIN asked whether it would be in order so to amend the resolution, as modified, as to strike out the words "*viva voce*," and insert the words "by ballot?"

The SPEAKER decided that it would.

Mr. MARVIN then moved to amend the resolution accordingly.

Mr. GARLAND, of Louisiana, demanded the yeas and nays.

The yeas and nays were ordered; and, being taken, resulted—yeas 113, nays 105; as follows:

YEAS—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Ayer, Bell, Biddle, Bond, Borden, William B. Calhoun, John Calhoun, William B. Campbell, Carter, Chambers, Cheatham, Childs, Clark, Coffin, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Doherty, Dunn, Edwards, Evans, Everett, Ewing, Richard Fletcher, Fillmore, James Garland, Rice Garland, Giddings, Goode, James Graham, William Graham, Grantland, Graves, Grennell, Hall, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, Jabez Jackson, Henry Johnson, William Cost Johnson, Legare, Lincoln, Mallory, Marvin, Sampson Mason, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Matthias Morris, Calvary Morris, Naylor, Noyes, Ogle, Pearce, Peck, Pickens, Pope, Potts, Sergeant S. Prentiss, Putnam, Riden, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Saltonstall, Sawyer, Sergeant, Augustine H. Shepherd, Shields, Sibley, Slade, Smith, Southgate, Stanley, Stone, Stratton, Taliaferro, Thompson, Tillaghast, Toland, Underwood, Albert S. White, John White, Lewis Williams, Joseph L. Williams, Christopher L. Williams, Wise, Word, and Yorke—113.

NAYS—Messrs. Anderson, Andrews, Alverton, Banks, Beatty, Beers, Beine, Bicknell, Birdsell, Boon, Bouldin, Brodiehead, Bronson, Bynum, Cambreleng, John Campbell, Casey, Chaney, Chapman, Cleveland, Coles, Connor, Crabb, Craig, Cray, Cushman, Davee, De Graff, Dromgoole, Duncan, Elmore, Farrington, Isaac Fletcher, Fry, Gallup, Grant, Gray, Griffin, Haley, Hamer, Harrison, Hawkins, Haynes, Holsey, Hoyt, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, Keim, Kemble, Klingensmith, Leadbetter, Lewis, Logan, Loomis, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClare, Miller, Montgomery, Moore, Morgan, Murray, Noble, Owens, Palmer, Parmenter, Parris, Paynter, Petrik, Phelps, Potter, Pratt, John H. Prentiss, Reily, Richardson, Rives, Sheffer, Charles Shepard, Shepler, Spencer, Stuart, Swearingen, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Wagener, Weeks, Whittlesey, Sherrard Williams, Jared W. Williams, Worthington, and Yell—105.

So the amendment of Mr. MARVIN was agreed to.

The question then recurred upon the adoption of the resolutions; and upon that question,

Mr. KENNEDY demanded the yeas and nays; which were not ordered.

The resolutions, as follows, were then agreed to:

*Resolved*, That the communication from the President of the United States, of the 8th of December, 1833, relating to the defalcation of the late collector of the port of New York, except so much as relates to a modification of the revenue laws, be referred to a select committee of nine members, to be appointed by the House by ballot, whose duty it shall be to inquire into the causes and extent of the late defalcations of the custom house at New York and other places; the length of time they have existed; the correctness of the returns which have been made by the collectors, naval and other officers, and the deposit banks, respectively; and all such facts connected with the said defalcations as may be deemed material to develop their true character.

*Be it further resolved*, That the said committee be required to inquire into, and make report of, any defalcations among the collectors, receivers, and disbursers of the public money, which may now exist; who are the defaulters; the amount of defalcations, the length of time they have existed, and the causes which led to them; and that the said committee have power to send for persons and papers."

Mr. CAMBRELENG expressed a wish that

the House would make it the order of the day for to-morrow to go into a ballot.

Mr. COFFIN moved that the House proceed immediately to ballot.

Mr. GRANT moved that the House adjourn; which was taken by tellers, and decided in the negative.

Mr. COFFIN's motion was then agreed to; and the House accordingly proceeded to ballot.

The SPEAKER appointed Messrs. DROMGOOLE, GARLAND of Virginia, and MARVIN, as tellers to count the ballots.

Number of ballots 110; necessary to a choice, 106; of which—

Mr. Harlan received.....	125
Mr. Curtis.....	123
Mr. Wise.....	120
Mr. Dawson.....	119
Mr. Smith.....	117
Mr. Elmore.....	112
Mr. Hopkins.....	103
Mr. Cushman.....	93
Mr. Hubley.....	89
Mr. Hamer.....	84
Mr. Thomas.....	78
Mr. Owens.....	64
Mr. Turney.....	53
Mr. Casey.....	39
Mr. Potter.....	39
Mr. Garland, of Virginia.....	29
Mr. Parker.....	24
Mr. Garland, of Louisiana.....	22
Mr. Jones, of New York.....	21
Mr. Toucey.....	21
Mr. Bynum.....	20
Mr. Dromgoole.....	19
Mr. Alverton.....	17
Mr. Ingham.....	15
Mr. Mason, of Virginia.....	12
Mr. Boon.....	9
Mr. Martin.....	9
Mr. Cambreleng.....	8
Mr. Clark.....	8
Mr. Legare.....	8
Mr. Lincoln.....	8
Mr. Weeks.....	8
Mr. Lewis.....	7
Mr. Bouldin.....	6
Mr. Evans.....	6
Mr. Adams.....	5
Mr. Bell.....	5
Mr. Biddle.....	5
Mr. Duncan.....	5
Mr. Gray.....	5
Mr. Pickens.....	5
Mr. Corwin.....	4
Mr. Haynes.....	4
Mr. Howard.....	4
Mr. Kemble.....	4
Mr. Petrik.....	4
Mr. Pope.....	4
Mr. Allan, of Vermont.....	3
Mr. Anderson.....	3
Mr. Brodiehead.....	3
Mr. Calhoun, of Massachusetts.....	3
Mr. Cray.....	3
Mr. Davee.....	3
Mr. De Graff.....	3
Mr. Fry.....	3
Mr. Hoffman.....	3
Mr. Hunter, of Virginia.....	3
Mr. Johnson, of Louisiana.....	3
Mr. Keim.....	3
Mr. Parmenter.....	3
Mr. Parris.....	3
Mr. Thompson.....	3
Mr. Banks.....	2
Mr. Coles.....	2
Mr. Darlington.....	2
Mr. Everett.....	2
Mr. Foster.....	2
Mr. Kennedy.....	2
Mr. Klingensmith.....	2
Mr. Lyon.....	2
Mr. May.....	2
Mr. McKay.....	2
Mr. Murray.....	2
Mr. Noyes.....	2
Mr. Prentiss, of Mississippi.....	2
Mr. Ridgway.....	2
Mr. Robertson.....	2
Mr. Robinson.....	2
Mr. Stanley.....	2
Mr. Taylor.....	2
Mr. Williams, of North Carolina.....	2
Mr. Word.....	2
Mr. Allen, of Ohio.....	1
Mr. Beatty.....	1
Mr. Bicknell.....	1
Mr. Calhoun, of Kentucky.....	1
Mr. Campbell, of Tennessee.....	1
Mr. Carter.....	1
Mr. Connor.....	1
Mr. Dunn.....	1
Mr. Farrington.....	1
Mr. Grantland.....	1
Mr. Haley.....	1
Mr. Harrison.....	1
Mr. Holsey.....	1
Mr. Hoyt.....	1
Mr. Johnson, of Maryland.....	1
Mr. Leadbetter.....	1
Mr. Loomis.....	1
Mr. Marvin.....	1

Mr. Mason, of Ohio.....	1
Mr. McKennan.....	1
Mr. Menefee.....	1
Mr. Mercer.....	1
Mr. Moore.....	1
Mr. Morgan.....	1
Mr. Prentiss, of Vermont.....	1
Mr. Randolph.....	1
Mr. Reed.....	1
Mr. Rhett.....	1
Mr. Richardson.....	1
Mr. Sergeant.....	1
Mr. A. H. Shepperd.....	1
Mr. Underwood.....	1
Mr. Wagener.....	1
Mr. White.....	1
Mr. Worthington.....	1
Mr. Yell.....	1
Mr. Yorke.....	1

The following gentlemen having received the requisite number of votes, were declared elected: MESSRS. HARLAN, CURTIS, WISE, DAWSON, SMITH, and ELMORE.

The House then proceeded to a second ballot; which resulted as follows: Whole number of votes, 125; necessary to a choice, 63; of which—

Mr. Cushman received.....	96
Mr. Hopkins.....	98
Mr. Hubley.....	94
Mr. Hamer.....	23
Mr. Thomas.....	20
Mr. Dromgoole.....	4
Mr. Garland, of Virginia.....	4
Mr. Turney.....	4
Mr. Toucey.....	3
Mr. Duncan.....	2
Mr. Martin.....	2
Mr. McKay.....	2
Mr. Potter.....	2
Mr. Adams.....	1
Mr. Atherton.....	1
Mr. Bell.....	1
Mr. Biddle.....	1
Mr. Clarke.....	1
Mr. Daves.....	1
Mr. Howard.....	1
Mr. Jones, of Virginia.....	1
Mr. Mason, of Virginia.....	1
Mr. Moore.....	1
Mr. Owens.....	1
Mr. Polk.....	1
Mr. Sergeant.....	1
Mr. Stanley.....	1
Mr. Taylor.....	1
Mr. Yell.....	1
Mr. Yorke.....	1

The following gentlemen having received the requisite number of votes, were declared duly elected to constitute the proper number of the committee: MESSRS. CUSHMAN, HOPKINS, and HUBLEY.

At ten o'clock a motion was made by Mr. DROMGOOLE that the House do adjourn; which motion was decided in the negative.

A motion was then made by Mr. DROMGOOLE that there be a call of the House, which was also decided in the negative; and then (at eleven o'clock, p. m.) the House adjourned.

## IN SENATE.

FRIDAY, January 18, 1839.

Mr. STRANGE presented two sets of resolutions passed by the Legislature of North Carolina, one asking for an appropriation for opening the inlet at Nag's Head; the other on the subject of the public lands.

After some remarks from Messrs. STRANGE, WALKER, BROWN, DAVIS, and NILES, on the subject of the last resolutions, they were laid on the table.

Mr. WALL presented the petition of one hundred and twelve citizens of Gloucester county, New Jersey, praying for the immediate abolition of slavery in the District of Columbia.

On motion of Mr. WILLIAMS, of Mississippi, the question of reception was laid on the table.

On motion of Mr. SEVIER, the petition and papers of Matthew Arbuckle were referred to the Committee on Private Land Claims.

Mr. SEVIER presented the petition of fifty lawyers of Arkansas, in relation to the circuit and district courts for that State; which, after some remarks from Messrs. SEVIER, KING, BUCHANAN, WALKER, and CLAY of Alabama, was referred to the Committee on the Judiciary.

Mr. MERRICK presented the petition of Jacob Carter and others, citizens of Georgetown, District of Columbia, praying a retrocession of that part of the county of Washington west of Rock creek, to the State of Maryland; which was re-

ferred to the Committee on the District of Columbia.

Mr. KING presented the memorial of the Selma and Tennessee Railroad Company, setting forth the great advantages of said road, and praying for the passage of the bill pending in their favor; also, a memorial from sundry citizens of De Kalb county, Alabama, on the same subject; which were referred to the Committee on Roads and Canals.

Mr. MOUTON presented several petitions from citizens of Louisiana, whose names were not heard, asking for confirmation of their land claims; all of which were referred to the Committee on Private Land Claims.

Mr. PRESTON presented the memorial of Captain Hezekiah S. Thistle, of Louisiana, on the subject of the Florida war; which was referred to the Committee on Military Affairs, and ordered to be printed.

## REPORTS FROM COMMITTEES.

Mr. TIPTON, from the Committee on Indian Affairs, to which was referred the communication of the Secretary of War relative to the appointment of paymasters for the Indian department, reported a bill for that purpose; which was read, and ordered to a second reading.

Mr. T., from the same committee, reported a bill providing for the appointment of additional clerks in the office of the Commissioner of Indian Affairs; which was read, and ordered to a second reading.

Mr. BROWN, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of William Sandford, deceased; which was read, and ordered to a second reading.

Mr. B. also, from the same committee, reported bills for the relief of the heirs and legal representatives of Captain William Williams, deceased; for the relief of the legal representatives of Joseph Morris, deceased; and a bill for the relief of the heirs of Dr. William Ramsay, deceased; which were severally read, and ordered to a second reading.

On motion of Mr. BROWN, the Committee on Revolutionary Claims was discharged from the further consideration of the petition of the heirs of William Bayley, deceased.

Mr. SEVIER, from the Committee on Public Lands, reported a bill for the relief of Matthew Arbuckle; which was read, and ordered to a second reading.

Mr. WILLIAMS, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs of Thomas Griffin, deceased; which was read, and ordered to a second reading.

On motion of Mr. NORVELL, the Committee on Revolutionary Claims was discharged from the further consideration of the petitions of John Hawkins, the heirs of Henry Hamilton, and the heirs of E. K. Withers.

## RESOLUTION INTRODUCED.

Mr. NORVELL, in pursuance of notice given, obtained leave and introduced a joint resolution providing for the purchase of the island at the confluence of the Ohio and Mississippi rivers; which was read, and ordered to a second reading.

## CUMBERLAND ROAD.

The bill making appropriations for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois, was taken up as the special order of the day.

Mr. TIPTON gave a brief explanation of the contents and objects of the bill. The appropriation being \$450,000, that is \$150,000 for that portion of the road in each of the States of Ohio, Indiana, and Illinois.

Mr. HUBBARD, after a few observations, moved to strike out the word "fifty" wherever it occurs; thus reducing the appropriation for each State \$50,000.

After some remarks from Messrs. HUBBARD, KING, and BROWN, in support of the motion, and from Messrs. SMITH of Indiana, and ROBINSON, in opposition to it, the question was taken; and Mr. HUBBARD's motion was adopted—yeas 27, nays 17; as follows:

YEAS—Messrs. Brown, Calhoun, Clay of Alabama, Cuthbert, Davis, Foster, Hubbard, King, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Prentiss, Preston, Rives, Roane, Ruggles, Smith of Connecticut, Strange, Swift, Walker,

Wall, White, Williams of Maine, and Williams of Mississippi—27.

NAYS—Messrs. Allen, Benton, Clay of Kentucky, Fulton, Linn, Merrick, Morris, Robbins, Robinson, Sevier, Smith of Indiana, Southard, Spence, Tallmadge, Tipton, Webster, and Young—17.

Mr. KING, after a few remarks, moved to strike out the enacting clause of the bill; which, after some remarks from Mr. YOUNG in opposition to the motion, was carried—yeas 23, nays 22; as follows:

YEAS—Messrs. Brown, Calhoun, Clay of Alabama, Foster, Hubbard, King, Lumpkin, Mouton, Niles, Norvell, Pierce, Prentiss, Preston, Rives, Roane, Ruggles, Smith of Connecticut, Strange, Walker, Wall, White, Williams of Maine, and Williams of Mississippi—23.

NAYS—Messrs. Allen, Benton, Clay of Kentucky, Cuthbert, Fulton, Knight, Linn, Merrick, Morris, Nicholas, Robbins, Robinson, Sevier, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, Wright, and Young—22.

## MESSAGES FROM THE PRESIDENT.

A message was received from the President of the United States, transmitting a report of the Director of the Mint, showing the operations of that institution for the year 1838; which was laid on the table, and ordered to be printed.

Also, a message transmitting a letter from the Secretary of the Treasury on the subject of claims under the Florida treaty of 1819, recommending additional legislation; which was laid on the table.

Also, a message transmitting a communication from the Secretary of the Treasury on the propriety of changing the second section of the act of March, 1837, for the relief of the insolvent debtors of the United States; which was referred to the Committee on the Judiciary, and ordered to be printed.

## CUMBERLAND ROAD—AGAIN.

Mr. WALL, who voted with the majority, said he had been earnestly requested to move a reconsideration of the vote on striking out the enacting clause of the Cumberland road bill. He was willing to make this motion, as he was aware that there were several Senators absent when the vote was taken, to give an opportunity for a more full expression of the opinion of the Senate, though he had no intention of changing his own vote.

Mr. W's motion was supported by Messrs. BENTON, SMITH of Indiana, and MORRIS, and opposed by Messrs. PRESTON, CALHOUN, KING, and CLAY of Alabama.

Mr. KING moved to lay the motion on the table, giving notice that he himself would call it up at one o'clock on Monday, when he expected there would be a full Senate.

On taking the question, Mr. KING's motion was lost—yeas 23, nays 26; as follows:

YEAS—Messrs. Brown, Calhoun, Clay of Alabama, Foster, Hubbard, King, Lumpkin, Mouton, Nicholas, Niles, Norvell, Pierce, Prentiss, Preston, Roane, Ruggles, Smith of Connecticut, Strange, Walker, Wall, White, Williams of Maine, and Williams of Mississippi—23.

NAYS—Messrs. Allen, Bayard, Benton, Buchanan, Clay of Kentucky, Crittenden, Cuthbert, Davis, Fulton, Knight, Linn, Merrick, Morris, Nicholas, Robbins, Robinson, Sevier, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, Wright, and Young—26.

The question was next taken on the reconsideration of the vote on striking out the enacting clause; and the reconsideration was ordered without a division.

The question then recurring on striking out the enacting clause, the question was taken, and decided in the negative—yeas 23, nays 26; as follows:

YEAS—Messrs. Brown, Calhoun, Clay of Alabama, Foster, Hubbard, King, Lumpkin, Mouton, Niles, Norvell, Pierce, Prentiss, Preston, Rives, Roane, Ruggles, Smith of Connecticut, Strange, Walker, Wall, White, Williams of Maine, and Williams of Mississippi—23.

NAYS—Messrs. Allen, Bayard, Benton, Buchanan, Clay of Kentucky, Crittenden, Cuthbert, Davis, Fulton, Knight, Linn, Merrick, Morris, Nicholas, Robbins, Robinson, Sevier, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, Wright, and Young—26.

Mr. HUBBARD moved to strike out all after the word "dollars," in the eleventh line, which provides that the same limitations and restrictions shall exist as are contained in former laws on the subject. On this motion a debate ensued, in which Messrs. HUBBARD, WALKER, CLAY of Kentucky, and CLAY of Alabama supported, and Messrs. TIPTON, YOUNG, BAYARD, and NILES opposed the motion.

Mr. HUBBARD then withdrew his motion.

Mr. WALKER moved to strike out that part of the bill which provides that the appropriation shall be reimbursed out of the two per cent. fund reserved for making roads to the States named in the bill, contending that this fund had been long exhausted, and that it could, by no possibility, ever produce the amount appropriated.

The motion was supported by Messrs. WALKER, CLAY of Alabama, and CLAY of Kentucky, and opposed by Messrs. KING, BAYARD, TIPTON, and BENTON; and on taking the question, the motion was lost—yeas 22, nays 24; as follows:

YEAS—Messrs. Bayard, Brown, Calhoun, Clay of Alabama, Clay of Kentucky, Davis, Foster, Hubbard, King, Knight, Lumpkin, Mouton, Norvell, Pierce, Prentiss, Preston, Ruggles, Swift, Walker, White, Williams of Maine, and Williams of Mississippi—22.

NAYS—Messrs. Allen, Benton, Crittenden, Cuthbert, Fulton, Linn, Morris, Nicholas, Niles, Roane, Robbins, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Southard, Spence, Strange, Tipton, Wall, Webster, Wright, and Young—24.

The bill was then ordered to be engrossed for a third reading by the following vote:

YEAS—Messrs. Allen, Bayard, Benton, Buchanan, Clay of Kentucky, Crittenden, Cuthbert, Davis, Fulton, Linn, Merrick, Morris, Nicholas, Robbins, Robinson, Sevier, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, Wright, and Young—25.

NAYS—Messrs. Brown, Calhoun, Clay of Alabama, Foster, Hubbard, King, Lumpkin, Lyon, Mouton, Niles, Norvell, Pierce, Prentiss, Preston, Roane, Ruggles, Smith of Connecticut, Strange, Walker, Wall, White, Williams of Maine, and Williams of Mississippi—23.

On motion, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

FRIDAY, January 18, 1839.

As soon as the Journal was read, Mr. ELMORE rose, and preferred a request to the House to be excused from serving on the select committee raised last night on the defalcation of Swartwout and Price.

Mr. E. gave his reasons at length, which will be published hereafter; and his application was opposed by Messrs. BOULDIN, GRENNELL, DAWSON, WISE, PRENTISS of Mississippi, MERCER, REED, MENEFEE, and POPE, and sustained by Messrs. HAYNES and CRAIG.

The question was taken by yeas and nays; and there were—yeas 118, nays 95.

So Mr. ELMORE was excused.

Mr. CUSHMAN then preferred the same request.

The question was taken by yeas and nays; and there were—yeas 106, nays 99.

So Mr. CUSHMAN was excused.

Mr. HUBLEY also asked to be excused.

The request was opposed by Messrs. BIDDLE, JOHNSON of Maryland, WISE, and NAYLOR; and sustained by Messrs. POTTER and CRAIG.

The question was taken by yeas and nays; and there were—yeas 121, nays 68.

So Mr. HUBLEY was also excused.

Mr. UNDERWOOD asked leave to submit a resolution authorizing the Speaker to fill up the three vacancies.

The SPEAKER pronounced it out of order, on the ground that the House having passed an existing order that the committee should be elected in a particular form, it would require a rescinding resolution before that form could be changed.

Mr. WISE then moved that the House proceed now to fill the three vacancies by ballot, further moving a call of the House, and demanding the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 104, nays 81.

So the motion was decided in the affirmative.

Mr. ROBERTSON moved a call of the House.

The motion was not agreed to.

Mr. CRARY expressed a wish that the members of the House would move some concert of action, and thereby save the time of the House; and, having that object in view, he would move to strike out the word "now" from the motion of the gentleman from Virginia, [Mr. Wise], and insert the words "will to-morrow proceed" to fill the three vacancies.

Mr. PETRIKIN inquired if a majority or a plurality of votes would be required to determine the ballot.

The SPEAKER decided that it would require,

by the rules of the House, a majority on the first ballot, and on the second a plurality.

Mr. MENEFEE demanded the yeas and nays upon the motion for a call of the House; which were ordered.

Mr. CRARY then withdrew his amendment.

The question was then taken on the motion to proceed now to ballot, and decided in the affirmative.

The House accordingly proceeded to ballot.

Messrs. MARVIN, GARLAND of Virginia, and TOUCEY, were appointed tellers; and the following was the result of the first ballot: Number of votes given, 203; necessary to a choice, 102; of which—

Mr. Potter received.....	98
Mr. Taylor.....	97
Mr. Haynes.....	96
Mr. Thomas.....	79
Mr. Hamer.....	77
Mr. Turney.....	69
Mr. Adams.....	10
Mr. Slade.....	7
Mr. Calhoun, of Kentucky.....	6
Mr. Dromgoole.....	5
Mr. Stanly.....	5
Mr. Toucey.....	5
Mr. Craig.....	4
Mr. Biddle.....	3
Mr. Menefee.....	3
Mr. Davee.....	2
Mr. Duncan.....	2
Mr. Klengensmith.....	2
Mr. Martin.....	2
Mr. Owens.....	2
Mr. Rhett.....	2
Mr. Atherton.....	1
Mr. Bell.....	1
Mr. Bond.....	1
Mr. Brodhead.....	1
Mr. Cleveland.....	1
Mr. Crary.....	1
Mr. Edwards.....	1
Mr. Evans.....	1
Mr. Fry.....	1
Mr. Garland, of Virginia.....	1
Mr. Howard.....	1
Mr. Ingham.....	1
Mr. Kemble.....	1
Mr. Leadbetter.....	1
Mr. Lyon.....	1
Mr. Mitchell.....	1
Mr. Murray.....	1
Mr. Parris.....	1
Mr. Petrikin.....	1
Mr. Pickens.....	1
Mr. Potts.....	1
Mr. Ridgway.....	1
Mr. Sergeant.....	1
Mr. C. Shepard.....	1
Mr. Shields.....	1
Mr. Snyder.....	1
Mr. Titus.....	1
Mr. C. H. Williams.....	1
Mr. Williams, of Kentucky.....	1

No one having a majority, there was consequently no election.

Mr. HAYNES gave notice to the House that he could not consent to serve on this committee if he should be elected. He had made such a declaration before the House proceeded to ballot, when it was intimated to him by some gentlemen that he would be voted for. His duties on the several committees precluded his serving on this. He was, however, very thankful to the gentlemen whose kind dispositions had honored him with their votes.

Mr. TAYLOR also, on account of his duties on other committees, asked the House to decline voting for him as one of the committee.

Mr. JONES, of New York, moved that the House adjourn.

Mr. PARKER moved a call of the House: lost.

Mr. TOUCEY moved that the House adjourn;

and upon said motion, Mr. WISE demanded the yeas and nays; which were ordered, and were—yeas 30, nays 106.

Mr. ADAMS said, as two gentlemen had declined serving on this committee, if elected, he would inquire of the Speaker whether it would not, on the second ballot, require a majority of votes to constitute an election?

The SPEAKER. The second ballot is not dependent on the first; and therefore any member, whether voted for on the first ballot or not, would on the second require but a plurality to insure his election.

Mr. POTTER, who had been voted for on the first ballot, objected to serving upon the committee. He stated that it would give him pleasure to do so, but his bad state of health would absolutely preclude him from giving any attention, were he to be elected, to the laborious duties

which that committee would have to undergo in this investigation.

Mr. McKENNAN moved a call of the House, and demanded the yeas and nays upon that motion.

Mr. DROMGOOLE thought it was useless thus to waste the time of the House, and suggested that the House would adjourn.

Mr. WISE having raised the question of order upon Mr. D.'s motion, the House not having transacted any business since the last motion to adjourn was disposed of,

Mr. DROMGOOLE withdrew his motion for an adjournment.

The yeas and nays having been ordered on Mr. McKENNAN's motion for a call, the House refused to order the same by a vote of 57 to 102.

Mr. DROMGOOLE moved that the House adjourn; and upon said motion tellers were demanded. The House refused to adjourn by a vote of 63 to 90.

The House again proceeded to ballot, when it resulted as follows: Whole number of votes, 174; necessary to a choice, 73; of which—

Mr. Taylor received.....	99
Mr. Martin.....	92
Mr. Wagener.....	92
Mr. Hamer.....	69
Mr. Thomas.....	63
Mr. Turney.....	51
Mr. Slade.....	8
Mr. Stanley.....	7
Mr. Menefee.....	6
Mr. Toucey.....	6
Mr. Dromgoole.....	5
Mr. Adams.....	4
Mr. Owens.....	4
Mr. Potter.....	3
Mr. Brodhead.....	2
Mr. Calhoun, of Kentucky.....	2
Mr. Cleveland.....	2
Mr. Craig.....	2
Mr. Haynes.....	2
Mr. Atherton.....	1
Mr. Ingham.....	1
Mr. Klengensmith.....	1
Mr. Shields.....	1
Mr. Talliaferro.....	1
Mr. Tillinghast.....	1
Mr. Webster.....	1

Messrs. MARTIN, TAYLOR, and WAGENER were elected.

Mr. JOHNSON, of Maryland, moved that the House adjourn; but withdrew it at the request of Mr. WISE, who said that, as the committee was now organized, he would ask leave of the House to submit a resolution authorizing the committee to appoint a clerk and printer, and grant them leave to sit during the sitting of Congress.

Mr. DROMGOOLE objected to its reception at this time.

Mr. WISE thereupon moved to suspend the rules to enable him to offer it; and upon that motion demanded the yeas and nays; which were ordered.

Before the question was taken, however, Mr. JACKSON, of New York, moved that the House adjourn; which it refused to do by a vote of 67 to 72.

Mr. WAGENER here rose, and intimated a wish to the House to excuse him from serving on the committee; but was not permitted to proceed in his remarks.

The question then recurred on the motion to suspend the rules, which was taken by yeas and nays, and resulted—yeas 83, nays 62; not being two thirds, the rules were not suspended.

Mr. TAYLOR rose to ask to be excused from serving on the committee, and said he would prefer that the question on excusing be decided in a full House, and hoped the House would adjourn for that purpose.

Mr. BEATTY demanded the yeas and nays on the motion to adjourn; which were not ordered.

The question was taken by tellers, and decided in the affirmative.

The House then adjourned.

## HOUSE OF REPRESENTATIVES.

SATURDAY, January 19, 1839.

The first business in order being the request of Mr. TAYLOR, to be excused from serving on the select committee to which he had been elected last night, and the attendance being very thin,

Mr. GRAY moved a call of the House; which being ordered, was proceeded in for some time, when it was dispensed with—one hundred and

sixty-one members having answered to their names.

Mr. TAYLOR then assigned his reasons at length why he wished to be excused from serving on the committee. The main one was that all the gentlemen of the anti-Administration party were distinguished lawyers, while Mr. T. was not a member of that profession.

Mr. GRAY sustained the motion, and insisted that it was but fair and proper that three distinguished lawyers on the other side should also be selected. He submitted this position to the justice of the gentleman from Virginia himself, [Mr. WISE,] and the Opposition generally.

Mr. SIBLEY inquired of his colleague, who was himself one of the most distinguished lawyers of his State, whether, if elected, he would consent to serve on the committee?

Mr. GRAY replied that there were twenty, at least, of the Administration party, either of whom would be acceptable, but he did not choose to respond to the interrogatory until the exigency should, if it ever did, arise.

Mr. WISE said he was willing to take the most efficient men of the party, whom he believed to be independent and conscientious gentlemen; but he would not select men to play the part of special pleaders and pettifoggers on that committee. Mr. W. was willing to take the gentleman himself.

Mr. GRAY did not desire it. He again appealed to Mr. WISE that, for his own sake, he having condemned the Secretary of the Treasury in advance, to prevent improper imputations, he should consent to place three strong men on the Administration side. Mr. G. denied any disposition, on the part of those with whom he acted to protract this discussion; for if only twelve Whigs had voted for the three voted for by the friends of the Administration, the committee might have been at work two days ago; while it was known that many of the latter had voted for the Whigs.

Mr. PRENTISS, of Mississippi, quoted the article in the Globe to show that these excuses were but carrying out a concerted scheme to defeat the committee altogether, or have it composed of all Whigs.

Mr. P. contended that Mr. TAYLOR, as a member of the medical profession, was better qualified to serve on the committee than a lawyer, because they were to examine into the diseases of the body-politic, and apply the knife to its corruptions. He should not admit the gentleman's excuse.

Mr. THOMPSON said no better selection of Opposition men could have been made than they had done, and having also a majority, it was but common justice that the Administration party should have their own favorite men. They should have men accustomed to the examination of witnesses, accustomed to take part in the debates in that House, men in whom the Administration party themselves had confidence. This was nothing more than what was right and fair.

Mr. BOULDIN said he wished, as he had voted and should vote, apparently rather unreluctantly, in refusing to excuse his friends from sitting on this committee, to give his reasons for it. He said that it had been urged, very contrarily to his opinions and feelings, that to choose the committee by ballot was the best way. Mr. B. thought it was the worst. He wished it to be decided by the country, which was the best. He wished, without compliment or disparagement to either the Speaker, or to the House, or to the committee, or to any member of it, to have it seen by the country, by the frame of this committee, (looking only to the putting of it together,) whether it is better to have somebody responsible or nobody. The world would have understood the committee, and the frame of it, in every respect, and would have compared it with committees formed by the Speakers of this and other bodies when the Speaker had the appointment. He wished, principally, to say to his friends that, although he might seem unkind in refusing to excuse them from sitting on this committee, yet they would find him exceedingly soft in excusing them for not sitting, should they think proper not to attend.

The debate was further continued by Mr. MOORE for excusing, and Mr. GARLAND, of Louisiana, against it; when

Mr. PETRIKIN obtaining the floor, demanded

the previous question; which was seconded, and the main question ordered, *nem diss.*

Mr. GRENELL called for the yeas and nays, which, being ordered, were 102 to 102—a tie; the Speaker voting in the affirmative, the question was carried.

So the request of Mr. TAYLOR to be excused was granted, and he was excused accordingly.

Mr. WAGENER then preferred a request to the House to excuse him from serving, stating his reasons therefor. He regretted exceedingly that he had been placed in a position that required him to ask this House to excuse him from the performance of the duties appertaining to the situation conferred upon him; at the same time he assured the House that this determination had not arisen from any desire in him to embarrass it. From the circumstances under which he had been elected, he was satisfied that he could have taken no other course than that he had adopted for himself. It would be recollected that after the three honorable gentlemen were excused yesterday, a ballot was taken, and at which ballot he was not a candidate. Three gentlemen of high legal attainments were generally supported by the friends of the Administration, and three others, friends of the Administration, and himself not of the number, were supported by those opposed to the Administration. On the second ballot, to his surprise, a new ticket was concocted by the Opposition, upon which his name was placed, and he was elected. Had he been aware of this arrangement before the ballot had proceeded, he should most assuredly have promptly and publicly declined. He asked why this change on the part of the Opposition? Why not adhere to their first ballot? Or why not, when they knew from the first ballot the inclination of the Administration party as to whom they desired, allow them to elect those individuals, or at least a majority of them? Was it magnanimous to refuse us this much? Was it exactly fair to elect others of the same party? If the Opposition cannot support those men whom the Administration party desire, let them then elect those of their own party. This would seem to him to have been the course that they should have pursued. He did not wish to be understood as dictating any particular course to those gentlemen, further than stating what he should have supposed would have been their proper course. And again: after they have put upon that committee, as now organized, four Whigs and two Conservatives, and all of them lawyers, too, and still refuse to give the Administration party their choice—under these circumstances, he could not do less than ask to be excused. He would ask of them but to extend the same courtesy to him as to others; if the House should not, he presumed he must, however reluctantly, submit to its mandates. Before he concluded, he would say one word more.

He did not wish to be understood as fearing a strict and thorough and searching investigation. No, he was one of those who, ever since charges had been alleged against the Secretary of the Treasury, had been anxious to meet them; and he trusted and felt they would be met in such manner as would exonerate the Secretary of the Treasury from any censure, misconduct, or neglect. From his partial knowledge of that gentleman, he could not believe that he was corrupt. He never, however, would shrink from any responsibility imposed upon him by this House, if done in what he considered an unexceptionable manner, nor should he fault at any time in the performance of his duty, having a single eye to his country's good, and to protect the innocent and expose the guilty.

Mr. WISE opposed the request, and was followed on the same side by Messrs. JENIFER and STANLY, who were replied to by Mr. BYNUM in a caustic speech of some length, which will be given hereafter.

Mr. JOHNSON, of Maryland, having obtained the floor, addressed the House in opposition to excusing Mr. WAGENER, and concluded by moving the previous question.

Mr. BYNUM earnestly requested Mr. JOHNSON to withdraw the motion to enable him to reply to some remarks which fell from Mr. STANLY, but he refused.

Mr. PARKER moved a call of the House, but the motion was negatived.

The previous question was now seconded by

the House, put, and carried, and the main question being on excusing Mr. WAGENER from serving on the committee,

Mr. WISE demanded the yeas and nays; which were ordered, and were—yeas 102, nays 105.

So the House refused to excuse Mr. WAGENER.

Mr. MARTIN said he was not compelled to ask of the House to be excused from serving upon this committee, for he could avail himself of the rules of the House to do so. He had abundant reasons why he could not serve; but would content himself with stating that he was already a member of two committees of this House, the duties upon which occupied a considerable portion of his time; and that the great quantity of business confided to his charge by his constituents would preclude the possibility of his leaving the city to attend to the duties of this investigating committee without wholly neglecting that. He felt it peculiarly his duty, as this is the last session he should be a member of this House, to attend strictly to the duties which his constituents had assigned him. There was nothing which had been dictated upon this floor, or charged in the public prints, that could deter him from assuming the responsibilities that will be attendant upon a member of this committee, or that could cause him to shrink from any other responsibility that might be assigned him, if he thought it his duty to do so. He did not fear denunciation from any quarter; and, if a sense of justice to his constituents did not require him to devote all the time that is left of this session to their business, he would not lay himself liable to the charge of shrinking from any duty, however unpleasant it might be to his feelings. He was entitled by the rules to be excused, and would put it upon that ground, and excuse himself.

The SPEAKER then stated that there were two vacancies to be filled in the committee.

A motion was made that the House do now proceed to ballot for the vacancies on the committee; which was agreed to.

Mr. GRAY wished to offer a single suggestion; but he was called to order, the House having resolved now to go into the ballot.

Mr. HUNTER, of Ohio, said he had voted in the affirmative on the question of excusing Mr. WAGENER, and moved a reconsideration of the vote.

The SPEAKER said it was not yet in order to act on that motion.

The House thereupon proceeded to ballot for two members, to fill the remaining vacancies in the committee.

Mr. GARLAND reported the result; which was, that the total number of votes cast had been 201; necessary to a choice 101; of which—

Mr. Owens received	103
Mr. Foster	101
Mr. Hamer	90
Mr. Thomas	84

and many other gentlemen smaller numbers.

He also stated that on one ballot there had been three names. As the tellers had no means of ascertaining which two of the three to count, they had considered the ballot as blank.

The SPEAKER quoted the rule in relation to blank ballots, and pronounced their decision to be, in the opinion of the Chair, correct.

No objection was made to it in the House.

The SPEAKER thereupon declared Mr. FOSTER of New York, and Mr. OWENS of Georgia, to be duly elected.

Mr. HUNTER now renewed his motion to reconsider the vote by which Mr. WAGENER was not excused from serving.

Mr. WILLIAMS, of Kentucky, moved the previous question.

Mr. EVANS moved to lay upon the table the motion to reconsider the vote; which motion took precedence by the rule.

Mr. DROMGOOLE moved to adjourn. Negatived.

Mr. WILLIAMS inquired whether, should the motion to lay on the table prevail, Mr. WAGENER would remain a member of the committee?

The SPEAKER decided that he would; but that the House might take up the question to reconsider at any time hereafter.

The SPEAKER having put the question,

Mr. DUNCAN moved a call of the House, and asked for the yeas and nays; but the House refused them.

Mr. DUNCAN moved that the question be taken by tellers.

Tellers were not ordered.

The motion for a call of the House was negatived without a count.

The question being again put to the House, Mr. DUNCAN asked for the yeas and nays. The yeas and nays were ordered.

The question was taken, and there were—yeas 103, nays 66.

So the motion of Mr. HUNTER, to reconsider the vote refusing to excuse Mr. WAGENER, was laid on the table.

Mr. WISE asked leave to offer the following resolution:

*Resolved*, That the select committee of nine, elected by this House to investigate the late defalcations of public officers, have power to elect a clerk, to employ a printer to print for its own use its journal and other papers required to be copied for its members; that the committee have leave to proceed to New York, or other places, for the purpose of prosecuting its inquiries; and that the members thereof be excused from attendance upon the House, until it shall have made its report.

Mr. BEATTY and Mr. HAYNES objected.

Mr. WISE moved to suspend the rules, to allow of the motion being offered.

The resolution was again read.

Mr. BEATTY moved to adjourn.

Mr. MENEFEE demanded the yeas and nays, but withdrew the call.

The motion was negatived without a count.

The question recurring on the motion to suspend the rules,

Mr. PETRIKIN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 112, nays 32.

So the rules were suspended.

The above resolution was then again read.

Mr. HARLAN moved the previous question.

The previous question was seconded, put, and carried; and the main question being on agreeing to the resolution,

Mr. PETRIKIN demanded the yeas and nays.

The yeas and nays were not ordered.

The question being put on the resolution,

A MEMBER moved a call of the House.

The motion was pronounced out of order, the previous question having been seconded.

The question was taken, and the resolution was agreed to.

Mr. PETRIKIN moved a reconsideration of the vote, and a postponement of the question until Monday.

Mr. CUSHING demanded the previous question.

Mr. DUNCAN moved a call of the House; which was lost.

Mr. PETRIKIN withdrew his motion to reconsider, saying he would renew it on Monday.

Mr. WISE, to settle the matter now, moved to reconsider, and demanded the previous question.

Mr. PETRIKIN moved a call of the House; which was lost.

The previous question was seconded, put, and carried; and the main question being on the reconsideration, it was negatived without a count.

So the House refused to reconsider the vote adopting Mr. Wise's resolution.

#### EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a message from the President of the United States, suggesting the propriety of extending the provision of the insolvent law of March 2, 1837, to cases which may have occurred before the 1st of January, 1839.

A message from the President of the United States, in reply to a resolution of the House of Representatives of the 14th instant, respecting the proceedings under the act of the 28th June last, providing for examinations of inventions to prevent the explosion of steam boilers, &c.

A message from the President of the United States, transmitting a letter from the Secretary of the Treasury, upon the subject of the Florida claim, under the treaty with Spain of 1819, &c.

A message from the President of the United States, transmitting a report of the Director of the Mint, showing the operations of that institution during the year 1838.

A letter from the Secretary of War, transmitting the information required by a resolution of the House of Representatives of the 14th instant, in

relation to the expenditure of the appropriation of last session for the erection and repairs of arsenals.

A letter from the Secretary of the Treasury, transmitting further information in reply to a resolution of the 31st ultimo, concerning the omission of Samuel Swartwout, late collector of New York, to file, in the Treasury Department, his second official bond, in the spring of 1834.

A letter from the Secretary of War, transmitting, in compliance with the act of May 1, 1820, a statement by the Second Comptroller, of the appropriations and expenditures for 1838, and the balances remaining in the Treasury on the 31st of December of that year.

A letter from the Secretary of State, in answer to a resolution of the House of the 14th instant, stating that there are no accounting officers attached to the Department of State; that in no case, when it becomes the duty of the Secretary, under existing laws, to decide upon claims against the Government, are reports of any committees of either House of Congress recognized as a proper foundation upon which to allow them; and that no claims have, under his administration of the Department, been allowed in consequence of such reports.

A letter from the Secretary of State, in answer to a resolution of the House of the 14th instant, as to who are employed at this time by the Federal Government, as printers, to publish the laws of the United States, in the State of North Carolina.

A letter from the Secretary of the Navy, in reply to a resolution of the 14th instant, stating that in the settlement of claims by that Department, reports of committees of the House of Representatives are not recognized as a proper foundation to allow any claim against the Government, and that no claim has been allowed in consequence of such reports.

A letter from the Secretary of War, in reply to the same resolution, transmitting a similar answer.

A letter from the Secretary of War, transmitting a report of the survey of the Neenah and Fox rivers, in compliance with a resolution of the House of Representatives of the 14th instant.

A letter from the Secretary of War, transmitting a communication from the Commissioner of Indian Affairs, with a statement of all the persons employed by that Department during the year 1837.

And the House, at a little before seven o'clock, adjourned.

#### IN SENATE.

MONDAY, January 21, 1839.

The PRESIDENT presented a communication from the Secretary of the Treasury, transmitting a report from the Commissioner of the General Land Office in compliance with a resolution of the Senate of the 2d instant, in relation to the number of land offices now existing under the authority of the Government of the United States, &c.; which was referred to the Committee on Public Lands, and ordered to be printed.

#### PETITIONS, ETC.

Mr. WEBSTER presented the memorial of the heirs of Robert Fulton; which was referred to the Committee on Naval Affairs.

Mr. W. also presented memorials for assistance in the construction of the Mount Carmel railroad; which were laid on the table.

Mr. SEVIER presented the memorial of Lieutenant Colonel Vose, for increase of compensation; which was referred to the Committee on Military Affairs.

Mr. STRANGE presented the petition of the heirs of Samuel Cazeau; which was referred to the Committee on the Judiciary.

Mr. BUCHANAN presented the memorial of Mrs. Susan Bainbridge, praying for the pension to which her husband would have been entitled; which was referred to the Committee on Naval Affairs.

Mr. PRENTISS presented the petition of Adam L. West; which was referred.

Mr. YOUNG presented the memorial of citizens of Schuyler county, Illinois, in relation to a post road; which was referred to the Committee on the Post Office and Post Roads.

Mr. McKEAN presented the memorial of citizens of Frankford, Philadelphia county, praying for the immediate abolition of the slave trade and slavery in the District of Columbia; the motion for the reception of which was laid upon the table.

Mr. TIPTON presented a communication from the War Department; which was referred to the Committee on Military Affairs.

Mr. TALLMADGE presented the memorial of John Adrian and others, praying for the repeal of the duty on brass wire, or the imposition of a counteracting duty on pins; which was referred to the Committee on Manufactures.

Mr. PRESTON presented the memorial of the Legislative Council of the Territory of Florida, for an appropriation of land for the Dade Institute; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. DAVIS presented the memorial of Lysander Fuller; which was referred to the Committee on Roads and Canals, and ordered to be printed.

Mr. KING presented the joint memorial of the Legislature of Alabama, for a survey of the lands acquired by treaty from the Cherokee Indians; which was referred to the Committee on Finance.

Mr. HUBBARD presented the petition of James Williams, for compensation for losses sustained in Florida; which was referred to the Committee on Claims.

Mr. DAVIS presented a memorial from certain booksellers in Boston, relative to printing the laws of the United States; which was referred to the Joint Committee on the Library.

#### REPORTS FROM COMMITTEES.

Mr. SMITH, of Connecticut, from the Committee on Pensions, to which memorials on the subjects were severally referred, reported the following bills; which were severally read, and ordered to a second reading:

A bill for the relief of Frederick Leigel;

A bill for the relief of the heirs of Dr. John Ramsey, deceased;

A bill for the relief of James McCrory;

A bill for the relief of the heirs of Captain John Jordan, deceased;

A bill for the relief of Dr. Samuel Y. McKean;

A bill for the relief of Moses Elmer; and

A bill for the relief of Thomas Powell.

Mr. LUMPKIN, from the Committee on Indian Affairs, to which was referred the petition of William Smith, made an unfavorable report thereon.

Mr. WRIGHT, from the Committee on Finance, to which was referred the memorial of the Alabama, Florida, and Georgia Railroad Company, reported a bill for the relief thereof; which was read, and ordered to a second reading.

Mr. W. also, from the same committee, asked to be discharged from the further consideration of the petition of Frederick Gebhart; which was agreed to.

Mr. W. also, from the same committee, asked to be discharged from the further consideration of the memorial of Alfred Vail, for the privilege of importing, free of duty, the apparatus for an electro-magnetic telegraph, and that it be referred to the Committee on Manufactures; which was agreed to.

Mr. W. also, from the same committee, to which was referred the communication from the Secretary of the Treasury in relation to the modes of collecting and disbursing the revenues in foreign Governments, made a report thereon, accompanied by a resolution, which was agreed to; and, in concurrence therewith, ten thousand additional copies were ordered to be printed.

Mr. NORVELL, from the Committee on Revolutionary Claims, reported a bill for the relief of Edward Wade; which was read, and ordered to a second reading.

Mr. N. also, from the same committee, reported a joint resolution for the relief of the heirs-at-law of Captain Frederick M. Bell; which was read, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims, to which was referred the petition of Frederick de Russy, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. SOUTHARD, from the Committee on

# THE CONGRESSIONAL GLOBE.

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25TH CONGRESS, 3D Session.

TUESDAY, JANUARY 29, 1839.

VOL. 7....No. 9.

Naval Affairs, reported a bill for the relief of Andrew Forest; which was read, and ordered to a second reading.

Mr. STRANGE, from the Committee on Patents and the Patent Office, reported a bill for the relief of Hazard Knowles; which was read, and ordered to a second reading.

Mr. WILLIAMS, of Maine, from the Committee on Naval Affairs, asked to be discharged from the further consideration of the memorial of Joseph Radcliff, and that it be referred to the Committee of Claims; which was agreed to.

Mr. WILLIAMS, of Mississippi, from the Committee on Pensions, to which had been referred the bill for the relief of David Baird, reported the same without amendment.

Mr. W. also, from the same committee, reported a bill for the relief of the legal representatives of Daniel Piatt, deceased, and a bill for the relief of Gustavus B. Horner; which were severally read, and ordered to a second reading.

Mr. W., from the same committee, asked to be discharged from the further consideration of the memorial of Captain Robert White; which was agreed to.

Mr. WALKER, from the Committee on Public Lands, to which was referred the memorial of a number of citizens of Illinois, praying the establishment of an additional land office in the northern part of that State, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. W. also, from the same committee, asked to be discharged from the further consideration of the petition of citizens of Illinois, for the establishment of a land office at Kishwaukee, in that State; which was agreed to.

Mr. BENTON, from the Committee on Military Affairs, asked to be discharged from the further consideration of the memorial of the president and directors of the Western Railroad Company of Massachusetts; which was agreed to.

Mr. MERRICK, from the Committee on the Post Office and Post Roads, reported a bill for the relief of John M. Straiter; which was read, and ordered to a second reading.

Mr. SPENCE, from the Committee on the District of Columbia, to which was referred the bill for the construction of a free bridge over the Eastern Branch, reported the same without amendment.

## RESOLUTIONS.

Mr. TALLMADGE, on leave, and in pursuance of notice given, introduced joint resolutions for the amendment of the Constitution of the United States; which were read twice and ordered to be printed.

Mr. LINN submitted the following resolutions; which lie one day for consideration:

*Resolved*, That the Secretary of the Treasury be directed to communicate to the Senate any information he may possess in relation to the banks or institutions exercising the banking privilege in the Territory of Wisconsin; whether they are exercising such privileges in pursuance, or in violation, of the laws of the United States, and whether their notes are received in payment for the public lands.

*Resolved*, That the Committee on Finance be instructed to report a bill to disaffirm, disapprove, and render null and void any act of the Territorial Legislature creating banking institutions in Wisconsin Territory whose charters have not been approved by Congress, or where the provisions of their charters, or the acts of Congress approving them, have been violated.

*Resolved*, That the committee also report a bill to give jurisdiction to the courts of the Territories of the United States over all the banking institutions in said Territories, and to provide punishment for the violation of the act of Congress of the 1st of July, 1836, or of any other act that has been, or may hereafter be, passed approving bank charters.

Mr. YOUNG submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Committee on Public Lands be instructed to inquire whether any additional appropriation is necessary to enable the surveyor general of the States of Missouri and Illinois to complete the surveys of the public lands in the State of Illinois.

## DISTRICT BANKS.

The report from the Committee on the District of Columbia, in compliance with the resolution

of the Senate directing them to inquire whether the banks have acted in conformity to the provisions of their charters, and reporting that the banks have acted in conformity therewith, was taken up and agreed to.

## PURCHASE OF AN ISLAND.

The joint resolution for the purchase of an island at the confluence of the St. Peter's and Mississippi rivers, was ordered to be engrossed.

## CUMBERLAND ROAD.

The bill for the continuation of the Cumberland road, appropriating \$100,000 to the road in the States of Ohio, Indiana, and Illinois, was taken up on its third reading, and after some remarks from Mr. CLAY, of Alabama, in opposition, was passed by the following vote:

**YEAS**—Messrs. Allen, Bayard, Benton, Buchanan, Clay of Kentucky, Cuthbert, Davis, Fulton, Knight, Linn, Morris, Nicholas, Robbins, Robinson, Sevier, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Wright, and Young—24.

**NAYS**—Messrs. Brown, Calhoun, Clay of Alabama, Foster, Hubbard, King, Lumpkin, Lyon, Mouton, Niles, Norvell, Pierce, Preston, Roane, Rugles, Smith of Connecticut, Strange, Walker, Wall, White, Williams of Maine, and Williams of Mississippi—22.

## GAD HUMPHREYS.

The bill for the relief of Gad Humphreys, of the Territory of Florida, for property destroyed by order of an officer of the United States, was taken up; and, after a long discussion, in which Messrs. HUBBARD, NORVELL, SMITH of Indiana, KING, WRIGHT, and CALHOUN, participated, it was ordered to be engrossed for a third reading.

After an executive session, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

Monday, January 21, 1839.

As soon as the Journal was read, Mr. HAYNES rose, and remarked that only six weeks of the session remained, and they had not yet referred the President's message; he therefore asked the consent of the House to go into committee thereon.

Objection being made, Mr. HAYNES moved a suspension of the rules; on which motion

Mr. CRABB demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 84, nays 74; as follows:

**YEAS**—Messrs. Andrews, Atherton, Banks, Beatty, Beers, Beirne, Bell, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Buchanan, Cambreleng, John Campbell, Casey, Cheatham, Coffin, Coles, Connor, Crary, Cushman, Drougote, Edwards, Farrington, Fry, James Garland, Rice Garland, Grandland, Grant, Gray, Haley, Hamer, Harper, Hawkins, Haynes, Holsey, Holt, Hubley, Ingham, Thomas B. Jackson, Jenifer, Joseph Johnson, William C. Johnson, Nathaniel Jones, Lewis, Loomis, Mallory, Marvin, Sampson Mason, Martin, Maxwell, McKay, Robert McClellan, Abraham McClellan, Montgomery, Moore, Morgan, Noble, Parker, Parmenter, Phelps, Pickens, Pratt, John H. Prentiss, Sergeant S. Prentiss, Richardson, Rives, Rumsey, Augustine H. Shepperd, Shepler, Snyder, Stuart, Swearingen, Turney, Vail, Vanderveer, Webster, Weeks, Whittelsey, Lewis Williams, Jared W. Williams, and Joseph L. Williams—84.

**NAYS**—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Bond, Borden, William B. Calhoun, John Calhoun, Carter, Chambers, Chaney, Chapman, Childs, Crabb, Cranston, Crockett, Cushing, Davies, Deberry, Dunn, Evans, Everett, Fillmore, Giddings, Goode, William Graham, Grennell, Hall, Harrison, Hastings, Hawes, Henry, Herod, Howard, Jabez Jackson, Henry Johnson, Kennedy, Lincoln, McKennan, Menefee, Mercer, Mitchell, Matthias Morris, Calvary Morris, Naylor, Noyes, Ogle, Pearce, Peck, Pope, Potts, Putnam, Rariden, Reed, Ridgway, Robertson, Robinson, Russell, Saltonstall, Sergeant, Sheffer, Shields, Southgate, Stone, Stratton, Taliaferro, Tillinghast, Toland, Albert S. White, John White, Sherard Williams, Christopher H. Williams, Word, Yell, and Yorke—74.

Not being two thirds, the House refused to suspend the rules.

## CHEROKEE INDIANS.

Mr. GRAHAM, of North Carolina, on leave, submitted the following resolution:

*Resolved*, That the Secretary of War be requested to

inform the House, as soon as he can, what number of the Cherokee tribe of Indians are now remaining in the State of North Carolina; what means the Government has provided for their subsistence; and why they were not removed west of the Mississippi river, according to the terms of the treaty, and the provisions of an act of Congress, passed at the last session; and also how, to whom, and for what has the money appropriated under that act, for subsistence and removal of the Cherokee Indians, been expended and applied.

The resolution having been read, Mr. HAYNES said he had just received a letter representing a similar state of facts, except that the number of suffering Indians was greater than stated by Mr. GRAHAM, (five or six hundred.) Mr. H.'s letter conveyed the information that these Indians had fallen back.

Mr. GRAHAM replied that his information was that these Indians had never taken up the line of march at all.

Mr. MONTGOMERY was aware that great complaints had been made in relation to this matter, and also very great complaints on the part of the volunteers, recently called into the service of the United States in that section. He would, therefore, ask his friend to accept an amendment, calling upon the Secretary of War also to inform this House why these volunteers had not been paid for their services.

Mr. GRAHAM did not wish to have his resolution embarrassed, and therefore declined accepting his colleague's amendment.

Mr. DE GRAFF moved the previous question; which prevailed, and the resolution was agreed to.

## REPORT FROM A COMMITTEE.

Mr. JOHNSON, of Louisiana, from the select committee, reported the following resolution; which was concurred in.

*Resolved*, That the select committee appointed to inquire into the charges of high crimes and misdemeanors against P. K. Lawrence, Judge of the district court of the United States, for the State of Louisiana, be authorized to send for persons, papers, and records.

## BILL INTRODUCED.

Mr. ADAMS, on leave, brought in a bill for the relief of Captain Joshua Hunt; which was read twice, and committed to a Committee of the Whole.

## PETITIONS, ETC.

Petitions and memorials were then called for in the order of States.

Messrs. EVANS, ROBINSON, DAVEE, and ANDERSON, of Maine.

[Mr. DAVEE presented the petition of Thomas M. Proble and eighty-one others, citizens of Lebanon, in the State of Maine, praying Congress not to admit any new State to the Union, whose constitution tolerates slavery, and to reject all applications and propositions for the annexation of Texas to the United States, and requesting that the petitioners may be heard in person, or by counsel, before the committee; which petition was laid on the table under the order of the 12th December, 1838.]

Messrs. CUSHMAN and ATHERTON, of New Hampshire.

[Mr. CUSHMAN presented the petition of Theopelus Somerby, praying for back pay as an invalid pensioner; which was referred to the Committee on Invalid Pensions. Also, the petition of John A. Dickerson, praying compensation for services rendered the United States as sailing master of the Navy; which was referred to the Committee on Naval Affairs. Also, the petition of John Haven and others, praying Congress to recognize the independence of the Republic of Hayti; which was referred to the Committee on Foreign Affairs.]

Messrs. FLETCHER, GRENNELL, REED, CUSHING, LINCOLN, BORDEN, SALTONSTALL, PARMENTER, and ADAMS, of Massachusetts.

[Mr. PARMENTER presented the petition of Daniel Blanchard and fifty-two others, of Charlestown, Linn, Boston, and other places, for an amendment in the law granting a bounty to vessels engaged in the fisheries; of Sarah R. Morse, for arrears of pension; of James B. Woodbury

and fifty-six others, legal voters of Acton, in Massachusetts, praying that all orders of the House abridging the right of petition may be rescinded; of Abby D. Cowdry and forty others, matrons of Acton, for the same object; of Mary Stratton and one hundred and twenty-four other women of Groton, Massachusetts, for the same object; of Sarah C. Rugg and eighty-five other women of Groton, Massachusetts, for the abolition of slavery in the District of Columbia and of the slave trade between the States; of D. Phelps and seventy-one others, legal voters of Groton, for the recognition of the Republic of Hayti.]

Mr. ADAMS said he had a large number of petitions to present on the subject of abolition, and asked leave of the House to explain the position he occupied, and to state the reasons of his adopting the course he had done in presenting petitions of this character. He further asked this courtesy of the House, because he had received a mass of letters threatening him with assassination for this course. His real position, he was convinced, was not understood in the country.

Objection being made to Mr. A. making his statement,

Mr. GRENELL moved a suspension of the rules.

Mr. BOND called for the yeas and nays; which, being ordered, were—yeas 117, nays 58; as follows:

YEAS—Messrs. Alexander, Heman Allan, John W. Allen, Andrews, Ayerling, Beatty, Bicknell, Biddle, Bond, Borden, Bouldin, Buchanan, William B. Calhoun, John Calhoun, Carter, Casey, Chambers, Cheatham, Childs, Coffin, Cranston, Crockett, Cushing, Darlington, Davce, Davies, De Graff, Dunn, Edwards, Evans, Everett, Ewing, Richard Fletcher, Fillmore, Fry, Rice Garland, Giddings, Goode, William Graham, Grantland, Graves, Gray, Grennell, Haley, Hall, Harper, Hastings, Henry, Herod, Howard, Jenifer, Henry Johnson, William C. Johnson, Nathaniel Jones, Keimble, Kennedy, Klingensmith, Lewis, Lincoln, Marvin, Sampson Mason, Maury, May, Maxwell, Robert McClellan, McKennan, Menetee, Milligan, Mitchell, Moore, Calvary Morris, Naylor, Noyes, Parker, Parmenter, Pearce, Peck, Phelps, Plumer, Pope, Potts, Pratt, John H. Prentiss, Sergeant S. Prentiss, Putnam, Rariden, Reed, Rencher, Ridgway, Robinson, Rumsey, Russell, Saltonstall, Sergeant, Sheffer, Shields, Sibley, Slade, Snyder, Southgate, Stuart, Stratton, Talafarro, Tillinghast, Toland, Underwood, Vall, Vanderveer, Albert S. White, John White, Whittlesey, Lewis Williams, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, and York—117.

NAYS—Messrs. Anderson, Banks, Beers, Birdsall, Boon, Bronson, Chaney, Chapin, Cole, Connor, Crabb, Deberry, Dromgoolle, Duncan, Farrington, James Graham, Grant, Griffin, Hainer, Harrison, Hawkins, Haynes, Holtsey, Holt, Hubley, Robert M. T. Hunter, Ingham, Joseph Johnson, Logan, Lyon, Mallory, James M. Mason, McKay, Abraham McClellan, Mercer, Miller, Montgomery, Morgan, Samuel W. Morris, Murray, Noble, Parris, Petrikin, Richardson, Rives, Sawyer, Augustine H. Shepperd, Shepler, Spencer, Stanly, Stone, Swearingen, Taylor, Turney, Sherrard Williams, Word, and Yell—58.

So the rule was suspended.

Mr. ADAMS then made his statement, in the course of which he distinctly averred that, though he had so earnestly advocated the right of persons to petition for the abolition of slavery in the District of Columbia, yet he was not himself prepared to grant their prayer. On the contrary, if the question were presented at once, he should vote against it. He knew not what change might be wrought upon his mind by a full and fair discussion; but as yet he had seen no reason to change his opinion, though he had read all that had been written and published on this subject by the Abolitionists themselves. Mr. A. then went at length into his reasons for offering the resolutions of inquiry on the controversy between Messrs. Stevenson and O'Connell.

Mr. A. having concluded his explanatory remarks, at three o'clock proceeded to present to the House his numerous petitions praying for the abolition of slavery, for the repeal of the resolutions passed by the House on the 12th December upon that subject, and also that the mover of the same receive a vote of censure for introducing them into the House. Also, petitions praying for the recognition of the independence of Hayti, and against the admission into the Union of any new State tolerating slavery. Also, petitions praying for the establishing a congress of nations.

Mr. A. having got through at four o'clock, petitions and memorials were further presented by Messrs. CRANSTON and TILLINGHAST, of Rhode Island.

Mr. PHELPS, of Connecticut.

Messrs. HALL, ALLAN, and EVERETT, of Vermont.

[Mr. ALLAN presented the petition of Hector Adams and one hundred and ninety-nine others, for the erection of a bridge from Milton to South Hero, upon a sand-bar in Lake Champlain. Also, the petition of one hundred and eighteen inhabitants of Burlington, Vermont, against the admission of any new State whose constitution tolerates slavery, and against the annexation of Texas to the Union. Also, the petition of one hundred and twelve citizens of Burlington, Vermont, for the recognition in the usual form and manner, and to enter into the customary international relations with the Republic of Hayti. Also, the petition of one hundred and thirteen inhabitants of Burlington, Vermont, for the abolition of slavery in the District of Columbia and Territory of Florida, and to prohibit the traffic of slaves between the States. Also, the petition of fifty freemen of Westford, Vermont, against new slave States and against the admission of Texas. Also, the petition of fifty freemen of Westford, Vermont, against slavery and slave trade in the District of Columbia and Territories, and slave trade between the States.]

Mr. EVERETT presented joint resolutions of the State of Vermont, passed unanimously by the Legislature of that State, praying the abolition of slavery, against the annexation of Texas to the Union, and praying for the rescinding the resolutions adopted by the House of Representatives on the 12th December last upon the subject of abolition.

The SPEAKER decided that these resolutions, under the rule, lie upon the table, and cited instances on record that similar resolutions of State Legislatures had, under a similar resolution of this House, been laid upon the table without being read, debated, or printed.

Mr. EVERETT then took an appeal from the decision of the Chair.

Mr. SLADE spoke sometime in opposition to the decision of the Speaker, and against the resolutions taking the course indicated by the resolutions adopted by the House on the 12th December.

Mr. PARKER inquired of the Chair, whether the appeal could be debated?

The SPEAKER was understood to say that the appeal could be debated, if it be done without entering into the merits of the question of abolition.

Mr. SLADE having finished his remarks,

The SPEAKER further stated, in support of his decision, that, according to the parliamentary law, every member had the right to demand the reading of any matter or paper upon which he was compelled to vote; but this House had, by the resolution adopted, prejudged the matter. The resolutions passed by this session of Congress were almost identical in language to those adopted in 1835, by which joint resolutions of a State Legislature were laid on the table without being read, debated, or referred.

The question was then raised whether the joint resolutions, similar in character to those now presented, fell within the same vortex with petitions from individuals. The Chair then decided that they did, and his decision was sustained by a large majority of the House. The resolution touching this matter, passed at the present session, reads as follows:

"That every petition, memorial, resolution, proposition, or paper, touching or relating, in any way whatever, to slavery or the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid upon the table, without being debated, printed, or referred."

The Chair has no alternative left, under this resolution, and the construction heretofore given it by the House, than to give these joint resolutions the same direction as other propositions touching the same subject.

Mr. BRONSON moved the previous question.

Mr. PARRIS moved to lay the whole subject upon the table; and upon this motion,

Mr. EVERETT demanded the yeas and nays.

The SPEAKER divided the House; but no quorum voting,

Mr. MORGAN moved that the House adjourn; which was decided in the negative.

Mr. MORGAN moved a call of the House; which motion was lost.

Mr. HAYNES moved that the House adjourn; upon which motion,

Mr. HARRISON demanded the yeas and nays; which were not ordered.

The House then adjourned.

## IN SENATE.

TUESDAY, January 22, 1839.

The PRESIDENT communicated a report from the Navy Department, transmitting a statement of contracts made by the Commissioner of the Navy during the year 1838, prepared in obedience to the act of 3d March, 1809, further to amend the several acts for the establishment of the Treasury, War, and Navy Departments; which was laid on the table, and ordered to be printed.

## PETITIONS, ETC.

Mr. LUMPKIN presented a memorial signed by the officers of the United States revenue cutter Jackson, praying Congress to extend the Navy pension laws so as to include those employed in the revenue service; which was referred to the Committee on Naval Affairs.

Mr. HUBBARD presented the petition of Charles J. Catlett, praying to be remunerated for property destroyed by the enemy during the late war; which was referred to the Committee on Claims.

Mr. PIERCE presented the petition of Nancy Stephens; which was referred to the Committee on Pensions.

Mr. TIPTON presented a letter from the War Department in relation to the improvement of the harbor of Michigan City; which was referred to the Committee on Claims.

Mr. SMITH, of Indiana, introduced a petition, signed by over three hundred citizens of Cincinnati, Ohio, asking Congress to aid, by a subscription to the stock of the Jeffersonville and New Albany Canal Company, in constructing a steamboat canal around the falls of the Ohio, on the Indiana side.

Mr. S. said it would be recollected by the Senate that he had introduced petitions at the last session, numerous signed, from different points on the Ohio, on this subject, and that no final action had been had upon them. He said he hoped he need not advertise the committee and the Senate of the importance of this work to the whole commerce of the Ohio; nor need he urge the matter upon the attention of the committee. He felt assured the importance of the measure would recommend it to the early attention of the committee.

The petition was referred to the Committee on Roads and Canals.

Mr. WILLIAMS, of Maine, presented the petition of sundry owners of coasting vessels, praying for an appropriation for placing three buoys on the coast between Nantucket and Chatham, in the State of Maine; which was referred to the Committee on Commerce.

Mr. BENTON presented the petition of Nathan Ranney, surveyor of the port of St. Louis, praying for an increase of compensation; which was referred to the Committee on Commerce.

## REPORTS FROM COMMITTEES.

Mr. WALL, from the Committee on the Judiciary, reported a bill to amend the act respecting the judiciary system of the United States; which was read, and ordered to a second reading.

Mr. W. also, from the same committee, reported a bill to alter the times of holding the October terms of the circuit court of the United States for the southern district of New York; which was read, and ordered to a second reading.

Mr. PIERCE, from the Committee on Pensions, made unfavorable reports on the petitions of Abeshai Howell, John Grigsby, and Betsey Booth.

Mr. MORRIS, from the same committee, made unfavorable reports on the petitions of John Bosworth, Moses Sterling, the widow of Ebenezer Adams, and of Samuel Brown.

Mr. M. also, from the same committee, to which had been referred the bill for the relief of Dennis Trammell, reported the same without amendment, recommending its passage.

Mr. HUBBARD, from the Committee on Claims, reported a bill for the relief of the legal representatives of John J. Bulow; which was read, and ordered to a second reading.

Mr. TIPTON, from the same committee, to which had been referred the memorial and documents of Joseph M. Hernandez, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. TIPTON, from the same committee, reported a bill to provide for payment of damages sustained by individuals in the wars with Indian tribes since 1830; which was read, and ordered to a second reading.

Mr. MERRICK, from the Committee on Claims, to which had been referred the petition of John H. McIntosh, made an unfavorable report thereon.

Mr. WILLIAMS, of Mississippi, from the Committee on Revolutionary Claims, made unfavorable reports on the memorial of the heirs of Colonel William Grayson, deceased, and the petition of the executor of William Terrill.

#### RESOLUTIONS.

Mr. NICHOLAS submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Secretary of War be directed to lay before the Senate a statement of the contracts, prices, and expenditures of every nature, by the Ordnance Department, for the construction of cannon and howitzers of malleable iron; the number, description, and relative weight of all the cannon and howitzers already made of that material for the department, and the cost thereof per pound, including all incidental expenses; also, a like statement with reference to brass cannon and howitzers; also, a like statement with reference to wrought-iron cannon and howitzers; also, a comparative statement of the cost, durability, and utility of cannon and howitzers made of cast iron, malleable iron, wrought iron, and brass, as applicable to field service, and also to fortifications.

Mr. WILLIAMS, of Maine, submitted the following resolution; which was considered and agreed to:

*Resolved*, That the President of the United States be requested to communicate to the Senate all correspondence, if any has been had since his last annual message, between this Government and the Government of Great Britain, respecting the northeastern boundary, or the establishment of a convention for the settlement thereof.

#### DUELING IN THE DISTRICT.

On motion of Mr. PRENTISS, the Senate proceeded to the consideration of the bill to prohibit the giving or accepting, within the District of Columbia, of a challenge to fight a duel, and for the punishment thereof.

After some remarks from Mr. PRENTISS, in explanation of the merits and objects of the bill,

Mr. CLAY, of Alabama, moved to strike out the fourth section, contending that it was unconstitutional.

Mr. SMITH, of Connecticut, said that he entertained no difference of opinion now from that which he entertained at the last session on this section of the bill. It was said then as now, that this provision in the bill was designed to punish an act perpetrated beyond the limits of the District. Is it so? The object of the bill is not only to prevent dueling in the District, but to prevent its perpetration elsewhere, when it is projected and originates in the District, and consummated beyond its limits, with a view of evading the law of Congress, which can extend no further than the limits of the District. The law, in his view, would be wholly ineffectual, unless this provision of the bill should be retained. The law is designed to operate and bear upon the criminal acts of the inhabitants of the District. Is it, then, or may it be made, criminal in the people of the District to conspire and combine together within the District to commit a crime beyond the limits of it? If it is, there can be no doubt that Congress has the power to make a law to arrest the progress of crime at any time after the first step is taken for the commission of it, and to punish every act which tends to its perpetration. If the parties who intend to fight without the District, have that understanding within it, and before they leave it, is not this understanding, then, however it may have been brought about, the incipient step to the final consummation of the crime which is to be, and is, performed or consummated beyond the limits? Most certainly it is. Suppose two or more persons, within the District, were to conspire together to commit murder, or any other crime, beyond the limits of the District, and in pursuance of this conspiracy, the murder was committed by a part only of the conspirators, while the others remained within the District, taking no further part in the act than to consent to, and approve of, the crime thus perpetrated: could they not be punished for this offense against the laws of the District, or is no act criminal except that which finishes the crime? Yes, sir, every step, every act, and every motion

tending to the perpetration of the crime, is criminal, and the offender liable to punishment for it wherever these inchoate acts may have taken place. He was, therefore, in favor of retaining this provision in the bill, and, without it, he should consider the bill worse than useless.

Mr. NORVELL was in favor of the motion to strike out. This was, he said, strictly a constitutional question; and he could not suppose that the authority of Lord Bacon, or any other old English lawyer, who lived one or two hundred years before the adoption of our Constitution, ought to have any weight upon it. Lord Bacon had been described by one of the old English poets as

"The wisest, brightest, meanest of mankind;"

and in this point of view his moral character would not have given him any great weight in his own day. But to cite him as authority on questions arising under the Constitution of the United States was a departure from that accuracy which usually characterized the Senator from Vermont. The case alluded to by the Senator from Connecticut to illustrate his position on this bill showed that the section under consideration was untenable. He asked if an act conceived here, and consummated without the District, could be constitutionally punished here—punished where the act was not committed, but merely imagined? He certainly could not think that a majority of the Senate could entertain the opinion that this section was constitutional, when it proposed the punishment of an offense imagined within the District, but consummated elsewhere, under another jurisdiction. He could hardly suppose that the Senate could sanction the principle that Congress had any power to authorize the punishment of the crime of dueling within the limits of Virginia or Maryland.

Mr. TALLMADGE rose, at the request of the author of the bill, [Mr. PRENTISS,] to cite another authority in its support, without going back to Lord Bacon. The State of New York had, in 1838, passed a bill similar to this; and though the constitutionality of it was questioned, both branches of the Legislature passed it by large majorities.

Mr. PRENTISS denied that there was any attempt in this bill to punish an offense committed without the District. It was an attempt to punish that part of the offense only which was committed here. It was competent for Congress to punish a conspiracy here to commit a theft or arson out of the District, and this was precisely such a case. He cited Lord Bacon as very high authority. He did not wish to go into the character of that distinguished jurist, but he would say that, on all legal questions, no higher authority could be cited.

Mr. WALL said that the section aimed to punish, not the fighting of the duel, but the conspiracy entered into for the purpose of evading the punishment intended for that offense. Can any Senator doubt the existence of a power in Congress to punish a conspiracy within the ten miles square to do any unlawful act out of it? He would ask gentlemen who raise the constitutional doubt to suppose that a conspiracy was entered into in this District to seduce away the property of persons in the neighborhood, or to excite slaves to escape from their masters, or to commit larceny in the adjoining States: would it not be competent (he would not say wise) for Congress to punish the persons engaged in such conspiracy? Can Congress not punish a conspiracy in the District to commit a crime without the District? The only difficulty arises from the confounding of terms and the object of this section—confounding the conspiracy to fight a duel with the fighting of the duel itself. He thought there was no necessity of reverting to ancient authorities; it was merely a question of policy. He could not perceive the slightest ground on which to raise a doubt of the constitutional power of Congress to declare the criminality of the act intended to be punished, and to punish it as provided in the section in question.

Mr. NILES contended that the bill was intended not to punish an offense committed out of the District, but to punish the incipency of the offense here. It was not to punish the offense out of the District, but the act connected with it, and which led to it. Whether it was just or reasonable to do so was not the question; but

there was no doubt of the right of Congress to punish such an offense. The act proposed to be punished was, as had been well observed by the Senator from New Jersey, a conspiracy or combination to do an unlawful act. Now, was not a conspiracy to do an unlawful act, in itself a crime, and was it not competent for Congress to punish? The act proposed to be punished is a crime—it is committed in our limits, and by persons subject to our jurisdiction.

Mr. CLAY, of Alabama, said it would be time enough to decide the question whether we can punish a conspiracy to commit an offense elsewhere, when that question was fairly presented to the Senate; but he denied that that question was then before them. Mr. C. read the section he objected to, and said that it was plain that the intention must not only be entertained here, but that the act must be consummated beyond the District. Now, it was not pretended that a conspiracy, or agreement to commit an offense, was to be punished under this bill; but certain acts must be done elsewhere, before the punishment will apply. If we pass this law in its present shape, an individual may be punished here for an offense for which he may be punished by the courts of Virginia and Maryland. As regards the intimation of the Senator from New Jersey, [Mr. WALL,] whether a certain offense cited by him can be punished under an act of Congress, he would say that he had no doubt of it. If, by publications or any other means, there should be a seduction of the property belonging to individuals in the adjoining States, or if they should be excited to commit crime, then it would be within the competency of Congress to punish it, either under the Constitution or in accordance with the principles of international law. He was not disposed to occupy the time of the Senate, and would barely observe that this was presented at the last session, when this objectionable sentence was stricken out. He hoped the same amendment would be made now.

Mr. SOUTHARD opposed the motion to strike out the fourth section. This section provides for the punishment of a conspiracy for the purpose of evading the penalties inflicted by the act. The bill provides, in the first place, for the punishment of a crime, and then provides for the punishment of acts intended to evade the provisions of the law. The intention is to punish the previous arrangement or concert in the District to perpetrate the crime, which is afterwards consummated without the limits of the District. He had no doubt whatever of the power of Congress to punish this conspiracy as it would a conspiracy to perpetrate any other criminal act. Mr. S. contended that the remainder of the bill was a dead letter, if this section was stricken out, on account of the great facilities that existed to evade it. He hoped, if we passed the bill at all, it would be passed with this provision retained in it.

After some remarks from Mr. MORRIS, The question was taken on Mr. CLAY's motion, and it was rejected—yeas 11, nays 31; as follows:

YEAS—Messrs. Allen, Brown, Clay of Alabama, Cuthbert, King, Nicholas, Norvell, Preston, Roane, Spence, and White—11.

NAYS—Messrs. Buchanan, Clay of Kentucky, Davis, Foster, Fulton, Hubbard, Knight, Linn, Lumpkin, McKean, Merrick, Morris, Mouton, Niles, Pierce, Prentiss, Robbins, Robinson, Ruggles, Smith of Connecticut, Smith of Indiana, Southard, Strange, Swift, Tallmadge, Tipton, Walker, Wall, Williams of Maine, Wright, and Young—31.

The bill was then ordered to be engrossed for a third reading.

#### COURT IN ALABAMA.

The bill from the House to reorganize the district court of the United States for the district of Alabama, was read twice, and referred.

#### IMPRISONMENT FOR DEBT.

On motion of Mr. WALL, the bill to abolish imprisonment for debt in certain cases, was taken up, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

#### BILLS PASSED.

The following bills were severally read the third time, and passed:

A bill for the relief of Loomis & Gay;  
A bill to prevent the counterfeiting of foreign gold, silver, and copper coins, and for the punishment thereof;

A joint resolution providing for the purchase

of the island at the confluence of the St. Peter's and Mississippi rivers; and

A bill for the relief of Gad Humphreys.

#### PIERRE MENARD.

On motion of Mr. CRITTENDEN, the Senate took up the bill for the relief of Pierre Menard and others.

Mr. KING, after some remarks, moved to strike out the provision for the payment of interest.

On this question a debate ensued, in which Messrs. CRITTENDEN, PRESTON, NILES, CLAY of Kentucky, YOUNG, and ROBINSON, participated.

The motion to strike out was negatived, and the bill was ordered to be engrossed for a third reading.

#### EXECUTIVE SESSION.

The Senate then went into the consideration of executive business; after which it adjourned.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, January 22, 1839.

As soon as the Journal was read,

Mr. HAYNES rose and renewed his request to be allowed to move that the House go into committee on the President's message.

Mr. HOWARD said he was sorry, but he was compelled to object.

Mr. HAYNES then moved a suspension of the rules. He would ask leave to move to discharge the committee, and bring the message into the House; but he wished to make some remarks himself in committee, and so did other gentlemen, and all he wanted was fair play.

Mr. HOWARD said he should take the first opportunity of testing the sense of the House, whether it would act on the bill providing for the payment of French spoliations before 1800; and with that view he inquired of the Chair if Mr. HAYNES's motion could be now amended or divided?

The SPEAKER replied in the negative, but added that if the rules were suspended, then the motion would be susceptible of amendment.

At the suggestion of Mr. CAMBRELENG, Mr. HAYNES then varied his motion, by moving to discharge the committee from the message.

Mr. DROMGOOLE said he must object to that motion.

Mr. HAYNES said it seemed to be a very difficult matter to concur with the wishes of any gentleman; and, therefore, he renewed his original motion to go into committee.

The motion was disagreed to.

On his motion, Mr. HOPKINS was discharged from further attendance on the select committee on the memorial of Francis P. Blair, he being on the committee on the New York defalcations.

The resolution reported by Mr. CLOWNEY, from the Committee on the Expenditures in the War Department, directing the Secretary of War to call upon Samuel Lewis for the repayment of \$800 paid to him for the services of his son, a minor, was further postponed, on motion of Mr. McKENNAN, on account of the absence of Mr. C., until Thursday next.

#### PETITIONS.

Petitions were, on leave, presented by Messrs. CARTER, LEGARE, and SAWYER.

#### REPORTS FROM COMMITTEES.

Mr. RUSSELL, from the Committee on Claims, reported a bill for the relief of Ebenczer A. Lester.

Mr. CAMPBELL, of Tennessee, from the same committee, reported a bill for the relief of Joseph Jackson.

Mr. CASEY, from the Committee on the Public Lands, reported, without amendment, the Senate bill authorizing the President of the United States to cause the mineral lands of the several States and Territories belonging to the United States to be sold as other lands of the United States.

Also, with an amendment, the Senate bill for the relief of sundry citizens of Arkansas who lost their improvements in consequence of the Choctaw treaty.

Mr. C. also reported a bill to grant to the counties of Lee, Des Moines, Jackson, and Du-

buque, Iowa, land to aid in erecting public buildings.

Mr. BOULDIN, from the Committee on the District of Columbia, moved to set apart the 13th of February, to be assigned for the consideration of bills on the District of Columbia; which was agreed to by a vote of two thirds.

Mr. BEIRNE, from the same committee, reported a bill to incorporate the Washington City Benevolent Society.

Mr. WILLIAMS, from the same committee, reported a bill to incorporate the Navy Yard Beneficial Society, in the city of Washington.

Also, a bill to incorporate the Lafayette Beneficial Society, in the city of Washington.

Mr. MARTIN, from the Committee on the Judiciary, brought in again the bill to reorganize the district courts of the United States in the State of Alabama, with sundry amendments, which were all concurred in, and the bill was read the third time and passed.

Mr. HARLAN, from the Committee on Private Land Claims, reported a joint resolution authorizing the Secretary of War to issue a duplicate land warrant to Abraham Wright, of New York; which was ordered to a third reading.

Mr. RARIDEN, from the same committee, reported, without amendment, Senate bill to confirm the sale of certain reservations in Indiana; and the bill was passed.

Mr. BRONSON, from the Committee on the Territories, reported a bill to authorize the election or appointment of certain officers in the Territory of Iowa, and for other purposes.

Also, a bill to amend the act establishing the territorial government of Wisconsin.

Mr. CHILDS, from the Committee on Revolutionary Pensions, reported a bill for the relief of Elijah Foshee.

Mr. MENEFE, from the Committee on Patents, reported, with an amendment, Senate bill to renew the patent of Thomas Blanchard. The amendment was concurred in, and the bill ordered to a third reading.

Mr. MERCER, from the Committee on Roads and Canals, reported a bill to authorize the construction of a road from Dubuque, in the Territory of Iowa, to the northern part of the State of Missouri, and for other purposes.

Also, with an amendment, the bill (which had been recommitted) giving the assent of Congress to the act of the General Assembly of the State of Virginia, incorporating the Falmouth and Alexandria Railroad Company. [The amendment prohibited the construction of the road in the cities of Washington and Georgetown till the survey or plan was approved by the corporate authorities of those cities.]

The amendment was concurred in, and the bill ordered to be read a third time to-morrow.

Mr. GIDDINGS, from the Committee of Claims, made unfavorable reports upon the petitions and memorials of William C. Miller, Benjamin Sayer, and T. D. Peurifveys; which were ordered to lie on the table.

Mr. CHAMBERS, from the same committee, made favorable reports on the petitions of Abraham Forbes and Richard Brannin, and others.

Mr. STUART, from the same committee, made an unfavorable report on the petition of Gilbert Howell.

Mr. SALTONSTALL, from the same committee, made an unfavorable report on the petition of Henry Pierson.

Mr. DEGRAFF, from the Committee on Commerce, made an unfavorable report on the petition of David Griffin.

Mr. CHEATHAM, from the Committee on Private Land Claims, made an unfavorable report on the petition of Marcus Spalding.

Mr. GRAHAM, from the Committee on Indian Affairs, made an unfavorable report on the petition of James White.

Mr. McKAY, from the Committee on Military Affairs, made an unfavorable report on the petition of George Baldwin; also, on the memorial of certain citizens of Wisconsin, praying Congress to furnish that Territory with arms.

Mr. MORGAN, from the Committee on Revolutionary Pensions, made unfavorable reports on the petitions of Zalmon Burnett and Isaac Moss.

Mr. JOHNSON, of Virginia, from the same committee, made an unfavorable report on the petition of John Porter.

Mr. CHILDS, from the same committee, made unfavorable reports on the petitions of Lydia Steele, William Kerr, John McLain, and John W. Godbold.

Mr. WHITTLESEY, from the same committee, made unfavorable reports on the petitions of George Rawlings, Benjamin Eaton, Amos Cooke, Alexander Downing, heirs of David Bradish, and the heirs of John Sprigg.

Mr. EWING, from the same committee, made an unfavorable report on the petition of Elizabeth Gassaway.

Mr. MITCHELL, from the Committee on Invalid Pensions, made unfavorable reports on the petitions of Joseph Rose, James Smallwood, and John Packham.

Mr. HEROD, from the same committee, made unfavorable reports on the petitions of Leonard Joines, William Steele, John Hilberts, John Thompson, Oriss Call, and Jacob Headerich.

Mr. PLUMER, from the same committee, made unfavorable reports on the petitions of Mrs. Addison, widow of William A. Addison, William Wingfield, Thomas Flanagan, Nimrod Sparks, and John Freger.

Mr. ALLEN, from the same committee, made an unfavorable report on the petition of Daniel Keifer.

Mr. LINCOLN, from the Committee on Public Buildings and Grounds, reported a bill making appropriations for certain repairs and improvements in the public buildings and grounds, and for other purposes.

#### RESOLUTION.

Mr. EVERETT, on leave, submitted the following resolution; which lies over one day under the rule:

*Resolved*, That the Secretary of War be directed to lay before this House copies of the instructions given for negotiating the treaties with the Pottawatomie Indians of the 20th, 25th, and 27th October, 1832; and of all the correspondence of or with the Department before and after those dates, relating to the negotiation of said treaties, or to the execution before the ratification of the same; and also copies of all the bills of purchase of all goods, merchandise, and horses, delivered to said Indians or other persons, during the said negotiations, or at the time of signing said treaties, for any purpose, or subsequently delivered in execution of the same; together with a statement of the expense of negotiating said treaties, with the names of the persons to whom paid, and the sum paid to each.

#### EXECUTIVE COMMUNICATIONS.

The SPEAKER announced the orders of the day, and laid before the House the following executive communications; which were appropriately referred:

1. The following message from the President of the United States:

WASHINGTON, January 18, 1839.

In addition to the information contained in a report from the Secretary of State, communicated with my message of the 30th of April, 1838, I transmit to the House of Representatives a report from the Secretary of War, dated the 16th instant, in answer to a resolution of the House of the 19th of March last, and containing so much of the information called for by said resolution as could be furnished by his Department.

M. VAN BUREN.

On motion of Mr. HOWARD, it was referred to the Committee on Foreign Affairs.

2. Also, a communication from the Secretary of the Navy, in answer to a resolution of the House of the 14th instant, calling for seven hundred and fifty copies of the chart of Newark bay, and of the sand-bars in the vicinity of said bay.

3. Also, a communication from the Secretary of War, in compliance with a resolution of the House of Representatives of the 14th instant, relative to the pursuit, capture, and execution of certain reputed Indian refugees and murderers within the limits of one of the States.

4. Also, a communication from the Secretary of the Navy, transmitting a statement of the contracts made by the commissioners of the Navy during the year 1838, prepared in compliance with an act of Congress.

Sundry bills from the Senate were taken up, read twice, and referred.

The graduation bill being taken up, Mr. CASEY moved to refer it to the Committee on Public Lands.

Mr. WILLIAMS, of North Carolina, moved to refer it to the select committee of twenty-six on the public lands, and asked the yeas and nays; which were ordered.

Mr. MENEFE made a few remarks in favor

of sending the bill to the select committee of twenty-six, as proposed by Mr. WILLIAMS.

Mr. CASEY said he had not been able to hear all the remarks of the gentleman from Kentucky, [Mr. MENEFFEE,] but from the whole tenor of the debate, it was obvious that the object of the motion to refer this bill to the select committee was to defeat the passage of this bill at this session. This was a measure of deep interest to the new States, and indeed to the whole western country. It was a subject that legitimately belonged to the Committee on Public Lands, one that had heretofore received the attention of that committee, and if it was the intention of the House to act on the subject at this session, it should go to that committee.

As to the select committee raised on the special message of the Commissioner of the General Land Office, in answer to the resolution of this House, in relation to the division of the public lands among the old States of the Union, he thought, with all due deference to that committee, that if they would attend to the arduous duties devolving on them, they would have enough to do. He repeated, he was in favor of the bill, and should therefore insist on his motion to refer it to the Committee on Public Lands.

The first motion was further advocated by Messrs. SHIELDS, HAYNES, PARKER, BOON, and MARTIN, and opposed by Messrs. MENEFFEE, ROBERTSON, and WILLIAMS of North Carolina; when

Mr. HOWARD demanded the previous question, but withdrew it at the request of Mr. JOHNSON, of Maryland, who, after a few words in behalf of the motion of Mr. WILLIAMS, renewed it.

The SPEAKER, in answer to Mr. EVERETT, stated that the main question would be on the engrossment of the bill; whereupon

Mr. JOHNSON withdrew the demand for the previous question, and the question of reference was further debated in opposition to the first motion by Mr. LINCOLN, and in support by Messrs. EWING, CUSHING, and SHIELDS.

Mr. MONTGOMERY was opposed to referring the bill to either committee, though, if it went to either, it should be to that of twenty-six. He was also opposed to discussing the reference of a bill which, in his opinion, ought never to pass; and, therefore, in order to test the question on its passage, he moved to lay the bill on the table, and demanded the yeas and nays; which were ordered.

Mr. BOON moved a call of the House; which was ordered, and proceeded in till one hundred and fifty-seven members had answered to their names; when the absentees were called, and several having answered, one hundred and seventy-one were found to be present.

Mr. MURRAY moved to dispense with the further proceedings of the call; but the motion was disagreed to.

The doors were then closed, and the absentees again called over, when excuses were rendered for several of the members.

Mr. THOMPSON made another ineffectual motion to dispense with the call.

Mr. T. then moved the enforcement of the balance of the 57th rule, to send special messengers for the absentees not excused, and take them into custody.

Mr. CASEY notified the House that there were a number of members in attendance outside the Hall, and he moved that the doors be opened for their admission; which motion was lost.

Mr. GRENELL suggested that the Speaker send messengers to the absentees to request their attendance; but it was objected to.

The question on executing the 57th rule was then decided in the negative—ayes 65, noes 69.

Mr. SIBLEY then moved to dispense with the call.

Mr. THOMPSON asked for the yeas and nays; but they were refused.

The call was then dispensed with—ayes eighty, noes not counted.

The doors were then opened, and a number of members came in.

Mr. SAWYER moved that the House adjourn.

Mr. GARLAND, of Louisiana, demanded the yeas and nays; and they were ordered.

Mr. SAWYER withdrew his motion.

The question was then taken on laying the

graduation bill on the table, and decided in the affirmative—yeas 102, nays 97; as follows:

YEAS—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Anderson, Ayer, Banks, Borden, Buchanan, William B. Calhoun, John Calhoun, John Campbell, Chambers, Childs, Coffin, Coles, Corwin, Cranston, Darling, Davee, Davies, Deberry, Evans, Everett, Richard Fletcher, Fillmore, James Garland, Giddings, James Graham, Grant, Graves, Grennell, Griffin, Haley, Hall, Harper, Hastings, Hawes, Hawkins, Henry, Hoffman, Hopkins, Robert M. T. Hunter, Jabez Jackson, Jenifer, William C. Johnson, Kennedy, Legare, Lincoln, Mallory, Marvin, James M. Mason, Sampson Mason, Maxwell, McKennan, Meneffee, Mercer, Milligan, Mitchell, Montgomery, Mathias Morris, Calvary Morris, Naylor, Noyes, Ogle, Parris, Pearce, Peck, Petrikin, Pickens, Pope, Potts, Potter, Putnam, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Saltonstall, Sawyer, Sergeant, Augustine H. Shepperd, Charles Shepard, Sibley, Slade, Southgate, Stanly, Stratton, Taliaferro, Thompson, Tillinghast, Titus, Toland, Underwood, John White, Lewis Williams, Worthington, and Yorke—102.

NAYS—Messrs. Andrews, Atherton, Beatty, Beers, Beirne, Bell, Bicknell, Biddle, Birdsall, Boon, Bouldin, Brodhead, Bronson, Cambreleng, Chaney, William B. Campbell, Carter, Casey, Chapman, Cheatham, Cleveland, Crabb, Cray, Crockett, Cushing, Cushman, De Graff, Dromgoole, Duncan, Dunn, Edwards, Ewing, Farrington, Fry, Gallup, Rice Garland, Goode, William Graham, Gray, Hamer, Haynes, Herod, Howard, William H. Hunter, Ingham, Thomas B. Jackson, Henry Johnson, Joseph Johnson, Nathaniel Jones, Keim, Kemble, Klingsmith, Leadbetter, Lewis, Logan, Loomis, Lyon, Martin, Maury, McKay, Robert McClellan, Abraham McClellan, Miller, Moore, Morgan, Murray, Noble, Parker, Phelps, Plumer, Pratt, John H. Prentiss, Sergeant S. Prentiss, Ariden, Rives, Sheffield, Shields, Shepler, Snyder, Spencer, Stuart, Stone, Swearingen, Taylor, Thomas, Towns, Turney, Vail, Vanderveer, Webster, Albert S. White, Whittey, Sheridan Williams, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, and Yell—97.

So the bill was laid on the table.

Before the vote was announced, Mr. WORD asked leave to record his vote, he having left the Hall, and did not return in time; but it was objected to.

#### CUMBERLAND ROAD.

The next bill taken up was the bill from the Senate making appropriations for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois.

Mr. COLES moved to lay this bill also on the table; on which motion,

Mr. CASEY demanded the yeas and nays; but, before they were ordered,

On motion of Mr. MALLORY, the House adjourned.

#### IN SENATE.

WEDNESDAY, January 23, 1839.

Mr. YOUNG presented resolutions of the Legislature of Illinois, instructing their Senators and requesting their Representatives in Congress to use their best exertions to procure the passage of a law making appropriations sufficient to put all the unsurveyed lands of the State under immediate contract; and,

On motion of Mr. Y., the resolutions were laid on the table, and ordered to be printed.

Mr. PIERCE presented the petition of Levi Folsom; which was referred to the Committee on Pensions.

Mr. NORVELL presented certain additional papers in support of the claim of General Nelson Thompson; which were referred to the Committee on Revolutionary Claims.

Mr. ALLEN presented the petition of William Tracy, a soldier of the late war; which was referred to the Committee on Pensions.

Mr. CLAY, of Alabama, presented certain papers in relation to a claim of Abel Pennington, accompanied by the following resolution; which was considered and agreed to:

*Resolved*, That the Committee on Claims be instructed to inquire into the expediency of making payment to Abel Pennington, for a horse employed in the service of the United States, which was killed by order of the commanding officer.

#### REPORTS FROM COMMITTEES.

Mr. ROANE, from the Committee on the District of Columbia, reported a bill to incorporate the Washington Manual Labor School and Male Orphan Asylum of the city of Washington, and a bill to incorporate the Washington City Silk Company; which were severally read, and ordered to a second reading.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, to which was referred the petition of the Petersburg Railroad Company, moved that the committee be dis-

charged from the further consideration thereof; which motion was agreed to.

On motion of Mr. PRENTISS, the Committee on Pensions was discharged from the further consideration of the petition of William Warden.

On motion of Mr. HUBBARD, the Committee on Claims was discharged from the further consideration of the petition and papers of Marshall A. Mathias.

Mr. BENTON, from the Committee on Military Affairs, to which had been referred the resolution directing an inquiry into the expediency of making compensation to Robert Kirkland for the destruction of his timber and stock, moved that the committee be discharged from the further consideration thereof; which motion was agreed to, and the petitioner had leave to withdraw his petition and papers.

Mr. B. also, from the same committee, reported a bill providing compensation to certain Michigan volunteers, lately called into the service to preserve our neutral relations on the frontiers; which was read, and ordered to a second reading.

The reports of the Committee on Pensions, unfavorable to the petitions of John Bosworth, Stephen F. Hemenway, John Grigsby, and Betsey Booth, were severally considered and concurred in.

#### BILLS INTRODUCED.

Mr. NORVELL, in pursuance of notice given, obtained leave and introduced a bill making grants of public lands to certain States for purposes of internal improvement; which was read twice, and referred to the Committee on Public Lands.

Mr. FULTON, in pursuance of notice given, obtained leave, and introduced a bill in relation to certain railways in the State of Arkansas; which was read twice and referred:

#### RESOLUTIONS.

The following resolutions, submitted a few days ago by Mr. LINN, in relation to certain banks of Wisconsin, were taken up:

*Resolved*, That the Secretary of the Treasury be directed to communicate to the Senate any information he may possess in relation to the banks, or institutions exercising banking privileges, in the Territory of Wisconsin; whether they are exercising such privileges in pursuance or in violation of the laws of the United States; and whether their notes are received in payment for the public lands.

*Resolved*, That the Committee on Finance be instructed to report a bill to disaffirm, disapprove, and render null and void any act of the Territorial Legislature creating banking institutions in Wisconsin Territory, where charters have not been approved by Congress, or where the provisions of their charters, or the acts of Congress approving them, have been violated.

*Resolved*, That the committee also report a bill to give jurisdiction to the courts of the Territories of the United States over all the banking institutions in said Territories, and to provide punishments for the violation of the act of Congress of the 1st July, 1836, or of any other act that has been, or may hereafter be, passed, approving bank charters.

Mr. NORVELL had very strong doubts of the power of Congress to annul bank charters already approved. At all events, he thought the resolution should be put in the shape of an inquiry.

Mr. LINN said the resolutions were intended as an inquiry.

Mr. KING observed that the resolution directed the committee to report a bill, &c., and he would suggest to his honorable friend to modify it so as to direct the committee to inquire into the expediency of reporting a bill.

Mr. LINN assented, and the resolution was modified accordingly.

Mr. ALLEN observed that the resolution included only one Territory. He would suggest to the Senator from Missouri to modify it so as to include all the Territories.

This modification was agreed to, and the resolution was adopted.

Mr. WHITE submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Secretary of War be, and he hereby is, required to report to the Senate the name of each individual, other than officers of the Army, who has received any appointment or agency, under the authority of the United States, to aid in carrying into effect the provisions of the treaty with the Cherokee Indians, dated 29th December, 1835, with the duty he was directed and expected to perform, and the sum promised or paid to each, and by whom such appointments were made.

*Resolved*, That the Secretary of War be, and he hereby is, required to report to the Senate what species of funds were furnished by the United States to their agents, to carry into effect the provisions of the treaty with the Cherokee Indians, dated 29th December, 1835, and if funds of different species have been furnished, state the amount of each, together with the time when sent, and to whom, and

whether any of such funds have been exchanged, and by whom, for funds less valuable, and a premium received for the difference of value, and whether such premiums have been accounted for to the Government.

*Resolved*, That the Secretary of War, be, and he hereby is, required to report to the Senate the name of each individual whose improvements have been valued, under the provisions of the treaty with the Cherokees, dated 29th December, 1835, and the sum to which each has been valued, together with the instructions given to the person making such valuation.

Mr. TALLMADGE submitted the following resolutions; which were ordered to be printed and lie on the table:

*Resolved*, That sound specie-paying banks ought to be selected, under suitable regulations to be prescribed by law, for the safe-keeping of the public money.

*Resolved*, That the payment of the public revenue ought to be made in gold and silver, or in the notes of sound specie-paying banks, under suitable regulations to be prescribed by law.

*Resolved*, That such payments of the public revenue from customs and from lands ought to be made, as far as practicable, by deposits in the selected banks to the credit of the Treasurer of the United States, and the certificates of deposit taken by the collectors and receivers as evidence of such payments.

*Resolved*, That the selected banks, in consideration of such deposits, ought to perform, without charge, the same duties to the Government, in transferring the public funds and distributing the same in payment of the public creditors, as were performed by the late Bank of the United States.

#### BILLS PASSED.

The following bills were severally read the third time and passed:

A bill to abolish imprisonment for debt in certain cases;

A bill for the relief of Pierre Monard and others; and

A bill to prohibit the giving or accepting a challenge to fight a duel in the District of Columbia, and for the punishment thereof.

On motion of Mr. PRENTISS, the yeas and nays were ordered on the passage of the last mentioned bill; and were—yeas 29, nays 7; as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Clay of Kentucky, Davis, Foster, Fulton, Hubbard, Knight, Linn, Lumpkin, McKean, Morris, Monon, Pierce, Prentiss, Robbins, Robinson, Ruggles, Smith of Connecticut, Smith of Indiana, Southard, Swift, Tallmadge, Tipton, White, Williams of Maine, and Young—29.

NAYS—Messrs. Brown, Clay of Alabama, King, Nicholas, Preston, Ronne, and Williams of Mississippi—7.

#### LANDS IN TENNESSEE.

On motion of Mr. FOSTER, the Senate took up the bill to amend the act entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to lands therein described," &c., passed 18th April, 1806.

Mr. FOSTER addressed the Senate at length in explanation and support of the bill.

Mr. BENTON rose to give his testimony in favor of the statements which had been made by the Senator from Tennessee, [Mr. FOSTER,] who had so well opened this subject. It so happened that he (Mr. B.) was well acquainted with the whole subject matter of this bill, both with the legal question, as growing out of the compact of 1806, between the States of North Carolina, Tennessee, and the General Government, and also with the character of the land itself upon which it would operate. Three years after the making of that compact, and precisely thirty years ago, he (Mr. B.) was a member of the Senate of the State of Tennessee, with the respected father of the Senator who had just spoken; and in his capacity of a Senator in the Tennessee Legislature, it became his duty, as far back as the year 1809, to act upon this compact; and he then began the course with respect to settlers and occupants which he had followed ever since; he then favored the settlers south of French Broad and Holston, who were settled on the part of the ungranted lands which fell to the State of Tennessee, and it now becoming his duty again to act, in the Senate of the United States, on that part of the ungranted lands which were then reserved to the United States, he should follow the same course now which he did then, and continue to favor and to protect the settler.

He (Mr. B.) was not only acquainted with the compact of 1806, but it happened that he was well acquainted with the country which was reserved to the United States. He lived, when a citizen of Tennessee, not within the Congress reservation; but in the quarter of the State in which it lay, and practiced law within it. He had, besides, traveled all over it in different directions; and, while

it was in fact a fine district of country, (though by no means the best in the State,) yet it had been so picked and culled by entries on land warrants, that what remained was nothing but the merest refuse, barely fit to make small farms for people in indigent circumstances, and which the Federal Government ought to be ashamed to sell. The bill proposed to sell to the occupants, in tracts not exceeding two hundred acres each, at twelve and a half cents per acre. That sum would, doubtless, seem to be a low price to many gentlemen on this floor; but he considered it too high for the Federal Government to demand, and should have liked the bill better if it had abandoned these scraps of refuse land to the State and to the occupants. Individually, he should have liked the bill better in that way; but the Senators from the State who had the conduct of the bill had their reasons, and he knew they were good reasons, for proposing a sale instead of a cession. He should, therefore, support the bill as it was; and lest any Senator might suppose it would be better to strike out the twelve and a half cents, and leave the price blank, to be filled up by the General Assembly of Tennessee, he would undertake to say that nothing could be gained, in the way of money, by that operation; that it would be impossible to find men in the General Assembly of Tennessee who would value these scraps of land as high as twelve and a half cents. He, therefore, thought that to all those who chose to look to money from these lands, the sum fixed in the bill should be preferable to leaving it open to be fixed by those who knew the real character of the lands.

Mr. B. had deemed it proper, on account of his long acquaintance with the subject, to bear this public testimony in favor of the statements made by the Senator from Tennessee, [Mr. FOSTER.] His statements did not require to be supported by testimony; but, having lived in Tennessee, having acted in a legislative capacity upon a branch of this subject thirty years ago, and being well acquainted with the character of the lands to be disposed of, he deemed it proper to give something more than a naked vote for the bill, and therefore had submitted to the Senate the statements which his personal knowledge enabled him to make.

Mr. STRANGE had no idea that this bill would be taken up to-day, and he was not, therefore, prepared for its consideration. It would seem that the State of North Carolina was somewhat interested in it, and he should, therefore, be glad to have an opportunity of becoming better acquainted with its details. In the mean time, it occurred to him that some provision was necessary in order more effectually to guard the interests of the United States, as well as those of the State of North Carolina. For instance, the bill contained a provision to guard the State of North Carolina against loss, that the State of Tennessee should take up the outstanding North Carolina warrants, which was so far right; but there was also a provision in the latter end of this bill which in some way conflicted with this: to cede the lands remaining after 1844, unconditionally, to the State of Tennessee. Now, he wished the friends of the bill would consent to its postponement until to-morrow, to give him an opportunity of offering an amendment to meet this difficulty.

Mr. FOSTER expressed himself perfectly willing to agree to the postponement asked for.

Mr. WHITE thought the objection of the gentleman was unfounded, and that he would find, on a more careful examination, that the interests of North Carolina were amply provided for. Mr. W. expressed an anxious desire that the bill should pass this body in time to get through the other House at this session, and spoke of its importance to a portion of the people he represented. He had no objection to making the bill the special order of the day for to-morrow. There being no special order for that day, there would be no difficulty in taking it up at one o'clock, and finally deciding it. He thought that when the Senate became sufficiently acquainted with its merits, there would not be the slightest difficulty in passing it.

Mr. STRANGE observed that he had prepared an amendment, in case the bill should be pressed to-day, providing that when the cession of the remaining lands shall be made to the State of Tennessee, after the 1st of January, 1844, that

State shall provide for any outstanding North Carolina warrants.

On motion of Mr. CLAY, of Alabama, the bill was postponed to, and made the special order of the day for, to-morrow.

DR. J. C. WHITE.

On motion of Mr. BUCHANAN, the Senate took up the bill for the relief of Dr. John Campbell White, of Baltimore.

Mr. CLAY, of Kentucky, opposed the bill, and hoped that its consideration might not be pressed at this time.

Mr. BUCHANAN addressed the Senate in its support; and,

After some further remarks from Mr. CLAY in opposition, and Mr. BUCHANAN in support, the bill was ordered to be engrossed for a third reading.

#### EXECUTIVE SESSION.

On motion of Mr. BENTON, the Senate proceeded to the consideration of executive business; after which it adjourned.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 23, 1839.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting a statement of the accounts of Lewis Cass, as superintendent of Indian affairs; which was laid on the table, and ordered to be printed.

Mr. HENRY asked leave to present a petition, but it was objected to.

#### GRADUATION BILL.

Mr. PETRIKIN rose and said he was about to make a motion, in the making of which, he wished it to be distinctly understood that he did it to give gentlemen an opportunity of doing themselves justice, and of putting themselves straight before the people. Nor, in making this motion, was he to be considered as in any way pledged to vote for the bill on its final passage. Mr. P. then moved to reconsider the vote of yesterday, by which the graduation bill was laid on the table.

The SPEAKER said the motion would be entered, and would be the first thing in order after the morning business was disposed of.

Mr. SNYDER moved that the bill be printed, which was agreed to.

Mr. PICKENS suggested that the motion of Mr. PETRIKIN be disposed of at once; but

The SPEAKER reiterating what he said above, the question was not pressed.

#### REFERENCE OF PRESIDENT'S MESSAGE.

Mr. HAYNES then renewed his motion for the House to go into committee on the President's message.

Objection being made, Mr. H. moved a suspension of the rules, and demanded the yeas and nays; which were ordered.

Mr. GARLAND, of Louisiana, suggested to the gentleman to modify his motion, so as to go into committee after they had got through the morning business.

Mr. HAYNES withdrew his first motion, and moved another, for the House to go into committee of the Whole at half past one o'clock, but it was rejected, 101 to 53—not two thirds.

#### REPORTS FROM COMMITTEES.

Mr. GIDDINGS, from the Committee on Claims, made an unfavorable report on the petition of William J. Owens, which was ordered to lie on the table and be printed; also an unfavorable report on the memorial of certain citizens of St. Augustine, Florida.

Mr. WILLIAMS, of New Hampshire, from the same committee, made an unfavorable report on the petition of Richard Macall.

Mr. SALTONSTALL, from the same committee, made an unfavorable report on the petition of B. M. Byrnes.

On motion of Mr. CUSHMAN, the Committee on Commerce was discharged from the further consideration of the memorial of certain merchants of New York, praying a drawback on coal, and it was referred to the Committee of the Whole on the state of the Union, to which a bill on the same subject had been referred.

Mr. MASON, of Virginia, from the same committee, made an unfavorable report on the petition



license two iron steamboats building in Europe; which was referred to the Committee on Commerce.

Mr. WRIGHT presented some documents in support of the claim of Captain Charles C. Tupper, of the United States marine corps; which were referred to the Committee on Naval Affairs.

Mr. WILLIAMS, of Maine, presented the petition of David Bump, asking for a pension; which was referred to the Committee on Pensions.

Mr. DAVIS presented the credentials of Hon. DANIEL WEBSTER, elected by the Legislature of Massachusetts a Senator from that State, to serve for six years from the 4th of March next; which were read.

#### REPORTS FROM COMMITTEES.

Mr. WILLIAMS, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs of Colonel John H. Stone, deceased; which was read, and ordered to a second reading.

Mr. NORVELL, from the Committee on Revolutionary Claims, to which had been referred the petition of the heirs of John Treville, deceased, reported a bill for their relief; which was read, and ordered to a second reading.

The report of the Committee on Indian Affairs, unfavorable to the petition of William Smith, was considered and concurred in.

#### BILLS INTRODUCED.

Mr. KING, in pursuance of notice given, obtained leave, and introduced a bill for the relief of William H. Robertson, Samuel H. Garrow, and A. W. Symington; which was read twice, and ordered to be engrossed for a third reading.

Mr. BENTON, in pursuance of notice given, asked leave to introduce a bill to abolish the duty on salt, and to repeal the fishing bounties and allowances dependant upon the same.

Mr. B. addressed the Senate at length in explanation and support of the bill; after which, at the request of Mr. DAVIS, it was laid on the table till to-morrow.

#### TREATY WITH MIAMI INDIANS.

Mr. SMITH, of Indiana, said he rose to ask leave to introduce a bill to regulate the price of lands acquired by the treaty with the Miami Indians of the 6th of November, 1838, which was ratified on yesterday. The bill fixed the minimum price of these lands at \$2 50 per acre.

Mr. S. said his position in relation to this bill might require a single word of explanation, not so far as the Senate was concerned, as the whole matter was fresh in the recollection of Senators. But the State might desire to know why it was that he had purposed to fix the minimum of these lands at a higher price than the usual price of the public lands. He wished merely to satisfy that inquiry, by saying that these lands were purchased by the Miami Indians, by the treaty that was ratified on yesterday, at a price that would require, to remunerate the Government, the price fixed by the bill. The lands lie on the public works of the State, and the high price given was fully justified by the value of the lands. The price being the great objection to the purchase, in the minds of many Senators, he felt disposed, upon a consultation with his colleague, to remove that objection by introducing a bill that would remunerate the Government for the purchase. He had promised the Senate to do so, and he now rose to comply with that promise.

The bill was then read twice, by general consent, and referred to the Committee on Public Lands.

#### SURVEY OF THE LAKES.

Mr. NORVELL said, that at the last session a joint resolution was reported by the Committee on Commerce, and passed by the Senate without a dissentient voice, authorizing the President of the United States to cause a survey of the north-western lakes to be made. He held in his hands letters from the Secretary of War, and the chief of the topographical bureau, recognizing the importance of the contemplated survey; and they had intimated in a different way, and under circumstances to which he could not, at this time, specifically allude, the scientific gentlemen had been sought for, and their abilities brought into requisition, with a view to this very interesting

service, as well as with reference to other branches of the public interest. It was a fact, that no American chart of the lakes existed; no thorough survey of those inland seas had ever been authorized or made by this Government. We were indebted to British charts for all the knowledge we possessed on the subject, except that derived from personal observation. It was difficult to obtain any of these British charts in this country. With a view to the naval operations which a war would render necessary upon the lakes, as well as in relation to their commerce and navigation, the survey so anxiously desired was all-important. Impressed with the necessity of the measure, the committee had again instructed him to report the same resolution, without any alteration. As he hoped and believed that no debate would arise upon the resolution, he very respectfully moved that the previous orders of the day be postponed and that the joint resolution, authorizing the President of the United States to cause certain surveys to be made, be now taken up.

The resolution was agreed to, and the joint resolution considered, and ordered to a third reading.

#### PROCEEDS OF PUBLIC LANDS.

Mr. BENTON submitted the following resolution:

*Resolved, That the Secretary of the Treasury be directed to report to the Senate whether any, and if any, how much, would have been the deficit in the Treasury, if an act entitled "An act to appropriate for a limited time the proceeds of the sales of the public lands of the United States, and for granting land to certain States," which passed both Houses of Congress, had received the approbation of the President, and been acted upon up to the 1st day of January, 1839.*

Mr. BENTON observed that his reason for offering this resolution was apparent. A resolution had passed the Senate calling upon the Secretary for information as to the amount that would have been distributed to each of the States of this Union under the distribution land bill, which was vetoed by President Jackson, had that bill become a law. An answer to that resolution had been received, by which it appeared that the sum that would have been distributed was \$57,500,000. Now, he wished also to ascertain what now would be the deficit in the Treasury had that distribution taken place.

Mr. NORVELL rose to avail himself of the opportunity presented by the motion of the Senator from Missouri to correct a mistake into which the Commissioner of the General Land Office had fallen, in the table which he had furnished of the proceeds of the sales of the public lands, which were proposed to be distributed among the several States by the bill of the Senator from Kentucky, [Mr. CLAY], which received the veto of President Jackson in 1833. The Commissioner had stated that certain sums under the twelve and a half per cent. proposed for the new States in that bill, and certain specified sums under the general distribution proposed in it, would have fallen to the lot of Michigan and Arkansas. If he remembered rightly, not a cent would have been received under that bill by either Michigan or Arkansas. They were at that period Territories of the United States. No participation was allowed to them in that bill. It depended upon the subsequent pleasure of Congress, upon the passage of another law, whether Michigan or Arkansas would each have received any portion of the moneys which were to be distributed, if that bill had become a law. He had felt it to be his duty to make this statement for the information of his constituents at home.

The resolution was then laid on the table till to-morrow.

#### DR. J. C. WHITE.

The bill for the relief of Dr. John Campbell White, of Baltimore, in the State of Maryland, was read the third time and passed.

#### HEIRS OF T. GLASCOCK.

The bill from the House for the relief of the heirs of Thomas Glascock, deceased, was read twice and referred.

#### LANDS IN TENNESSEE.

The bill to amend the act to authorize the State of Tennessee to issue grants and perfect titles to the lands therein described, &c., was taken up as the order of the day; and, after some remarks

from Mr. FOSTER, was ordered to be engrossed for a third reading—yeas 34, nays 3; as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Clay of Alabama, Clay of Kentucky, Crittenden, Cuthbert, Foster, Fulton, Hubbard, Lumpkin, Lyon, King, McKean, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Rives, Roane, Robbins, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Spence, Swift, Talmadge, Tipton, White, Williams of Mississippi, and Young—34.

NAYS—Messrs. Brown, Strange, and Williams of Maine—3.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill for the relief of the sureties of William B. Ferguson;

The bill supplementary to the act entitled "An act to establish branch Mints of the United States," approved March 3, 1835;

The bill for the relief of Peter Bargy; and

The bill for the relief of Henry Wilson.

After the consideration of executive business, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, January 24, 1839.

Petitions were, on leave, presented by Messrs. PARMENTER, STONE, HENRY, BRONSON, WORD, RARIDEN, SERGEANT, PUTNAM, and TOUCEY.

[Mr. PARMENTER presented the petition of Sarah Popkin, for a pension; which was referred to the Committee on Revolutionary Pensions. Also, petition of Joseph D. Annable and others, for a duty on foreign starch; which was referred to the Committee on Manufactures.

Mr. BRONSON presented the petition of Samuel Cook and one hundred and ten others, citizens of Jefferson county, New York, praying for the improvement of the harbor at the mouth of Big Sandy creek, Jefferson county, New York; which was referred to the Committee on Commerce. Also, the petition of Daniel Read and thirty-three others, citizens of Jefferson county, New York, for an appropriation to improve the harbor at Little Sodus Bay, on Lake Ontario, New York; which was referred to the Committee on Commerce.

Mr. STONE presented the petition of Jesse Epperson, a citizen of Bradley county, Tennessee, praying compensation for a horse stolen from him by the Cherokee Indians; which was referred to the Committee on Indian Affairs.

Mr. HENRY presented the petition of a number of citizens of Beaver county, Pennsylvania, praying for the establishment of a national armory for the manufacturing of small-arms, at the falls of Beaver river, in said county; which was referred to the Committee on Military Affairs.]

Mr. MITCHELL moved a suspension of the rule, to call for petitions generally, but subsequently withdrew it.

Petitions were, on leave, further presented by Messrs. C. H. WILLIAMS and PETRIKIN.

[Mr. PETRIKIN presented the petition of Anna Maria Domback, widow of a revolutionary soldier, for a pension. Also, the petition of Colonel John H. Schenck, a revolutionary soldier, for increase of pension. Also, additional documents to substantiate the claim of Jacob Boston for a pension; which were referred to the Committee on Invalid Pensions.]

Mr. HAYNES presented certain joint resolutions of the Legislature of Georgia, in relation to the establishment of sundry post routes.

Mr. CHAPMAN presented the memorial of the Legislature of Alabama, asking that the lands within that State, lately acquired from the Cherokees, may be surveyed at an early period; which was referred to the Committee on Public Lands. Also, the memorial of certain citizens of Benton county, Alabama, who lost their improvements by the location of Indian reservations, asking that they be allowed to enter other lands in lieu thereof; which was referred to the Committee of the Whole House, to which the bill on that subject has been committed. Also, the petition of many citizens of Benton and Cherokee counties, Alabama, praying that the Territory lately acquired from the Cherokee Indians may be attached to the Coosa land district, the register of that district to act for the whole district when united, and the land office from Mardisville, removed to Ladiga;

which was referred to the same committee to which was referred the petition praying the establishment of a new land office in the Cherokee country.

The unfinished business of this morning was the report by Mr. CLOWNEY, from the Committee on the Expenditures of the War Department, the question being on the adoption of the following resolution, with which the report concludes:

*Resolved*, That the Secretary of War be directed to require from Samuel Lewis the repayment of the sum of \$800 improperly allowed to him for the services of his son Edward (a minor) as clerk in the Pension Bureau from July, 1818, to July, 1819, together with interest from the day he received the same; and upon the refusal or neglect of the said Samuel Lewis to refund the said sum of money with interest, that the Attorney General of the United States be, and is hereby, instructed forthwith to institute proper legal proceedings for the recovery of the same.

Mr. CLOWNEY addressed the House at length to show that this money had been improperly paid.

Mr. McKAY stated the facts in support of the claim, and cited letters of Messrs. Cass, Boyd, and Edwards. Mr. McK. admitted, however, that had he been in Mr. Poinsett's place, he should not have ordered the payment of this money, though he was decidedly of opinion that Lewis had an equitable claim.

Mr. McKENNAN was opposed to the resolution, because it would involve a heavy expense; but he insisted that the Secretary of War had no right to have paid this money out of the contingent fund of the Army, and his doing so merited the severest condemnation of the House.

Mr. BOON opposed the resolution; but said he would not go back to inquire whether a previous contract had been made. All he wanted to know was, whether the services had been performed, of which there was abundant evidence, and he could not, therefore, vote for the resolution.

Mr. MARVIN supported the resolution as the only mode by which a fraud could be reached.

Mr. McKAY said it had been the practice since the formation of the Government, when extra force was required, for the Departments to employ temporary clerks, and pay them out of the contingent fund.

Mr. EVERETT said it was time this objectionable practice was put a stop to, and, therefore, he moved to recommit the report, with the following instructions:

To ascertain and report the cases in which money has been paid under the direction of the War Department, out of the contingent fund, to every officer of the Government, for arrearages of salary or compensation for his services.

Mr. ADAMS sustained the allowance; but the hour having expired, his remarks were arrested, and the subject lies over.

#### EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House sundry executive communications:

1. From the Secretary of War, being a report of the number of clerks and extra clerks employed in that Department.

2. From the same, together with a communication from the Secretary of the Treasury, reports of the Third Auditor and the Commissioner of Pensions, relative to the third section of the act of July 5, 1832, for liquidating and paying certain claims of the State of Virginia.

3. From the Secretary of the Treasury, transmitting a report from the First Comptroller and Auditor, whether the standing committees of Congress are recognized by the accounting officers of the Department as a proper foundation to allow claims against the United States.

4. From the Secretary of the Navy, transmitting, for the use of the members of the House, two hundred and seventy-five copies of the Naval Register for the year 1839.

#### FINANCIAL STATEMENT.

Mr. CAMBRELENG, by leave, stated that the Committee of Ways and Means wished to make a report, containing at large the views of that committee in regard to the state of the finances generally; and said that the committee had come to the conclusion, that, should Congress authorize the usual amount of new appropriations, and the three millions proposed for fortifications, harbors, &c., it would be necessary to provide five or six millions for the Treasury, in addition to all the resources and receipts existing or contemplated.

The report having been then made, was ordered to lie on the table and be printed.

Mr. HAYNES moved for the printing of ten thousand extra copies of the report.

Mr. SERGEANT opposed this motion, and was proceeding to give his reasons, when he yielded to the suggestion that, unless by general consent, that motion must lie over for one day. It lies over accordingly.

On motion of Mr. EVANS, the House proceeded to the orders of the day.

Several executive communications were received and referred.

#### PRESIDENT'S MESSAGE.

On motion of Mr. HAYNES, the House then went into the Committee of the Whole on the state of the Union, (Mr. ADAMS in the chair.)

Mr. HOWARD moved to take up the bill for the liquidation of claims of American citizens for spoils by France prior to the treaty of 1801.

Mr. CAMBRELENG said the gentleman from Maryland had better read the report of the committee which had just been made, before he pressed a bill which would require the appropriation for four or five million dollars.

Mr. HOWARD said that he had often endeavored to get up this bill, and if the gentleman had not obstructed it, he might have had an opportunity of altering his report so as to cover the necessary amount.

After further conversation between Messrs. HAYNES, McKENNAN, PICKENS, HOWARD, and CASEY, as to the order of business, the question was taken on Mr. HOWARD's motion, and negatived.

On motion of Mr. HAYNES, the committee then took up the resolutions offered by Mr. H. for referring the several subjects in the President's message to their appropriate committees.

After further conversation between Messrs. EVERETT, HAYNES, CAMBRELENG, HOWARD, CUSHING, and GIDDINGS, as to order,

The resolutions moved by Mr. HAYNES were read in succession, and the following were agreed to:

1. *Resolved*, That so much of the President's message as refers to the political relations of the United States with foreign nations, be committed to the Committee on Foreign Affairs.

2. *Resolved*, That so much of said message as relates to the commerce of the United States with foreign nations, be referred to the Committee on Commerce.

3. *Resolved*, That so much of said message as relates to the finances, to the collection, safe-keeping, and disbursement of the public revenue, and the punishment of public defaulters, be committed to the Committee of Ways and Means.

4. *Resolved*, That so much of said message as relates to the public lands be referred to the Committee on the Public Lands.

The fifth resolution was then read, as follows:

5. *Resolved*, That so much of said message as relates to Indian affairs, except what concerns the defense of the frontiers against Indian hostilities, and the protection of the Indians against the intrusions of the citizens of the United States, be referred to the Committee on Indian Affairs.

Mr. EVERETT went into a general review of the course pursued by the Government of the United States in conducting our Indian relations, with a view to show that the position of the message on that subject was contradicted by facts.

When he had concluded his remarks, the question was taken, and the resolution agreed to.

The following resolutions were then agreed to:

6. *Resolved*, That so much of said message as relates to the defense of the frontiers against Indian hostilities, and the protection of the Indian tribes from the intrusions of citizens of the United States; so much thereof as relates to the establishment of a manufactory of small-arms west of the Alleghany mountains, and to a manufactory of gunpowder; together with so much as relates to the report of the Secretary of War, and the public interests intrusted to the War Department, except the subjects embraced in the immediately preceding resolution, be referred to the Committee on Military Affairs.

7. *Resolved*, That so much of said message as relates to the militia of the United States be referred to the Committee on the Militia.

8. *Resolved*, That so much of said message as relates to the report of the Secretary of the Navy, and the interests intrusted to the Navy Department, be committed to the Committee on Naval Affairs.

9. *Resolved*, That so much of said message as relates to the report of the Postmaster General, and the condition and operations of the Post Office Department, be referred to the Committee on the Post Office and Post Roads.

10. *Resolved*, That so much of said message as relates to the District of Columbia, be committed to the Committee for the District of Columbia.

The following resolution having been read:

11. *Resolved*, That so much of said message as relates to the establishment of a national foundery for cannon, to be common to the service of the Army and Navy of the United States, be referred to a select committee, to report by bill or otherwise.

The question was put, and it was rejected, (as unnecessary, a report having been made by a select committee on that subject.)

The following resolution was then read:

12. *Resolved*, That so much of said message as relates to the questions arising out of the mandamus issued by the circuit court of the District of Columbia, at the relation of Stockton and Stokes, against the Postmaster General, be referred to the Committee on the Judiciary.

On this resolution a debate of considerable length ensued, in which

Mr. EVERETT went into a history of the case, and a review of the decision of the court.

Mr. HOWARD replied, and advocated the resolution.

Mr. MASON, of Ohio, went, at considerable length, into a commentary of the case, and the effect of the court's decision of it, in which he eulogized the court, and remarked with severity on the course of the executive officers in the case.

Mr. CRARY replied. He spoke in vindication of the late President, and argued to defend the language of the message in relation to the "anti-republican tendencies of associated wealth." In the course of his remarks he replied to several positions taken by Mr. BELL, in a speech in which he reviewed the message of the President. Having proceeded some time, he yielded to a motion that the committee rise; which motion prevailing, the committee rose and reported those resolutions which had been agreed to by the committee.

The House concurred in the resolutions reported, and then adjourned.

#### IN SENATE.

FRIDAY, January 25, 1839.

The PRESIDENT submitted a communication from the Secretary of the Navy, transmitting sixty copies of the Navy Register for 1839; which was laid on the table, and ordered to be printed.

#### PETITIONS, ETC.

Mr. WEBSTER presented a memorial praying for an appropriation for the improvement of the harbor of Milwaukee; which was referred to the Committee on Commerce.

Mr. W. also presented a memorial from officers of the line of the Army, praying for an equalization of their pay with the officers of the staff; which was referred to the Committee on Military Affairs.

Mr. ROBINSON presented a memorial from citizens of the northern portion of the State of Illinois, praying for the creation of an additional land district; which was laid on the table and ordered to be printed.

Mr. BENTON presented the petition of the heirs of Joseph Robideaux; which was referred to the Committee on Private Land Claims.

Mr. CLAY, of Kentucky, presented a memorial of citizens of Philadelphia, praying Congress to take measures for a congress of nations; which was referred to the Committee on Foreign Relations.

Mr. CLAY, of Alabama, presented a memorial of the Legislature of Alabama, asking for an amendment to the preemption law passed at the last session of Congress; which was referred to the Committee on the Public Lands.

Mr. BENTON presented an extract from the message of Governor Call to the Legislative Council of the Territory of Florida, relating to the war with the Seminoles; which was laid on the table, and ordered to be printed.

Mr. B. gave notice that on Monday he would call up for consideration the bill providing for the armed occupation of the Territory of Florida.

Mr. RIVES presented a memorial from officers of the revenue service, praying that the benefits of the Navy pension law may be extended to them; which was referred to the Committee on Commerce.

Mr. R. also presented a petition from citizens of Alum Spring, Rockbridge county, for a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. CRITTENDEN presented the petition of Jesse Cline; which was referred to the Committee on Pensions.

## REPORTS FROM COMMITTEES.

Mr. SEVIER, from the Committee on Public Lands, to which had been referred the memorial of citizens of the parish of Concordia, in the State of Louisiana, reported a bill to transfer to the inhabitants of the parish of Concordia the interest of the United States to certain tracts of land; which was read, and ordered to a second reading.

Mr. SMITH, of Connecticut, from the Committee on Revolutionary Claims, to which had been referred the petition of Colonel F. H. Weisenfeld, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. NILES, from the Committee on Foreign Relations, to which had been referred the memorial of William A. Slacum, for compensation for services, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. YOUNG, from the Committee on Roads and Canals, reported a bill granting a portion of the public lands, for the purposes therein expressed, to the Mississippi and Rock River Canal Company; which was read, and ordered to a second reading.

Mr. WILLIAMS, of Mississippi, from the Committee on Revolutionary Claims, to which had been referred the joint resolution from the House for the relief of the heirs of Charles Brown, reported the same without amendment.

Mr. WALL, from the Committee on the Judiciary, to which the subject had been referred, reported a bill to quiet the titles of *bona fide* purchasers under Spanish grants, permits, and orders of survey; which was read, and ordered to a second reading.

Mr. W. also, from the same committee, asked to be discharged from the further consideration of the presentment of the grand jury of the district court of South Carolina, in favor of an increase of compensation to the officers of said court; and the memorial of the executors of James Rody; which was agreed to.

Mr. TIPTON, from the Committee on Roads and Canals, to which had been referred a communication from the Secretary of War, in relation to the improvement of the harbor of Michigan City, made a report thereon, accompanied by the following resolution:

*Resolved*, That the plan of the works for the improvement of the harbor at Michigan City shall be such as may be approved by the Secretary of War.

Mr. HUBBARD, from the Committee on Claims, asked to be discharged from the further consideration of the memorial of James Radcliff; which was agreed to.

Mr. RIVES, from the Committee on Naval Affairs, to which was referred the bill for the relief of Irvine Shubrick, reported the same without amendment.

Mr. YOUNG, from the Committee on Roads and Canals, to which was referred the inquiry into the expediency of making appropriations for the continuation of the Cumberland road to the Mississippi river, reported the following resolution:

*Resolved*, That the Secretary of War be instructed to cause an estimate to be made of the sums that will be necessary to complete the construction of the Cumberland road through the States of Ohio, Indiana, and Illinois, to the Mississippi river, and of the additional amount that will be required to extend the same to the city of Jefferson, in the State of Missouri; designating the cost of the same in each State, respectively, and the aggregate sum that will be necessary to cover the whole expense; showing, as far as practicable, the separate cost of locating and grading said road in each State, for the construction of bridges and macadamizing the same, with the relative amounts that will probably be expended in the original construction of said work, and in making necessary repairs during the progress of the same, and before its completion, for the purpose of enabling the Senate to judge whether it will not be advisable, both as it regards the interest of the United States and the several States more immediately interested in the construction of said road, to make an appropriation sufficient to complete the same, payable in annual installments to the several States respectively, within the limits of which the unfinished parts of said road are situated; upon the condition that the said States will agree to accept and apply the money thus appropriated to the objects intended, and thereafter discharge the United States from any further appropriations; and upon the further condition that the said States shall have authority, and it shall be their duty, to keep the same in good repair after its completion, and shall allow the arms and munitions of war of the General Government to pass toll-free; and that he report said estimate, when made, at the next session of Congress.

Mr. TIPTON, from the Committee on Roads and Canals, to which had been referred the me-

morial of Lysander Spooner, praying for an appropriation by Congress for the improvement of the Maumee river, asked to be discharged from the further consideration of the same; which was agreed to.

Mr. T., from the same committee, asked to be discharged from the further consideration of the memorial of Edward B. Tippet; which was agreed to.

Mr. T., from the same committee, asked to be discharged from the further consideration of the memorial of M. Allen, for the improvement of the navigation of the Ohio river, and that it be referred to the Committee on Commerce; which was agreed to.

Mr. WALL, from the Committee on the Judiciary, reported a bill for the reorganization of the courts of the United States in the district of Alabama; which was read, and ordered to a second reading.

Mr. CLAY, of Alabama, after some remarks on the necessity of the speedy passage of this bill, asked that it should be ordered to be engrossed for a third reading; which was agreed to, and the bill was ordered to be engrossed.

Mr. KING, from the Committee on Commerce, to which had been referred the memorial of the Plum Island Bridge and Turnpike Company, praying compensation for a bridge destroyed by the erection of a breakwater by the Government, reported a bill for its relief; which was read, and ordered to a second reading.

## RESOLUTIONS.

Mr. YOUNG submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Secretary of War be required to report to the Senate whether or not Fort Armstrong, on Rock Island, in the State of Illinois, has been abandoned as a military post by the troops of the United States; and if so, what disposition has been made of the fortifications and public buildings of that place; whether any order has been issued from the War Department to remove from the occupancy of the said island any of the citizens of Illinois; and if so, under what circumstances the same was issued.

On motion of Mr. NORVELL, it was

*Ordered*, That the petition and accompanying papers of William Whitehead, relative to making Indian Key a port of entry, be printed.

## BILLS PASSED.

The following bills were severally read a third time, and passed:

The bill for the relief of William H. Robertson, Samuel H. Garrow, and J. W. Simonton;

The bill for the relief of William B. Ferguson and sureties;

The bill supplementary to the act entitled "An act to establish branches of the Mint of the United States," approved March 3, 1835;

The bill to amend an act entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," passed April 18, 1836;

The bill for the relief of Henry Wilson, concerning purchases of certain land in Arkansas;

The bill for the relief of Peter Bargy, jr.; and

The joint resolution authorizing the President of the United States to cause certain surveys to be made.

## PUBLIC DEPOSITS.

On the motion of Mr. WRIGHT, the report of the Secretary of the Treasury, and the message from the President of the United States, in answer to the resolutions submitted by Mr. RIVES, in relation to the transactions between the Government and the United States Bank in negotiating the sale of the bonds of the bank, &c., were taken up for consideration.

Mr. WRIGHT addressed the Senate at length in defense of the course of the officers of the Government in the transaction; and was replied to by Mr. RIVES. Pending the discussion,

The Senate adjourned till Monday.

## HOUSE OF REPRESENTATIVES.

FRIDAY, January 25, 1839.

The House then resumed the unfinished business of yesterday morning, being the case of Samuel Lewis, the question being on the motion to recommit, with instructions, by Mr. EVERETT, as stated in another column.

Mr. ADAMS concluded his remarks, and was

followed in reply by Mr. MORRIS of Ohio; when, on motion of Mr. POPE, the whole subject was laid on the table.

## REPORTS FROM COMMITTEES.

Mr. DARLINGTON, from the Committee of Claims, reported a bill for the relief of Charles Bennett.

Mr. CUSHMAN, from the Committee on Commerce, moved to recommit the light-house bill to the Committee on Commerce; which motion was opposed by Messrs. CHAMBERS and ADAMS, and supported by the mover and Mr. CAMBRELENG, when it was agreed to—ayes 82, noes 57.

Mr. CASEY, from the Committee on the Public Lands, reported a bill for the relief of Menz Gillespie, late a soldier in the Army of the United States.

Mr. LOOMIS, from the same committee, reported a bill granting to the Portage Canal Company aid in the construction of their canal.

Mr. STUART, from the Committee of Claims, made an unfavorable report on the petition of Elias Walton.

Mr. GIDDINGS, from the same committee, made unfavorable reports on the petition of William Patrick and Thomas Kelley.

Mr. LOOMIS, from the Committee on Public Lands, made an unfavorable report on the petition of Isaac Morrow and others.

On motion of Mr. CONNOR, the Committee on the Post Office and Post Roads was discharged from the further consideration of the resolution of the House, proposing to modify the law regulating postage, so as to authorize all public newspapers to be carried free of postage within the limits of the counties where printed; also, the resolution proposing to abolish postage on newspapers and periodicals; also, the resolution proposing to conform the rates of postage to the recommendations of the Postmaster General; also, the resolution proposing to restrict the franking privilege.

Mr. C. also, from the same committee, made an unfavorable report on the petition of Joel Beaman.

Mr. LEADBETTER, from the same committee, made an unfavorable report on the petition of John S. Burnett.

On motion of Mr. ROBINSON, the Committee on the Post Office and Post Roads was discharged from the further consideration of the memorial of John Norris, of Pennsylvania, and the petitioner had leave to withdraw his papers.

Mr. BANKS, from the Committee on Indian Affairs, made an unfavorable report on the petition of Francis Rivaud.

Mr. EVERETT, from the same committee, made an unfavorable report on the petition of John McClenahan.

Mr. GARLAND, of Virginia, from the Committee on the Judiciary, reported a bill to restore jurisdiction to the district courts of the northern district of New York, and to regulate said courts.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of William Hawes, deceased.

Mr. McKAY, from the Committee on Military Affairs, reported a bill making appropriations for the defense of the northern and western frontier.

Also, a joint resolution making it the duty of the Attorney General of the United States to examine into the titles of land purchased by the United States for the purpose of erecting thereon armories and other public works, and for other purposes; which was read twice, and its further consideration postponed till Tuesday next.

Also, a bill to amend the act of 2d July, 1838, to provide for the better protection of the western frontier, &c., and also so much of the Army appropriation bill as provides for the removal of the troops from Fort Gibson, &c.; which, having been read twice, Mr. McK. moved its engrossment, but after some remarks from Mr. MERCER and Mr. YELL, the hour elapsed before the motion was decided, and the House passed to the orders of the day.

Mr. PICKENS, on leave, from the Committee on Naval Affairs, reported a bill for the relief of Colonel Robert D. Wainwright.

## EXECUTIVE COMMUNICATION.

The SPEAKER laid before the House a com-

munication from the Secretary of the Navy, transmitting, in compliance with a resolution of the House of the 14th instant, copies of proceedings of two courts-martial, ordered on certain charges brought by Commodore Elliott against Lieutenant C. D. Hunter, upon which the latter was acquitted; together with copies of charges preferred by Lieutenant Hunter against Commodore Elliott.

Mr. LINCOLN, on leave, presented to the House a communication from Commodore Elliott, explanatory of the circumstances upon which Lieutenant Hunter founds his complaints against him; which communication, in connection with that of the Secretary, was ordered to lie on the table and be printed.

#### AMENDMENT OF THE RULES.

Mr. CHAMBERS moved that the House go into committee on the Private Calendar.

After some conversation,

Mr. THOMAS (the rules having been suspended for that purpose) moved the adoption of the following amendment to the rules, submitted by him some time since:

*Resolved*, That the rules of the House be amended by adding to the 20th rule the words following:

And on the first and third Friday of each month the Calendar of private bills shall be called over, and the bills, to the passage of which no objection shall be made, shall be first considered and disposed of—private bills from the Senate having a preference over private bills of the House.

Mr. T. now modified his resolution, so as to read: "the first and fourth Fridays."

Mr. EVANS briefly opposed it.

Mr. TOUCEY demanded the previous question.

The previous question was seconded, and the resolution was agreed to.

#### PRIVATE BILLS.

The House then went into committee (Mr. McKENNA in the chair) on a large number of private bills. Those giving rise to debate were laid aside, not to be reported.

The committee reported to the House numerous bills, without amendment; which were severally ordered to be engrossed for a third reading.

The House then adjourned.

#### HOUSE OF REPRESENTATIVES

SATURDAY, January 26, 1839.

Mr. GRANT, Mr. KEIM, and Mr. DOWNING, on leave, presented petitions.

[Mr. KEIM presented the petition of John Vanderslice, son of Henry Vanderslice, asking payment of a certificate from Quartermaster General, for forage supplied to the American Army in 1780, by his father; which, on motion, was referred to the Committee on Revolutionary Claims.]

Mr. GRANT presented the petition of Edmund Curtis and eight hundred others, citizens of the county of Oswego, New York, praying Congress to repeal or essentially modify the bill passed at the last session, known as the neutrality law; which, on his motion, was referred to the Committee on Foreign Affairs.]

Mr. BOULDIN, on leave, presented certain resolutions of the corporate authorities of the city of Washington; which, on his motion, were referred to the Committee on the District of Columbia.

#### REPORTS FROM COMMITTEES.

Mr. BRONSON, from the Committee on the Territories, reported a bill to provide for the erection of public buildings in the Territory of Florida.

Also, a resolution proposing to set apart Monday and Tuesday, the 11th and 12th days of February, for the consideration of territorial business, and bills relating to the Territories, and that they have preference over all other business on those days.

Mr. TILLINGHAST moved to insert the words "on Monday, after the States have been called for resolutions;" which was agreed to.

The resolution was then concurred in—ayes 107, noes not counted.

Mr. FRY, from the Committee on Revolutionary Pensions, reported a bill for the relief of Chauncey Wright.

Mr. BOND, from the same committee, reported a bill for the relief of James B. Wright.

Mr. MERCER, from the Committee on Roads

and Canals, reported, with an amendment, Senate bill to relinquish to the State of Alabama the two per cent. fund.

Also, with a similar amendment, Senate bill to relinquish to the State of Mississippi her two per cent. fund.

Mr. FILLMORE, from the same committee, reported a bill making appropriations for improving the Alleghany river from the mouth of Olean.

Mr. LINCOLN, from the Committee on the Public Buildings and Grounds, reported a bill to provide for the erection of a fire-proof building for the use of the Department of War, and sundry documents from the Secretary of War, in relation to the estimated cost thereof; which were ordered to be printed.

Mr. ADAMS, from the joint committee of the two Houses on the Smithsonian bequest, moved that certain documents in relation thereto be printed.

Mr. A. also reported a joint resolution authorizing the employment of a clerk, and to have such papers printed as they deemed necessary.

Mr. CAMPBELL, of Tennessee, from the Committee of Claims, reported a bill extending the provisions of the amendatory act of October 14, 1837, providing for the payment of horses lost or destroyed in the service of the United States, and moved its engrossment; but, after some conversation, it was committed to the Committee of the Whole on the state of the Union.

Mr. COLES, from the Committee on Military Affairs, made an unfavorable report on the petition of Joel Henry Dyer.

Mr. EWING, from the Committee on Revolutionary Pensions, made an unfavorable report on the petition of Elizabeth Jones.

Mr. JOHNSON, of Virginia, from the same committee, made an unfavorable report on the petition of Ellen West.

Mr. MORGAN, from the same committee, made an unfavorable report on the petition of William Meade.

Mr. PLUMER, from the Committee on Invalid Pensions, made an unfavorable report on the petition of Charles Scott.

Mr. SALTONSTALL, from the Committee of Claims, made an unfavorable report on the petition of Moses E. Levy.

Mr. MASON, of Virginia, from the Committee on Commerce, made unfavorable reports upon the petitions of John H. Russell, Levi Eldridge, and Nathan Smith.

On motion of Mr. CONNOR, the Committee on the Post Office and Post Roads was discharged from the further consideration of the resolution of the House proposing to inquire into the expediency of so regulating the postage as to receive money of the United States, and dispense with fractional parts of cents.

Also, on motion of Mr. C., the same committee was discharged from the further consideration of the petitions of John Sargent and Samuel Martin.

Mr. ADAMS, from the Committee on Manufactures, reported an amendment to the "bill imposing a duty on starch;" which was referred to the same Committee of the Whole as had charge of the bill.

#### STATE OF THE FINANCES.

The SPEAKER announced the unfinished business of the morning hour to be the motion of Mr. HAYNES to print ten thousand extra copies of the report made by Mr. CAMBRELENG, from the Committee of Ways and Means, on the state of the Treasury.

Mr. McKENNA moved to postpone the question till Tuesday next, on account of the absence of Mr. SERGEANT, (that gentleman being entitled to the floor,) who was engaged this morning in the Supreme Court.

Mr. ADAMS remarked that this was a very important document, and he saw no reason why it should be delayed being printed and placed before the people.

Mr. McKENNA again explained as before. Mr. HAYNES said he recognized no right in any one to absent himself from that House, unless from unavoidable illness. He considered the public interest paramount to everything else.

Mr. GRANT then demanded the previous question.

Mr. MITCHELL moved the reading of the report; which was lost.

Mr. POTTS moved a call of the House; which was lost.

The House refused to second the demand for the previous question—ayes 71, noes 73; and the question of postponement until Tuesday was discussed further by Messrs. NAYLOR, McKENNA, HAYNES, TILLINGHAST, PICKENS, BIDDLE, and CRAIG, when the hour elapsed, and the subject lies over.

Sundry bills from the Senate were taken up, read twice, and referred to the appropriate standing committees.

#### LANDS IN TENNESSEE.

The Tennessee land bill, from the Senate, being taken up and read twice,

Mr. SHIELDS moved to postpone its consideration till Tuesday next.

Mr. WILLIAMS, of North Carolina, moved to refer it to the select committee of twenty-six on the public lands.

The former motion having precedence, was put, and agreed to, and the bill ordered to be printed.

Mr. YELL, on leave, submitted an amendment he intended to submit to the bill when it came up, and it was ordered to be printed.

#### PETERS, MOORE, AND COMPANY.

The bill for the relief of Peters, Moore, & Co. and others came up on the motion to lay it on the table.

This motion was now negatived, and Mr. CASEY moved to recommit the bill to the Post Office Committee, with instructions so to amend it as to cover all similar cases.

Mr. CONNOR solicited Mr. CASEY to withdraw his amendment; whereupon

Mr. CASEY said he could not withdraw his proposition to recommit to the Committee on the Post Office and Post Roads, with instructions. The claim proposed to be settled by this bill was, for anything he knew, a just claim, and, as such, he had no objection; but his only wish was to have the bill so amended as to embrace the cases of some of his constituents, who, as he understood, had been ruined by their contracts with the Post Office Department, and whose just claims that Department had refused to allow. He repeated, he only wished all just claims treated alike. If they were just, they should be allowed, if not, let them be rejected.

The motion being divided, after some discussion between Messrs. CASEY, CONNOR, HALL, CHAPMAN, and McKENNA,

Mr. CHAMBERS, in order to reach other claims, made a motion he said he had never made in a legislative body before, namely, demanding the previous question; but he withdrew it at the earnest request of

Mr. POTTER, who addressed the House in support of the bill for a short time, and then renewed Mr. CHAMBERS's motion; which was agreed to.

The previous question was then seconded, there being, on a division—ayes 76, noes 52; and the main question on the passage of the bill was ordered.

Mr. HOWARD said, that desiring to record his name against the bill, though he believed the claimants entitled to relief, he objected to the mode. He would, therefore, ask for the yeas and nays.

The yeas and nays were ordered; and, being taken, resulted—ayes 62, nays 89.

So the bill was rejected.

Mr. CHAMBERS immediately moved a vote of reconsideration, for the purpose of giving its friends an opportunity of moving to recommit it; which motion was briefly discussed by Messrs. HOWARD and CONNOR; when

Mr. PETRIKIN demanded the previous question; which prevailed.

The rejection was reconsidered, and the bill was recommitted to the Committee on the Post Office and Post Roads.

#### HEIRS OF GEORGE GIBSON.

The bill for the relief of the legal representatives of Colonel George Gibson, deceased, on its passage, was taken up, and opposed by Mr. ALLEN, of Vermont.

On motion of Mr. UNDERWOOD, the bill was laid on the table.

#### HEIRS OF T. P. HARRISON:

The bill for the relief of the heirs of Thomas P. Harrison, came up on a motion to reconsider its rejection on the 15th of June.

After some remarks from Messrs. HALL and TALIAFERRO,

Mr. PETRIKIN moved the previous question; but withdrew it at the suggestion of

Mr. TALIAFERRO, who further spoke in support of the claim, and concluded by moving the previous question, which was seconded, and the question being upon reconsidering, it was determined in the negative.

So the rejection of the bill was again affirmed.

#### JOSIAH STRONG AND SAMUEL REDDICK.

The bill for the relief of Josiah Strong and Samuel Reddick, being upon its passage,

Mr. TAYLOR stated that Samuel Reddick, since the bill was reported, had died, and asked leave so to amend the bill as to make it read for the benefit of Josiah Strong only.

The amendment was agreed to.

On motion of Mr. WILLIAMS, of Kentucky, it was laid upon the table.

#### JAMES BAILEY.

The bill for the relief of James Bailey was taken up on its passage, when it was advocated by Messrs. WHITTLESEY and MALLORY, when Mr. WILLIAMS, of Kentucky, moved to lay this bill also on the table, but withdrew it, at the request of Mr. WHITTLESEY; but no quorum voting upon several divisions and counts,

Mr. POPE moved a call of the House; which was ordered, and proceeded in till one hundred and thirty-two members had answered to their names, when it was dispensed with, and Mr. WHITTLESEY withdrawing his motion,

Mr. WILLIAMS, of Kentucky, renewed that before made by him, to lay the bill on the table, and it prevailed—ayes 62, noes 60.

So the bill was laid on the table.

At a subsequent stage, Mr. PARRIS moved to reconsider this vote.

Mr. WILLIAMS, of Kentucky, moved to lay this motion on the table; which was agreed to—ayes 70, noes 53.

#### GABRIEL WRIGHT.

The joint resolution for the relief of Gabriel Wright, of New York, was read the third time and passed.

#### BILLS PASSED.

The following bills were read the third time and passed:

A bill for the relief of James Moor;  
A bill for the relief of the heirs of Joseph Safford, of New Hampshire, deceased;  
A bill for the relief of the heirs and legal representatives of the late Robert Farmer, deceased;  
A bill for the relief of William Moor;  
A bill for the relief of Farish Carter and heirs of Charles Williamson, deceased;  
A bill for the relief of Etienne La Lande, of Alabama;  
A bill for the relief of Margaret Kingsbury;  
A bill for the relief of Henry L. Reviere;  
A bill for the relief of the legal representatives of Daniel Warner, deceased;  
A bill for the relief of Amelia Leach;  
A bill for the relief of Oliver Welch;  
A bill for the relief of the heirs of Francis Jarvis, deceased;  
A bill for the relief of Us-se-Yoholo;  
A bill for the relief of Milly Yates;  
A bill for the relief of the representatives of Henry Richardson, deceased;  
A bill for the relief of Spencer C. Gist;  
A bill for the relief of Benjamin Hewitt;  
A bill to allow additional compensation to William Easby;  
A bill for the relief of Huldah Taylor;  
A bill for the relief of John B. Lasala, of New York;  
A bill for the relief of Charlemain Povey;  
A bill for the relief of James W. Osborn, of Baltimore;  
A bill for the relief of Lewis B. Willis, formerly acting deputy surveyor of Mississippi;  
A bill for the relief of William W. Stevenson and Joseph Henderson;

A bill for the relief of John Davlin;  
A bill for the relief of Robert Murray;  
A bill for the relief of Tilford Taylor;  
A bill for the relief of John Wiley and Jefferson Greer;  
A bill for the relief of John Whitsett;  
A bill for the relief of Jonathan Boone;  
A bill for the relief of William Marbury;  
A bill for the relief of Stephen Marsters;  
A bill for the relief of Willis Stevens and wife;  
A bill for the relief of Thomas T. Triplett;  
A bill to authorize the settlement of the accounts of Captain Jesse Copeland;  
A bill for the relief of Henry Lynch;  
A bill for the relief of Samuel D. Walker;  
A bill for the relief of John H. Pease;  
A bill for the relief of Gilbert H. Smith and others;  
A bill for the relief of Frederick Frey & Co.;  
A bill for the relief of James M. Tuttle;  
A bill for the relief of John Dixon;  
A bill for the relief of Polly Lemon;  
A bill for the relief of Henry Stoker, William G. Belknap, and Benjamin Walker;  
A bill for the relief of William Washington Bigham;  
A bill for the relief of Aaron Stout;  
A bill for the relief of James Cooper;  
A bill for the relief of John Borey;  
A bill for the relief of William C. Hazard;  
A bill to authorize the Secretary of the Navy to purchase a tract of land of the heirs of John Harris, navy-yard, Charlestown, Massachusetts;  
A bill for the relief of Dudley Walker;  
A bill for the relief of Samuel Hambleton, a purser in the Navy of the United States;  
A bill for the relief of the representatives of Benjamin Hodges;  
A bill for the relief of Cornelius Manning;  
A bill for the relief of the representatives of William Tudor, jr.;  
A bill for the relief of Thomas Todd;  
A bill for the relief of Thomas H. Perkins;  
A bill for the relief of John Kern and John D. George;  
A bill for the relief of John McCarroll, jr.;  
A bill for the relief of Marcus Quincy and William Gorham;  
A bill for the relief of William Culver;  
A bill for the relief of George Innes;  
A bill for the relief of the heirs and assignees of Peter Alba, deceased;  
A bill for the relief of the representatives of Duchquette, Hebet, and others;  
A bill for the relief of Hiner Stigermire;  
A bill for the relief of James P. Carlton;  
A bill for the relief of the representatives of James Wilson, of Alexandria, District of Columbia;  
A bill for the relief of John and Samuel Rowe, heirs and legal representatives of Dudley Rowe, deceased;  
A bill for the relief of Poas Hadgo;  
A bill for the settlement of the accounts of Edmund Roberts, late diplomatic agent of the United States at Cochin China, Muscat, and Siam;  
A bill for the relief of Ebenezer Lobdell;  
A bill for the relief of Thomas Sinnard;  
A bill for the relief of Archibald R. S. Hunter;  
A bill for the relief of Thomas Cooper;  
A bill for the relief of Polly Lining, executrix of Ed. Blake;  
A bill for the relief of William Saunders and William R. Porter, sureties of William Estis;  
A bill for the relief of Zebulon Sheets;  
A bill for the relief of William S. Colquhoun;  
A bill for the relief of Thomas McClelland and James Smith;  
A bill for the relief of the Springfield Manufacturing Company;  
A bill for the relief of the representatives of Nathan Sage;  
A bill for the relief of Daniel Malone;  
A bill for the relief of Ward and Ficklin;  
A bill for the relief of Nathaniel Plumb;  
A bill for the relief of Ashbell Mason;  
A bill for the relief of Vincent Massoletti;  
A bill allowing to James Lowe a section of land;  
A bill granting a pension to Michael McCray;  
A bill for the relief of Zachariah Jellison;  
A bill for the relief of Sylvester Phelps and the heirs of Charles Landon, deceased;  
A bill for the relief of John Balch;

A bill for the relief of Samuel McComb;  
A bill for the relief of the Louisville Savings Institution;  
A bill for the relief of Ezekiel Jones;  
A bill for the relief of Samuel Dickerson;  
A bill for the relief of William Clark;  
A bill for the relief of Zebulon Baxter;  
A bill for the relief of the heirs of Mary Sroufe;  
A bill for the relief of the heirs of John Dawson;  
A bill for the relief of Loomis and Bassett;  
A bill for the relief of the legal representatives of Adam Smith;  
A bill for the relief of George Rowe;  
A bill for the relief of George C. Johnson;  
A bill for the relief of John Baldrige;  
A bill for the relief of Cornelius Tiers;  
A bill for the relief of the heirs of Bennett Shurley;  
A bill for the relief of John H. Shepperd, administrator of Abiel Wood;  
A bill for the relief of William Colt and William Donaldson;  
A bill for the relief of the heirs of Michael Fenwick;  
A bill for the relief of John Randolph Clay;  
A bill for the relief of Abel A. Pasko and others;  
A bill for the relief of Francis Mallary;  
A bill for the relief of Solomon Sturges, assignee of Rezin Frazier;  
A bill for the relief of Captain John Vanettin, and his company, for their services during the late war;  
A bill for the relief of James Alexander;  
A bill for the relief of Joseph R. Folsom, and the owners and crew of the schooner Galaxy, of Beaufort, Maine;  
A bill for the relief of James Selby;  
A bill for the relief of Dr. Francis Lambert;  
A bill for the relief of John E. Alexander;  
A bill for the relief of Nathaniel H. Hooe;  
A bill for the relief of Enoch Matson;  
A bill for the relief of the representatives of Aaron Vail;  
A bill for the relief of John Adams Smith;  
A bill for the relief of the representatives of Charles S. Walsh;  
A bill for the relief of the sureties of H. H. B. Hays, deceased;  
A bill for the relief of the legal representatives of Josias Thompson;  
A bill for the relief of Joseph Pierce and others;  
A bill for the relief of John Blanc;  
A bill for the relief of Stephen P. W. Douglass;  
A bill for the relief of John Dougherty;  
A bill for the relief of the legal representatives of Thomas Murray;  
A bill for the relief of certain umbrella-makers of Philadelphia;  
A bill for the relief of the heirs of William Graham, deceased;  
A bill for the relief of Joseph Dukes;  
A bill to confirm the claim of Charles Morgan to a tract of land;  
A bill for the relief of Sarah H. B. Stith;  
A bill for the relief of David Ballentine;  
A bill for the relief of Robert Milnor;  
A bill for the relief of Thomas Cushing;  
A bill for the relief of Abraham Stipp;  
A bill for the relief of John S. Allen;  
A bill for the relief of Nathaniel Mitchell;  
A bill for the relief of Herman Harris, of New York city;  
A bill for the relief of Daniel Snider;  
A bill for the relief of Frances Fowler;  
A bill for the relief of Jesse E. Dow;  
A bill for the relief of Isaac D. Saunders;  
A bill for the relief of William Grozer;  
A bill for the relief of James Cochran;  
A bill for the relief of Elot Rachel;  
A bill for the relief of Paul Poisot; and  
A bill for the relief of William Marcus, of Arkansas.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, in answer to a resolution of the House of Representatives, transmitting a statement of the accounts of the Commonwealth, Franklin, and Lafayette banks, of Boston, and an exhibit of the indebtedness of the said institutions to the United States, and in what way the same is secured; which communication, on the motion of Mr

PETRIKIN, was laid on the table, and ordered to be printed.

On motion of Mr. PETRIKIN, the House adjourned till Monday, at ten o'clock.

## IN SENATE.

Monday, January 28, 1839.

The PRESIDENT communicated a report from the Treasury Department, made in compliance with a resolution of the Senate of the 20th of December last, presenting a comparative view of the quantity of gold coins now in the United States, with the circulation of the late Bank of the United States.

Mr. BENTON observed that, on looking at this document, he found that the quantity of gold now in the country was greater than the circulation of the United States Bank, even in the times of its greatest expansion. It was important that the facts showed in this report should be extensively known through the country; and for this purpose he would move for the printing of five thousand extra copies.

This motion was agreed to.

## PETITIONS, ETC.

The PRESIDENT presented the petition of William L. Meredith, asking compensation for the revolutionary services of his late father, and for money advanced by him; which was referred to the Committee on Revolutionary Claims.

Mr. LINN presented the petition of sundry owners, masters, engineers, and other officers of steamboats, praying the establishment of a board of engineers to inquire into the character and qualifications of all persons desiring employment in that capacity; which was referred to the Committee on Commerce.

Mr. LINN said he held in his hand a memorial by Charles L. Flishman, a naturalized citizen of the United States, on the subject of the culture of the beet root. The memorial (Mr. L. said) was a remarkably well written and scientific production; and the author had been favorably spoken of by Mr. Ellsworth, the Commissioner of the Patent Office, under whom he held an official station, as a gentleman of talents and learning. From a cursory glance Mr. L. had given to the memorial, he had no doubt but that every word of it was true.

Mr. L. then presented the memorial; which was referred to the Committee on Agriculture, and ordered to be printed.

Mr. DAVIS observed that he had had an opportunity of reading the document that had just been presented by the Senator from Missouri; and viewing it as one of more than ordinary importance, he thought that more than the usual number of copies ought to be printed. Mr. D. accordingly moved for the printing of five thousand additional copies; which motion was agreed to.

Mr. LINN also presented the following memorial from citizens of the Oregon Territory:

*To the honorable the Senate and House of Representatives of the United States of America:*

The undersigned, settlers of the Columbia river, beg leave to represent to your honorable body, that our settlement, begun in the year 1832, has hitherto prospered beyond the most sanguine expectations of its first projectors. The products of our fields have amply justified the most flattering descriptions of the fertility of the soil, while the facilities which it affords for rearing cattle are, perhaps, exceeded by those of no country in North America. The people of the United States, we believe, are not generally apprised of the extent of valuable country west of the Rocky mountains. A large portion of the territory from the Columbia river south, to the boundary line between the United States and the Mexican Republic, and extending from the coast of the Pacific about two hundred and fifty or three hundred miles to the interior, is either well supplied with timber or adapted to pasturage or agriculture. The fertile valleys of the Wallamette and Umpqua are varied with prairies and woodland, and intersected by abundant lateral streams, presenting facilities for machinery. Perhaps no country, of the same latitude, is favored with a climate so mild. The winter rains, it is true, are an objection; but they are generally preferred to the snows and intense cold which prevails in the northern parts of the United States. The ground is seldom covered with snow, nor does it ever remain but a few hours.

We need hardly allude to the commercial advantages of the Territory. Its happy position for trade with China, India, and the western coasts of America, will be readily recognized. The growing importance, however, of the islands of the Pacific is not so generally known and appreciated. As these islands progress in civilization, their demand for the produce of more northern climates will increase. Nor can any country supply them with beef, flour, &c., on terms

so advantageous as this. A very successful effort has been recently made at the Sandwich Islands in the cultivation of coffee and the sugar cane. A colony here will, in time, thence easily derive these articles and other tropical products in exchange for the produce of their own labor. We have thus briefly alluded to the natural resources of the country, and to its external relations. They are, in our opinion, strong inducements for the Government of the United States to take formal and speedy possession. We urge this step as promising to the general interests of the nation. But the advantages it may confer upon us, and the evils it may avert from our posterity, are incalculable.

Our social intercourse has thus far been prosecuted with reference to feelings of honor, to the feeling of dependence on the Hudson's Bay Company, and to their moral influence. Under this state of things, we have thus far prospered, but we cannot hope that it will continue. The agricultural and other resources of the country cannot fail to induce emigration and commerce. As our settlement begins to draw its supplies through other channels, the feeling of dependence upon the Hudson's Bay Company, to which we have alluded as one of the safeguards of our social intercourse, will begin to diminish. We are anxious when we imagine what will be, what must be, the condition of so mixed a community, free from all legal restraint, and superior to that moral influence which has hitherto been the pledge of our safety.

Our interests are identified with those of the country of our adoption. We flatter ourselves that we are the germ of a great State, and are anxious to give an early tone to the moral and intellectual character of its citizens. We are fully aware, too, that the destinies of our posterity will be intimately affected by the character of those who emigrate to the country. The territory must populate. The Congress of the United States must say by whom. The natural resources of the country, with a well-judged civil code, will invite a good community. But a good community will hardly emigrate to a country which promises no protection for life or property. Inquiries have already been submitted to some of us for information of the country. In return, we can only speak of a country highly favored of nature. We can boast of no civil code. We can promise no protection but the ulterior resort of self-defense. By whom, then, shall our country be populated? By the reckless and unprincipled adventurer, not by the hardy and enterprising pioneer of the West. By the Botany-bay refugee, by the renegade of civilization from the Rocky Mountains, by the profligate, deserted seamen from Polynesia, and the unprincipled sharpers from Spanish America. Well are we assured that it will cost the Government of the United States more to reduce elements so discordant to social order, than to promote our permanent peace and prosperity by a timely action of Congress. Nor can we suppose that so vicious a population could be relied on in case of a rupture between the United States and any other Power.

Our intercourse with the natives among us, guided much by the same influence which has promoted harmony among ourselves, has been generally pacific. But the same causes which will interrupt harmony among ourselves, will also interrupt our friendly relations with the natives. It is, therefore, of primary importance, both to them and us, that the Government should take energetic measures to secure the execution of all laws affecting Indian trade and the intercourse of white men and Indians. We have thus briefly shown that the security of our persons and our property, the hopes and destinies of our children are involved in the objects of our petition. We do not presume to suggest the manner in which the country should be occupied by the Government, nor the extent to which our settlement should be encouraged. We confide in the wisdom of our national legislators, and leave the subject to their candid deliberations, and your petitioners will ever pray.

J. L. WHITCOMB, and thirty-five others.

March 16, 1838.

On motion of Mr. LINN, the memorial was read, laid on the table, and ordered to be printed.

Mr. WRIGHT presented the petition and papers of Ezra Thurber, praying that a suit instituted against him by the United States may be dismissed; which were referred to the Committee on the Judiciary.

Mr. CALHOUN presented the petition of the officers of the revenue cutter Dexter; and

Mr. NILES presented a memorial from the officers of the revenue cutter Wolcott, both praying that the Navy pension laws may be extended to the revenue service; which were referred to the Committee on Naval Affairs.

Mr. ALLEN presented two memorials from citizens of Ohio, one on the subject of the burning of the steamboat Caroline, and the other praying for the repeal or modification of the neutrality law of the last session; which were read, and referred to the Committee on Foreign Relations.

Mr. NORVELL presented a memorial of the Legislative Assembly of the Territory of Wisconsin, setting forth the claims of that Territory to the jurisdiction of all the country north of a line drawn due west from the southern extreme of Lake Michigan, and for the passage of a law establishing that as the southern boundary line of Wisconsin.

Mr. N. said the memorial had relation to a subject of great importance both to the State of Illinois and the Territory of Wisconsin. It had a bearing also upon a portion of territory which had been annexed to the State of Michigan. He had been requested by the respectable Delegate from Wisconsin to propose the reference of the

memorial to a select committee. It had, however, occurred to him, that, as the subject was of a legal and constitutional nature, the appropriate committee to consider it was the Committee on the Judiciary. He therefore moved that the memorial be referred to that committee, and that it be printed.

The motion was agreed to.

Mr. N. presented another memorial from the same Legislative Assembly, requesting appropriations for harbors on the western shore of Lake Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. N. also presented a third memorial from the same Legislative Assembly, requesting the extinguishment of the title of the Menomonee Indians to lands within the Territory of Wisconsin; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. BENTON presented the memorial of the Mayor and Aldermen of the city of St. Louis, praying for an appropriation for the improvement of their harbor; which was referred to the Committee on Commerce.

Mr. B. also presented the petition of certain officers of the line of the Army, praying that their pay may be made equal to that of the officers of the staff; which was referred to the Committee on Military Affairs.

Mr. TIPTON presented the petition of O. C. Ward, praying for a post road from Lima, in La-grange county, Indiana, to Therman, in St. Joseph county, Michigan; which was referred to the Committee on the Post Office and Post Roads.

Mr. T. also presented the memorial of citizens of the States bordering on the Ohio river, praying that competent engineers be appointed to examine the surveys made by the Jeffersonville and New Albany Company, and that such aid may be granted as may be deemed proper; which was referred to the Committee on Roads and Canals.

Mr. YOUNG presented the memorial of sundry citizens of Peoria, Knox, Henry, and Rock Island counties, Illinois, praying for the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. Y. also, presented a communication from the General Land Office, on the subject of the surveys of the public lands in Illinois; which was referred to the Committee on the Public Lands.

Mr. ROBINSON presented a joint resolution of the Legislature of Illinois, asking Congress for the donation of township five north, fourteen west, upon the river Embarrass, which was not sectionized when the other public lands in that part of the State were surveyed, in consequence of being inundated and drowned, and in which situation it still remains. Mr. R. said, in presenting the resolution, he considered it proper to state, in hopes of a favorable consideration of the subject, that this township, not having been surveyed was in consequence of its inundation and supposed worthlessness; that the surveys in that part of the State were made many years ago, and had been in market upwards of twenty years; much of them were yet unsold; that this township, as it now is, and most probably will continue to be, is utterly valueless to the Government. The State, however, by draining, may be able to convert it to some useful purpose, and, at the same time, greatly improve the health of the neighborhood in which it is situated. With its avails it is proposed to improve the navigation of the river upon which it lies—a river already navigable for a short distance, and capable of being made so some hundred or more of miles—the upper part of which runs through an interior and very fertile portion of the State, now rapidly settling and advancing in estimation. He would not now go into the subject of the General Government encouraging and aiding to drain the swamps and inundated lands upon many of the river bottoms in Illinois, as that subject, in a specific form, had been already brought to the notice of the Senate, and upon which he hoped soon to see the liberal action of Congress, which he felt assured could be had greatly to the benefit and interest of all concerned, and without the expense of a dollar to Government, by a donation of the lands to be reclaimed.

The resolution was referred to the Committee on Public Lands, and ordered to be printed.

## REPORTS FROM COMMITTEES.

Mr. LINN, from the select committee to which

was referred the bill to authorize the occupation of the mouth of the Columbia river, reported the same without amendment, and, after a few remarks, moved that the bill be made the order of the day for this day week; which motion was agreed to.

Mr. STRANGE, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Francis Cazeau; which was read, and ordered to a second reading.

Mr. STRANGE, from the Committee on Patents and the Patent Office, to which had been referred the amendments of the House to the bill to renew the patent of Thomas Blanchard, made a report thereon, recommending that the Senate concur in said amendments.

Mr. WALL, from the Committee on the Judiciary, reported a bill to authorize the Secretary of the Treasury to compromise the claims of the United States against John W. Karney and William McFarland and sureties; which was read, and ordered to a second reading.

Mr. WILLIAMS, of Maine, from the Committee on Naval Affairs, reported a bill making further provisions in relation to the Navy pension fund; which was read, and ordered to a second reading.

Mr. SEVIER, from the Committee on Military Affairs, to which had been referred the petition of Samuel Mackey, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. SEVIER submitted an amendment to the bill for the relief of Matthew Arbuckle, embracing all cases similar to it, which he gave notice he should offer when said bill came up.

Mr. MORRIS, from the Committee on Pensions, reported the following bills:

A bill for the relief of Margaret Barnes;  
A bill for the relief of Mary Snow;  
A bill for the relief of Mary Tracy; and  
A bill for the relief of Lemuel White;  
which were severally read, and ordered to a second reading.

Mr. MORRIS, from the same committee, to which had been referred the bill from the House for the relief of Camilla Brown, widow of the late General Brown, reported the same without amendment, recommending its rejection.

On motion of Mr. M., the report accompanying said bill was ordered to be printed.

Mr. PRESTON, from the Committee on Military Affairs, reported a bill for the relief of Roger Jones, Adjutant General of the Army; which was read, and ordered to a second reading.

#### BILLS INTRODUCED.

Mr. LYON, on leave, introduced a bill for the relief of Daniel Marsack; which was read twice, and referred to the Committee on Private Land Claims.

Mr. LINN, in pursuance of notice given, obtained leave and introduced a bill to provide for the defense of the western frontier from the mouth of the Sabine to Fort Snelling; which was read twice and referred.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. LINN, the petition and papers of Alphonso Wetmore, on the files of the last session, together with an additional document just presented, were referred to the Committee on Pensions.

Mr. L. also moved that the papers in relation to the claim of certain Missouri volunteers be again referred to the Committee on Military Affairs; which motion was agreed to.

On motion of Mr. BUCHANAN, the petition and papers of Britton Evans, of Philadelphia, one of the Florida volunteers, on the files of the last session, praying compensation for property lost by shipwreck, was again referred to the Committee on Military Affairs.

On motion of Mr. ROBBINS, the joint resolution from the House authorizing the Joint Committee on the Smithsonian bequest to employ a clerk, and to order certain printing, was taken up and concurred in.

On motion of Mr. HUBBARD, the bills for the relief of John J. Bulow and Joseph Hernandez were taken from the table, and made the order of the day for to-morrow.

#### REPEAL OF SALT DUTY.

On motion of Mr. BENTON, the Senate took up the request made by him for leave to introduce a bill for the repeal of the salt duty, and the fishing bounties and allowances dependent thereon.

Mr. DAVIS then addressed the Senate, in reply to the remarks of Mr. BENTON, when presenting the bill on Thursday last.

Mr. BENTON replied to Mr. DAVIS at length; after which,

On motion of Mr. WILLIAMS, of Maine, the whole subject was postponed till to-morrow.

A number of bills from the House were read twice, and referred to appropriate committees.

#### NORTHEASTERN BOUNDARY.

The PRESIDENT communicated a message from the President of the United States, in reply to a resolution of the Senate of the 22d instant, in relation to the northeastern boundary; which was referred to the Committee on Foreign Relations, and ordered to be printed.

#### MADISON PAPERS.

Mr. WALL, from the Joint Committee on the Library, which had been authorized to contract for the printing of the Madison papers, reported that they had contracted with Messrs. Langtree & O'Sullivan for the printing thereof. The report was ordered to be printed.

After a short executive session, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, January 28, 1839.

As soon as the Journal was read,

Mr. HAYNES rose and remarked that one of the pending resolutions on the President's message, that on taking the census, was of very great importance, and it being still in Committee of the Whole, Mr. H. hoped the House would consent to go into committee thereon.

Objection being made, Mr. H. moved a suspension of the rules; but it was rejected.

#### PETITIONS, ETC.

Mr. CONNOR asked leave to present a petition, but it was objected to.

Mr. DOTY, on leave, presented the following petitions: From the inhabitants of Rock county, for a harbor at Southport; from A. J. Irwin, for confirmation to a tract of land at Green Bay; from citizens of New York, for a harbor at Racine; from citizens of Southport, for an appropriation for a harbor at Southport; memorial of the Legislative Assembly of Wisconsin, praying for the extinguishment of the title of the Menomonee Indians, in the Territory of Wisconsin; also praying the confirmation of the title to lots one, two, and three, in the town of Milwaukee; memorial praying for the passage of a law granting pre-emption to settlers on the line of the Milwaukee and Rock river canal; memorial for the relief of the owners or proprietors of mineral lots in Wisconsin; memorial praying for a donation of land for the improvement of the navigation of the Pecatonick river; memorial for the improvement of the Mississippi, Wisconsin, and Platte rivers; memorial for the improvement of the Neenah (Fox) and Rock rivers; memorial for the settlement of the claims of Wisconsin for jurisdiction over the country north of a line drawn due west from the southerly bend or extremity of Lake Michigan.

#### NOTICE OF A BILL.

Mr. GRANT gave notice that on to-morrow he would move for leave to introduce a bill to provide for certain harbors, and for the removal of certain obstructions in and at the mouths of certain rivers, and for other purposes, during the year 1839.

#### BILL INTRODUCED.

Mr. TILLINGHAST, in pursuance of notice, and on leave given, introduced a bill to allow a drawback of duties on imported hemp, when manufactured into cordage and exported; which was, on motion of Mr. T., referred to the Committee of Ways and Means, and ordered to be printed.

#### REPORTS FROM A COMMITTEE.

Mr. JENIFER, from the Committee for the

District of Columbia, reported a bill to provide a free bridge across the Eastern Branch of the river Potomac, in the city of Washington.

Also, a bill to incorporate the Washington Manual Labor School and Male Orphan Asylum Society, of the city of Washington, and District of Columbia.

Also, a joint resolution providing that from the 1st day of January, 1839, the physician to the penitentiary of the District of Columbia be allowed the sum of \$600 as a permanent annual salary.

Also, without amendment, Senate bill making an appropriation for the support of the penitentiary in the District of Columbia.

#### RESOLUTIONS.

On motion of Mr. EVANS, it was

Resolved, That the Committee on the Public Buildings and Grounds be instructed to inquire into the expediency of causing the naval monument in the front of the Capitol to be removed to some more suitable and appropriate place.

On motion of Mr. ADAMS, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from the town of Frankfort, in the State of Maine, to the town of Munroe, in the said State.

Mr. REED offered the following resolution:

Resolved, That the Secretary of the Treasury be directed to lay before this House, early at its next session, the amount of compensation, whether as fees or otherwise, which has been received by each of the district attorneys, clerks, and marshals of the United States, as fees or otherwise, as officers of the Government, during the year 1839; and to that end that said attorneys, clerks, and marshals be directed to keep and number an exact account of all moneys, &c., received.

The resolution would regularly lie over one day, but

Mr. REED asked the House to consider it at this time.

Objection having been made,

Mr. REED moved a suspension of the rules; which was agreed to.

The resolution was considered and adopted.

On motion of Mr. GRENNELL, it was

Resolved, That the Committee on Military Affairs be directed to inquire into the expediency of extending the benefits of five years' half pay, now allowed by law to the widows and orphans of officers and soldiers of the militia and volunteers who die in the service of the United States, to the widows and orphans of officers and soldiers of the regular Army, who have died, or shall die in the service, or in consequence of wounds received while in the line of duty.

Mr. FLETCHER, of Massachusetts, rose and said that he had received a letter from Samuel Etheridge, Esq., of Massachusetts, stating that he had heretofore preferred charges against Captain Elliott, of the Navy, and requesting that a call might be made on the Department in relation to said charges, and Mr. F. stated that, in conformity with this request, he offered the following resolution:

Resolved, That the Secretary of the Navy be directed to furnish this House with certain charges heretofore preferred by Samuel Etheridge, of Massachusetts, against Captain J. D. Elliott, of the Navy of the United States, and to furnish the reasons, if any, why the Department has not heretofore ordered a court of inquiry to sit upon said charges against said Elliott.

The resolution was considered and adopted.

Mr. CUSHING said that four weeks ago he offered a resolution, or series of resolutions, of inquiry in regard to sundry points in the relations of Great Britain and the United States, which lay over under the rule. He wished to-day, instead of exercising his privilege to offer a new resolution on some other subject, to call up the former, and have it passed; engaging for himself to waive all debate on the subject at the present time.

No objection being made, the resolutions were taken up; and being modified by the mover, and amended at the suggestion of Mr. BRONSON, passed as follows:

Resolved, That the President of the United States be requested, if in his judgment not incompatible with the public interest, to communicate to this House information touching the following particulars in the territorial relations of the United States and Great Britain on this Continent:

1. The correspondence, if any, which has been had between the Government of the United States and that of Great Britain, or the military or civil authorities of either, in relation to the troubles in the British Provinces of Upper and Lower Canada, and to alleged violations of neutrality on the part whether of Great Britain or the United States, or any of the officers, subjects, or citizens of each.

2. The correspondence had, or measures taken by the Executive, if any, regarding citizens of the United States made prisoners of war at any time in any of the insurrectionary movements of Upper or Lower Canada.

3. Whether the Government of Great Britain has made reparation for the seizure and destruction of the steamboat *Caroline*, within the waters of the United States, and the murder of American citizens on board the same, by a band of armed invaders from the province of Upper Canada, acting under the orders and authority of the colonial government of said province; and whether any and what negotiation or correspondence between the Government of the United States and that of Great Britain has taken place on that subject; and, if so, what is the present state of such negotiation.

4. Whether the Government of the United States has entered into negotiations with that of Great Britain for the purpose of arresting and preventing the further distribution of presents and payment of war subsidies by the latter Government to the Indian tribes within the territorial limits and jurisdiction of the United States; and, if so, what has been the result of the said negotiations.

5. Whether the Government of the United States has given to that of Great Britain the stipulated notice to annul and abrogate the convention of the 8th of September, 1827, under cover of which, and of the convention of the 20th of October, 1818, the Hudson's Bay Company has proceeded, with permission or by connivance of the Government of Great Britain, to establish military posts in the territories of the United States beyond the Rocky mountains.

6. Whether the Government of the United States has taken any measures, and if any, what, to adjust, settle, and mark the boundaries between the United States and the British provinces in North America, from St. Mary's falls, between Lake Huron and Lake Superior, and so northwardly and westwardly along the frontier of the State of Michigan and the Territories of Wisconsin and Iowa, to the Rocky mountains.

7. What correspondence, if any, the Government of the United States has had with that of Great Britain, or any of its authorities or officers, or with the government of the State of Maine, in regard to the late survey or investigation of the northeastern boundary line of the United States by the government of said State, and the present conditions of the negotiations relating to said boundary.

8. Whether any correspondence has recently passed between the British and American Governments relative to the free navigation of the navigable rivers coterminous to the United States and the British possessions in North America, or of navigable rivers running, in part or in whole, through the territories of both Governments; and if so, the result of the same.

9. Whether the public authorities of Upper Canada, or any of them, have undertaken to interdict or restrict the ordinary intercourse between said province and the contiguous parts of the United States; and if so, by what law or pretense of right; and whether said interdict or restriction is consistent with the treaties subsisting between the United States and Great Britain.

On motion of Mr. LINCOLN, it was

*Resolved*, That the Secretary of the Treasury be directed to inform this House whether the accounts of David Henshaw, late collector of the port of Boston and Charlestown, in Massachusetts, have been settled with the Treasury of the United States; and if so, whether any, and if any, what, amount of credit was allowed him for money deposited in the Commonwealth Bank of Boston, in the name of said collector, and which remained on deposit at the time of the insolvency and failure of said bank, either to the credit of said collector or of the United States; and whether any sum, and if any, what sum, has been passed to the credit of said collector on account of payments or advancements to officers of the customs in said port of Boston and Charlestown for salaries, fees, or otherwise in anticipation of appropriation, and for which no provision was made by law; and whether any credits have been allowed to said collector for any assignment of bank stock, transfer, or charge of bank deposits, or for property, real or personal, by sale or assignment, for which the Treasury of the United States has not already realized the nominal amount for which it was so sold or assigned in specie value. And if the accounts of said collector are still open and outstanding, that the Secretary report to this House the reasons why the same are not closed and settled.

On motion of Mr. HALEY, it was

*Resolved*, That the Secretary of War be requested to furnish a copy of the report and drawings in reference to the harbor of Stonington, in Connecticut, together with any additional information in reference to the improvement of said harbor.

Mr. ADAMS presented the following resolution:

*Resolved*, That every member of the House of Representatives of the United States ought, before taking his seat therein, to produce at the Clerk's table, or to deposit in the Clerk's office, the credentials by virtue of which he claims his seat; and in all cases of contested election, no member ought to be permitted to vote until the House, upon a report from the standing Committee of Elections, or by the vote of the majority of the members present, being a quorum of the House, shall have decided which of the claimants is entitled to the contested seat.

Mr. ADAMS explained that he had offered this resolution in consequence of the disuse of a practice which had formerly existed in this House, and which he believed to be the practice of every other deliberative body. It was, that every member who was here as the Representative of the people should produce the credentials by virtue of which he claimed his seat. This practice had been adopted at the first organization of the Government, and had been continued until within the last eight or ten years. He did not exactly know when it was first disused, but since that time every gentleman who thought proper to do so had come and taken his seat without having presented

any evidence of his being entitled thereto. Mr. A. did not intend to debate this resolution himself, nor was he aware that there was any disposition to contest the principle. It was one the operation of which might be of very great importance at the commencement of the next session of Congress. He hoped the resolution would be disposed of now.

Objection having been made, Mr. BRONSON moved a suspension of the rules; and, after some desultory conversation, the question was taken, and the motion to suspend the rule was negatived—ayes 86, noes 62; not two thirds.

And Mr. PRENTISS having signified his intention to debate the resolution, it lies over one day by the rule.

Mr. EVERETT submitted the following resolution; which was laid on the table, and ordered to be printed:

*Resolved*, That the Committee of Elections be instructed to inquire into the expediency of providing by law:

1. That the Clerk of the House of Representatives of the Congress of the United States, in office on the last day of the last session of any Congress, shall remain in office until the organization of the House of Representatives of the succeeding Congress.

2. That it shall be the duty of the Clerk to receive and file all certificates of election transmitted to him by the Executives of the several States, in the succeeding Congress.

3. That it shall be the duty of the said Clerk to make a roll of the members who, from such certificates, or when no certificates are returned, from credentials from the Executives of the States presented by persons claiming to be members of such Congress, appear to have been elected members of said Congress.

4. That the said Clerk shall, at twelve o'clock m., on the day appointed for the meeting of such Congress, call the members so enrolled to order, who shall then proceed to elect a Speaker and Clerk for the time being.

5. Providing for the mode of taking testimony in case of contested elections, and that the same be filed with the Clerk on or before the second Monday of the session.

6. That the said House, when so organized, shall appoint a Committee of Elections by ballot, or viva voce, as a majority shall determine, to consist of thirteen members, who shall be sworn to the faithful discharge of their duty.

7. That said committee proceed forthwith to examine and report on all contested elections; and that the persons contesting may be heard before the House by themselves and counsel; and which shall decide thereon without further debate.

8. That after the decision of all the cases of contested election the House shall proceed to elect a Speaker, Clerk, and other officers of the House for the Congress; that if the election of Speaker shall result in the choice of another person the standing committees shall be appointed anew.

Mr. EVERETT submitted the following resolution; which, under the rule, lies one day on the table:

*Resolved*, That the Postmaster General be directed to inform this House,

1. What was the practice of his Department at and prior to the 4th of March, 1829, relative to the mode of filing and keeping the letters and communications received; particularly whether a register of them was made, and whether they were kept on file in the order of consecutive dates, with numbers and letters corresponding with such register; and whether, since that time, a change has been made in the mode of filing and keeping the same; and if so, what, and when, and by whom made, and what is now the practice of the Department in these respects.

2. Whether it is now the practice of the Department to keep and preserve on the regular files of the Department, or otherwise, and in what manner, all letters and papers received having relation to the official business of the Department, and to preserve in the letter-books of the Department, or otherwise, copies of all letters and communications from the Department.

3. What was the practice of the Department at and prior to the 4th of March, 1829, relative to communicating to postmasters against whom charges had been made, or for whose removal application had been made, copies of such charges, or the substance of the same, or copies of such applications, and of the statement or evidence received in support of such charge or application, or any notice thereof before proceeding to act thereon; and whether it was the practice to receive counter statements or testimony on behalf of such postmasters; and also whether it was the practice of the Department, in cases which did not require immediate action, to appoint an agent to take testimony, or to investigate the truth of the charges or grounds of the application; and whether any change has been made in the practice of the Department in these respects; and if so, what, and when, and by whom made, and what is now the practice of the Department in these respects.

4. Whether it is now a rule or practice of the Department to refuse to postmasters who have been removed on charges made, or on the application of others, copies of such charges, or copies of the statements or evidence received in support of the same, or the reason or grounds of their removal when required by such postmaster; and if so, when was such rule or practice first adopted, and by whom; and

5. The manner in which the accounts of the Department with contractors and postmasters are now kept.

Mr. ALLAN, of Vermont, submitted the following resolution, which, under the rule, lies over one day:

*Resolved*, That the Judiciary Committee be directed to

inquire into the expediency of so amending the law on the subject of naturalization as to exclude therefrom the privileges of natural-born citizens who are or shall be born of parents who have removed, or shall remove, from the United States, and have taken, or shall take, the oath of allegiance to the Government in which they so reside, until such person shall become naturalized like other foreigners, agreeably to the laws that now do, or hereafter may, exist on that subject.

On motion of Mr. FILLMORE, it was

*Resolved*, That the President be requested to communicate to this House, if not, in his opinion, incompatible with the public interest, what demand has been made upon the British Government for satisfaction for the outrage committed under its authority, in burning the steamboat *Caroline*, and murdering our unarmed citizens on board; and what reply said Government has made to such demand; and all the correspondence on the subject of said outrage, between this Government and that, or the officers or agents of either, or the officers or agents of this Government and the President, or any of its Departments, which have not heretofore been communicated to this House.

On motion of Mr. PARKER, it was

*Resolved*, That the Committee on Invalid Pensions be instructed to inquire into the expediency of granting a pension to John Robinson, of Delaware county, New York.

Mr. GRANT presented the following resolution:

*Resolved*, That the Committee of Ways and Means be instructed to report to this House, with all convenient dispatch, a bill making appropriations for the improvement of rivers and harbors for the year 1839, and for certain surveys of the same, according to the estimates for those objects as submitted to this House or to the said committee during the present session, by the Department and bureaus having charge of said improvements and public works.

Mr. G. moved the previous question.

The SPEAKER decided the motion to be out of order.

Mr. GRANT took an appeal, but withdrew it. And the resolution was ordered to lie over one day.

Subsequently, Mr. GRANT moved a suspension of the rules to enable him to have his resolution considered at this time, and asked for the yeas and nays on that motion.

The yeas and nays were not ordered.

The House refused to suspend the rules.

Mr. DAVIES offered a resolution providing that hereafter the daily hour of the meeting of this House shall be eleven o'clock a. m.

Objection having been made,

Mr. D. moved a suspension of the rule, and asked the yeas and nays; which were refused.

And the question having been taken, the House refused to suspend the rule.

The resolution lies over one day.

A number of motions were made to suspend the rule for the purpose of taking up for consideration resolutions heretofore offered, and now on the Speaker's table; but which were, in all instances, rejected, except as herein given to the contrary.

Mr. PALMER submitted the following joint resolution; which, under the rule, lies over one day:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That hereafter, when in any State or Territory the public lands belonging to the United States shall be reduced, by sale or otherwise, to a quantity not exceeding one sixth part of their original amount, the minimum price of the public land, within such State or Territory, shall be reduced twenty five cents per acre; and a like reduction shall take place at the end of every two years thereafter; of which several reductions the President of the United States shall, by proclamation, from time to time, give due notice, until said price shall be reduced to twenty-five cents per acre; and at the end of two years after such last reduction, all the public lands within such State or Territory shall be offered at sale, at public auction, for cash, to the highest bidder, like notice being given of such sale as is now provided by law, at which sales the States or Territories in which such lands are situated may become purchasers.

On motion of Mr. SPENCER, it was

*Resolved*, That the Committee on the Public Lands be instructed to inquire into the expediency of granting bounty lands to the commissioned officers who served in the Army of the United States during the late war with Great Britain, and also of reviving the acts of 1816 and 1817, granting bounty lands to Canadian volunteers.

On motion of Mr. BRONSON, it was

*Resolved*, That the Committee on Claims be instructed to inquire into the expediency of allowing to George J. Knight further compensation for a schooner called the *Experiment*, belonging to him, which was destroyed by the enemy in the last war with Great Britain.

On motion of Mr. RUSSELL, it was

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of continuing the military road from Plattsburg to Whitehall, in the State of New York.

Mr. PRATT submitted the following resolution; which was ordered to be printed:

Whereas the materials used in the erection of the Treasury building, in this city, are congealed sandstone, absorbing water, and requiring to be frequently painted at great expense, to preserve it against rain and frost: Therefore, *Resolved*, (as the sense of this House,) That all public buildings hereafter to be erected for the use of the Government shall be constructed of the hardest and most durable materials, either of marble or granite.

Mr. CLARK offered the following resolution; which lies over one day:

*Resolved*, That the House, in pursuance of the joint resolution of the 5th of February, 1829, will, on the second Monday of February next, at one o'clock, proceed to the election of a printer to the House for the Twenty-Sixth Congress.

On motion of Mr. AYCRIGG, it was

*Resolved*, That the Secretary of the Treasury be directed to furnish this House with a report and extract from the coast survey, containing Newark bay, in the State of New Jersey, and the bars in its vicinity.

Mr. YORKE submitted the following resolution; which, under the rule, lies over one day:

*Resolved*, That five hundred copies of Senate document No. 140, of the second session of the present Congress, be printed for the use of the members of this House.

Mr. NAYLOR submitted the following resolution; which, under the rule, lies one day upon the table:

*Resolved*, That the Secretary of the Navy be directed to furnish this House with copies of the charges of inhuman, unfeeling, ungentlemanly, and infamous conduct, preferred by Charles C. Barton, a passed midshipman of the United States Navy, against Captain Jesse D. Elliott, whilst in command of the Mediterranean squadron, together with all communications in relation to said conduct of said Captain Elliott and to said charges, on file in the Navy Department; and to communicate the reasons, if any, why the said Elliott has not been ordered to be tried upon said charges.

On motion of Mr. DARLINGTON, it was

*Resolved*, That the Committee on Revolutionary Pensions inquire into the expediency of granting a pension to Margaret Marshall, the widow of a revolutionary officer, and that the papers relating to the case be taken from the files of the House and referred to that committee.

On motion of Mr. SHEPPER, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing by law a post route from Chambersburg to Fankstown, Franklin county, Pennsylvania. Also, that the same committee be further instructed to inquire into the expediency of establishing a similar route from the borough of York, by the way of East Berlin, to York Springs, Adams county, in said State.

On motion of Mr. MORGAN, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Pittsburg, Pennsylvania, to Morgantown, in Virginia.

Mr. CRAIG submitted the following resolution; which, under the rule, lies over one day:

*Resolved*, That the second Tuesday in February next, be set apart for the consideration of House bill No. 540, entitled "A bill granting an additional quantity of land for the location of revolutionary bounty land warrants," the said bill to take precedence of all other business on that day after the morning hour.

On motion of Mr. McKENNAN, it was

*Resolved*, That the Secretary of the Treasury be directed to report to this House how long the balance of \$3,702 72, reported in the account of the receipts and expenditures of the United States for the year 1837, prepared in the office of the Register of the Treasury, against Thomas Irwin, Esq., late district attorney, and now district judge for the western district of Pennsylvania, has been standing on the books of the Treasury; whether the said district attorney has presented any vouchers for the liquidation of that balance, which have been suspended; and if not, and that balance is undisputed, to state why it has not been collected.

On motion of Mr. JOHNSON, of Virginia, It was

*Resolved*, (the Senate concurring herein,) That the Joint Committee on the Library be instructed to inquire into and report upon the expediency of providing a digested index to the whole series of Journals of the House, since the organization of the Government, alphabetically pointing to each subject-matter, with the year, volume, and page of the record.

On motion of Mr. MALLORY, it was

*Resolved*, That the President of the United States be requested to communicate to this House the aggregate amount paid to all persons who have, since 1829, been concerned in negotiating treaties with the Indians, together with the names of such persons, and the sums respectively received by them in the way of per diem, mileage, and extra charges, and under what authority. And, also, if any of the clerks in the State Treasury, War, or Navy Departments, or any of the bureaus or offices thereof, are charged with the disbursement of public funds, and if so, what amount of compensation is allowed to each for the performance of this extra service, and what security is required of them for its faithful performance.

Mr. MERCER submitted the following resolution; which, under the rule, lies over one day:

*Resolved*, That the President of the United States be, and he is hereby, requested to lay before the House of Representatives a list of all removals from office which have occurred since the organization of the present Government of the United States, denoting the names of the persons so removed, and the title or denomination of their respective offices. Also, a similar list of all persons whose term of service having been limited, by law, to four years, have not been re-nominated; and that such list denote the date of each removal, or expiration of office, not succeeded by the re-nomination of the person whose term of service shall have so expired.

On motion of Mr. BANKS, it was

*Resolved*, That the Committee on Invalid Pensions be instructed to inquire into the expediency of placing Lenza Thomas on the pension list; and the Commissioner of Pensions furnish the committee with the documents in his possession in support of his claim for a pension.

On motion of Mr. BEIRNE, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of making certain changes in the carrying of the mails, and certain alterations in the mail routes, in Cahall county, Virginia, as suggested by the citizens of the said county.

Mr. PARRIS submitted the following resolution; which lies one day upon the table:

*Resolved*, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of further extending the provisions of the pension act of July 7, 1838, to give benefit to the widows of revolutionary pensioners who have become widows since the passage of the pension act of July 4, 1836.

Mr. McKAY submitted the following resolution; which, under the rule, lies over one day:

*Resolved*, That the Secretary of War be directed to inform the House whether any cases of defalcation not heretofore reported to either House of Congress have occurred on the part of the public officers, in any branch of the public service under the direction of his Department; the names of such defalcators, and the amounts of the defalcations, respectively, and what proceedings have been adopted by him in each case.

On motion of Mr. MONTGOMERY, it was

*Resolved*, That the Secretary of War be instructed to inform this House whether any of the State troops called into the service of the United States in the Cherokee country yet remain unpaid, and if so, how many, and the reasons why these claims have not sooner been settled.

On motion of Mr. C. SHEPARD, it was

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of surveying Nouce river, in North Carolina.

On motion of Mr. CONNOR, it was

*Resolved*, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Elizabeth Allen, widow of Vincent Allen, and a soldier of the Revolution.

Mr. SAWYER submitted the following resolution; which, under the rule, lies one day upon the table:

*Resolved*, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, upon what authority Lewis Cass, Minister to the Court of St. Cloud, visited France, Asia, and other foreign countries, since his appointment; and how long said Minister was absent from the court of the French King.

On motion of Mr. WILLIAMS, of North Carolina, it was

*Resolved*, That the Committee on Revolutionary Pensions be directed to inquire into the expediency of allowing the claim of Alexander Williamson, of Fredell county, North Carolina, and that the evidence on file in this House be referred to the said committee.

On motion of Mr. GRAHAM, of North Carolina, it was

*Resolved*, That the Committee of Elections be instructed to inquire into the expediency of passing a law of the following import, constituting the Committee of Elections:

That on the third day of the first session of each Congress, the name of that member from each State who has received the greatest majority of votes for Congress among his own delegation shall be deposited in box No. 1.

That the names of all the other members of Congress then in attendance shall be severally put in box No. 2.

That a boy under ten years old shall proceed forthwith to draw out of box No. 2 the names of ten members, which names, so drawn, shall be placed in box No. 1.

That box No. 1, then containing thirty-six ballots or names, shall be mixed, and immediately a boy under ten years old shall draw out one ballot, until the names of twelve members of Congress be so drawn; which twelve persons shall constitute the Committee of Elections.

That said committee shall thereupon be sworn by the Speaker to hear, investigate, and report truly all such contested elections as may be committed to their charge, according to the Constitution of the United States and the laws of the State in which the contest may or shall originate.

That the said committee shall immediately retire to their committee room, and elect their own chairman.

That in case of a vacancy in said committee, by death, resignation, or otherwise, such vacancy shall be filled by drawing one or more names from box No. 1, until the committee be again filled.

On motion of Mr. McKAY, it was

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of building a light-house on Oak Island, at the mouth of Cape Fear river; also, of placing a small light on Campbell's island, in said river.

Mr. THOMPSON submitted the following joint resolution; which, under the rules, lies over, and was ordered to be printed:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the notes of sound specie paying banks shall hereafter be received in payment of the dues of the Government, under such regulations and restrictions as may be prescribed by Congress.

*Resolved*, That the public funds shall hereafter be deposited with banks owned in whole or in part by the States where situated, and that where none such exist, with such incorporated banks as the Secretary of the Treasury may select: *Provided*, That when deposited with private incorporated banks, the funds of the Government are not to be used in the discounts or other business of such banks; and that the Secretary of the Treasury be authorized to contract with said banks for a stipulated compensation for the safe-keeping, transfer, and disbursement of the public moneys.

On motion of Mr. HAYNES, it was

*Resolved*, That the Committee on Public Buildings and Grounds be instructed to inquire into the practicability of enlarging the rooms and giving additional light to the House Library; of the propriety of having all books and documents belonging to the House, as they pass into print, placed in the same for safe-keeping and for reference, whereby one depository will be made of the whole; of appointing the librarian by the House, and requiring him to give bond for the faithful keeping and preserving of all the printed records so to be placed in his charge.

On motion of Mr. S. WILLIAMS, the House took up for consideration the following resolution, offered by him on the 31st December:

*Resolved*, That the Secretaries of State, Treasury, War, and Navy, and the Postmaster General, be, and they are hereby, respectively, required to report and communicate to this House, as soon as practicable, what were the expenses of their respective Departments, including every item of expenditure, in the year commencing on the 4th day of March, 1828, and ending on the 3d day of March, 1829, and so on for each successive year up to the 4th of March, 1838, and from thence up to the 1st day of January, 1839, placing each item of expenditure under its proper head: and further, to report and communicate the number of clerks and other officers, of every description whatever, belonging to their respective Departments, with the salary or pay of each, in each year, separately, commencing on the 4th day of March, 1828, and so on for each successive year up to the 4th of March, 1838, and from thence up to the 1st day of January, 1839. And further, to report how much (if anything) has been allowed as extra pay to any clerk or other officer of their respective Departments, at any time within the foregoing periods, and for what services those extra allowances were made.

Mr. CRARY was opposed to the resolution in its present shape, because it would involve an inquiry which it would take six months to answer.

A motion was made by Mr. RENCHER to amend the said resolution by inserting therein the words, "the Clerk of the House of Representatives and the Secretary of the Senate."

And, pending the question on the motion, The previous question was moved by Mr. WILLIAMS, of Kentucky, when

A call of the House was moved by Mr. RIVES, which was decided in the negative.

The House then divided on the motion for the previous question, when it was found that a quorum was not present.

A motion was then made by Mr. BANKS that there be a call of the House.

And, the question being put, it passed in the affirmative.

The roll was then called in part; when, On motion of Mr. CUSHMAN, further proceedings in the call were dispensed with.

And the House again divided on the motion for the previous question; when it was demanded by a majority of the members present.

The previous question was then put, viz: Shall the main question be now put? And passed in the negative.

And so the House determined that the main question should not now be put.

Mr. GRANTLAND presented a resolution by the General Assembly of the State of Georgia, soliciting the establishment of a weekly mail route (the mail to be carried on horseback) between Blairsville, in the county of Union, and Dahlonega, in the county of Lumpkin, by the way of Cooper's Gap in the Blue Ridge; which resolution was referred to the Committee on the Post Office and Post Roads.

On motion of Mr. SOUTHGATE, it was

*Resolved*, That the Committee on Military Affairs be in-

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structed to inquire into the expediency of increasing the public buildings and enlarging the public grounds at the military post at Newport, Kentucky.

Mr. WILLIAMS, of Kentucky, submitted the following resolution; which, under the rules, lies over one day:

*Resolved*, That for the residue of this session, the daily hour to which this House shall stand adjourned be ten o'clock, a. m.

Mr. UNDERWOOD submitted the following resolution; which, under the rule, lies over one day:

*Resolved*, That the Secretary of the Treasury be directed to state, in the report which may be made to the House in answer to the resolution adopted on the 14th of January, 1839, "calling for the amount of money expended annually by each Administration in the Government, from the 4th of March, 1789, to the 4th of March, 1837, with the amount of public money lost annually by defalcation of public officers," &c.; whether suits have been instituted against the several defaulting debtors, and when; and further, that he inform this House when the defaulting debtors were severally appointed and employed in the public service.

On motion of Mr. MENEFEE, it was

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to communicate to this House a statement of the sums respectively awarded, under the act of July 13, 1832, for carrying into effect the convention with France of July 4, 1831, in favor of persons from whom sums of money were due to the United States; the amounts to which they were respectively entitled under the ratable proportions provided for by said act; the amounts respectively paid to them; the amounts respectively entered to their credit by reason of the deductions provided for in said act; why, if the fact be so, said persons did not receive the full benefit of said act, either by payment or credits on their debts to the United States; whether an agent was employed by the Treasury Department to ascertain the persons thus indebted, and if so, who he was, on what terms employed, and, if paid, to what amount, how, and by what authority; and whether all the facts necessary to enable the Secretary to make said deductions did not previously exist on the files of his Department, and were not actually furnished for that purpose by an officer thereof under his direction.

Mr. CAMPBELL, of Tennessee, submitted the following resolution; which was read and laid on the table one day, under the rule:

*Resolved*, That the Secretaries of the Navy, War, State, and Treasury Departments be respectively directed to communicate to this House what percentage is allowed disbursing officers, in their several Departments, for the disbursement of the public money, by any regulation of the Department, and whether any officer receiving a salary fixed by law has, since the 4th day of March, 1829, been allowed a percentage as compensation for extra services, for the disbursement of the public money, the name of such officer or officers, and the amount so received by each; and that they be respectively directed to communicate to this House copies of any regulations which may have been made, under which such percentages are allowed and paid; and that the Secretary of the Treasury be directed to lay before this House any correspondence upon the subject of the money retained by William Steuben Smith, late a clerk in the Land Office, and to inform this House what was said Smith's returns, and whether the amount retained in his hands exceeded the disbursements he was required to make, or whether he failed to make the disbursements required, and withheld the money, refusing to apply it as directed; and that he also inform this House when said Smith failed or refused to pay over the money in his hands, when suit was instituted against him, and when he resigned his office, or was dismissed from the service.

On motion by Mr. CROCKETT, it was

*Resolved*, That the Secretary of the Treasury be instructed to communicate to this House the amount of money already expended in the construction of the new custom-house at New York, and what amount is estimated to be necessary to complete it.

On motion of Mr. CARTER, it was

*Resolved*, That the Secretary of War be directed to communicate to this House, with as little delay as possible, what progress has been made in the execution of the treaties with the Chickasaw Indians of the 20th of October, 1832, and 24th of May, 1834; what amount of funds has been received by the United States in trust for said tribe of Indians, arising from the sale of their lands, and how the same has been invested, at what time, and in what stocks, and the name of the agent or agents concerned in negotiating all such investments; also, the whole amount of the expense incurred in the execution of said treaties, the amount of such expense paid by the Government, and the amount paid from the sales of the lands by said Indians; also, the name of each officer or agent employed in the execution of said treaties, the date of his appointment, the nature of the service of each of them, the time each was actually employed, as nearly as may be ascertained, the rate of compensation, and the aggregate amount paid to each.

*Resolved*, That the said Secretary of War be also directed to report to this House the whole number of Choctaw Indians who removed west of the Mississippi, under the superintendence of the United States, according to the provisions

of the treaty of Dancing Rabbit Creek, and the number removed in each year since the commencement of emigration; also, the name of each officer or agent employed in the execution of the several articles of said treaty, the date of his appointment, the nature and term of the service of each, the rate and the aggregate amount of compensation of each officer or agent appointed under the provisions of the act of 3d of March, 1830, entitled "An act for the appointment of commissioners to adjust the claims to reservations of land, under the fourteenth article of the treaty of 1830, with the Choctaw Indians," and the act of the 22d of February, 1838, amending the same; also, what progress has been made in the execution of the objects of said acts.

On motion of Mr. BELL, it was

*Resolved*, That the Secretary of the Treasury be directed to inform this House what steps have been taken by the Department, or by the agent or Solicitor of the Treasury, to collect the balance due, or claimed to be due, the United States from John Brahan, late receiver of public money at Huntsville, Alabama, or from his legal representatives; and that he communicate copies of all the correspondence, and other papers within the control of the Department, relative to said claim.

On motion of Mr. TURNEY, it was

*Resolved*, That the Secretary of War communicate to this House the number of horses, belonging to the volunteers in the service of the United States in Florida, which were turned over to the United States, and the orders under or by which they were so turned over, and by what authority said orders were made; that he also communicate the aggregate value of said horses when mustered into service, with their equipages, and also the value assessed at the time they were turned over; and that he communicate the cause of the great difference in value, and whether it was not owing to the fact that a large portion of said horses had given out, and were abandoned from want of forage. That he also communicate the number of claims for lost horses now on file, the number that have been paid, and the number yet remaining to be audited and paid, and the reason why they have not been paid before this; and whether the claims of the volunteers under the command of Major Lauderdale for lost horses have been examined by the Third Auditor, and the causes of the great delay of that officer to perform this service, and when it is likely he will examine and adjust said claims.

On motion of Mr. CHEATHAM, it was

*Resolved*, That the Secretary of the Treasury be directed to communicate to this House a supplement to the tabular statements transmitted by him on the 4th of January, 1836, in compliance with a resolution of the House of the 31st of December, 1835, exhibiting in such supplement a statement of the sums annually paid, under each material head of expenditures, from 1834 to 1839.

On motion of Mr. HARPER, it was

*Resolved*, That the Committee of Claims be instructed to inquire into the expediency of making compensation to the heirs and legal representatives of James Reynolds, for a horse lost in the late war war Great Britain.

On motion of Mr. BOND, it was

*Resolved*, That the Secretary of the Treasury be directed to report to this House the dates and amounts of the official bonds of the collectors and naval officers at the ports of Philadelphia, New York, and Boston, together with the names of the securities of said collectors and naval officers, respectively.

On motion of Mr. LEADBETTER, it was

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law in relation to the judiciary as to require an interchange of the duties of circuit and district judges of the United States courts, in all cases where it would be improper for them to sit on account of interest, or where parties cannot obtain a fair trial, &c.

On motion of Mr. GOODE, it was

*Resolved*, That the Committee on Public Lands, to whom is now committed a resolution instructing them to inquire into the expediency of reporting a bill to authorize the State of Ohio to purchase the United States alternate sections of land on the Miami canal, in the State of Ohio, and the United States alternate sections of land on so much of the Wabash and Erie canal as lies within the State of Ohio, at \$2.50 per acre, be hereby further instructed to extend their inquiries into the expediency of providing also in the same bill for the receding to the State of Ohio by the United States the right it now has to navigate said canals free of toll.

On motion of Mr. JOHNSON, of Louisiana, it was

*Resolved*, That the Postmaster General be directed to report to this House the number of failures in the ordinary and express mails, distinguishing between the said mails, to and from the city of New Orleans, within the last six months, the causes of said failures, and the steps adopted by him to prevent the recurrence of such failures.

On motion of Mr. JOHNSON, of Louisiana, it was

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to aid in the improvement of the harbor on Lake Pontchartrain, at Port Pontchartrain, in the State of Louisiana.

On motion of Mr. WHITE, of Indiana, it was  
*Resolved*, That the Secretary of War be directed to report to this House whether in his opinion, the improvements can be suspended or discontinued upon the harbors now in process of construction, without endangering the existence of the structures already begun, and without exposing the Government to a waste of the moneys already expended; what is the average progress of those harbors towards completion; and whether the interests of commerce would not be deleteriously affected by such suspension or discontinuance; and that he extend his report to those rivers whose channels are now undergoing improvement under the authority of the United States.

*Resolved*, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of repealing the act of Congress entitled "An act directing the transfer of money remaining unclaimed by certain pensioners, and authorizing the payment of the same at the Treasury of the United States," approved April 6, 1838.

Mr. RARIDEN moved the following resolution; which was read, and laid on the table one day, under the rule:

*Resolved*, That the Secretary of War be directed to report to this House the names and rank of the officers of the Army of the United States who have been employed since July, 1834, in paying Indian annuities, or in making payment under treaty stipulation, showing the tribe or nation to whom paid, and the amount paid to each tribe, with the amount paid to such officers, either as salaries, percentage, per diem pay, mileage, transportation, or subsistence. And also, the names and residence of each individual employed since July, 1834, in the transportation of money, goods, or other property paid to the Indians, the amount of, and what property transported, the amount paid to each person so employed, distinguishing what was paid as wages, what for transportation, mileage, subsistence, or percentage, and how long each person was so employed in each case, and for what tribe or nation. And, also, the names and residence of each individual employed in removing the Indians west of the Mississippi since 1830, exclusive of the Army, together with the compensation paid to each, how long each was employed, and in what capacity, noting what was paid to each as salary, what as per diem pay, expenses incurred, or subsistence, during the time so employed. And, also, to report the names and residence of all persons employed as commissioners, or by any other name, since 1830, to investigate claims against Indians, and the names and residence of the persons employed to aid such commissioners, whether as clerks, secretaries, or attorneys, together with the location of the Indians where the services were rendered, the amount of claims investigated, the time employed, and the amount of compensation paid to each, whether as salary, per diem allowance, expenses, transportation, subsistence, or percentage; and to specify under what laws the various persons before named have been appointed to the several employs and paid.

Mr. EWING moved the following resolution; which was read, and laid on the table one day, under the rule:

*Resolved*, That the Secretary of War be requested to communicate to this House the number, and places of payment, of agents now authorized to satisfy revolutionary and other pensions, declared payable in the State of Indiana; the compensation, if any, to which said agent or agents are, or claim to be, entitled. Also, the terms, if known at the Department, upon which the State Bank of Indiana would agree to stipulate to make all such payments, through the instrumentality of her branch banks, with all such additional information as he may possess, and deem proper, to show the trouble, loss, and delay, to which the poor pensioners, payable in said State, are now subjected, by reason of great distance from the point or points at which they can alone receive payment, and to demonstrate the justice and expediency of providing by law for a more suitable and uniform mode of making all such payments hereafter.

Mr. MAY submitted the following resolution; which was read, and laid on the table one day, under the rule:

*Resolved*, That the Secretary of the Treasury be directed to communicate to this House the correspondence which took place in the year 1835, between his Department and James Turney, relative to his appointment to, and acceptance of, the office of register of the land office at Galena, in the State of Illinois; and, also, between the Department and William G. Flood, relative to his appointment to, and acceptance of, the office of register of the land office at Quincy, in the said State of Illinois, in the year 1838; and that the said Secretary be directed to inform this House whether the business of said offices has not been suspended for some time, in consequence of the non-acceptance of the said individuals, and how long it has been so suspended, and why the said offices have not been filled; and whether, notwithstanding the non-acceptance of the said James Turney and William G. Flood, they have been nominated or appointed by the President, by and with the advice and consent of the Senate, to the said offices. And whether it is known to the Department that these persons are now members of the Legislature of the State of Illinois, and are, at this time, in the discharge of their duties as such.

On motion of Mr. CASEY, it was

*Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of granting to the State of Illinois township five north, range fourteen west, in the district of land subject to sale at Palestine, in said

State; said land to be disposed of by the State authority, and the avails thereof to be applied exclusively to the improvement of the navigation of the Embarrass river.

On motion of Mr. SNYDER, it was

*Resolved*, That the Committee on Commerce inquire into the expediency of creating ports of entry and delivery at Chicago, Alton, and Cairo, in the State of Illinois.

On motion of Mr. CHAPMAN, of Alabama, it was

*Resolved*, That the Committee of Claims be instructed to investigate the accounts of McNary Harris, as late quartermaster and acting commissary of subsistence to Colonel Benjamin Snodgrass's regiment of Alabama volunteers in Florida, and of making provision for the payment of the same, if found correct.

On motion of Mr. HARRISON, it was

*Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of making three additional land districts in the State of Missouri; that they further inquire into the expediency of providing by law for prospective preemptions.

On motion of Mr. YELL, it was

*Resolved*, That the Committee on Public Lands be instructed to inquire into the propriety of making further provisions for the claimants to military bounty lands; either setting apart a portion of the public land, or to authorize the issuing of scrip to satisfy all such claims.

On motion of Mr. YELL, it was

*Resolved*, That the Committee on Public Lands be instructed to inquire into the propriety of so amending the act of the 7th of July, 1838, establishing the western land district in the State of Arkansas, as to carry into effect the provisions of the said act forthwith.

On motion of Mr. DOWNING, it was

1. *Resolved*, That the Committee on the Territories be instructed to inquire into the expediency of increasing the salaries of the keeper of the public archives in Pensacola and St. Augustine, in Florida.

2. *Resolved*, That the Committee on Roads and Canals be instructed to inquire into the expediency of appropriating a sum of money to repair the military road from Jacksonville to Newnansville, in Florida.

Mr. DOWNING moved the following resolutions; which were read, and laid on the table one day, under the rule:

*Resolved*, That the Secretary of War be, and he hereby is, instructed to communicate to this House, at the earliest day practicable, all the information in his Department respecting the disposition which has been made of such negro and other property as has been captured from the hostile Indians in the course of the present war in Florida, and the means (if any) which were adopted to ascertain whether any portion of the property so captured belonged to, or was claimed by, inhabitants of Florida; and whether a fair or reasonable opportunity was afforded to said inhabitants to prefer claims, and show their right of ownership to such captured property; and whether all negroes and other captured property, owned or claimed by citizens of Florida, were surrendered to the owners and claimants; or so bestowed as to secure to said claimants and owners a proper protection of their rights and interests; and whether or not any bargain or arrangement was made by the Government, or its officers, with the Creek Indians, or others employed to aid in the prosecution of the war against the Seminoles, by which said Creeks, or others, have been allowed, either by themselves or agents, to take possession of, and appropriate to their own use and profit, any negroes or other captured property, and if so, to what extent such bargain has been permitted to operate, and what amount of negro and other property has, under its provisions or conditions, been placed at the disposal of said Creeks, or others, and what portion of the property so placed is owned or claimed by citizens of Florida.

2. *Resolved*, That the Secretary of War be also instructed to ascertain and report to Congress, at the earliest day practicable, the names of all persons (not in the line of the regular Army or of the volunteers or militia) who have been in the course of the present year in Florida, impressed into the service of the United States, or otherwise employed as guides, interpreters, or pack horse men; and what portion, if any, of the persons so employed were slaves, owned or claimed by citizens of Florida; at what rate of compensation they were held in service, and whether such rate of compensation has been paid; and if so, whether it was paid to the owners or claimants of such slaves; and if not paid to them, to whom, and by what authority, was it paid to persons other than such owners or claimants.

And he it *resolved*, That the Secretary of War be further instructed to furnish at the same time to this House copies of all such correspondence as may have taken place between his Department and the officers from time to time in command of the military forces engaged in the war in Florida; and also all such as may have occurred between his Department and any of the citizens of Florida on the subject of negro or other property lost by them in the war, and especially such as relates to property recaptured from hostile Indians.

On motion of Mr. CRARY, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following mail routes in Michigan: From Ann Arbor to Springville, by Manchester; from Lafayette to South Haven; from Jefferson to Grand River Road, by Oneida; from Port Gratiot to White Rock; from Romeo to Saginaw Road, by Orion; from Lapeer to Lower Saginaw; from Lapeer to White Rock; from Saginaw to the mouth of the Muskingum; from Port Huron to Tonia.

On motion of Mr. DOTY, it was

*Resolved*, That the petition of inhabitants of the Wisconsin

mining district, praying for a redress of grievances, be referred to the Secretary of the Treasury; and that he be requested to direct the attorney of the Territory of Wisconsin to investigate the matters alleged in the petition, and report the facts and evidence to this House at its next session.

On motion of Mr. CHAPMAN, of Iowa, it was

1. *Resolved*, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for a road from Burlington, on the Mississippi river, through the counties of Des Moines, Henry, and Van Buren, to the Indian agency in the Territory of Iowa. Also, into the expediency of making an appropriation for the survey and examination, with a view to the improvement of the navigation of, Skunk river, in said Territory.

2. *Resolved*, That the Committee on Territories be instructed to inquire into the expediency of giving the judges of the supreme court of Iowa Territory the same salary as those of Wisconsin; and also into the expediency of so amending the organic law of the said Territory as to require the Governor thereof to return to the Legislative Assembly all bills by them passed, of which he may have refused his approval; and so that, on passing such bills by a majority of two thirds, they shall become laws, subject, however, to be disapproved by Congress.

3. *Resolved*, That the Secretary of State be requested to communicate to this House the report of the commissioner appointed to survey and mark the boundary line between Missouri and Iowa.

On motion of Mr. GRAHAM, of North Carolina, it was

*Resolved*, That the Secretary of War be instructed to inform this House why the volunteers from the State of North Carolina were not paid when discharged for the services rendered, for the clothing and equipments furnished by themselves, and the time spent in the service of the United States during the year 1838, while ordered into the Cherokee nation; how long after their discharge, and in what kind of funds, were they paid off; and what portion of said troops are not yet paid, and the reasons which exist for such non-payment.

#### EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Commissioner of the General Land Office, containing information called for by the House on the 14th of January instant, connected with the issue of scrip on Virginia military land warrants; which letter was ordered to lie on the table.

Also, a report from the Secretary of the Treasury, made in obedience to the order of the House of the 11th of January instant, calling for an account of defalcations by receivers and collectors or other depositaries of public money, since the 1st of October, 1837; and the amount that has been paid, or that remains unpaid, from defaulters, as set forth in the report of the 17th of January, 1838; as, also, the correspondence touching defalcations of receivers and collectors since the Department furnished document No. 297 at the last session of Congress; which report was laid on the table.

The report is as follows:

TREASURY DEPARTMENT,  
January 28, 1839.

SIR: This report is submitted in compliance with the following resolution, adopted by the House of Representatives, on the 11th instant:

"*Resolved*, That the Secretary of the Treasury report to this House—

"1. What defalcations by receivers and collectors, or other depositaries of the public moneys, have taken place since the 1st of October, 1837; the names of the defaulters, and when and where it took place, and what amount.

"2. What amount has been paid, or what balances appearing due from defaulters in the report of the 17th of January last, have been adjusted and reduced; and that he be required to report to this House all the correspondence touching defalcations of receivers and collectors of the public money since the Department furnished document No. 297."

Under the organization of this Department the duties of the office of Secretary of the Treasury are chiefly of an administrative character. The accounting officers are appointed to determine the liabilities or indebtedness of individuals to the United States, and in settling matters of account, are made, by law, independent of the Secretary. The Comptroller and Solicitor of the Treasury also cause prosecutions to be commenced for defaulters when ascertained; and hence, in answering the first head of inquiry, as was done in answering a similar call made in October, 1837, I have requested the Comptroller to furnish from his books a tabular statement of the information desired under the first head. That statement has been revised by the Solicitor, and contains the names, times, and amounts of the supposed "defalcations by receivers and collectors, or other depositaries of the public money," which have

taken place since the 1st of October, 1837. It is annexed.

Fewer of these cases are likely to be mere nominal defaults than in the other document referred to, (No. 111.) as that embraced a period of nearly half a century, and it was not possible for the Comptroller to be acquainted critically with many of the cases. Nor does the present resolution use the same broad language on this subject as that of October, 1837. That called for the names of those collecting and deposit officers "in default to the Government." But this requests a list of all recent "defalcations" among such agents. The first description includes officers whose accounts are unsettled on the books whether from accident, death of the party, informality in vouchers, or actual indebtedness. But the latter term is usually employed in a more restricted sense than the former, and generally includes only such cases as are supposed to consist of real culpable indebtedness of public officers after being legally required to make payment.

It is difficult for the Comptroller to discriminate between these two classes of cases on the books, when they are so numerous and of such long standing; and in order to prevent misapprehension, and a failure to give all the information which was desired, the nominal defaults and amounts, before as well as since October 1, 1837, have, in both statements, been arranged by him in one column, and the supposed amounts of the real indebtedness, unpaid and withheld, so far as known in the accounting offices, have been appended in notes and in another column of remarks. The amounts believed to be secured, or not due in several cases, will also appear in the notes and remarks attached to both of the statements.

The result of the present exhibit is, that since October 1, 1837, no case of defalcation, except that of the late collector at New York, explained already in a special communication, is known to have occurred among the whole number of collectors of duties, amounting to more than one hundred, and that only nine nominal defaults, among near seventy receivers, have happened, and most of those of small amount, and all of them are believed to be well secured.

2. The next inquiry is, "what amount has been paid, or what balances appearing due from defaulters in the report of the 17th January last, 1838, have been adjusted and reduced." Other tabular statements on this subject are annexed, prepared by the Comptroller, and revised by the Solicitor. They show the amounts since paid, and by whom; whether in full or in part; and the further amounts in several cases, supposed to be secured. A previous statement has been prepared in the Comptroller's and Register's offices, and sent to the Senate, in answer to a resolution of that body, which, in each case of collectors duties, exhibits likewise the amount of allowances claimed, which are known to have been offered and suspended. A similar one as to receivers is in the course of preparation.

Besides proper deductions on these accounts, it is believed, from inquiry and observation, that since the year 1789 near twenty per cent. of the balances in the cases of collectors and receivers has, by death and accidents, not been presented and allowed on the books, though, on a full examination, they might be with justice, were all the facts thoroughly known.

In concluding the remarks on this branch of the resolution, it deserves special notice, that by the Comptroller's statement it appears that, notwithstanding the pressure of the times, from a third to half a million, or \$426,807, have been collected, secured, or reduced, in little more than a year, from the balances against this class of officers, who were nominally in default previous to October, 1837.

Suspended vouchers exist against the remainder to the amount of near \$400,000 in the case of collectors, and to a large amount not yet ascertained in that of receivers. It would seem also, that twenty cases out of about one hundred and seventy in all, have been entirely paid, or more than one ninth of the whole number, and that several have, besides, been much reduced in amount, and many others fully secured.

The Comptroller has not considered the defaults of the banks as coming within this part of the resolution; but the payments made by them since October, 1837, on the balances in default,

have been reported to the House of Representatives at the present session, in answer to another resolution, except as respects the old cases of many years' standing, and which remain not very materially altered.

3. The last part of the resolution requests "the correspondence touching defalcations of receivers and collectors of the public money since the Department furnished document No. 297."

This portion of the call is presumed to extend only to the correspondence which is in my own office; otherwise, a difficulty would exist in answering it early, similar to that which occurred in the document No. 111, as it would require a transcript of almost the whole records of the office of the Solicitor of the Treasury, during the period specified, and which, though able to be given without much delay in any particular case, might not, in all cases on record, be completed seasonably. The present call may likewise be presumed to extend to the correspondence in my own office, received as well as sent, since the request is for all "correspondence touching defalcations."

But none of the letters received, offering reasons for irregularities and delays in several instances, were given in document No. 297, because that resolution was confined to "letters written by" this Department. Another difference is, that the correspondence now called for and submitted relates to *defalcations* alone, while the request in document No. 297 was for all the letters written by the Department, as to "omissions to comply with the laws and regulations established for their government and other irregularities," as well as *defalcations*. It deserves notice that very little, if any, of the correspondence then or now submitted, relates to *defalcations* after they have been ascertained by the accounting officers, or after they appear on the appropriate books in their charge. In that stage of the case, if letters are written, they are confined chiefly to the Comptroller's and Solicitor's offices, where all defaults are generally investigated and prosecuted. The reasons for *any* previous correspondence are briefly these: it sometimes happens that, before defaults are legally ascertained on the books of the Comptroller, suspicions are excited in the office of the Secretary of the Treasury, by letters received, or other information from third persons, or by delays and irregularities in complying with orders or regulations of the Department. These last happen weekly, if not daily, in such a widespread country, parts of it so new and remote as is much of ours, and with such a vast number of officers connected with the collection, keeping, and disbursing of great amounts of public money. It would, then, seem prudent, or at least it is vigilant and useful, not to wait for the quarterly settlements in the accounting offices to ascertain the fact whether a culpable default has happened or not, but to cause an inquiry into the subject, informally, beforehand. In such cases, therefore, this Department has of late years, if not always, been in the habit of immediately addressing letters of inquiry and of advice concerning informalities, irregularities, and any acts of a doubtful character. By the replies obtained—sometimes quick, though often tardy, being from great distances, and some new regions where the mails are unfrequent, occasionally irregular, and the returns slower than from some foreign countries—it has at times, before the accounts were quarterly settled in the proper offices, succeeded in discovering whether a real defalcation existed or not, and whether the money apparently due could not be obtained without the expense and delay of a suit.

Not seldom, however, such correspondence is from necessity protracted through several months, and then terminates, sometimes in the removal of all suspicion of wrong, sometimes in a satisfactory payment of the money in doubt, sometimes in a correction of all irregularities or informalities, and sometimes in a conviction that there has been a willful default.

Hence this practice has operated usefully. It is courteous, as would seem proper, towards public officers not yet legally shown to be in default, and it is conducive to the public security, by leading, frequently, to more prompt payments. Under a system of greater harshness in ascertaining defaults, by presuming their existence on slighter grounds, and before tested by the quarterly settlements, more removals from office, and more frequent suits, would take place; but they

would often prove to be undeserved, would operate at times oppressively, and add nothing to eventual safety. Nor could they in any respect be beneficial compared with that increased severity in the law which has so frequently been recommended, and is so desirable in a moral as well as fiscal view, for punishing defaults after they are clearly ascertained.

During these preliminary inquiries, it is customary for the Department to keep the President advised of their progress, so that if the correspondence terminates unfavorably, the officer found guilty of a deliberate wrong, if not in the mean time resigning, may be promptly removed by the appointing power, without waiting for a defalcation to appear by the quarterly settlements. The President is in a habit of doing this when fully satisfied that the default has been willful, and that the money will not be paid over in conformity to instructions, and without a suit and its accompanying cost and delays. All the correspondence in such cases may be considered as "touching defalcations," and therefore in this report, as well as in document No. 297, has been given in all cases where the supposed defalcations turned out in the end to be real. If in either instance this has been doing more than was necessary, it was considered better to furnish everything that could possibly be embraced within the resolution, than to omit anything pertinent.

But in neither instance has such correspondence with "other depositaries" been given, though very extensive, with the deposit banks in default, because *other depositaries* are omitted to be specified in this branch of the resolution, which they expressly enumerated in the first branch of it.

Since the document No. 297, no correspondence by this office with any collector, except the late one at New York, and none with any receiver, except in six cases, has taken place where the party appeared, in the end, to have been guilty of a defalcation to any amount whatever. When other cases of defalcations have been detected, they have been, as is customary, ascertained by the accounting officers at the regular settlements, and all communications concerning them have been had with those officers or the Solicitor. In some few instances, when doubt arose, and the correspondence has, from abundant caution, been instituted in this office before the quarterly settlements took place, it has resulted in satisfactory explanations; and no real defalcation is known or believed to have occurred. In one case the investigation has not yet terminated; consequently, copies of neither of these last are supposed to be required under the present resolution.

Very respectfully, your obedient servant,  
LEVI WOODBURY,  
Secretary of the Treasury.

Hon. J. K. POLK,  
Speaker of the House of Representatives.

The House adjourned.

#### IN SENATE.

TUESDAY, January 29, 1839.

Mr. LUMPKIN presented the petition of Dr. Chapin, Andrew Rothwell, and George Wood, in behalf of the trustees of Columbian College, in the District of Columbia, praying permission to sell a portion of the city lots granted to that institution by Congress, for the purpose of raising money to defray the expense of certain professorships; which was referred to the Committee on the District of Columbia.

Mr. PIERCE presented the petition of Thomas Brown, praying for a pension; which was referred to the Committee on Pensions.

Mr. MOUTON presented the petition of James B. Sullivan, of Louisiana, praying confirmation of his title to a tract of land; which was referred to the Committee on Private Land Claims.

Mr. WHITE presented a communication from the Secretary of War, asking for an appropriation for the removal of the Swan creek and Black river Chippewas; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. LINN presented the remonstrance of sundry citizens of Wisconsin, against the passage of any act to grant titles to land held under floats in the town of Milwaukee; which was referred to the Committee on Public Lands.

Mr. L. presented some additional papers in

support of the claim of Ashbel Mason; which were referred to the Committee on Private Land Claims.

Mr. L. also presented the petition of George P. Willis and others, who, desiring to emigrate to the Oregon territory, ask for grants of land, and that protection of the Government may be extended to their settlement; which was laid on the table.

Mr. BENTON presented the petition of Mary Helena America Vespucci, a young lady of Florence, descendant of the celebrated Americus Vespucci, one of the renowned navigators of the fifteenth century, and whose name this continent bears.

Mr. B. said, this petition states the reason which has induced, or rather constrained, this young lady to leave her own country and to seek an asylum in the United States; it also states her reasons for making the requests which the petition contains for the rights of citizenship and a grant of land. He would pass the petition to the table, and ask that it might be read by the Secretary.

The petition was then read by the Secretary.

Mr. B. said that the petition which had just been read, or rather translated by the Secretary, for it was in the French language, was entirely the composition of the petitioner herself. He had seen it in the first draft, and had recommended that nothing, in point of form even, should be altered, and that the petitioner should present her own case in her own language. It was not precisely in the style of petitions drawn up by our own citizens; but what it lacked in parliamentary form it might make up in the more essential qualities of precision and simplicity. The young lady had certainly presented her case delicately and powerfully. She touched with brevity and with feeling the events and circumstances which had thrown her upon this continent, and brought her to solicit the aid of the Congress of the United States. Political reasons had caused her to withdraw from her own country, and in that respect she stood on a footing with others who had heretofore received the friendly aid of this Government. She did not go into a detail of these political reasons—delicacy of feeling, and the brevity of a petition preventing it; but they were known to history, and might be verified by those who should be charged with the inquiry. She was the descendant of one of those renowned navigators—old father mariners, as she felicitously terms them—whose courage, skill, and enterprise illustrated and illuminated the fifteenth century, and, in the course of a few years, changed the face of the world. She was the descendant, and bore the name, of that one of these patriarchal mariners who christened the New World with his own appellation, and caused us to be called Americans. She inherits the blood of that Americus Vespucci whose name has rested for three centuries and a half upon this quarter of the globe, and which will remain upon it forever. She does not call him the discoverer, but the christener and baptiser of the New World. She is now without a country, without protection, without fortune; and she asks for a corner in that land which bears the name of her family, and for the right of citizenship among those who wear the title of Americans.

Mr. B. said it was due to the young lady herself, it would go far towards presenting her in a proper point of view before the Senate, that he should say that, before her arrival in this city, before he had seen her, or heard anything from her, her name was mentioned to him by the French Minister, (Mons. de Pontois,) who stated that she might have some request to make of the Government, and asked if he would take charge of her application. I readily agreed to his request, convinced that a Minister of France could ask nothing of an American Senator which it would be unbecoming in him to do. I agreed to present the petition of the young lady before I saw her. I do not repent of that undertaking. She has now been in this city for some weeks; she has become acquainted with many besides myself; and now, after this appearance among us, and after opportunities for knowledge, and time for forming opinions, I comply with my undertaking, and present her petition—present it, not as a matter of form, and in discharge of an obligation, but with good will and good wishes for her petitioner.

At present, we have nothing to do but to commit the petition. The subject-matter of it does not particularly or exclusively refer itself to any one of our standing committees; but as the main application is for a grant of land, and as similar petitions heretofore from Europeans, exiled for political opinions, have been referred to the Committee on Public Lands, I shall move a similar reference in this case, and that the petition be printed in French and English.

Mr. CLAY, of Alabama, suggested that there was one part of the petition which referred itself to another committee than that on the public lands, and that was the part praying for the rights of citizenship. He would suggest, therefore, that that part of the petition be referred to the Committee on the Judiciary.

Mr. BENTON accepted the modification suggested by Mr. C.; and the first part of the petition, asking for a grant of land, was referred to the Committee on Public Lands; while the part asking for the rights of citizenship was referred to the Committee on the Judiciary.

#### REPORTS FROM COMMITTEES.

Mr. HUBBARD, from the Committee on Claims, reported, without amendment, the bill for the relief of the Louisville Savings Institution. Also, the bill for the relief of Archibald H. Hunter.

Mr. H. also, from the same committee, asked to be discharged from the further consideration of the petition of Abraham Cunningham; which was agreed to.

Mr. LINN, from the Committee on Private Land Claims, to which had been referred the petition of the legal representatives of Elihu Hall Bay, reported the same without amendment.

Mr. MOUTON, from the Committee on Private Land Claims, reported—

The bill to confirm certain land claims in the State of Louisiana;

The bill for the relief of the heirs of William Conway; and

The bill for the relief of Pierre Barbour; which were severally read, and ordered to a second reading.

Mr. STRANGE, from the Committee on Patents and the Patent Office, reported a bill in addition to an act to promote the useful arts; which was read, and ordered to a second reading.

Mr. NILES, from the Committee on Manufactures, to which was referred the memorial of — Towns and others, citizens of New York, for the abolition of the duty on foreign coal, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. YOUNG, from the Committee on Claims, to which was referred the memorial of Thomas Glascock, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on Revolutionary Claims; which was agreed to.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the petition of — Rogers, asked to be discharged from the further consideration thereof; which was agreed to.

#### BILL INTRODUCED.

Mr. ROANE, on leave, and in pursuance of notice given, introduced a bill for the relief of the widow and heirs of the late Lewis Grant Davidson; which was read twice, and referred to the Committee on the District of Columbia.

#### RESOLUTIONS.

Mr. HUBBARD submitted a resolution calling upon the Secretary of the Treasury for certain papers in relation to the claim of Charles J. Catlett; which was considered and agreed to.

Mr. CLAY, of Alabama, presented a resolution, directing an inquiry into the propriety of compensating William Wall for a horse lost in the public service; which was adopted.

Mr. LINN submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Secretary of State be requested to send to the Senate a copy of the report of the commissioners appointed to run the southern boundary line of the Territory of Iowa.

Mr. KING submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Committee on Indian Affairs be instructed to inquire into the expediency of authorizing patents to issue in the name of the assignee or assignees of

such persons whose names shall appear upon the list of reserves, returned by the United States agent for the Choctaws, as entitled to reservations under the fourteenth article of the treaty of 1830 with the Choctaw Indians: *Provided*, The assignment shall be, in all respects, regular; and satisfactory proof shall be made of the fairness of the contract to purchase, and the payment of the purchase money.

#### REPEAL OF SALT DUTY.

On motion of Mr. BENTON, the Senate proceeded to the consideration of the leave asked by him to introduce a bill to repeal the duty on salt, and the fishing bounties and allowances dependant thereon.

A debate then ensued, in which Messrs. WILLIAMS of Maine, BENTON, DAVIS, BUCHANAN, NILES, and RUGGLES, took part.

Mr. RUGGLES moved to lay the whole subject on the table; which motion was negatived—yeas 12, nays 24; as follows:

YEAS—Messrs. Calhoun, Crittenden, Davis, Knight, Lumpkin, McKean, Nicholas, Norvell, Ruggles, Southard, Tallmadge, and Williams of Maine—12.

NAYS—Messrs. Benton, Brown, Buchanan, Clay of Alabama, Clay of Kentucky, Fulton, Hubbard, King, Linn, Lyon, Mouton, Niles, Prentiss, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Tipton, Wall, White, Williams of Mississippi, Wright, and Young—24.

The Senate then adjourned.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, January 29, 1839.

On motion of Mr. FLETCHER, of Massachusetts, and by unanimous consent, the bill for the relief of Winslow Lewis was read a third time and passed.

#### MAIL STATISTICS.

Mr. BRIGGS, on leave, submitted the following resolution; which was agreed to:

*Resolved*, That the Postmaster General be directed to communicate to this House, on the earliest convenient day of the next session, the distance of mail routes established by law in the whole United States, and the distance in each State and Territory, the number of miles the mails may have been transported in the United States and in each of said States and Territories during the current year, the average cost per mile, and the aggregate cost in the same; and the amount received for postages in each State and Territory, and the whole amount paid to postmasters for their services during the same period. That he also be directed to report the whole number of letters carried in the mail during the said period, charged with postage, designating the number under each denomination of postage, and the amount of postage on each class, the amount charged on newspapers, pamphlets, and periodicals, and the number of free letters carried during the same period. That said Postmaster General be further directed to state what, in his opinion, would be the effect upon the revenues of the Department, by establishing the following tariff of postages on letters, viz: On letters carried eighty miles and under, five cents; over eighty and not exceeding two hundred miles, ten cents; over two hundred and not exceeding four hundred miles, fifteen cents; over four hundred miles, twenty cents; and to state what other tariff, fixing the rates in Federal money, and having in view the greatest reduction consistent with the necessary means of the Department, if any, in his opinion would be more just than the above. And that he also state what alterations, if any, may be made in the present rates of postages on newspapers, pamphlets, and periodicals, so as to promote the circulation of information, without detriment to the revenue of the Department. That he report a plan for putting up and regulating boxes in post offices in large towns; and that he also be directed to submit a plan for regulating the transmission of letters between this and foreign countries.

#### REPORTS FROM A COMMITTEE.

Mr. CAMBRELENG, from the committee of Ways and Means, reported a bill making appropriations for preventing and suppressing Indian hostilities for the year 1839.

Also, with an amendment, Senate bill supplementary to the act establishing the Mint of the United States.

Also, a bill to repeal the proviso of the second section of an act approved the 3d of March, 1837, which authorizes the Secretary of the Treasury to compromise the claim of the United States against certain banks. [It relates to the Alleghany Bank of Pennsylvania.]

The bill, on Mr. C.'s motion, was ordered to be engrossed for a third reading to-morrow.

#### CHEROKEE QUESTION.

Mr. CAMBRELENG stated that, in the report he submitted a few days ago on the state of the finances, there was contained a document furnished by the Indian department, containing a statement which was correct; but there was a note appended to it which was incorrect, and did injustice to two members of the House, [Messrs. EVERETT and BELL,] and he was instructed by the

Committee of Ways and Means to move that that part of the report be corrected, by striking therefrom the passage referred to.

Mr. MERCER moved to lay the motion on the table, but subsequently withdrew it.

Mr. EVERETT explained his course on the Cherokee question, to show that the note referred to had done him two-fold injustice, though he was not very solicitous about it.

Mr. BIDDLE moved to commit the motion, so that the report might be amended in other particulars, especially in reference to that part of it which reviewed the pension system, and went on to reply to the argument of the report on this and other subjects.

Mr. CAMBRELENG made a brief explanation in reply.

Mr. PICKENS expressed his gratification that the gentleman from Pennsylvania had come out thus early in opposition to the principles of this report—a document to which Mr. P. gave his most cordial and hearty support. He rejoiced that the Committee of Ways and Means had thrown out such a document, and would to God that an issue could be made upon it before the people of this country; and he took that occasion to say, that let any party act upon the principles of this report, and they may always rely upon his open and unqualified support; no matter where they came from, whether from the North, the South, or the middle section of this country. It is a report congenial to the spirit and genius of our institutions, and purely republican in all its sentiments and propositions; and he desired to see the test vote upon the motion of the gentleman from Pennsylvania, and hoped that vote would be understood as a vote which was to range parties upon the questions touched upon in that report.

The gentleman from Pennsylvania had condemned the reference to the tariff in the report. In this, Mr. P. thought the committee had acted wisely; for was there a gentleman upon that floor, was there a tyro in politics, who did not know that, at this very moment, parties were organizing in this country with a view to meet the crisis which would come on in 1842, when the compromise act would expire? They all knew it, and the committee acted honestly and judiciously in meeting the question in advance. Why, the measures of this very Congress, remote as they would seem to be, will have an important bearing on it. Exhaust your Treasury, vote away all the public money upon profligate schemes of appropriation, and you will be compelled either to issue Treasury notes or to borrow money. And what must inevitably follow? You must increase your taxes on imports; you must raise the tariff. The gentleman from Pennsylvania has attacked the principles of the report upon these points; he has indicated his course; he has even quoted the title to the first act passed under the Federal Constitution, to prove that protection to manufactures was coeval with our Government, &c.; but yet, forsooth, the gentleman protests against his committing himself upon this point. He may quote the titles to all your first acts, to prove the constitutionality of your tariffs, but such quotations would fail to convince him, (Mr. P.) They would fail to show that they were congenial with the first principles of the Constitution. Yet he would not discuss these points at present; he would only say that he should rejoice to shiver a lance with the gentleman, on these subjects, at the proper time; and he was proud to say that he should have to meet in this conflict the shield of even a Knight Templar.

The principles of this report (added Mr. P.) are the principles of reform and retrenchment, which seem to be the popular doctrines of the day. Now he wanted to see who are the gentlemen prepared to do their lip service to the goddess of reform, and to bow down and worship, in their hearts, profligacy and recklessness of expenditure. Vote appropriations, as you have done heretofore, with an utter disregard to the condition of the Treasury, and you will be compelled to issue Treasury notes or borrow money. He repeated, in conclusion, that he desired to see parties ranged under the principles of that report. It was a noble document, and the party which took its stand upon it would risk much at first, but would triumph in the end. We were now about to take a new latitude and departure, and

he desired to see the other side come out. Mr. P. rejoiced that the gentleman had made his motion, and again expressed a hope that it would be considered as a test question.

The orders of the day were then proceeded to.

#### SEMINOLE INDIANS.

Mr. EVERETT, on leave, from the Committee on Indian Affairs, reported a bill to provide for the location and temporary support of the Seminole Indians removed from Florida.

#### APPROPRIATION BILLS.

On motion of Mr. CAMBRELENG, the House went into the Committee of the Whole on the state of the Union, (Mr. BANGS in the chair,) on the appropriation bills; and, on motion of the former gentleman, they were taken up in the following order:

The bill making appropriations for the payment of revolutionary and other pensioners for the year 1839, was considered and ordered to be reported without amendment.

The bill making appropriations for the protection of the northern frontier of the United States was amended; and, after a brief discussion between Messrs. CAMBRELENG, BELL, GARLAND of Louisiana, and BRONSON, was ordered to be reported to the House.

The bill making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes, for the year 1839, was amended in a few particulars, and laid aside.

The bill making appropriations for the support of the naval service for the year 1839, was amended, and laid aside.

The bill making appropriations for the support of the Army for the year 1839, was taken up; and after some amendments, moved by Mr. CAMBRELENG, had been agreed to.

Mr. CRARY moved to strike out the following clause:

"For taxes on the Passyunk arsenal, near Philadelphia, for the year 1839, \$785 50."

Mr. CAMBRELENG explained that the United States had never yet acquired jurisdiction over this property from the State.

Mr. CRARY. Then that offers an additional reason for the motion, and an irresistible one why an arsenal should be removed altogether, over which they could not claim jurisdiction.

Mr. MALLORY hoped the motion would prevail, for this charge was the only instance of the kind in the whole country.

The motion prevailed.

Mr. CALHOUN, of Massachusetts, complained of the reduction made in this bill of the item of \$300,000 for the national armories, from \$360,000, which had been appropriated in former years.

Mr. MASON, of Virginia, moved to add the sum of \$60,000 to the item, and advocated his amendment.

The amendment was briefly opposed by Messrs. CAMBRELENG and PETRIKIN.

Mr. PRATT was understood to be in favor of the amendment, and in the course of his remarks deprecated the principles urged by some, that the Government should manufacture for itself, instead of having her arms procured by means of private contracts. He contended that the Government had cares enough to occupy its various departments, without increasing them by becoming a great manufacturer, and showed that, so far as the economy of the matter was concerned, it results greatly to its advantage to have all its arms made by contract. There would not be that strict regard to economy in labor, in establishments owned by the Government, as all experience conclusively showed, as is used by private individuals; hence their ability to manufacture for the Government at a less rate than it could possibly be done by any other system it might invent or put in operation.

He was in favor of exciting a just competition among the mechanics. Let competition come in for its share. By creating this competition we excite among the mechanics a kind of emulation, which brings into requisition all their ingenuity, and causes developments and improvements in mechanism, which otherwise might be dormant and be lost to the world. He was opposed to this principle of Government manufactures for other, and, he conceived, as weighty reasons. He said,

in warm party excitement the conflict would be even carried into the Government work-shops. The party which might succeed would, in all probability, be induced to make political preferences, and would employ only those who might suit its political views; and thus, in the rise and fall of every Administration, we would witness a discharge and a new selection. He always wished to see the mechanics of our country occupy the high and independent ground they now stand upon, uninfluenced by the contaminating rule of party. He never wished to see man's labor so connected with the Government as to bias or control, in the remotest degree, his political principles or party preferences. The offices under the Constitution belong to the public, and are not created or conferred upon individuals for their peculiar benefit, but for the good and welfare of the community. But as a man's labor is his own private property, and belongs exclusively to himself, and which he alone has the right to guard and protect, therefore would he deprecate any state of things which would tend to violate this sacred right. It was for these reasons that he was opposed to what are called Government mechanics. Mr. P. said he was proud to be a mechanic himself, and wished to protect the interests of that worthy class of men, so far as his ability could have any influence. Believing, as he did, that it was a saving to the Government to continue to purchase or contract for such arms as were necessary, he would vote for the amendment, to continue the usual appropriation.

Mr. WILLIAMS, of North Carolina, obtained the floor, and opposed the amendment; it was further supported by Messrs. LINCOLN, MERCER, and CALHOUN of Massachusetts; when, on dividing the committee, there were—ayes 55, noes 42; no quorum. Tellers were ordered, and the vote was announced—ayes 52, noes 54; still no quorum.

On motion of Mr. MALLORY, the committee rose, and reported that fact to the House.

Mr. JOHNSON, of Maryland, moved a call of the House; and, on dividing the House by tellers, there were—ayes 39, noes 78; still no quorum.

On motion, the House adjourned.

#### IN SENATE.

WEDNESDAY, January 30, 1839.

A message was received from the President of the United States, inclosing a communication from the Secretary of the Treasury on the subject of balances reported on the books of the Treasury against disbursing agents of the Government, to which the President invites the attention of Congress; and,

On motion of Mr. CLAY, of Alabama, the documents were laid on the table, and ordered to be printed.

The VICE PRESIDENT communicated a report from the Secretary of War, in reply to the resolution of the Senate of the 22d instant, in relation to cannon and howitzers, inclosing a report from the colonel of ordnance on the subject.

On motion of Mr. CLAY, of Alabama, it was laid on the table, and ordered to be printed.

#### PETITIONS, ETC.

Mr. CLAYTON presented the petition of a number of citizens of Illinois, asking for a grant of lands in Oregon Territory; which was referred to the Committee on Public Lands.

Mr. BUCHANAN presented the memorial of Samuel Raub, jr., relative to steam-boilers and safety-valves, and at the same time presented some additional documents showing new and valuable improvements made by Mr. Raub in the steam engine; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. LINN presented the petition of the heirs of Pierre Marden, asking confirmation of title to eight hundred arpens of land in Missouri; which was referred to the Committee on Private Land Claims.

Mr. WRIGHT presented the petition of General Jacob Vroom, collector of the customs for the district of Genesee, New York, praying for the passage of a law to authorize the settlement of his accounts on the principles of equity; which was referred to the Committee on Finance.

Mr. CLAY, of Alabama, presented the peti-

tion of sundry inhabitants of the Dubroca tract, in the State of Alabama, on the subject of the titles to their lands; which was laid on the table.

Mr. YOUNG presented three petitions from citizens of Green county, Illinois, praying for the establishment of certain mail routes; which was referred to the Committee on the Post Office and Post Roads.

Mr. ROANE presented a memorial of the corporation of the city of Washington; which was referred to the Committee on the District of Columbia.

#### BILLS INTRODUCED.

Mr. WRIGHT, on leave, and in pursuance of notice given, introduced a bill more effectually to secure public moneys in the hands of officers and agents of the Government, and to punish public defaulters; which was read twice, and referred to the Committee on Finance.

Mr. LINN, on leave, and in pursuance of notice given, introduced a bill to allow a drawback of duties on merchandise imported via Missouri to the provinces of Mexico; which was read twice, and referred to the Committee on Finance.

#### REPORTS FROM COMMITTEES.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the bill from the House for the relief of the Springfield Manufacturing Company, reported the same with an amendment; which was read.

On motion of Mr. CLAY, of Alabama, the Committee on Public Lands was discharged from the further consideration of the petition of Richard Cogan.

#### NOTICE OF A BILL.

Mr. HUBBARD gave notice that he would tomorrow ask leave to introduce a bill making a grant of land in aid of certain internal improvements in Wisconsin.

Mr. BENTON moved that three papers received from the Adjutant General's office, showing the number of lives lost in the campaigns in Florida, be printed; which motion was agreed to.

The bill from the House for the relief of Winslow Lewis was read twice and referred.

After a short time spent in executive business,

The resolution submitted some days ago by Mr. BENTON, calling upon the Secretary of the Treasury for a statement showing what would be the deficiency in the Treasury, had the bill for distributing the proceeds of the public lands, which was vetoed by President Jackson, become a law, was taken up; when

Mr. TALLMADGE moved to lay it on the table.

Mr. BENTON called for the yeas and nays on this motion; which, being ordered, resulted as follows:

YEAS—Messrs. Clayton, Davis, Knight, Merrick, Prentiss, Robbins, Ruggles, Smith of Indiana, Southard, Spence, Swift, Tallmadge, and White—13.

NAYS—Messrs. Allen, Benton, Buchanan, Clay of Alabama, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Nicholas, Niles, Norvell, Pierce, Roane, Robbins, Robinson, Ruggles, Sevier, Smith of Connecticut, Southard, Spence, Strange, Swift, Tallmadge, Webster, White, Williams of Maine, Williams of Mississippi, Wright, and Young—23.

The question then recurring on the adoption of the resolution, it was decided in the affirmative—yeas 37, nays 1; as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Clay of Alabama, Clayton, Davis, Fulton, Hubbard, King, Knight, Linn, Lumpkin, Lyon, Merrick, Nicholas, Niles, Norvell, Pierce, Prentiss, Rives, Roane, Robbins, Robinson, Ruggles, Sevier, Smith of Connecticut, Southard, Spence, Strange, Swift, Tallmadge, Webster, White, Williams of Maine, Williams of Mississippi, Wright, and Young—37.

NAY—Mr. Smith, of Indiana—1.

The remaining resolutions on the table were then adopted.

The resolution submitted by Mr. TIPTON, from the Committee on Roads and Canals, on the subject of the improvement of the harbor of Michigan City, was taken up; and after some remarks from Messrs. KING, SEVIER, YOUNG, and NORVELL, was laid on the table.

On motion of Mr. DAVIS, the amendments of the House to the bill to renew the patent of Thomas Blanchard, were taken up; and after some remarks from Messrs. DAVIS, BENTON, SEVIER, NILES, and STRANGE, were laid on the table.

#### REPEAL OF SALT DUTY.

On motion of Mr. BENTON, the question on

granting leave to him to introduce a bill to repeal the duty on salt, was taken up; and after some remarks from Messrs. RUGGLES, SOUTHARD, BENTON, WILLIAMS of Maine, and CALHOUN.

Mr. NORVELL said, that in voting, as he should, for granting leave to bring in this bill, he did not desire to be considered as committing himself as to his vote upon the bill itself. His present impression was that he should go for an entire repeal of the duty upon salt, but against the abolition of the bounty to the fisheries.

The question was then taken, and decided in the affirmative—yeas 20, nays 19; as follows:

YEAS—Messrs. Allen, Benton, Clay of Alabama, Fulton, Hubbard, King, Lima, Lumpkin, Lyon, Mouton, Niles, Norvell, Pierce, Robinson, Sevier, Smith of Connecticut, White, Williams of Mississippi, Wright, and Young—20.

NAYS—Messrs. Buchanan, Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, Knight, McKean, Morrill, Nicholas, Rives, Roane, Robbins, Ruggles, Southard, Swift, Tallmadge, Webster, and Williams of Maine—19.

Leave having been thus given, the bill was then read twice, and referred to the Committee on Finance.

On motion of Mr. KING, the bill for the benefit of the Alabama, Florida, and Georgia Railroad Company was taken up for consideration, and, after some explanatory remarks from Messrs. KING and LUMPKIN, in explanation, it was ordered to be engrossed.

On motion of Mr. WEBSTER, the bill for the extension of time for paying duties on railroad iron imported by the Alabama, Florida, and Georgia Railroad Company was taken up for consideration, and, after an amendment extending the same privileges to the State of Illinois, it was ordered to be engrossed.

On motion of Mr. MERRICK, the joint resolution directing the manner in which certain laws of the District are to be executed, was taken up.

Mr. SEVIER was in favor of the object of the resolution, which provided for granting a pre-emption right to a squatter on the public lands; but thought that the case was embraced by the pre-emption law of last session, and that the Commissioner of the General Land Office was authorized to grant the desired relief.

A long and amusing debate ensued, in which Messrs. MERRICK, ROANE, BUCHANAN, CLAY of Alabama, BENTON, and SEVIER participated; and the joint resolution was ordered to be engrossed for a third reading.

The Senate then adjourned.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 30, 1839.

The SPEAKER laid before the House a letter from Hon. EDWARD B. HUBLEY, communicating the resignation of his seat as a member of the present Congress; which was laid on the table.

### REFERENCE OF PRESIDENT'S MESSAGE.

On motion of Mr. HAYNES, the House went into the Committee of the Whole on the state of the Union (Mr. ADAMS in the chair) on the President's annual message; the question immediately under consideration being on the following resolution, the twelfth of the series moved by Mr. HAYNES for the distribution of that document among appropriate committees:

*Resolved*, That so much of said message as relates to the questions arising out of the mandamus issued by the circuit court of the District of Columbia, at the relation of Stockton and Stokes, against the Postmaster General, be referred to the Committee on the Judiciary.

Mr. CRARY concluded his remarks in reply to Mr. BELL principally, and the Opposition generally, and which will be given hereafter.

Mr. CLARK spoke for an hour and a half in explication of the course of the Conservatives. He contended that the Whigs and Conservatives thought alike, and it was their duty to act alike. He denounced the doctrines embodied in the message of the President, at the extra session, as heterodox and damnable; and that he would not have voted for the Speaker, had that document been read previous to the election. He denied that the Administration had ever been in the majority in the House upon any great public measure; that they were now in the minority, and trusted in God that they ever would continue to be so long as they attempted to carry out certain measures.

Mr. MASON, of Virginia, disclaimed, so far as he and the Conservatives of the South were concerned, that the Whigs and Conservatives had formed an alliance; and never could form an alliance with the Whig party. He claimed to stand isolated from both the great political parties. The opinions of the leaders of the Whig party were antipodes to those he held; and should they get into power, the bank, the tariff, and internal improvement by the General Government, would be their leading policy, which he, for one, could never advocate. He disclaimed the views of the gentleman from New York, [Mr. CLARK,] not for himself alone, but for all the Conservatives of the South. If the Whigs should get into power, and carry out the principles they entertain, whether here or in Virginia, he would be in the opposition.

Mr. THOMPSON obtained the floor, and on his motion the committee rose.

### APPROPRIATION BILLS.

The House then went into the Committee of the Whole on the state of the Union, (Mr. BANKS in the chair,) and resumed the consideration of the appropriation bills.

Mr. EVERETT, chairman of the Committee on Indian Affairs, called up the bill appropriating \$10,000 towards the expenses of providing a location for the Seminole Indians when removed; which was agreed to without amendment, and laid aside to be reported.

Mr. BRONSON endeavored to have the bill amended which provides for the defense of the northern frontier; but his amendment was pronounced out of order.

The committee, after some desultory conversation about a clerk for the superintendent of the Western Territory, rose and reported the following bills; which were severally ordered to be engrossed:

A bill making appropriations for the payment of the revolutionary and other pensioners of the United States for the year 1839.

A bill making an appropriation for the protection of the northern frontier of the United States;

A bill making appropriations for the current and contingent expenditures of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year 1839;

A bill making appropriations for the naval service for the year 1839;

A bill to provide for the location and temporary support of the Seminole Indians removed from Florida.

### FALMOUTH AND ALEXANDRIA RAILROAD.

Mr. MERCER asked the assent of the House to take up the bill, which had been ordered to be engrossed, entitled "A bill giving the assent of Congress to an act of the General Assembly of Virginia, entitled 'An act incorporating the Falmouth and Alexandria Railroad.'"

Mr. PETRIKIN objected to taking the bill up out of its order; whereupon,

Mr. MERCER moved to suspend the rules for that purpose; which motion the House agreed to.

The question was taken, and the bill was passed.

### VIRGINIA MILITARY LAND WARRANTS.

The next bill on the Calendar was then taken up and passed, viz: "A bill to repeal the second section of an act to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office."

### EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House the following message from the President of the United States:

*To the House of Representatives of the United States:*

I transmit herewith a communication received from the Secretary of the Treasury, on the subject of the balances reported on the books of the Treasury, against collecting and disbursing officers of the Government, to which I beg leave to invite the early attention of Congress.

M. VAN BUREN.

January 28, 1839.

Also, a communication from the Commissioner of the General Land Office, transmitting documents in relation to the marking of the southern boundary line of the Territory of Iowa, from Albert M. Lea, Esq., the commissioner appointed to attend to the duty.

On motion of Mr. BRONSON, it was referred to the Committee on Territories.

Also, a communication from the Secretary of War, transmitting a report from the Commissioner on Indian Affairs, the Quartermaster General, and Commissary General of Subsistence, inclosing the correspondence between these departments and General J. W. A. Sanford, in relation to the supplies purchased by the officers of Government for the Creek Indians.

On motion of Mr. MORGAN, the House then adjourned.

## IN SENATE.

THURSDAY, January 31, 1839.

Mr. SMITH, of Indiana, presented a petition, numerously signed by the citizens of Evansville, Indiana, praying Congress to establish a hospital at that place.

The petition shows the fitness of Evansville as a point for a hospital for the benefit of the commerce of the States of Illinois and Indiana in a striking manner. It states that over twenty thousand persons annually land at that point from the Ohio river, who reside in these States; that at least two thousand flat boats go out of the Wabash and White rivers, laden with produce for the lower markets, each year; that the number is rapidly increasing; that two thirds of the hands from these boats land, on their return, at that place, many of them bringing diseases from New Orleans and other places, which render them unable to proceed to their homes.

Mr. S. said, on his motion, Evansville had been inserted in the resolution of inquiry on this subject, as he was well satisfied of the necessity of a hospital at that point. He asked that the petition might be referred to the committee to which that resolution had been directed. The petition was so referred.

Mr. S. also presented a joint resolution of the General Assembly of Indiana, praying aid in the construction of the New Albany and Mount Carmel railroad, which, on his motion, was ordered to be printed.

Mr. SEVIER offered a joint resolution from the Legislature of Arkansas, on the subject of establishing the boundary line between Texas and this Government; which was referred to the Committee on Foreign Relations.

A joint resolution from the same, asking for an appropriation to complete the improvement of the Arkansas river; and a joint resolution from the same, asking for an appropriation to complete the road from the Mississippi river, opposite Memphis, to Little Rock; which were referred to the Committee on Roads and Canals.

Mr. CLAY, of Kentucky, presented the petition of Dr. E. A. Theller, who stated that he was a native of Ireland, and had been naturalized, and resides in this country; that he had joined in the expedition for the invasion of Canada, and had been taken prisoner; that he had been tried, and convicted of treason—the judge charging the jury on his trial that his act of naturalization in this country was null and of non-effect, and that no subsequent act could expatriate him from his original allegiance. Under these circumstances, Dr. T. asks that Congress should take some action on the subject, which would define the rights of naturalized citizens.

After some remarks from Mr. CLAY, of Kentucky,

Mr. NORVELL said that the memorialist was a citizen of Michigan. He was an intelligent man, but an enthusiast in whatever related to human liberty. He had sent to him the counterpart of the memorial just presented. The facts in the memorial were as stated by the Senator from Kentucky. The memorialist was a native of Ireland, but a naturalized citizen of the United States. In the early part of the past year, he embarked in the struggle for Canadian liberty. He was captured in the Upper Province of Canada, and taken to Toronto. There he was tried, condemned, and sentenced to execution on a charge of high treason against the Queen of Great Britain. The chief justice of the Province, who presided at the trial, instructed the jury that no subject of the kingdom could ever expatriate himself. Birth, and the residence of one hour in the British dominions, created a perpetual allegiance. From this allegiance the subject could never be exonerated, under any plea or pretense. The memorialist owed his present safety from the

penalties of treason, to his escape from the citadel of Quebec.

These were the facts which gave rise to this memorial. Upon these facts, the memorialist appeals to Congress to adopt measures for the adjustment of this question of perpetual allegiance claimed by Great Britain from all her native-born subjects, and for the protection of all such subjects as have become, or may become, naturalized citizens of the United States. The subject was certainly one of great importance. The doctrine of perpetual allegiance, asserted by Great Britain, was an absurd relic of feudal barbarism. It was incompatible with the Constitution and laws of naturalization of the United States. By those, British subjects may and do become American citizens. They are entitled, equally with our native citizens, to protection in all their lawful pursuits, wherever they may happen to be. This Government was bound thus to protect them, in peace and in war. Mr. Madison, in the last war with Great Britain, steadily maintained this principle, resisted the claim of that kingdom to the perpetual allegiance of her subjects after they had become our citizens, and repeatedly intimated his determination to retaliate for every injury inflicted upon our naturalized citizens, captured as prisoners of war, if they were punished on the ground of their being subjects, or if they were treated differently from other prisoners of war. The memorialist was mistaken in supposing that the treaty of peace between this country and Great Britain recognized the right of that kingdom to the perpetual allegiance of her native-born subjects. No such expression is to be found in those treaties. Our revolutionary ancestors were all British subjects at one time. In separating from the mother country, they ceased to be her subjects. And how could they, in the treaty of peace which recognized them as a separate and independent nation, permit Great Britain to assert any claim to the perpetual allegiance of those who were born within the British realms?

No principle is more clear than that the naturalized citizens of the United States possess all the right, and are entitled to all the protection, which could be claimed by native citizens. No duty is more imperative upon the Government than that of affording equal protection to the naturalized as to the native citizen; and he had no recollection of any failure on the part of any Republic or any Administration to perform its duty in this respect.

The circumstances which had produced this memorial were peculiar, and had embarrassed any action which the Government might have been disposed to take on the subject. The memorialist had, in his zeal for the liberty of a foreign province not prepared to assert its own freedom, invaded that foreign province; had, with a number of our native citizens, waged war upon the British authorities, while his own country was at peace and amity with them, and had been captured. He and his coadjutors had voluntarily, at least for a time, expatriated themselves. They had left their own country to engage in a foreign civil war. Now, in this situation, what right had our Government to exercise its power for their protection, except by way of friendly interposition? If the memorialist had been taken while fighting the battles of his adopted country; if, without committing aggression upon the established Government of a foreign Power, he had, while passing through any part of its dominions, been taken on any pretext, and tried for any offense not committed against the peace of that Power, and condemned on the claim of a perpetual allegiance from him, then this Government would have been bound to interpose for his protection, and would have protected him. As it was, the Executive acted with regard to him precisely as it did with regard to native citizens captured at the same time with him. It sent an agent to Toronto for the purpose of prevailing with the provincial authorities to release the prisoners; it made no distinction between the naturalized and the native citizen. What more could it do, without involving the nation in a war? It might have made a formal declaration that it would never recognize the principle of perpetual allegiance, as asserted in the trial and condemnation of the memorialist. It might, as intimated by the Senator from Kentucky, have remonstrated against that barbarous principle; but if it had done so, the

danger was, that he would have been forthwith ordered to execution, for the very purpose of showing a determination practically to maintain the British claim to the perpetual allegiance of their subjects. He had no doubt that this consideration had operated upon the Executive in this case. He had alluded to these facts to show that this Government had not been inattentive to its duty on this occasion.

He concurred with the memorialist in the praise awarded to the emigrants from Europe to this country. They were among our most useful and patriotic citizens. They were to be found side by side with our native citizens, "in every field of honorable enterprise." They were industrious, zealous, energetic, in whatever direction they turned their attention. In council, at the polls, wherever their adopted country's good demanded their devotion, their patriotism was equalled only by their manly boldness. In the battle field, their fearless daring and courage were proverbial. In the humble hut, in the more elevated dwelling, in their domestic relations, they were equally kind-hearted and hospitable. They were entitled, equally with the native citizen, to the protection of our laws. The national faith had been sacredly pledged and observed towards them; and he, for one, would never falter in his determination to see that faith, hereafter, fully redeemed in regard to all the pledges which their migration hither, and their adoption as citizens, required us to redeem. Less than this they could not expect; more than this they do not ask.

He hoped that the subject would be referred to the Committee on Foreign Relations. That very able committee would bestow upon it every attention which its importance demanded; and if they could present a law or declaration by which our naturalized citizens could be more effectually secured in all their constitutional and legal rights, and foreign Powers admonished that they would be required to treat our citizens of that description in precisely the same way in which native Americans were treated by them, no man would more sincerely rejoice than he would. He trusted that some effective measure could be suggested. All the evils of war ought to be encountered to maintain the rights of our naturalized citizens, as conferred upon them by the Constitution and laws of the United States.

The memorial was then referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. STRANGE presented a memorial from citizens of Wilmington, North Carolina, praying for the erection of a light-house on Cape Clear; which was referred to the Committee on Commerce.

Mr. DAVIS presented the petition of William B. Adams; which was referred to the Committee on Commerce.

Mr. PRESTON presented the petition of William Stacker; which was referred to the Committee on Claims.

Mr. MERRICK presented the memorial of the Friendship Fire Company of Alexandria, praying an appropriation of money to enable them to purchase new apparatus; which was referred to the Committee on the District of Columbia.

Mr. CLAY, of Alabama, presented some documents in relation to the bill in favor of settlers who have been deprived of the benefits of the preemption law of June, 1834; which were laid on the table.

#### RESOLUTIONS.

Mr. CRITTENDEN submitted the following resolution:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate the total amount of revenue, from all sources, which accrued and was received into the public Treasury, and the aggregate amount of the expenditures of the General Government, in all branches of the public service, during each year, from January 1, 1817, to January 1, 1839, distinguishing the payments made each year on account of the national debt; and that this information be reported in connection with that required by the resolution of the Senate on the 29th January, 1839, directing the Secretary of the Treasury to inform the Senate whether any, and, if any, how much, would have been the deficit in the Treasury if an act entitled "An act to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting lands to certain States," which passed both Houses of Congress, had received the approbation of the President, and been acted upon up to January 1, 1839.

Mr. WILLIAMS, of Maine, submitted the

following resolution; which was considered and agreed to:

*Resolved*, That the Committee on Finance, to which the bill for the abolition of the duty on salt, and of the bounty to fishing vessels was referred, be instructed to inquire into the expediency of abolishing the duty upon all breadstuffs, beef and pork, iron, sugar, molasses, and lead.

#### BILLS PASSED.

The joint resolution directing the manner in which certain laws of the District shall be executed, was taken up on its third reading, and passed.

The following bills were taken up on their third reading, and passed:

An act for the relief of the Alabama, Florida, and Georgia Railroad Company; and

An act to authorize the extension of time for payment of duties on railroad iron imported by the Alabama, Florida, and Georgia Railroad Company—ayes 24, noes 10.

#### REPORTS FROM COMMITTEES.

Mr. BUCHANAN, from the Committee on Foreign Relations, to which was referred the bill for the relief of Charles S. Walsh, reported the same without amendment.

Mr. SEVIER, from the Committee on Indian Affairs, reported, without amendment, the bill for the relief of Richard Banks.

Mr. LINN observed that the Committee on Private Land Claims had been assiduously engaged, for the last three years, in the discharge of their duties, and had reported a number of bills, which had passed the Senate, though but very few of them had been sanctioned by the other House, the others having failed for want of time. Now, this was very burdensome on the committee, and he hoped that this year they would be more fortunate. To avoid the difficulties which had hitherto stood in the way of these bills, he would move that, for the remainder of the session, the Saturdays of each week be set apart for their consideration.

This motion was agreed to.

On motion of Mr. BROWN, the Committee on Revolutionary Claims was discharged from the further consideration of the resolution in favor of the heirs of Robert Walker, and the petition of the heirs of William Merritt.

Mr. WALL, from the Committee on the Judiciary, to which was referred the bill to prevent the interference of certain Federal officers in elections, made a special report thereon.

The report having been read,

Mr. CRITTENDEN observed that this bill had been in the hands of the committee about a month and a half, of which he did not complain, as they had a right to give the subject the most ample consideration. He only desired that an early period might be allowed him for a discussion of this subject. He desired to bring to the notice of the Senate the sophistries by which this greatest vice in our system was defended. He thought that the respect due to a member of the body might have allowed the gentleman some more temperance of language in expressing his disapprobation of the bill. He now moved that the bill be postponed to, and made the order of the day for, this day week.

Mr. HUBBARD had no objection to the motion. He called for the reading of the report, because he confessed that he was somewhat surprised at the reading of the bill of the Senator from Kentucky. All he now rose for was to move that the report be printed, and also for the printing of an extra number of copies; and to test the sense of the Senate, he would move for the printing of ten thousand extra copies.

The report was here ordered to be printed; and the question arising on the motion to print the extra copies,

Mr. NORVELL suggested the propriety of ordering twenty thousand copies of this report to be printed. Notwithstanding the character ascribed to it by the Senator from Kentucky, he considered the report an unanswerable response to a bill which proposed to strike down the vital and fundamental rights of a large portion of the legal voters of the United States. He desired all his constituents to see this report. He should, therefore, prefer the printing of twenty thousand to the smaller number proposed.

The question was then taken, and ten thousand extra copies of the bill and report were ordered to be printed.

Mr. KING, from the Committee on Commerce, to which had been referred the bill for the relief of John Kern and John D. George, and the bill for the relief of Gilbert A. Smith, reported the same without amendment, and with a recommendation that they do not pass.

Mr. C., from the same committee, reported the bill for the relief of John A. Beall, with amendments; the bill for the relief of Frederick Pray, with an amendment; and the bill for the relief of Andrew C. Mettler.

Mr. C., from the same committee, asked to be discharged from the further consideration of the memorial of the Charleston Chamber of Commerce, to provide for the instruction of boys for the naval service, and from the petition of John Rainey; which was agreed to.

Mr. NILES, from the Committee on Foreign Relations, to which had been referred the bill for the relief of John Randolph Clay, reported the same without amendment.

The Senate then went into the consideration of executive business; after which it adjourned.

## HOUSE OF REPRESENTATIVES.

THURSDAY, January 31, 1839.

As soon as the Journal was read,

Mr. HAYNES asked leave to move that the House go into committee again on the President's message.

Mr. CAMBRELENG hoped the gentleman would suffer the bills reported yesterday to be read a third time.

Mr. HAYNES waived his motion for the present.

Mr. EVERETT, on leave, reported from the Committee on Indian Affairs, a joint resolution directing the Secretary of War to transmit to Congress a statement of the awards made by the commissioners under the Choctaw treaty; which was ordered to be engrossed for a third reading to-morrow.

Mr. NAYLOR asked the consent of the House to take up for consideration the resolutions submitted by him on Monday last, calling upon the Secretary of the Navy for copies of the charges alleged against Commodore Elliott for certain conduct, preferred by Midshipman Barton.

Mr. HAYNES said he must object to any interruption of the business properly before the House.

Mr. NAYLOR sincerely hoped the gentleman would withdraw his objection, for it was an act of justice to Commodore Elliott himself that this information should be communicated to the country.

Mr. HAYNES said the public business of the country was certainly second to no private inquiry, and, therefore, he must persist in his objection.

Mr. NAYLOR thereupon asked a suspension of the rules.

The motion was not agreed to.

Mr. LINCOLN, on leave, presented a communication from the Postmaster General to the Committee on Public Buildings and Grounds, setting forth the danger to which the books and papers of the Post Office Department are exposed, by reason of the combustible nature of the buildings now occupied by the said Department; which was laid on the table, and ordered to be printed.

Mr. DAVIES asked the House to take up the resolution submitted by him on Monday, proposing to change the daily hour of meeting of the House to ten o'clock, a.m.

Objection being made,

Mr. DAVIES moved a suspension of the rules, and asked for the yeas and nays.

The House refused both requests.

Mr. KENNEDY asked leave to call up the resolution submitted by him some days since, calling upon the Secretary of the Treasury for a return of such marine stores, supplied to the different navy-yards, as were not included in the regular contracts.

Objection being made,

Mr. K. moved a suspension of the rules, and the yeas and nays having been ordered on his call for them, were taken, and announced as follows: yeas 57, nays 74.

So the rules were not suspended.

Mr. CHAMBERS renewed the motion to sus-

pend the rules, for the purpose of calling up Mr. NAYLOR's resolution, relating to the affair between Commodore Elliott and Midshipman Barton, and the yeas and nays having been ordered on his call, they were taken, and were—yeas 91, nays 66.

Not being two thirds, the rules were not suspended.

Mr. GRAVES asked leave to submit the following resolution:

*Resolved*, That the Secretary of the Treasury be directed to report to this House whether Charles J. Ingersoll, late district attorney of Philadelphia, has paid all or any portion of \$76,491, for which he was reported a defaulter by the said Secretary on the 17th January, 1838; and also to furnish this House with all the accounts and demands of said Ingersoll against the Government during the continuance, or since the expiration, of the time he was in office.

Objection being made,

Mr. G. moved a suspension of the rules, and the yeas and nays having been ordered on his motion, they were taken, and were—yeas 97, nays 73.

So the rules were not suspended, not being two thirds.

Mr. MERCER made an ineffectual attempt to induce the House to suspend the rules to enable him to offer a resolution calling upon the Secretary of War for a return of the sums expended by the General Government in works of internal improvement.

Mr. RARIDEN presented certain joint resolutions of the Legislature of Indiana; which were referred to the Committee on Roads and Canals as the appropriate committee.

Mr. R. then asked leave to move the consideration of the resolution submitted by him on Monday last, calling upon the Secretary of War for a return of all disbursements by Indian agents, officers of the Army, &c.

Objection being made, Mr. R. moved a suspension of the rules, and demanded the yeas and nays; which, being ordered, were—yeas 73, nays 80.

So the rules were not suspended.

## EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, in answer to a resolution of the House of the 20th instant, giving a statement of the dates and amounts of official bonds of the collectors and naval officers at the ports of Philadelphia, New York, and Boston, with the names of the securities of the said collectors, &c.; which was laid on the table, and ordered to be printed.

Also, a communication from the Secretary of the Treasury, in compliance with an act of Congress, inclosing a statement of the contracts authorized by that Department during the year 1838; and a statement of contracts relating to light-houses, floating lights, beacons, buoys, stockages, &c.; which was laid on the table, and ordered to be printed.

## BILLS PASSED.

The following bills were read the third time and passed:

A bill making appropriations for the payment of revolutionary and other pensioners of the United States for the year 1839;

A bill to provide for the location and temporary support of the Seminole Indians removed from Florida;

A bill making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes for the year 1839; and

A bill making appropriations for the naval service for the year 1839.

The bill to provide for the protection of the northern frontier, was, at the suggestion of Mr. McKAY, postponed until to-morrow.

## APPROPRIATION BILLS.

Mr. CAMBRELENG moved that the House go into committee on the remaining appropriation bills; but, on dividing the House, the vote was—aye 57, noes 45; no quorum.

Mr. C. called for the yeas and nays; which, being ordered, were—yeas 91, nays 45; as follows:

YEAS—Messrs. Adams, Heman Allan, Banks, Beirne, Biddle, Birdsall, Bond, Bronson, William B. Calhoun, Cambreling, John Campbell, Casey, Chapman, Clowney, Coles, Connor, Cushman, Darlington, Dunn, Edwards, Evans,

Everett, Farrington, Richard Fletcher, Fry, Gallup, Grantland, Grant, Halstead, Hamer, Harrison, Hawkins, Henry, Holsey, Holt, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Jabez Jackson, Jenifer, William C. Johnson, Nathaniel Jones, Kemple, Kingensmith, Legare, Lewis, Lincoln, Loomis, Sampson Mason, Martin, McKay, Robert McClellan, Mercer, Montgomery, Samuel W. Morris, Murray, Noyes, Palmer, Parker, Parmenter, Paynter, Pearce, Peck, Potter, Pratt, John H. Prentiss, Randolph, Reed, Rencher, Richardson, Ridgway, Rives, Robertson, Russell, Saltonstall, Sawyer, Augustine H. Shepperd, Charles Shepard, Sibley, Snyder, Stuart, Stratton, Taliaferro, Toucey, Turney, Vail, Vanderveer, Webster, Whitteley, Lewis Williams, Worthington, and Yell—91.

NAYS—Messrs. Alexander, Ayer, Bell, John Calhoun, William B. Campbell, Carter, Chambers, Cheatham, Childs, Crabb, Cranston, Crockett, Davies, Ewing, Goode, William Graham, Graves, Harper, Hawes, Herod, Lyon, Mallory, Maury, Maxwell, Menefee, Mitchell, Calvary Morris, Naylor, Ogle, Poits, Putnam, Rariden, Shields, Slade, Stanly, Stone, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Sherrard Williams, Christopher H. Williams, and Word—45.

The House accordingly went into Committee of the Whole on the state of the Union, (Mr. BANKS in the chair,) and, on motion of Mr. CAMBRELENG, resumed the consideration of the annual Army bill.

The question pending was the amendment of Mr. MASON, of Virginia, to increase the proposed appropriation for the national armories from \$300,000 to \$360,000, (the amount in former years.)

Mr. JOHNSON, of Maryland, supported the amendment, and said he should consider the proposed reduction as a virtual abandonment of the system. He went on to show the large amounts of arms which had been manufactured in England and France within a short period of time; referred to the embarrassed condition of the United States during the war for the want of a proper supply of arms; and contended that it was not much better off at the present time; that there was much difficulty in the State which he in part represented to supply its volunteer companies, and had no doubt such was the case in other States. He thought if a reduction in the expenditures was necessary, it should begin with those who were the best able to bear it—the superintendents, paymasters, and other officers of the Government, and not by cutting off the means which keep in employment the poor mechanics. He appealed to the chairman of the Committee of Ways and Means to consent to the amendment of the gentleman from Virginia, [Mr. MASON.]

Mr. MURRAY warned the friends of the Administration against the renewal of the cry of extravagance which the Opposition have charged against it. Let them beware that they do not furnish the Opposition with weapons to carry on their war to overthrow it. He was not opposed to judicious appropriations; and trusted that his party would not be; but thought that the amount proposed by the Committee of Ways and Means was amply sufficient to carry on this branch of the public service, if due regard be had to economy. Mr. M. then went into a review of the more prominent measures of General Jackson's administration, and dwelt at some length on the Indian policy, replying to the remarks of Mr. EVERETT, some days ago, on the mode of executing the Cherokee treaty, and giving a history of the Seminole question, exonerating the Administration from all censure in that matter, but demonstrating that the whole had grown out of the perfidy and sanguinary spirit of those Indians. Nor were our reverses in Florida to be laid to the charge of the Administration, for the most skillful generals, and troops equal to any living, were sent there; but they had an unhealthy and deadly climate to contend with, boundless and trackless forests and swamps to wade through; were often without food and clothing; and yet, after enduring all these hardships and privations, they had met with little in return but abuse, while the Indian and his struggles had been lauded to the skies, and all were brought forward as so many arguments against the Administration. Mr. M. then went into an examination of the pension system, the expenditures of the Government, &c., and dwelt on these and various other topics at considerable length; a full report of which will be given hereafter.

On motion of Mr. CALHOON, of Kentucky, the committee rose and reported progress.

## EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House the fol-

lowing message from the President of the United States:

To the Senate and  
House of Representatives of the United States:

I herewith transmit a report from the Secretary of the Treasury upon the subject of commissions claimed by agents or officers employed by the General Government. The propriety of new legislation, regulating the whole matter by express laws, seems very apparent, and is urgently recommended to the early attention of Congress.

M. VAN BUREN.

WASHINGTON, January 30, 1839.

Also, a communication from the Secretary of the Navy, inclosing estimates of the appropriations for the naval service for the year 1839; which was laid on the table, and ordered to be printed.

On motion, the House adjourned.

## IN SENATE.

FRIDAY, February 1, 1839.

The VICE PRESIDENT communicated a report from the Treasury Department, prepared in obedience to the acts for establishing the Treasury, War, and Navy Departments, on the subject of the contracts authorized by the Treasury Department, with the expenditures under them, during the year 1838; which was laid on the table, and ordered to be printed.

The VICE PRESIDENT also communicated a similar report from the Navy Department; which was disposed of in like manner.

The VICE PRESIDENT also presented a communication from the Treasury Department, in compliance with the resolution of the Senate of the 30th instant, showing what would have been the deficiency in the Treasury, if the bill to distribute the proceeds of the sales of the public lands, which was vetoed by President Jackson, had become a law; which was laid on the table, and ordered to be printed.

A message was received from the President of the United States, transmitting a report from the Secretary of the Treasury on the subject of commissions claimed by officers and agents of the Government, and recommending the propriety of additional legislation, to regulate the whole matter by express laws; which was laid on the table.

## PETITION, ETC.

Mr. WRIGHT presented the petition of the officers of the United States revenue cutter *Rush*, praying that officers of the revenue service may be placed on the same footing as to pensions as the officers of the Navy; which was referred to the Committee on Naval Affairs.

Mr. LINN presented the memorial of sundry citizens of St. Louis, asking for an appropriation for the support of their harbor; which was laid on the table.

## REPORTS FROM COMMITTEES.

Mr. LINN, from the Committee on Private Land Claims, reported the bill for the relief of Daniel Marsack, without amendment.

Mr. WALL, from the Committee on the Judiciary, to which the petition of Ezra Thurber had been referred, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. MOUTON, from the Committee on Claims, reported a bill for the relief of the heirs of Madame du Lusser; which was read, and ordered to a second reading.

Mr. FULFON, from the Committee on Public Lands, reported two bills, without amendment, that had been referred to that committee.

Mr. CLAY, of Alabama, from the Committee on Public Lands, to which was referred the letter from the Commissioner of the General Land Office, on the subject of surveying the public lands in Illinois, moved that the committee be discharged therefrom, and that it be referred to the Committee on Finance; which was agreed to.

Mr. C., from the same committee, to which had been referred the bills from the House for the relief of Jonathan Boone and Robert Murray, reported the same without amendment.

On motion of Mr. LINN, the Committee on Private Land Claims was discharged from the further consideration of the petition of Joseph J. Bowie.

Mr. LINN gave notice that he would to-morrow ask leave to introduce a bill for the relief of Miguel Eslava.

The resolution reported from the joint Library Committee, relative to the printing of the Madison papers, was considered and adopted.

The resolutions submitted yesterday by Mr. CRITTENDEN were taken up; and after some remarks from Messrs. BENTON, CRITTENDEN, KNIGHT, and SMITH of Indiana, were amended and adopted.

Mr. CALHOUN offered the following resolution; which was considered and agreed to:

*Resolved*, That the President of the United States be requested to communicate to the Senate whether the Government of Great Britain has made compensation in the cases of the brigs *Enterprise*, *Eucomium*, and *Comet*, the first of which was forced by stress of weather into Port Hamilton, Bermuda Islands, and the other two wrecked on the Keys of the Bahamas, and the slaves on board forcibly seized and detained by the local authorities; and if no compensation has been made, the reasons why it has not been made, with a copy of the correspondence between the two Governments, which has taken place since the answer to a former call on the same subject by the Senate.

Several bills from the House were read twice, and referred to appropriate committees.

The amendments of the House to the bill to renew the patent of Thomas Blanchard, were considered and agreed to.

On motion of Mr. SEVIER, the following bills were severally taken up and considered as in Committee of the Whole, and, after brief explanations from Mr. S., were ordered to be engrossed for a third reading:

The bill supplementary to the acts "to provide for the organization of the Department of Indian Affairs," and "to regulate the trade and intercourse with Indian tribes;" and

The bill to authorize the appointment of three additional clerks in the Indian bureau.

On motion of Mr. HUBBARD, the bill for the relief of John J. Bulow was taken up, and, after some remarks from Messrs. HUBBARD, NORVELL, CLAY of Alabama, and STRANGE, was postponed to Monday next.

On motion of Mr. WILLIAMS, of Mississippi, the bill to reorganize the district courts of the State of Mississippi, was taken up, and, after being amended, on motion of Mr. W., was ordered to be engrossed for a third reading.

On motion of Mr. KNIGHT, the Senate took up the bill to allow a drawback on foreign hemp, when manufactured into cordage and exported.

Mr. BENTON opposed the bill on the ground that the drawback system ought not to be extended on articles that had changed their form by being manufactured, and because the system was productive of the greatest abuses. He objected, also, to the bill on the ground that hemp was extensively manufactured in the country, and carried from the West to the North and East, and that the bill would, therefore, interfere with our own staple.

Mr. KNIGHT made some remarks in favor of the bill.

After some further observations from Messrs. BENTON, HUBBARD, CLAY of Kentucky, CALHOUN, and WRIGHT, the bill was ordered to be engrossed for a third reading.

After a short executive session,

On motion of Mr. NILES, the bill for the relief of Jabez S. White and Asa White was taken up; and after some remarks from Messrs. NILES, and SMITH of Indiana, the bill was ordered to be engrossed for a third reading.

Mr. YOUNG moved to take up the bill to grant the State of Indiana a certain quantity of land, to aid in the construction of certain railroads, for the purpose of making it the special order for Wednesday next; which was agreed to.

The bill for the relief of the owners of the ship *Alleghany* and cargo was taken up; and after some remarks from Messrs. HUBBARD, KING, CLAY of Alabama, and BAYARD,

On motion of Mr. HUBBARD, the further consideration of the bill was postponed to Monday next.

The Senate then adjourned.

## HOUSE OF REPRESENTATIVES.

FRIDAY, February 1, 1839.

As soon as the Journal was read, Mr. CHAMBERS moved that the House take

up the following resolution, submitted by Mr. NAYLOR on Monday last:

*Resolved*, That the Secretary of the Navy be directed to furnish this House with copies of the charges of inhuman, unofficerlike, ungentlemanly, and infamous conduct, preferred by Charles E. Barton, a Passed Midshipman of the United States Navy, against Captain Jesse D. Elliott, whilst in command of the Mediterranean squadron, together with all communications in relation to said conduct of said Captain Elliott, and to said charges, on file in the Navy Department, and to communicate the reasons, if any, why the said Elliott has not been ordered to be tried upon said charges.

Mr. C. said this was an important matter, vitally affecting the character of the Navy and the nation, as well as the present Administration, and he was not willing that such conduct as was here alleged should pass unnoticed, and he wanted to know why it was thus shielded.

Mr. INGHAM was one of those who objected to the resolution yesterday, but he did so merely on the ground of the language made use of in it. If the mover would strike out the expressions "inhuman, infamous," &c., Mr. I. would withdraw his objection.

After some further conversation between the above gentlemen and Messrs. MALLORY, ADAMS, and NAYLOR, the resolution was taken up.

Mr. NAYLOR, at the suggestion of Mr. INGHAM, struck out all the epithets between the words "charges" and "preferred," explaining that the language was not his, but the words of the original charge.

## DOCUMENTARY HISTORY.

Mr. PETRIKIN asked leave to submit a joint resolution authorizing the further distribution of the Documentary History of the Revolution.

Objection being made, Mr. P. moved a suspension of the rules; upon which motion

Mr. CONNOR asked for the yeas and nays; but they were refused, and the rules were suspended—104 to 29.

The resolution having been read twice,

Mr. PETRIKIN moved its engrossment.

Mr. CAMBRELENG moved to strike from it all that related to the disposition of forthcoming volumes. The first volume was paid for, and so far as the distribution of that volume went, he had no objection; but there he would stop.

Mr. ADAMS remarked that that would be equivalent to a repeal of the law.

Mr. CAMBRELENG replied that that was his object, and this was the only mode of reaching it. He would not do injustice to Clarke & Force, but pay them for their contract, or have the work continued under the direction of persons to be appointed by Congress, and not permit the publishers to select the documents to be reprinted, and to be the sole judges of the extent to which it should go. The clause he proposed to strike out involved an appropriation of upwards of half a million of dollars.

Mr. BIDDLE said he was not prepared to pledge the faith of the House to the performance of this work without a little further consideration, and, therefore, he moved to lay the resolution on the table; but withdrew the motion at the request of

Mr. THOMAS, who moved to refer the subject to a select committee.

This motion was debated for some time between Messrs. THOMAS, PETRIKIN, and POPE, the last of whom supported Mr. CAMBRELENG's motion, when

Mr. WILLIAMS, of Kentucky, moved the following instructions:

With instructions to inquire into the power of Congress to repeal the law under which the work is authorized and contracted to be published; and if, in the opinion of the committee, Congress has the power to repeal the law, to report a bill for that purpose, first making a fair compensation to the undertakers of the work for their loss in the Government not complying with its engagements and contract; and if Congress has not the power to repeal the law, to direct that the work shall be otherwise disposed of, instead of giving the same to members of Congress.

Mr. LOOMIS moved to strike therefrom the words: "instead of giving the same to members of Congress."

Mr. PETRIKIN said he had no idea of occupying the whole day with this resolution; and, therefore, he demanded the previous question.

The previous question was seconded—ayes 93, noes 54.

On the question, "Shall the main question be now put?"



munication from the Secretary of the Treasury in compliance with a resolution of the House of Representatives of the 28th January, showing the amount of money which had been expended in the construction of the custom-house at New York, and the amount which will be necessary to complete the same.

Also, a communication from the Secretary of War, in answer to a resolution of the House of Representatives of the 28th ultimo, inclosing a report of the Paymaster General, giving information in relation to the troops called into the service of the United States, in the Cherokee country, and the amount remaining unpaid, &c., for said service.

Also, a communication from the Secretary of War, in answer to a resolution of the House of Representatives of the 14th January, inclosing a report of the Commissioner of Indian Affairs, accompanying certain documents giving information in relation to the payment of annuities to the Seneca Indians in the years 1837 and 1838, and the expenditure of certain appropriations.

Which several communications were laid on the table, and ordered to be printed.

On motion of Mr. PETRIKIN, the House then adjourned.

#### IN SENATE.

SATURDAY, February 2, 1839.

Mr. FULTON presented the petition of sundry citizens of Arkansas, praying for the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. LINN presented the petition of General Augustus Jones, asking for the confirmation to the town of Potosi of certain tracts of land, and protesting against the confirmation of the same to John Perry, who claims the same; which was referred to the Committee on Private Land Claims.

Mr. BENTON presented a memorial signed by a number of cordwainers, of the city of Washington, remonstrating against the use which has been made of the convicts in the penitentiary, which they consider highly injurious to their interests; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. BUCHANAN presented a memorial signed by sundry ship-owners, ship-masters, merchants and traders, interested in the trade of the city of Philadelphia, praying for an appropriation for making an artificial harbor at the mouth of the Chesapeake and Delaware Canal; which was referred to the Committee on Commerce, and ordered to be printed.

#### BILL INTRODUCED.

Mr. LINN, on leave, and in pursuance of notice given, introduced a bill for the relief of the heirs of Miguel Eslava; which was read twice and referred.

#### REPORTS FROM COMMITTEES.

Mr. WILLIAMS, of Mississippi, from the Committee on Revolutionary Claims, to which was referred the bill from the House for the relief of the heirs and legal representatives of Thomas Glascock, deceased, reported the same without amendment.

On motion by Mr. MORRIS, the Committee on Pensions was discharged from the further consideration of the petitions of the widow of George Hood, William Lefever, William Tufts, Abner Mitchell, Benjamin Morehouse, and Simon Crusy.

Mr. LINN, from the Committee on Private Land Claims, to which had been referred the bill for the relief of the heirs of Miguel Eslava, reported the same without amendment.

#### BILLS PASSED.

The following bills were severally read the third time and passed:

A bill to allow a drawback of duties on foreign hemp, when manufactured into cordage and exported;

A bill for the relief of Jabez L. White and Asa White;

A bill supplementary to the acts entitled "An act to provide for the reorganization of the department of Indian affairs," and "An act to regulate the trade and intercourse with Indian tribes;"

A bill to authorize the appointment of three additional clerks in the office of the Commissioner of Indian Affairs;

A bill to amend the act to reorganize the district courts of the United States for the district of Mississippi;

On motion of Mr. BAYARD, the bill to prevent the abatement of suits in which the Bank of Columbia is a party, was taken up and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

On motion of Mr. BENTON, the bill for the relief of the securities of Elias B. Langham, late surveyor general for the States of Missouri and Illinois, was taken up and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

The following bills were also severally taken up and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

A bill to authorize the issuing of a patent to the heirs and legal representatives of Francis Rivaud, deceased;

A bill for the relief of the assignees of Louis Baron de Ferrier;

A bill for the relief of Sebastian Butcher and the heirs and legal representatives of Bartholomew Butcher, Michael Butcher, and Peter Bloom;

A bill for the relief of Obed P. Lacy;

A bill to continue in force an act for the final adjustment of private land claims in Missouri, approved July 9, 1832, and the act supplemental thereto, approved March 2, 1833;

A bill for the relief of Joseph Bogy;

A bill confirming certain land claims in Louisiana;

A bill for the relief of Isabella Hill, widow, and John Hill, Elizabeth Hill, and Samuel Hill, children and minor heirs-at-law of Samuel Hill, deceased;

A bill for the relief of Charles Morgan, of Louisiana;

A bill to authorize John E. Metcalf and others to locate certain preëmption claims to land in Indiana;

A bill supplementary to an act entitled "An act to amend an act for the appointment of commissioners to adjust the claims to reservations of land under the fourteenth article of the treaty of 1830, with the Choctaw Indians;"

A bill for the relief of the heirs of Madame de Lusser, and their legal representatives;

A bill to confirm the title to a certain tract of land in the county of Mobile;

A bill for the relief of Juan Belgar;

A bill for the relief of General Matthew Arbuckle;

A bill to transfer to the citizens of the parish of Concordia, in the State of Louisiana, the interest of the United States to a certain tract of land;

A bill for the relief of Joseph Cochran;

A bill for the relief of the legal representatives of Elihu Hall Bay;

A bill for the relief of the heirs and legal representatives of William Conway;

A bill for the relief of Pierre Barthe;

A bill for the relief of Daniel Marsack; and

A bill for the relief of the heirs of Miguel Eslava.

After the consideration of executive business, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, February 2, 1839.

The SPEAKER announced the business in order to be the motion of Mr. CAMBRELENG to correct a statement of the Indian bureau appended to his report on the state of the finances.

The question pending was on the motion of Mr. BIDDLE to recommit the report for the general purposes of correction in the report itself.

Mr. PETRIKIN obtained the floor, and remarked that this matter could as well be debated in Committee of the Whole, under the general appropriation bill, as on this incidental motion; and therefore he demanded the previous question; but withdrew it at the request of

Mr. BIDDLE, who, in reply to Mr. PICKENS's remarks a few days since, disclaimed for himself, in reference to what Mr. P. had said about the tariff question, any knowledge of the existence of

any compact or understanding or concert to bring about a renewal of the protective laws. He reluctantly, under his pledge, renewed the motion for the previous question.

Mr. PETRIKIN, however, again withdrew it at the request of

Mr. RHETT, who replied to Mr. BIDDLE's remarks the other day, and advocated the principles of the report at considerable length. [Mr. R.'s remarks will be given in full as soon as they are prepared.] He renewed the motion for the previous question, but requested the original mover to withdraw it.

Mr. PETRIKIN insisted; but the House refused to second it.

Mr. BRIGGS then spoke for some time in reply, and, without concluding, gave way to the orders of the day.

Mr. BIDDLE moved that the discussion be continued.

Mr. ADAMS hoped not; for if it was, they would assuredly not pass the bills ordered to be engrossed yesterday.

The motion was lost by a large majority.

Mr. MONTGOMERY, on leave, laid on the table an amendment he intended to propose to the Army bill; which was ordered to be printed.

The SPEAKER stated that he had received a letter from Charles J. Ingersoll, with a request that it be laid before the House; and the Speaker asked the House if he should present it now; but it was objected to.

#### BILLS PASSED.

The following bills upon the Speaker's table were read the third time and passed:

An act to provide for the settlement of the claim of Walter Jones;

An act to provide for paying three companies of militia in the State of Indiana, called into the service of the United States;

An act for the relief of John Brown, deceased;

An act for the relief of Garret Vleit;

An act for the relief of E. H. Williams, administrator of Hazel W. Crouch;

An act for the relief of the legal representatives of James Maxwell, of Pennsylvania;

An act for the relief of Richard Hendley;

An act for the relief of Samuel Massey and Thomas James;

An act for the relief of A. J. Picket and George W. Gayle.

An act for the relief of James Cox;

An act for the relief of Irad Kelly and Datus Kelly;

An act for the relief of John Jones and Charles Souder, and Robinson, Carr & Co.;

An act for the relief of the legal representatives of the late Dr. Dunscomb Bradford;

An act for the relief of the representatives of James H. Cheears;

An act for the relief of Robert M. Roberts or his legal assignees;

An act to authorize the exchange of school lands in Oxford township, in Ohio;

An act for the relief of Isaac Lilley;

An act for the relief of George Hommel;

An act for the relief of William Traverse;

An act for the relief of Andrew Rembert;

An act for the relief of Maria Hornbeck;

An act for the relief of Thompson Hutchinson;

An act for the relief of Isaac Conly;

An act for the relief of the owners, officers, and crew, of the armed brig Warrior, or their legal representatives;

An act for the relief of Richard Booker;

An act for the relief of Josiah F. Caldwell;

An act for the relief of Jamison and Williamson;

An act for the relief of Cornelius Taylor;

An act for the relief of James L. Stokes, and for other purposes;

An act for the relief of the widow or legal representatives of John Tilden;

An act for the relief of the representative of Jesse Seymour or his representatives;

An act for the relief of Charles Rockwell;

An act for the relief of Thomas Kibby;

An act for the relief of John G. Mozar;

An act for the relief of the representatives of Ann Levacher de Van Brun;

An act for the relief of Sarah Windham, widow of a soldier of the Revolution;

An act for the relief of George Cassidy;  
 An act for the relief of the heirs of Colonel Daniel Boone;  
 A resolution for the relief of Edward Beatty;  
 An act for the relief of Joseph Hernandez;  
 An act for the relief of Woodburn Potter;  
 An act for the relief of John L. McCarty;  
 An act for the relief of James Tongue, and the administrator of William Hodson, deceased;  
 An act for the relief of the assignees of Jacob Clements, deceased;  
 An act for the relief of Jacob Galencia;  
 An act for the relief of the heirs of Peyton Randolph, deceased;  
 An act for the benefit of the Choctaw Indians; and

An act for the relief of Susan Gratiot, administratrix of Charles H. Gratiot.

The bill for the relief of Roger Jones, Adjutant General of the Army of the United States, was then taken up; and after a debate upon the merits of the same, in which Messrs. MERCER, McKAY, and BOULDIN, advocated its passage, and Mr. RUSSELL opposed it, the latter gentleman moved to postpone its further consideration until Saturday next.

Mr. HOWARD moved the previous question; which was seconded by the House.

The question being on the passage of the bill,

Mr. CUSHMAN demanded the yeas and nays; which were not ordered.

The question was then taken on the main question; and the bill was passed.

On motion of Mr. McKAY, the title of the bill was so amended as to read as follows: "An act to amend an act entitled 'An act regulating the pay and emoluments of brevet officers of the Army.'"

The House then took up and passed the following bills:

An act for the relief of James Maxwell;  
 An act to authorize the exchange of school lands in Oxford township, in Ohio;  
 An act for the relief of the legal representatives of Major Tarlton Woodson;  
 Joint resolution to allow a per centum on the salary of the clerk and messenger of the Attorney General;  
 An act for the relief of Solomon Prewett;  
 An act for the relief of John England;  
 An act for the relief of Jacob Baugh;  
 An act for the relief of Elizabeth Jones and others;  
 An act for the relief of Oliver Peck;  
 An act granting a pension to Susannah Rowe, widow of John Rowe;  
 An act for the relief of John Davis;  
 An act for the relief of Elizabeth Durant;  
 An act for the relief of the widow of Captain James Hunter;  
 An act for the benefit of Fielding Pratt;  
 An act for the relief of the representatives of Farlow & Harris;  
 An act for the relief of Samuel Edgcomb;  
 An act for the relief of John Smith;  
 An act for the relief of Ichabod Beardsley;  
 An act for the relief of Sibel Barnes;  
 An act for the relief of Elizabeth French;  
 An act granting a pension to William Ford, of the State of Virginia;  
 An act for the relief of Samuel Hatton, of the State of Virginia;  
 An act restoring the name of John Lathram to the pension roll;  
 An act granting a pension to Catharine Allen, widow of Henry Allen;  
 An act for the relief of Elijah Blodget;  
 An act for the benefit of Thomas Collins;  
 An act for the relief of Samuel M. Asbury;  
 An act for the relief of James Fleming;  
 An act for the relief of Robert Whittet;  
 An act for the relief of Myron Chapin;  
 An act for the relief of Jared Winslow;  
 An act for the relief of Nathaniel Davis;  
 An act for the relief of Isaac Justis;  
 An act for the relief of Isaiah Parker;  
 An act for the relief of Levi M. Roberts;  
 An act for the relief of Isaac Boyd;  
 An act for the relief of Gideon Sheldon;  
 An act for the relief of William Smith;  
 An act for the relief of William Fitzgerald;  
 An act for the relief of Eunice Saunders, alias Peary;  
 An act for the relief of Charles Fitzgerald, deceased;

An act granting a pension to Martha Strong;  
 An act for the relief of William East;  
 An act for the relief of Elisha Town;  
 An act for the relief of Erastus Fairbanks and Thaddeus Fairbanks;  
 An act for the relief of Patrick Green;  
 An act granting a pension to John F. Wiley;  
 An act to remit or refund to the Philadelphia, Wilmington, and Baltimore Railroad Company the duties upon certain railroad iron;  
 An act for the relief of Frederick Richmond;  
 An act granting a pension to Leonard Smith;  
 An act for the relief of Samuel B. Hugo;  
 An act to remunerate the captors of the privateer Lydia;  
 An act for the relief of the owners of the British brig Despatch;  
 An act for the relief of Jechonias Pigot and Benjamin Decraft;  
 An act for the relief of John Lybrook;  
 An act for the relief of Matthew Wiley;  
 An act for the relief of Frances Jones, widow of John Jones, of Virginia;  
 An act for the relief of Susannah Hoagland;  
 An act for the relief of William A. Cuddeback;  
 An act granting a pension to Hellen Miller, of New York;  
 An act granting a pension to William Andrews, of the State of New York;  
 An act granting a pension to Thurston Cornell;  
 An act granting a pension to Stephen Olney;  
 An act granting a pension to Harvey Reynolds;  
 An act for the relief of Dr. Sylvester Nash;  
 An act granting a pension to Stephen Appleby;  
 An act for the relief of David Rollins;  
 An act for the relief of William Sloan;  
 An act granting a pension to John Clark;  
 An act granting a pension to Gilbert Sprague Fish;  
 An act for the relief of Wright Hurlburt;  
 An act for the relief of John Grimbail, sen.;  
 An act for the relief of Eliphalet Spafford;  
 An act granting an increase of pension to Ann Ross, widow of Lieutenant Andrew Ross;  
 An act granting arrears of pension to Josiah Westlake;  
 An act for the relief of Henry Grady, of Macon county, North Carolina;  
 An act for the relief of the representatives of John Addoms;  
 An act for the relief of Nicholas Phelan, heir-at-law of John Phelan;  
 An act for the relief of Rosaline Prudhomme;  
 An act for the relief of Dennis Trammel;  
 An act granting a pension to David Meilen;  
 An act for the relief of Benjamin F. Wesley;  
 An act for the relief of Chauncey Calhoun;  
 An act for the relief of William B. Livesay;  
 An act for the relief of Philip Caner;  
 An act for the relief of Isaac Miller;  
 An act for the relief of Peter Samuel Jaccard;  
 An act for the relief of the heirs of James Maglenen, late of the city of Baltimore, deceased;  
 An act for the relief of John Newton;  
 An act for the relief of Jean B. Valle;  
 An act granting a pension to William Harper, of South Carolina;  
 An act granting a pension to Mary Updegraff, of Butler county, Pennsylvania;  
 An act granting a pension to Benjamin Price, of New Jersey;  
 An act granting a pension to Conrad Widrig;  
 An act for the relief of Barton Hooper;  
 An act for the relief of Charles Risley;  
 An act for the relief of John Keeler;  
 An act for the relief of Sarah Angle and other heirs of Benjamin King;  
 An act for the relief of John Howe;  
 An act for the relief of the widow of John March, deceased;  
 An act for the relief of Dr. J. M. Foltz;  
 An act for the relief of the legal representatives of Joshua Huddy;  
 An act for the relief of Ebenezer A. Lester;  
 An act for the relief of Joseph Jackson;  
 An act granting a pension to Elijah Foochee;  
 An act for the relief of certain officers of the Florida militia;  
 An act for the relief of Samuel Hoffman;  
 An act for the relief of Robert Milnor and John Thompson;  
 An act for the relief of the executors of Robert McFarland;

An act granting a pension to Reuben Murray, of the State of Virginia;  
 An act for the relief of Charles Bennes;  
 An act for the relief of Menzies Gillespie;  
 An act granting a pension to Chauncey Rice;  
 An act for the relief of James B. Rice;  
 An act for the relief of the heirs of Crocker Sampson;  
 An act for the relief of Thomas Sumpter; and  
 An act for the relief of the heirs and legal representatives of George C. Willard.

Mr. WILLIAMS, of Kentucky, moved to reconsider the votes by which the bills entitled "An act for the relief of Jamison and Williamson," and "An act for the relief of Cornelius Taylor," were passed, and to postpone the question on their reconsideration until Friday next; which motion the House agreed to.

The House then took up for consideration the bill for the relief of James P. Carlton, which had been postponed until this day; and after a debate in which Messrs. RUSSELL and REED opposed, and Messrs. THOMAS and PETRIKIN advocated, the passage of the same,

Mr. REED moved to recommit it to the committee that reported it, with instructions to report the facts of the case to the House.

A further debate ensued, in which Messrs. SIBLEY, CHAMBERS, and REED spoke in favor of the motion to recommit, and Messrs. CORWIN and HAMER advocated the passage of the bill; and after several divisions on motions to adjourn, and finally to recommit, the House found itself without a quorum; and

On motion of Mr. HALL, the House adjourned.

#### IN SENATE.

MONDAY, February 4, 1839.

Mr. McKEAN presented the petition and documents of A. & G. Ralston & Co., of Philadelphia, praying to be refunded certain duties paid on railroad iron; which were referred to the Committee on Finance.

Mr. SMITH, of Indiana, presented a joint resolution of the General Assembly of that State, on the subject of a canal around the falls of Ohio, on the Indiana side; which was referred to the Committee on Roads and Canals.

Mr. S. also presented a joint resolution of that State, relative to the construction of the Cumberland road; which was laid on the table, the subject having passed from the Senate.

Mr. S. also presented a joint resolution of the General Assembly of Indiana, on the subject of a grant of lands to support an institution in that State for the education of the deaf and dumb; which was referred to the Committee on Public Lands.

Mr. NORVELL presented two memorials from sundry citizens of Michigan, and one from citizens of Chicago, praying for an appropriation for the improvement of the harbor of Port Sheldon. Also, the report of the civil engineer who examined and surveyed said harbor; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. WRIGHT presented the memorial of sundry merchants of New York, praying that a law may be passed compelling the Government to pay the costs in suits to which the Government is a party, and which may be decided against it; which was referred to the Committee on Finance.

Mr. W. also presented the memorial of Philip Kearney, presenting a plan for a system of finance. Mr. W. said the memorialist was an intelligent and respectable merchant of New York, who entertained great confidence in the importance and utility of his system, but that he (Mr. W.) dissented altogether from the conclusions to which the memorialist had arrived; which was laid on the table, and ordered to be printed.

Mr. YOUNG presented the memorial of a number of citizens of the State of Illinois, asking for the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. Y. also presented certain joint resolutions of the Legislature of Illinois, asking for the passage of a law to establish a permanent system of preemption rights for actual settlers on the public lands; also, for the passage of a law providing for the sale of the public lands in small quantities

to actual settlers; which were referred to the Committee on Public Lands.

Mr. CALHOUN presented the memorial of the Stockbridge tribe of Indians, praying to be compensated for certain losses; which was referred to the Committee on Indian Affairs.

Mr. NORVELL presented the petition of Joseph Loranger, asking compensation for property lost or destroyed during the war with Great Britain; which was referred to the Committee on Claims.

Mr. ROANE presented the memorial of the Common Council of the town of Alexandria, District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. ROANE also presented the petition of the heirs of Thomas West, late of the revolutionary army, praying for the commutation due the deceased; which was referred to the Committee on Revolutionary Claims.

Mr. STRANGE presented certain resolutions adopted by the Legislature of North Carolina, representing the scarcity of specie change in that State, and asking for the passage of a law authorizing the branch mints to coin silver change.

The resolution having been read,

Mr. CLAY, of Kentucky, wished to make a single observation on the subject, before it was passed over. This complaint of the want of silver change was not confined to North Carolina, but existed in other places, and was produced by that disproportionate value between gold and silver coin which originated in the celebrated gold bill. The effect of this bill was this: that when it became necessary to export specie, silver was exported in preference to gold, because the silver was more valuable in foreign countries, and hence, he apprehended, was the scarcity in North Carolina. He had lately received a communication on this subject from one of our commercial northern cities, which attributed the scarcity of silver change to this cause.

Mr. STRANGE said that when he offered the resolutions of the Legislature of North Carolina, he had not the slightest expectation that they would have given rise to any debate; but as the Senator from Kentucky had thought proper to notice them, for the purpose of introducing notions on the subject of the currency, he felt it due to himself and his constituents, from whom these resolutions emanated, to make a brief reply. He wholly dissented from the position laid down by the Senator from Kentucky, with regard to the causes which produced a scarcity of silver change. It was not exportation which produced this scarcity, but it arose from the hoarding of silver by the banks, who issued, in lieu of it, their small notes. In fact, he did not believe that silver coins of the lower denominations were ever exported.

Mr. CLAY, of Kentucky, hoped he might be permitted, without offense, to make a few observations on the subject presented by these resolutions, particularly as it was one of importance, to which his attention had been recently directed. He happened to receive, but a very few days ago, a communication from an intelligent gentleman, in one of our principal seaports, affirming that the scarcity of silver change was one of the effects of the passage of the gold bill; because, by reducing the standard of the gold coin, it became less valuable as an article of exportation than silver, and, therefore, the latter was always exported. Now this was exactly what was predicted by himself and others, at the time of the passage of the law, for the adjustment of the value of the two coins; and the result has proved the correctness of the prediction. Gold could not be exported under that law, without disadvantage, unless exchange was greatly against us; but silver can profitably be exported, and when exportation becomes necessary, it is of course made in that species of coin in which it can be sent abroad without loss. This was exactly in accordance with the information which he had just received from an intelligent source, in one of our large commercial cities.

Mr. NILES thought the Senator from Kentucky [Mr. CLAY] was mistaken in the causes to which he had attributed the scarcity of silver change, and that he was mistaken in the fact that a scarcity of change existed in the country at large. He thought there was no such scarcity; he knew, in many places, it was abundant. With-

in his own experience, banks had refused to receive it. This was a convincing proof that there was abundance of it. It is known to every one who has inquired into this subject, that silver change is never exported, because its nominal value in a foreign market would be lost, and it could only be disposed of as bullion to be re-coined, occasioning much loss by the process. There may be a scarcity of change in some States, but this is the result of their paper systems. The hostility of paper to silver is well known; indeed, so hostile is it, that where it has the power even silver fippenybits are driven out of circulation. What was the result in Philadelphia, where the Mint was located, during the late suspension? In that city, which, previous to the suspension, was thoroughly saturated with silver change, after the barrier was broken down, and the emission of shinplasters authorized, no change whatever could be procured. In a single night, the state of things was completely changed. Instead of an abundance of silver change, there was an entire absence of it. And a similar result will always follow a similar cause; and to the extension of our paper system, the circulation of one dollar notes and notes for a fractional part of a dollar may we much more appropriately look for the scarcity of silver change than the operations of the gold bill of 1836.

Mr. STRANGE said that, upon reflection, he was entirely satisfied that the Senator from Kentucky was grossly mistaken in the positions laid down by him. Every man knew that there had been a great increase of specie in the country, since the passage of the gold bill. Now this increase could not be altogether in gold, but must be partly in silver and partly in gold. He was also satisfied that there could not be the difference in value, between the gold and silver coinage, which the Senator from Kentucky supposed, for he believed that their relative value was as nicely adjusted as it was possible for human ingenuity to do it; indeed this was shown to be the case by the prices current in foreign countries.

The Senator from Kentucky had attributed the disappearance of silver specie to exportation, and he attributed it to the hoarding of it by the banks, and partly by individuals. Change was a thing that was never exported. The country must be reduced to the lowest ebb before it would suffer the inconvenience and loss of sending it abroad, because it must go as mere bullion, to be re-coined, in the countries to which it is sent. Every man of reason and reflection could see at once the true cause for this scarcity; and upon the soundest principles of philosophy, when one good cause presented itself, it was idle to search for another. He would not have troubled the Senate with these remarks, but for the immediate connection the subject had with his constituents and himself, and but for the false position laid down by the Senator from Kentucky.

That Senator seemed to have taken North Carolina under his especial charge, and to have felt himself called upon to take part in the public struggles within her. When he and his colleague, some time ago, introduced certain resolutions coming from their State, the Senator took the unusual course of appearing as the advocate of one of the political parties of that State, and, in a lengthened address, assigning his views as to the complexion of the document and the course of the North Carolina Senators on this floor. And what followed? Why, a garbled statement of the debate was immediately sent out, in one of the papers of this city, in advance of the true statement containing the answers of his colleague and himself; and no doubt the intended effect was produced before the contradiction could overtake the misrepresentation, which was published in every Whig paper in the State. What was the case now? These being North Carolina resolutions, the Senator from Kentucky, who seems to take such an interest in that State, rises in his place and assumes a position in relation to them which, if uncontradicted, will have an unfavorable effect on the public mind. We must (said Mr. S.) be more fortunate now than usual, if the contradiction accompanies the assertion.

Mr. CLAY, of Kentucky, said he was unwilling to prolong this discussion, but he would assure the Senator from North Carolina that he had not the least inclination to interfere between him and his constituents. When the resolutions

from the Legislature of North Carolina instructing her Senators were presented, he had offered some remarks because they adverted to matters of general interest; and if an incorrect report of them had gone forth to the world, no one could regret it more than he did. He would have been pleased had the discussion been published just as it occurred in the Senate, but he had no agency or control of the subject. So much for that matter. This morning the Senator presents resolutions on the subject of silver change, and I, having within a few days received communications from different sections of the country on the same subject, think proper to make a few remarks: was this interfering between the Senator and his constituents? He thought not. But the Senator seems to think that I am mistaken in the cause to which I attributed the scarcity of silver change, viz: the unequal valuation of the gold bill. But did not facts bear out the assertion? Look at the importation of specie since the passage of the gold bill. Is it not almost exclusively in gold? And why? Because of the appreciation of that metal and the depreciation of silver by that bill. This affords a greater profit on the importation of gold, and hence there is not a proportionate supply of silver—the metal which furnishes change. So, too, when exchange with foreign nations is against us, and it becomes profitable to export specie, it is found more advantageous to send silver than gold; and hence a cause of the scarcity of change in Philadelphia, New York, and other cities, which are more immediately subject to be drained of their specie by their contiguity to our commerce. He did not consider himself infallible on this subject, but in expressing his views or theories on the matter he did not think he was doing anything improper in an American citizen or a member of the Senate.

Mr. STRANGE was very unwilling to prolong this debate, but he had been drawn into it very unexpectedly and unwillingly. He had assumed a position, which he felt bound to maintain the truth and reason of. He said that the Senator from Kentucky was guilty of a *petitio principii*—that he had assumed a principle not founded on fact. This the Senator had denied; but in the course of his remarks, he had shown a better reason for the disappearance of silver change than he had given in the beginning; and if he was right, there was no reason for its exportation, but a very good reason for its importation.

The Senator could not escape from his position, for whatever relative difference there was between gold and silver, paper was still cheaper than either. He admitted that the number of one dollar notes was greatly reduced. But small bills, even as low as three dollars, were still in circulation to a great extent, and these, as long as they were permitted to circulate, had the tendency to exclude change from circulation, and cause it to be hoarded. The Senator said that the banks had no interest in hoarding specie. But this argument could not stand, for it was their interest to hold on to all the specie they could get, so as to circulate their own notes, and this was the true cause for the disappearance of change. It was, therefore, perfectly idle to search for any other cause, or to talk about the exportation of the smaller coin which never was resorted to. When the gold bill was passed it was not to elevate gold, but to bring it to its true value when compared with silver. It was contended that the gold coin was above par, and was, consequently, so valuable for exportation that it could not remain in the country. The bill was, therefore, passed to remedy that evil, and he had no doubt but it had effected that object.

Mr. LUMPKIN said he did not intend to enter into a discussion of the relative value of gold and silver coins, but to express the opinion that the object of the Legislature of North Carolina, and the object of the people of the southern Atlantic and southwestern States was to obtain a supply of silver change in place of the odious shinplasters which now infested the interior. With proper legislation, it was obvious that that object could be effected greatly to the interest of the people, without any expense to the Government. It was known to all acquainted with mining operations, that where gold was found there was a proportion of silver found with it. Now, under the existing laws, the branch mints were not allowed to coin silver change, though they had had a suffi-

ciency of silver for that purpose, which, if coined, would not be exported, but go into the circulation of the country, in place of those filthy shimplasters which now usurped their place. That was the object of these resolutions; and it was out of place to go into any foreign causes for the scarcity complained of.

Mr. BENTON applauded the sound and practical views presented by the Senator from Georgia, [Mr. LUMPKIN,] and considered what he said to be entirely conclusive on the point to which he directed his observations. He did not rise to add anything to those remarks, but to call the attention of the Senate to a report from the Secretary of the Treasury which had just been printed and laid on our tables, and which might not yet have been observed by members. It was a report which contained the precise information which this conversational debate required, and which would show how great was the error of supposing that gold coin had been overvalued in the United States by the act of 1834, and how far that act was from preventing an importation of silver, or causing it to be exported, or banishing silver change.

It would be recollected that the friends of hard money had passed two bills in 1834—a silver bill as well as a gold bill. The object of the latter was to correct the error of our gold standard; the object of the former was to repeal the law passed by the United States Bank party in 1819, to illegalize the circulation of all silver except Spanish milled dollars, of which, in consequence of the cessation of the Spanish dominion over Mexico and South America, there were no longer any coined. It was, therefore, an act to illegalize the circulation of the only silver which came to us.

At the time of the passage of these bills, the most lugubrious vaticinations were indulged in by the paper-money party. They were incessant and vehement in their declarations that the hard-money currency was ruined; that gold was debased; that it would supersede silver, prevent its importation, cause its exportation, and drive it out of the country; and that we should have no hard-money currency but a debased gold coinage. These were the declarations incontinently repeated at that time; and now, after upwards of four years' experience, how stands the fact? Sir, the fact stands thus: that so far from preventing the importation of silver, the actual importation of that coin has exceeded thirty-five million dollars since the passage of the gold bill; being the largest importation of that coin which has ever taken place since the establishment of the Federal Government. So much for importation.

Now for the exportation. And here it is seen that the export, instead of being confined to silver, was, at the only time that a commercial exportation took place, which was in the spring of 1837, when the banks suspended, far larger of gold, in proportion to the quantity of the two metals which was in the country, than it was of silver. The report of the Secretary of the Treasury shows that the export of gold was, during that year, \$1,828,000, while the export of silver was only \$2,756,000. Now, the quantity of silver in the country at that time was at least four times greater than that of gold; and therefore the export of silver should have been eight or nine millions to have been in proportion to the gold, while it was not, in fact, so much as one million more. Thus it is proved that our gold bill has neither prevented the importation of silver, nor caused its exportation. There is upwards of seventy millions of silver now in the country, besides the gold; and the only cause of its disappearance from circulation is in the deluge of small notes with which the paper-money party floods the land.

So much for silver; with respect to gold, the same report shows that we have imported about twenty-six millions, either in gold coin or bullion, since the passage of the gold bill; that there has been coined of the former gold of the United States about a million and a quarter; and of native bullion about two millions and a half; making an acquisition of that metal, in about four years, of \$30,000,000, without counting what came in by emigrants and escaped registry at the custom-houses. The whole acquisition of gold and silver since 1832, when the United States Bank charter was vetoed, and when our hard-money policy first commenced, is at least eighty millions; which, added to \$20,000,000 which was in the country at

that time, makes at least one hundred millions now in the country.

Besides the view of our acquisition of gold and silver since the two hard-money bills of 1834, the same report of the Secretary of the Treasury shows us the state of the circulation of the Bank of the United States during the whole period of its existence; and this statement shows us that the quantity of gold now in the United States is near three times the average circulation of that bank, and near one third more than it ever was, at its most expanded period. The average circulation of that bank was only \$11,000,000; its highest annual circulation was only \$22,000,000, while our gold coin is now actually about thirty millions. This being the case, we ought to have a plentiful gold currency; we ought to have three times as much gold in circulation as we formerly had of United States Bank notes. But this is not the case, and why? Because the banks hoard the gold, and will not pay it out in redemption of their notes, and because the Government of the United States encourages and fosters that practice of the banks by dispensing with the use of gold, and using the notes of the banks in the collection and disbursement of its revenue. As long as this is the case—so long as the Federal Government uses bank paper—gold will remain locked up in the banks; and there will be no way to get it out of them but to make them overflow—to gorge them—to bring so much gold into the country that the banks cannot hoard the whole of it.

This is another proof that gold is not debased by our new law. If it was debased—if it was reduced below its relative value to silver—it would be always paid out in preference to silver, but it is not so paid out. On the contrary, it is hugged and hoarded by the banks; they will give silver for their notes, but they make apologies when you want gold.

There is still another proof on this head; it is to be found in every price current. Look to the relative value of American gold and silver in any one of these papers, and you will always find it to be about equal. Spanish milled dollars—those with a Spanish King's head, especially the pillar dollars, the column of Hercules dollars—they bear a premium, because they are wanted for exportation to the East, where their currency, for three centuries and a half, has made them the most acceptable foreign coin which can be carried to the Asiatic or African countries; but American gold coin and silver are even in the market. No, sir; gold does not expel silver, but small bank notes and shimplasters do expel it. A political party, and the banks in their interest, do all they can to banish both gold and silver; and it is the bounden duty of the Federal Government to cease to be accessory to another explosion of the banks by continuing to dispense with the use of coin, and continuing to use paper money. Another explosion is coming. It will come as certainly as the revolution of the seasons; and the Federal Government should foresee the event, and provide against it by going back to the act of 1789; and acting upon that act, and receiving nothing but gold and silver in payment of its revenues. This would check bank expansions, and protect the country as well as the Federal Treasury.

At ten and a half premium on foreign exchange, exportation of specie begins. The cotton dealing Bank of the United States can put it up to that point any day it pleases. It put it up in May of 1837; the exportation of specie immediately began; and over every parcel exported the paper-money party shouted, exulted, and triumphed, as if a great victory had been achieved. And so it will be again. The premium on foreign exchange is now upwards of nine per centum; it can be made ten and a half at any moment; then for exporting specie, triumphing again, more panics, shutting up banks, and charging the whole upon the Democratic Administration.

To return to the North Carolina resolution; it is a wise, just, and necessary measure which it requires. The branch mints should coin silver change; they will be able to supply it to districts of interior country, which cannot obtain supplies from New Orleans or Philadelphia. This Administration, and that of General Jackson, have begun to furnish a national supply of silver change. They have done much; but it is only the commencement of what ought to be done. The country does not yet feel the supply. Nine tenths

of the Union has no silver change of our coinage. It will take years of close work at all our mints to give us the supply of this change which France and England has, say three dollars a head to each person of their whole population. It will take us several years to attain that point; and we need it more than the French and English do; for we have to guard against the shimplaster party; we have to guard against another deluge of shimplasters at the next suspension of the banks; we have to guard against this pestilence; and it is our business to provide such an ample supply of silver change that there can be no pretext for another issue of this pestiferous stuff.

Silver change is never exported; and this is another reason for an ample supply of it. Two or three dollars a head, for our whole population, ought to be coined in twenty-five cent, ten cent, and five cent pieces.

Mr. BROWN observed that he was not in his seat when his honorable colleague presented the resolutions, but he had heard a part of the debate which had grown out of them. He rose now for the purpose of declining to enter into the discussion on what he considered a mere abstract proposition. The Senate had given the best proof of its conviction of the value of silver circulation, by passing the bill which he introduced at the early part of the session, to authorize the branch mints to coin silver change. He had now nothing further to say than to express the hope that this bill would revive a favorable consideration in another quarter.

On motion of Mr. STRANGE, the resolutions were then laid on the table, and ordered to be printed.

Mr. HUBBARD presented the petition of Hannah Sanford; which was referred to the Committee on Pensions.

Mr. YOUNG presented a memorial from a number of citizens of the northern portion of the State of Illinois, asking for the establishment of a new land office; which was referred to the Committee on Public Lands.

Mr. BUCHANAN presented a petition from a number of citizens residing on the northern frontiers of the United States, representing the great advantages that would result from having a steam revenue cutter on Lake Erie; which was referred to the Committee on Commerce.

Mr. B. also presented the petition of a number of citizens of Philadelphia, praying for an appropriation to create an artificial harbor at the mouth of the Chesapeake and Delaware canal; which was referred to the same committee.

Also, the petition of Job Whittall, of Philadelphia, asking for relief from Congress in consideration of the sufferings and services of his father during the revolutionary war; which was referred to the Committee on Revolutionary Claims.

#### REPORTS FROM COMMITTEES.

Mr. CRITTENDEN, from the Committee on Revolutionary Claims, reported a bill for the relief of Mrs. Mira Alexander, daughter and heir-at-law of Colonel George Madison, deceased; which, after some remarks from Mr. C., was read and ordered to a second reading, and the report accompanying the bill was ordered to be printed.

Mr. CLAY, of Alabama, from the Committee on Public Lands, reported without amendment the joint resolution in favor of — Wright, of New York, and the bills for the relief of Nathan H. Boon and Samuel Dickerson.

Also, with amendment, the bill for the relief of John Wiley and Jefferson Greer.

Messrs. PRENTISS and FULTON also reported on House bills that had been referred to the same committee.

Mr. WRIGHT, from the Committee on Finance, reported without amendment the bill from the House making appropriations for the payment of the revolutionary and other pensioners of the United States.

Mr. MORRIS, from the Committee on Pensions, reported unfavorably on the bill from the House for the relief of Hulbert Taylor.

#### BILLS PASSED.

The following bills were severally read the third time, and passed:

A bill for the relief of the securities of Elias B. Langham, late surveyor general for the States of Missouri and Illinois;

A bill to authorize the issuing of a patent to

the heirs and legal representatives of Francis Rivaud, deceased;

A bill for the relief of the assignees of Louis Baron de Ferrier;

A bill for the relief of Sebastian Butcher and the heirs and legal representatives of Bartholomew Butcher, Michael Butcher, and Peter Bloom;

A bill for the relief of Obed P. Lacy;

A bill to continue in force an act for the final adjustment of private land claims in Missouri, approved July 9, 1832, and the act supplemental thereto, approved March 2, 1833;

A bill for the relief of Joseph Bogey;

A bill confirming certain land claims in Louisiana;

A bill for the relief of Isabella Hill, widow, and John Hill, Elizabeth Hill, and Samuel Hill, children and minor heirs-at-law of Samuel Hill, deceased;

A bill for the relief of Charles Morgan, of Louisiana;

A bill to authorize John E. Metcalf and others to locate certain preëmption claims to land in Indiana;

A bill supplementary to an act entitled "An act to amend an act for the appointment of commissioners to adjust the claims to reservations of land under the fourteenth article of the treaty of 1830, with the Choctaw Indians;"

A bill for the relief of the heirs of Madame de Lusser and their legal representatives;

A bill to confirm the title to a certain tract of land in the county of Mobile;

A bill for the relief of Juan Belgar;

A bill for the relief of General Matthew Arbuckle;

A bill to transfer to the citizens of the parish of Concordia, in the State of Louisiana, the interest of the United States to a certain tract of land;

A bill for the relief of Joseph Cochran;

A bill for the relief of the legal representatives of Elihu Hall Bay;

A bill for the relief of the legal heirs and representatives of Wm. Conway;

A bill for the relief of Pierre Barthe;

A bill for the relief of Daniel Marsack; and

A bill for the relief of the heirs of Miguel Eslava.

#### HEIRS OF J. J. BULOW.

On motion of Mr. HUBBARD, the Senate took up the bill for the relief of the heirs of John J. Bulow, deceased; and after some remarks from Mr. H.

Mr. NILES moved to postpone the bill till the first Monday of December next.

A debate then ensued, in which Messrs. NILES, HUBBARD, STRANGE, MORRIS, BAYARD, BUCHANAN, PRESTON, and CRITTENDEN, participated; when, on taking the question, the motion to postpone was lost—yeas 19, nays 20.

The question then recurring on ordering the bill to be engrossed for a third reading, the debate was continued by Messrs. YOUNG, NILES, LUMPKIN, WHITE, KING, and NORVELL; after which the bill was ordered to be engrossed for a third reading, yeas 19, nays 19—the President giving the casting vote in the affirmative.

The Senate then adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, February 4, 1839.

Mr. PARKER asked leave to submit the following resolution:

*Resolved*, That the Select Committee on Public Printing have leave to employ a clerk.

Objection being made,

Mr. P. moved a suspension of the rules, stating that there was a great mass of testimony to be taken, and the committee could not get on without this assistance.

The rules were suspended—90 to 42—and the resolution concurred in.

Mr. DAVIS asked the consent of the House to take up the resolution submitted by him on Monday last to change the time of the daily hour of meeting to eleven o'clock, a. m.

Objection being made,

Mr. D. moved a suspension of the rules, and the yeas and nays having been ordered on his demand, were taken, and were—yeas 114, nays 54.

So the rules were suspended, and the resolution being before the House,

Mr. WILLIAMS, of Kentucky, said, apprehending there might be considerable discussion on this resolution, and seeing no necessity for it, he demanded the previous question; which was seconded—70 to 58—and the main question ordered—72 to 59—put, and carried.

So the resolution was agreed to.

#### PETITIONS.

Mr. PENNYBACKER asked the indulgence of the House to present some petitions, stating that he had been kept away by very severe indisposition from attending in his place. The leave was granted unanimously, and Mr. P. presented the petitions; they were appropriately referred.

#### PAUPERS AND CONVICTS.

Mr. RUSSELL rose and said it would be in the recollection of the House, that last session the select committee on the subject had reported a bill to prevent the introduction of foreign paupers and convicts into the United States. Subsequent events have shown the importance of that bill, and the necessity of action upon it, and he, therefore, moved that the bill be made the special order for next Thursday week.

Mr. CAMBRELENG hoped no more special orders would be adopted, especially as they had several already.

Other objections were made.

Mr. RUSSELL moved a suspension of the rules, but the motion was rejected.

#### RESOLUTIONS OF VERMONT.

This being petition day, the SPEAKER announced, as the first business in order, the joint resolutions of the Legislature of Vermont, presented two weeks ago by Mr. EVERETT, on the subject of the abolition of slavery in the District of Columbia, the slave trade, &c., which Mr. E. had moved to have read, printed, and referred to a Committee of the Whole on the state of the Union.

The SPEAKER had decided that these resolutions fell within the operation of Mr. Atherton's resolution of the 12th of December, and that they must go on the table, in the words of that order, without being read, printed, debated, or referred.

Mr. EVERETT took an appeal from that decision; and

Mr. BRONSON had demanded the previous question thereon; but

Mr. PARRIS had moved to lay the appeal on the table; and this was the motion now pending.

Mr. PARRIS now withdrew his motion, as did Mr. BRONSON his demand for the previous question; and, therefore, the question recurred on the appeal.

Mr. EVERETT briefly drew the attention of the Chair to that branch of the resolutions protesting against the resolution of the 12th of December, and insisted that, by no implication, could that portion of the former be said to have anything to do with slavery.

The SPEAKER said he had not decided that that branch of the resolution, taken by itself, fell within the operation of that order of the House; but there were other portions of them relating to the abolition of slavery in the District of Columbia, the admission of new States without the recognition of slavery, and the suppression of the slave trade between the States, which clearly fell within that order.

Mr. EVERETT made some further remarks on the point; when

The SPEAKER stated the grounds of his decision substantially as follows: certain joint resolutions were presented from the Legislature of Vermont, embracing, among other things, the subject of the abolition of slavery in the District of Columbia, the slave trade between the States, and the admission of new States into the Union. The Chair decided that these portions of the memorial or resolutions, under the order of the House of the 12th of December last, would lie on the table. Any other portion of the resolutions which merely went to protest against that order, would not fall within the operation of it. Upon presenting these resolutions, the gentleman from Vermont moved that they be read, printed, and referred to a committee—

Mr. EVERETT. To a Committee of the Whole on the state of the Union.

The SPEAKER. It is the same thing. The Chair then reiterated several former decisions of the House, identical with the one then under consideration. In the first session of the Twenty-Fourth Congress, while the select committee raised under the resolution of Mr. Pinckney, on the subject of slavery, was in existence, a gentleman from Virginia, not now a member of this House, (Mr. Patton,) presented certain joint resolutions of the Legislature of that State on the subject of abolition, and moved their reference to that committee, with certain instructions. There was an existing order then in force for the reference of all papers on this subject to that select committee under similar prohibitions against being read, debated, &c., and under the general phraseology of that order, the present Speaker decided that resolutions of State Legislatures fell within its order. From that decision Mr. Patton took an appeal, and upon a solemn vote of the House the decision was sustained by a vote of 143 to 40. Upon the point as to reading such resolutions, the same question was decided at the same time, and again at the subsequent sessions, viz: that, under the then existing orders, they could not be read. At the same session of that Congress a memorial on the subject of abolition, &c., was presented by the same gentleman from Vermont, who asked for its reading. The Speaker decided it must go to the select committee without reading, and the House acquiesced in that decision. At the second session of that Congress, the gentleman from Massachusetts, [Mr. ADAMS,] after the adoption of an order similar to the one now in force, presented a memorial on the subject of abolition, and called for its reading. The Speaker decided that it must go on the table without being read, printed, or referred, reciting the words of the order. An appeal was taken from this decision, and the appeal was laid on the table. On the same occasion, Mr. Adams presented upwards of twenty other similar petitions, and asked the reading of each. The Speaker made the same decision in each case, the gentleman appealed in every one of them, and the appeals were severally laid on the table by a vote of the House. These questions had been repeatedly settled by the House.

Mr. BRONSON had inteded at first (he said) to demand the previous question, but he now moved to lay the appeal on the table.

Mr. EVERETT called for the yeas and nays on that motion; which, being ordered, were—yeas 122, nays 44; as follows:

YEAS—Messrs. John W. Allen, Anderson, Andrews, Atherton, Banks, Beatty, Beers, Bell, Bicknell, Biddle, Birdsall, Bronson, Buchanan, Cambreleng, Carter, Casey, Chaney, Chapman, Cheatham, Cleveland, Clowney, Connor, Crabb, Craig, Crockett, Cushman, Davee, Deberry, De Graff, Duun, Edwards, Ewing, Farrington, Fry, Gallup, James Garland, Glascock, Grantland, Gray, Griffin, Hammond, Hamer, Harlan, Harrison, Harper, Hawes, Hawkins, Herod, Holsey, Robert M. T. Hunter, Thomas B. Jackson, Jabez Jackson, Henry Johnson, Joseph Johnson, Nathaniel Jones, Keim, Kemble, Klingensmith, Legare, Leadbetter, Loomis, Mallory, Martin, Maxwell, McKay, Robert McClellan, Abraham McClellan, McClure, Menefee, Mercer, Miller, Mitchell, Montgomery, Moore, Morgan, Noble, Palmer, Parmenter, Parris, Paynter, Pennybacker, Petrikin, Phelps, Plumer, Pope, Potter, Pratt, John H. Prentiss, Sergeant S. Prentiss, Reilly, Richardson, Rives, Robertson, Rumsey, Augustine H. Shepperd, Charles Shepard, Shepler, Southgate, Spencer, Stanley, Stuart, Stone, Swearingen, Tallaferro, Taylor, Thompson, Titus, Toucy, Towns, Turney, Underwood, Vail, Vanderveer, Albert S. White, John White, Whittlesley, Lewis Williams, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, Word, Worthington, and Yell—122.

NAYS—Messrs. Adams, Alexander, Heman Allan, Ayer, Bond, Borden, Briggs, William B. Calhoun, Clark, Cranston, Darlington, Davies, Drongoolle, Evans, Everett, Isaac Fletcher, Richard Fletcher, Giddings, Goode, Grenell, Halsted, Hastings, Henry, Lincoln, Sampson Mason, McKennan, Matthias Morris, Naylor, Noyes, Ogile, Peck, Potts, Putnam, Rariden, Randolph, Ridgway, Robinson, Russell, Saltonstall, Sergeant, Sibley, Slade, Tillinghast, and Toland—44.

Mr. EVERETT then moved to refer that portion of the resolutions relating only to the resolution of the 12th of December to the Committee of the Whole on the state of the Union.

Mr. DROMGOOLE moved to lay it on the table; which was agreed to without a division.

#### PETITIONS, ETC.

Petitions and memorials were then called for, and were presented by

Messrs. SLADE, FLETCHER, and ALLAN, of Vermont.

[Mr. ALLAN presented the petition of one hun-

dred and seventeen citizens of St. Albans, in Vermont, for the recognition of the Republic of Hayti. Also, the petition of one hundred and twenty-one citizens of St. Albans, in Vermont, for the abolition of slavery in the District of Columbia and Territory of Florida, and to prohibit the traffic in slaves between the States. Also, the petition of one hundred and twenty citizens of St. Albans, in Vermont, against the admission of any new State into the Union whose constitution tolerates slavery, and against the annexation of Texas.]

Messrs. MARVIN, RUSSELL, BICKNELL, BEERS, GALLUP, NOBLE, VANDERVEER, SPENCER, KEMBLE, GRANT, CAMBRELENG, MCLELLAN, PRATT, BRONSON, TAYLOR, CLARKE, EDWARDS, MITCHELL, CHILDS, PECK, PUTNAM, MOORE, BIRDSALL, LOOMIS, DE GRAFF, HOFFMAN, and SIBLEY, of New York.

[Mr. SPENCER presented the petition of forty-three Whigs, three Democrats, and nineteen women, of the town of Bombay, in the State of New York, for the abolition of slavery in the District of Columbia; also, against the admission of Texas. Also, the same persons' petition for the recognition of Hayti. Also, the petition of A. C. Brown, and about one hundred others, citizens of the fourteenth congressional district in the State of New York, on the subject of our neutral relations with Great Britain.

Mr. MCLELLAN presented the petition of citizens of Troy, New York, praying an alteration in the rates of postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. GALLUP presented the memorial of John Preston, an octogenarian and soldier of the Revolution, aged eighty-three years and eighty-eight days, proposing certain amendments to the Constitution of the United States, embracing a plan for a uniform system of banking throughout the United States; which plan suggests that Congress shall determine what sum, in dollars, shall be necessary to carry on the commercial affairs of the United States, (say \$250,000,000,) and that such sum, when so determined upon, shall be divided among the several States and the District of Columbia, in proportion to the inhabitants of each. The District of Columbia to have one bank, and the Legislatures of the several States to determine into how many branches their respective quotas shall be divided. That, before any bank so established shall enter upon the business of banking, the whole amount of the capital stock of such bank shall be paid in, in gold and silver. That no bank shall issue, or keep in circulation, more than two dollars in paper for one dollar in specie actually in their vaults; and that no one person shall be permitted to hold or own more than fifty shares of \$100 each, and that, for the further security of the billholders, each stockholder shall mortgage to the treasurer of the State where the bank shall be located, unincumbered real estate in value to twice the amount of the stock held by such stockholder. Also, the petition of Jonathan Jenkins, A. C. Disbrow, David J. D. Verplanck, and others, of the county of Albany, praying Congress to pass a law giving to all revolutionary pensioners ninety-six dollars per year, without reference to the time served; which, with others upon the same subject presented to the House at its last session, and withdrawn from the files for that purpose, were referred to the Committee on Revolutionary Pensions.

Mr. BRONSON presented the petition of forty-two men and forty-seven women of Smithville, Jefferson county, New York, praying Congress to abolish slavery and the slave trade in the District of Columbia and in the Territories where it exists, and to exercise the constitutional power so as to prohibit the domestic slave trade. Also, another petition from the same persons, praying Congress not to admit any new State into the Union whose constitution tolerates slavery, and to reject all overtures for the admission of Texas into the Union.

Mr. TAYLOR presented the petitions of Hiram Judson and one hundred and forty-two others; of C. N. Westcott and thirty others; and of Abram Phillips and thirty-three others, inhabitants of the county of Onondaga, New York, praying for a repeal or modification of the neutrality law of the last session of Congress. Also,

the petition of Joel G. Dawson and others, for a mail route from Kirkville, Onondaga county, New York, to Bridgeport, Madison county. Also, petitions from inhabitants of the town of Lafayette, New York, for the abolition of slavery in the District of Columbia, and the recognition of the independence of Hayti.

Mr. PRATT presented the petitions of John W. Wyckoff, Ranson Johnson, L. A. Hubbard, J. Green, Ashael Whitcomb, John Groat, and Lohan R. Robinson; which were severally referred to the Committee on Invalid Pensions.

Mr. DE GRAFF presented the memorial of the representatives of Elbert Anderson; of Mary W. Thompson, widow and devisee of the late Colonel Alexander R. Thompson; of a farmer, from Gouverneur, in favor of a national bank; of Samuel Belding and others, praying to be released as sureties for the late Melancton W. Bostwick, a purser in the Navy, who was lost on board the ship-of-war Epervier, foundered at sea.

Mr. NOBLE presented the memorial of about eight hundred citizens of the county of Cayuga, New York, praying the repeal or modification of the neutrality law of the last session of Congress; and, also, that some action may be had by Congress in relation to the destruction of the steamboat Caroline, at Schlosser.]

Messrs. STRATTON, AYCRIGG, RANDOLPH, HALSTED, and YORKE, of New Jersey.

Messrs. SERGEANT, POTTS, NAYLOR, McKENNAN, KEIM, PLUMER, HENRY, SHEFFER, BEATTY, M. MORRIS, BUCHANAN, TOLAND, and PETRIKIN, of Pennsylvania.

[Mr. SHEFFER presented the petition of Hezekiah Vanarsdal and seventy-one others, voters of Adams county, Pennsylvania, praying for the abolition of slavery and the slave trade in the District of Columbia. Also, the petition of James McAllister and thirty-two others, citizens of the same county and State, praying for the like object. Also, the petition of Joel Wierman and fifty-three others, citizens of the same county and State, praying for the immediate abolition of slavery and the slave trade in the said District. Also, the petition of Phebe Wright and sixty other women of the aforesaid county, praying for the like object; which several petitions, under the order of the House, were severally laid on the table.

Mr. HENRY presented the petition of one hundred and twenty-seven inhabitants of Mercer county, Pennsylvania, praying for the abolition of slavery in the District of Columbia and Territories, and also the slave trade. Also, the petition of a number of citizens of South Beaver township, Beaver county, Pennsylvania, praying Congress to abolish slavery in the District of Columbia, and the slave trade, and against the admission of any new State into the Union the constitution of which tolerates slavery. Also, the remonstrance of a number of citizens of Chippewa township, Beaver county, Pennsylvania, against the admission of any new State into the Union the constitution of which tolerates slavery, and to reject all applications for the annexation of Texas into the Union. Also, the petition of a number of citizens of the same place, praying Congress to abolish slavery in the District of Columbia and Territory of Florida. Also, the petition of a number of the citizens of Beaver and Butler counties, praying Congress to abolish slavery and the slave trade in the District of Columbia. Also, the petition of a number of citizens of Beaver and Butler counties, praying Congress to abolish slavery in the District of Columbia and all the Territories. Also, the remonstrance of a number of citizens of Beaver and Butler counties, against the admission of any new State into the Union that tolerates slavery.

Mr. MORRIS presented fifteen petitions with five hundred and fifty-one signatures, three hundred and sixty-seven of women and one hundred and eighty-four of men, of Bucks county, Pennsylvania, five of which petitions were against the annexation of Texas to the United States; four against the inter-State slave trade; five for the abolition of slavery and the slave trade in the District of Columbia and the Territories; and one praying that the resolution "abridging the invaluable right of petition" may be immediately

rescinded; one of which petitions also prays that the petition may be referred to a select committee, and that the undersigned may be heard in person or by counsel; all of which were laid upon the table.

Mr. BICKNELL presented the petition of Gerrit Smith and eighty-five males, Ann C. Smith and eighty-six females, of the town of Smithfield, and county of Madison, State of New York, praying that Congress may act as mediator between France and Mexico, and for other purposes; which was, on his motion, referred to the Committee on Foreign Affairs.

Mr. HAMMOND presented the petition of Major J. Plympton, and other officers of the line of the Army, asking to be placed on an equal footing with the several staff corps; which was referred to the Committee on Military Affairs.

Mr. PETRIKIN presented the petition of Eve Haas, widow of a revolutionary soldier, praying for a pension; which was referred to the Committee on Revolutionary Pensions.

Mr. KEIM presented the petition of Abraham N. Brevort, an officer in the marine service of the United States, asking a pension for certain disabilities received in the discharge of his duties in that service; which was referred to the Committee on Invalid Pensions. Also, the petition of Edward D. Tippet, asking the payment of a claim for military services rendered to the United States; which was referred to the Committee on Claims.

Mr. PLUMER presented the petition of Sarah Atkinson and others, praying that the executors of Thomas Atkinson, deceased, be discharged from the payment of a judgment in favor of the United States, against the executors of Thomas Atkinson and others, sureties of Richard Bean, collector of the internal revenue; which was referred to the Committee on the Judiciary. Also, the petition of Debora Bowen, mother of Benjamin Hillman, who died in the service of his country during the late war, praying for a tract of land; which was referred to the Committee on Private Land Claims. Also, the petition of James Coe, for a pension; which was referred to the Committee on Invalid Pensions. Also, the petition of the Hon. C. Rowe, asking compensation for services rendered, and money loaned, the United States Government by his father, a soldier of the Revolution; which was referred to the Committee on Revolutionary Claims.]

Messrs. JENIFER, JOHNSON, and HOWARD, of Maryland.

Messrs. BOULDIN, COLES, MORGAN, TALIAFERRO, and MERCER, of Virginia.

Messrs. BYNUM, MONTGOMERY, DEBERRY, and STANLY, of North Carolina.

[Mr. MONTGOMERY presented certain resolutions passed by the Legislature of his State, relating to the distribution of the public lands or their proceeds among the States. Mr. M. said he had intended to have accompanied these resolutions with some remarks, but would postpone them for a few days, when the subject would be before the House in a form that would not only afford him an opportunity of giving his views relative to the public lands, but would require it of him, as a Representative in the discharge of a solemn duty, not only to the State he had the honor in part to represent, but also to his immediate constituents, in defense of their private rights. He referred to the Senate bill which had passed that body, and was pending before the House, ceding all the public lands in the State of Tennessee to the said State, which lands, by the cession act of North Carolina, were set apart and secured as a fund to pay and satisfy the old North Carolina revolutionary soldiers' claims. He would, therefore, for the present, only offer a hearty response to the resolutions, and hand them to the Chair, and ask that they be laid upon the table, and be printed.]

Mr. RICHARDSON, of South Carolina.

Mr. CLEVELAND, of Georgia, presented the petition of the representatives of Captain John Jackson, late of the revenue service of the United States, praying for a pension; which was referred to the Committee on Naval Affairs.

Messrs. UNDERWOOD, GRAVES, and MENEFEY, of Kentucky.

Messrs. STONE, BELL, C. H. WILLIAMS, and the SPEAKER, of Tennessee.

# THE CONGRESSIONAL GLOBE.

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25TH CONGRESS, 3D SESSION.

TUESDAY, FEBRUARY 12, 1839.

VOL. 7...No. 11.

[Mr. STONE presented the petition of William S. Arnett and fifty others, citizens of the State of Alabama, praying Congress to grant to said Arnett eighty acres of land, in consequence of his afflicted situation, occasioned by a wound received whilst fighting the battles of his country, at the plains of New Orleans, in the memorable battle of the 8th of January, 1815.]

Messrs. MASON, CHANEY, ALEXANDER, HARPER, COFFIN, ALLEN, RIDGWAY, DUNCAN, GOODE, HUNTER, GIDDINGS, BOND, LEADBETTER, SWEARINGEN, and SHEPLOR, of Ohio.

[Mr. ALLEN presented petitions as follows: For the modification of the neutrality law, and in relation to the destruction of the steamboat Caroline, from R. Smith and others, A. Badger and others, D. B. Simmons and others, J. H. Jones and others, A. Pardee and others, John Wilson and others, J. C. Bunting and others, and W. S. Merrill and others; in relation to slavery in the District of Columbia, and the slave trade, from Charles Cardie and others, Abraham Conyne and others, J. W. Weld and others, Sarah S. Wade and others, and Halsey Hurlbert and others; from S. Woolverton and others, of Cleveland, Ohio, praying for the construction of a steam cutter on Lake Erie; and sundry petitions from Cuyahoga and Portage counties, Ohio, for a mail route from Willoughby to Twinsburg.]

Mr. RIDGWAY presented a memorial from Lewis Howard, setting forth that, by reason of his great bodily fatigue, during his different terms of service in the late war, he contracted a disease in his limbs that almost entirely unfitted him for any common labor, and, therefore, he is wholly destitute of the means of support for himself and family. He therefore prays that his name may be placed on the pension rolls of the United States for life, on such terms as Congress may deem equitable and just; which was referred to the Committee on Invalid Pensions. Also, the petition and papers connected with the name of John Kelly, of Columbus, Ohio, who applies to Congress to make him compensation for taking Richard H. White and his brother, Henry H. White, and delivering them up to the public authorities at Washington city, and for other services connected therewith; which was referred to the Committee of Claims.

Mr. HARPER presented the petition of Anson Clark and sixty-nine males, and Sebra Everett and fifty-four females, of Hartford and vicinity, in the county of Licking, in Ohio, remonstrating against the annexation of Texas to the United States.

Mr. COFFIN presented the petition of one hundred and ten males and fifty-six females of Carroll county, Ohio; of one hundred and nine males and fifty-seven others, females, of said county; of one hundred and twenty-one males and fifty-nine females of said county; also, of fifty-two males and forty-two females of the county of Columbiana, Ohio; of twelve males and six females, and of forty-nine males of said county, for the abolition of slavery in the District of Columbia, and the prohibition of the slave trade between the States; and of five men, praying that the resolution of the present session in relation to similar petitions may be rescinded.]

Mr. GARLAND, of Louisiana.

Messrs. HEROD, RARIDEN, DUNN, EWING, WHITE, and GRAHAM, of Indiana.

[Mr. WHITE presented the petition of sundry citizens of Porter and Lake counties, Indiana, praying that the benefits of the preemption act may be extended to the settlers upon lands reserved from sale on account of the canal land claim of Indiana; which was referred to the Committee on Public Lands. Petition of sundry inhabitants of La Porte county, Indiana, for the improvement of the harbor at New Buffalo. Remonstrance of citizens of the town and county of Milwaukee, Wisconsin, against the confirmation of certain land titles to Levantau and others; which was re-

ferred to the Committee on Private Land Claims, and ordered that the former remonstrance on same subject be taken from the table and referred to the same committee. Also, a communication from the clerk of the district court of the United States for the southern district of New York, upon the subject of filing transcripts of judgments with the clerks of the supreme court of that State; which was referred to the Committee on the Judiciary.

Mr. RARIDEN presented the petition of citizens of De Kalb and Noble counties, in Indiana, of Williams county, Ohio, for a mail route. Also, the petition of citizens of De Kalb, for a mail route from New Rochester, via Hixwell, Auburn, Augusta, to Sparta. Also, the petition of citizens of Wayne county, Indiana, for the abolition of slavery in the District of Columbia, and against the annexation of Texas.

Mr. HERON presented a memorial and joint resolutions from the Legislature of Indiana, on the subject of the Cumberland road; which were referred to the Committee of the Whole on the state of the Union, before which the bill for that object now is, and moved that they be printed; which was agreed to.

Mr. GRAHAM presented the petition of James Fisher and twenty-seven others, citizens of Jennings county, Indiana, praying Congress to establish a mail route from Rockford, in Jackson county, via Reddington, Azalia, Scipio, and Westport, to Greensburg, in Decatur county; which was referred to the Committee on the Post Office and Post Roads. Also, the petition of two hundred and four citizens of Jefferson and Scott counties, Indiana, praying the abolition of slavery in the District of Columbia and the Territories of the United States; to regulate the slave trade among the States; and against the annexation of Texas to the United States. Also, the petition of fifty-seven citizens of Jefferson county, Indiana, protesting against the admission of any new State into the Union whose constitution tolerates domestic slavery, and against the annexation of Texas. Also, the petition of twenty-eight inhabitants of Jefferson county, Indiana, praying Congress to regulate the slave trade among the States. Also, the petition of twenty-eight inhabitants of Jefferson county, Indiana, praying the abolition of slavery in the District of Columbia. Also, the petition of twenty-nine inhabitants of Jefferson county, Indiana, protesting against the admission of any new State into this Union whose constitution tolerates slavery, and against the annexation of Texas to the United States. Also, the petition of forty-three inhabitants of Jefferson county, Indiana, praying the immediate abolition of slavery in the District of Columbia. Also, the petition of four inhabitants of Jefferson county, Indiana, praying the immediate abolition of traffic in slaves. Also, the petition of seventeen inhabitants of Clark county, Indiana, praying that the traffic in slaves be immediately abolished. Also, the petition of fourteen inhabitants of Clark county, Indiana, protesting against the admission of any new State whose constitution tolerates slavery, and against the annexation of Texas. Also, the petition of five citizens of Clark county, Indiana, praying the immediate abolition of slavery and the slave trade in the District of Columbia. Also, the petition of Almon Baldwin and three hundred and fifty citizens of the States bordering on the Ohio river, praying Congress to take measures for the construction of an additional canal around the falls of the Ohio, on the Indiana side of the river; which was referred to the Committee on Roads and Canals.]

Mr. WORD, of Mississippi.

Mr. CASEY, of Illinois, presented joint resolutions of the Legislature of the State of Illinois, instructing their Senators and requesting their Representatives to use their best exertions to procure an appropriation sufficient to put all the unsurveyed lands in the State of Illinois under immediate contract, and that they urge on the Commissioner of the General Land Office the necessity of prompt attention to this subject, in order that the numerous settlers thereon may be

enabled to purchase the land on which they reside. Also, resolutions of said Legislature, instructing their delegation in Congress to procure at the present session of Congress, the passage of a law by that body establishing a permanent system of preemption rights, by which the actual settler upon lands of the Government of the United States shall have the exclusive privilege of purchasing at Congress price any quarter section of land upon which he may have made an improvement. Also, that they use their exertions to procure the passage of a law providing that the public lands hereafter be sold in limited quantity to actual settlers only, and that a reasonable time be allowed such settlers to pay for the same; which, on his motion, was laid on the table, and ordered to be printed. Mr. C. also presented sundry other petitions, which were referred to the appropriate committees.

Messrs. LYON and CRABB, of Alabama.

Messrs. HARRISON and MILLER, of Missouri.

[Mr. HARRISON presented the petitions of Martin Thomas, praying the allowance of a claim against the Government, ascertained and allowed by a jury; of Richard B. Brumfield, praying that he may be allowed the five years' half pay allowed the widow and children of those killed in battle; of Joseph Barclay, asking an appropriation of money and land due him for his services as a soldier in the late war with Great Britain; of Noah Coil, that he may be allowed to make a change of his entry of land; of Pierre A. La Forge, praying the passage of a law authorizing him to locate certain land certificates; of Samuel Gladney, for a preemption; of John Cole, for a preemption; of James Journey, for the confirmation of a private land claim.

Mr. MILLER presented the following petitions and papers: the petition of John Ward and others, of the State of Missouri, asking the passage of a law authorizing the importation, free of duty, of the materials necessary for the construction of two iron steamboats for the navigation of the Missouri river; which was referred to the Committee on Commerce. Also, the memorial of the Mayor and Board of Aldermen of the city of St. Louis, asking an appropriation for the improvement of the harbor of St. Louis; which was referred to the Committee of Ways and Means. Also, additional papers belonging to the claim of Lewis Bissell, now on the files of the House, and heretofore referred to the Committee of Claims. Also, additional papers belonging to the claim of Isaac Ruland, now on the files of this House, and heretofore referred to the Committee of Claims.]

Mr. YELL of Arkansas, presented the petition of sundry citizens of Arkansas, praying a change of the military road on the frontier, so as to pass within the State of Arkansas; which was referred to the Committee on Military Affairs. Also, the petition of Colonel J. M. Vare and other officers of Fort Towson, praying that the officers of the line of the Army may be placed upon an equal footing with the staff of the same grade, &c.; which was referred to the Committee on Military Affairs. Also, the petition of James W. Spiny and others, praying for the right of preemption to certain lands in the State of Arkansas; which was referred to the Committee on the Public Lands. Also, a memorial from the Arkansas Legislature, praying an appropriation to open the Arkansas river; which was referred to the Committee of Ways and Means. Also, a memorial from the Arkansas Legislature, praying an appropriation to complete the Memphis and Little Rock road; which was referred to the Committee on Roads and Canals.]

Mr. CRARY, of Michigan, presented the following petitions: of E. A. Theller, setting forth that he is an Irishman by birth, but has long been a citizen of the United States; that in 1838 he engaged in the struggle for Canadian liberty, was captured in the province of Upper Canada, taken to Toronto, tried, condemned and sentenced for

high treason, on the ground "that no subject of Great Britain can ever expatriate himself." He now appeals to Congress for the passage of a law, or the adoption of measures, that will give naturalized citizens the same protection as is given to those of native birth. Also, a petition for a mail route from Jonesville to Lafayette; for the improvement of the harbor at the mouth of North Black river; for the improvement of the harbor at Fort Sheldon; of E. F. Doane, for liberty to relocate an eighty acre lot of land; for the division of the Grand River land district; for a mail route from Spring Arbor to Moscow.]

Mr. DOTY, of Wisconsin, presented the following petitions and memorials: a memorial of citizens of Racine county, praying an appropriation for a road from Racine to the Mississippi; also, for the survey of a railroad from Lake Michigan to the Mississippi river. Proceedings of a meeting of citizens of Sinipee, in favor of a railroad from Lake Michigan to the Mississippi. Proceedings of a meeting of citizens of Racine county, in favor of a railroad from Racine to the Mississippi, and remonstrating against the construction of a railroad from Milwaukee to the Mississippi; also, proceedings of said meeting, disapproving of sundry recommendations of the Governor of Wisconsin, contained in his late message to the Legislative Assembly. Also, twenty-one memorials, heretofore presented, from citizens of Wisconsin, praying for the improvement of the Pekatonica, Wisconsin, Neenah, Pistaka, Mississippi, and Rock rivers; for a ship canal from Sheboygan to Fond du Lac; for a road from Fort Winnebago to Fort Howard; for a road from Lake Michigan to the Mississippi; for a road from Southport to Rock river; for a road from Sauk Harbor to Dekorrae, on the Wisconsin, and sundry other roads in said Territory. Also, the petition of inhabitants of Milwaukee, praying the passage of an act to confirm the pre-emption of Jacques Jean Vian. Also, the petition of inhabitants of Wisconsin, praying an appropriation for a harbor at Milwaukee.

Mr. CHAPMAN, of Iowa.

Mr. WHITTLESEY, of Connecticut.

#### RESOLUTIONS.

Mr. UNDERWOOD, on leave, submitted the following resolution; which was read and agreed to:

*Resolved*, That the Secretary of the Treasury be directed to inform this House whether any, and if any, what kind of funds have been furnished William E. Woodruff, pension agent for the State of Arkansas, for the payment of pensions since the suspension of specie payments by the banks in May, 1837; and that the Commissioner of Pensions be directed to furnish this House with copies of the correspondence between himself and said Woodruff in the years 1837 and 1838, upon the subject of the funds furnished the latter for the payment of pensions.

Mr. STANLY, on leave, submitted the following resolution; which was read and agreed to:

*Resolved*, That the Secretary of the Treasury communicate to this House what amount of gold and silver has been coined at the branch mint in Charlotte, North Carolina, since it has been in operation, specifying how much has been coined each year, and also what has been the annual expense of the branch mint; and that the Secretary of the Treasury be also requested to inform this House what amount will be, as near as can be estimated, necessary for additional expense of machinery, or of persons to be employed, if a law shall be passed directing the coining of small change at the branch mint in North Carolina, as desired by the Legislature of North Carolina.

Mr. DOWNING, on leave, submitted the following resolution; which was read and agreed to:

*Resolved*, That the Committee on Roads and Canals inquire into the expediency of making appropriations for repairing the following military roads in Florida: From Jacksonville, by Nassau Court House, to Waterman's Bluff, on St. Mary's river; from Jacksonville, by Black Creek, to Newville.

Mr. CHAPMAN, of Iowa, submitted the following resolution; which was read and agreed to:

*Resolved*, That the drawing accompanying the report of the survey of the boundary line between the State of Missouri and the Territory of Iowa, be printed under the direction of the Topographical Bureau.

#### NOTICE OF A BILL.

Mr. GARLAND, of Louisiana, gave notice that he would, on to-morrow, ask leave to introduce a bill for taking the next census of the United States.

On motion of Mr. WHITTLESEY, the House adjourned till eleven o'clock.

#### IN SENATE.

TUESDAY, February 5, 1839.

A number of bills from the House of Representatives were read twice, and referred to the appropriate committees.

The VICE PRESIDENT presented a communication from the Secretary of War, transmitting a general return of the militia of the United States.

Mr. WALL presented the credentials of Hon. SAMUEL L. SOUTHWELL, elected by the Legislature of New Jersey a Senator from that State for six years from the 4th of March next; which were read.

#### PETITIONS, ETC.

Mr. PIERCE presented the memorial of Colonel Many and others, officers of the line of the Army, stationed at Fort Jesup.

Mr. P. said, before taking the question on the reference, he desired to ask for this memorial the early consideration of the committee to which it would be appropriately referred, and, for a few minutes, the attention of the Senate at this time.

The memorial referred to a subject which was discussed to some extent here at the last session, and on which he believed there was, at that time, hardly a difference of opinion, namely, the relative pay of the officers of the line of the Army and the staff. The Army bill of the last session, so called, did not attract the attention of Senators generally until a very late period of its progress; and you will remember, sir, under what circumstances the little discussion which it had here took place; it was at a stage when it could not be amended; it must be taken as a whole, as it was presented, or be lost.

He thought he was warranted in saying that it owed its passage to these circumstances: the unquiet state along the whole line of your frontier—eastern, northern, and southern—the supposed hostile disposition of the Indians west of the Mississippi—and the fact that it included among its provisions one for the increase of the admitted incompetent and insufficient force of the rank and file of the army of four thousand five hundred men. Some of the provisions of that bill, it is notorious, found no favor in this Senate; but, strong as were the objections to the bill, some of which he attempted at that time to state, he had no disposition to notice now any except the one particularly alluded to in the memorial. It was known to the Senate, but it might not be generally known that a colonel in the staff, stationed permanently in this city, received twenty-five dollars per month more than an officer of the same grade, exposed, not only to all the dangers and hardships of the field, but to the extra expenses incident to frequent changes of station and service. The same disparity was true of the lieutenant colonels, and still more with regard to captains. The young officers who have been promoted to this rank in the staff receive thirty-five dollars per month, \$420 per year, more than the veterans in the line; one of whom, at least, up to the last session of Congress, had served, and with the highest credit as an officer, since 1808, said at that time to be the oldest captain in the world. How this might be he knew not, but there were a multitude of old and meritorious officers in that grade, officers who had done sufficient service to warrant them in protesting against this unjust distinction in favor of those who were in their childhood when they were fighting the battles of their country, during the late war with Great Britain.

His main object in saying a word on the presentation of the memorial, was to place it in a true light, and to call the attention of the Senate to its honorable tone and spirit. The officers of the line of the Army were not here begging for an increase of pay; they preferred no claim, but respectfully asked what was respectively and substantially right. He could not so perfectly do justice to them, as by reading from their memorial. After setting forth the operation of the bill of the last session, the memorialists say:

"Now we hope your honorable bodies will understand distinctly, that it is not the amount of compensation conferred to which we advert, but it is the distinction which this act makes in favor of those particular departments of service; and which, as it degrades us in the scale of military worthiness, we pray your honorable bodies to remove."

It is the distinction, the invidious and unjust

distinction, of which the officers of the line complain, not the amount of compensation. No, sir, although they have stood on the same footing in relation to pay since 1791, (rations only excepted,) while you have increased the pay of the Navy, of the clerks in your different bureaus, of the staff, and indeed, I believe, of all your officers, with this single exception, they would probably have remained silent but for this cause, which, in my judgment, makes it their duty to address you.

One or two other paragraphs from their memorial:

"The operation of the act of the 5th of July last, has been to give the officers of the staff corps a very remarkable and unequal rate of promotion and compensation, when compared with that of the officers of the line."

"If there were good reasons, growing out of their particular duties or stations, for the marked difference in their favor, we should rejoice that the liberality of the Government had been extended to them; but the facts on those points are directly in opposition to the bounty which has been bestowed."

They say a very remarkable and unequal rate of promotion, as well as compensation, has been bestowed upon the staff. The probable tardiness of promotion in the staff corps has sometimes been urged as a reason for additional pay—singularly urged. The statement of the memorial is correct. The officers in the staff department have, by the very operation of the bill of the last session, obtained more promotion than they would probably have obtained in the line of the Army if they had remained there till they were sixty years old. Am I not correct? Let me give an illustration. There was an officer promoted in the staff, by the operation of the bill of last session, who is now a full colonel, with the rank of brigadier general, who was a lieutenant in 1818. A meritorious and worthy officer, he believed; but where would he have found his rank in the line of the Army had he remained there? Certainly not higher than the grade of captain.

So far as he was capable of judging, every statement and deduction in this memorial was literally correct. The complaints were just, and deserve our consideration. If you will not level up, level down. There can be no doubt that the distinction, if any be made, should be in favor of the officers of the line; but all they ask is equality, and this is demanded alike by every consideration of justice and policy.

The memorial was then referred to the Committee on Military Affairs.

Mr. SMITH, of Indiana, presented petitions, numerous signed by citizens of Steuben and De Kalb counties, Indiana, and of Branch and Hillsdale counties, Michigan, on the subject of post roads.

Mr. S. said, previous to making any disposition of the petitions, he desired to ask the chairman of the committee whether it was the intention of the committee to act on the subject at the present session?

Mr. ROBINSON said it was not. The Department was not in a condition to make any new routes at the present session.

Mr. SMITH said he would ask to lay the petitions and plats upon the table, to be referred and acted upon at the next session; which was ordered.

Mr. BUCHANAN presented the petition of Mary E. Shaw and executors of John E. Shaw; which was referred to the Committee on Naval Affairs.

#### REPORTS FROM COMMITTEES.

Mr. HUBBARD, from the Committee on Claims, to which was referred the following bills, reported the same without amendment, and with a recommendation in favor of their passage:

An act for the relief of Nathaniel Mitchell;

An act for the relief of John C. Alexander; and

An act for the relief of William Colt and William Donaldson.

Mr. H. asked that the Committee on Claims be discharged from the further consideration of the act for the relief of Thomas Murray, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. H. also, from the same committee, to which the act for the relief of Daniel Snyder, and the act for the relief of Ebenezer Lobdell were referred, reported the same without amendment, with a recommendation that they do not pass.

Mr. H., from the same committee, asked to be discharged from the further consideration of the memorial of William Walls, and the petition of Nicholas Buckner; which was agreed to.

Mr. PIERCE, from the Committee on Pensions, asked that it be discharged from the further consideration of the petition of George McCall, and that the petitioner have leave to withdraw his papers; which was agreed to.

Mr. P. also, from the same committee, to which was referred the memorials of Andrew Bean, widow of James B. Stafford, James Parker, widow of Samuel Rogers, and Azariah Webb, severally, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. P., from the Committee on the Judiciary, to which was referred the bill for the relief of Thomas McClellan and James Smith, reported the same without amendment, and with a recommendation in favor of its passage.

Mr. MERRICK, from the Committee on the Judiciary, to which was referred the bill for the relief of Jesse E. Dow, reported the same without amendment, and recommended its passage.

Mr. SEVIER, from the Committee on Indian Affairs, to which was referred the bill to provide for the location and temporary support of the Seminole Indians removed from Florida, reported the same without amendment.

After some remarks from Mr. S. showing the necessity of the prompt passage of the bill, it was taken up for consideration, and ordered to be engrossed for a third reading.

Mr. STRANGE, from the Committee on the Judiciary, to which was referred the act for the relief of Sarah H. B. Stith, and the act for the relief of William Saunders and William R. Porter, sureties of William Estis, reported the same without amendment, and with a recommendation that they do not pass.

Mr. S. also, from the same committee, reported the bill for the relief of certain heirs and legal representatives of James Wilson, with an amendment.

Mr. LUMPKIN, from the Committee on Indian Affairs, to which was referred the bill for the relief of Thomas T. Triplett, reported the same with an amendment.

Mr. NORVELL, from the Committee on Revolutionary Claims, to which was referred the memorial of John Fulford, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. WALL, from the Committee on the Judiciary, to which was referred the bill for the relief of Polly Lining, executrix of Charles Lining, deceased, who was executor of Edward Blake, deceased, reported the same without amendment.

Mr. W., from the same committee, to which was referred the bill for the relief of Daniel Ward and George Ficklin, reported the same without amendment, and with a recommendation that it do not pass.

Mr. W., from the same committee, to which was referred the petition of a number of merchants of the city of New York, to make the Government liable for costs of suit to the same extent as individuals, asked to be discharged from the further consideration thereof; which was agreed to.

#### BILLS INTRODUCED.

Mr. LINN, on leave, and in pursuance of notice given, introduced a bill to authorize the Washington County Turnpike Company of Missouri, to construct a road over the public lands; which was read twice and referred to the Committee on Roads and Canals.

Mr. STRANGE, on leave, and in pursuance of notice given, introduced a bill to amend an act entitled an act to prohibit the importation of slaves into any port in the jurisdiction of the United States; which was read twice and referred to the Committee on Commerce.

An act making appropriations for the payment of the Revolutionary and other pensioners of the United States, was taken up, and ordered to be engrossed for a third reading.

The bill for the relief of Alvarez Fisk, and the legal representatives of Thomas P. Eskridge; and

The bill for the relief of the legal representatives of John J. Bulow, were read a third time and passed.

#### ARMED OCCUPATION OF FLORIDA.

On motion of Mr. BENTON the bill for the

armed occupation and settlement of Florida was taken up and discussed by Messrs. BENTON, PRESTON, and LINN.

After an executive session, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, February 5, 1839.

Some conversation took place between Messrs. EVERETT, ADAMS, and the CHAIR, relative to certain entries on the Journal of yesterday, after which,

Mr. ADAMS moved to correct the entry relative to the petition presented yesterday, by Mr. MOORE, from citizens of the District of Columbia, praying Congress to give no countenance or support to the Abolitionists. The Journal set forth that Mr. MOORE made a brief statement of the contents of the petition, and that then it was laid on the table. Mr. A. moved to amend this entry thus:

"While Mr. MOORE was making a brief statement of the contents of said petition, he was called to order by the Speaker, who decided that he was not in order; and the petition was sent to the Clerk's table, no order of the House being taken thereon."

Mr. A. asked for the yeas and nays on his motion; but they were refused.

Mr. DROMGOOLE suggested to the gentleman so to modify his motion as to make it appear that Mr. MOORE was called to order for departing from the rules, whereas his amendment would imply that the gentleman from New York had been called to order for complying with the rules.

Mr. THOMPSON said he had called the gentleman to order on the very ground that, instead of making a brief statement, he was addressing an argument to the House.

Mr. ADAMS would consent to any modification, so that the main fact was preserved, viz: that Mr. MOORE was called to order while making a brief statement.

Mr. TOUCEY moved to amend Mr. ADAMS's motion by stating the fact that Mr. MOORE was called to order for entering into the discussion of the merits of the petition, instead of confining himself to a brief statement thereof.

Mr. CRAIG believed the present entry on the Journal to represent the facts as correctly as they could be; and in order to test the sense of the House, he moved to lay the whole subject on the table.

Mr. ADAMS called for the yeas and nays, but they were not ordered; and the motion of Mr. A. was laid on the table without a division.

#### STATE OF THE FINANCES.

Mr. HAYNES made an ineffectual motion to induce the House to go into committee again on the President's annual message.

Mr. INGHAM then obtained the floor, and called the attention of the House to the fact, that about three weeks ago a number of bills relating to the Navy were reported from the Committee of the Whole, and now had their place on the Speaker's table, where they were likely to remain; for he despaired of reaching them in the regular order of business, and he therefore moved that they be now taken up; but the motion was disagreed to.

The unfinished business of the morning was then resumed, being the motion of Mr. CAMBRELENG to amend a statement appended to the report of the Committee of Ways and Means on the state of the finances.

The question pending was the motion of Mr. BIDDLE to recommit the report, with instructions to correct any other errors in the report.

Mr. BRIGGS concluded his remarks in reply to Mr. RHETT, and in defense of former appropriations for works of internal improvement, a protective tariff, &c.

Mr. MARVIN then moved to amend the instructions by adding further instructions to the Committee of Ways and Means, to report the usual bills, according to the estimates which have been furnished in the President's message and accompanying documents.

Mr. M. then entered into a review of the report generally, condemning especially that part of it which related to the improvement of harbors and rivers, and defended the scheme of carrying on works of internal improvement by

the Federal Government. He avowed himself ready to meet that question, both on the ground of expediency and constitutionality, but his remarks were mainly directed in defense of the appropriations for harbors and light-houses on the northern lakes. Before he concluded, the orders of the day were called for, to which the House proceeded.

#### EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a communication from the Secretary of War, inclosing reports of the Secretary of the Treasury and Commissioner of Indian Affairs, in answer to a resolution of the House of Representatives of the 14th ultimo, giving a statement of the number of Indians annually removed from the eastern to the western side of the Mississippi.

Also, a communication from the Secretary of War, in obedience to an act of Congress of the 2d March, 1833, inclosing abstracts of the general returns of the militia of the United States, and of their arms, accoutrements, and ammunition, for the year 1838.

Also, a communication from the Postmaster General, in compliance with a resolution of the House of the 28th ultimo, inclosing a statement of the number of failures in the ordinary and express mails, distinguishing between the said mail to and from the city of New Orleans, within the last six months, the causes of the said failures, and the steps adopted by him to prevent the recurrence of such failures.

Also, a communication from the Postmaster General, in reply to a resolution adopted by the House of Representatives on the 8th July, 1838, giving information as to what number of additional clerks was employed by that Department to answer the various calls for information at that session.

Also, a communication from the Secretary of the Navy, in answer to a resolution of the House of Representatives of the 28th ultimo, giving information as to certain charges alleged to have been preferred by Samuel Etheridge against Captain J. D. Elliott; which communications were severally ordered to lie on the table, and be printed; except the second, which was referred to the Committee on the Militia.

#### SENATE BILLS REFERRED.

A large number of bills from the Senate, on the Speaker's table, were then taken up, read twice, and referred to their appropriate standing committees.

#### ARMY APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House went into Committee of the Whole on the state of the Union, (Mr. BANKS in the chair), and resumed the consideration of the bill making appropriations for the support of the Army of the United States, for the year 1839.

The question pending was on the motion of Mr. MASON, of Virginia, to increase the clause for national armories from \$300,000 to \$360,000.

Mr. CALHOUN, of Massachusetts, was entitled to the floor, but he yielded it to

Mr. THOMPSON, who addressed the House in a general attack upon the last and present Administrations.

The amendment of Mr. MASON was then rejected—ayes thirty-seven, noes not counted.

Mr. CAMBRELENG moved to amend the bill by adding the following items:

For surveying and opening the western frontier military road, being the balance of an appropriation carried to the surplus fund, \$53,125 67.

For completing the barracks at Savannah, Georgia, being the amount expended out of the general appropriation for the quartermaster's department, and to enable the accounting officers of the Treasury to close the accounts, \$18,588 83.

For completing the barracks at Fort Severn, Maryland, being the amount expended out of the general appropriation of the quartermaster's department, and to enable the accounting officers of the Treasury to close the accounts, \$9,029 53.

After some inquiries of Mr. GARLAND, of Louisiana, as to the necessity of the reappropriation, and replies and explanations by Mr. CAMBRELENG, the amendments were rejected.

Mr. JOHNSON, of Louisiana, moved the following amendment; which was not agreed to:

For completing Fort Livingston, at Grande Terre, in the State of Louisiana, \$20,000.

Mr. MERCER moved to amend the bill by inserting:

For surveys of a civil and military character connected with the defense of the Atlantic and western frontiers, and the improvement of harbors, roads, and rivers, \$500,000.

After some conversation between Messrs. CAMBRELENG and MERCER, as to the propriety of the amendment, the question was taken; and it was rejected.

Mr. MASON, of Virginia, offered the following amendment:

For improvement of the buildings and machinery of the musket armory at Harper's Ferry, \$35,400.

For improvement of the buildings and machinery of the rifle works at Harper's Ferry, \$14,600.

Mr. PETRIKIN raised a question of order; but the amendment was declared by the Chair to be in order.

Mr. PICKENS remonstrated against considering estimates from the Department as having any authoritative influence to induce the House to grant appropriations.

Mr. MASON disclaimed having quoted them with any such view; and went on to state the need there was, from the existing state of the establishment at Harper's Ferry, for the adoption of such an amendment.

Mr. MONTGOMERY opposed the amendment, because it had not been reported by the Committee of Ways and Means.

Mr. CAMBRELENG explained why the proposed appropriation had not been included in the bill.

The question being put, the amendment was rejected.

Mr. MERCER moved to insert an item of \$30,000 for the prosecution of surveys; but it was rejected without a division.

Mr. MONTGOMERY then submitted the following, to come in as additional sections of the bill:

Sec. —. *And be it further enacted*, That no commissioned officer belonging to the Army of the United States, or attached to the Army in any manner whatever, under pay, shall receive any pay or rations for his services as such, except while he is at his post or command, except when prevented from attending by sickness; and, before receiving his pay, he shall furnish the paymaster, or such other person as may be legally authorized to pay him, with a true statement of the date when he joined his command or took his station, and the time he continued regularly at it, and the time, if any, he was prevented from attending to his regular duties on account of sickness; and he shall and may, upon such statement, receive such full pay per month or year as now is, or may hereafter be, allowed by law, and no more.

Sec. —. *And be it further enacted*, That so much of an act passed at the second session of the Twenty-Fifth Congress, entitled "An act to increase the military establishment of the United States, and for other purposes," as increases the number of commissioned officers of the Army, and so much of said act as increases the pay of any officer attached to the Army, and so much of said act as increases the non-commissioned officers, musicians and privates, and all and every part of said act that increases the expenses of our military establishment be, and the same is hereby, repealed.

Sec. —. *And be it further enacted*, That, on the request of any Governor of a State or Territory, who may call on the Executive of the United States for such military force as he may deem proper and actually necessary to protect the lives or property of the citizens of his State or Territory, the President may accept of such number of volunteer troops, from said State or Territory, to be raised, officered, and organized under the laws of such State or Territory, for any time not exceeding twelve months, as he may deem sufficient to protect the lives and property of the citizens of such State or Territory, and maintain and defend the national honor and character; and should there not be a sufficient number of such volunteers in such State or Territory, then such volunteers from such other States or Territory as may offer their services, may be accepted upon the same terms and conditions; and in no case whatever shall such volunteers ever be placed under the command of any officer of the regular Army of the United States without their own consent, and that consent subject to be revoked by them at any and all times. Such volunteers to be entitled, while in service, to such pay and emoluments as the troops of the regular army now are or may be entitled to receive.

Sec. —. *And be it further enacted*, That all such volunteers, soldiers, non-commissioned officers, musicians, and privates, shall receive and send all their own letters on their own private business free of postage.

Mr. CAMBRELENG insisted that the amendment was not in order, being not a modification of an existing law, but an entirely new law.

The CHAIRMAN acquiesced in this opinion, and ruled the amendment out of order.

On motion of Mr. CAMBRELENG, the committee rose and reported the bill and amendments to the House.

The amendments being concurred in,

Mr. CAMBRELENG renewed the first of his amendments, offered by him in committee; which was agreed to.

Mr. MERCER also renewed his amendment; pending which,

On motion, the House adjourned.

## IN SENATE.

WEDNESDAY, February 6, 1839.

Mr. LINN presented several memorials of individuals, for confirmation of lots in the town of Prairie du Chien; which were referred to the Committee on Private Land Claims.

Mr. MORRIS presented a memorial, numerous signed by citizens residing on the northern and western frontier of the United States, suggesting the propriety of authorizing the Secretary of the Treasury to construct a steam revenue cutter for service on the lakes; which he asked might be referred to the Committee on Commerce.

Mr. KING remarked that the Secretary of the Treasury had already the power, if he deemed it proper to exercise it, to construct a steamboat for the collection of the revenue; but inasmuch as it would involve some additional expense, it might be desirable for Congress to express an opinion as to the propriety of the measure, and this he would endeavor to obtain at some not very remote period.

The petition was then referred.

Mr. PRENTISS presented memorials for the abolition of slavery and the slave trade in the District of Columbia and between the States, &c.

On motion of Mr. WILLIAMS, of Mississippi, the motion of reception was laid on the table.

Mr. KING presented a memorial, signed by numerous citizens of Florida, enumerating many advantages which would result from a connection between the Tennessee river and Mobile bay by railroad; which was laid on the table, and ordered to be printed.

## REPORTS FROM COMMITTEES.

Mr. FULTON, from the Committee on Public Lands, reported the following bills, severally, with an amendment:

An act for the relief of William Marcus; and

An act for the relief of John Dougherty.

Mr. F. also, from the same committee, reported the following bills, severally, without amendment:

An act for the relief of Enoch Matson;

An act for the relief of the heirs and assignees of Peter Alba, deceased; and

An act for the relief of Solomon Sturgess, assignee of Rezin Frazier.

Mr. MOUTON, from the Committee on Private Land Claims, to which the same had been referred, reported the following bills without amendment:

The bill for the relief of Paul Poissot; and

The bill for the relief of J. Eloi Rachal.

Mr. MORRIS, from the Committee on Pensions, asked to be discharged from the further consideration of the petition of William Lefevre; which was agreed to.

Mr. NORVELL, from the Committee on Revolutionary Claims, asked to be discharged from the further consideration of the petitions of the widow of Thomas Crooks and the heir of John Goggin; which was agreed to.

Mr. CLAY, of Alabama, from the Committee on Public Lands, reported a bill for the relief of John S. Wilson; which was read twice.

Mr. C. also, from the same committee, to which was referred the petition of Charles G. Gunter, reported a bill to relinquish the reversionary interest of the United States to a certain reservation in the State of Alabama; which was read, and ordered to a second reading.

Mr. RIVES, from the Committee on Naval Affairs, to which was referred the bill for the relief of Ezekiel Jones, reported the same without amendment.

Mr. ROANE, from the Committee on the District of Columbia, to which was referred the memorial of the Friendship Fire Company of Alexandria, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. R. also, from the same committee, to which was referred the memorial of the directors of the Georgetown College, reported a bill to incorporate the Georgetown College, in the Dis-

trict of Columbia; which was read, and ordered to a second reading.

## PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. ALLEN, the papers in relation to the claim of John McCartney were taken from the files of the last session, and referred to the Committee on Claims.

On motion of Mr. WRIGHT, the petition and papers of Mrs. Mary W. Thompson, widow of Colonel Alexander Thompson, were permitted to be withdrawn from the files of the Senate.

## SLAVERY QUESTION.

Mr. MORRIS submitted a resolution directing the Committee on the Judiciary to inquire into certain matters pertaining to the institution of slavery in the States and Territories, and to report thereon to the Senate; which he moved should be laid on the table and ordered to be printed.

Mr. HUBBARD said he hoped that the Senate would not, at this late period of the session, be called upon to act upon the resolution just presented by the Senator from Ohio. This subject has been before repeatedly brought to the notice of both Houses of Congress. He was entirely opposed to the consideration of this resolution at this time. He could not believe that the Senate would undertake to discuss this agitating question at this period of its session. He had, ever since he had been a member of the Senate, opposed all action upon the subject of abolishing slavery in the District of Columbia. He had repeatedly expressed his views upon this matter, and he had invariably urged it upon the Senate that it was a matter of policy, if not of duty, to let this whole subject alone. At the other end of this Capitol, his friend, one of the Representatives from the State he had the honor in part to represent, felt it to be his duty to offer sundry resolutions in relation to the subject of slavery. These resolutions have been fully discussed through the public press; and notwithstanding their author has received the most unmeasured abuse from particular public journals, yet he was free to say that he (Mr. H.) most sincerely concurred with his friend in every sentiment expressed by him in those resolutions; and he might add that a great majority of the constituents of his friend, he had reason to believe, were prepared fully to sustain him in the course he had pursued upon this subject. With these opinions he could not consent to consider the subject at this time. He was now, as he had heretofore been, wholly opposed to the consideration of this matter. He would not, unsolicited by those whose interests are to be affected by this proceeding, act in any way upon the subject embraced in the resolution of the Senator from Ohio.

Mr. CLAY, of Alabama, inquired if it would not be in order to move that the resolution should not be received.

The PRESIDENT stated that the rule of the Senate, directing that resolutions submitted by members of that body should be received, was positive, and did not admit of any question. Senators who objected to the resolution would have an opportunity to-morrow, when it came up for consideration, to move for its rejection; that it might be laid on the table, or for its indefinite postponement.

Mr. FOSTER expressed his surprise that the Senate had not the power by an instantaneous vote to refuse to receive the motion.

Mr. CLAY, of Alabama, said that in analogous cases leave was asked and granted before propositions could be submitted to the Senate, and instanced the case of a Senator who wished to introduce a bill. In that case leave was asked, and the question propounded was, should leave be granted, and the power of granting leave implies the power of refusing it. This principle, he thought, was also applicable to the reception of resolutions, and that the Senate had power to reject any proposition they thought proper. It is possible to conceive a case where a proposition might be submitted which was abusive or libelous of the Senate itself. Would they have no power in such a case to reject it? He merely put this to illustrate his position, that the Senate was not bound to entertain every proposition submitted to it. As the question would again come up to-

morrow, he would not consume the time of the Senate by discussing it further at present.

The PRESIDENT stated that the rules of the Senate admitted of no doubt on the subject. The members of the body, in submitting resolutions, acted on their responsibility to the Senate and the country for the proper or improper exercise of the right, and in this differed from individuals whose petitions were presented in this body. While the rule existed there could be no question of the right. If it was the wish of the Senate to alter the rule, he would with pleasure conform to it, as his only object was to perform the duty of Presiding Officer with strictness and impartiality.

Mr. MORRIS withdrawing the proposition to print, the resolution was laid on the table.

#### BILLS PASSED.

The following bills were read the third time and passed:

An act making appropriations for the payment of revolutionary and other pensioners of the United States for the year 1839; and

An act to provide for the location and temporary support of the Seminole Indians removed from Florida.

The bill for the relief of Joseph Paxson was taken up; and the question on its engrossment was decided in the negative—ayes 14, noes 15.

So the bill was rejected.

#### ARMED OCCUPATION OF FLORIDA.

On motion of Mr. BENTON, the Senate resumed the consideration of the bill providing for the armed occupation of that part of the Territory of Florida which is overrun by hostile Indians.

Mr. BENTON submitted some amendments to improve the details of the bill; which were adopted; after which,

Mr. PRESTON observed, that, as the chairman of the committee yesterday expressed a wish that some motion should be made to test the sense of the Senate on the general principles of this bill, he would now move that it be indefinitely postponed.

Mr. BENTON called for the yeas and nays on the question; which, being ordered, the motion prevailed—yeas 23, nays 19; as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Crittenden, Davis, Foster, Knight, McKean, Merriek, Morris, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Smith of Indiana, Spence, Strange, Swift, Tallmadge, Webster, White, and Young—23.

NAYS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Lumpkin, Mouton, Nicholas, Niles, Norvell, Sevier, Smith of Connecticut, Wall, Williams of Mississippi, and Wright—19.

Mr. ROBINSON moved a reconsideration of the vote just taken, stating that, not being within the Chamber when the question was propounded, he voted under a misapprehension, and believed that he was voting for the bill.

Messrs. BENTON and LUMPKIN spoke in favor of the reconsideration.

After which, on taking the question, the reconsideration was ordered, without a division; and the bill was laid on the table till to-morrow.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

A bill granting to the State of Illinois the right of way through the public lands of the United States;

A bill for the benefit of the Selma and Tennessee Railroad Company;

A bill for the relief of Captain Snodgrass's company of Alabama volunteers;

A bill to regulate the pay of masters in the Navy;

A bill for the relief of John McCloud;

A bill to establish a pension agency at Montpelier, in the State of Vermont; and

A bill for the relief of Ephraim Sprague.

#### RESOLUTIONS.

Mr. WRIGHT submitted the following motion; which was read, and ordered to be printed:

Resolved, That the bill before the Senate entitled "An act for the relief of the legal representatives of John J. Bulow, jr., deceased," and all other bills before the Senate providing for the payment of claims of sufferers by the late Indian wars in the Territory of Florida, and in the States of Tennessee, Georgia, and Alabama, be recommended to the Committee on Claims, with instructions that the com-

mittee examine, and report to the Senate, whether facts are before the committee or the body, upon which a judgment can be formed as to the extent and character of the claims for indemnity to grow out of these wars; of the extent of those claims which will be embraced within the principles of the bills already reported for the action of the Senate; and, if so, to report further a general bill in conformity with the principles which they shall suppose ought to be adopted for the settlement of those claims, the facts and testimony upon which their conclusions are founded, and the amount of claims to be embraced within the legislation they may propose.

Mr. LINN submitted the following resolution; which was considered and adopted:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making an appropriation to construct a national armory in the West.

After the consideration of executive business, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 6, 1839.

As soon as the Journal was read,

Mr. HAYNES rose and said he would make another effort to dispose of the President's annual message, if the House would indulge him, and he would therefore ask leave to submit a motion to discharge the Committee of the Whole on the state of the Union therefrom.

Mr. KENNEDY moved a call of the House; which was lost.

Mr. HAYNES was going on to remark on the importance of that portion of it which related to the census; when

Mr. SHIELDS objected.

Mr. HAYNES moved a suspension of the rules, and demanded the yeas and nays; which were ordered.

Mr. MASON, of Ohio, suggested to the gentleman to move a discharge of the committee from so much of the message as related to the census, and Mr. M. would vote for it.

Mr. HAYNES replied that he was not disposed to leave the opportunity open for it again to be said that the President's message had not been referred.

The question on suspending was then taken; and resulted in the negative, two thirds not voting therefor—yeas 75, nays 59; as follows:

YEAS—Messrs. Adams, Andrews, Banks, Beatty, Beers, Beirne, Bicknell, Borden, Bouldin, Buchanan, Cambreleng, John Campbell, Casey, Chaney, Cleveland, Clowney, Craig, Cushman, De Graff, Edwards, Ewing, James Garland, Glascock, Grantland, Gray, Harrison, Haynes, Holt, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Jabez Jackson, Joseph Johnson, Nathaniel Jones, Keim, Klingensmith, Lincoln, Marvin, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Montgomery, Morgan, Noble, Parker, Parmenter, Paynter, Pennybacker, Pettrikin, Phelps, Plumer, Potter, Pratt, John H. Prentiss, Reilly, Rives, Robinson, Sheffer, Charles Shepard, Shepler, Spencer, Stuart, Swearingen, Toucey, Turney, Vanderveer, Weeks, Whittelsey, Jared W. Williams, Joseph L. Williams, Worthington, and Yell—75.

NAYS—Messrs. Alexander, Bell, Biddle, Bond, William B. Calhoun, William B. Campbell, Carter, Chambers, Cheatham, Corwin, Crabb, Cranston, Cushing, Darlington, Davies, Dunn, Everett, Richard Fletcher, Rice Garland, Giddings, Goode, Grennell, Harper, Henry, Herod, Henry Johnson, Kennedy, Mallory, Sampson, Mason, Maury, May, Maxwell, McKean, Menefee, Calvary Morris, Naylor, Noyes, Potts, Putnam, Rariden, Randolph, Ridgway, Robertson, Russell, Sergeant, Augustine H. Shepperd, Shields, Sibley, Southgate, Stanley, Stone, Stratton, Taliaferro, Tillinghast, John White, Lewis Williams, Sherrard Williams, Christopher H. Williams, and Word—59.

Mr. KENNEDY asked the consent of the House to take up and consider the resolution submitted by him some time since, calling for certain information in relation to the contracts of the Navy Department.

Objection being made,

Mr. KENNEDY moved a suspension of the rules, and the yeas and nays having been ordered on his call, they were taken, and were—yeas 96 nays 60.

#### REPORTS FROM COMMITTEES.

At the suggestion of Mr. CAMBRELENG, and by unanimous consent, reports from committees were called for.

Mr. CAMBRELENG, from the Committee of Ways and Means, moved the discharge of that committee from the further consideration of the petition of Gamaliel L. Smith, and that it be referred to the Committee of Claims, which was agreed to.

Mr. C. also reported sundry amendments to the civil and diplomatic appropriation bill.

Mr. CHAMBERS, from the Committee of

Claims, reported, without amendment, Senate bill for the relief of William B. Ferguson and sureties; which was ordered to a third reading, read the third time, and passed.

Mr. JOHNSON, of Louisiana, from the Committee on Commerce, reported a bill making appropriations for the erection of a marine hospital in the city of St. Joseph, in the Territory of Florida.

Mr. CUSHMAN, from the same committee, reported without amendment the joint resolution from the Senate authorizing the President of the United States to cause certain surveys to be made.

Also, a bill making appropriations for building light-houses, light-boats, beacon lights, and buoys, for the year 1839.

Also, a bill making appropriations for building a pier at the northern extremity of lake Winnebago, and for other purposes.

Also, a bill for the relief of Nathan Levy.

Also, a bill to amend the act to authorize a register or enrollment license to be issued in the name of the president or secretary of the incorporated company owning a steamboat or vessel, passed 3d March, 1825.

Mr. DE GRAFF, from the same committee, reported a bill supplementary to the tonnage and impost acts of 1799 and 1803; which was ordered to a third reading to-morrow.

Mr. MONTGOMERY, from the same committee, reported a bill for the relief of Elliot Smith and Nathan Palmer.

Also, a bill for the relief of George Willis.

Mr. SHIELDS, from the Committee on Public Lands, reported the following resolution; which was concurred in:

Resolved, That the Commissioner of the General Land Office be required to transmit to this House, at as early a day as practicable, a copy of the correspondence between him and the recorder in relation to the correcting, examining, signing, and issuing of patents; and a statement, as near as can be ascertained, of the average number of erroneous patents issued by mistake or inadvertence, and his opinion with regard to the best remedy for the prevention of like errors in future.

Mr. LINCOLN, from the same committee, reported a bill making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon.

Also, a bill to compensate the township of Dublin, Mercer county, Ohio, for the loss of school lands.

Mr. LOOMIS, from the same committee, reported a bill authorizing the issuing of duplicate land warrants in cases where the original warrants are lost or destroyed.

Mr. L. also reported the following resolution; which was concurred in:

Resolved, That the President of the United States be requested to cause to be prepared and presented to the next Congress, at an early day, a plan for the sale of the public mineral lands, having reference as well to the amount of revenue to be derived from them, and their value as public property, as to the equitable claims of individuals on them; and that he, at the same time, communicate to Congress all the information in possession of the Treasury Department relative to their location, value, productiveness, and occupancy; and that he cause such further information to be collected, and surveys to be made, as may be necessary for these purposes.

Mr. BOULDIN, from the Committee for the District of Columbia, reported, with an amendment, Senate bill to amend the act establishing criminal courts in the District of Columbia.

Mr. THOMAS, from the Committee on the Judiciary, reported, without amendment, Senate bill for the relief of Dr. John Campbell White, of Baltimore, in the State of Maryland; which, on Mr. T.'s motion, was ordered to a third reading, read the third time, and passed.

Mr. MARTIN, from the same committee, reported, without amendment, Senate bill for the relief of William H. Robertson, Samuel H. Garrow, and J. W. Simonton.

Mr. PARMENTER, from the Committee on Revolutionary Claims, reported a bill for the relief of Henry Hoffman.

Mr. MAY, from the Committee on Private Land Claims, reported a bill for the relief of the heirs and legal representatives of Don Carlos de Villemont.

Mr. CRABB, from the same committee, reported, without amendment, Senate bill for the relief of Henry Wilson, confirming certain land purchases in Arkansas; which was ordered to a third reading, read the third time, and passed.

Mr. MASON, of Ohio, from the Committee on Military Affairs, reported a bill for the erection of an armory on the western waters.

Mr. McKAY, from the same committee, reported a bill making appropriations to pay the militia of Vermont called out by the Governor of that State to prevent unlawful incursions into Canada.

Also, a bill making an appropriation for the purchase of land adjoining the arsenal at Charleston, South Carolina.

Also, a bill making appropriations to carry on and complete certain military surveys.

Also, without amendment, the joint resolution from the Senate for the purchase of the island at the confluence of the St. Peter's and Mississippi rivers; which was read the third time and passed.

Also, a joint resolution authorizing the Secretary of War to purchase, in the District of Columbia, a site for a powder magazine and keeper's house; which was ordered to be engrossed for a third reading to-day.

Mr. BRONSON, from the Committee on Territories, reported a bill for the relief of the Brotherton Indians, in the Territory of Wisconsin.

Also, a bill to establish a system of internal improvements in Wisconsin.

Also, a bill to fix the salaries of the keepers of the public archives in Florida.

Mr. POTTS, from the same committee, reported a bill to alter and amend the organic law of the Territories of Wisconsin and Iowa.

Mr. WHITTLESEY, from the Committee on Revolutionary Pensions, reported the following bills:

A bill in favor of Ellen Turney;

A bill in favor of Esther Parrott;

A bill in favor of Elizabeth Rowe; and

A bill for the relief of Huldah Farlow.

Mr. BOND, from the same committee, reported a bill granting a pension to Alexander Gillis.

Mr. MORGAN, from the same committee, reported a bill for the relief of Peter Hedrick.

Also, a bill for the relief of Cecilia Ragan.

Also, a bill for the relief of Philip Hartman.

Mr. JOHNSON, of Virginia, from the same committee, reported a bill granting a pension to Joanna Bartlett.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported a bill granting a pension to Emanuel Srope.

Also, a bill granting a pension to John H. Lincoln.

Mr. MITCHELL, from the same committee, reported a bill for the relief of Jacob Euler.

Also, a bill for the relief of Peter W. Short.

Mr. STANLY, from the same committee, reported a bill for the relief of Sylvester Tiffin.

Mr. ALLAN, of Vermont, from the same committee, reported a bill for the relief of Levi Coleman.

Also, a bill for the relief of Neil Shannon.

Mr. McCLELLAN, of New York, from the same committee, reported a bill for the relief of William Poole.

Mr. MONTGOMERY, from the Committee on Commerce, made an unfavorable report on the petition of Lemuel C. Richmond.

Mr. MASON, of Virginia, from the same committee, made unfavorable reports on the petitions of Stephen White and Samuel Fettyplace.

On motion of Mr. WORD, the Committee on Public Lands was discharged from the further consideration of the petition of certain citizens of Missouri, praying a cession of swamp lands.

Mr. KEMBLE, from the Committee on Military Affairs, made an unfavorable report on the petition of Ann C. Stephen.

Mr. GRENELL, from the same committee, made an unfavorable report on the petition of William Callender.

Mr. WHITTLESEY, from the Committee on Revolutionary Pensions, made unfavorable reports on the petitions of Martha Laman, Simon Brewion, and Edmund Leavenworth.

Mr. BOND, from the same committee, made an unfavorable report on the petition of Mrs. Anne Royal.

Mr. SIBLEY, from the same committee, made an unfavorable report on the petition of Barbary Burnham.

Mr. CHILDS, from the same committee, made an unfavorable report on the petition of Rachel Fox.

Mr. TAYLOR, from the Committee on Invalid Pensions, made unfavorable reports on the petitions of Frederick Lantz, Job Wood, Peter Heeston, Daniel Wilson, and David R. Whitely.

Mr. MITCHELL, from the same committee, made unfavorable reports on the petitions of Samuel Day and Benjamin Wood.

Mr. HEROD, from the same committee, made an unfavorable report on the petition of Daniel Shipley.

Mr. ALLAN, of Vermont, from the same committee, made an unfavorable report on the petition of Ephraim Shaler.

Mr. PHELPS, from the Committee on Patents, made an unfavorable report on the petition of Amelia Wells.

On motion of Mr. CONNER, the Committee on the Post Office and Post Roads was discharged from the further consideration of the resolution of the House of the 14th ultimo authorizing an inquiry into the expediency of permitting publications on agriculture to be conveyed by mail, free of postage.

Mr. C. also, from the same committee, made an unfavorable report on the petition of sundry citizens of the town of, and vicinity of, Mapleville, in the county of Bibb, State of Alabama, praying compensation sufficient to secure the services of a postmaster to perform the extraordinary duties required at that post office.

Mr. SERGEANT, from the select committee on steam engines, reported the following resolution; which was concurred in:

*Resolved*, That the committee be discharged from the further consideration of the petition and papers relating to the alleged invention of Cadwallader Evans, the subject being properly cognizable by the commissioner appointed under the act of last session.

Mr. UNDERWOOD, from the select committee thereon, reported a joint resolution in favor of the heirs of Colonel David Rumsey; which was postponed till Saturday next.

Mr. HUNTER, from the select committee on the subject, reported a bill to provide for the collection and disbursement of the public revenue.

Mr. PICKENS moved to print five thousand extra copies of the report; but it being objected to, the motion lies over.

#### ARMY BILL.

The House then resumed the consideration of the Army service bill for 1839.

The question pending was the amendment moved yesterday by Mr. MERCER, "for the prosecution of surveys under the act of the 30th of April, 1834, \$30,000."

Mr. CAMBRELENG moved the following substitute, "for arrearages of surveys under the act of 30th of April, 1824, \$4,000," and produced a letter from Colonel Abert, chief of the topographical bureau, showing the latter sum to be all that was required at present under that act.

Mr. MERCER opposed the amendment as not providing for a further execution of the law, a law which was still in force. Mr. M. produced a letter from the Secretary of War, recommending the larger sum. Mr. M. insisted that it was the duty of the Committee of Ways and Means to provide for carrying out that law.

Mr. BELL complained of this mode of shifting responsibility from the Executive shoulders, by these private estimates sent in from time to time, without, in many instances, the slightest privacy on the part of the House, and by which members of that House were often held alone responsible for appropriations which had been recommended by the Executive.

Mr. CAMBRELENG, remarking that a bill having been reported this morning providing \$10,000 for the carrying on and completing of military surveys, withdrew his amendment.

Mr. HOLSEY made a general reply to the positions assumed by Mr. MERCER and Mr. BELL.

Mr. PICKENS contended that the act of 1824 only authorized an appropriation of \$30,000 for that one year, and not, as Mr. MERCER insisted, from year to year. Mr. P. was opposed to the continuance of the appropriation on constitutional grounds, because, though if confined to military surveys only, they would come within the pale of the Constitution, but it was notorious that these surveys, as they had for years been carried on, formed the bases upon which the internal improvement system was constructed. The amount of \$30,000 was but a trifle, yet he looked to the

enormous expenditure involved in, and brought about by, these surveys.

Mr. GARLAND, of Virginia, also opposed the amendment of Mr. MERCER, and regarded it as both unconstitutional and inexpedient. Mr. G. then went into a general argument against the proposition, as productive of works of internal improvement, and involving immense appropriations, often for improvements which, but for these surveys, would never have been thought of. Mr. G. had heard much about economy and reform, and he asked when and where were they to begin? Where could there be a more fit and suitable occasion than on these surveys; especially, too, when the Treasury was empty? If these new surveys were authorized, gentlemen would be asking for harbors, clearing rivers and creeks, constructing light-houses, &c., and as so much had been said for some time past on the necessity of economy, here was the place to test the sincerity of men of all parties, because the interest of almost all were involved. For himself, Mr. G. had always opposed these propositions as unconstitutional.

Mr. EVANS advocated the amendment as complying with the provisions of an existing law.

Mr. MASON, of Ohio, contended that if the House rejected this amendment, the advocates of strict construction would not attain their object, for the surveys, if not made under the law of 1824, would be made in some other way, and as much money would be indirectly appropriated as if the matter were openly and avowedly voted for. He denied that the great principle adverted to by Mr. PICKENS and Mr. GARLAND was involved in this proposition, though, if it was, he should vote for it, though he was not in favor of an extravagant scheme of internal improvements. He eulogized the law of 1824 as having given birth to many a splendid work in the States, that, but for it, would never, perhaps, have been constructed.

Mr. TAYLOR said, because appropriations had been made in consequence of the act of 1824, he did not deem it obligatory upon Congress to continue them, for he denied that that act was prospective in its operation, but was limited to the year of its passage; and he, for one, was not disposed to continue them. Moreover, the proposition was of too general and indefinite a character, and should not be adopted unless the House knew what specific surveys were to be made, so that they might judge of their nationality. He was willing to go for a survey of this character, but for nothing more.

Mr. HOWARD remarked that the gentleman's own rule should induce him to vote for this appropriation, for, although it was true that the sum of \$30,000 was asked for in gross, yet the communication of the Secretary of War had specified the surveys proposed to be made for the coming year.

After some remarks from Messrs. GARLAND and CRAIG, in opposition, and Mr. CARTER, in favor of the amendment, Mr. PETRIKIN obtained the floor, and moved the previous question; which the House, by tellers, refused to second, there being 65 for, and 67 against it.

Mr. CAMBRELENG expressed the hope that if gentlemen were determined to have this appropriation, it would be done in a separate bill, and made specific. He said the law of 1824, which this amendment in effect goes to revive, places in the hands of the President a power which he wished not to see given again to any person; that it gave him absolute power to go through every State of the Union, to make what surveys he pleased. He hoped that there was no party in this House disposed to do the like act; and if it were necessary to appropriate this amount to surveys, that there were other bills in which this amendment might, with more propriety, be inserted. He appealed to the House, therefore, not to append it to the Army bill, but to appropriate it by specific law, and place it upon its own merits.

Mr. ROBINSON was understood to be opposed to the amendment on the ground that it would revive the act of 1824. He was opposed to the whole system of internal improvements, and contended that it was a war upon the Constitution.

Before taking any question,

On motion of Mr. MURRAY, the House adjourned.

## IN SENATE.

THURSDAY, February 7, 1839.

Mr. McKEAN presented a memorial from the Philadelphia Board of Trade, praying Congress to cause piers to be constructed at Delaware city, at the eastern debouch of the Chesapeake and Delaware canal, for the protection of ships in the winter season; which was referred to the Committee on Commerce.

Mr. SEVIER presented a memorial of the clerks of the Indian Bureau, praying that their compensation may be raised to an equality with that of other clerks; which was referred to the Committee on Indian Affairs.

Mr. S. also presented papers, which were referred to the Committee on Indian Affairs.

Mr. YOUNG presented four memorials from a number of citizens of the northern part of Illinois, praying for the establishment of a land office in that portion of the State; which was laid upon the table.

Mr. RUGGLES presented a letter from Robert Schuyler, upon the subject of steam boilers; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CLAY, of Kentucky, presented a memorial, signed by a number of the inhabitants of the District of Columbia, remonstrating against the interference of the citizens of other parts of the country in the subject of slavery in the District, and against any action on the part of Congress in compliance with such unauthorized interference.

After giving an abstract of the contents of the memorial, Mr. C. said he would embrace the opportunity of presenting his views on the subject of these abolition petitions. He said he had been, and was still, of the opinion that the proper course for the disposal of these petitions would have been to receive them and refer them to an appropriate committee, who might present to the community a strong and argumentative appeal on the subject. A majority of the Senate thought otherwise; and while they had no intention to violate the right of petition, the course which they had adopted had enabled the Abolitionists to represent them as having done so, and thereby greatly to increase their numerical strength. He said that the petitions for the abolition of slavery in the District and in the Territories were but a means of accomplishing the ultimate aim of the Abolitionists—universal emancipation. They were stages, and short stages, to a bloody goal—emancipation without compensation, and without moral preparation. For this they were attempting to excite the people of one section of the Union against another section, by exaggerated pictures of the horrors of slavery. Hence their continual agitation of the subject, and their attempt to connect it with the political controversies of the country. He alluded to the distinguished agitator in another sphere, (O'Connell,) who has said that we should be excluded from the respectable society of Europe—a society to which he himself has only a kind of contraband admittance, and was tolerated with a scornful repugnance. He considered his ebullitions as the malignant ravings of the plunderer of his own country, and the libeler of a kindred people. He said that persons of both sections, and of the different political parties of the Union, have endeavored to profit by the abolition excitement.

Previous to the late presidential election, Mr. Van Buren had been charged with being an Abolitionist. He (Mr. C.) never participated or believed in this charge. No, sir, he is no Abolitionist. He conjured Abolitionists to pause, and look on the dreadful precipice towards which they were hurrying our beloved country. He denied that Congress had any power to legislate upon the subject of slavery. He said that by the Missouri compromise, Florida had a right, when she had the requisite population, to be admitted into the Union with the institution of slavery. He denied the right of Congress to interfere with slavery in the District of Columbia, so long as slavery did not interfere with the comfortable occupation of the District as a seat of Government for the Union, which was provided by the act of cession. The idea of Congress having power to prohibit the transportation of slaves from one State to another was preposterous. He said that the ultimate aim of Abolitionists was emancipation, the

universal emancipation of three million slaves in the United States. These were, on an average, worth at least \$400 each; and thus would result the destruction of property to the amount of \$1,200,000,000 by a single fiat of legislation. It was said there was no right of property in slaves; but that was property which the laws made property. If Abolitionists were sincere, they should begin, as a preliminary step, to raise these \$1,200,000,000, for it would be the height of injustice to ask citizens of slaveholding States to raise money to pay for their own property. He said that the Abolitionists, whatever they might profess, were in favor of amalgamation, and supposed, as the leading white Abolitionists evinced no disposition to commence the work, that they intended it should be carried out by the poorer class, who were expected to consent to the vile and loathsome association. He said that the two colors could not associate together on terms of equality; the whites must rule the blacks, or the blacks would rule them; that contests for superiority would inevitably take place, and widely extended carnage and desolation would be the result. Our country, with its happy population, its smiling cities, and well cultivated plantations, would present nought but desolated fields, conflagrated cities, and scenes of butchery and murder. Mr. C. illustrated and defended these and other positions in an able speech of nearly two hours in length, which will be presented to our readers after it is published.

Mr. CALHOUN said that when he turned his eyes back for the last twelve months, and compared what he then heard with what was now said, in the same quarter, he was forcibly struck, and, he might say, pleasantly, with the change. I think (said he) that it was just about one year since that the Senate was engaged in the discussion of a series of resolutions relating to the same subject on which we have heard the Senator today, and which occupied the time of this body for about two weeks, in the discussion of what many were pleased to call useless abstractions. At that time abolition was advancing with strides which threatened the Union itself. To meet the approaching danger, he (Mr. C.) turned his eyes to State-rights, as the ark of our safety, and which has, heretofore, carried us safely through every difficulty. The resolutions to which he referred were put forward as the rallying ground for all who embraced the State-rights creed. How they were received on the Opposition side, he would not say; but on this side he was ably supported by his Republican friends of the North, the grateful recollection of which he should ever retain. That movement gave the first effectual blow to abolition.

At the close of the session, it was followed up by the address to the people of the United States, which was headed by the Senator from Connecticut on my right, [Mr. NILES.] It took the same elevated ground, that this was not a consolidated Government, but a Federal Republic of confederated sovereignties; and that neither this Government, nor any of the States, or their citizens, had a right, either here or elsewhere, to interfere with the domestic institutions of the other States. This address, following the original move, had a powerful effect in consolidating all of the State-rights creed throughout the entire non-slaveholding States against the Abolitionists, which effectually checked their further progress.

At the beginning of this session, another movement on the same principle, made in the other wing of the Capitol, (Mr. ATHERTON's resolutions,) and which was sustained by a strong majority, followed with the most happy effect. The work was done. The spirit of abolition was overthrown, of which we have a strong confirmation in what we have this day heard. The South was consolidated as one man against it, and a great political party to the North was nearly equally united in opposition; and he hoped, from indications that could scarcely deceive, that the other party there would also soon be found rallied against it.

Sir, this is a great epoch in our political history. Of all the dangers to which we have ever been exposed, this has been the greatest. We may now consider it as passed. The resolutions to which he referred, with the following movements, gave the fatal blow, to which the position now assumed by the Senator from Kentucky has

given the finishing stroke. What has been done, will be followed by a great moral revolution in the tone of feeling and thinking in reference to the domestic institutions of the South. Already the discussion has effected a great change among ourselves. There were many, very many, in the slaveholding States who, at the commencement of the controversy, believed that slavery, as it existed among us, was an evil to be tolerated, because we could not escape from it, but not to be defended. That has passed away. We now believe it has been a great blessing to both of the races—the European and African, which, by a mysterious Providence, has been brought together in the southern section of this Union. The one has greatly improved, and the other has not deteriorated; while, in a political point of view, it has been the great stay of the Union and our free institutions, and one of the main sources of the unbounded prosperity of the whole. Now that we have withstood the shock, our institutions would be viewed more fairly than they have heretofore been; and he had no apprehension but that the result would be a great change of feeling towards them, not only in our country, but over the civilized world.

I did not rise, to enter into a discussion of the subject. I heard the Senator from Kentucky with pleasure. His speech will have a happy effect, and will do much to consummate what had already been so happily begun, and successfully carried on towards a completion.

## REPORTS FROM COMMITTEES.

Mr. LUMPKIN, from the Committee on Indian Affairs, to which was referred the act for the relief of John L. Allen, reported the same without amendment.

Mr. WRIGHT, from the Committee on Finance, to which was referred the resolution of the Senate of January 23d, made a report thereon, concluding with the following resolution:

*Resolved*, That the Committee on Finance be discharged from the further consideration of the resolutions of the Senate of the 23d January last, respecting territorial banking institutions, and the extension of the jurisdiction of the courts over the same; and that the second of the said resolutions be referred to the Committee on the Judiciary; which was agreed to.

Mr. W. also, from the same committee, to which was referred the following bills, reported the same without amendment:

An act for the relief of Samuel McComb; and  
An act for the relief of Henry Lynch.

Mr. W. also, from the same committee, to which were referred the following bills, reported the same without amendment, and with a recommendation that they should not pass:

An act for the relief of Chastelain and Ponvert;  
An act for the relief of Zachariah Jellison;  
An act for the relief of Samuel D. Walker;  
An act for the relief of James W. Osborne; and  
An act for the relief of John B. Lassala.

Mr. W. also, from the same committee, to which memorials on the subjects had been referred, reported the following bills; which were severally read, and ordered to a second reading:

A bill for the relief of William A. Whitehead; and

A bill to remit or refund duties on railroad iron imported by the Wrightsville and York railroad company.

Mr. NORVELL, from the Committee on Commerce, reported a bill making an appropriation for the improvement of the harbor of Milwaukee, in the Territory of Wisconsin; which was read, and ordered to a second reading.

Mr. SEVIER, from the Committee on Indian Affairs, to which had been referred an act to authorize the President of the United States to cause to be issued to Us-se-yoholo, a Creek Indian, a patent for a certain reservation of land in the State of Alabama, reported the same without amendment.

Mr. S. also, from the same committee, to which had been referred the following bills, reported the same without amendment, and with a recommendation that they do not pass:

An act for the relief of Milly Yates;  
An act for the relief of Willis Stevens;  
An act for the relief of Poas Hadjo;  
An act for the relief of Joseph Dukes; and  
An act for the relief of John Baldrige.

Mr. WILLIAMS, of Maine, from the Com-

mittee on Pensions, to which was referred the petition of Henry Fry, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. MORRIS, from the same committee, to which petitions on the subject had been referred, reported a bill for the relief of Samuel White and a bill for the relief of William Terry; which were read, and ordered to a second reading.

Mr. M. also, from the same committee, to which was referred the resolution of the Senate, instructing them to inquire into the expediency of an alteration in the pension laws, reported that the same was inexpedient.

Mr. ROANE, from the Committee on the District of Columbia, reported a bill supplementary to an act granting lots to Columbia College in the District of Columbia; which was read, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the resolution of the Senate, directing them to inquire into the claim of John J. Catlett, asked to be discharged from the further consideration thereof, and that the petitioner have leave to withdraw his papers; which was agreed to.

Mr. KING, from the Committee on Commerce, to which were referred the following bills, reported the same without amendment:

A bill for the relief of James Selden; and

A bill for the relief of George Innis.

On motion of Mr. McKEAN, it was

Resolved, That the documents on the files of the Senate in relation to the claims of the heirs of Benjamin Harvey be again referred to the Committee on Revolutionary Claims, with instructions to report thereon.

The resolution submitted yesterday by Mr. WRIGHT was adopted, and referred to the Committee on Claims.

The bill for the relief of William B. Ferguson and others, was read the third time and passed.

On motion, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

THURSDAY, February 7, 1839.

Mr. JOHNSON, of Maryland, from the select committee of twenty-six, on the subject of the public lands, reported the following resolution:

Resolved, That the committee report to the House, and ask leave to be discharged from the further consideration of the subject-matters referred to them, and that the journal of the committee be reported and published.

Resolved, further, That the committee deem it inexpedient to take further steps on the subject of the public lands.

Mr. ROBERTSON, one of the committee, expressed his dissent from the report, and moved to recommit it, with instructions to strike out all after the word "resolved," and insert as follows:

That hereafter the Secretary of the Treasury shall cause separate accounts to be kept of all moneys paid into the Treasury on account of sales of the public lands, to be disposed of in the manner herein provided, unless otherwise by law specially directed, viz.: he shall, on the 1st day of July succeeding the next census, and hereafter semi-annually on the 1st days of July and January in every year, divide all the said moneys then in the Treasury among the several States of the Union, in the ratio of their federal numbers: *Provided, nevertheless*, That nothing herein contained shall be construed to prohibit the appropriation of the proceeds of the public lands, or such portion thereof as may be requisite to meet the necessary expenditures of the Government for any year in which the receipts from the customs and other sources of revenue should be estimated to fall below — million dollars, and when it shall be deemed proper on that account to apply the said proceeds to special appropriations to supply the deficiency and meet those expenditures: *Provided, also*, That in the event of a war between the United States and any foreign Power, the said semi-annual division shall cease and be suspended during the continuance of such war: *Provided, moreover*, That nothing herein contained shall be construed to impair the right and obligation of Congress, whenever it shall satisfactorily appear that benefits from the use of the public lands, or the proceeds thereof, have been heretofore, or shall be hereafter, conferred on particular States, to extend, as far as practicable, to each and all the States, in their due and just proportions, who may require, or be willing to accept them, similar benefits upon the same or equivalent terms.

Mr. R. addressed the House at length in support of his proposition, and went into the history of the action of the various States of the Union on the subject of a disposition of the public lands. Mr. R. kept the floor till the orders of the day were announced.

## EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House the following message from the President of the Uni-

ted States; which was laid on the table, and ordered to be printed:

To the Senate and

House of Representatives of the United States:

In compliance with the act of Congress of the 3d March, 1839, I herewith transmit to Congress the tenth annual report of the board of inspectors of the penitentiary of Washington.

M. VAN BUREN.

WASHINGTON, February 6, 1839.

The SPEAKER also laid before the House the following executive communications:

A report from the Secretary of the Treasury, in compliance with a resolution of the House of Representatives of the 15th ultimo, transmitting a letter from the Commissioner of the General Land Office, giving information of the whole amount of the public lands to which the Indian title has been extinguished, the amount granted for bounty and public services, the amount surveyed, the amounts ceded to the States and Territories and reserved for purposes of education, &c., the entire cost to the Government of all public lands to which the Indian title has been extinguished, and the quantities of land that have remained unsold by the latest return, &c., &c.

A communication from the Secretary of War, in obedience to a resolution of the House of Representatives of the 28th instant, transmitting a report from the colonel of the topographical engineers, accompanied by a report and drawings of the harbor of Stonington, Connecticut.

A communication from the Secretary of War, in obedience to a resolution of the House of the 28th ultimo, giving his opinion whether the improvements can be suspended or discontinued upon the harbors now in process of construction, without endangering the existence of the structures already begun, and without exposing the Government to a waste of the moneys already expended; showing, also, the average progress of these harbors towards completion, and how far the interests of commerce would be deleteriously affected by such suspension or discontinuance; accompanied by various documents relating to these subjects.

A communication from the Secretary of War, transmitting a report of the Commissioner of Pensions, in reply to a resolution of the House of Representatives of the 31st December, giving a statement of the number of pensions under the act of March 18, 1816, which have been relinquished, and other information respecting them.

A communication from the Secretary of the Treasury, in obedience to the resolution of the House of Representatives of the 4th instant, giving information as to what funds have been paid by that Department to William E. Woodruff, pension agent for the State of Arkansas.

A message from the President of the United States, forwarding the report of the commissioners appointed to test the usefulness of inventions to prevent the explosion of steam boilers.

A communication from the Secretary of the Treasury in relation to the accounts of Thomas Irvine, district attorney for the western district of Pennsylvania.

Which several communications were ordered to lie on the table, and be printed.

## PETITIONS, ETC.

Petitions were, on leave, presented by Messrs. TILLINGHAST, NAYLOR, FLETCHER of Massachusetts, JOHNSON of Louisiana, KEMBLE, GOODE, and CRANSTON.

[Mr. KEMBLE submitted a joint resolution for the survey of the lakes on the northern and north-western confines of the United States; which was referred to the Committee on Commerce.

Mr. JOHNSON, of Louisiana, presented a petition, signed, it is believed, by several thousand citizens of the State of Louisiana, soliciting the entire repeal of the acts providing for the naturalization of foreigners, and that Congress will make provision, by law, for the protection of the United States from the indiscriminate influx of foreign emigrants, both of which they deem necessary for the preservation of our Republic and glorious institutions.

On motion of Mr. JOHNSON, the petition was ordered to be printed, and was referred to the Committee of the Whole on the state of the Union.]

## ARMY SERVICE BILL.

The House then resumed the consideration of

the bill making appropriations for the support of the Army of the United States for the year 1839.

The pending question was on the motion of Mr. MERCER to amend the bill by adding to the end thereof an appropriation of \$30,000 for the prosecution of surveys under the act of 1824.

Mr. PETRIKIN demanded the yeas and nays; which were ordered.

The main point of the debate on this proposed item was, whether the act of 1824 was prospective and continuous in its operation, or expired at the end of the year, or when the first appropriation made by it was expended. The opposers of Mr. MERCER's amendment insisted upon the limitation, and that the law was no longer in force; while its supporters contended that the act was a general one, and the money appropriated under it designed to be continued annually. The following is the law of 1824, the second and only other section merely appropriating \$30,000 to carry out the requirement of the first:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to cause the necessary surveys, plans, and estimates, to be made of the routes of such roads and canals as he may deem of national importance, in a commercial or military point of view, or necessary for the transportation of the public mail; designating, in the case of each canal, what parts may be made capable of sloop navigation; the surveys, plans, and estimates, for each, when completed, to be laid before Congress."

Mr. MERCER again addressed the House at length in support of his proposition.

Mr. HOWARD moved a substitute for the amendment, by specifying the surveys to be made, the amount being the same.

Mr. HAYNES said he would intrude but a few moments upon the attention of the House. He said we had heard much about the act of 1824 and its obligations upon Congress to make appropriations for surveys. There was but one portion of that act obligatory upon any one. By it the President is required to present to Congress such objects of survey as, in his judgment, required its attention. Congress was left free, by the act referred to, to appropriate, or not appropriate, money for surveys, as, in its judgment, may seem proper. As had been justly observed by his friend from South Carolina, [Mr. PICKENS,] the act of 1824 imposed on Congress no obligation to appropriate any particular sum, as the appropriation of that year was merely an annual appropriation. If it had been intended to be perpetual, that intention would have been expressed in the act, and further annual appropriations would have since been unnecessary.

The gentleman from Virginia [Mr. MERCER] had stated to the House that, since 1824, about two hundred and fifty thousand dollars had been appropriated under the act referred to. This shows those appropriations had not been annually repeated, as it would only cover about eight years of the thirteen, at the rate of thirty thousand dollars per annum. But he had risen merely to ask the House, if \$30,000 had been the maximum appropriation for surveys annually, when the Treasury was unembarrassed, are we prepared to increase it to the unusual amount of \$55,000 when, if appropriations should be made according to the annual estimates, the ways and means must be provided by the creation of a national debt? Already the Committee on Military Affairs had reported a bill asking an appropriation of \$10,000 for military surveys; and the Committee on Commerce had asked an additional sum of \$15,000 for commercial surveys; and the amendment of the gentleman from Virginia [Mr. MERCER] asked for \$30,000 more. He again asked, is the House prepared, with an exhausted Treasury, to exceed the usual appropriation for surveys \$25,000?

Mr. MARVIN obtained the floor; and, the subjects being connected, availed himself of the opportunity to conclude his speech upon the internal improvement system, the constitutionality of which he maintained at great length.

Mr. MALLORY then obtained the floor, and moved an adjournment; but yielded it to

Mr. CAMBRELENG, who expressed a wish to have all the appropriation bills made the special order from day to day, till disposed of.

[Cries of "No!" "No!"]

Mr. BELL suggested to make this bill the special order for to-morrow and next day.

Mr. CAMBRELENG had no objection; and he

asked leave to submit a motion to that effect, but it was objected to; and Mr. C. then moved a suspension of the rules, and demanded the yeas and nays; which were ordered.

Mr. POPE moved that the House adjourn.

Mr. CAMBRELENG said he must ask for the yeas and nays; for, unless his motion prevailed, it would be fatal to the appropriation bills, for nearly all next week would be taken up by other special orders.

The yeas and nays being ordered,

Mr. POPE withdrew his motion.

Mr. CAMBRELENG modified his motion so as to make the bill the order for to-morrow and Saturday, also, if not sooner disposed of, and to take it up after the morning business.

Mr. PETRIKIN then renewed the motion to adjourn; but the yeas and nays having been again ordered, on the call of Mr. CAMBRELENG, he withdrew it.

The motion to suspend the rules was decided in the negative—yeas 93, nays 60; not two thirds.

Mr. HAYNES then demanded the previous question.

Mr. MALLORY moved that the House adjourn.

Mr. INGHAM and Mr. CAMBRELENG simultaneously called for the yeas and nays; which, being ordered, were—yeas 57, nays 91.

So the House refused to adjourn; and the question recurred on the demand for the previous question; when

Mr. NAYLOR moved a call of the House; which was lost.

The demand for the previous question was seconded—83 to 53.

Mr. MERCER called for the yeas and nays on ordering the main question to be put; but they were refused; and the main question was ordered, put, and agreed to without a division.

So the bill was ordered to be engrossed for a third reading, and was then read a third time, and passed.

On motion, the House adjourned.

## IN SENATE.

FRIDAY, February 8, 1839.

The VICE PRESIDENT presented a communication from the Secretary of the Treasury, in compliance with a resolution of the Senate of the 23d ultimo, in relation to the exercise of banking privileges by incorporated companies or individuals in the Territories of the United States; which was laid on the table, and ordered to be printed.

Also, a memorial from inhabitants of Ohio city, in relation to the neutrality laws; which was referred to the Committee on Foreign Relations.

Mr. McKEAN presented a memorial from merchants and others, citizens of Philadelphia, praying Congress to make the necessary appropriations to erect a new custom-house for that district; which was referred to the Committee on Commerce.

Mr. CLAY, of Alabama, presented the petition of Colin Bishop, postmaster at Tusculum, Alabama; which was referred to the Committee on the Post Office and Post Roads.

Mr. MERRICK presented the memorial of Thomas B. Crittenden; which was referred to the Committee on Pensions.

Mr. TALLMADGE presented the synopsis of a bill before the British Parliament for reducing and equalizing letter postage; which was ordered to be printed.

## REPORTS FROM COMMITTEES.

Mr. MORRIS, from the Committee on Pensions, to which was referred an act for the relief of Isaac Conly, reported the same without amendment.

Mr. M. also, from the same committee, to which was referred the following bills, reported the same without amendment, and with a recommendation against their passage:

An act for the relief of George Hommel;

An act for the relief of Maria Hornbeck;

An act for the relief of Thompson Hutchinson; and

An act for the relief of George Cassidy.

Mr. BUCHANAN, from the Committee on Foreign Relations, to which was referred the following bills, reported the same with amendments:

An act for the settlement of the accounts of Edmund Roberts; and

An act for the relief of Benjamin Hewitt.

Mr. B. also, from the same committee, to which was referred the following bills, reported the same without amendment, and with a recommendation for their indefinite postponement:

An act for the relief of Cornelius Manning; and

An act for the relief of Benjamin Hodges.

Mr. WILLIAMS, of Maine, from the Committee on Naval Affairs, to which had been referred the bill for the relief of Dudley Walker, reported the same with an amendment.

Mr. WRIGHT, from the Committee on Finance, to which was referred the bill more effectually to secure public money in the hands of officers and agents of the Government, and to punish public defaulters, reported the same with amendments; and the bill and amendments were ordered to be printed, and made the special order for Tuesday next.

Mr. WALL, from the Committee on the Judiciary, to which was referred the bill to establish a board of commissioners to hear and examine claims against the United States, reported the same with an amendment; which was ordered to be printed, and, on his motion, it was made the order of the day for Monday next.

Mr. W., from the same committee, to which was referred so much of the memorial of Maria Helen America Vespucci as relates to conferring upon her the right of citizenship, reported against the expediency of any alteration of the law of Congress establishing a uniform mode of naturalization, and asked to be discharged from the further consideration thereof.

Mr. LUMPKIN, from the Committee on Indian Affairs, to which was referred the resolution of the Senate of the 29th ultimo, reported a bill for the relief of the assignees to reservations under the Choctaw treaty of 1830; which was read, and ordered to a second reading.

Mr. CLAY, of Kentucky, from the Committee on Foreign Relations, to which was referred the act for the relief of the legal representatives of William Tudor, jr., reported the same without amendment.

Mr. HUBBARD, from the Committee on Claims, to which was referred the bill for the relief of Abel A. Pasko, reported the same without amendment.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the act for the relief of Etienne Lalande, reported the same with out amendment.

Mr. WALL, from the Committee on the Judiciary, to which was referred an act for the relief of Daniel Ward and George Ficklin, reported the same without amendment.

## RESOLUTIONS.

Mr. CLAY, of Alabama, submitted the following resolution; which was considered and adopted:

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of purchasing additional ground for the use of the custom-house in Mobile.

Mr. DAVIS submitted the following resolution; which, under the rule, lies over one day:

*Resolved*, That the Secretary of the Treasury be directed to lay before the Senate the annual amount of net revenue collected from all sources in each year for the last ten years, designating, as far as it can conveniently be done, the several kinds of goods from which revenue derived from imports is raised, and the amount derived from each kind in each year, and also the rate of duty.

## SLAVERY QUESTION.

The resolution submitted by Mr. MORRIS, on Wednesday, on the subject of slavery, coming up for consideration,

Mr. CLAY, of Alabama, demanded the question of its consideration.

Mr. NORVELL said it was very evident that the consideration of this resolution would lead to a long and interminable abolition discussion, and every Senator must be convinced that this would be productive of no good result. For the purpose, therefore, of getting rid of the resolution, he moved to lay the question of its consideration on the table, and asked for the yeas and nays on the motion.

Mr. BUCHANAN requested the Senator from Michigan to withdraw his motion for a moment.

Mr. NORVELL assented.

Mr. BUCHANAN said he should vote against

the proposition to lay upon the table. From his whole course on the subject of these abolition petitions he supposed no person would suspect him of being friendly to them or to their objects; but fair play is a jewel, and he thought that the Senator from Ohio [Mr. MORRIS] had a right to be heard; and to reply to the remarks that were made in the Senate on this subject yesterday. That being done, he was willing to take any course which might put the subject effectually at rest.

Mr. HUBBARD said that there was no want of "fair play" in the course proposed by the Senator from Michigan. What is proposed? The Senator from Ohio has submitted to the Senate a resolution upon the subject of domestic slavery—a resolution embracing subjects important in their character; and if this resolution be now taken up, in his opinion, it would inevitably lead to debate. The Senator from Alabama raises the question of consideration, and the Senator from Michigan moves to lay that question on the table. The object is manifestly to avoid discussion at this time; and this was, in his judgment, the course which ought to be pursued upon the resolution. But the Senator from Ohio is not thereby precluded from offering his views upon the subject of slavery. He can, if he pleases, in imitation of the example set by the Senator from Kentucky yesterday, present his views at large on offering to the Senate a memorial on that subject. This right he has, this privilege he now enjoys, if he chooses to exercise it, and he knew of no rule of the Senate which could prevent him or any Senator from going fully into the subject of any memorial he might be called upon to present. But he did hope that the resolution offered by the Senator from Ohio would not be taken up for consideration. If once before the Senate, it would be debated, and such a debate could lead to no profitable result. At this period of the session, he was utterly opposed to bringing that resolution before the Senate, and he should, with great pleasure, vote in favor of the motion of his friend from Michigan.

Mr. MORRIS felt very much obliged to the Senator from New Hampshire for the information that he had the same right as any other Senator to express his opinions on subjects brought before that body. He supposed that he ought to return him profound thanks for this gracious privilege. Mr. M. proceeded to comment on the course of Senators with much severity, when he was called to order by the President.

Mr. M. wished to know in what he was out of order; in the language he had used, or—

The PRESIDENT said the motion made by the Senator from Michigan was not a debatable one, and therefore all discussion on it was out of order.

The question was then taken on the motion to lay the motion to consider on the table, (the yeas and nays having been ordered,) and decided in the affirmative—yeas 22, nays 20; as follows:

YEAS—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Foster, Fulton, Hubbard, King, Linn, Lumpkin, Merrick, Monton, Nicholas, Norvell, Pierce, Preston, Roane, Sevier, Smith of Connecticut, Spence, and White—22.

NAYS—Messrs. Bayard, Buchanan, Clay of Kentucky, Clayton, Crittenden, Davis, McKean, Morris, Niles, Prentiss, Robbins, Robinson, Ruggles, Smith of Indiana, Southard, Swift, Tallmadge, Wall, Williams of Maine, and Young—20.

## BILLS PASSED.

The following bills were read a third time and passed:

An act for the relief of Captain Snodgrass's company of Alabama volunteers;

An act for the relief of Ephraim Sprague;

An act for the benefit of the Selma and Tennessee Railroad Company;

An act granting to the State of Illinois the right of way through the public lands of the United States, and for other purposes;

An act to regulate the pay of masters of the Navy;

An act to establish a pension agency at Montpelier, in the State of Vermont; and

An act for the relief of John McLeod.

## INTERFERENCE IN ELECTIONS.

The bill to prevent the interference of certain Federal officers in elections being the special order, was taken up for consideration.

Mr. CRITTENDEN then offered to amend the

bill by striking out the penalty imposed, of a fine of \$500 and incapacity to hold office under the United States, and to insert, in lieu thereof, a clause, that any person offending against the provisions of the act shall forthwith be removed from office by the President of the United States.

Mr. NORVELL called for the yeas and nays on the question.

Mr. KING hoped his friend from Michigan would withdraw his call for the yeas and nays. He was opposed to the bill as it stood, and as the author proposed to amend it, and should vote against it in either shape. But he would prefer that the Senator should modify his bill to suit himself; and then, said Mr. K., let him go on to explain it, and endeavor to make it palatable to the Senate.

Mr. NORVELL accordingly withdrew his call for the yeas and nays, saying, that as he was opposed to the bill in any shape, he was averse to the Senate's taking a vote that would seem to imply an approval of any principle in it.

Mr. CRITTENDEN then said that he would postpone for the present taking the question on the amendment, and went on to address the Senate at length in support of the bill, and in opposition to the report of the Committee on the Judiciary; on the conclusion of which,

On motion of Mr. WALL, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

Friday, February 8, 1839.

The SPEAKER announced, as the unfinished business of the morning hour, the report made yesterday by Mr. JOHNSON, of Maryland, from the select committee on the public lands. The pending question being on Mr. ROBERTSON's substitute.

Mr. ROBERTSON was entitled to the floor; but yielded it temporarily for the following:

Mr. YELL, on leave, laid on the table the following amendment to Mr. ROBERTSON's proposition, giving notice he should move it when in order to do so:

Sec. 3. And he it further enacted, That the Secretary of the Treasury shall, at the commencement of the next session of Congress, report a correct estimate of the annual amount of money received and paid into the public Treasury, arising from the sales of the public land since the adoption of the Federal Constitution; and, also, the annual appropriations for each State since the adoption of the Constitution, and the *pro rata* amount received by each out of the amount of the proceeds of the sales of the public lands annually, and the aggregate amount either in money or land: *Provided, however,* That no State shall receive the benefit of this act until all the States in this Union shall have received an equal amount, placing all upon an equality, according to the fixed basis of the representation, and according to the true intent and meaning of the several deeds of cession.

Mr. LOOMIS, on leave granted, moved to print ten thousand extra copies of the report of the Secretary of the Treasury of the whole amount of the public lands to which the Indian title has been extinguished, the amount granted for bounty and public services, the amount surveyed, the amounts ceded to the States and Territories, and reserved for purposes of education, &c.; the entire cost to the Government of all public lands to which the Indian title has been extinguished; and the quantities of land that have remained unsold by the latest return, &c., together with another report made on the same subject some days since. Mr. L. explained that these documents were very important, and would not exceed a single octavo sheet.

Mr. BRIGGS suggested twenty thousand, which Mr. L. accepted, and so modified, the motion was agreed to.

Mr. CHAPMAN, on leave, from the Committee on Public Lands, reported without amendment, Senate bill for the benefit of the Florida, Alabama, and Georgia Railroad Company; which was committed.

Mr. ROBERTSON then proceeded with his remarks on the subject of the public lands, citing the expressions of various States thereon; and he then went on to detail what had been done in the committee, and the proceedings therein on the sundry propositions offered by different members, causing them to be read at the Clerk's table. Mr. R. again held the floor until the orders of the day were called for.

Mr. CAMBRELENG gave notice that, on Monday next, he should ask the House to proceed with the remainder of the appropriation bills, that not being petition, but resolution day.

## JAMES P. CARLTON.

The bill for the relief of James P. Carlton, on its third reading, was taken up.

Mr. THOMAS, from the Committee on the Judiciary, on leave, made a report in favor of the claim.

The question pending, however, was the motion of Mr. REED to recommit the bill to the above committee.

After a debate, in which Mr. THOMAS advocated the passage of the bill, and Mr. CONNOR opposed, the latter gentleman moved to lay the same upon the table; and upon that motion

Mr. FLETCHER, of Vermont, demanded the yeas and nays; which were refused.

The question was then taken, and the bill was laid upon the table—yeas 73, noes 56.

## BENJAMIN FRY.

The bill for the relief of Benjamin Fry, on its third reading, was taken up; and, after a few words from Mr. TOUCEY, in explanation, it was read the third time and passed.

## RETURN B. BROWN.

The bill for the relief of Return B. Brown, on its third reading, was briefly opposed by Mr. CRAIG, who moved to recommit it to the Committee on the Judiciary.

Messrs. EVERETT, HOWARD, TOUCEY, and McKENNAN supported the bill, and Messrs. CRAIG and PETRIKIN opposed it; when

Mr. McKENNAN demanded the previous question, which was carried, and the bill was passed by a vote of 95 to 30.

## GENERAL J. E. WOOL.

The bill allowing certain extra rations to General John E. Wool, coming up on its third reading, was opposed by Messrs. WILLIAMS of North Carolina, MALLORY, GIDDINGS, PETRIKIN, and McKAY, and it was advocated by Messrs. TAYLOR, THOMPSON, HOFFMAN, and LEGARE, when

Mr. McKAY moved to lay the bill on the table; on which motion

Mr. MALLORY demanded the yeas and nays; which, being ordered, were—yeas 82, nays 65.

So the bill was laid on the table.

## RECONSIDERATION—B. FRY.

Mr. CRAIG moved to reconsider the vote by which the bill for the relief of Benjamin Fry was passed.

The motion was advocated by Mr. CRAIG, and opposed by Mr. TOUCEY; when

Mr. WILLIAMS, of Kentucky, moved the previous question, which was seconded; and the question was taken on the motion to reconsider, and decided in the negative.

## SALT LICK RESERVATION.

The bill for the relief of certain settlers living on what is called the Salt Lick reservation in the western district of Tennessee, was next taken up.

After a few remarks from Mr. MAY,

Mr. CHAMBERS moved the previous question; and upon a division of the House, it was ascertained that no quorum voted; whereupon,

Mr. VANDERVEER moved that there be a call of the House, which was ordered; and one hundred and thirty-one members having answered to their names,

On motion of Mr. SHIELDS, all further proceeding in the call was suspended.

The motion for the previous question being seconded, the main question was then ordered; upon which,

Mr. CONNOR demanded the yeas and nays, which the House refused to order; and the question was taken on the passage of the bill; but there appearing, on count, only 69 for, and 41 against it, no quorum voting,

Mr. WILLIAMS, of Kentucky, moved the House adjourn; and upon that motion

Mr. GARLAND, of Louisiana, demanded the yeas and nays; which being refused, the question was then taken on the adjournment, and determined in the negative.

The question then recurred upon the passage of the bill; upon which question, on the motion of Mr. ADAMS, the yeas and nays were ordered, and were—yeas 90, nays 52.

So the bill was passed.

## RECONSIDERATION—J. P. CARLTON.

Mr. FLETCHER moved to reconsider the vote by which the bill for the relief of James P. Carlton was laid upon the table; and the question upon the same was postponed until to-morrow.

## LOOMIS C. BASSETT.

The bill for the relief of Loomis C. Bassett and others was taken up, read the third time, and passed.

## GEORGE FISHER.

The bill for the settlement of the claims of George Fisher was next taken up; and after a few remarks from Mr. CHAMBERS in opposition, and Mr. DOWNING in favor of its passage,

Mr. PETRIKIN moved to recommit the same to the Committee of Claims.

A further debate ensued, in which Messrs. BELL, CLOWNEY, and McKENNAN advocated, and Mr. PETRIKIN opposed its passage; but before coming to any decision,

On motion of Mr. POTTS, the House adjourned.

## IN SENATE.

Saturday, February 9, 1839.

The VICEPRESIDENT communicated a letter from the Secretary of War, inclosing a report from the Commissioner of Indian Affairs, relative to the expenses incurred in negotiating and concluding the treaty with the Cherokee Indians; which,

On motion of Mr. WHITE, was laid on the table.

The VICE PRESIDENT also announced a communication from the War Department, inclosing a report from the same officer, in relation to the commissions allowed for the adjudication of claims under the Cherokee treaty; which was also laid on the table.

On motion of Mr. MORRIS, the Committee on Pensions had leave to employ a clerk.

## PETITIONS, ETC.

Mr. PRENTISS presented the communication from Colonel Alden Partridge and Edmund Burke, in behalf of the military State convention of the State of Vermont, lately assembled at Montpelier, in that State, recommending a plan for the reorganization of the militia of the United States.

Mr. HUBBARD supported the motion, and spoke of the great value of the document, and the distinguished military skill of Colonel Partridge, one of its authors; after which the question was taken, and the motion was agreed to.

Mr. WRIGHT presented the petition of Enoch Giddings, asking to be compensated for an improvement in ordnance; which was referred to the Committee on Military Affairs.

Mr. CLAY, of Alabama, presented the petition of John W. Massey; which was referred to the Committee on Claims.

Mr. MORRIS presented a number of petitions from citizens of the States of Ohio, Pennsylvania, and New York, one signed by a woman and her daughters, and two signed by Arthur Tappan, of New York, all praying for the abolition of slavery in the District of Columbia, the suppression of the trade in slaves between the States, and praying that no State may be admitted into the Union whose constitution tolerates slavery.

Mr. M. addressed the Senate at great length, and with much warmth, in support of the objects of the petitioners, and, in concluding, moved that the petitions be received, and referred to the Committee on the Judiciary.

On motion of Mr. LUMPKIN, the motion to receive the petitions was laid on the table.

## BILLS INTRODUCED.

Mr. LINN, on leave, and in pursuance of notice given, introduced a bill to amend the act of the 3d March, 1837, entitled "An act supplementary to the act entitled 'An act to amend the judicial system of the United States;'" which was read twice and referred.

Mr. NORVELL, on leave, and in pursuance of notice given, introduced a bill to alter the times of holding the circuit court of the United States for the district of Michigan; which was read twice and referred.

## NOTICE OF A BILL.

Mr. LINN gave notice that he would ask leave on Monday next, to bring in a bill to grant the right of preemption to five hundred thousand acres of land to the Iron Mountain Company, in the State of Missouri, to aid said company in the construction of a railroad from the Iron mountain to the Mississippi river.

## REPORTS FROM COMMITTEES.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, to which had been referred the bills from the House for the relief of John Brown, Richard Dexter, and Patrick Green, reported the two former without amendment, and the latter with an amendment; which was read.

Mr. MOUTON, from the Committee on Private Land Claims, reported the bill from the House, to confirm the claim of Charles Morgan to a tract of land without amendment. Also, the bill from the House for the relief of the heirs of William Graham, deceased, with an amendment; which was read.

Mr. BUCHANAN, from the Committee on Foreign Relations, reported, without amendment, the bill from the House for the relief of the legal representatives of — Bradford, deceased, recommending its passage.

Mr. FOSTER, from the Committee on Roads and Canals, reported a bill to authorize the Washington County Turnpike Company, in Missouri, to construct a road through the public lands of the United States.

## HOUSE BILLS REFERRED.

The following bills from the House were severally read twice and referred:

- A bill for the relief of Benjamin Fry;
- A bill for the relief of Return B. Brown;
- A bill for the relief of James Loomis and the heirs of James Bassett; and
- A bill for the relief of certain settlers living on the Salt Lick reservation, in the western district of Tennessee.

## ARMED OCCUPATION OF FLORIDA.

Mr. BENTON moved to take up the bill for the armed occupation of that part of the Territory of Florida now overrun by bands of marauding Indians; which motion was agreed to.

The bill was considered as in Committee of the Whole, the question being on the motion for the indefinite postponement of the bill.

The question being taken, it was decided in the negative—yeas 20, nays 24; as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Davis, Foster, Knight, McKean, Merrick, Morris, Prentiss, Preston, Rives, Robbins, Ruggles, Smith of Indiana, Spence, Swift, Tallmadge, Webster, and White—20.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Wall, Williams of Mississippi, Wright, and Young—24.

Mr. BENTON offered several amendments to the details of the bill; which were adopted.

Mr. WILLIAMS, of Mississippi, offered an amendment requiring the settler to be over eighteen years of age to be entitled to the grant of land provided in the bill; which was adopted.

On motion of Mr. BENTON, the bill was ordered to be printed as amended, and laid on the table till Monday next.

After the consideration of executive business, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

SATURDAY, February 9, 1839.

Mr. BRIGGS moved a reconsideration of the vote by which the bill for the relief of General Wool was yesterday laid on the table; and further moved to postpone the question until next Friday; which was agreed to.

Mr. PETRIKIN asked leave to report a bill from the Committee on Indian Affairs; and it being objected to, Mr. P. moved a suspension of the rules; which did not prevail.

## PUBLIC LANDS.

The unfinished business of the morning was then resumed, being the following resolution, reported by Mr. JOHNSON, of Maryland, from the select committee of one from each State on the public lands:

*Resolved, That the committee report to the House, and*

*ask leave to be discharged from the further consideration of the subject-matters referred to them, and that the journal of the committee be reported and published.*

*Resolved further, That the committee deem it inexpedient to take further steps on the subject of the public lands.*

The question pending was on the proposed substitute of Mr. ROBERTSON to distribute the proceeds of the sales of the public lands semi-annually, to be suspended only in case of war.

Mr. ROBERTSON resumed his remarks in examination of the various resolutions that had been offered in the select committee by Messrs. HARRISON, YELL, and PICKENS, in relation to a disposition of the public lands. Mr. R. then went into a statement of the amount of land donated to the new States, to demonstrate the inequality and partiality of the compacts between them and the Federal Government.

The hour having expired, Mr. R. gave way without concluding, for the orders of the day.

Mr. UNDERWOOD moved a suspension of the rules to enable Mr. R. to conclude, but the House refused.

## EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, in compliance with the acts of Congress, transmitting a statement of the balances due by receivers of public money, on the books of the Register of the Treasury, which have remained unsettled, or appear to have been due three years prior to the 30th September, 1838.

Also, a communication from the Commissioner of Pensions, in obedience to a resolution of the House of Representatives of the 4th instant, inclosing copies of correspondence between himself and William E. Woodruff, pension agent for the State of Arkansas, in the years 1837 and 1838, upon the subject of the funds furnished the latter for the payment of pensions.

## TERRITORIAL BUSINESS.

Mr. SHIELDS remarked that this was private business day, and it seemed to him that the House had already passed as many private bills as would be acted on by the other body this session; and he therefore hoped they would consent to take up and dispose of the public business on the Speaker's table.

Mr. UNDERWOOD said he had given notice that he should to-day call up the resolution in relation to the heirs of James Rumsey, and he should persist in his motion.

Mr. SHIELDS thereupon moved a suspension of the rules to attain his object.

Mr. LOOMIS suggested a modification to make the suspension general for public business alone for the residue of the session.

Mr. SHIELDS did not yield to the suggestion, and his own motion was negatived.

Mr. McKENNAN stated that Monday next was set apart for the consideration of territorial business, and he asked leave to make a report connected therewith.

Objection being made,

On Mr. M.'s motion, the rules were suspended, and he reported, from the Committee on Roads and Canals, a bill to authorize the construction of certain improvements in the Territory of Wisconsin, and for other purposes.

Mr. ADAMS, (the rules having been again suspended for the purpose,) from the Committee on Manufactures, reported with an amendment, Senate bill for the relief of the Alabama, Georgia, and Florida Railroad Company, viz., to extend the time of the payment of their duty-bonds.

Mr. LINCOLN, on leave, laid on the table an amendment to the bill reported yesterday from the Committee on the Public Lands, for the relief of the above company, giving notice he should move it when the bill came up; and the same was ordered to be printed.

Mr. BRONSON laid on the table a communication in relation to the Territories; which was ordered to be printed.

Mr. JONES, of New York, from the Committee on the Territories, reported a bill granting to the judges of the supreme court of Iowa the same compensation as by law is given to the judges of Wisconsin.

On motion of Mr. DOWNING, the bill for the establishment of certain ports of entry in the Territory of Florida was recommitted to the Committee on Commerce.

Mr. DOTY, on unanimous leave, laid on the table a substitute he proposed to move to one of the bills in relation to the Territory of Wisconsin, and it was ordered to be printed.

Several bills from the Senate were taken up, read twice, and referred to their appropriate standing committees.

## PENSION AGENCY AT MONTPELIER.

The bill from the Senate for the establishment of a pension agency at Montpelier, Vermont, coming up,

Mr. FLETCHER, of Vermont, moved that the bill be engrossed and read a third time; observing that the passing of this bill was but an act of common justice to the revolutionary patriots that still lingered among us. There were two pension agencies in Vermont; one at Windsor, on the extreme eastern, and the other at Burlington, on the extreme western, border of the State. Montpelier is the center and capital of the State. Many of the pensioners have to travel a greater distance to draw their pensions, to Windsor or Burlington, than it is from any section of the State to Montpelier. The section of the State accommodated by the passage of this bill—namely, Essex and Caledonia counties, &c.—travel directly through Montpelier in going to Burlington for their pensions, crossing the State from east to west. It was a great hardship to these pensioners, as well as unjust, to compel these invalid pensioners to travel a distance of eighty miles, going and coming, for their pensions, when, by passing this bill, their pensions can be paid at Montpelier, free of any expense to the Government; for the bill provides that the pensioners shall be paid free of cost and charges to the General Government. What, then, is the objection to the passage of this bill? What disadvantage can it be to the Government to establish this agency? None whatever. It is so just, so reasonable, that it is confidently hoped that the House will order it to be engrossed, read a third time, and pass the same.

Mr. ALLAN, of Vermont, moved to refer it to the Committee on Revolutionary Pensions; for, he said, a bill of this character ought not to pass without undergoing the investigation of a committee.

Mr. FLETCHER expressed a hope that the bill would not take that course.

Mr. EVERETT was understood to advocate the commitment.

Mr. FLETCHER rejoined; when Mr. ALLAN's motion was agreed to.

## JAMES RUMSEY.

Mr. UNDERWOOD then called up the following joint resolution, reported by him a day or two ago from the select committee raised on the subject:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, requested to present to James Rumsey, jr., the son and only child of James Rumsey, deceased, a suitable gold medal, commemorative of his father's services and high agency in giving to the world the benefits of the steamboat.*

The motion of Mr. UNDERWOOD being agreed to,

Mr. RUMSEY addressed the House at length in support of the claims of his relative.

As soon as Mr. R. had concluded, the question was taken on the engrossment of the resolution, and it was ordered to a third reading this day *nem. diss.*

## GEORGE FISHER.

The bill for the settlement of the claims of George Fisher came up on the motion of Mr. PETRIKIN to recommit the bill to the committee which reported it.

Mr. CAMPBELL, of South Carolina, explained the merits of the claim; and after some further remarks from Messrs. BELL, DOWNING, and GLASCOCK, in support of the bill, and by Messrs. CHAMBERS, MERCER, and PETRIKIN, in opposition thereto,

Mr. CHAMBERS moved to lay the bill upon the table; which was agreed to.

Mr. DOWNING inquired whether it would be in order at that time to move to recommit the bill?

The SPEAKER decided that it would not; and

Mr. CALHOON, of Kentucky, to enable the

gentleman from Florida to make that motion, moved a reconsideration of the vote; to which the House refused to agree.

Mr. SIBLEY suggested to the House the propriety of taking the same order in reference to the business on the Speaker's Calendar, as the House had adopted for that on the general Calendar, that is: to lay aside all bills causing debate, and act upon those claims to which there was no objection; to which suggestion, however, the House refused to accede.

The joint resolution granting a medal to James Rumsey, jr., reported in a former part of this day's proceedings, was read the third time and passed.

The bill for the relief of Lewis H. Bates and William Lacon next came up in order; and, after a few remarks from Messrs. CAMBRELENG and POPE in favor, and Messrs. CHAMBERS and PETRIKIN in opposition,

Mr. CALHOON, of Kentucky, moved the previous question; which was seconded, and the main question ordered; and upon the question, "Shall the bill pass?" it was decided in the negative.

The bill for the relief of James H. Grant, Mars. W. Simpson, and Preston Going; and

The bill to compromise the claims of the United States against the Alleghany Bank of Pennsylvania, were read the third time and passed.

The joint resolution relating to the awards made by commissioners under the Choctaw treaty, came up in order, and was, on the motion of Mr. EVERETT, postponed until Monday next.

The bill for the relief of Griffith Combe and John P. Ingle, trustees of the house in the city of Washington commonly called the Brick Capitol, was read the third time and passed.

The bill for the relief of Jamison & Williams, which was passed on the 2d of February, came up in order; the question being on the motion of Mr. WILLIAMS, of Kentucky, on that day to reconsider the vote on the same; and after a few remarks from Mr. W. in favor of said motion, and in opposition to the principles involved in the bill, and Mr. CALHOON, of Kentucky, in opposition to the reconsideration,

Mr. WILLIAMS, of Kentucky, demanded the yeas and nays on the motion; but the House refused to order the same; and the question on reconsidering was taken, and decided in the negative.

The bill for the relief of Cornelius Taylor, which passed on the same day as the above, and involving the same principles, and similarly situated, came up in order; when Mr. WILLIAMS withdrew his motion to reconsider the vote by which it was passed.

The bill for the relief of Philip Lightfoot came up on its engrossment; and, after some remarks by Mr. ALLAN, of Vermont, in opposition, and Mr. TALIAFERRO in favor of, the passage of the same, and before coming to a decision upon the same,

Mr. PETRIKIN moved that the House adjourn.

Mr. CHAMBERS demanded the yeas and nays on the motion to adjourn; but the House refused to order them.

#### EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a communication from W. B. Lewis, Second Auditor of the Treasury, transmitting copies of such accounts as have been rendered to that office by persons charged or intrusted with the disbursement or application of moneys, goods, or effects, for the benefit of the Indians, from the 1st October, 1837, to the 30th September, 1838; together with a statement containing a list of the names of all persons to whom goods, moneys, or effects have been delivered within the same period; prepared in obedience to an act of Congress of the 30th June, 1834.

Also, a communication from the Secretary of War, in compliance with a resolution of the House of Representatives of the 28th ultimo, transmitting a communication from the Solicitor of the Treasury, giving information of the condition of the balance due the United States by John Brahan, late receiver of the public money at Huntsville, Alabama.

The House then adjourned.

#### IN SENATE.

MONDAY, February 11, 1839.

The VICE PRESIDENT announced a communication from the Secretary of War, in answer to the resolution of the Senate of the 25th ultimo, on the subject of the abandonment of Fort Armstrong, in the State of Illinois, and the disposition subsequently made of it; and, on motion of Mr. YOUNG, it was laid on the table, and ordered to be printed.

Also, a communication from the American Silk Company; which, on motion of Mr. SEVIER, was referred to the Committee on Agriculture, and ordered to be printed.

#### PETITIONS, ETC.

Mr. WEBSTER presented the memorial of Daniel Rayan, on the subject of an improved financial system for the United States; which was referred to the Committee on Finance.

Mr. W. also presented the petition of a number of citizens of the county of Plymouth, Massachusetts, praying for an appropriation to improve the harbor at the mouth of North river, in that State.

Mr. CLAY, of Alabama, presented the preamble and joint resolutions of the Legislature of Alabama, on the subject of the currency, and the various questions which have agitated the country; which were read, laid on the table, and ordered to be printed.

Mr. MERRICK presented the petition of James Williams; which was referred to the Committee on the Judiciary.

Mr. SOUTHWARD presented a report made in the Legislature of New Jersey, accompanied by certain resolutions on the subject of the disposition of the public lands; which were laid on the table, and ordered to be printed.

Mr. SMITH, of Indiana, presented a joint resolution of the General Assembly of that State, deprecating any interference on the part of the Legislatures of the States, or of Congress, with the domestic institutions of the slaveholding States, without their consent; which, on his motion, was read, ordered to be printed, and laid on the table.

Mr. LYON presented the petition of several young men, occupants and cultivators, but not "housekeepers by personal residence," on the public lands in Kalamazoo county, Michigan, praying Congress to so modify the existing law as to give them the right of preemption.

Mr. LUMPKIN presented the memorial of sundry citizens of the State of New York, presenting a plan for preventing accidents from the use of steam; which was referred to the Committee on Commerce.

Mr. KING presented the memorial of the Legislature of the State of Alabama on the subject of the removal of obstructions at the Muscle shoals; which was referred to the Committee on Roads and Canals.

Mr. MORRIS presented several petitions praying for the abolition of slavery in the District of Columbia, and against the annexation of Texas to the Union; and moved that they be received.

On motion of Mr. WILLIAMS, of Mississippi, the motion to receive them was laid on the table.

Mr. HUBBARD presented the memorial of an individual who was sub-contractor under Farrow & Harris; which was referred to the Committee on Claims.

Also, the petition of Silas Buck, praying for a pension; which was referred to the Committee on Pensions.

Petitions were also presented by Messrs. WILLIAMS, of Maine, and NICHOLS; petitioners' names not heard.

#### REPORTS FROM COMMITTEES.

Mr. FULTON, from the Committee on Public Lands, reported a bill in relation to the town of Southport, in the Territory of Wisconsin; which was read, and ordered to a second reading.

Mr. F., from the same committee, reported the bill making appropriations for certain military roads in the State of Arkansas.

On motion of Mr. F., the same committee was discharged from the further consideration of the bills from the House for the relief of Richard Baxter and William Clark.

Mr. DAVIS, from the Committee on Com-

merce, to which had been referred the bill from the House for the relief of certain umbrella manufacturers, reported the same with an amendment; which was read.

Also, with an amendment, the bill for the relief of Thomas Pritchard.

Mr. D., from the same committee, reported a bill to refund to Noah Miller and others part of the proceeds of a British sloop, which was sold for the benefit of the United States; which was read, and ordered to a second reading.

Mr. KING, from the Committee on Commerce, reported without amendment the bill from the House for the relief of Winslow Lewis.

Mr. K. also reported several House bills that had been referred to said committee.

Mr. LYON, from the Committee on Roads and Canals, to which was referred two memorials of the Legislative Assembly of the Territory of Wisconsin on the subject, reported a bill making grants of land to said Territory, in aid of certain internal improvements; which was read, and ordered to a second reading, and the accompanying report ordered to be printed.

Mr. L., from the same committee, to which was referred the bill making grants of land to the Territory of Wisconsin in aid of certain internal improvements, moved to be discharged from the further consideration thereof, the objects of the bill being embraced in the one just reported by him; the motion was agreed to.

Mr. LINN, from the Committee on Private Land Claims, reported without amendment the bills for the relief of Zebulon Baxter and Asa Clark.

On motion of Mr. ROANE, Daniel Steinrod had leave to withdraw his petition and papers.

#### BILL INTRODUCED.

Mr. KNIGHT, on leave, introduced a bill for the relief of Samuel Warner; which was read twice and referred.

#### MOUTHS OF THE MISSISSIPPI.

Mr. NICHOLAS submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of War be directed to communicate to the Senate what has been done, or is doing, towards increasing the depth of water in the mouths of the Mississippi, the orders given, and the reports received in relation thereto, the amount of appropriation now necessary, if any, for the continuance of the work, and a detailed statement of the expenditures under former appropriations.

#### COMPROMISE ACT.

Mr. BENTON observed that some days ago, in the discussion of a bill then before the Senate, he had occasion to take some notice of the compromise act; and he then made a statement of what had passed in relation to it between himself and a gentleman who was then a Senator from the State of New Jersey, and head of the Committee on Manufactures. Since making that statement he had reason to address a letter to the gentleman whose name he mentioned (Governor Dickerson) on the subject, and he had received an answer which he would read to the Senate, and then let that answer stand as his statement.

Mr. B. then read the following:

SUCKASUNNY, NEW JERSEY, February 5, 1839.

DEAR SIR: Last evening I received yours of the 30th ultimo, which, no doubt, had been detained on the road a day or two in consequence of the heavy rain by which our country has been lately deluged.

Your letter contains an extract from the National Intelligencer, in which it is denied that Mr. WEBSTER had said to me that he had not been consulted as to the compromise bill, &c., and you ask for my recollections as to this fact. I hasten to relate to you the facts in this case, so far as I can now recollect them. On the day before Mr. CLAY introduced this bill into the Senate, he mentioned to me that he had given notice that he should ask leave to introduce the bill on the next day, some of the leading features of which he stated to me. I had not heard the notice given. He said he had intended to show me the bill, but had been prevented by a multiplicity of business in which he had been engaged, but that I should see it in the morning.

Next morning I waited upon Mr. WEBSTER, and asked him if he was aware that such a bill was to be introduced? He assured me that he was not, and that he had not been consulted upon it, and expressed himself strongly of the disapprobation with which such a measure would be received in New England.

In the morning I arrived at my seat some minutes after the business of the day had commenced, and I found that Mr. CLAY had made his motion for leave to introduce his bill. Had I arrived before the business of the day had commenced, no doubt I should have had the opportunity of perusing the bill before it was presented. As it was, I never saw it until it was in print.

Mr. WEBSTER, as well as myself, opposed this bill, and both voted against it. If you read the debates that took place in the Senate on the subject, on the 21st, 22d, and 23d February, 1833, I think you will be convinced that neither Mr. WEBSTER nor myself could have had any previous notice of this bill. I have not the file of papers by me, but you may easily find them at Washington. I will, however, refer you to Mr. WEBSTER's speech upon this bill, reported in Niles's Register, 4th series, volume 8, page 7, in which you will find abundant proof that he could not have been consulted as to its object or details. Among other expressions are these: "There was no expectation at the commencement of this short session that such a bill would be passed. The Senate had not had time to know the pleasure of their masters. No opportunity had been offered for obtaining a knowledge of either the course of public opinion, or the effect of this measure on the public interests." If Mr. WEBSTER had been consulted on this bill, would he have made such declarations? or, if made, would they have passed unanswered?

Mr. CLAY had previously stated to me his fears, that Mr. VERPLANK's bill, which he considered as an Administration measure, or some other bill originating from the same source, would pass, greatly to the injury, if not destruction, of the manufacturing interest of the country, and suggested the propriety of making further concessions, in addition to those of the law of 1832, as the only means of saving even a part of the protective system, but without stating what those concessions should be. I answered him that I did not fear Mr. VERPLANK's bill; that it could never pass; that it was already so altered and amended that I did not believe Mr. VERPLANK would vote for it himself; and that, at all events, we should suffer the law of 1832 to go into complete operation before we should make any alterations in its provisions.

There was no obligation on the part of Mr. CLAY to consult me on his bill; what he said to me I considered as a mere act of courtesy. The bill originated with himself, without any participation of the Committee on Manufactures, of which both he and I were members. The fact, however, that I was associated with him on that committee, led to a belief that I must have been acquainted with the provisions of the bill before it was matured, and subjected me to some unpleasant inquiries, as to this fact, in one of which, no doubt, I stated to you the conversation I had had with Mr. WEBSTER.

I regret extremely being called on to state conversations long past, with gentlemen whose recollections now, or understanding at the time, may not be precisely the same as my own; more especially as there was much misapprehension in the public papers as to the debates upon this bill.

I am, with great respect, your obedient servant.

MAILON DICKERSON.

Hon. THOMAS H. BENTON, Washington, D. C.

Mr. B. said he had felt himself called on to write to Governor Dickerson, to know whether he had made any mistake in the statement he gave as to what had passed between them. He now presented Governor Dickerson's own words, by which it would be seen that the statement he had made was substantially correct.

Mr. WEBSTER observed that it was, of course, very well known that he differed with the Senator from Kentucky as to the propriety of passing the compromise act. He never complained, however, of any want of courtesy or kindness in the Senator for not consulting him on the subject. The truth was, that the Senator from Kentucky did communicate to him, some weeks before, that he had it in contemplation to bring forward an important measure, without saying what that measure was. He certainly did become acquainted with the measure before the Senator introduced it; but he could not say that he knew of it before the notice was given in the Senate. He was inclined to think that the conversation of which Governor Dickerson speaks, was about the time of the notice given of the intention of the Senator from Kentucky to introduce the bill. All he had at present to say was, that, differing as he did with the Senator from Kentucky, with regard to the measure spoken of, he made no complaint as to his not being consulted.

Mr. CLAY, of Kentucky, said he did not know that it was a matter of the slightest consequence to the Senate or the public to be informed of the preliminary steps which led to the adoption of a great public measure; it was sufficient to say that it was submitted by himself, on his own responsibility; and, after a full discussion in the committee, in the Senate, and in the House of Representatives, was adopted by decisive majorities, and responded to by the nation with an enthusiasm almost unexampled. He was not responsible to any whether consultations were or were not held on the subject before its introduction to the Senate; it was sufficient for him to say that it was introduced, and passed in the manner he had mentioned.

Mr. C. said he came to this city from Ashland, in December, 1832. At that time there was an impression generally prevalent that the protective system was about to receive a fatal shock, and would be prostrated. Immediately after his

arrival, he proceeded to Philadelphia, in company with a friend from Louisiana, since deceased. While there, the project of a compromise of this great and important question presented itself to his mind, and was the subject of reflection and consultation with that friend. The Senator from Massachusetts [Mr. WEBSTER] passed through Philadelphia about that time, and the plan was communicated to him: it was true that the Senator expressed his disapprobation of it. A committee of very intelligent gentlemen interested in manufactures waited on him, (Mr. C.) to know what could be done to save them from the danger that was threatening them. To this committee he communicated his plan of settling this question, at least for a term of years, and it met their hearty concurrence and approval.

Upon his return to this city, he consulted the Senator from Massachusetts [Mr. DAVIS] upon the subject, and he at first expressed his approbation of it; but after further consultation and reflection upon it his views were changed, and he voted against it. He thought it was prior to his introduction of the bill into the Senate, that he called a meeting of his political friends at his lodgings. There were some eight or ten present, and his impression was that the Senator from Massachusetts was there: certain he was that he was invited. The bill was read at this meeting, and its provisions discussed; and the fact that he (Mr. C.) had such a measure in contemplation was notorious in both Houses of Congress, and one or two motions were made by persons who had some glimpses of the plan, to anticipate its introduction. He regarded these particulars respecting the preliminaries to the introduction of the compromise act, except as matters of history, unimportant; the great and beneficial results that had followed its adoption was a sufficient excuse for its introduction.

With regard to the Senator from New Jersey, [Mr. Dickerson,] whose letter has been read, he was upon such terms with him as to forbid a confidential intercourse between them. He knew that he was a warm friend of the manufacturing interest; but he was also a friend of the Administration; and he stood as many others who considered their devotion to the Administration paramount to their devotion to the highest interests of their country. It seems that, from his letter, he did mention the matter to him, and it might be so, but he had no recollection of having done so.

Mr. BENTON rose to say that he had no connection with this conversational debate, except in the single point of the accuracy of his statement of what had passed between Governor Dickerson and himself. He had read the letter for the single purpose of showing that he had committed no error in reporting the conversation of that gentleman. His object was accomplished by the reading of the letter itself; and he believed it was apparent that there was no mistake either in himself or in Governor Dickerson; and that the statement of the latter was very consistent with the remarks which the reading of the letter had called forth.

Mr. DAVIS well remembered the transactions of the period referred to, for he felt a very strong interest in what was going on. He was ready and willing to do the Senator from Kentucky all the justice he was entitled to, and could corroborate his statement except as to that part in which the Senator stated that he (Mr. D.) was at one time favorably disposed towards the compromise act, which was not so, as he had been opposed to it from first to last.

Mr. WEBSTER said that the Senator from Kentucky [Mr. CLAY] seemed to suppose that he (Mr. W.) was present at a consultation prior to the introduction of the bill in the Senate, or that he was invited to attend. The latter was very probable, but he had no recollection whatever of being present at any such consultation.

Mr. KNIGHT made a few observations, too inaudible to be understood, which terminated the discussion on the subject.

#### INTERFERENCE IN ELECTIONS.

The Senate then proceeded to the consideration of the bill to prevent the interference of Federal officers in elections, as the special order of the day; when

Mr. WALL, who had the floor, addressed the

Senate in an argumentative speech of great length, in reply to Mr. CRITTENDEN, and in opposition to the bill.

After the reception of some reports from the Executive Departments,

On motion of Mr. RIVES, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, February 11, 1839.

Mr. EVANS remarked that, as this day was set apart for the business of the Territories, he asked leave to report a bill relating thereto.

Mr. CUSHMAN requested the gentleman to make his motion general for all the committees to be called on for reports. [Cries of "No! no!"]

Mr. EVANS then, no objection being made, from the Committee on Roads and Canals, reported a bill for the improvement and survey of certain rivers, and the repair of certain roads, in the Territory of Florida.

Mr. CUSHMAN also asked leave to report a bill relative to Wisconsin.

Mr. CHAMBERS moved that the committees be called on generally for reports.

Mr. CUSHMAN had no objection; but the motion having been put, was disagreed to.

Mr. CUSHMAN then, on leave, from the Committee on Commerce, reported a bill to establish a port of entry at St. Joseph's, Florida.

Mr. HAYNES then rose and said that he would make one more, and he thought the last, effort to dispose of the President's annual message. He therefore asked leave to move that the Committee of the Whole on the state of the Union be discharged from the further consideration of that document, with a view to bring it into the House and dispose of it.

Objection being made, Mr. H. moved a suspension of the rules, demanding the yeas and nays; which, being ordered, were—yeas 87, nays 61; as follows:

YEAS—Messrs. Andrews, Banks, Beers, Beirne, Bicknell, Birdsall, Bouldin, Buchanan, Bynum, Chamberlain, Casey, Chaney, Chapman, Cleveland, Crabb, Craig, Cushman, Davee, Elmore, Farrington, Isaac Fletcher, Gallup, Glascock, Grantland, Hammond, Harrison, Hawkins, Haynes, Holt, Hopkins, Ingham, Thomas B. Jackson, Joseph Johnson, Keim, Klingensmith, Leadbetter, Lewis, Logan, Loomis, Lyon, Mallory, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Murray, Noble, Palmer, Parker, Parmenter, Parrie, Paynter, Pennybacker, Petrikon, Pickens, Plumer, Pratt, John H. Prentiss, Reily, Richardson, Rives, Sheffer, Charles Shepard, Shepler, Spencer, Stuart, Swearingen, Taylor, Thomas, Toucey, Towns, Turney, Vanderveer, Weeks, Whittlesey, Jared W. Williams, and Yell—87.

NAYS—Messrs. Adams, Alexander, John W. Allen, Bell, Bond, Briggs, Bronson, William B. Calhoun, John Calhoun, Chambers, Clark, Corwin, Cranston, Cushing, Davies, Dunn, Evans, Everett, Ewing, Richard Fletcher, Rice Garland, Giddings, William Graham, Grant, Halsted, Harlan, Hawes, Herod, Jabez Jackson, Lincoln, Marvin, Sampson Mason, Maury, May, McKennan, Menefee, Mitchell, Naylor, Noyes, Peck, Potts, Rariden, Randolph, Robinson, Rumsey, Russell, Augustine H. Shepperd, Shields, Sibley, Slade, Stone, Stratton, Taliaferro, Toland, Underwood, John White, Lewis Williams, Sherrard Williams, Christopher H. Williams, Word, and Yorke—61.

Not being two thirds, the rules were not suspended.

Mr. WORD asked the House to take up an amendment of the Senate to the House bill relating to the district courts of the United States for the State of Mississippi; which was agreed to, and the amendment was concurred in.

Mr. BRONSON moved the consideration of the special order, (territorial business,) remarking that, if the States were called through for resolutions, it would take up all day, and all the day be lost for the former.

Objection being made, Mr. B. moved to suspend that part of the order providing that resolutions should first be called; but the motion was disagreed to—yeas 83, noes 55—it requiring two thirds.

Mr. WILLIAMS, of Kentucky, suggested the propriety of first considering resolutions already on the Calendar.

[Cries of "No!" "No!"]

Mr. W. Very well, then; I shall not press it. Mr. DOWNING and Mr. MILLER asked leave to present petitions.

Mr. ADAMS objected to it, stating that he had some three hundred petitions in his possession waiting to be presented.

Mr. GRANT rose and asked leave to introduce a bill making appropriations for the continuation of the construction of certain harbors. Mr.

G. explained that he had drafted the bill without any new work, and confined its items rigidly to the estimates sent in by the proper Department.

Leave being granted,

Mr. G. brought in "A bill to provide for the construction of certain harbors, and the removal of obstructions at the mouths of certain rivers, for the year 1839;" which took the same reference as the foregoing.

Mr. GARLAND, of Louisiana, on leave, introduced a bill to provide for taking the census or enumeration of the inhabitants of the United States; which was read twice, referred to a Committee of the Whole on the state of the Union, and ordered to be printed.

Resolutions were called for in order, commencing with the Territories, which will be given hereafter.

On motion of Mr. LEWIS, the Committee of Claims was discharged from the further consideration of the petitions of Henry Lucas and A. B. King, and the petitioners had leave to withdraw the same.

Mr. MARTIN submitted the following resolution:

*Resolved*, That the Clerk of this House be directed to purchase and distribute to the members and Delegates of this House who were not members at the last session, such books as were authorized to be purchased for the members of the Twenty-Fifth Congress by the resolution of January 29, 1838, and that he pay for the same out of the contingent fund.

Mr. M. said he believed that there were but six who would receive under the resolution.

The question being upon the adoption of the resolution,

Mr. GARLAND, of Louisiana, demanded the yeas and nays on that question; which the House refused to order.

Mr. BANKS said the House having refused to order the yeas and nays on the adoption of the resolution, the only alternative left him to show his utter hostility to the whole system of legislation embraced in the resolution, was to move that the resolution lie on the table; and on that question he demanded the yeas and nays; which were not, however, ordered.

The resolution was then agreed to.

Mr. RARIDEN moved to take up the resolution offered by him on the 28th of January, in relation to the officers who have been acting as disbursing agents to the Indians, &c.

Objection being made,

Mr. R. moved to suspend the rules for that purpose; which, however, the House refused to agree to.

On motion of Mr. JOHNSON, of Louisiana, it was

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to open the bar that is now forming at the mouths of the Red river and the Atchafalaya, and of removing the obstructions arising from the ledge of rocks opposite Alexandria, in Louisiana.

On motion of Mr. RIDGWAY, it was

*Resolved*, That the Committee on Public Lands inquire into the propriety of reducing the number of United States land offices in the State of Ohio to the smallest number that they may deem consistent with the public interest.

Mr. BELL submitted the following resolution; which, on his motion, was committed to the Committee of the Whole on the state of the Union, and ordered to be printed:

1. *Resolved*, That of all monopolies, the most liable to abuse, the most oppressive and unreasonable, are Government monopolies; and none such ought to be upheld, but upon the clearest grounds of expediency and necessity.

2. *Resolved*, That the public post, with its present exclusive privileges, can only be sustained on principle, as an institution of Government, authorized by the Constitution, so long as it is necessary or essential to the operations of the Government in peace and in war, and no longer.

3. *Resolved*, That the exclusive right to carry letters for hire on all principal roads in the United States, claimed and asserted by the Federal Government, is a monopoly, exercised and tolerated at the commencement of the Government by reason of the low state of the public credit and finances, and not upon any ground of constitutional right or power.

4. *Resolved*, That a longer acquiescence in a monopoly, originally asserted upon such questionable grounds, is neither expedient nor justifiable under the present improved state of the public credit, and the increased resources of the country.

5. *Resolved*, That the business of carrying letters for hire, like every other branch of industry, connected with the prosperity and happiness of the country, should be thrown open to the enjoyment of all the citizens of the United States; that the public may hereafter realize the advantages of increased regularity, cheapness, security, and expedition, which are sure to follow from a free competition of private capital and enterprise in this as in all other pursuits.

6. *Resolved*, That in order to secure these great benefits, as well as to maintain correct principles in the administration of the Government, it is expedient that the less productive post routes, or such as offer no present inducement to private competition, should be sustained, if necessary, by appropriations out of the common Treasury, or revenues arising from other sources.

Mr. CARTER submitted the following resolution; which, under the rule, lies over one day:

*Resolved*, That the Commissioner of the General Land Office be instructed to inform this House whether land agents generally, or only particular land agents, resident in this city, be allowed the privilege of entering the different rooms of the General Land Office at all times, and remaining as many hours as they please, for the purpose of acquiring information useful to them in their business, and of examining the ground plats of public lands already in the market, and of new lands about to be brought into market, furnished by the surveyors general, together with their private reports as to the quality of the soil, nature of location, proximity to navigable waters and railroads, etc., and of making extracts and memoranda from the same; by which means the said agents have the power of ascertaining where the most valuable lands are located, and availing themselves of information improperly obtained; and also, whether the books and papers of the preemption and other bureaux of the office be accessible to them; whether the great seal of the office has lately been found in the possession of any one under suspicious circumstances; whether, since the reorganization of the General Land Office, quantities of patents have not been sent out in such vile and illegible handwriting as must tend to bring the office into discredit; whether any, and how many, since the reorganization of the Land Office, land patents have been returned to the Land Office for clerical inaccuracies, and whether there is not reason to suspect that great inaccuracies in the patents already sent out, as well as in those ready to be sent out, exist to a considerable extent; if so, the reason of this gross negligence on the part of those who have to attend to the duty of sending the patents out in a correct state; whether any clerks, and how many, since their appointment under the reorganization of the Land Office, have been allowed the privilege of staying away from the office for several months at a time, giving their names, the reasons for granting them these extraordinary privileges, stating who performs their duties in their absence; and if substitutes are allowed, who pays them, and the prices the substitutes receive as a remuneration for performing the duties of the absent clerks.

On motion of Mr. CROCKETT, it was

*Resolved*, That the Postmaster General be instructed to communicate to this House all the facts in relation to the existing contract for carrying the mail from Louisville, Kentucky, to New Orleans; when and to whom the contract was let, and all the terms and conditions of the same; whether all the terms and conditions of said contract have been complied with by the contractor, and if not, in what respect he has failed to perform his obligations; and what steps, if any, have been taken to enforce a compliance therewith.

On motion of Mr. CALHOUN, of Kentucky, it was

*Resolved*, That the Committee on the Post Office and Post Roads inquire into the expediency of passing a law giving compensation to Peters, Moore & Company, for carrying the mail in stages between Philadelphia and Lancaster, during the period that the passage upon the railroad was obstructed by a snow storm; and also into the expediency of making compensation to the said company for carrying the mail in stages on the turnpike road between Philadelphia and Lancaster; and also into the expediency of providing by law for returning to said company the sum of \$840, retained out of the pay of said company by the Postmaster General, on account of the said company carrying a greater number of passengers on their mail routes, Nos. 1031 and 1058, than were permitted by their contracts.

On motion of Mr. POPE, it was

*Resolved*, That the Committee of Claims be instructed to inquire into the justice of the claim of John Hays, for thirty dollars, for work performed for the public during the last war, by order of an officer in the service of the United States, and that the committee report thereon.

On motion of Mr. WHITTLESEY, the bill for the relief of James Bailey was recommitted to the Committee on Invalid Pensions.

Mr. PARMENTER asked leave to present the proceedings and resolutions of the Democratic portion of the Massachusetts Legislature on the subject of the Independent Treasury.

Objection being made, Mr. P. moved a suspension of the rules.

The rules were not suspended, two thirds not voting in favor thereof.

Mr. GRANT offered the following resolution; which, under the rule, lies over one day:

*Resolved*, That bill No. 466, reported at the last session, providing for the construction of the Niagara ship canal, be made the special order of the day for Thursday, the 21st instant, after the expiration of the morning hour.

On motion of Mr. BICKNELL, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Wampsville, in the county of Madison, New York, by Lenax Furnace, to Cawasselan creek.

On motion of Mr. HENRY, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route between the post office called

Black Hawk, in Beaver county, Pennsylvania, to the post office in Clarkson, Columbiana county, Ohio, a distance of about ten miles, by the way of the village of North Beaver, formerly known by the name of Dillen's Mills, on Little Beaver, a place equidistant between the two points.

Mr. TOWNS offered the following resolution; which, under the rule, lies over one day:

*Resolved*, That the Secretary of War be instructed to communicate to this House a copy of the correspondence between General Jesup and the Creek warriors, in relation to the negroes captured by them in the Seminole war; also, the correspondence between General Arbuckle, Colonel Armstrong, and Nathaniel Collins, with the War Department, on the subject of said negroes.

Mr. MONTGOMERY submitted the following resolution; which, under the rule, lies over one day:

*Resolved*, That the Secretary of War be directed to furnish this House a statement showing the names of the commissioned officers of the regular Army that were absent from their command or post on the 1st of July and January last. Also, the amount paid during the year 1838 to officers of the Army for double rations, and to whom paid.

On motion of Mr. McKAY, it was

*Resolved*, That the Secretary of War be, and he is hereby, directed to obtain, and communicate to this House as early a day as practicable during the next session of Congress, information to the following effect: The prices at which muskets, rifles, and pistols might be made and delivered to the United States and private armories, if the same be located in any good and convenient position in the southern, the southwestern, and western sections of the Union; and that the said prices be obtained on the several suppositions that the permanency of the employment of such armories, the total number employed in those sections of the Union, their respective annual amounts of manufactures, and their system of proof and inspection of fire-arms, be each in all respects the same as do now appertain to the private armories employed by the Ordnance Department in the manufacture of small-arms.

On motion of Mr. C. SHEPARD, it was

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of placing two buoys in the harbor of Beaufort, North Carolina, one on More's shoal and the other on Middle Ground shoal.

On motion of Mr. RENCHER, it was

*Resolved*, That the Committee on Revolutionary Claims be directed to inquire into the expediency of allowing commutation to the heirs of Richard D. Cook, for revolutionary services.

On motion of Mr. WILLIAMS, of North Carolina, it was

*Resolved*, That the Committee on Patents be directed to inquire into the expediency of providing by law for refunding to applicants the fees they may have paid for a reissue or modification of their patents, when they shall have failed to obtain the same.

Mr. RIVES submitted the following resolution; which, under the rules, lies one day on the table:

*Resolved*, That the Clerk of this House be directed to cause to be prepared an abstract of the several petitions and memorials upon the subject of slavery, the abolition of slavery, the slave trade, and against the admission of any new State into the Union whose constitution may tolerate slavery, against the admission of Texas into the Union, and for the recognition of the independence of Hayti, which have been presented to this House since the commencement of the Twenty-Third Congress; stating each session separately, showing by whom presented, and the number of signers, men and women, where the same appears on the face of the papers.

On motion of Mr. COLES, it was

*Resolved*, That the Secretary of the Treasury be directed to furnish to this House a tabular statement of the annual value of imports, payments into the Treasury on account of them, and the whole cost of their collection, with the rate per cent. on the value of imports, and also on the above named payments, from 1789 to 1837, inclusive, adding the whole expenditures of the Government for each year during the same period, exclusive of trust funds and public debt.

On motion of Mr. MALLORY, it was

*Resolved*, That the Secretary of the Navy be directed to inform this House what pay and emoluments are allowed to Lieutenant Wilkes and the officers under his command in the South Sea exploring expedition; and if any assurances have been given by the Department that the acting appointments now held by them will be confirmed on their return to the United States; and whether the expedition is considered as of a naval character or not.

On motion of Mr. JOHNSON, of Virginia, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Evansville, in the county of Preston, to Beverly, in the county of Randolph, in the State of Virginia.

On motion of Mr. MERCER, it was

*Resolved*, That the Committee on the District of Columbia be instructed to inquire into the expediency of causing repairs to be made in the street leading from the City Hall towards the United States arsenal, within the city of Washington.

On leave given, Mr. THOMAS presented the memorial of sundry mechanics of this District,

employed on the public buildings, in relation to a certain bill now before a committee of this House; which memorial, on motion of Mr. T., was referred to the Committee on Public Buildings, and was ordered to be printed.

On motion of Mr. POTTER, it was

*Resolved*, That the Committee on the Post Office and Post Roads be required to inquire into the various claims of Peters, Moore & Co., against the Post Office Department, which have been rejected by the Postmaster General, embracing three general items, and report by bill or otherwise.

On motion of Mr. AYCRIGG, it was

*Resolved*, That the Committee on Commerce be instructed to report a bill providing that the estimated tonnage of vessels shall correspond with their actual capacity.

On motion of Mr. HALSTED, it was

*Resolved*, That the Committee on the Judiciary be instructed to inquire whether any, and what, costs are charged against the United States, for printed copies of records of suits pending in the Supreme Court, which have been printed at the expense of the United States; and also, that they be instructed to inquire what amount is paid annually for printing the records and proceedings in suits pending before the Supreme Court, and to whom paid; and whether the clerk of that court charges suitors for copies of records of suits pending in the said court which are printed at the expense of the United States, and at what rate and by what rule the said charges are made; and whether any legislation is necessary in relation to the costs of suits in said court.

Mr. RANDOLPH submitted the following resolution; which, under the rule, lies one day upon the table:

*Resolved*, That the Secretary of the Treasury be directed to communicate to this House tabular statements of the receipts and expenditures of the United States from the 4th of March, 1789, to the present time; showing the different sources from whence the revenue has been received in each year, and the different heads, and total amount of expenditures, and the balance in the Treasury, of each year; and also, the amount of appropriations under their respective heads, and the balance thereof unexpended, of each year, during the same period; and also, the amount of imports, and of foreign and domestic exports, and of American and foreign tonnage engaged therein, for each year, during the same period.

Mr. BEERS offered the following resolution:

*Resolved*, That the Secretary of State, Secretary of War, Secretary of the Navy, and Postmaster General, be severally requested to report to this House, as soon as practicable, the time that it will necessarily take to answer the various calls made by the House of Representatives on their respective Departments for information during its present session, together with the probable cost of making their respective reports in answer to said calls, including the printing of the same; also, that they severally report to this House the number of calls for information made on their respective Departments during the last session, by whom made, and the number of their respective reports made by virtue of the said calls, and what number have been acted upon by the House of Representatives.

*Resolved*, That the Clerk be requested to ascertain and report to this House, as soon as practicable, the cost for printing ordered during the present session, including the reprinting of twenty thousand copies of last year's document No. 297; also, at what time the printing now ordered will be completed.

Objection being made to its consideration at this time,

Mr. BEERS asked for a suspension of the rules for that purpose, and upon that motion demanded the yeas and nays; which were ordered, and were—yeas 97, nays 79; as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beers, Beirne, Bicknell, Birdsall, Buchanan, Bynum, Cambreleng, John Campbell, Chaney, Chapman, Coles, Connor, Cray, Cushing, Cushman, Davee, Deberry, De Graff, Duncan, Edwards, Elmore, Richard Fletcher, Isaac Fletcher, Fry, Gallup, James Garland, Glascock, Grantland, Gray, Griffin, Haley, Hammond, Hamer, Hawkins, Haynes, Holsey, Holt, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, Keim, Klingensmith, Leadbetter, Lewis, Lincoln, Logan, Martin, McKay, Abraham McClellan, McClure, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Calvary Morris, Murray, Noble, Palmer, Parker, Parmenter, Paynter, Pennybacker, Phelps, Plumer, Potter, Pratt, Richardson, Rives, Sheffer, Augustine H. Shepperd, Charles Shepard, Shields, Shepler, Spencer, Stuart, Swearingen, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Webster, Weeks, Whittlesey, Lewis Williams, Sherrard Williams, and Jared W. Williams—97.

NAYS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Ayer, Bond, Borden, Bouldin, Briggs, Bronson, William B. Calhoun, William B. Campbell, Carter, Casey, Chambers, Cheatham, Childs, Clark, Crabb, Cranson, Crockett, Davies, Dennis, Dunn, Evans, Everett, Ewing, Fillmore, Rice Garland, Giddings, Goode, Halsted, Hastings, Hawes Herod, Hoffman, Hopkins, Robert M. T. Hunter, Jenifer, Henry Johnson, Lyon, Marvin, Sampson, Mason, Maury, McKennan, Mendenice, Mercer, Naylor, Noyes, Ogle, Peck, Pope, Potts, Sergeant S. Prentiss, Putnam, Rariden, Randolph, Reed, Rencher, Ridgway, Robinson, Rumsey, Russell, Sergeant, Sibley, Stale, Southgate, Stanly, Stone, Stratton, Taliaferro, Tillinghast, Toland, Underwood, John White, Joseph L. Williams, Christopher H. Williams, and Word—79.

So the rules were not suspended.

On motion of Mr. MARVIN, it was

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of making appropriations for the survey of the bar and harbors of the following rivers and ports in Florida, with a view to the improvement of the same: The bar of the river St. Johns, and the river and harbor of St. Marks, and more especially the new and better channel recently discovered by Benjamin Thornton, Esq., of said Territory.

MATERIAL FOR THE PUBLIC BUILDINGS.

Mr. PRATT begged permission of the House to offer the resolution, which, at his solicitation, had been ordered to be printed on a former day. He said we have bills now before us for constructing a fire-proof War and General Post Office Department; and it was of the utmost importance that the resolution should be immediately considered. He said the interest, as well as the honor of the country, in his humble opinion, required that those buildings should be constructed of such material as would be permanent. He then referred to the comparative cheapness of granite and marble as a reason why they should give them the preference to sandstone, which is now being used in the construction of the Patent Office and Treasury Department. He conceived it to be their duty to use the best materials, more especially when they can be procured at a much less expense than the inferior. He hoped, at least, that the public mind might be called to the subject, whatever might be the disposition the House made of the resolution. He hoped, however, it would agree to consider it at the present time.

Objection being made to its consideration,

Mr. P. moved to suspend the rules for that purpose; which motion was agreed to.

The resolution was then read, as follows:

Whereas, the materials used in the erection of the Treasury building in this city are conglomerated sandstone, absorbing water, and requiring to be frequently painted, at great expense, to preserve it against rain and frost: Therefore,

*Resolved*, as the sense of this House, That all public buildings hereafter to be erected for the use of the Government, shall be constructed of the hardest and most durable materials, either of marble or granite.

Mr. P. moved its reference to the Committee on Public Buildings and Grounds.

Mr. TALIAFERRO moved, as instructions to the said committee, a proposition offered by him the other day as an amendment to the resolution; which proposition, having been then ordered to be printed, was now in the hands of the public printer, and the purport of which Mr. T. explained in the course of his remarks.

Mr. T. moved that the further consideration of the subject be postponed until to-morrow, and proceeded to say (as he was understood) that this preamble contained certain things as to materials which had not, in the course of long experience, been found to be true. The preamble assumed that freestone required for its preservation frequent and constant painting. There were buildings erected of this material which had been built more than a hundred years, on which a paint brush had never fallen, and which were now as sound and unimpaired as they were the day they were built. He alluded particularly to the buildings of Governor Spotswood, of Virginia, and another; near which, according to the best of his recollection, a paint brush had never been, and which had sustained no manner of injury beyond, possibly, some little discoloration.

As to the laboratories which were now about to be built, (for such he designated these Departments,) he was astonished to find that gentlemen had become so magnificent in their ideas that nothing would suit them short of marble or granite. He would go along with any gentleman in every proper expenditure of the public money; for where was the necessity of building these Departments on the scale of palaces? If they were built of a material respectable in its appearance and enduring in its nature, the public should not expect anything beyond the outlay necessary to secure these two objects.

Now, his amendment provided, in substance, that all the public buildings which might hereafter be constructed in Washington should be built of the same material as the house in which they now were. The President's mansion, the Treasury building, the Patent Office, were all built of one material; and he asked that all future buildings might be similarly built, unless a cheaper and more stable material could be used. There was no better looking edifice in the country than

this house, or the President's mansion, or than those now preparing for the Treasury Department and the Patent Office. He was opposed to all unnecessary expense; and, if this resolution was to go to the committee, he hoped that his amendment would be suffered to go along with it.

Mr. LINCOLN was opposed to the postponement, as calculated to prevent any definite action on the subject during the present session of Congress. It would be recollected that to-day and to-morrow had been specially set apart for the consideration of territorial business; and if the postponement took place as proposed, it might require a suspension of the rule to get at this subject; so that postponement till to-morrow might, in fact, be equivalent to postponement for the residue of the session. Already this morning a question involving, in some degree, the same subject-matter of inquiry, had been referred to the committee. Nothing, therefore, was to be gained by postponement.

As to the material, he thought he could satisfy the gentleman from Virginia [Mr. TALIAFERRO] that a more wasteful expenditure of the public money had never been known in this Government than that in the purchase of the material for the public buildings, to say nothing of the shape or plan. It would cost the Government \$60,000 more for the construction of a building of such material than if constructed of another. What was this conglomerated sandstone? There were now, in buildings constructed of that stone, masses of rude clay; the water had got in, which, with the expansion of frost, had riven asunder some of the parts. A portion might be perforated by a fine stick, and it was necessary for the workmen to take it out. It was very unsafe and insecure; and, instead of giving fifty-seven cents a foot for this conglomerated sandstone, granite might be obtained at forty cents. At this very moment there was an application before the Committee on Public Buildings for an appropriation of \$12,000 to paint the very structure now in the course of erection. Twenty thousand dollars had been expended in five years for that object. The stone was such an absorbent of water that the building could not be secure unless it was painted. As to the appearance, he cared little about it, whether painted or not; but he looked to the extravagant waste of the public money. By using another material, more than thirty-six per cent. would be saved upon the cost, besides the expense of painting every three years.

He thought the subject should go to the committee, whose duty it would be to report all the facts—what was the cheapest and best material of which to construct these buildings.

Mr. BRONSON inquired what would be the effect of the previous question?

The SPEAKER said it would be to bring the House to a vote on the resolution.

Mr. BRONSON said he would not then move it, but would move to lay the subject on the table.

Mr. THOMAS suggested that a memorial had this morning been referred to the Committee on Public Buildings of the same purport as this resolution. The power of the committee, therefore, would be neither increased nor diminished by the reference of this resolution.

Mr. BRONSON withdrew his motion to lay on the table at the request of

Mr. TALIAFERRO, who said he could not well perceive how the House could get into a debate on a matter of this kind. The proposition was a very simple one; and if the gentleman from Massachusetts [Mr. LINCOLN] was correct in his statement of facts, there could be no further question. If granite could be furnished cheaper than any other material, then he (Mr. T.) was for granite. But what did all the estimates of the mechanics say, when the Treasury building and the Patent Office were about to be constructed? The whole estimates showed that the expense of building with granite would be more than double. He was willing to make issue with the gentleman from Massachusetts, and if the gentleman would permit the resolution to pass with the modification which he (Mr. T.) would suggest, namely that the cheapest plan should be adopted, there would be an end of the matter.

Mr. PRATT said he would accept the modification. He was one of the Committee on Public Buildings and Grounds, and conceived it his duty to bring the matter before the House. His sense

of duty to the public interest dictated such a course to him; as he had no disposition to debate this matter further, and to save the time of the House, he would accept the modification. He had the certificate of the Commissioner of Public Buildings that granite was seventeen cents less per foot than freestone.

Mr. TALIAFERRO said he should know something of this matter. Did the gentleman from Massachusetts [Mr. LINCOLN] ever see a precious metal without dross? The fault was in the construction, and not in the material, if any flaws had been found, as the gentleman described.

Mr. LINCOLN was understood to say he would state that, as to one of the columns of the President's House, a part of it had come asunder, and that it had been necessary to supply its place, in consequence of the operation of the frost; and that, as to other columns now finished in the new building, there were various places in which the material had decayed from three to five inches.

Mr. TALIAFERRO said there was a perfect as well as an imperfect formation of marble. So it was with the freestone which the gentleman (in ridicule, he supposed,) had denominated sandstone. But he (Mr. T.) insisted that the architect was bound to look and see that it was perfect.

There was a great mistake here if gentlemen supposed that paint was necessary for the preservation or the comfort of edifices built of freestone. He spoke from experience. It was not necessary, although it might improve the appearance. That was a matter of taste.

The appropriate points for the House to consider were usefulness and economy.

Mr. NAYLOR said he would not occupy the time of the House; but he had been about to ask leave of the House to introduce a resolution on this subject. He held in his hand one which he thought would suit the views of all.

Mr. TALIAFERRO, understanding Mr. PRATT to have accepted his modification, withdrew the motion to postpone.

And the question recurring on commitment, Mr. NAYLOR said that the House was aware that, within a few days, the Committee on Public Buildings had submitted estimates for a General Post Office building, to be constructed of split granite. He had been informed, by those competent to judge, that the building could be constructed better, and at much less cost, of marble.

Mr. N. then offered a substitute for the resolution of the gentleman from New York, and expressed a hope that it would not be objected to.

Mr. LINCOLN apprehended that the inquiry proposed would cause delay on the action of the bill for the construction of a Post Office building. He was opposed to delay; and all difficulty might be obviated by referring the question of material to the President.

Mr. HAYNES said if he understood the amendment of the gentleman from Pennsylvania, [Mr. NAYLOR,] he was in favor of its adoption. It was certainly important, when we were about to erect public buildings to last as long as materials can last, to have estimates from a competent source of the cost and durability of such materials. He was, therefore, in favor of the proposed amendment. But he would say a word of the course of the Committee on Public Buildings. "A change had come over the spirit of their dream" since the last session of Congress. Then we heard nothing but the cry of economy, when we were urged to pull down the new Treasury building, and remove its materials to the site for a General Post Office, and, perchance, when that building should be partially constructed, to pull it down, and carry back the material to its original place. Now that committee goes for the more expensive materials of granite or marble.

Mr. GRANT moved the previous question, but withdrew it, and moved to lay the subject on the table; which motion was rejected.

Mr. PRATT then modified his resolution to read as follows:

*Resolved*, That the Committee on Public Buildings be instructed to inquire into the expediency of having the public buildings hereafter to be erected built of either marble or granite, instead of the stone that has been used; and that said committee report to this House which of these materials is the most desirable and economical, and the several prices at which each of said materials can be furnished.

Mr. P. demanded the previous question; which was seconded.

And the main question (being on the adoption of the resolution) was ordered, and taken; and the resolution, as modified, was adopted.

Mr. SLADE offered the following resolution:

Whereas, on the 30th day of January, in the year of our Lord 1839, there were driven by the doors of the Capitol of the United States in view of members of both Houses of Congress, thirty men chained and handcuffed, together with twenty women and children; and whereas there are circumstances which justify a strong suspicion that it was for no offense against the laws of the United States, or of any of the States, that said men, women, and children were chained, handcuffed, and driven as aforesaid: Therefore,

*Resolved*, That a committee of seven members of the House be forthwith appointed to inquire and report—

1. The authority under which the said men, women, and children were thus chained, handcuffed, and driven as aforesaid;

2. Whether they were charged with the commission of crimes; and if so, of what crimes, and when and where committed;

3. Whether they had been convicted of crimes, and if so, of what crimes, and by what tribunal convicted; and

4. Whether the persons who chained, handcuffed, and drove the said men, women, and children were officers of the United States, duly authorized to have the custody of criminals within the District of Columbia; and, if so, whether they committed said men, women, and children to the common jail of said District for trial, or to the penitentiary thereof for punishment.

*Resolved*, That said committee be authorized to send for persons and papers, and to report to this House by bill or otherwise.

Mr. STANLY inquired of the Chair if the resolution was received?

The SPEAKER said it was.

Objection being made,

Mr. CRABB inquired of the Chair whether the resolution would not be laid on the table, under the resolution of the 12th December?

The SPEAKER said he would decide that point when it came up in its proper place.

On motion of Mr. BRONSON, it was

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of making an appropriation for the erection of a fort or other military works on Bartlett Point, in the river St. Lawrence, in the county of Jefferson, and State of New York.

Mr. FILLMORE, on leave, presented to the House several petitions; which were appropriately referred.

Mr. TAYLOR submitted the following resolution; which, under the rule, lies over one day:

*Resolved*, That the 20th rule of this House, which provides that "all the States and Territories" shall be called for resolutions on each alternate Monday, during each session of Congress, be suspended, after this day, during the remainder of the session.

On motion of Mr. DE GRAFF, it was

*Resolved*, That the Committee on Naval Affairs be instructed to inquire into the propriety of passing a bill providing for the settlement of the accounts of the late purser Melancton W. Bostwick, and other officers and men who were lost in the year 1815, on board the brig-of-war *Epervier*, which was foundered at sea.

Mr. TITUS submitted the following resolution; which, under the rule, lies one day upon the table:

*Resolved*, That the Committee of Ways and Means be discharged from the further consideration of a resolution of this House, of the 14th January, instructing said committee to inquire into the expediency of an explanatory act in relation to the laws imposing duties on imports; and, also, from the further consideration of a communication from the Secretary of the Treasury, on the same day, upon the same subject; and that the said resolution and communication be referred to a select committee.

On motion of Mr. EVERETT, it was

*Resolved*, That so much of the resolution of this House of the 14th January, as requires the Secretary of War to transmit to this House any part of the proceedings of the commissioners under the fourteenth article of the treaty of 1830 with the Cherokee Indians, be, and the same is hereby, rescinded.

On motion of Mr. INGHAM, it was

*Resolved*, That the Secretary of the Treasury be instructed to communicate to this House a statement of the annual expenditures for each revenue cutter, consisting of repairs, equipments, rations, officers and seamen's wages, and other incidental expenses, for the year 1830 to 1838.

On motion of Mr. TILLINGHAST, it was

*Resolved*, That Caleb Williams, Jr., and S. W. Hart, praying by petition for the remission of certain duties, have leave to withdraw said petitions and the papers filed therewith.

On motion of Mr. CUSHING, the House took up for consideration the following preamble and resolution submitted by him on 31st December:

Whereas, in the message of the President of the United States, at the opening of the Eighteenth Congress, it was, among other things, avowed and proclaimed as the settled national policy of the United States, that "in the wars of the European Powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do;" that, "with the movements in this hemi-

sphere we are, of necessity, more immediately connected;" that "we owe it, therefore, to candor, and to the amicable relations existing between the United States and those Powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety;" that, "with the existing colonies or dependencies of any European Power, we have not interfered, and shall not interfere; but with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European Power, or in any other light than as the manifestation of an unfriendly disposition towards the United States;" and that "it is impossible, therefore, that we should behold such interposition, in any form, with indifference."

*Resolved, therefore*, That the President of the United States be requested to inform this House, if the same be not, in his judgment, incompatible with the public interest, what explanations the King of the French has rendered to the United States in relation to the recent blockade of a part of the coast of the Mexican Republic by France; the treatment of vessels of the United States, public or private, by the blockading squadron; the reduction of the castle of San Juan de Ulloa; and the ulterior views and designs of the French Government respecting the Mexican Republic. Also, to inform the House whether he has proffered to either of the contending parties the mediation of the United States in the premises, and to communicate any correspondence on the subjects aforesaid which may have passed between the Government of the United States and that of France. And that the President be in like manner requested to communicate to the House information of the same tenor in regard to the blockade of the Rio de la Plata by the French, and the differences existing between the French Government and that of the Argentine Republic.

The resolution was then agreed to.

On motion of Mr. LINCOLN, it was

*Resolved*, That the Secretary of the Navy be directed to transmit to this House a copy of a communication from Commodore Jesse D. Elliott to the late Secretary of the Navy, which accompanied the Commodore's transmission of the proceedings of the said court-martial against Lieutenant C. J. Hunter, together with the deposition of the Governor of Minorca in relation to the transactions involved in the subject before said court. Also, that he lay before this House copies of all communications and papers furnished to the Department by Commodore Elliott in explanation of, or having reference to, the complaint of Passed Midshipman Barton against the Commodore, a copy of which was called for by a resolution of this House of the 1st February instant; and also of all communications on file in the Department in relation to the presentation of a service of plate to Commodore Elliott by the crew of the American frigate *Constitution*, during the last cruise of the said ship under his command.

Mr. ANDREWS submitted the following resolution; which, under the rule, lies one day on the table:

*Resolved*, That the Secretary of the Navy communicate to this House the names of all the Navy officers who have been waiting orders on furlough, or otherwise off duty, for more than six months past, with the length of time they have been so off duty, the amount of pay each has received, and whether any officer of the Navy receives a pension for disability, at the same time he is receiving pay as an officer, with the names and amount in each case.

On motion of Mr. BRIGGS, it was

*Resolved*, That the Committee on Indian Affairs be instructed to inquire upon what terms the Indian portraits, taken by George Catlin, of distinguished chiefs and braves, belonging to about forty different nations, together with the costumes, other curiosities, and sketches of the country, collected and taken by the said Catlin, during seven years' residence with and among the different tribes of western Indians, can be obtained by the Government, and into the expediency of purchasing the same.

On motion of Mr. REED, it was

*Resolved*, That the Committee on Commerce be directed to inquire into the expediency of providing for a survey of a dangerous shoal called Nantucket South shoal, situated in the ocean, twenty or thirty miles from land, and greatly retarding and obstructing the navigation between the Northern and Middle and Southern States, and also between the United States and Europe. Also, that they inquire into the expediency of providing buoys for the harbor of Weyfleet and vicinity.

On motion of Mr. FLETCHER, it was

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of making provision for a survey of the Conassett Rocks in Massachusetts bay, with a view to the erection of a light house thereon.

On motion of Mr. BORDEN, it was

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of extending a post route to the village of Westport Point, in the town of Westport, Massachusetts.

Mr. ADAMS submitted the following resolution; which, under the rule, lies over one day:

*Resolved*, That the rules and orders for conducting the business in the House of Representatives be so amended, that in the proviso of the 18th rule the word "thirty" be struck out, and the word "sixty" inserted in its place; and that in the last line but one of the said proviso the word "day" be struck out, and the words "and fourth day" be inserted in its place.

# THE CONGRESSIONAL GLOBE.

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25TH CONGRESS, 3D SESSION.

TUESDAY, FEBRUARY 19, 1839.

VOL. 7. . . No. 12.

On motion of Mr. WILLIAMS, of New Hampshire, it was

*Resolved*, That the Committee on Commerce be discharged from the further consideration of the petition of Volney French and others, and that the same be referred to the Committee on Public Lands, who have the subject of said petition under consideration.

On motion of Mr. ANDERSON, it was

*Resolved*, That the report of the Committee of Claims in the case of Betty H. Beard be recommitted to that committee, for the purpose of examining additional testimony.

Mr. JOHNSON, of Louisiana, from the select committee to which had been referred the memorial of Duncan N. Hennen, complaining of the official conduct of Philip K. Lawrence, judge of the eastern and western districts of Louisiana, made the following report:

The select committee to which was referred the memorial of Duncan N. Hennen, complaining of the official conduct of Philip K. Lawrence, judge of the district court of the United States for the eastern and western districts of Louisiana, report:

That, in consequence of the evidence collected by them, in virtue of the powers with which they have been invested by the House, and which is hereto subjoined, they are of opinion that Philip K. Lawrence, judge of the district court of the United States for the eastern and western districts of Louisiana, be impeached for high misdemeanors in office.

Mr. UNDERWOOD offered the following resolutions:

*Resolved*, That the Secretary of War be directed to inform this House how the armies and troops engaged in prosecuting the Florida war have been furnished with supplies of flour, meal, corn, oats, hay, bacon, pork, and beef for the last two years, stating whether the supplies have been furnished by contract, in whole or in part, and the name or names of the contractors, and whether the contracts have been let to the lowest bidder, or whether the supplies have been furnished, in whole or in part, by an agent or agents employed to make purchase; and if so, the name or names of the agents, and the sums allowed them as compensation for their services respectively, and whether the compensation by a gross sum, by the month or year, or a percentage upon the amount of their purchases; and if a percentage, its amount.

*Resolved further*, That said Secretary inform the House what is the highest price paid by the Government during the last two years for flour by the barrel; meal, corn, and oats by the bushel; and bacon, pork, and beef by the pound or barrel; and hay by the one hundred pounds or ton, delivered in the ports of Florida.

Mr. U. (leave having been denied) moved a suspension of the rule for the purpose of considering the resolutions at this time; which motion was rejected.

Mr. DUNCAN submitted the following resolution; which, under the rule, lies one day on the table.

*Resolved*, That the Clerk of this House be directed to make out a statement of the sums of money which have been paid as the expenses of the committee of investigation, appointed by the House of Representatives during the session of 1836-37, of which the Hon. HENRY A. WISE was chairman; and also, the committee of investigation of the same session, of which the Hon. JAMES GARLAND was chairman, stating particularly the items of said expenses, and to whom the same were paid, and report the same to the House.

The States having been called through for resolutions, the special order was taken up, being the consideration of

## TERRITORIAL BUSINESS.

On motion of Mr. BRONSON, all the bills were referred to the same Committee of the Whole, and the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. DAVEE in the chair.)

On motion of Mr. B. the committee took up the bills in the following order:

A bill to define and establish the eastern boundary of the Territory of Iowa; which was considered and laid aside to be reported to the House.

A bill to authorize the election or appointment of certain officers of the Territory of Iowa, and for other purposes; which was also laid aside.

A bill to provide for the erection of public buildings in the Territory of Florida.

After some remarks from Messrs. BOND, DOWNING, and BRONSON,

Mr. BOND submitted a proviso that the passage of this law should not be held as binding the United States to any future appropriation; which was agreed to, and the bill and amendment ordered to be reported.

The committee then took up the bill to authorize the election or appointment of certain officers in the Territory of Iowa, and for other purposes; which was considered and laid aside.

The next was the bill to amend the act establishing the territorial government of Wisconsin, (limiting the tenure of the offices of Governor, secretary, marshal, and attorney to two years, judges to four, &c.)

Mr. ADAMS inquired the object of the proposed change.

Mr. DOTY explained that it was to hold to a greater and more frequent accountability, and to assimilate the periods of service to those of similar officers in the States.

Mr. ADAMS insisted that its effect would be to render the Governors more dependent on Executive power and influence. Mr. A. moved to strike out the first section of the bill.

Mr. BRONSON disclaimed any such intention on the part of the committee who reported the bill, and the inference was rather the reverse, or at least to bring about a more direct responsibility to the people among whom the officers resided.

Mr. POPE was unwilling to make any change in a system which had hitherto worked well enough, and no complaints had yet been heard of the Governor of Wisconsin.

Mr. BRONSON could assure the committee that no intention existed to reach the existing Governor of Wisconsin, for the bill was so drafted as to take effect only on the expiration of Governor Dodge's term.

Mr. DOTY defended the provisions of the bill with much earnestness, and showed the necessity of a change and a more frequent removal from the negligence of some of the officers.

The amendment was disagreed to, and the bill was laid aside.

The next was the bill to provide for the building of a pier on Lake Winnebago; which was considered and laid aside.

The bill making St. Joseph's, Florida, a port of entry, was also considered and ordered to be reported.

The bill for the relief of the Brotherton Indians, in the Territory of Wisconsin, was next considered and ordered to be reported.

The bill to fix the salaries of the keepers of the public archives in Florida.

After a brief discussion between Messrs. BOND and DOWNING,

Mr. BOND moved to strike out the enacting clause of the bill; which was lost.

Mr. B. moved to strike out "\$750" and insert "\$500" as the salary to be given.

Mr. BRONSON remarked that that was the present salary.

The amendment was disagreed to; and the bill laid aside to be reported.

The bill to authorize the purchase of a law library for the Territory of Florida was next considered.

The bill to authorize the construction of a road from Dubuque, in Iowa, to the boundary of Missouri.

Mr. CAMBRELENG inquired if his colleague had made an estimate of the amount of money involved in these bills?

Mr. BRONSON had not yet; but would by tomorrow morning. The amounts, however, were in all cases small.

Mr. MERCER moved an additional section, containing several items for works of internal improvements, both in the Territory and in some of the States; which was agreed to.

The bill was then laid aside; and the committee took up the "bill to authorize the construction of certain roads in the Territory of Wisconsin;" which was considered and agreed to.

The bill reported this morning by Mr. EVANS, to provide for certain improvements in Florida, was next considered.

The bill to grant land to certain counties in Iowa for the construction of public buildings, was also ordered to be reported.

On motion of Mr. EVANS, the committee took

up the bill to authorize the importation, free of duty, of the iron materials of certain iron vessels; and, after some discussion between Messrs. KEMBLE, EVANS, NAYLOR, and ADAMS, The CHAIRMAN decided that the bill did not fall within the special order.

Mr. ADAMS appealed from that decision, on the ground that a portion of it had reference to the Territory of Florida—the second section.

After a few further remarks from Messrs. DOWNING, LINCOLN, EVANS, BRONSON, and CAMBRELENG, the bill was laid aside, to have the question decided in the House.

The committee then took up the "bill in relation to the town of Southport, Wisconsin."

The question was on the substitute submitted by Mr. DOTY, on Saturday last, which he now moved.

Mr. LINCOLN opposed the bill, and also the substitute, and moved that the bill be laid aside, not to be reported.

Mr. DOTY earnestly advocated the bill, citing various acts of legislation by which Congress had absolutely donated the proceeds of the sales of town lots to the inhabitants thereof; whereas this bill only provided that the money should be paid into the Treasury, and laid out in the construction of the harbor of Southport, leaving the selection of the point, too, to the discretion of the Secretary of War.

After some further remarks from Messrs. MERCER, DOTY, and LINCOLN,

On motion of Mr. LINCOLN, the committee rose, and reported the bills passed in committee to the House, and progress on the others.

Mr. ADAMS made an inquiry as to the bill ruled out of order by the Chairman of the Committee of the Whole on the state of the Union.

The SPEAKER remarked that it was not usual for the House to entertain questions of order before committees, the latter deciding their own points. He suggested that the question could be settled in committee to-morrow.

## DESTRUCTION OF THE CAROLINE.

The SPEAKER laid before the House a message of the President of the United States in relation to the demands made on the British Government for satisfaction for the destruction of the Caroline, at Schlosser, in the United States;

Mr. BRONSON moved to print ten thousand extra copies; which motion, being then objected to, lies over.

On motion, the House adjourned.

## IN SENATE.

TUESDAY, February 12, 1839.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the following bills, reported the same without amendment, and with a recommendation that they do not pass:

An act for the relief of Dr. Francis Lambert; and  
An act for the relief of Sylvester Phelps and others.

Mr. H. also, from the same committee, reported an act for the relief of Joseph Jackson, without amendment, and recommending its passage.

Mr. SEVIER, from the Committee on Indian Affairs, to which was referred the memorial of the Legislative Assembly of the Territory of Wisconsin, praying that the title of the Menomonee Indians to lands within that Territory may be extinguished, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. S., from the same committee, to which the bill for the relief of Milley Yates was recommitted, reported the same without amendment, and with a recommendation in favor of its passage.

Mr. MERRICK, from the Committee on Claims, to which was referred the bill for the relief of Michael Fenwick, reported the same without amendment.

Mr. SWIFT, from the Committee on Indian Affairs, to which had been referred the act providing for paying three companies of militia in

the State of Indiana called into the service of the United States, reported the same with an amendment.

Mr. WALL, from the Committee on the Judiciary, to which was referred the following bills, reported the same without amendment:

An act to provide for the settlement of the claims of Walter Jones against the United States; and

A bill to amend the act of March 3, 1837, entitled "An act supplementary to the act entitled an act to amend the judicial system of the United States," and for other purposes.

Mr. W., from the same committee, to which was referred the bill to alter the time for holding the fall term of the circuit court of the United States for the District of Michigan, reported the same with an amendment.

Mr. W., from the same committee, to which was referred an act for the relief of Peyton Randolph, reported the same without amendment, and with a recommendation that it do not pass.

Mr. MORRIS, from the Committee on Pensions, to which was referred the following bills, reported the same without amendment, and with a recommendation that they do not pass:

An act for the relief of John England;  
An act for the relief of Samuel Hapten;  
An act for the relief of John Jacob Baugh;  
An act for the relief of Oliver Peck;  
An act for the relief of Elizabeth Durant;  
An act for the relief of the widow of Captain James Hunter;

An act for the relief of Fielding Pratt; and  
An act for the relief of Elizabeth Jones and others.

#### HOUSE BILLS REFERRED.

The following bills from the House of Representatives were read a first and second time and referred to appropriate committees:

An act for the relief of Griffith Coombe and John P. Ingle, trustees of the house in the city of Washington called the brick Capitol;

An act to authorize the Secretary of the Treasury to compromise claims of the United States against certain banks.

An act for the relief of Cornelius Taylor;  
An act for the relief of Jamison & Williams;  
An act for the relief of James H. Grant, Moses W. Simpson, and Thruston Going; and

A joint resolution requesting the President of the United States to present a gold medal to James Rumsey.

#### PETITION.

Mr. RIVES presented the petition of Sarah M. Gates, widow of Captain Lemuel Gates, and the petition of Jeremiah Fugitt, which were referred to the Committee on Pensions.

#### RESOLUTION SUBMITTED.

Mr. ALLEN, on leave, and in pursuance of notice given, introduced a joint resolution to authorize the Treasurer of the United States to issue certificates of deposit in lieu of others to be canceled; which was read twice, and ordered to be printed.

#### RESOLUTIONS.

The following resolution, submitted yesterday by Mr. TALLMADGE, was taken up, considered, and adopted:

*Resolved*, That the Postmaster General communicate to the Senate the number of removals of deputy postmasters since March 4, 1837, the names of the persons so removed, and the times when removed, the names of the persons appointed to fill the vacancies, the names of the offices where such removals have been made, classifying the whole by States and Territories.

The following resolution, also submitted yesterday by Mr. TALLMADGE, was taken up:

*Resolved*, That the Secretary of War communicate to the Senate copies of all proposals for furnishing supplies to the Indian department, and of all contracts entered into for the same, since the 1st of May last, and of all correspondence with the department in relation to said proposals and contracts; and whether any mode of procuring supplies has been adopted, other than by advertising for proposals, and giving the contract to those offering the most favorable terms.

On motion of Mr. BENTON, the resolution was amended by adding thereto the following words:

And that he also inform the Senate what has been the result of the late attempts to revive the mode of supplying the Indians with goods by contract, and how far the goods obtained by such contracts have been at fair prices, good quality, and suitable kind; and that all information in possession of the department, or in its power to obtain without

delay, bearing on the price, quality, and fitness of the goods so obtained by contract, be communicated to the Senate; and also the comparative view of said contracts with the purchases of Indian goods previously made by the agents and officers of the United States.

The resolution, as amended, was then adopted.

Mr. NORVELL submitted the following resolution; which lies over:

*Resolved*, That the daily hour of the meeting of the Senate shall be at eleven o'clock until otherwise ordered.

Mr. ROBINSON submitted the following resolution; which was considered and adopted:

*Resolved*, That the Secretary of the Treasury communicate to the Senate if any, and what, banks in Illinois, since their resumption of specie payment in May last, have applied to be made banks of deposit; and if any, the reasons why not so made.

#### INTERFERENCE IN ELECTIONS.

The Senate then proceeded to the consideration of the bill to prevent the interference of Federal officers in elections, and the special order of the day; when

Mr. RIVES addressed the Senate at length, and with much earnestness, against the report of the Committee on the Judiciary, and, in concluding, stated his great disapprobation of the doctrines contained in the report of the Judiciary Committee, and said that the Senate owed it to itself to revoke the sanction it had given to it by printing an extra number of copies of it. With this view, he submitted a set of resolutions condemnatory of the report, and concluding with an amendment to it. He submitted to his friend from Kentucky, [Mr. CRITTENDEN,] whether they could not both accomplish the object they had in view by adopting these resolutions in lieu of the bill about which many gentlemen entertained constitutional scruples.

Mr. R. then read the resolutions, and moved they be printed.

Mr. PIERCE desired to know in what character the gentleman's resolutions were offered; whether they were moved as an independent proposition, or as an amendment to the bill. If the former, it was clearly not in order to receive them.

Mr. BUCHANAN observed that it was always best to do one thing at a time. The issue had been fairly made by the Senator from Kentucky, [Mr. CRITTENDEN,] on his bill as introduced, and he intended, for one, at some convenient time, to give his sentiments with regard to it. Though he was disposed, on all occasions, to show every courtesy to his fellow members of the Senate, yet he was not disposed to permit the issue to be changed at this time. The honorable Senator from Virginia could, at the proper time to-morrow, bring forward his resolutions and have the sense of the Senate on them, and he should be very ready to consider them; but on this question he wanted the bill, the whole bill, and nothing but the bill.

Mr. WALL complained of the unfair manner in which the Senator from Virginia had treated the report. It was plain to every man of common sense in the community that no such inference could be drawn from it as the one drawn by the Senator from Virginia. The committee, (Mr. W. said,) in this report, was discussing the rights of citizens; and the Senator would not pretend to deny that officeholders were citizens? He begged leave to tell the Senator from Virginia that whatever new lights he might now have, that the distinction he had made was not to be found in the Constitution. What, sir! (said Mr. W.,) are the officers of this Government a distinct and separate class from the people? Are those whom the people have intrusted with the transaction of their business, aliens to them? Was this the Democracy that the Senator had lately acquired? Mr. W. objected to having these resolutions at all connected with the report; and he considered that by so doing, it would be placing an unfair construction upon it.

Mr. KING was much surprised that the Senator from Virginia should think of introducing these resolutions in connection with the report. The report (Mr. K. said) was not before the Senate, and could in no way be subject to amendment. It was an answer to a bill, which bill was now before the Senate in Committee of the Whole, and that, and that alone, was subject to amendment. With the same propriety might the Senator propose to amend the speech of the Senator from New Jersey, as to propose an amendment

to the report. All parliamentary law was against it. If the gentleman would bring forward his resolutions in a proper manner, and at a proper time, he would cheerfully give them every necessary consideration. But he hoped they would go on with the bill, unconnected with any matter foreign to it, and dispose of it as early as practicable, for he apprehended that the business of the country might suffer by a protracted discussion.

Mr. RIVES asked of the Senator from Alabama, who was so well versed in parliamentary law, of which he professed to have but little knowledge, if it was not in his power to move to recommit the bill with instructions.

Mr. KING said certainly the Senator could make that motion.

Mr. RIVES said his object was to get his resolutions printed and before the Senate, and to have them adopted as an antidote to the report. He cared not how this was done, whether by a recommitment or otherwise. With regard to his Democracy, it was not as new as that of the Senator from New Jersey, which, as he understood, went back only to 1812, while his he could trace back to 1798. He thought the gentleman ought to have followed him step by step in his argument commenting on this report, instead of complaining of the inferences drawn in one portion of it.

Mr. CUTHBERT asked if he was to understand of the gentleman from Virginia that he proposes to recommit the bill with the report of the Judiciary Committee, for the purpose of having these resolutions reported distinct, without the bill?

Mr. RIVES replied in the affirmative.

Mr. CUTHBERT rejoined, that the gentleman then shrunk from the defense of the bill. A bill (he said) had been introduced by the Senator from Kentucky, [Mr. CRITTENDEN,] of a character which provoked the severest censures in this report. The gentleman, therefore, justified the report when he shrunk from the defense of the bill.

Mr. RIVES said he did not undertake to decide the question as to the bill in its present shape. He proposed to recommit it with instructions to introduce these resolutions, and also to make a report on the bill; so that he did not give up the principle contained in it.

Mr. CRITTENDEN was understood to say that he preferred that the bill should not be recommitment at this time. He wished the argument to go on, though he believed the Senator had an undoubted right to move its recommitment.

Mr. RIVES observed that the Senator from Alabama [Mr. KING] admitted that he had the right to move to recommit the bill, with instructions to bring in these resolutions.

Mr. KING said he admitted no such thing. He admitted neither more nor less than that it was in the power of the Senator to move to recommit the bill with instructions to amend the bill itself, and if the Senate chose to make the instructions positive, it could do it. But all parliamentary rules showed that the Senator could not move to recommit the bill, with instructions to amend the report of the committee that had been made on it, or to bring in a string of resolutions having the same object.

Mr. RIVES observed that the Senate would see his object, and he was indifferent how it was obtained; all he wanted was to have the resolutions printed, so as to have them before the Senate, and to allow him to consider in what way he could best obtain the object he had in view in drafting them.

The VICE PRESIDENT said the Senator could not introduce his resolutions while the subject under discussion yet remained undisposed of.

Mr. NORVELL observed that he desired to address the Senate on the subject of the bill, but as it was too late in the day for that object, and yet too early to adjourn, he would propose that the bill be passed over informally, and that they proceed to the consideration of the general orders.

This was agreed to.

Mr. RIVES then submitted the following resolutions, and moved that they be printed; which was adopted:

Whereas, "the constitutional remedy by the elective principle becomes nothing if it may be smothered by the enormous patronage of the General Government;" and

whereas, also, "freedom of election is essential to the mutual independence of the State and Federal Governments, and of the different branches of the same Government so vitally cherished by American institutions;" Therefore,  
*Resolved*, That in the opinion of the Senate, it is highly "improper for officers, depending on the Executive of the Union, to attempt to control or influence the free exercise of the elective right."

*Resolved*, also, That measures ought to be adopted by Congress, so far as their constitutional powers may extend, to restrain, by law, all interference of Federal officers with elections, otherwise than by giving their own votes; and that the report of the Judiciary Committee be committed to a select committee, with instructions to new model it according to the principles declared in the foregoing preamble and resolutions.

The Senate then adjourned.

## HOUSE OF REPRESENTATIVES.

TUESDAY, February 12, 1839.

Mr. C. SHEPARD, on leave, from the Committee on the Territories, reported a bill making provision for the purchase and repair of court-houses in Florida.

Mr. CAMBRELENG, on leave, from the Committee of Ways and Means, reported a bill making appropriations for certain fortifications for the year 1839.

Also, Senate bill, without amendment, to allow a drawback of duties on imported hemp, when manufactured into cordage, and exported.

Mr. C. also reported a letter from the Secretary of the Treasury, representing the condition of the Treasury to be such that certain payments could not be made without the immediate passage of the "bill to amend an act to authorize the issuing of Treasury notes to meet the current expenses of Government, approved May 21, 1838."

The letter having been read at the Clerk's table, Mr. C. said this bill had been reported on the 8th of January, and was on its engrossment on the Speaker's table. Mr. C. now asked the House to take it up. He added, as a reason for the motion, that the House would perceive, from the reading of the letter, that it was not in the power of the Treasury to meet the drafts upon it, unless this bill, which was merely to extend this act from January to May, was passed.

Mr. BRONSON begged his colleague not to press that motion that day, to the hindrance of territorial business, but postpone his motion till to-morrow: One day would make but little difference.

Mr. CAMBRELENG could not withdraw the motion.

Mr. BELL hoped the gentleman would not press it now, but have the communication printed, so that they might have an opportunity of examining it.

Mr. CAMBRELENG yielded; and, on his motion, Mr. Woodbury's letter was ordered to be printed.

Mr. CHAMBERS suggested to set aside the special order for the morning hour, to call the committees for reports, but it was objected to.

The House then resumed the execution of the special order.

### TERRITORIAL BUSINESS.

The following bills reported yesterday, without amendment, were ordered to be engrossed for a third reading:

A bill to establish the boundary line of the Territory of Iowa;

A bill for the election or appointment of officers in the Territory of Iowa;

A bill to amend the organic law of Iowa and Wisconsin;

A bill to amend the act establishing the Territorial Government of Wisconsin;

Mr. GARLAND, of Louisiana, moved to strike out the provision in relation to the tenure of office of the officers; which, after some discussion between Mr. G. and Mr. BRONSON, was disagreed to.

A bill making an appropriation for the building of piers at the northern extremity of Winnebago lake;

A bill to establish a port of entry at the St. Joseph's bay, in Florida;

A bill for the relief of the Brotherton Indians, in Wisconsin;

A bill to fix the salary of the keepers of public archives in Florida;

A bill making appropriation for the purchase of a law library for the use of the Board of Commissioners in Florida;

A bill for the survey of certain rivers and roads in Florida;

A bill granting to the counties of Lee, Des Moines, Jackson, and Dubuque, land to aid in erecting public buildings;

A bill for the erection of a state-house in Florida; and

A bill to authorize the construction of a road from Dubuque to some point in Missouri.

The bill to provide for certain internal improvements in Iowa was taken up, the question being on concurring with the Committee of the Whole in certain amendments.

Mr. GARLAND, of Virginia, caused the following one among them to be read. It had been moved yesterday by Mr. MERCER:

For the survey and estimate of the cost of constructing a harbor on Lake Michigan contiguous to Indiana City, at the mouth of the Grand Calumet river, \$500.

Mr. G. begged leave to inquire where "Indiana City" was?

Mr. MERCER said that Iowa was as much interested in the improvements of Lake Michigan as Wisconsin, or any of the coterminous States.

Mr. GARLAND. But where is "Indiana City"?

Mr. CHAPMAN, of Iowa, said there was no such place, nor a Calumet river, in that Territory.

After a somewhat confused discussion as to where this "paper city" was not, it came out that it was in the State of Indiana, at or near the extreme head, or south bend, of Lake Michigan.

Mr. GARLAND thereupon moved to strike it out, and demanded the yeas and nays; which were ordered.

The amendment was further discussed at some length; when, by general consent, the call for the yeas and nays was withdrawn, and the amendment unanimously rejected. The other amendments were concurred in.

The bill to authorize the construction of certain improvements in Wisconsin.

All the foregoing were ordered to be read the third time this day.

On motion of Mr. BRONSON, the House then went into the Committee of the Whole on the state of the Union, (Mr. PICKENS in the chair.)

The following bills were considered and ordered to be reported, unless where otherwise stated:

A bill making a donation of land for the erection of public buildings in Iowa;

A bill making an appropriation for the erection of a marine hospital in the city of St. Joseph, Florida;

Mr. DOWNING moved to fill up the two blanks, one with \$15,000 for the building, and the other with \$1,000 for buoys.

After a few words from Mr. PETRIKIN, the first motion was agreed to.

Mr. CUSHMAN remarked that, as buoys for this point were provided for in another bill, he thought \$500 quite sufficient.

Mr. DOWNING assented; and, so modified, the motion was agreed to.

The bill for the relief of the Alabama, Florida, and Georgia Railroad Company was then called up by Mr. BRONSON.

Mr. LINCOLN raised the question of order that this bill, not being strictly a territorial one, did not fall within the special order.

The CHAIRMAN sustained this position.

Mr. CHAPMAN took an appeal from that decision; and after some discussion, in which the decision was sustained by Mr. LINCOLN, and opposed by Messrs. BRONSON, SHIELDS, DOWNING, CHAPMAN, NAYLOR, and TILLINGHAST, when, upon twice taking the question, once by tellers, no quorum voted, the committee rose, and reported that fact to the House.

Mr. ADAMS moved a call of the House; which was ordered—ayes 71, noes 55; and a quorum being found present, after a name or two had been called,

On motion of Mr. BRONSON, it was dispensed with.

The question was then taken on the decision of the Chair; and it was affirmed by the committee—ayes 84, noes 45.

So the bill was ruled out of order.

The next bill considered was a "bill to estab-

lish a system of internal improvement in Wisconsin."

Mr. PETRIKIN moved to strike out the enacting clause of the bill, for the reason that he was convinced Congress could not authorize a Territory to do that which it had not the power of doing itself.

The bill was opposed by Messrs. WILLIAMS of North Carolina, UNDERWOOD, TOUCEY, CAMBRELENG, EVERETT, EWING, and HAYNES, and supported by Messrs. BELL, BRONSON, PRENTISS of Mississippi, DOTY, CRARY, MERCER, and HAMER; when

Mr. EVERETT said if the friends of the bill would accept an amendment providing that no loan should be made until authorized by a previous law of the Legislature, he would withdraw his opposition.

Mr. BRONSON said he had not the slightest objection.

The proviso was agreed to; and on taking the question on Mr. PETRIKIN's motion, the vote was ayes 59, noes 54, (no quorum); but upon a count a quorum being found present, the motion was agreed to, and the bill was laid aside.

A bill making provision for a court-house in Florida.

A bill granting to the judges of the supreme court of Iowa the same compensation as, by law, is given to the judges of the supreme court of Wisconsin.

The bill to approve and confirm an act of the Legislative Assembly of the Territory of Wisconsin, and for other purposes.

On the above being ordered to be reported, the committee resumed the consideration of the bill in relation to the town of Southport, on Lake Michigan; but, by consent, the bill was left in committee.

The committee then rose and reported; and the bills without amendment were ordered to a third reading to-day.

All the bills ordered this morning to be engrossed, were then read the third time and passed.

The bill making an appropriation for the purchase of a law library for the use of the Legislature and Judiciary of Florida, coming up on its passage—

Mr. HALSTED moved to recommit the bill to the Committee on the Territories, with instructions to reduce the amount of \$5,000 to \$1,000.

Mr. CUSHMAN moved to refer it to the Committee of the Whole on the state of the Union; whereupon the former gentleman withdrew his motion, and Mr. C.'s was put and disagreed to.

Mr. HALSTED then demanded the yeas and nays on the passage of the bill; which, being ordered, were—yeas 61, nays 64.

So the bill was rejected.

Subsequently, Mr. EDWARDS moved a reconsideration of this vote; and before the question was taken,

The House adjourned.

### IN SENATE.

WEDNESDAY, February 13, 1839.

Mr. MOUTON presented the petition of citizens of the State of Louisiana, praying for a grant of land to be employed in the cultivation of the morus multicaulis; which was referred to the Committee on Agriculture.

Mr. KNIGHT presented the petition of the officers and crew of the revenue cutter Vigilance, praying a participation in the benefits of the Navy pension law; which was referred to the Committee on Naval Affairs.

Mr. MOUTON presented certain resolutions of the Legislature of the State of Louisiana, in relation to the improvement of the navigation of the Atchafalaya and Red rivers; which were read, and ordered to be printed.

### REPORTS FROM COMMITTEES.

Mr. FELTON, from the Committee on Private Land Claims, to which was referred the following bills, reported the same without amendment:

An act for the relief of Henry L. Reviere;

An act for the relief of William Washington Bigham;

An act for the relief of James Cooper;

An act for the relief of John and Samuel Rowe;

An act for the relief of Zebulon Sheets;

An act for the relief of George Rowe;

An act for the relief of Samuel Massey and George James;  
 An act for the relief of Isaac Muller;  
 An act for the relief of Peter Samuel Jaccard;  
 and  
 An act for the relief of Menzies Gillespie.  
 Mr. RIVES, from the Committee on Naval Affairs, to which was referred the following bills, reported the same without amendment:  
 An act for the relief of Dr. J. M. Foltz;  
 An act for the relief of John G. Mozart;  
 An act for the relief of Thomas Kibbey;  
 An act for the relief of Charles Rockwell;  
 An act for the relief of the representatives of Jesse Seymour; and  
 An act for the relief of John Tilden.

Mr. CUTHBERT, from the Committee on Naval Affairs, to which was referred an act to allow additional compensation to William Easby, made an unfavorable report thereon.

Mr. C., from the same committee, reported, without amendment, an act for the relief of Spencer B. Gist.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, to which was referred an act for the relief of Cornelius Taylor, reported the same without amendment.

Mr. R., from the same committee, reported a bill for the relief of Colin Bishop; which was read, and ordered to a second reading.

Mr. MERRICK, from the Committee on the Post Office and Post Roads, to which was referred an act for the relief of Josiah F. Caldwell, reported the same without amendment, and with a recommendation that it do not pass.

Mr. WILLIAMS, of Maine, from the Committee on Naval Affairs, to which was referred an act for the relief of Samuel Hamilton, reported the same without amendment.

Mr. TALLMADGE, from the Committee on Naval Affairs, to which was referred the following bills, reported the same without amendment:  
 An act for the relief of Henry Richardson, deceased; and  
 An act for the relief of Benjamin Hewitt.

#### HOUSE OF MEETING.

The resolution submitted yesterday by Mr. NORVELL to change the hour of meeting of the Senate to eleven o'clock, was taken up; and, after being amended so as to take effect after Monday next, was adopted.

#### RESOLUTION.

Mr. M. submitted the following resolution; which was considered and adopted:

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of reporting a bill making appropriation of a sum of money to defray the expenses of an examination and survey of the bar now forming at the mouth of the Red river and the Atchafalaya, in the State of Louisiana; and also of the ledge of rocks obstructing the navigation of Red river, opposite Alexandria, in said State.

#### INTERFERENCE IN ELECTIONS.

The bill to prevent the interference of certain Federal officers in elections was taken up; and Mr. STRANGE addressed the Senate at length in opposition to the bill.

#### CERTIFICATES OF DEPOSIT.

On motion of Mr. ALLEN, the joint resolution introduced by him yesterday, authorizing certain certificates of deposit to be canceled, and the re-issuing of others in lieu thereof, was taken up, and ordered to be engrossed for a third reading.

#### TERRITORIAL BILLS.

Several bills from the House relating to the Territories were read a first and second time, and referred to appropriate committees.

#### SECURITY OF THE PUBLIC MONEY.

Mr. WRIGHT gave notice that he would to-morrow ask the Senate to take up the bill more effectually to secure the public money in the hands of officers and agents of the Government, and to punish defaulters.

And then the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 13, 1839.

On motion of Mr. EVERETT, the rules were suspended to enable the committees to report, any matter giving rise to debate to be laid over.

Mr. ATHERTON, from the Committee of Ways and Means, reported a bill for the relief of Thomas Latham.

Mr. CHAMBERS, from the Committee on Claims, reported a bill for the relief of Miles W. Dickens.

Also, without amendment, Senate bill for the relief of the securities of Elias T. Langham, late surveyor of public lands in Missouri and Illinois; which was read the third time and passed.

Mr. CUSHMAN, from the Committee on Commerce, reported a bill to establish certain collection districts, and for making ports of entry therein.

Also, the following:

*Resolved*, That this House will on Friday and Saturday, the 15th and 16th instant, after the morning hour, resolve itself into Committee of the Whole on the state of the Union, for the consideration of the following bills, and give the same the preference over all other business during the abovementioned period, to wit:

Joint resolution of the Senate (No. 4) authorizing the President of the United States to cause certain surveys to be made;

House bill (No. 472) to define the number, compensation, and duties of officers of the customs;

House bill (No. 797) further to provide for the relief of distressed American seamen in foreign countries;

House bill (No. 818) to extend the limits of the port of New Orleans;

House bill (No. 488) to establish ports of entry;

House bill (No. 1010) to authorize the cancellation of certain debenture bonds on the exportation of coal;

House bill (No. 96) for the reorganization of the Treasury Department;

House bill making appropriations for building light-houses, light-boats, beacon-lights, and buoys, for the year 1839;

House bill (No. 695) making appropriations for the building of custom-houses at New Orleans, Philadelphia, and Savannah; and

House bill (No. 766) making appropriations for the improvement of certain harbors therein mentioned, and for the survey of certain harbors.

And that said bills be taken up in the order in which they stand in said resolution.

Also, the following resolution; which was concurred in:

*Resolved*, That a detailed report and drawings of the light-houses at Barfleur and Ostend, prepared by Lieutenant Colonel B. Ayerige, a chief engineer of the State works of Pennsylvania, be printed for the use of this House.

On motion of Mr. CUSHMAN, the Committee on Commerce was discharged from the further consideration of the joint resolution of the Legislature of Michigan, asking aid to construct a canal round the falls of the Ohio river; and the same was referred to the Committee on Roads and Canals.

Mr. BRONSON moved to include the bill to allow the privilege of drawback, and abolish distinctions in ports of entry.

Mr. CUSHMAN remarked that that bill was already before the House, the Committee of the Whole on the state of the Union having been discharged from it.

Mr. ROBERTSON moved to lay the whole subject on the table; which was agreed to.

Mr. DE GRAFF, from the same committee, reported a joint resolution for the purchase of two hundred copies of Jones's "Digest."

Mr. GIDDINGS, from the Committee of Claims, made unfavorable reports on the petitions of Josiah Rogers, Richard Bond, Gates Hoyt, and William Hawkins.

Mr. STEWART, from the same committee, made an unfavorable report on the petition of Russ, Roach & Russ.

Mr. MONTGOMERY, from the Committee on Commerce, made an unfavorable report on the petition of Charles Kohler.

Mr. SALTONSTALL, from the same committee, made unfavorable reports on the petitions of Charles Simpson, Joseph M. Shepard, and Mary Peck.

Mr. S. also, from the Committee of Claims, reported a bill for the relief of Thomas W. Taylor.

Mr. CASEY, from the Committee on Public Lands, reported, without amendment, Senate bill for the relief of Isabella Hill, and the other heirs-at-law of Samuel Hill, deceased.

Also, without amendment, Senate bill granting to the State of Illinois the right of way through the public lands, and for other purposes.

Mr. SHIELDS, from the same committee, reported a bill for the relief of the legal representatives of William Williams, jr., deceased.

Also, without amendment, Senate bill for the relief of the Selma and Tennessee Railroad Company.

Mr. LYON moved its engrossment, stating that he had no desire to press the question on its passage to-day.

Mr. LINCOLN opposed this motion, both as giving the bill a preference over others, and the more as it contained a principle, that of giving the company a credit of six years, which had never yet been sanctioned by Congress.

Before the question had been taken, the morning hour had expired, and the Speaker announced the special order, being the consideration of business in relation to the District of Columbia.

On motion of Mr. BOULDIN, all the bills in the two Committees of the Whole House were referred to the same committee, viz: that on the state of the Union.

Mr. ADAMS moved to include the anti-dueling bill in the special order.

Mr. BOULDIN had no objection to include it within the spirit of the order, if it did not exactly fall within its letter.

The motion was agreed to.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, embracing a statement of the amount of gold and silver coined at the branch mint at Charlotte, North Carolina, since its establishment.

Mr. LYON, from the Committee for the District of Columbia, on leave, reported a bill to provide for the erection of a jail in the city of Washington, District of Columbia.

Mr. LOOMIS asked leave to submit the following resolution:

*Resolved*, That the select committee to investigate the defalcations of Samuel Swartwout and others be instructed to transmit to the House, through the Speaker, the journal of their proceedings up to this time, and daily hereafter during the residue of their session, and that the same be printed for the use of the House; and that so much of the resolution as authorizes the said committee to employ a printer be rescinded from this date; and that said committee be further instructed to hold their meetings public.

Objection being made,

Mr. L. moved a suspension of the rules, and demanded the yeas and nays; which were ordered.

Mr. ROBERTSON moved to lay the motion to suspend on the table; which motion, after Mr. Loomis called for the yeas and nays, Mr. R. withdrew.

Mr. CALHOON, of Kentucky, inquired if the committee did not now sit openly?

Mr. LOOMIS replied that it was generally understood they did not.

The question was then taken on suspending the rules; and decided in the negative—yeas 85, nays 92; as follows.

YEAS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beers, Beirne, Bicknell, Birdsall, Bronson, Buchanan, Cambreleng, John Campbell, Casey, Chaney, Cleveland, Clowney, Coles, Connor, Craig, Crary, Cushman, Davee, De Graff, Farrington, Fry, Gallup, Glascock, Grant, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holt, Howard, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, Klingsmith, Leadbetter, Lewis, Logan, Loomis, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Plumer, Potter, Pratt, Reilly, Richardson, Rives, Sawyer, Sheffer, Charles Shepard, Shepler, Spencer, Swearingen, Taylor, Tins, Toucey, Vail, Vanderveer, Webster, Whittelsey, Jared W. Williams, and Yell—85.

NAYS—Messrs. Adams, Alexander, Heman Allan, Belf, Biddle, Bond, Borden, Bouldin, Briggs, William B. Calhoun, John Calhoun, William B. Campbell, Carter, Chambers, Cheatham, Childs, Clark, Crabb, Cranston, Crockett, Cushing, Davies, Deberry, Dennis, Dunn, Edwards, Elmore, Evans, Everett, Fillmore, James Garland, Rice Garland, Giddings, Goode, William Graham, Grantland, Graves, Grennell, Griffin, Harper, Hastings, Hawes, Henry, Herod, Robert M. T. Hunter, Jabez Jackson, Jennifer, Henry Johnson, Kennedy, Lincoln, Lyon, Marvin, Sampson, Mason, Maury, May, Maxwell, McKennan, Menefee, Milligan, Calvary Morris, Naylor, Noyes, Peck, Pope, Potts, Sergeant S. Prentiss, Putnam, Randolph, Rencher, Ridgway, Robertson, Robinson, Russell, Saltonstall, Sergeant, Augustine H. Shepperd, Shields, Slade, Southgate, Stanly, Stuart, Stratton, Tillinghast, Toland, Underwood, Albert S. White, John White, Lewis Williams, Sherard Williams, Christopher H. Williams, Word, and Yorke—92.

Mr. LOOMIS then gave notice that he should to-morrow, immediately after the morning hour, renew this motion.

#### DISTRICT OF COLUMBIA.

On motion of Mr. BOULDIN, the House then went into Committee of the Whole on the state of the Union, (Mr. RENCHER in the chair,) in execution of the special order, and took up the bills in the following order:

Senate bill entitled "An act to amend the act

entitled 'An act to establish a criminal court in the District of Columbia.'

Sundry amendments proposed by the House being agreed to, and thus amended, the bill was laid aside to be reported to the House.

A bill to incorporate the Washington City Benevolent Society.

A bill to incorporate the Navy Yard Beneficial Society of the City of Washington.

A bill to incorporate the Washington Manuel Labor School and Male Orphan Asylum Society of the City of Washington.

Mr. JENIFER, at the suggestion (he said) of a gentleman from Pennsylvania, [Mr. PETRIKIN,] submitted the following amendment; which was agreed to:

And that no power is hereby given, or is intended to be given, to issue bank notes, or exercise any banking privileges whatever.

A joint resolution directing the manner in which certain laws of the District of Columbia should be executed.

A bill (Senate) making appropriations for the support of the penitentiary in the District of Columbia.

A bill to provide a free bridge across the eastern branch of the Potomac river, in the city of Washington. [The bill appropriates \$30,000 for the construction of the work, besides purchasing the stock of one of the existing toll bridges.]

Mr. GIDDINGS moved to strike out the enacting clause of the bill, and gave his reasons for the motion at length; in the course of which he was several times called to order for arguing the abolition question, and maintaining that the seat of Government could not be long continued in the District of Columbia with the existence of the slave trade therein; assigning this as a reason against making liberal appropriations for public works here.

Messrs. RIVES, JENIFER, and C. H. WILLIAMS raised the questions, but they were overruled by

The CHAIRMAN, who decided that the merits or demerits of the slave trade could not be permitted; and thus far only Mr. GIDDINGS's remarks were arrested.

Mr. GIDDINGS again proceeded in the same course of discussion, in going over the question of slavery, and said there were those here who preferred the permanency of slavery to the permanency of the Union itself.

Mr. HOWARD again called him to order for irrelevancy of debate.

The CHAIRMAN required Mr. H. to reduce his point to writing.

Mr. HOWARD insisted that, by the rule, he was not required to do so unless the call to order was for personality of debate.

The CHAIRMAN adhered to his construction of the rule.

Mr. HOWARD took an appeal from that decision.

Mr. BOULDIN made an earnest appeal to the committee to dispose of the question, and not sacrifice all the interests of the District to a discussion of this kind.

Mr. GLASCOCK, with due deference to the Chair, said the Chair would have best consulted its own dignity, and the dignity of the House, by arresting the gentleman from Ohio in pouring out his gross calumnies and foul aspersions upon the citizens of this District.

The decision of the Chair was sustained by Messrs. ADAMS and McKENNAN, and opposed by Messrs. BELL and THOMAS. The greatest confusion prevailed during this time, a number of members rising and addressing the Chair at the same time; but it was finally arrested by the Chair going behind the point immediately before the committee, and stating that he had no hesitation in deciding Mr. GIDDINGS to be out of order for irrelevancy of debate.

Mr. HOWARD thereupon withdrew his appeal on the preliminary point.

Mr. SLADE then took an appeal from the decision of the Chair, pronouncing the gentleman from Ohio out of order; but, after some confusion, the committee divided by tellers, and the decision was affirmed—ayes 103, noes 31.

Mr. ADAMS said that, as this decision imposed a new principle, he wished to know in what manner it would be reported to the House?

The CHAIRMAN replied that no report at all would be made of it.

Mr. REED then moved that Mr. GIDDINGS have leave to proceed in order; but it was refused without a division.

The question was then taken by tellers; on striking out the enacting clause, and resulted—ayes 76, noes 56.

So the enacting clause of the bill was stricken out; and so ordered to be reported.

A bill to provide for the erection of a new jail in the city of Washington.

A joint resolution to fix the salary of the physician of the penitentiary in the District of Columbia, [permanently, at \$600 a year.]

Mr. PETRIKIN moved to strike out the enacting clause; which was disagreed to, and the bill laid aside.

A bill for the suppression of gaming in the District of Columbia.

Mr. PETRIKIN complained of the extraordinary power given in this bill to constables to lay an information and arrest upon mere suspicion, and depicted with great earnestness the results of passing such a law.

Mr. JENIFER made a general explanation of its provisions.

Mr. PETRIKIN again reiterated his objections to the bill, and moved to strike out its enacting clause.

Mr. BOULDIN said that, though a member of the committee which reported the bill, it was no particular favorite of his; but as the people of the District had asked for it, he had thrown no obstacle in the way.

Mr. NAYLOR said the bill contained only such provisions as existed in similar bills in all well regulated cities and municipal communities. It was high time that gambling shops in this city were put down, and he knew his colleague to be as much opposed to them as any man living.

Mr. PETRIKIN was opposed to gambling, but he was more opposed to tyranny, and he opposed this bill because it put an irresponsible power in the hands of petty officers, who might oppress the honest citizen.

He withdrew his first motion, and moved to strike out the fifth, tenth, and twentieth sections of the bill; but it was disagreed to, and the bill was laid aside to be reported.

The bill to prohibit the giving or accepting, within the District of Columbia, of a challenge to fight a duel, and for the punishment thereof.

Mr. BOULDIN said, as this bill, though not reported by him or from the committee of which he had the honor to be chairman, was included within the operation of the special order for District business, with his perfect assent, (a courtesy demanded from him by the kindness of the gentleman from Massachusetts [Mr. ADAMS] in yielding the floor for District business last year,) it might be inferred that he was in favor of its passage, and if he gave a silent vote against it he might be misinterpreted. He wished, therefore, to explain that he should neither vote for nor resist it, because, by the common law, in force here as well as elsewhere, a man who kills another in a duel shall suffer an ignominious death, and that was law enough for him, and not too much, for it ought in all cases to be inflicted where, according to the principles of the common law, the party is guilty of murder.

Mr. ADAMS, after a few remarks, expressed himself in favor of the bill in the form which it passed the Senate.

Mr. CAMPBELL, of South Carolina, moved to insert the word "knowingly" in the provision respecting the carrying a challenge; which was agreed to.

Mr. JENIFER offered the following as an amendment to the bill:

Sec. 8. And be it further enacted, That if any member of the House of Representatives so far forgets himself as to use offensive language in debate, which shall be decided to be personal to any member by a vote of the House, the offending member shall immediately make an apology to the member so offended, and to the House.

Mr. J. was understood to be opposed to the bill, but if it should be passed, that there should be some feature that would restrict gentlemen to decorous language in debate. That there should be some responsibility attached to those who might be disposed to take advantage of the law, and overstep the bound of courtesy and propriety

to which parliamentary debates should be confined.

Mr. TOUCEY hoped the amendment would not prevail, and that the gentleman would see the propriety of withdrawing the same, as it was one of a most extraordinary character. He considered the rules of the House amply sufficient to protect the members from personal abuse; if they were not, that the House had the power, under the Constitution, to make the rules sufficiently binding to effect that object.

Mr. ADAMS considered the proposed amendment one of an extraordinary and unconstitutional character, inasmuch as it goes to abridge the freedom of speech in the House by law. It would be referring to the judiciary the power by law to decide upon and judge of the rights and privileges of this House. He believed that it had the power, under the Constitution and its own rules, to regulate the matter as far as proper or necessary.

Mr. TILLINGHAST was understood to oppose the amendment, because it would be incorporating in a general law two principles. It would be restricting the privileges of the members of the House of Representatives, whilst it would not operate upon the Senate. He conceived the rules amply sufficient; if not, it was a subject properly within the province of either House to regulate by such rules.

Mr. JENIFER had no objection that the amendment should be made to operate also upon the Senate. His object was to discontinue disorderly conduct here, which, he thought, might arise under the law, if there be not proper restriction upon the members.

Mr. TILLINGHAST would be happy to see the principles adopted in the rules for the government of the House; but was opposed to incorporating the same in a general law. He suggested to the gentleman whether it was not out of place in this bill; and hoped the matter would be left to the House, to be regulated by its rules; if not, it would be better to include both Houses.

Mr. PRENTISS, of Mississippi, stated that the effect of this amendment would be to make blackguards of men who might never otherwise be so. Moreover, forced explanations are degrading, while voluntary ones were honorable.

Mr. BOULDIN begged his friend again to remember that debate would block out the District business.

The amendment was then rejected.

Mr. CRABB moved to strike out the words in italics in the following paragraph:

"Or shall knowingly carry or deliver an acceptance of such challenge or message, to fight a duel in or out of the said District."

Mr. C. insisted that the retention of these words would make the provision unconstitutional.

The amendment was rejected, and the bill ordered to be reported.

The committee then rose, and reported the various bills and amendments to the House.

Those without amendment were ordered to a third reading, and the amendments to the others concurred in except the following:

The anti-dueling bill being taken up,

Mr. CRABB moved to recommit the bill to the Committee on the Judiciary, with instructions to report whether any provision in the first is unconstitutional.

After some further discussion,

Mr. BOULDIN begged to remind gentlemen that while they were talking about dueling, they were murdering the business of the District.

Mr. CRABB withdrew his instructions; and

Mr. CAMPBELL, of South Carolina, moved others, in effect, to instruct the committee to report a bill on the subject of dueling, conformable to the laws of Virginia and Maryland, to operate in those portions of the District heretofore within those States.

Mr. HAYNES remarked that that was the existing law.

Mr. CRABB preferred his own, and renewed them.

Mr. BOULDIN demanded the previous question; which was carried; and the question being on the main question, namely, the ordering the bill to a third reading,

Mr. STANLY moved to lay it on the table; which was lost without a division.

Mr. JACKSON, of New York, demanded the

yeas and nays on ordering the bill to a third reading, which were ordered; and were—yeas 107, nays 22.

And the bill was ordered to be read the third time to-day.

Mr. BRONSON moved to reconsider the vote by which the bill was ordered to a third reading. His object was to give gentlemen who desired it an opportunity of at least one day's examination.

After some remarks from Messrs. UNDERWOOD, PRENTISS of Mississippi, ROBERTSON, SERGEANT, and BOULDIN, the last gentleman moved the previous question; which was carried; and on the question of reconsideration,

Mr. TAYLOR called for the yeas and nays; which, being ordered, were—yeas 45, nays 99.

So the House refused to reconsider.

The bill to prevent gambling in the District of Columbia was taken up and informally passed over.

All the bills ordered to a third reading were then passed, except the joint resolution to fix the salary of the physician to the penitentiary, which was rejected.

On the division on passing the anti-dueling bill, there were—yeas 88, noes 19; no quorum.

Mr. PETRIKIN moved an adjournment.

Mr. ADAMS called for the yeas and nays, but they were refused; and the motion to adjourn was rejected.

Mr. LINCOLN said if the gentlemen who were lounging in the galleries would come down and attend to the public business, they could have a quorum.

Mr. CRABB moved a call of the House; which was lost—54 to 59, yet still no quorum.

The SPEAKER counted the House, and, finding no quorum (only one hundred and fifteen) was present,

A motion was made to adjourn, and rejected; and a call of the House had been ordered, and was proceeding when our last advices were received from the Capitol, at six o'clock.

Mr. MURRAY moved that the House adjourn; which it refused to do by a vote of 52 for, to 57 against it.

The Clerk having proceeded to call over the absentees—

Mr. MASON, of Ohio, moved an adjournment, which was lost—ayeas 58, noes 59.

The call proceeded.

Absentees were called, when it appeared that one hundred and twenty-eight members were present.

The doors of the Hall were now closed, and lights brought into the Hall.

Mr. LOOMIS moved to suspend the call; which was lost.

Mr. RIVES moved to adjourn.

The yeas and nays were called for and ordered.

Mr. DROMGOOLE inquired of the Chair what would be the consequence if the House should vote to adjourn while the doors were closed?

The SPEAKER. The doors will be opened. [A laugh.]

The motion to adjourn was withdrawn.

Mr. WORD renewed it; but on a new demand for the yeas and nays, withdrew the motion.

The call proceeded, and excuses were received for absentees.

Mr. RENCHER moved to adjourn.

The yeas and nays were demanded, (the roar was too loud, and the confusion too great, to tell by whom,) and ordered by the House; and, being taken, stood—yeas 43, nays 76.

So the House refused to adjourn.

Mr. BRIGGS stated that a number of the members were outside the doors, and moved that they have liberty to come in; which was negative.

The SPEAKER now read the 58th rule of order, which requires that absentees not excused shall be taken into custody by the Sergeant-at-Arms, and brought to the House.

And the question being on carrying this rule into execution,

Mr. BELL said this was, at all times, a very harsh proceeding; and as the bill, he presumed, would come up in order after the morning hour to-morrow, unless the House should order otherwise, he hoped it would not be insisted on. He moved to suspend all further proceedings in the call.

The question was taken by tellers, and decided in the negative—ayeas 49, noes 61.

The Sergeant-at-Arms was ordered by the Chair to execute the rule.

Mr. PARRIS moved to adjourn.

Mr. ADAMS demanded the yeas and nays; which were ordered, and resulted as follows—yeas 50, nays 72.

So the House again refused to adjourn.

The SPEAKER, after some time, reported that the Sergeant-at-Arms had taken eleven members into custody.

Mr. C. H. WILLIAMS moved to suspend the call; which was lost—ayeas thirty-three, noes not counted.

The following members were now, in succession, brought before the Chair by the Sergeant-at-arms, viz:

MESSRS. GRAY, GRAVES, SAWYER, TURNER, BANKS, BIRDSALL, KENNEDY, JENIFER, HARPER, GREENELL, MONTGOMERY, MARVIN, and HARRISON.

The SPEAKER inquired of each what excuse he had to render in extenuation of his offense in absenting himself from the business of the House without leave?

Various excuses were given, some of which produced much merriment.

Mr. JENIFER said his constituents had agreed to pay him a *per diem* for his attendance here, but not a *per noctem*, and he was not going to attend in the night.

Most said they had gone to dinner. Some refused to give any excuse.

On motion of Mr. BRIGGS, however, they were all permitted to take their seats without paying the fine imposed by the rule.

The question was now put on the passage of the bill, and decided in the affirmative—yeas 110, nays 18; as follows:

YEAS—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Andrews, Ayer, Banks, Beatty, Beers, Beirne, Bell, Bicknell, Birdsall, Bond, Borden, Briggs, Brodhead, Bronson, William B. Calhoun, John Campbell, Casey, Cheatham, Clark, Clowney, Corwin, Cranston, Cushman, Davee, Davies, Deberry, Dunn, Everett, Richard Fletcher, Fillmore, Fry, Gallup, James Garland, Giddings, Goode, William Graham, Grandland, Grant, Gray, Greenell, Haley, Hall, Halsted, Harper, Hastings, Hawes, Henry, Herod, Holt, Ingham, Thomas B. Jackson, Jabez Jackson, Joseph Johnson, Nathaniel Jones, Keim, Kennedy, Leadbetter, Lincoln, Logan, Loomis, Marvin, Sampson Mason, Maxwell, McKay, Robert McClellan, Abraham McClellan, McKennan, Mercer Morgan, Naylor, Noble, Parker, Paymaster, Paynter, Peck, Phelps, Pott, Pratt, John H. Prentiss, Putnam, Randolph, Reed, Reily, Rencher, Ridgway, Robinson, Russell, Sergeant, Sheffer, Shepler, Slaide, Spencer, Stuart, Stratton, Taliaferro, Taylor, Tillinghast, Titus, Toland, Toucey, Webster, Whittlesey, Lewis Williams, Jared W. Williams, Worthington, and Yorke—110.

NAYS—Messrs. Bouldin, John Calhoun, William B. Campbell, Chambers, Coles, Dromgoole, Hamer, Harrison, Hawkins, Howard, Montgomery, Petrick, Sergeant S. Prentiss, Rariden, Sawyer, Thomas, Turney, and Word—18.

So the bill was passed.

The House then (a little before eight o'clock) adjourned.

## IN SENATE.

THURSDAY, February 14, 1839.

The VICE PRESIDENT submitted a communication from the President of the United States, in compliance with a resolution of the Senate, in relation to the seizure and detention of the brigs Enterprise, Encomium, and Comet; which was laid on the table, and ordered to be printed.

## PETITION, ETC.

Mr. ROBINSON presented a petition of citizens of Knox county, Illinois, praying for a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. NICHOLAS presented a communication from L. J. McCormick, on the subject of an improvement in the steam boiler; which was referred to the Committee on Commerce, and ordered to be printed.

## BILLS INTRODUCED.

Mr. HUBBARD asked the unanimous consent of the Senate for leave to introduce a bill for the settlement of the claims of the State of New Hampshire against the United States; which was granted, and the bill was read a first and second time, and referred to the Committee on Military Affairs.

Mr. BENTON also asked the unanimous consent of the Senate to introduce a bill to authorize payment to the Missouri volunteers whose horses were lost on the voyage to Tampa Bay; which was agreed to, and the bill was read a first and second time, and referred to the Committee on Military Affairs.

## REPORTS FROM COMMITTEES.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the bill repealing the duty on salt, and the abolition of the fishing bounties, reported the same without amendment; and the report was ordered to be printed.

Mr. W. asked to be discharged from the further consideration of the resolution of the Senate of the 31st ultimo, as it was considered in the above report; which was agreed to.

Mr. W., from the same committee, to which was referred an act making appropriations for the support of the Army for the year 1839, reported the same without amendment; and gave notice that he should ask its consideration on Monday next.

Mr. W., from the same committee, to which was referred the memorial of D. Raymond and G. Friend, praying a revision and modification of the tariff, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. W., from the same committee, to which was referred the act to repeal the proviso of the second section of the act of March 3, 1837, authorizing the Secretary of the Treasury to compromise the claims of the United States against certain banks, reported the same without amendment, and asked the Senate to consider it at the present time; which was agreed to. After some explanatory remarks from Mr. W., it was ordered to be engrossed, and then read the third time and passed.

Mr. KNIGHT, from the Committee on the Post Office and Post Roads, to which was referred an act for the relief of Jamison & Williamson, reported the same without amendment.

Mr. MORRIS, from the Committee on Pensions, to which was referred the following bills, reported the same without amendment:

An act for the relief of Sarah Windham;

An act granting a pension to Susannah Rowe; and

An act for the relief of Dennis Trammell.

Mr. M. also, from the same committee, to which was referred the following bills, reported the same without amendment, and with a recommendation that they do not pass:

An act for the relief of Solomon Prewett; and

An act for the relief of Samuel Edgecomb.

Mr. BENTON, from the Committee on Military Affairs, to which was referred the following bills, reported the same without amendment:

A bill for the settlement of the claims of the State of New Hampshire against the United States; and

A bill to authorize payment to be made to the Missouri volunteers, whose horses were lost on their voyage to Tampa Bay.

Mr. NICHOLAS, from the Committee on Indian Affairs, to which was referred the memorial of John McCartney, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. KING, from the Committee on Commerce, to which was referred an act for the relief of Heman Harris, reported the same without amendment.

Mr. SEVIER, from the Committee on Indian Affairs, to which was referred the petition of Thomas Stewart, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. NICHOLAS, from the Committee on Indian Affairs, to which was referred the papers in relation to the claims of James Erwin, asked to be discharged from the further consideration thereof; which was agreed to.

## CERTIFICATES OF DEPOSIT.

The joint resolution authorizing certain certificates of deposit to be canceled, and others issued in lieu thereof, was read a third time and passed.

The following bills were severally considered,

as in Committee of the Whole, and ordered to be engrossed:

A bill for the relief of Joseph Bassett, with an amendment;

A bill to fix the compensation of the senior clerk employed in the Adjutant and Inspector General's office;

A bill for the relief of the Nantucket Steamboat Company;

A bill for the relief of certain settlers on the public lands, who were deprived of the benefits of the act granting preemption rights, which was approved on the 19th June, 1834;

A bill authorizing the relinquishment of the 16th sections granted for the use of schools, and the entry of other lands in lieu thereof;

A bill to authorize Peter Warner, of Indiana, to purchase a certain half section of land;

A bill for the relief of Asa Armington and others;

A bill for the relief of Elisha Eldridge; and

A bill for the relief of the heirs of Agnes Dundas.

A bill for the benefit of the clerks in the office of the Second Auditor of the Treasury, was taken up, and, on motion, was ordered to lie on the table.

#### INTERFERENCE IN ELECTIONS.

A bill to prevent the interference of certain Federal officers in elections was taken up; and

Mr. BUCHANAN addressed the Senate for three hours and a half in opposition to the bill, and in reply to the remarks of Messrs. CRITTENDEN and RIVES.

Mr. PRESTON intimating his intention of addressing the Senate on the subject, the bill was informally passed over.

#### SECURITY OF THE PUBLIC MONEY.

On motion of Mr. WRIGHT, the bill more effectually to secure the public money in the hands of officers and agents of the Government, and to punish defaulters, was taken up as in Committee of the Whole, and several amendments having been offered by the Committee on Finance,

Mr. WEBSTER said he was not prepared to vote for these amendments, and wished a little time to consider them.

Mr. WRIGHT said that the bill had been before the Senate a considerable time, and he had respectfully invited the attention of Senators heretofore to the subject. It was well known to every Senator that it was necessary to act promptly on the bill in this body, if they wished to secure its passage the present session. Mr. W. then explained the several amendments that had been submitted.

Mr. WEBSTER said that, from his present impressions, he could not say that there was much in this bill that he would oppose, as its tendency was to increase the just responsibility of public officers; but there were some novel provisions in it that he was not prepared, without further consideration, to sanction. Mr. W. here commented on a principle embraced in one of the amendments.

Mr. WRIGHT said that it had been a subject of much complaint that, by the present system, officers could retain funds in their hands, and at the settlement of their accounts, if their claims were not admitted, they would defy the power of the Government, and would stand suit, where their claims were almost invariably allowed. The intention of the committee, by the amendment, was to prevent courts entertaining a claim for compensation for any service that was not provided for by law.

Mr. WEBSTER was opposed to the system of counter-claims alluded to by Mr. WRIGHT, but thought that the bill gave too much power to the accounting officers, and he thought it ought to be somewhat more limited. He said that if the committee had offered all their intended amendments, he would wish they should be printed, and further action on them postponed until tomorrow.

Mr. WRIGHT said there was another amendment which authorized the Secretary of the Treasury to employ a limited number of clerks to enable him to carry out the requirements of the bill; and said that the committee had submitted all the amendments which they contemplated offering.

Mr. RIVES then rose, and submitted a substitute for the whole bill; which was read. [The

substitute provides for the deposit of the revenues and the securities of the Government in banks.]

Mr. R. said that he was aware that his substitute was very imperfect, as he had drawn it up hastily last night, after having, for the first time, perused the bill brought in by the Committee on Finance.

Mr. WRIGHT thought the course of the Senator from Virginia a very strange one. The bill had been introduced on the 3d of January, and had been reported by the Committee on Finance on the 8th of February, and yet gentlemen complain that they have had no time to examine its provisions. It was evident that this amendment, from its extent, could not be ready for examination by to-morrow. He would, therefore, give the Senate notice that he would ask for the consideration of the bill on Monday next.

Mr. RIVES thought that the amendment would be printed and placed before them in the morning; but he was not disposed to hurry the matter. He said he might be considered guilty of a constructive charge of inattention and neglect on this subject, and, he would confess, with some reason. But he had been so much employed by other matters of importance recently, that he had no time to look into it before last night, when he hastily drew up his substitute.

The substitute was then ordered to be printed.

#### DISTRICT BUSINESS.

Various bills from the House of Representatives, on subjects connected with the District of Columbia, were referred to the appropriate committee.

After a short executive session, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, February 14, 1839.

The first business in order being the report of the select committee on the public lands, and Mr. ROBERTSON being entitled to the floor,

Mr. CAMBRELENG asked that gentleman to give way to allow him to present and lay on the table a memorial of great importance.

Mr. ROBERTSON refused.

Mr. CLARK made a similar request to Mr. R., to enable him to lay on the table a substitute for the Independent Treasury bill.

Mr. ROBERTSON assented.

Mr. C.'s proposition was then laid on the table, and ordered to be printed.

Mr. CAMBRELENG again urged his request to Mr. ROBERTSON.

Several MEMBERS asking the nature of the memorial,

Mr. CAMBRELENG stated that it was from the collector of New York, complaining of the proceedings of the select committee on defalcations.

#### PUBLIC LANDS.

The unfinished business of the morning was then resumed, being the following resolutions heretofore reported by Mr. JOHNSON, of Maryland, from the select committee on the public lands:

*Resolved*, That the committee report to the House, and ask leave to be discharged from the further consideration of the subject-matters referred to them, and that the journal of the committee be reported and published.

*Resolved, further*, That the committee deem it inexpedient to take further steps on the subject of the public lands this session.

The pending question being on the amendment of Mr. ROBERTSON to strike out all after the word "resolved," and insert in lieu thereof a proposition for the semi-annual distribution of the proceeds of the sales of the public lands among the several States of the Union, in the ratio of their Federal numbers,

Mr. ROBERTSON resumed, and again occupied the floor till the expiration of the hour.

#### COMMITTEE ON DEFALCATIONS.

Mr. CAMBRELENG then renewed his request to the House to be permitted to present the memorial he had before referred to. [Cries of "No!" "No!"] Then (said Mr. C.) I must move a suspension of the rules, for it is a matter involving great injustice to the collector of New York, and I now ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MENEFEE asked what the memorial was.

Mr. CAMBRELENG said he would explain, if the House would allow him to do so. [Cries of "No!" "No!"]

Mr. SIBLEY intimated that he should prefer to have it read, as he wanted to know upon what he would be voting.

Mr. CAMBRELENG said, with the consent of the House, he would make a brief statement of its contents. [Renewed cries of "No!" "No!"]

Mr. GRANT moved a suspension of the rules, that Mr. C. have leave to make the statement; but being included in the motion already made, he did not press this.

Mr. MENEFEE desired to know whether this be a memorial from the collector of the port of New York, protesting against the action of a committee of this House?

Mr. CAMBRELENG. Not protesting, but merely stating his own case, and asking the House to take measures to prosecute the inquiry in relation to a witness.

Mr. MENEFEE. That is to say, Mr. Speaker, (Mr. M.'s voice was completely drowned by the loud cries of "Order?" and the reporter heard no more, if he said it.)

Mr. CHAMBERS expressed a hope that the opposition to presenting this memorial would be withdrawn.

The question was then taken; and the result was—yeas 124, nays 73; as follows:

YEAS—Messrs. Adams, John W. Allen, Anderson, Andrews, Atherton, Banks, Beatty, Beine, Bicknell, Birdsall, Borden, Bouldin, Brodhead, Bronson, Buchanan, William B. Calhoun, Cambreleng, John Campbell, Carter, Chase, Chambers, Chapman, Clowney, Coles, Connor, Craig, Cray, Cushman, Davee, De Graff, Dringgoole, Dunson, Dunn, Elmore, Farrington, Fillmore, Fry, Gallup, James Garland, James Graham, William Graham, Grandford, Grant, Garand, Greenell, Griffin, Haley, Hammond, Harrison, Harper, Haykins, Haynes, Herod, Hoffman, Holsey, Holt, Robert M. T. Hunter, Iugham, Thomas H. Jackson, Jabez Jackson, Henry Johnson, Joseph Johnson, Nathaniel Jones, Keim, Kiable, Kennedy, Klingsmith, Lewis, Logan, Loomis, Lyon, Marvin, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Milligan, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Palmer, Parker, Parmonter, Parris, Payne, Penzabaker, Petrikin, Pickens, Plumer, Potts, Pratt, John H. Prentiss, Kelly, Richardson, Rives, Robertson, Sawyer, Sheffer, Charles Shepard, Shepler, Slade, Southgate, Spencer, Stuart, Stearns, Taliaferro, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Webster, Weekes, Jared W. Williams, Worthington, and Yell, —124.

NAYS—Messrs. Alexander, Heman Allen, Ayer, Bell, Bond, Briggs, John Calhoun, Cheatham, Childs, Clark, Crab, Craton, Crockett, Cushing, Darlington, Davies, Deberry, Dennis, Evans, Everett, Ewing, Rice Garland, Giddings, Goode, Graves, Halsted, Hastings, Hawes, Henry, Lincoln, Mallory, Sampson Mason, Maury, May, Maxwell, Menefee, Mercer, Mitchell, Calvary Morris, Naylor, Norris, Ogil, Pearce, Peck, Sergeant, S. Prentiss, Putnam, Standen, Randolph, Reed, Rencher, Ridgway, Robinson, Russell, Saltonstall, Sergeant, Augustine H. Shepperd, Shields, Sibley, Stanley, Stone, Stratton, Tillinghast, Toland, Underwood, Albert S. White, John White, Lewis Williams, Sheridan Williams, Joseph L. Williams, Christopher H. Williams, Word, and Yorke—73.

So the rules were not suspended, (two thirds not voting therefor.)

#### EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a communication from the Secretary of the Navy, in compliance with a resolution of the House of Representatives of the 1st instant, transmitting copies of certain charges preferred against Commodore Jesse D. Elliott, by Passed Midshipman Charles C. Barton, and all communications in relation to said charges.

Mr. NAYLOR said it was his wish that this communication should be referred to a select committee, and he made that motion. He had no desire to consume the time of the House, but thought that the interest and honor of the Navy and the country required that this communication should have that reference. There are complaints from all the officers who were in the Mediterranean, whilst he had command of that squadron, of his unjust and unofficerlike conduct. He said that there was not a vice degrading to humanity that Elliott had not practiced and been guilty of whilst he was in command on that sea. No vice to which a man can be addicted, but what has been charged against him on the files of the Department. Mr. N. then cited an article published in the United States Gazette, in which Commodore Elliott was puffing himself. He demanded why he did not come forward like an honorable

highminded man, and demand an investigation of the charges that have been alleged against him. He feared the result. The Constitution was almost cleared of its gallant tars to give place to jackasses, hogs, and cows, which were stowed away in every part of the vessel that was not already occupied with hay to feed these animals upon.

Mr. N. also charged him with purchasing in foreign countries, and stowing wines and brandies in the public vessels, and was guilty of "huckstering" the same to a profit in this country. Charges of this grave nature, he contended, should be fully investigated; and the Department have concluded to rely on Congress to make a proper disposition of them. He then referred to the case of Midshipman Barton, and the cruel conduct of the Commodore in reference to that transaction. When that officer was wounded in a duel, he was carried on board the Constitution to have his wound dressed; and when the surgeon was in the act of taking the fractured bones from the bleeding wound, the Commodore came on board and peremptorily demanded that the wounded man should be removed from the vessel; and notwithstanding the interference of the surgeon and others to persuade him from it, it was of no avail. That officer, writhing with pain, and almost in the agonies of death, was conveyed ashore and left in the hands of foreigners, by whose generosity and kind feelings he was taken care of, and finally carried to England on board another vessel. The Commodore has disgraced the Navy, and has thrown everything in the way of a trial. Now let us see whether a court of inquiry shall be instituted.

Mr. N. then referred to the transaction between him and Lieutenant Hunter, and denounced his conduct in relation thereto. He stimulated duels. Nothing pleased him better than to see his officers fight duels, yet he took good care that he was not involved. The President of the United States and the Secretary of the Navy have indicated a wish for an investigation, and the country demands it.

Mr. McCURE addressed the House at much length in refutation of many of the charges against Commodore Elliott. He said he seconded the motion of his colleague with cheerfulness, and hoped it would prevail. An impartial report on these numerous allegations would be satisfactory not only to the members of that House, but to the community generally throughout the United States. He cordially seconded the motion for investigation; and he hoped it would be a thorough one, and that such a report should be made as ought to come from a committee of that House, embodying full, clear, distinct, and thorough developments of the facts in relation to the charges brought against this officer. This was due to the character of the Navy, as well as to the man, and the more so to the latter, because all the authentic information they had was *ex parte*, made out upon calls for information from the Navy Department, so ingeniously drafted that only one side was asked for, and not a word of the other. Mr. McC. did not appear there as the particular friend of Commodore Elliott, for he cared not if he did not know him; but he did know him, and, so far as he did, he knew him to be a high-minded and honorable man. Moreover, he had certainly done some service to the public; and Mr. McC. referred to his gallantry during the late war, citing the record of his deeds. Mr. McC. thought he might be considered to be too great a disciplinarian, especially in these lax and loose times, when every petty officer considered himself on an equality with his superior. After going into a full and explicit examination of many of the allegations against Commodore Elliott, Mr. McC. concluded by expressing an earnest hope that the House would order the investigation without delay.

Mr. PRENTISS, of Mississippi, followed, and commented with great severity upon the conduct of Commodore Elliott.

Mr. CRARY moved the reference of the communication to the Committee on Naval Affairs.

Mr. PICKENS spoke for some time, with great severity, on the conduct of Commodore Elliott.

Mr. NAYLOR then modified his motion, as follows:

*Resolved*, That the report be printed, and that a select

committee of — be appointed to inquire into the official conduct of Captain Jesse D. Elliott, of the United States Navy, while in command of the squadron in the Mediterranean, in the years 1837 and 1838, and particularly into the allegations of tyranny and oppression towards the officers under his command; and that the said committee have power to send for persons and papers, and have leave of absence from the service of the House while engaged in the inquiries committed to them by this resolution.

Mr. CAMBRELENG drew the attention of the House to the condition of the public business, and the short time left to act upon it, and he appealed to the gentleman from Michigan to withdraw his motion, and let the subject take the reference proposed by Mr. NAYLOR, which Mr. C. felt assured would meet with an assent from all quarters of the House.

Mr. CRARY withdrew his motion.

Mr. CAMBRELENG then demanded the previous question, which was seconded—ayes 63, noes 59, and carried.

So the communication was referred to a select committee, which was ordered to consist of seven members.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting a tabular statement prepared by the Register of the Treasury, in obedience to a resolution of the House of Representatives of the 11th instant, giving information of the annual value of imports, and payments into the Treasury on account of them, and the whole cost of their collection, with the rate per cent. upon the value of imports; and also on the abovementioned payments from 1789 to 1837, inclusive, adding the whole expenditures of the Government for each year during the same period.

Also, a communication from the Secretary of the Navy, in compliance with a resolution of the House of Representatives of the 11th instant, giving information of what payments and emoluments are allowed to Lieutenant Wilkes and the officers under his command in the South Sea exploring expedition, and of the character of the expedition.

#### NORTHEASTERN BOUNDARY.

Mr. HOWARD moved to take up the two messages of the President of the United States, lying on the Speaker's table, relating to the northeastern boundary of the United States; which motion being agreed to, they were referred to the Committee on Foreign Affairs.

#### CIVIL AND DIPLOMATIC BILL.

On motion of Mr. CAMBRELENG, the House went into the Committee of the Whole on the state of the Union, (Mr. BANKS in the chair,) and proceeded to the consideration of the civil and diplomatic bill, the title of which is as follows: "A bill making appropriations for the civil and diplomatic expenses of Government for the year 1839."

Before the Clerk had commenced reading the clauses,

Mr. ADAMS moved to amend the enacting clause by inserting the words in italics: "Be it enacted, &c., That the following sums, amounting to —, be, and the same are hereby, appropriated," &c.

Mr. A. said the blank could be filled up at the third reading. He added that it was his intention to make the same motion on all the general appropriation bills, as it would greatly facilitate the ascertaining the gross amount of appropriations made each session of Congress.

Mr. CAMBRELENG had no objection to the amendment, though the amount appropriated under every bill was reported in a separate document every year. He not only should not object to this amendment, but he wished it was made the duty of every committee of the House to report, with each bill, the amount of money it involved.

The amendment was agreed to without a division.

When the item for the salary of the secretary to sign land patents (\$1,500) came up,

Mr. BOND said he thought it high time the act authorizing it was repealed, as it was passed during an exigency that no longer existed.

Mr. CAMBRELENG explained that the Committee of Ways and Means could only report the appropriation authorized by law.

Mr. BOND thought the Committee on the Public Lands should look into the matter; and his

opinion was that the law should be repealed, the office being no longer necessary.

When the items for public printing were reached, Mr. BOND inquired in what manner the public printing was executed? whether by private contract, or by advertising for terms?

Mr. CAMBRELENG could not answer that question.

Mr. BOND gave notice that he should hereafter move a proviso that all the executive printing shall be advertised and let to the lowest bidder.

On reading the clauses for the pay of the Commissioners of the Navy Board,

Mr. CRARY said it was high time for the House and the country to examine into the uselessness of this navy board; for, indeed, they were worse than useless—a hindrance to the Navy and its efficient construction. They were an irresponsible body, and stood in the way of all improvements. Mr. C. then referred, in terms of censure, to their proceedings in the cases of steamships, the exploring expedition, and several others. He did not deny that these gentlemen might be good commanders; but they had shown themselves to be utterly disqualified to decide on the proper form of vessels; for those built under their direction were the very worst in our Navy.

Mr. C. concluded by moving to strike out the appropriation for this board.

Mr. INGHAM informed the gentleman that the Committee on Naval Affairs had the subject of the propriety of abolishing this board now under inquiry.

Mr. CRARY was aware of it, but they had made no report yet.

Mr. MALLORY assented to all Mr. C. had said of the absolute propriety of abolishing this board, and should vote for his motion. Mr. M. then went into a number of other particulars of their acts, and said it was in vain to look for efficiency from a body constructed as this was.

Mr. M. stated what his plan was, namely: to establish four bureaus, responsible to the Secretary of the Navy, he being so to Congress. 1. A bureau of purchases, at the head of which should be placed an old purser of the Navy. 2. A bureau for furnishing cannon. 3. Another for construction. 4. Another for equipment. All to be placed under old and experienced officers. The present system was approved of by no one, but condemned by every friend of the Navy. It was time now for the House to take the matter in hand, for he had no confidence that the Committee on Naval Affairs would move in the matter.

Mr. BRONSON gave notice of an amendment he should hereafter move, namely: to abolish the board from and after the 1st of July next, and reduce the appropriation one half.

Mr. REED expressed his surprise at Mr. CRARY's proposition; for as the Secretary of the Navy was generally appointed from political considerations, instead of with reference to practical experience, the Board of Navy Commissioners was absolutely indispensable; and he went on to advocate its continuance at considerable length.

At the request of Mr. BRONSON, Mr. CRARY withdrew his amendment; and Mr. B. moved the one indicated above.

Mr. ADAMS insisted that this amendment was not in order. This was an appropriation bill; and how could a proposition be ingrafted on it to repeal a law?

The CHAIRMAN overruled this point.

Mr. PICKENS moved to add to the amendment a provision that the bureau system should be introduced into the Navy Department, and appropriating \$15,000 for the purpose.

Mr. BRONSON accepted this as a modification of his own.

Mr. EVERETT said, if the amendment was not out of order before, it certainly was with this addition.

The CHAIRMAN said that, under the 66th rule, which precluded any appropriation being made in the ordinary bills without an existing law for it, this branch of the amendment was clearly out of order.

Mr. BRONSON, upon this decision, withdrew his acceptance, and the question was on his own amendment.

Mr. HOFFMAN said he was taken by surprise, as the House itself must be, at this proposition to abolish a board from which, at one time, such great expectations were formed. His oppo-

sition to the motion arose rather, however, from the time and manner in which it was attempted to be effected—for his prejudices were all against its continuance—than from any wish on his part to keep up this body. He thought they were not prepared at this time to cut off so important an arm of the service, at least till they took time to inquire whether the Navy could get on without it.

Mr. ADAMS expressed his surprise at the quarter from whence this opposition sprang—from the gentleman from Michigan, a State in the situation of the unfortunate King of Bohemia, who had not a boat in his dominions. Michigan cared nothing about a navy, but others did. This board Mr. A. believed to be absolutely indispensable to the efficiency of the Navy; and to abolish it would be to cut it in two—to put it to death. If, however, evils did exist, let them be investigated by a committee, and let another plan be carefully prepared, if the present was found objectionable. There was another reason for this attack upon the commissioners. They were politically obnoxious to the dominant party, though they had all three fought and bled for their country. If, however, they were to cut off appropriations because abuses existed in, or were charged against, the Departments for which they were made, they would have to sponge the whole out—ay, even those for the pay of Congress itself. He denied the truth of the charges against the Navy board; they were mere assertions.

Mr. PICKENS was indisposed to abolish this board without providing a substitute; and he regretted that the late period of the session would preclude the possibility of devising a proper plan. He was certainly opposed to the present system; but this was the first time that he had ever heard an intimation of the political complexion of the present commissioners. The great objection to it was the commingling of responsibility, by which there existed none at all, and therefore he preferred the bureau system. Mr. P. regretted that the gentleman from Massachusetts should have made any allusions to the geographical source from whence the motion first came. The gentleman from Michigan, representing a frontier State, surrounded by inland seas, ought to feel as much interest in the prosperity and efficiency of the Navy as any member on that floor. Mr. P. thought, upon the whole, the subject had better be laid over until the next Congress, when there would be more time to mature a better plan.

Mr. POPE was disposed to sustain the amendment; but he concurred in the propriety of the last suggestion of Mr. PICKENS.

Mr. WISE said, from an experience of six years on the Naval Committee in that House, he was convinced that this board ought to be abolished; for it was the chief cause of the inefficiency in our naval service. He concurred in the opinion that they had better do nothing now, but call upon the Secretary of the Navy to report a plan for the entire reorganization of the Navy Department.

Mr. CAMBRELENG gave notice that to-morrow and next day he should ask the House to continue the consideration of the appropriation bills.

The committee then rose and reported; and the House adjourned.

#### IN SENATE.

FRIDAY, February 15, 1839.

The VICE-PRESIDENT submitted a communication from the Secretary of the Treasury, in answer to a resolution of the Senate of the 12th instant; which was laid on the table, and ordered to be printed.

#### PETITIONS, ETC.

Mr. DAVIS presented a remonstrance against the passage of the bill repealing the duty on salt; which was laid on the table, and ordered to be printed.

Mr. WRIGHT presented a memorial of citizens of western New York, praying that wheat and other grain may be imported free of duty, for the purpose of being manufactured into flour and exported; which was referred to the Committee on Commerce.

Mr. CLAY, of Kentucky, presented a memorial from citizens of New Orleans, praying redress for injuries committed by the Mexican Government, and protesting against the convention lately agreed to for arbitrating the differences between the two Governments; which was referred to the Committee on Foreign Relations.

Mr. ROANE presented a memorial from Thomas R. Saun; which was referred to the Committee on Pensions.

Mr. R. also presented a memorial from William Hebb; which was referred to the Committee on Naval Affairs.

Mr. TALLMADGE presented a memorial of Charles Henry Hall, on the subject of the magnetic telegraph; which was referred to the Committee on Naval Affairs.

#### REPORTS FROM COMMITTEES.

Mr. CLAY, of Alabama, from the Committee on Public Lands, to which was referred the following bills, reported the same without amendment:

An act for the relief of Rosaline Prudhomme;  
An act for the relief of James Moor;  
An act for the relief of the heirs and legal representatives of the late Robert Farmer, deceased;  
An act for the relief of James L. Stokes, and for other purposes;

An act to authorize the trustees of the township of Oxford, in the county of Butler, and State of Ohio, to enter a section of land in lieu of section sixteen, in said township, for the use of schools; and

An act for the relief of Abraham Stipp.

Also, the following with amendments:  
An act for the relief of William Moore; and  
An act for the relief of Philip Catlet.

Also, an act for the relief of William B. Livesay, without amendment, and with a recommendation that it do not pass.

Mr. NORVELL, from the Committee on Revolutionary Claims, to which was referred an act for the relief of the heirs of Colonel Daniel Boone, reported the same without amendment, and with a recommendation that it do not pass.

Mr. N. regretted that he was selected as the organ of this report, as he was aware of the importance of the services of Colonel Boone, both in the Revolutionary and Indian wars; but his claims did not come within any of the rules which the committee had laid down for their government. If the Senate, in considering the report, should come to a different conclusion, he would, with pleasure, concur with them.

Mr. N., from the same committee, reported the act for the relief of James Maxwell, without amendment.

Mr. SMITH, of Connecticut, from the Committee on Pensions, to which was referred the bill for the relief of Ashbell Mason, reported the same without amendment.

Mr. FULTON, from the Committee on Private Land Claims, to which was referred an act for the relief of Joseph Pierce, reported the same without amendment.

Mr. PIERCE, from the Committee on the Judiciary, to which was referred the bill for the relief of John Balch, jr., reported the same with amendments.

Mr. WRIGHT asked, and obtained, leave to withdraw the petition and papers of Frederick Gebhardt.

Mr. CRITTENDEN, from the Committee on Revolutionary Claims, to which was referred the bill for the relief of the heirs of Colonel Francis Vigo, reported the same without amendment.

Mr. C., from the same committee, asked to be discharged from the further consideration of the petition of the heirs of Captain Henry Conway, and the petition of Betsey C. Shethar, only child of John Shethar, deceased, an officer of the Revolution; which was agreed to.

Mr. PRENTISS, from the Committee on Public lands, to which was referred the following bills, reported the same without amendment, and with a recommendation that they do not pass:

An act for the relief of William Marbury;  
An act for the relief of Amelia Leach; and  
An act for the relief of Oliver Welch.

Mr. P., from the same committee, reported an act for the relief of Thomas Todd, without amendment.

Mr. WALL, from the Committee on the Judiciary, to which was referred the following bills, reported the same without amendments:

An act to alter and amend the organic law of the Territories of Wisconsin and Iowa;

An act to define and establish the eastern boundary line of the Territory of Iowa;

An act to authorize the election or appointment of certain officers in the Territory of Iowa, and for other purposes; and

An act to amend the act establishing the territorial government of Wisconsin.

Mr. W. also, from the same committee, to which was referred an act to approve and confirm an act of the Legislative Assembly of the Territory of Wisconsin, creating certain banks, and for other purposes, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on Finance; which was agreed to.

Mr. W., from the same committee, asked to be discharged from the further consideration of the memorial of the Legislative Council of the Territory of Wisconsin, praying the alteration of the southern boundary line of said Territory, as there was not time at the present session properly to investigate and decide on it; which was agreed to.

Mr. W. also, from the same committee, to which was referred the joint resolution requesting the President to present to James Rumsey, jr., a gold medal, reported the same without amendment, and with a recommendation that it do not pass.

Also, to be discharged from the further consideration of the memorial of Somerville Pinckney; which was agreed to.

Mr. ALLEN submitted the following resolution:

*Resolved*, That the Librarian be directed to make out and to report to the Senate, at the commencement of the first session of the next Congress, a catalogue of all the laws and of all the legislative and executive journals and documents of the several States and Territories, now in the Library.

Mr. A. said it was necessary to offer some remarks explanatory of this resolution. Being upon the Library Committee, he felt it his duty to make some inquiry as to the contents of the library; and he was very much surprised to learn that the journals and documents of the States and Territories of this Union were not to be found there; and, indeed, but few complete sets of the laws of the States and Territories were there. In a conversation with the librarian, he believed, he told him that, with the exception of the State of New York, there was no instance of a complete set of the public documents of the Legislature of any State in the Union being in the library; and in the case of the State of New York, it only applied to a few years back. His object in submitting the resolution was to show the extent of the deficiency, in order to predicate on it a movement, at the next session, to supply this unaccountable defect in the national library. It is a remarkable fact (said Mr. A.) that you can lay your hand on all the proceedings of the English Parliament in our library, and yet you cannot find the journals and public documents complete of any State in the Union. In making this statement, his object was to disclose at the next session the extent of the deficiency, and upon that disclosure to predicate a demand to supply it. He believed that in most cases the journals of the State Legislatures might be found from the foundation of the State governments. It could not be a question with the members of the Senate as to the necessity of having these documents preserved to the national library. This was all he had to say in explanation of the resolution, which, from its nudity, might appear light and ridiculous.

The resolution was then adopted.

#### BILLS PASSED.

The bill for the relief of Asa Armington and others;

The bill for the relief of Joseph Bassett;

The bill to fix the compensation of the senior clerk in the Adjutant General's office;

The bill for the relief of the Nantucket Steamboat Company;

The bill for the relief of Elisha Eldridge;

The bill for the relief of certain settlers on the public lands, who were deprived of the benefits

of the act granting preëemption rights, which was approved on the 19th of June, 1834;

The bill authorizing the relinquishment of the sixteenth section granted for the use of schools, and the entry of other lands in lieu thereof;

The bill to authorize Peter Warner, of Indiana, to purchase a certain half-section of land;

The bill for the relief of the heirs of Agnes Dundas; and

The bill for the relief of Michael Ambrister, were severally read a third time and passed.

#### OWNERS OF THE ALLEGHANY.

The bill for the relief of the owners of the ship Alleghany, and their legal representatives, was taken up; and, after some remarks from Messrs. KING, CRITTENDEN, NILES, and HUBBARD, laid on the table until to-morrow.

#### INTERFERENCE IN ELECTIONS.

The special order, viz., the bill to prevent the interference of certain Federal officers in elections, being taken up,

Mr. CRITTENDEN asked leave to withdraw the amendment offered to the bill some days since, and offered a substitute for the whole bill.

Mr. PRESTON then addressed the Senate at length in defense of the bill, and in opposition to the report of the Committee on the Judiciary.

Mr. ROANE followed Mr. PRESTON in opposition to the bill, and in reply to the remarks of Mr. RIVES.

The debate was further continued by Messrs. RIVES and ROANE; and, about eight o'clock, The Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, February 15, 1839.

The SPEAKER announced the unfinished business of the morning hour to be the report of the select committee on the subject of the public lands—Mr. HARRISON being entitled to the floor.

Mr. PETRIKIN asked him to give way to enable him to submit a motion to call upon the committees for reports.

Mr. HARRISON declined, and went on to reply to Mr. ROBERTSON, and in defense of a resolution submitted by him in the select committee. Mr. H., in discussing this subject, went behind the ground assumed by the former gentleman, and argued that it was entirely inconsistent with the Constitution for the Federal Government to hold lands within the limits of the States, and it was never the intention of the framers of that instrument that it should. If this were so, and he cited the proceedings on the adoption of the Constitution to prove it, no new powers had been or could be given to the General Government over this subject. To show what was the understanding of Congress thereon, he cited a variety of resolutions upon it from 1780 down, and the compacts with various States. Mr. H. spoke during the morning hour, and gave way to a call for the orders of the day.

Mr. H. submitted a motion to extend the morning hour till one o'clock, (making it two hours,) from and after to-morrow.

Mr. CAMBRELENG said this was too important a motion to be taken without the yeas and nays, for it would block out for one hour every day all the business of the country. The yeas and nays were ordered on his request.

Mr. ADAMS moved to lay the motion on the table, and demanded the yeas and nays; whereupon,

Mr. HARRISON withdrew it.

Mr. SHIELDS moved a suspension of the rules, setting apart this day for the consideration of private bills, in order to take up the bills on the Speaker's table on their engrossment, and asked for the yeas and nays; which were ordered.

At the request of Mr. HAMER, Mr. S. included joint resolutions, and at that of Mr. BRONSON, bills on their final passage. He then withdrew the call for the yeas and nays.

Mr. CHAMBERS said he hoped the House would make no suspension of the rules, but allow the business to progress in its prescribed order.

Mr. ELMORE inquired what the bills were, which were of such pressing necessity, that private claims must be set aside.

The SPEAKER was not at liberty to respond, as the motion precluded all debate.

Mr. ELMORE then asked for the yeas and nays; but they were not ordered.

Mr. CUSHING suggested to Mr. SHIELDS to include the calling upon committees for reports.

Mr. CAMBRELENG had hoped the House would have gone on with the appropriation bills; and he moved to lay the motion on the table; which was agreed to—yeas 89, noes 62.

Mr. CAMBRELENG reiterated the hope that the House would indulge him in going on with the public business, especially as there were so few days remaining of the session.

Objection being made,

Mr. C. moved a suspension of the rules, and called for the yeas and nays; which were ordered.

Mr. C. H. WILLIAMS moved to lay the motion on the table, but subsequently withdrew it.

Mr. CHAMBERS remarked that there had been no unnecessary delay in acting on the appropriation bills, and he thought they had better proceed with the numerous claims before them.

The motion to suspend was agreed to—yeas 126, nays 58; as follows:

YEAS—Messrs. Adams, Anderson, Andrews, Atherton, Ayer, Banks, Beers, Beirne, Bell, Bicknell, Biddle, Bird-sall, Bond, Borden, Brodhead, Bronson, Buchanan, John Calhoun, Cambreleng, John Campbell, Chaney, Cleveland, Clowney, Coles, Connor, Craig, Cray, Cranston, Cushing, Cushman, Davey, Deberry, De Graff, Dromgoole, Duncan, Dunn, Edwards, Isaac Fletcher, Fry, Gallup, Giddings, James Graham, William Graham, Gray, Grennell, Griffin, Hall, Hammond, Hamer, Harrison, Hawes, Hawkins, Haynes, Hoffman, Holt, Howard, William H. Hunter, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Jabez Jackson, Joseph Johnson, William C. Johnson, Nathaniel Jones, Keim, Kemble, Kingensmith, Leadbetter, Lewis, Lincoln, Logan, Loomis, Mallory, Marvin, James M. Mason, Maxwell, McKay, Robert McClellan, Abraham McClellan, Miller, Moore, Samuel W. Morris, Noble, Noyes, Palmer, Parker, Parmenter, Parris, Paynter, Pennybacker, Pickens, Plumer, Pratt, John H. Prentiss, Putnam, Randolph, Reed, Kelly, Reucher, Rhett, Richardson, Robinson, Robinson, Sawyer, Sheffer, Augustine H. Shepperd, Shepher, Spencer, Stratton, Swearingen, Taylor, Titus, Toucey, Towns, Vanderveer, Webster, Weeks, Albert S. White, John White, Whittlesey, Lewis Williams, Jared W. Williams, Joseph L. Williams, Word, and Worthington—136.

NAYS—Messrs. Alexander, John W. Allen, Briggs, William B. Calhoun, William B. Campbell, Carter, Casey, Chambers, Cheatham, Childs, Corwin, Crabb, Crockett, Darlington, Dennis, Elmore, Evans, Everett, Ewing, Fillmore, Rice Garland, Goods, Graves, Haley, Harper, Henry, Herod, Kennedy, Lyon, McKenney, Menefee, Morgan, Calvary Morris, Naylor, Pearce, Peck, Petrikon, Potts, Sergeant S. Prentiss, Kariden, Ridgway, Saltonstall, Shields, Sibley, Slade, Snyder, Southgate, Stanley, Stuart, Stone, Taitferro, Thompson, Toland, Toney, Underwood, Sherard Williams, Christopher H. Williams, and Yorke—58.

The SPEAKER laid before the House a communication from the Comptroller of the Treasury, in compliance with an act of Congress, transmitting a statement of the balances standing upon the books, of the revenue which had remained unsettled by collectors of customs and others, which has been due more than three years prior to the 30th of September.

Mr. HOFFMAN then rose, and said he understood the Speaker had done him the honor to place him on the select committee of investigation raised on motion of Mr. NAYLOR, on Commodore Elliott's proceedings in the Mediterranean. He asked to be excused from serving on this committee, for the following reasons. It was known that one of his colleagues [Mr. CURTIS] was serving on another (the defalcation) committee, and his other colleague [Mr. CAMBRELENG] was fully occupied in attending to the public business as chairman of the Committee of Ways and Means. For Mr. H. to serve, would involve his entire absence from the sessions of the House, because a laborious examination of persons and papers would have to be gone into; and hence the affairs of his constituents would be necessarily neglected, as they fell, for the reasons he had given above, almost entirely upon his shoulders. His duty to them, to himself, and to the House, compelled him to prefer this request.

Mr. H. was excused by the House, and the Chair directed to fill the vacancy.

#### CIVIL LIST BILL.

On motion of Mr. CAMBRELENG, the House then resolved itself into the Committee of the Whole on the state of the Union, (Mr. BANKS in the chair,) and resumed the consideration of the "bill making appropriations for the civil and diplomatic expenses of Government for 1839."

The question pending was on the motion of

Mr. BRONSON to reduce the appropriation for the Navy Board one half, and to abolish the board after the 1st of July next.

Mr. POPE was entitled to the floor, and he addressed the House at great length. With reference to the amendment, he said he had been at first inclined to vote for it, but, upon reflection, he did not think they were prepared to effect so sudden and great a change in one of the great branches of the service. He was willing to pause till next session. Mr. P., however, said he hoped he should be excused for speaking on matters and things in general. His election came on in August next, and he wished to say something not only for the benefit of the House, but also of his constituents. He commenced by an appeal to Mr. ADAMS to republish a document that came from Mr. A.'s own pen, one of the ablest productions that ever fell from an enlightened statesman, his work on our right to the fisheries, whenever he felt disposed again to discuss the right of petition.

Mr. ADAMS rose to a question of order. He wished to know if the gentleman's argument was relevant. He had no objection to it; on the contrary, he hoped the gentleman would be allowed to proceed; but, then, Mr. A. hoped he would be indulged in an opportunity of replying, and not be gagged with the question of irrelevancy.

The CHAIRMAN ruled Mr. POPE to be out of order on this ground.

Mr. GIDDINGS moved that he have leave to proceed.

Mr. POPE assured the House he had no intention of discussing the question of abolition.

Mr. ADAMS, disclaimed any objection on his part to the gentleman's proceeding with his argument; but as he had made a direct appeal to Mr. A., and had alluded to a matter upon which he should feel himself called upon to make a response, he wished the question of relevancy settled at once, so that, in his reply, Mr. A. might not be put down.

The House granted the leave asked without a division.

Mr. POPE again assured the House that he should never discuss the question of abolition; and for the reason that he had no fears about it, for he never knew a man from New England emigrating to a slaveholding State ever to set a negro free. [Laughter.] Mr. P. was going on to narrate an anecdote connected with this subject, when he was called to order by the Chair.

Mr. SLADE desired to know if the new principle was about to be established in Committee of the Whole, that everything not direct to the subject under consideration was out of order?

The CHAIRMAN had made no such decision. Everything on the subject of the Navy, on appropriations and expenditures, &c., would be in order, but every one must see that nothing on the right of petition for the emancipation of slaves could be in order in discussing the bill to provide for the naval service.

Mr. SLADE rose again, and made some allusion to Mr. BELL's remarks the other day on a similar point raised on Mr. GIDDINGS.

Mr. BELL instantly called Mr. S. to order, and said the Chair was entirely correct in arresting Mr. POPE's remarks. Mr. B., however, moved that he have leave to proceed in order.

This motion was again agreed to.

Mr. POPE assured the committee he had no intention of transgressing the rules of order, and he refrained from further allusion to this topic.

Mr. P. then referred to Mr. MURRAY's speech, which he said he had read with great pleasure, designating it by far as the ablest defense ever made of the Administration, and expressed his admiration of the absence in it of all denunciation and calling of names. He advised his Whig friends to pursue an honest course, and never to make charges without proof. Mr. P. then went into a general review of the leading principles of the last and present Administrations, to all of which he dissented, and gave his reasons at great length. Mr. P. advocated liberal expenditures, on the ground that heavy disbursements were beneficial to the poorer classes, &c. He approved of the land scheme of Mr. CLAY, and contended that if the plan had gone into operation it would have prevented the redundancy in the Treasury which that gentleman foresaw. He was understood also to advocate the American system of Mr. CLAY;

but, before concluding, waived his right to the floor for the present.

Mr. INGHAM said he had a few words to say to the amendment, which was, whether the appropriation to the Commissioners of the Navy Board should be stricken out? The proposition, he contended, was one of an extraordinary character, and goes totally to abolish that board, without even the inquiry whether that part of the service is prepared for such an event. The gentlemen making it, too, do not present any feasible plan or proper provision for the derangement which will be consequent upon such change. The law by which that board was established was passed in the year 1815, upon the pressing recommendations of very many distinguished officers of the Navy, who had seen much service in the defense of their country, and who were possessed of great practical knowledge of the wants of that branch of the service. It was then urged as of pressing necessity. It was necessary then, as now, because the Secretary of the Navy was not possessed of that requisite practical knowledge of the wants and discipline of the Navy.

Mr. I. then reviewed the organization of that department of the British service, and proved that it had, in such organization, two or three distinct boards, whose actions undergo the supervision of the Secretary, and that they were subject to his control. The great experience of that Government found it necessary, having a proper regard to the character and interest of the Navy, that such a board should be in operation. But the principal objection urged to abolish this board was, that gentlemen could not find where the responsibilities of that Department were vested. The law fixes the responsibility where it should be. This board has certain defined duties to perform, subject to the supervision and control of the Secretary. He had never yet ascertained that any gentleman was disappointed or found any difficulty in receiving information; and he had no doubt, if gentlemen would call upon this board, that they would promptly receive such as properly pertains to the board, and so as to the Secretary. But the same argument of irresponsibility would, with equal plausibility, apply to every other Department of the Government. He would ask those who are in favor of such reorganization as would bring into operation a bureau system, whether the same grounds of complaint could not, with equal propriety, be alleged against it? and whether gentlemen would not then be placed in the same dilemma? He said it was impossible for this officer, on the instant, to give full and satisfactory answers to the various points of inquiry which devolves upon him as Secretary, many of which may involve a practical knowledge of the service. It could not be expected that his head was a storehouse; that he could, at a moment's warning, give this practical information. So far as the responsibility is concerned, this board and the Secretary are jointly responsible, if they are not individually so, and therefore this charge must fall to the ground. But there is a division of this responsibility, as is found in every Department of the Government—even the Congress itself—and he asked if gentlemen were prepared to abolish the whole in consequence?

Some of those who had spoken upon the subject contended that, since the organization of the board, the vessels have been badly constructed. It was altogether matter of taste and skill. Mr. I. referred to the frigate United States built previous to its organization. When that was built it was universally said that it was the worst sailer in the Navy; but it was subsequently proved that its bad sailing was owing to the trimming of the vessel, and after alterations in that respect, it proved to be the fastest sailer in the Navy. This might be the case with many of the vessels constructed under the supervision of this board. He said the House had been favored with much declamation, but very little evidence. Mr. I. then referred to the charges made by Mr. MALLORY, that the delay and tardy movements of the exploring expedition was owing to the management of this board. He was pleased to find that the responsibility of that delay had been changed from the Secretary, which had been so frequently charged against him heretofore.

Mr. MALLORY was understood to say that he charged the Secretary with the delay, and the

Navy Board with improper construction of the vessels.

Mr. INGHAM said neither of them was censurable for delay, nor were the Navy Board for the bad construction of the vessels belonging to this expedition. They were built under the superintendence of Commodore Jones. He was appointed to that charge before a vessel was commenced, and had the entire management of the same. He trusted that this was the last charge about that expedition he should hear. The Navy Board, he contended, had acted in all matters under the control and general direction of the Secretary, and never proceeded without consulting him; and, so far as the charge that they had prevented the building of the steam vessels authorized by law being any ground for its abolition, it would also be good ground to abolish the office of Secretary of the Navy; and he asked gentlemen if they were prepared to do that act?

He said if the Navy Board should be charged with being incompetent men, that would be a legitimate cause of inquiry; or, if they had been negligent in duty, that would be good cause for inquiry; but the mode proposed by the amendment of the bill would not be the proper way to try them, because it goes to cut them off without such inquiry. His own opinion was, that the whole naval service should be reorganized, but the House could not strike off this branch without throwing the whole system into confusion.

Mr. PETRIKIN thought, as to the propriety of abolishing this board at this time, there might be some doubt, but as to a reorganization of the whole Department there could be but one opinion. This board, he contended, had been an incubus upon the naval service, and whenever any branch of it should impair the proper operation and usefulness of the whole, it should be lopped off. It had become odious with the people, (for which there was, no doubt, good ground,) and with him that was proper cause for reorganization. He said that the gentleman from Massachusetts, [Mr. ADAMS,] who claimed to be the exclusive advocate and conservator of the Navy now, represents the people of the very State who, during the last war, declared that it was unbecoming a religious and moral people to rejoice at the success of our arms in that very branch of our service.

Mr. P. then inquired why it was that the Naval Committee had made no report on the necessity of reorganizing the Navy Department, as they were instructed to do early in the session?

Mr. INGHAM stated that no such resolution had been referred to that committee.

Mr. PETRIKIN contended that the resolution instructing the committee to inquire into the expediency of abolishing the Navy Board, necessarily involved the reorganization of the whole Department. Mr. P. detailed a number of existing abuses in the naval service which required correction, most of which grew out of the incompetency and incapacity of this irresponsible board. He hoped the amendment would prevail, if it had no other effect than that of telling these men that the public were not blind to their conduct. He disclaimed saying a word against them as men, but only as a body.

Mr. PARMENTER cited the case of the Charlestown navy-yard as a proof of this board. Before its establishment, that yard was a chaos of confusion and disorder; now it would compare with any in the world. Faults there might be; imperfections might exist; but these were rather owing to the crude organization of the board, than to themselves. The law was wrong. They were originally intended as advisers to the Secretary of the Navy, whereas the whole control of the Navy had been placed under their supervision, even to the making of contracts for supplies, for which they could not be supposed, from their previous occupations, to be qualified. Mr. P. went on to review the sections of the law, and was understood to oppose a total abolition of the board, but to be in favor of some revision of the law. He also made an argument against the bill to construct a dry dock at New York.

Mr. CRARY remarked that this discussion had, at least, rendered it evident that something was very wrong in the organization of this Board of Navy Commissioners, and even the last gentleman from Massachusetts had made it appear that it had usurped all the powers belonging to that branch of the Government. This they did

by means of drafting their own by-laws; in other words, they drafted their own regulations; and so drafted them as to place the whole power of the Navy Department in themselves. It was this of which he complained, and he felt assured that if that board was continued, they would ruin the Navy. He made no application to the men composing it, but to them as a body. Mr. C. then replied to the remarks of Mr. ADAMS yesterday, who made an explanation, that he did not mean to deny the right of Mr. C. to make the motion he did.

Mr. BRONSON disclaimed, in submitting his amendment, anything like an insidious attempt to inflict a blow upon the Navy, as had been thrown out by the gentleman from Massachusetts, but the contrary. Of the politics of the members of the board he had never heard a word, till it fell from the gentleman himself. He had no personal or political object in view; and, as a proof that it was not so considered by others, his motion had been advocated by gentlemen of the Opposition as well as of his own party. After advocating his amendment for some time, he gave it as his opinion that an overwhelming majority of the service and of the country, and at least two thirds of Congress, were in favor of abolishing this board, and if not done by the present Congress, it would be by their immediate successors.

Mr. MERCER protested against the incongruity of introducing such a proposition as this in an ordinary appropriation bill, the provisions of which ought exclusively to be limited to the expenses of Government. Mr. M. was also opposed to the proposed abolition of the board; though he admitted that many alterations were needed in the manner in which the Navy Department was conducted. As for the bureau system, the President and Secretary could now establish it, by directing divisions of duty among the three commissioners, and all the personal responsibility would follow, for a bureau was nothing more than pens, ink, paper, and tape.

On motion of Mr. EVANS, the committee rose and reported.

And the House adjourned.

#### IN SENATE.

SATURDAY, February 16, 1839.

Mr. BUCHANAN presented the memorial of Edward D. Tippet; which was referred to the Committee on Roads and Canals.

Mr. WALL presented the memorial of the trustees of the Presbyterian Church of Springfield, in the State of New Jersey, asking compensation for the destruction of property during the war of the Revolution; which was referred to the Committee on Revolutionary Claims, and ordered to be printed.

Mr. LINN presented the memorial of the General Assembly of the State of Missouri, requesting Congress to pass a law altering the present mode of issuing titles to land; which was referred to the Committee on Public Lands.

Also, a memorial from the same, praying the establishment of a port of entry and custom-house at some point on the Missouri river, and allowing those who trade with Mexico by land the privilege of drawback and debenture.

Mr. L. went into a number of interesting details, showing the importance and former extent of the trade between this country and the Mexican provinces, and with the Indians of the Oregon Territory, and its comparative insignificance at present. The Hudson's Bay Company, from their great facilities and advantages, were monopolizing the whole Indian and Mexican trade, as they imported their goods free of duty; and they would soon obtain a dangerous ascendancy over the minds of the Indians. He said that if there was not prompt action on the part of Congress on this subject, not only the trade with the Mexican provinces would cease, but that the territory inhabited by these Indians would be wrested from us. Mr. L. said he had, some days since, introduced a bill for the occupation of the Oregon territory, with a view to doing something on this subject, which he hoped the Senate would consider and act upon at an early day.

Mr. L. also presented a memorial very numerous signed by the inhabitants of the counties of Benton, Rives, Polk, Cole, Morgan, and several other counties, or parts of counties, in the

State of Missouri, asking Congress to pass a law to create a new land office, to be located either at Jefferson City, or at Versailles, in Morgan county.

Mr. L. said that the memorialists represent that they are subjected to great inconvenience and expense, as well as loss of time, in traveling such great distances as they have to do at present, for the purpose of entering their lands. He thought their request was a most reasonable one, and hoped that his friend from Arkansas, [Mr. FULTON,] who is acting chairman of the Committee on Public Lands will take this subject under serious consideration, and report a bill at the earliest possible period in his power. Missouri was now the largest State in the Union, and he felt confident was the richest in natural resources; yet she had but six land offices, while her neighbor, Illinois, had ten, though she was a much smaller State. The young and vigorous Illinois seemed to have been always regarded by Congress with a favorable eye; she gets donations of lands for canals, and to aid in the construction of her railroads; pays less revenue to the Post Office Department than Missouri, yet has double the amount of mail facilities; and has even threatened the General Government that if the national road is not made to Alton from Vandalia, it shall not be made at all. Modest determination! He said the people of the free States are unceasing in their exertions to obtain what they desire, and present their memorials, petitions, &c., to Congress in the most business-like form, which makes them more successful in their applications than the slave States, who ask less, and do not take the same pains to present their memorials in an imposing form.

Mr. ROANE presented a memorial of the Washington Building and Improvement Company, asking for an act of incorporation; which was referred to the Committee on the District of Columbia.

Mr. KING presented a memorial from masters and pilots of steamboats plying between Mobile and New Orleans, asking for the construction of light-houses on that route; which was referred to the Committee on Commerce.

Mr. WEBSTER presented a memorial from T. H. Perkins, and numerous other persons, asking that the spirit ration of the Navy may be discontinued.

Mr. W. thought this memorial merited attention, as somewhat interesting to the maritime concerns of the country. It sets forth some facts well worthy of consideration; among others, that most of the cases of insubordination and mutiny on board of ships were clearly traceable to the daily use of stimulating drinks. It was not now, as formerly, when few of our merchantmen abolished their use on board; but far the greater portion of our vessels were navigated in that way, and, in consequence, there had been a great moral revolution in the character of our sailors, and that these benefits were extending themselves to the merchants in the shape of diminished insurances, the officers invariably preferring the risks where intoxicating liquors were not allowed.

The memorial was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. TALLMADGE presented the petition of Thomas B. Parsons; which was referred to the Committee on Naval Affairs.

Mr. MERRICK presented the memorial of the Legislature of the State of Maryland, praying an appropriation for the improvement of the harbor of Havre de Grace; which was referred to the Committee on Commerce.

#### REPORTS FROM COMMITTEES.

Mr. MORRIS, from the Committee on Pensions, to which was referred the following bills, reported the same without amendment, and with a recommendation that they do not pass:

An act granting a pension to Reuben Murray; and

An act for the relief of William A. Cuddeback.

Mr. M. also, from the same committee, reported without amendment the following bills:

An act for the relief of Sibel Barnes;

An act for the relief of Harvey Reynolds; and

An act for the relief of Eliphalet Spafford.

Mr. LYON, from the Committee on Private Land Claims, to which was referred a bill to amend an act confirming certain land claims in

the State of Michigan, made a report thereon; which was ordered to be printed.

Mr. BENTON, from the Committee on Military Affairs, to which was referred a bill to authorize payment to be made to certain Missouri volunteers, for services in the years 1829 and 1836, reported the same without amendment.

Mr. B. also, from the same committee, to which was referred the documents in relation to the claim of Colonel A. H. Morgan, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. B. also, from the same committee, to which was referred an act for the relief of certain officers of the Florida militia, reported the same without amendment.

Mr. CRITTENDEN, from the Committee on Revolutionary Claims, to which was referred the petition of the heirs of Preserved Clapp, asked to be discharged from the further consideration of the subject; which was agreed to.

Mr. WILLIAMS, of Maine, from the Committee on Pensions, to which was referred the petition of Levi Folsom, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. WALL, from the Committee on Military Affairs, to which was referred the following bills, reported the same without amendment:

An act authorizing the settlement of the accounts of the heirs of Captain Jesse Copeland;

An act to amend an act entitled "An act regulating the pay and emoluments of brevet officers," approved April 16, 1818; and

An act for the relief of Captain John Vannettin and his company, for their services during the late war.

Mr. PRENTISS, from the Committee on Public Lands, to which was referred an act for the relief of Stephen Marselis, reported the same without amendment.

#### BILL INTRODUCED.

Mr. LINN said that some days since he gave notice that he would ask leave of the Senate to introduce a bill granting to the Washington County and St. Genevieve Railroad Company (incorporated by the Legislature of Missouri) the right of preemption to five hundred thousand acres of land to aid said company in the construction of their road. He now rose (he said) with the intention of asking that leave; but before the question was taken, he begged leave to remark that this was a subject in which the whole country was interested, but more particularly the great valley of the Mississippi. This road would be connected with the Iron Mountain, the most remarkable, as well as the richest, deposit of iron ore in the whole world. He said that if the State of Missouri and the General Government would lend only a slight assistance, the great mineral resources of Missouri would at once start into active life, and the Great Valley, as well as the country at large, would realize the full value of its existence. The Senate would remember that a ship was lost at sea some time since on her way from England, with \$500,000 worth of railroad iron for the State of Illinois. If Missouri is aided a little, she will, in a few years, make iron enough for the consumption of the United States, and she can and will make iron cheaper and better than any country in the world.

Mr. L. then, on leave, introduced a bill for the benefit of the Washington County and St. Genevieve Railroad Company; which was read twice, and referred to the Committee on Public Lands.

#### RESOLUTIONS.

Mr. ALLEN submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate at the commencement of the first session of the next Congress, all facts and information relative to the execution of the thirteenth and fourteenth sections of the "act to regulate the deposits of the public money," approved 23d June, 1836, and particularly all facts and information in answer to and touching the following questions, to wit:

1. What amount of money has been deposited with each State, under this act, and at what periods?

2. In what banks, in each State, was the money deposited, and in what amounts, in each bank, at the time of the transfer to the States?

3. Of what description of funds, whether metal or bank notes; and if of both, in what proportions did the deposits consist, in each bank of each State, at the time of the transfer to the States?

4. What was the description of funds received by each

State; and if both metal and bank notes were received, what were the proportions of each so received by each State; and what was the depreciation, if any, of the bank notes received by each State, at the time of reception?

5. What investments or dispositions were made by each State of the deposit made with it; whether invested in stocks, and if so, in what kind of stocks, and to what amount; whether applied to public works, or to State or to other institutions, and if so, to what kind of works or institutions, and to what amount; whether loaned out or distributed, and if so, whether to institutions, to bodies corporate or otherwise, or to individuals, and to what kinds of institutions, bodies, or class of individuals, and to what amount, and what were the circumstances and conditions of such investments, dispositions, loans, or distributions?

Resolved, That to the end of obtaining the information required by the foregoing resolution, the Secretary be directed to correspond, if necessary, with the proper authorities of the several States.

Mr. SMITH, of Indiana, submitted the following resolution; which was considered and adopted:

Resolved, That the Secretary of War be directed to send to the Senate a copy of the recent report of Daniel West, commissioned to investigate claims against the Miami Indians, with a statement of the expenses of the commission, including all charges, to whom due or paid, and for what services, designating the charges made or allowed for mileage, and by whom charged; the date of the appointment of the commissioner and secretary, and at what time the commission commenced and closed.

#### MICHAEL AMBRISTER.

The bill for the relief of Michael Ambrister was read the third time and passed.

#### REPEAL OF SALT DUTY.

The resolution accompanying the report of the Committee on Finance authorizing the printing of a document in relation to the salt tax, was taken up for consideration; and, after some remarks from Messrs. CALHOUN, WRIGHT, DAVIS, and BENTON, its further consideration was postponed until Monday next.

#### INTERFERENCE IN ELECTIONS.

The unfinished business, being the bill to prevent the interference of certain Federal officers in elections, was then taken up, and Mr. NORVELL addressed the Senate at length in opposition to the bill.

Mr. CUTHBERT intimating a wish to address the Senate on the subject, the bill was informally passed over.

#### DISTRICT OF COLUMBIA.

To-day being set apart for the consideration of bills relating to the District of Columbia,

The bill to incorporate Georgetown College, in the District of Columbia;

The bill supplemental to the "Act granting certain city lots to the corporation of the Columbian College for the purposes therein mentioned," approved July 14, 1832;

The bill to extend the jurisdiction of the corporation of the city of Washington over the Potomac bridge, &c.; and

The joint resolution authorizing the opening of an alley and the execution of certain deeds in the city of Washington;

were severally considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

The bill to provide a free bridge across the eastern branch of the river Potomac, in the city of Washington; and

The bill to incorporate the Washington Manual Labor School and Male Orphan Asylum Society of the City of Washington and District of Columbia;

were ordered to be laid on the table.

The bill to incorporate the Washington Silk Company was advocated by Messrs. BAYARD, MERRICK, and LINN, and opposed by Messrs. ALLEN, BENTON, KING, SMITH of Connecticut, and NILES; and,

On motion of Mr. NILES, the bill was indefinitely postponed—yeas 17, nays 13; as follows:

YEAS—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Fulton, Hubbard, Lyon, Niles, Norvell, Roane, Smith of Connecticut, Strange, White, Williams of Maine, Wright, and Young—17.

NAYS—Messrs. Bayard, Davis, Foster, King, Knight, Merrick, Prentiss, Rives, Robbins, Robinson, Ruggles, Smith of Indiana, and Tallmadge—13.

On motion, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, February 16, 1839.

Mr. HARRISON resumed his remarks on the subject of the public lands, as brought before the

House by the following report from the select committee of twenty-six:

*Resolved*, That the committee report to the House, and ask leave to be discharged from the further consideration of the subject-matters referred to them, and that the journal of the committee be reported and published.

*Resolved*, further, That the committee deem it inexpedient to take further steps on the subject of the public lands this session.

The pending question being on the amendment of Mr. ROBERTSON to strike out all after the word "resolved," and insert in lieu thereof a proposition for the semi-annual distribution of the proceeds of the sales of the public lands among the several States of the Union, in the ratio of their Federal numbers.

Mr. H. gave way, without concluding, for the orders of the day.

Mr. CAMBRELENG remarked that his motion to suspend the private orders for the public business yesterday, included this day also; but he observed from the Journal and the papers that it was not so understood, and therefore he should renew the motion this morning.

Mr. BIDDLE had, however, first caught the Speaker's eye, and he asked leave to present a bill of a public nature, with a view to have it immediately referred to the Committee on Foreign Affairs.

Mr. ADAMS would ask permission to present no less than four hundred petitions of a public nature, with which he had been charged, and, unless he could do so, he should object to others having a preference given to them.

Mr. BIDDLE thereupon moved a suspension of the rules.

Mr. WILLIAMS, of North Carolina, inquired what the memorial was about.

Mr. BIDDLE stated that it was a memorial from claimants on Mexico, setting forth the anxiety they felt that the treaty of arbitration should have been suffered to fall through by that Republic, and asking Congress to take the matter into its serious consideration. As only two weeks of the session remained, it was desirable that some prompt action should be had upon it?

The rules were suspended, ayes 107, noes not counted, the memorial received, and referred to the Committee on Foreign Affairs.

Mr. B. added to his previous statement that the petition referred to the fact that the President of the United States, in his anxiety to have this treaty ratified, sent a public vessel and a special messenger to Mexico; that the vessel had returned, and they declare that the latest advices from that Republic add confirmation to their conviction, that the treaty would not be ratified, as was predicted by the chairman of the Committee on Foreign Affairs.

#### REPORTS FROM COMMITTEES.

On motion of Mr. EVERETT, the committees were called on for reports, and the Committee on the Public Lands being first in order,

Mr. CASEY rose, and said, that he had no report to make, but he was very desirous to submit a resolution of inquiry of considerable importance, both to his State and to the country.

The resolution was read, as follows:

Whereas, by the act of Congress regulating the deposit of the public money in the State banks, approved June 23, 1836, it was provided that at least one bank be selected in each State or Territory, if any such existed willing to be employed as a depository of the public money; and whereas, there are two banks in the State of Illinois, both of them solvent and safe, neither of which is now employed as the depository of the public money collected in said State; and whereas, the money so collected in Illinois is deposited in the State Bank of Missouri, to the manifest injury of the said banks of Illinois, and the people of the State; and whereas, the Secretary of the Treasury, under the provisions of the act of 1789, has selected many banks which would have been excluded from the benefits of the deposit act of 1836, as depositories of the public money, which said banks, in common with the banks of Illinois, could not have been selected as depositories of the public money under the provisions of the act of 1836: Therefore,

*Resolved*, That the Secretary of the Treasury inform this House at what time the Bank of the State of Missouri was made a deposit bank, and what amount of its own notes said bank had in circulation, and what amount of specie it had in its vaults on the 5th of July and on the 16th of August, 1837; also, that he inform this House of the amount of money received for public lands in the State of Illinois, and deposited in said bank, since it has been selected as such depository.

*Resolved*, That the said Secretary inform this House why he may not, under the act of Congress of 1789, select one or both of the banks of Illinois as depositories of the public money collected in said State, should it satisfactorily appear that the said banks are solvent specie paying banks, and would be safe depositories of the public money.

Mr. EVERETT said it must be obvious, from the reading of that resolution, that it would elicit debate, and as it was more desirable that the committees should report, he must object to its reception at this time.

Mr. CASEY being asked to postpone his request till the other business was through, replied that he had been waiting for this opportunity for a week, and if he waived the present, he might never have another.

As objection had been made, he must then make a motion he had never before made, in the seven sessions he had served in Congress; and he moved to suspend the rules, and demanded the yeas and nays; which, being ordered, were— yeas 92, nays 68.

So the rules were not suspended, the motion requiring a majority of two thirds.

Mr. CHAPMAN, from the Committee on the Public Lands, reported without amendment Senate bill for the relief of the assignees of Louis Baron De Ferret; which was ordered to a third reading.

Mr. TOUCEY, from the Committee on the Judiciary, reported, without amendment, Senate bill for the relief of Jabez L. White and Asa White, and moved its third reading; which was agreed to.

Mr. CORWIN, from the same committee, reported, without amendment, Senate bill to prevent the counterfeiting of foreign coin; which was ordered to a third reading.

Mr. GARLAND, of Louisiana, from the Committee on Private Land Claims, reported, without amendment, Senate bill to confirm certain claims for lands in the district between the Rio Hondo and Sabine rivers.

Also, Senate bill for the relief of Charles Morgan, of Louisiana.

Also, with an amendment, Senate bill for the relief of Juan Belgar.

Mr. CRABB, from the same committee, reported Senate bill, without amendment, for the relief of William Jones; which was ordered to a third reading.

Mr. RARIDEN, from the same committee, reported, without amendment, Senate bill for the relief of Obed P. Lacy.

Mr. EVERETT, from the Committee on Indian Affairs, reported, with an amendment, Senate bill supplementary to the "Act to provide for the reorganization of the department of Indian affairs," and the "Act to regulate trade and intercourse with the Indian tribes," approved June 30, 1834.

Mr. E. called up a resolution submitted by the same committee, calling for information in relation to the negotiation of the several treaties with the Pottawatomie Indians; and it was considered and agreed to.

Mr. PETRIKIN, from the same committee, reported a bill for the relief of the legal representatives of William Anderson, deceased.

Mr. BELL, from the same committee, reported without amendment Senate bill to authorize the appointment of three additional clerks in the office of the Commissioner of Indian Affairs.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported Senate bill for the relief of Pierre Menard and others, with a recommendation that it do not pass.

Also, a resolution to discharge that committee from the consideration of all the unfinished business before them; which was concurred in.

Mr. McKAY, from the Committee on Military Affairs, reported, with an amendment, Senate bill for the relief of Captain Snodgrass and the company of Alabama volunteers.

Also, a bill making appropriations for the repairs and rebuilding of the walls of the forts in New York harbor.

Mr. CUSHING, from the Committee on Foreign Affairs, presented a supplementary report in relation to the territory west of the Rocky Mountains; and the same number of copies (ten thousand) were ordered to be printed as of the original report.

Mr. MORGAN, from the Committee on Revolutionary Pensions, reported a bill for the relief of Anne Watson.

Also, a bill for the relief of Henry Peyton.

Mr. JOHNSON, of Virginia, from the same committee, reported a bill granting a pension to James Boyle.

Mr. FRY, from the same committee, reported a bill granting a pension to Job Fox.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported Senate bill for the relief of John Clark.

Mr. PLUMER, from the same committee, reported a bill for the relief of Burnett Burch.

Mr. ALLAN, of Vermont, from the same committee, reported a bill for the relief of John G. Wright.

Also, a bill for the relief of Thomas Wilson.

Also, a bill for the relief of Randolph Clark.

Mr. MERCER, from the Committee on Roads and Canals, reported a bill to authorize internal improvements, and to institute and continue certain surveys, and for other purposes.

Mr. FLETCHER, of Vermont, from the Committee on Patents, reported a bill in addition to the act to promote the progress of the useful arts.

Also, a bill for the relief of John W. Vaughan and Oliver Perry.

Mr. ADAMS, from the select joint committee on the Smithsonian bequest, reported two several bills, with the resolutions adopted in committee, and the proceedings as detailed in the journal of the committee. The titles of the bills were as follows:

A bill providing for the disposition and management of the fund bequeathed to the United States, in trust, by James Smithson, of London, deceased, for the establishment of an institution for the increase and diffusion of knowledge among men.

Mr. McKAY moved to call up the motion of Mr. PETRIKIN to print five thousand extra copies of the report of Mr. HUNTER, of Virginia, on the best mode of collecting and keeping the public revenue.

Mr. POPE, from the Joint Library Committee, to whom was referred the resolution of the House to inquire into the expediency of providing for the formation of new and accurate indexes to the whole series of journals, reports, and documents since the organization of our Government, proposed to be prepared by Thomas F. Gordon; reported the following joint resolution; which was read twice and committed:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That if said compilation is prepared and published by the said Thomas F. Gordon, in the manner proposed by him, and the same annexed to the committee's report, that Congress will take — copies, provided the cost shall not exceed — dollars per copy.

Also, the following joint resolution:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Clerk of this House be directed to subscribe for one copy of Niles's National Register for each county clerk in every congressional district in those States in which clerks' offices are established, and one copy for every office in those States in which said offices are not established whose duties approximate most closely to the duties of the clerks aforesaid, and also one copy of said Register for each member of Congress: *Provided*, The editor of said Register will agree to publish in, or as a part of said work, under the direction of the Speaker of this House, the entire Journals of both Houses of Congress, with the yeas and nays, and all questions decided, and at the end of every session, all the laws passed and the treaties ratified thereat; and furnish the clerks and other officers aforesaid, and all who are now subscribers, or may hereafter become subscribers to said Register, with one copy of said Journal and laws respectively without any addition to the subscription price.

*Resolved*, That said subscription commence with and include the Journals and laws of the present Congress.

The resolution having been read twice, Mr. P. moved its postponement till to-morrow; but on motion of Mr. TOUCEY, it was referred to the Committee of the Whole on the state of the Union.

Mr. WORD, from the Committee on Public Lands, made unfavorable reports on the petitions of Samuel Norris, Frederick Longrain, and J. W. Perry.

On motion of Mr. LINCOLN, the Committee on Public Lands was discharged from the further consideration of the petition of certain citizens of Wisconsin, west of Mississippi river, praying for the erection of a penitentiary.

Mr. RARIDEN, from the Committee on Private Land Claims, made an unfavorable report on the petition of Jesse H. Wilis.

Mr. CRABB, from the same committee, made an unfavorable report on the petition of William Stringer.

Mr. ADAMS, from the Committee on Manufactures, made an unfavorable report on the petition of P. D. Annable and others, relative to the duties on starch.

Mr. DEBERRY, from the Committee on Agriculture, made an unfavorable report on the petition of Professor J. B. Espy.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported the following resolution; which was concurred in:

*Resolved*, That the Committee on Revolutionary Claims be discharged from the further consideration of the several memorials, petitions, &c., which are now upon their table, and unacted on, and that said committee have leave to place the same in the custody of the Clerk of the House.

Mr. COLES, from the Committee on Military Affairs, made unfavorable reports on the petition of the heirs of Brockell Baldwin, and the petition of Mary W. Thompson.

Mr. McCLELLAN, of Tennessee, from the same committee, made an unfavorable report on the petition of Joseph Backleys.

Mr. McKAY, from the same committee, made unfavorable reports on the petitions of E. D. Peck, Henry Ward, and others, Major Sylvester Churchill, and John Delgam.

On motion of Mr. BRONSON, the Committee on Territories was discharged from the further consideration of a certain memorial of the Legislative Council of Florida.

On motion of Mr. MORGAN, the Committee on Revolutionary Pensions was discharged from the further consideration of the petitions of Dorotha B. Buckner, David Caiswell, Joanna Smith, Susan Patton, Catharine Hayward, Mary Williams, Phebe Smith, Margaret Steele, Joseph Roberts, Abigail Allen, and Joseph Parker.

Mr. JOHNSON, of Virginia, from the Committee on Revolutionary Pensions, made an unfavorable report on the petition of Margaret Arkins.

On motion of Mr. FRY, the same committee was discharged from the petitions of John Croft, Barbara Forbes, and Calvin Goodno.

Mr. BOND, from the Committee on Revolutionary Pensions, made an unfavorable report on the petition of Alexander Williamson.

On motion of Mr. TAYLOR, the Committee on Invalid Pensions was discharged from the further consideration of the petition of Charles Larrabee, and the petitioner granted leave to withdraw his papers.

Also, made unfavorable reports on the petitions of Richard B. Brumfield and Captain Abraham N. Brevoort.

On motion of Mr. STANLY, the Committee on Invalid Pensions was discharged from the further consideration of the petitions of Joseph M. Rhea, John Aston, and William Scott.

Mr. ALLAN, of Vermont, from the Committee on Invalid Pensions, made unfavorable reports on the petitions of Francis Griffith, James Campbell, and Daniel Fielding.

On motion of Mr. WILLIAMS, of Kentucky, the same committee was discharged from the further consideration of the petitions of Isaac Allen, Augustine Bradford, Martha Green, Joseph Brown, Joseph Rowler, Thomas Bronough, Elisha Deming, Thomas Baker, Moses Smith, Merrill Pillsbury, and David Morse.

On motion of Mr. EVANS, the Committee on Roads and Canals was discharged from the further consideration of the memorial of inhabitants of St. Augustine, Florida, praying a donation of land to construct a railroad from St. Augustine to Picoleta.

On motion of Mr. McKENNAN, the Committee on Roads and Canals was discharged from the further consideration of certain resolutions of a public meeting held at Mineral Point, Wisconsin, asking for a donation of land; and also various memorials from the Wisconsin Legislature.

On motion of Mr. FLETCHER, the Committee on Patents was discharged from the consideration of a resolution of the House asking an inquiry into the propriety of refunding to applicants for a reissue of patents the fees paid by the same.

On motion of Mr. ROBINSON, the Committee on Patents was discharged from the further consideration of the petition of George Gray.

On motion of Mr. MITCHELL, the Committee on Invalid Pensions was discharged from the further consideration of the petition of Major Thomas Harrison; and the petitioners granted leave to withdraw the same.

Mr. DARLINGTON, from the Committee on Claims, made unfavorable reports on the peti-

tions of McCrae and Wakefield, and G. W. Sanders.

The SPEAKER laid before the House a communication from the Secretary of the Navy, in obedience to a resolution of the House of Representatives of the 11th instant, transmitting copies of certain charges against Commodore J. D. Elliott, by Lieutenant Hunter, &c., &c.

On motion of Mr. CAMBRELENG, referred to the select committee appointed to investigate charges against the Commodore.

#### CIVIL AND DIPLOMATIC BILL.

On motion of Mr. CAMBRELENG, the House went into the Committee of the Whole on the state of the Union, (Mr. BANKS in the chair,) and resumed the consideration of the "bill making appropriations for the civil and diplomatic expenses of Government for the year 1839."

The pending question was on the motion of Mr. BRONSON, to reduce the appropriation for compensation to the Board of Navy Commissioners one half, with a view to abolish the board on the 1st of July next.

Mr. EVANS, who was entitled to the floor, defended the character of the board, and expressed his surprise at this precipitate proposition to abolish what had been considered as one of the most important Departments of the Government, without a report from a committee, without a recommendation; nay, more, they were told the Secretary of the Navy desired to retain it. Were they, without any examination, scarcely with consideration, but upon mere vague rumor and newspaper paragraphs, to cut off this branch of the service? The complaints made were not chargeable to the Navy commissioners, for they were merely subservient to the Secretary of the Navy; and upon him should the responsibility rest. He denied that the bureau system would be more effective than the present board, or that it would produce a more direct responsibility. Mr. E. then went on to answer the charges brought against this board.

Mr. MALLORY, in reply, said the gentleman had substantially proved the truth of every allegation made by Mr. M. and others; for, in the course of his remarks, he had cited a number of documents which had escaped Mr. M., all, he found, going to substantiate them. Mr. M. then addressed the committee at considerable length in opposition to the continuance of this board; and gave the details of a plan he adverted to a day or two ago—the establishment of a system of bureaux.

Mr. JENIFER opposed the amendment with much earnestness, though he pledged himself if it could be proven that this board was useless, and a better substitute were presented, he would vote for it; but the proposed way of abolishing was insidious in its effect, ill timed, and ill placed.

Mr. KENNEDY then obtained the floor, but gave way to

Mr. CAMBRELENG, on whose motion the above bill was laid aside; and the committee took up and considered the bill to extend the time of issuing the balance of the Treasury notes authorized by the bill of last session.

The committee then rose, and reported the above bill without amendment; and it was ordered to be read a third time on Monday.

On motion, the House adjourned.

#### IN SENATE.

MONDAY, February 18, 1839.

The VICE PRESIDENT presented a communication in relation to the condition of the Bank of Mineral Point, in the Territory of Wisconsin; which was referred to the Committee on Finance, and ordered to be printed.

Also, a preamble and resolutions of the convention of delegates lately in session at St. Josephs, Florida, praying Congress to pass a law to remedy certain evils connected with banking and other incorporations; which were ordered to be printed, and lie on the table.

#### PETITIONS, ETC.

Mr. WALL presented documents showing the number of suits on the trial dockets of the circuit and district courts of the United States for the seventh circuit, during the last three years; which were ordered to be printed.

Mr. RUGGLES presented a petition of a number of citizens of New York, praying the establishment of a fog bell in Long Island Sound; which was referred to the Committee on Commerce.

Also, a petition of John Shaw, for the benefit of drawback on certain exported hemp; which was referred to the Committee on Commerce.

Mr. SEVIER presented the petition of Ira A. Sabin, to be allowed a preemption right to a tract of land, and a document showing the necessity of an increase of clerks in the office of the surveyor general of the district of Arkansas; which were severally referred to the Committee on Public Lands.

Mr. LINN presented a petition of the half-breeds of the Sac and Fox Indians, praying Congress to confirm a certain law of the Legislative Council of the Territory of Wisconsin; which was referred to the Committee on Indian Affairs.

Mr. FULTON presented certain resolutions of the Legislature of the State of Arkansas, asking the establishment of ports of entry at Little Rock and Van Buren, in that State; which were referred to the Committee on Commerce.

Also, resolutions of the General Assembly of Arkansas, in relation to the relinquishment of the sixteenth section adjoining Fort Smith, and to obtain the confirmation of titles to lands under Spanish confirmations; which was referred to the Committee on the Public Lands.

Mr. BENTON presented a memorial of the Legislative Council of Florida, praying the passage of a law authorizing the enrollment of volunteers for the defense of the Territory; which were ordered to be printed.

Mr. YOUNG presented a petition from a number of citizens residing in the Rock river country, in Illinois, for the establishment of a new land office; which, after some remarks from Messrs. YOUNG, CLAY of Alabama, and LINN, was ordered to lie on the table.

#### REPORTS FROM COMMITTEES.

Mr. DAVIS, from the Committee on Commerce, to which was referred an act for the relief of Isaac Lilley, reported the same without amendment.

Also, an act for the relief of Samuel Hoffman, with an amendment.

Mr. NORVELL, from the Committee on Commerce, to which was referred an act for the relief of the assignees of Jacob Clements, deceased, reported the same without amendment.

Mr. ROBBINS, from the Committee on the part of the Senate acting jointly with the committee appointed on the part of the House, on the Smithsonian bequest, submitted certain resolutions thereon; which were ordered to be printed.

Mr. R., from the same committee, reported a bill providing for the disposition and management of the fund bequeathed to the United States, in trust, by James Smithson, of London, for the establishment of an institution for the increase and diffusion of knowledge among men.

Mr. LINN, from the Committee on Indian Affairs, to which was referred the bill for the relief of Susan Gratiot, administratrix of Charles Gratiot, deceased, reported the same without amendment.

Mr. RIVES, from the Committee on Naval Affairs, to which was referred an act to authorize the Secretary of the Navy to purchase a tract of land belonging to the heirs of John Harris, deceased, reported the same without amendment.

Mr. FULTON, from the Committee on the Public Lands, to which was referred the act for the relief of Farish Carter and the heirs of Charles Williams, deceased, reported the same without amendment.

On motion of Mr. PIERCE, the petition of the widow of James B. Spafford, a revolutionary pensioner, was recommitted to the Committee on Pensions.

The report of the Committee on Revolutionary Claims adverse to the petition of Preserved Clapp, was considered and agreed to.

#### BILLS PASSED.

The following, having been engrossed, were severally read the third time, and passed:

The bill to incorporate Georgetown College, in the District of Columbia;

The bill supplemental to the "act granting cer-

tain city lots to the corporation of the Columbian College for the purposes therein mentioned," approved July 14, 1832;

The bill to extend the jurisdiction of the Corporation of the city of Washington over the Potomac bridge, &c.; and

The joint resolution authorizing the opening of an alley and the execution of certain deeds in the city of Washington.

#### MIRA ALEXANDER.

The bill for the relief of Mira Alexander was read the second time; and on the question of its engrossment, after a discussion in which Messrs. CRITTENDEN, NILES, HUBBARD, MORRIS, CALHOUN, NORVELL, PIERCE, and WHITE participated, it was decided in the affirmative—yeas 18, nays 17; as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Fulton, Linn, Merrick, Norvell, Rives, Roane, Robbins, Robinson, Smith of Indiana, Tallmadge, Walker, White, Williams of Mississippi, and Young—18.

NAYS—Messrs. Allen, Brown, Calhoun, Clay of Alabama, Hubbard, King, Lyon, Morris, Mouton, Niles, Pierce, Prentiss, Smith of Connecticut, Strange, Wall, Williams of Maine, and Wright—17.

#### RESOLUTIONS OF LOUISIANA.

Mr. MOUTON said that before taking up the order of the day, he begged to be permitted to present certain resolutions from the Legislature of the State of Louisiana, adverse to the independent Treasury system, and in favor of a national bank. He had received these resolutions last evening by the express mail, and felt anxious to lay them before the Senate at the first opportunity. These resolutions involved great and important principles of policy and constitutional questions of vital interest to the country. He would not take up the time of the Senate in discussing their merits; this was a question altogether with him and the Legislature of Louisiana, and, differing with them, he intended to address them a letter giving his views. He moved that they might be read and printed.

The resolutions were then read, and ordered to be printed.

The bill for the armed occupation and settlement of Florida, and the bill in addition to an act to promote the useful arts, were severally read a second time, and ordered to be engrossed for a third reading.

#### SECURITY OF PUBLIC MONEY.

The bill more effectually to secure public money in the hands of officers and agents of the Government, and to punish public defaulters, was taken up.

The amendments submitted by the committee were considered and adopted.

The question was then taken on the substitute offered by Mr. RIVES; and after some remarks from Messrs. RIVES, WRIGHT, and CALHOUN, the substitute was rejected—yeas 15, nays 27; as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Davis, Knight, McKean, Merrick, Prentiss, Rives, Ruggles, Smith of Indiana, Spence, Swift, Tallmadge, Webster, and White—15.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Fulton, Hubbard, King, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Walker, Wall, Williams of Maine, Williams of Mississippi, Wright, and Young—27.

The question then recurring on the engrossment of the bill,

After some remarks from Messrs. CALHOUN and TALLMADGE, the latter offered to amend the bill, by providing that when the collectors shall deposit the public money in any bank, they shall deposit it to the credit of the Treasurer of the United States.

The question was taken on this amendment, and it was lost—yeas 20, nays 22; as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Crittenden, Davis, Knight, McKean, Merrick, Nicholas, Prentiss, Rives, Robinson, Ruggles, Sevier, Smith of Indiana, Spence, Swift, Tallmadge, Webster, White, and Young—20.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Fulton, Hubbard, King, Linn, Lyon, Morris, Mouton, Niles, Norvell, Pierce, Roane, Smith of Connecticut, Strange, Walker, Wall, Williams of Maine, Williams of Mississippi, and Wright—22.

Mr. CLAY then moved that the Senate adjourn, which motion was decided in the negative.

The question was then taken, on ordering the

bill to be engrossed for a third reading, and it was carried—yeas 26, nays 16; as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Fulton, Hubbard, King, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Walker, Wall, Williams of Maine, Williams of Mississippi, Wright, and Young—26.

NAYS—Messrs. Bayard, Clay of Kentucky, Crittenden, Davis, Knight, McKean, Merrick, Prentiss, Rives, Ruggles, Smith of Indiana, Spence, Swift, Tallmadge, Webster, and White—16.

The Senate then adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, February 18, 1839.

Mr. MALLORY asked leave to submit the following resolution:

Resolved, That for the more effectual execution of the ministerial duties of the Navy Department, the Secretary of the Navy be directed to report to this House, at the commencement of the next Congress, a plan for the reorganization of this branch of the public service, adopting as the basis of his plan the division of those duties now performed by the board of commissioners, and their assignment to separate bureaux.

Objection being made,

Mr. M. moved a suspension of the rules; which was agreed to—ayes 106, noes 26; and the resolution being received,

Mr. M. moved its present consideration; but,

At the suggestion of Mr. EVANS, who intimated his intention to prepare some amendments to it, the resolution was laid over till to-morrow.

Mr. INGHAM, on leave, from the Committee on Naval Affairs, reported, without amendment, Senate bill to regulate the pay of masters in the Navy.

Mr. PARMENTER asked leave to move to print the proceedings of the Democratic portion of the Massachusetts Legislature on the subject of an independent treasury; which was objected to.

#### PETITIONS, ETC.

This being petition day,

Mr. CAMBRELENG suggested that all petitions on the subject of abolition be excluded.

Mr. ADAMS said he had about four hundred petitions to present, about some of which there might be doubts as to whether they related to abolition or not; and how was the question to be decided?

The SPEAKER said the motion of Mr. C. was out of order.

Mr. CAMBRELENG then moved that those members who had petitions to present, deliver them at the Clerk's table, and that they be entered on the Journal as though formally presented. By this course, nearly a whole day would be gained for the business of the House.

Mr. PICKENS protested against establishing such a precedent, for it was in violation of their rights and their respectability.

Mr. TILLINGHAST, Mr. LINCOLN, and Mr. ROBERTSON opposed the motion.

The SPEAKER referred to the Journal of last session, when a similar order was adopted.

Mr. ADAMS said that resolution was adopted on the 2d of July, only five days before the adjournment of Congress.

Mr. C. H. WILLIAMS moved to suspend the rules to receive Mr. CAMBRELENG's motion.

Mr. CALHOUN, of Massachusetts, moved to lay that motion on the table. Lost.

Mr. ADAMS then called for the yeas and nays on the motion to suspend, but they were refused, and the motion was agreed to—ayes 108, noes 49.

The following petitions were specially brought to the notice of the reporter:

Mr. DOTY presented a statement of the condition and standing of the Bank of Mineral Point, in Wisconsin, made by a committee of the Legislative Assembly, which is as follows:

"The annexed is a statement of the condition of the Bank of Mineral Point, January 4, 1839, as taken from the report of the committee:

Discounted bills.....	\$65,848 58
Securities.....	14,495 40
Contingent expenses.....	1,007 87
Advances on lead.....	9,730 12
Profit and loss.....	77 41

Cash:	
United States Treasury notes.....	\$7,995 37
Illinois, Missouri, and New York bank notes.....	17,558 00
Specie in bank.....	36,444 44
Corporation notes.....	1,494 00
Cash items.....	6,006 67
	69,498 48

Banking house and furniture.....	2,331 01
Bank of Wisconsin.....	5,580 68
Branch of Illinois State Bank at Galena.....	870 75
Advances on public buildings.....	908 12
Overdrafts.....	5,187 80
	\$175,545 62

Capital stock.....	\$100,000 00
Discount received.....	743 64
Circulation.....	53,075 00
Deposits.....	21,716 98
	\$175,545 62

The committee close the report as follows:

"From a full and particular investigation of its books and funds, and from the statements of its cashier, under oath, as well as from the general confidence of the community in which it is placed, your committee unhesitatingly express the belief that the Bank of Mineral Point is in a sound and safe condition."

Mr. D. also presented the petition of citizens of Wisconsin, to establish a post route from Southport to Foxville, and a post office at Utica. Also, two petitions of inhabitants of Wisconsin, praying that a harbor may be constructed at Milwaukee.

Mr. CHAPMAN, of Alabama, presented the memorial of the Legislature of Alabama, asking an extension of the provisions of the preemption law of June, 1838, so as to include certain citizens who are equitably entitled, but not embraced by said act; which was referred to the Committee on Public Lands. Also, the petition of certain citizens of Cherokee county, Alabama, also for an extension of the provisions of the preemption law, for the benefit of several classes of settlers who are equitably entitled; which was referred to the Committee on Public Lands. Also, the petition of certain citizens residing on the section of public land where it is supposed the Selma and Tennessee railroad will terminate, at Gunter's Landing, on the Tennessee river, who are entitled to preemptions, giving their assent to an act of Congress granting the said section to said railroad company, and asking a right of preemption elsewhere in lieu thereof, which was referred to the Committee on Public Lands. Also, the petition of Elisha Moulard, Robert J. Kennedy, and Madison E. Lewis, of Alabama, praying each a right of preemption in lieu of those of which they have been deprived; which was referred to the Committee on Public Lands. Also, the petition of Charles Taylor, of Madison county, Alabama, for a right of preemption; which was referred to the Committee on Public Lands. Also, the petition of Captain Matthew Gant, and Captain James Lamar, lately commanding companies in the service of the United States, in the emigration of the Cherokees, praying to have refunded money expended by them for provisions, &c., for their companies before they were mustered into service and furnished by the Government; which was referred to the Committee on Military Affairs. Also, a memorial of the Legislature of Alabama, asking Congress to relinquish the Muscle Shoal canal, on the Tennessee river, to said State; which was referred to the Committee on Roads and Canals.

Mr. FLETCHER, of Vermont, presented sundry resolutions of the inhabitants of Montpelier, Washington county, State of Vermont, and its vicinity, in convention assembled on the 17th of December, 1838, and adjourned to the 29th of the same month, upon the wanton and barbarous attack on the steamer Caroline, the neutrality law, and the difficulties on the Canadian frontiers, and moved that the same be committed to the Committee on Foreign Affairs, and be printed. Also, the petition of Joseph Brown, praying for an increase of pension, and moved that the same be referred to the Committee on Invalid Pensions. Also, the petition of John Nelson and numerous inhabitants of Ryegate, county of Caledonia, and State of Vermont, praying the abolition of slavery in the District of Columbia, and in Florida the traffic in slaves, admission of States into the Union recognizing slavery, and the annexation of Texas to the Union. Also, the petition of Walter Harvey and numerous inhabitants of Barnet, same county and State, praying for the same objects.

Mr. HALEY presented the petition of one hundred and sixteen citizens of New London, Connecticut, praying that no State be admitted into the Union whose constitution tolerates slavery,

and to reject all applications or propositions for the annexation of Texas to the United States. Also, the petition of one hundred and six citizens of New London, Connecticut, praying for the abolition of slavery in the District of Columbia and in the Territory of Florida, and to prohibit the traffic in human beings in the States. Also, the petition of forty-eight citizens of Windham county, in Connecticut, praying that Congress will not admit any new State into the Union whose constitution admits slavery, and to reject all applications and propositions for the annexation of Texas to the United States. Also, the petition of a number of citizens of Pomfret, in Connecticut, praying for the immediate abolition of slavery in the District of Columbia and in the Territory of Florida, and to prohibit the traffic in human beings in the States. Also, the petition of Mrs. Amy Brown, praying for a pension in consequence of services rendered by her father, Nathaniel Adams, in the revolutionary war, and was slain in battle at Fort Griswold, in Connecticut.

Mr. HARPER presented the petition of John Jamison and forty-two men, and Rebecca Jamison and thirty-one women, of Nashua city, Ohio, remonstrating against the annexation of Texas. Also, the petition of John Jamison and thirty-three males, and Rebecca Jamison and thirty-one females, of Nashua city, Ohio, praying for the abolition of slavery in the District of Columbia.

Mr. HENRY presented the petition of a number of the citizens of Beaver county, Pennsylvania, for the establishment of a national armory at the falls of Beaver river, in said county; which was referred to the Committee of the Whole on the state of the Union. Also, the petition of a number of citizens of Mercer county, Pennsylvania, praying Congress to abolish slavery in the District of Columbia, the slave trade between the States, and to prohibit the admission of any new State into the Union the constitution of which tolerates slavery. Also, the petition of a number of the citizens of Beaver county, Pennsylvania, praying Congress to abolish slavery in the District of Columbia and the Territories; also, the slave trade between the States, and to prohibit the admission of any new State into the Union the constitution of which tolerates slavery.

Mr. GRAHAM, of Indiana, presented a petition signed by George M. Profit and one hundred and thirty-five others, members of the Legislature of the State of Indiana, also the Governor and Board of Internal Improvement of said State, (certified by the Secretary of State to be genuine,) praying Congress to appoint competent engineers to examine the surveys made by the Jeffersonville and New Albany Canal Company, and to grant such additional aid to said company as may be deemed proper to carry into effect the object of said company; which was referred to the Committee on Roads and Canals. Also, the petition of Isaac Dun and ninety-four others, citizens of States bordering on the Ohio river, praying Congress to appoint competent engineers to examine the surveys made by the Jeffersonville and New Albany Canal Company, and that such additional aid be granted by Congress as may be deemed proper; which was referred to the Committee on Roads and Canals. Also, the petition of James Chambers and one hundred and twenty others, citizens of Washington county, Indiana, praying Congress to make certain grants to citizens of the United States who may make settlements and become permanent residents in the territory of the United States west of the Rocky Mountains.

Mr. DUNN presented the petition of John Erebank and forty-eight others, citizens of Indiana, praying for the abolition of slavery in the District of Columbia.

Mr. YELL introduced the following memorials, petitions, &c., from the Legislature of the State of Arkansas: asking the relinquishment of the sixteenth section in township eight north, range thirty-two west, for the benefit of the garrison at Fort Smith; for an appropriation for the Memphis road, and to make Little Rock and Van Buren ports of entry; and a petition from sundry citizens of Arkansas, praying the establishment of a mail route from Greenville to Manchester, in Clark county, Arkansas.

Mr. HARRISON presented petitions and memorials of the Legislature of Missouri, asking the passage of a law requiring the Commissioner

of the General Land Office, or the register of the land district, to furnish to each purchaser a copy of the field notes of the land purchased; a memorial asking an appropriation to remove obstructions at the mouth of the Des Moines river; a paper from Samuel Gladney, to accompany his petition for a preemption right; the petition of sundry citizens of Marion, Clark, and Lewis counties, praying the establishment of a post route therein mentioned, together with a remonstrance against the same by many other citizens of the same counties; and the petition of Abner J. Adair, administrator of Wyatt Adkins, for remuneration for depredations committed by the Osage Indians.

Mr. TAYLOR presented the petition of Levi Carr, of the town of Manlius, New York, for an invalid pension. Also, the petition of Asa Merrill and ten others, of the same town, and soldiers of the Revolution, praying for an increase of pension.

Mr. JACKSON, of New York, presented a petition from sundry citizens of the port of Sag Harbor, asking for an appropriation to erect a light-house on Gardiner's Island, Suffolk county, New York.

Mr. BICKNELL presented a petition to establish a post road from Wampsville, in Madison county, New York, by Lenox Furnace, to Cawasselon creek; which was referred to the Committee on the Post Office and Post Roads.

Mr. DAVEE presented the petitions of Cyrus Packard, and thirty-six others, of Blanchard, Maine; of John Shaw and eighty-five others, of Exeter, Maine; and of Nancy G. Norcross and three hundred and thirty-seven other women, of the city of Bangor, Maine, praying Congress not to admit any new State into the Union whose constitution tolerates slavery, and to reject all applications for the annexation of Texas to the United States; and further pray that a select committee may be appointed before whom the petitioners may be heard in person or by counsel. Also, the petitions of Cyrus Packard and thirty-seven others, of Blanchard, Maine; of Susan K. Garnsey and three hundred and sixty-seven other women, of the city of Bangor, Maine, praying that Congress would immediately abolish slavery in the District of Columbia, and in the Territory of Florida, and to prohibit the traffic in human beings between the several States; which petitions were severally laid upon the table under the order of the House of Representatives of the 12th of December, 1838. Also, the petition of John Palmer and others, praying for a new mail route from Palmer's Corner, in Cornville, to Anson village, Maine; which was referred to the Committee on the Post Office and Post Roads.

Mr. PARMENTER presented sundry resolutions adopted by one hundred and seventy members of the two branches of the Massachusetts Legislature, constituting nearly one third of that body, expressing their wishes that the Independent Treasury bill should be passed into a law, and declaring their confidence in the President of the United States and the national Administration, and approbation of their measures and policy; which was referred to the Committee of the Whole on the state of the Union. Mr. P. also presented the petition of Francis Tinker and two hundred and four others, male and female adults of Ashby, in the State of Massachusetts, praying that all orders of the House restricting the right of petition on any subject may be rescinded. Also, the petition of Josiah Kendall and others, of Dunstable, Massachusetts, for the same object; petition of Micajah Bowers and twelve others, of Chelmsford, Massachusetts, for the same object; petition of Benjamin Spalding and thirty other men, and Polly F. P. Spalding and thirty-five other women, of Chelmsford, Massachusetts, for the same object; petition of Mary S. P. Hayward and seventy-eight other women, of Ashby, for the abolition of slavery in the District of Columbia, and of the slave trade between the States of the Union; petition of Elizabeth A. Moulton and one hundred other women, of Marlboro', for the same object; petition of Henry Wave, jr., and one hundred and three other citizens of Cambridge, praying that all orders of the House restricting the right of petition may be rescinded; petition of Lucy Gilmore and one hundred and thirty-two others, of Cambridge, for the same object; petition of Isaac H. Bowman and twenty-

four men, and Lucy A. B. Brawner and forty-four other women, for the same object.

Mr. JOHNSON, of Louisiana, presented the petition of T. J. Durant and James Fouzer, of Louisiana, soliciting a grant of land in the said State, for the purpose of cultivating thereon the morus multicaulis, or Chinese mulberry tree, and raising silk worms, and manufacturing silk; which was referred to the Committee on Agriculture.

Mr. RIDGWAY presented a petition signed by Slocum Hawland and twenty-five others, respectable citizens of Cayuga county, New York. They respectfully pray the two branches of Congress immediately to abolish slavery and the slave trade in the District of Columbia, and those Territories where the same practice exists; and so to exercise their constitutional powers, vested in them, "to regulate commerce among the slave States," as entirely to prohibit the domestic slave trade; which petition, under the order of the House of December 12, 1838, was laid on the table. Also, a petition signed by Slocum Hawland and twenty-five other citizens, also from the same section of New York State, who respectfully petition Congress not to admit any new States to this Union whose constitutions tolerate domestic slavery, and promptly to reject all proposals for the annexation of Texas to this Union, from whatever source they may come. That part of the petition which relates to domestic slavery was laid on the table, under the rules of the House of December 12, 1838; and that part which relates to the annexation of Texas was referred to the Committee on Foreign Affairs. Also, a petition signed by twenty females and forty-three males, all of age, from Mount Gilead, Marion county, Ohio. They respectfully ask the two branches of Congress to exercise their constitutional powers for the abolition of slavery in the District of Columbia; which was laid on the table, under the rule of the House of December 12, 1838.

Mr. EVERETT asked leave of the House to offer a resolution; which was read to the House as follows:

*Resolved*, That the Secretary of War be directed to lay before this House a statement of the proceedings of his Department, in the execution of the first and second provisions of the 4th article of the treaty of the 1st November, 1837, with the Winnebago Indians, and copies of all correspondence relating thereto; and also, a statement of any information received relating to any speculation or alleged misconduct of any person or persons employed in the execution of the said provisions; and copies of all correspondence relating thereto.

Objection being made to its reception at that time,

Mr. E. moved a suspension of the rules to enable him to do so; but the House refused.

#### PUBLIC LANDS.

The unfinished business of the morning hour was then resumed, being the report of the Select Committee on the Public Lands.

Mr. HARRISON resumed and concluded his remarks in reply to Mr. ROBERTSON; when Mr. PARKER obtained the floor, but gave way to Mr. CAMBRELENG, on whose motion the House proceeded to the orders of the day.

Mr. ROBERTSON then submitted a motion that the above subject be referred to the Committee of the Whole on the state of the Union, and be made the special order at half past one o'clock for to-morrow and next day.

Objection being made, Mr. R. moved a suspension of the rules, and asked for the yeas and nays, stating that he should consider this a test vote on the subject itself.

Mr. MURRAY said he should vote against suspending the rules, but that vote was not to be regarded as an expression of his opinion on the matter involved.

The yeas and nays were ordered; and, being taken, resulted—yeas 63, nays 106.

So the rules were not suspended, two thirds not voting in favor thereof.

#### PAYMENT FOR HORSES LOST.

Mr. TURNEY asked the House to take up and consider the bill to revive the act providing for the payment of horses lost in the Florida war; but at the suggestion of the Speaker waived it till sundry bills and joint resolutions from the Senate were taken up, read twice, and referred to their appropriate committees.

# THE CONGRESSIONAL GLOBE.

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TUESDAY, FEBRUARY 26, 1839.

VOL. 7....No. 13.

Mr. T. then renewed his motion; but it did not prevail.

## TREASURY NOTES.

Mr. CAMBRELENG asked the House to take up the bill to extend the time of the act authorizing the issue of Treasury notes till May, and to issue the unissued balance.

Mr. STANLY objected.

Mr. CAMBRELENG moved a suspension of the rules; which prevailed without a division.

The bill was accordingly taken up, and the question being upon its passage,

Mr. GARLAND, of Louisiana, called the attention of the House to the fact that the Administration were striving to carry out this system of paper currency.

Mr. CAMBRELENG explained that this bill only authorized the issue of the balance not issued under the act of last session. It was, in fact, nothing more than to carry out the intention of that law, which was rendered the more necessary from the suspension of one of the southern deposit banks, and the loss accruing in the customs from the shipwreck of the three New York packets.

Mr. MENEFEE should not oppose the bill, but its necessity showed the fallacy of the report of the Secretary of the Treasury on the state of the finances.

Mr. UNDERWOOD inquired if this bill had been originally introduced at the desire of the Treasury Department?

Mr. CAMBRELENG, in reply, stated that the Secretary of the Treasury, at the commencement of the session, had asked Congress for the passage of this measure.

The debate was further continued by Messrs. BIDDLE, PICKENS, RHETT, BELL, HALSTED, LYON, and POTTER; when

Mr. C. H. WILLIAMS demanded the previous question; but withdrew it at the suggestion of

Mr. STANLY, who made a few remarks in opposition to the bill, and, having concluded, renewed the motion for the previous question, which was seconded by the House, and the main question ordered.

Mr. GRAVES moved a call of the House; which was ordered, and proceeded in for some time; when,

On motion of Mr. GARLAND, of Louisiana, all further proceedings in the same were dispensed with.

The question now recurring upon the passage of the bill,

Mr. WILLIAMS, of Kentucky, demanded the yeas and nays; which were ordered, and were—yeas 102, nays 88; as follows:

YEAS.—Messrs. Adams, Anderson, Andrews, Atherton, Banks, Beatty, Beers, Berne, Bicknell, Birdsall, Borden, Bouldin, Briggs, Brodhead, Bronson, Buchanan, Cambreleng, Casey, Chaney, Cleveland, Connor, Cray, Cushman, Davee, De Graff, Dromgoole, Duncan, Edwards, Evans, Farrington, Isaac Fletcher, Fry, Gallup, James Garland, Glascock, Grantland, Gray, Greinell, Haley, Hamer, Harrison, Hawkins, Haynes, Ingham, Thomas B. Jackson, Jabez Jackson, Joseph Johnson, Nathaniel Jones, Keim, Kemble, Klingensmith, Legare, Leadbetter, Lincoln, Logan, Loomis, Lyon, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, Miller, Montgomery, Moore, Morgan, Murray, Noyes, Palmer, Parker, Parmenter, Parris, Paynter, Pearce, Pennybacker, Pettkin, Plumer, Potter, Pratt, John H. Prentiss, Reed, Reily, Richardson, Ridgway, Rives, Robinson, Saltonstall, Sheffer, Shepler, Stuart, Swearingen, Titus, Toucey, Turney, Vail, Vandervoer, Webster, Whiteley, Jared W. Williams, Joseph L. Williams, Worthington, and Yell—102.

NAYS.—Messrs. Alexander, Heman Allan, Ayer, Bell, Biddle, Bond, William B. Calhoun, John Calhoun, Carter, Cheatham, Childs, Clowney, Coles, Corwin, Crabb, Craig, Cranston, Crockett, Cushing, Davies, Deberry, Dennis, Dunn, Elmore, Ewing, Richard Fletcher, Fillmore, Rice Garland, Giddings, Goode, James Graham, William Graham Graves, Griffin, Halsted, Hawes, Henry, Hoffman, Robert M. T. Hunter, Jenifer, Henry Johnson, William C. Johnson, Kennedy, Lewis, Marvin, Sampson Mason, Maury, May, Maxwell, Menefee, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Ogle, Peck, Pickens, Potts, Sergeant S. Prentiss, Putnam, Rariden, Randolph, Rencher, Rhett, Robertson, Russell, Sawyer, Augustine H. Shepperd, Shields, Sibley, Slade, Southgate, Stanly, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Lewis Williams,

Sherrard Williams, Christopher H. Williams, Word, and Yorke—88.

So the bill was passed.

On motion of Mr. BRIGGS, the title of the same was so amended as to read, "An act to revive and extend" the act authorizing the issue of Treasury notes.

On motion of Mr. KENNEDY, the House then adjourned.

## IN SENATE.

TUESDAY, February 19, 1839.

The VICE PRESIDENT presented the credentials of Hon. REUEL WILLIAMS, elected by the Legislature of Maine, a Senator from that State, for six years, from the 4th of March next; which were read.

Mr. CALHOUN presented the credentials of Hon. THOMAS H. WILLIAMS, elected by the Legislature of Mississippi, a Senator from that State, to supply the vacancy occasioned by the resignation of Hon. James F. Trotter; which were read.

Mr. W. was then qualified, and took his seat.

## MEMORIALS.

Mr. NORVELL presented a memorial from the Governor of the Territory of Iowa, asking Congress to authorize the seat of Government of that Territory to be located on the public lands, in the county of Johnson, and to make a grant for that purpose; which was referred to the Committee on the Public Lands.

Mr. WRIGHT presented a memorial of the American Society for the Diffusion of Useful Knowledge, asking Congress to promote the objects of said society; which was referred to the Committee on the Library, and ordered to be printed.

Mr. BENTON presented a memorial of sundry inhabitants of Charles county, Missouri, who propose to emigrate to Oregon Territory, and asking a grant of land therein; which was referred to the Committee on Public Lands, and ordered to be printed.

On motion of Mr. ROBINSON, it was

Ordered, That the memorial of a number of citizens of Paducah and McCracken counties, Kentucky, in relation to the claim of Francis A. Harrison, on the files of the last session, be referred to the Committee on the Post Office and Post Roads.

Mr. NORVELL presented the memorial and joint resolution of the Legislature of the State of Michigan, requesting Congress to make appropriations for the completion of the public and military roads commenced by the United States in that State while she was in her territorial condition.

In presenting these papers, Mr. N. said that the Legislature of Michigan had correctly stated that, in consequence of the commencement of the roads in question by this Government, a number of persons had been induced to purchase and settle on the public lands along the routes of these roads. The settlers near their lines are, in fact, very numerous. Their purchases were made in full confidence that the roads would be finished. The Legislature justly consider that this Government was bound to redeem the faith which it pledged to complete them. Again: the Legislature of Michigan represent the great importance of Mackinac as a military post. It was known to be so by all military gentlemen at all acquainted with the country. It was situated in a secluded position, inaccessible in winter, without any road leading to it, unless Congress should prosecute to completion that which they had commenced at Detroit, seventy miles of which only had been made. In every view of the subject, it appeared to him that the request of the Legislature deserved immediate attention and compliance on the part of Congress. Without further remarks, he moved that the memorial and joint resolution be referred to the Committee on Roads and Canals, and printed. And he begged to call the special attention of that committee to the subject,

so interesting to Michigan, and so important, in a military point of view, to the nation.

Mr. LYON said he desired to call the attention of the Senate to the fact that, at the last session of Congress, he had introduced a bill to provide for the completion of the roads referred to in the memorial, by giving to the State of Michigan the usual percentage of the net proceeds of the sales of the public lands in that State, from the time when her constitution was formed to the time when she received it under the act supplementary to the act providing for her admission into the Union, which was about one year. This was, in his opinion, the best mode of making provision for the completion of these roads and closing up all the works of this description begun by the General Government within the limits of the State. The bill passed the Senate, but failing to receive the action of the other branch of Congress, it did not become a law. He again introduced it, at an early period of the present session, and hoped for a more favorable result; but, contrary to what he thought the people of Michigan had a right to expect, there was found to be a majority of the Senate against it, and it was laid on the table. Though the bill proposed to give to Michigan precisely what every other new State in the Union had received, and no more, it was voted down; and among those whose votes were found recorded against what appeared to him so reasonable a proposition, were Senators from some of the new States which had received, not only what was asked by the bill, but millions upon millions of the public money besides, for similar objects. The bill was defeated, and now something else must be done. He was determined not to relax his efforts to effect the object he had in view, so long as he should retain his seat in the body, and if he could not do it in one way, he would try another. He observed a bill on the table to provide for the completion of certain military roads in the State of Arkansas, and as that State seemed to fare rather better than his own, he designed, at a proper time, to offer an amendment to that bill, which would provide for the completion of the military roads in Michigan also.

The motion to refer and print the memorial was then agreed to.

## PORT OF ENTRY AT INDIAN KEY.

Mr. NORVELL said that, a few days ago, he had been induced, by a gentleman in whose word he supposed he could confide, to present a memorial from W. A. Whitehead, in reference to the establishment of a port of entry at Indian Key, in Florida. It was printed on his motion. He had subsequently ascertained that the memorial contained a very gross attack upon another gentleman, (Thomas Jefferson Smith,) of whose character he entertained a very favorable opinion. He received the memorial as he was coming into the Senate, and, in reply to a question propounded by him on the occasion, he was assured that it was perfectly respectful in its language. He never would, knowingly, permit this body to become the medium of calumny upon the character of any man. As the only course by which he could remedy the evil of which he had been the unconscious agent, he moved that the memorialist have leave to withdraw this memorial from the files of the Senate, and that the Committee on Commerce be discharged from its further consideration. The subject of Indian Key as a port of entry would still be before the committee upon other memorials and papers.

The motion was unanimously agreed to.

## REPORTS FROM COMMITTEES.

Mr. NORVELL, from the Committee on Revolutionary Claims, to which was referred the following bills, reported the same without amendment:

An act for the relief of the heirs of Crocker Sampson;

An act for the relief of Nicholas Plehan;

An act for the relief of Nathaniel Plumb; and

An act for the relief of Major Tarlton Woodson.

Mr. HUBBARD, from the Committee on Claims, to which was referred an act for the relief of Return G. Brown, reported the same without amendment.

Also, an act for the relief of Ebenezer A. Lester, reported the same without amendment, and with a recommendation against its passage.

Mr. YOUNG, from the Committee on Claims, to which was referred the following bills, reported the same without amendment:

An act for the relief of Woodburn Potter; and  
An act for the relief of Joseph M. Hernandez.

Also an act for the relief of the legal representatives of Nimrod Farrow and Richard Harris, without amendment, and with a recommendation against its passage.

Mr. Y., from the Committee on Roads and Canals, to which was referred the petition of —, asked to be discharged from the further consideration thereof, and that the petitioner have leave to withdraw his papers; which was agreed to.

Mr. Y. also, from the same committee, to which was referred a bill for the relief of the Washington County and St. Genevieve Railroad Company, reported the same without amendment.

Mr. KNIGHT, from the Committee on Indian Affairs, to which was referred a bill for the relief of the Choctaw Indians, made an unfavorable report thereon; which was ordered to be printed.

Mr. NILES, from the Committee on Claims, to which was referred the following bills, reported the same without amendment:

An act for the relief of the legal representatives of Dr. James H. Cheears;

An act for the relief of Andrew Rembert;

An act for the relief of William Traverse;

An act for the relief of Adam Smith; and

An act for the relief of Thomas Sinnard.

Also, the bill for the relief of Cornelius Tiers, with an amendment.

Mr. MERRICK, from the same committee, to which was referred the following bills, reported the same without amendment:

An act for the relief of E. H. Williams, administrator of H. W. Crouch;

An act for the relief of John L. McCarty; and

An act for the relief of Frederick Richmond.

Also, the act for the relief of Garret Vleit, with a recommendation against its passage.

Mr. M., from the Committee on the Post Office and Post Roads, to which was referred the petition of Samuel R. Slaymaker, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. M. also, from the same committee, to which was referred the petition of Hugh A. Crawford, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. KING, from the Committee on Commerce, to which was referred the following bills, reported the same without amendment, and with a recommendation against their passage:

An act for the relief of Jacob Galencia; and

An act for the relief of Robert Milnor and John Thompson.

Mr. FULTON, from the Committee on Roads and Canals, to which was referred an act to authorize the construction of a road from Dubuque, in the Territory of Iowa, to the northern boundary of the State of Missouri, and for other purposes, reported the same without amendment.

Mr. WILLIAMS, from the Committee on Revolutionary Claims, to which was referred an act for the relief of the legal representatives of Captain Joshua Huddy, reported the same without amendment.

Mr. WALL, from the Committee on the Judiciary, to which was referred the petition of John McCalla, asked that the petitioner have leave to withdraw his papers; which was agreed to.

#### USEFUL ARTS.

The bill in addition to an act to promote the useful arts was read the third time and passed.

#### ARMED OCCUPATION OF FLORIDA.

The bill for the armed occupation and settlement of Florida was taken up; and after an animated discussion, in which Messrs. MORRIS, DAVIS, CLAY of Kentucky, and SMITH of Indiana opposed the bill, and Messrs. BENTON and LINN advocated it, the question was taken

on its passage, and resulted in the affirmative—yeas 25, nays 18; as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Fulton, Hubbard, King, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Walker, Wall, Williams of Mississippi, Wright, and Young—25.

NAYS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Davis, Knight, Merrick, McKean, Morris, Prentiss, Rives, Ruggles, Smith of Indiana, Spence, Swift, Tallmadge, Webster, and White—18.

#### INDIAN RESERVATIONS.

The bill relinquishing the reversionary interest of the United States to certain Indian reservations, was taken up.

The question being on the engrossment of the bill, it was decided in the negative—yeas 4, nays 30; as follows:

YEAS—Messrs. Lyon, Smith of Indiana, Swift, and Young—4.

NAYS—Messrs. Allen, Bayard, Benton, Brown, Calhoun, Clayton, Crittenden, Davis, Fulton, Hubbard, Knight, Linn, Merrick, Nicholas, Niles, Norvell, Pierce, Prentiss, Roane, Ruggles, Sevier, Spence, Strange, Walker, Wall, Webster, White, Williams of Maine, Williams of Mississippi, and Wright—30.

The Senate then adjourned.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, February 19, 1839.

The House resumed the consideration of the business of the morning hour, being the report of the select committee on the public lands, and the motion of Mr. ROBERTSON to recommit the same with instructions.

Mr. PARKER, who was entitled to the floor, addressed the House until the expiration of the hour, in reply principally to the remarks of Mr. HARRISON.

[His remarks will be published hereafter.]

#### NAVY BOARD.

Mr. MALLORY asked unanimous consent to take up the following resolution, offered at a previous day:

Resolved, That for the more effectual execution of the ministerial duties of the Navy Department, the Secretary of the Navy be directed to report to this House, at the commencement of the next Congress, a plan for the reorganization of this branch of the public service, adopting as the basis of his plan the division of those duties now performed by the board of commissioners, and their assignment to separate bureaus.

Objection being made to its consideration,

Mr. MALLORY moved a suspension of the rules; which the House agreed to do, by a vote of 88 for it to 44 against it.

Mr. M. then moved the previous question.

Mr. WILLIAMS, of Kentucky, moved to lay the whole subject upon the table; and upon that motion

Mr. DROMGOOLE demanded the yeas and nays; but the House refused to order the same.

The question was then taken on the motion to lay upon the table, and decided in the negative.

The question then recurring upon the motion for the previous question, it was seconded by the House.

Mr. EVANS demanded the yeas and nays on the motion, "Shall the main question be now put?" which were ordered, and were—yeas 110, nays 72; as follows:

YEAS—Messrs. Andrews, Atherton, Ayer, Beatty, Beers, Beirne, Bell, Bicknell, Birdsall, Bouldin, Bronson, Buchanan, Cambreleng, William B. Campbell, John Campbell, Carter, Casey, Chaney, Chapman, Cheatham, Cleveland, Clowney, Coles, Connor, Crary, Cushman, Davee, De Graft, Dringgoole, Dunn, Edwards, Farrington, Isaac Fletcher, Gallup, James Garland, Rice Garland, Glascock, Goode, Grant, Griffin, Haley, Hamer, Harrison, Hawkins, Herod, Holt, Howard, Thomas B. Jackson, Jabez Jackson, Joseph Johnson, Nathaniel Jones, Keim, Klingensmith, Leadbetter, Lewis, Logan, Loomis, Lyon, Maffory, James M. Mason, Martin, Maury, McKay, Robert McClellan, Abraham McClellan, McClure, Menefee, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Calvary Morris, Murray, Noble, Palmer, Parker, Parris, Paynter, Pennybacker, Petrikin, Pickens, Potter, Pratt, John H. Prentiss, Reilly, Rhett, Richardson, Rives, Sawyer, Shepler, Shepler, Spencer, Swearingen, Taylor, Titus, Turney, Underwood, Vail, Vandever, Webster, Lewis Williams, Jared W. Williams, Joseph L. Williams, Word, Worthington, and Yell—110.

NAYS—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Biddle, Bond, Borden, Briggs, William B. Calhoun, John Calhoun, Chambers, Corwin, Cranston, Crockett, Cushing, Darlington, Davies, Deberry, Dennis, Evans, Everett, Ewing, Richard Fletcher, Fillmore, Giddings, William Graham, Grantland, Hawes, Henry, Hoffman, Ingham, Henry Johnson, Kennedy, Lincoln, Marvin, Sampson, Mason, Maxwell, McKennan, Mercer, Milligan, Naylor,

Noyes, Ogle, Parmenter, Pearce, Peck, Pope, Potts, Putnam, Rariden, Randolph, Reed, Rencher, Ridgway, Robinson, Rumsey, Russell, Saltonstall, Shields, Sibley, Slade, Stanly, Stuart, Stone, Stratton, Taliaferro, Tillinghast, Toland, Albert S. White, John White, Sherrard Williams, Christopher H. Williams, and Yorke—72.

So the main question was ordered, and the resolution was adopted.

#### LANDS IN TENNESSEE.

Mr. C. H. WILLIAMS asked the House to take up and consider Senate bill entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same."

Objection being made,

Mr. W. moved a suspension of the rules for that purpose; but the House refused.

#### TREATY WITH WINNEBAGO INDIANS.

Mr. EVERETT asked leave of the House to offer the following resolution:

Resolved, That the Secretary of War be directed to lay before this House a statement of the proceedings of his Department in the execution of the first and second provisions of the fourth article of the treaty of 1st November, 1837, with the Winnebago Indians, and copies of all correspondence relating thereto; and also, a statement of any information received relating to any speculation or alleged misconduct of any person or persons employed in the execution of said provisions; and copies of all correspondence relating thereto.

Objection being made,

Mr. E. moved a suspension of the rules for that purpose, and upon that motion demanded the yeas and nays; which were ordered, and were—yeas 127, nays 43.

So the rules were suspended.

Mr. EVERETT having intimated that he did not wish to consume the time of the House by debating the proposition,

Mr. PARKER moved to amend the resolution by adding the following:

And that the report made on the subject by the Commissioner of Indian Affairs, and decision of the Secretary thereon.

Mr. EVERETT accepted it as a modification, and the resolution as thus modified was adopted.

On motion of Mr. CHAMBERS, the House granted the Committee of Claims the privilege of holding its sessions during the sittings of the House.

The SPEAKER laid before the House a communication from the Department of the Treasury, in compliance with the resolution of the House of Representatives of the 14th ultimo, transmitting a communication of F. R. Hassler, inclosing so much of his survey as relates to the harbor of New Haven, Connecticut.

On motion of Mr. INGHAM, it was laid upon the table, and ordered to be printed.

Mr. TURNEY asked the House to take up and consider the bill to revive a former act for the payment for horses lost in the Florida war.

Objection being made,

Mr. T. moved to suspend the rules for that purpose; which, however, the House refused to do.

#### CIVIL AND DIPLOMATIC BILL.

The House then resolved itself into the Committee of the Whole on the state of the Union, (Mr. BANKS in the chair,) and resumed the consideration of the civil and diplomatic appropriation bill.

The question immediately before the committee was the motion of Mr. CRARY to strike out from the bill the appropriation for the Navy Board.

Mr. KENNEDY, who was entitled to the floor, said he was pleased that the House had, since he obtained it, shaped for itself another course, by adopting the resolution calling for a report of a plan from the Secretary of the Navy, at the next session, for reorganizing this board, and therefore rendered it unnecessary for him to say much as to the particular motion before the House. He thought the course adopted was the most appropriate one. Mr. K. then went on to review the policy of the past and present Administration, and denounced it in unmeasured terms.

Mr. HOWARD then obtained the floor, and said, as a friend to the Navy, he returned his sincere thanks to the gentleman from Michigan for the interest he evinced in hurrying forward the proposition; and, instead of being rebuked on

account of the section of country from which it came, as had been done by some gentlemen, he merited their thanks.

He then went on to reply, at length, to his colleague, [Mr. KENNEDY,] in vindication of the Administration. He referred to the essential services which that gentleman had rendered in breaking down the administration of John Q. Adams, which he had just eulogized, and the great talent he had evidenced, and had devoted, to bringing into existence the administrations of General Jackson and Martin Van Buren, which he had just denounced in such unmeasured terms. He looked upon the violent struggle of the Opposition for the Presidency, as the prolific source from which sprung all the evils of the present day which his colleague [Mr. K.] complained of. He then referred to the tariff question, which, he feared, instead of being settled with a single eye to the interest of the country, would be pressed into requisition to subserve party ends, and instanced the periodical attempts to agitate that question just preceding the past presidential election. He referred to the question of limitation to the term of service of the Presidency, which had been spoken of by the gentleman from Kentucky, [Mr. UNDERWOOD,] and intimated that he would be in favor of a limitation to one term of six years. He then examined the charge of proscription, which had been so frequently rung in the ears of the party, and referred to the large number of the Opposition in office in the State he in part represented, and elsewhere, and reviewed the course pursued by the Opposition where they had the power.

Mr. KENNEDY briefly rejoined.

Mr. BRONSON said that, at the suggestion of many gentlemen who were friendly to the amendment itself, but who did not consider this as the proper time to press it, and especially since the passage of the resolution of this morning rendered further action at this time unnecessary, he would withdraw the amendment he had offered; and he withdrew it accordingly.

Mr. SLADE proposed to amend the bill by inserting an appropriation of \$9,000 to cover the outfit and salary of a diplomatic agent to Hayti.

Mr. BRONSON asked if the amendment was in order?

The CHAIRMAN ruled it not to be in order until that part of the bill was reached in which it was proposed to be inserted.

The reading of the bill now proceeded. At the end of page 17, Mr. BRONSON moved to insert the following proviso to that part of the bill appropriating to the contingent fund of the Supreme Court of the United States:

*Resolved, however, That no part of this appropriation shall be applied by the marshal of the District of Columbia, or any other officer, to pay the clerk of the Supreme Court for copies of records of suits pending before the Supreme Court in which the United States are interested; and that, hereafter, it shall be the duty of the clerk of the said court to furnish the Attorney General, or other counsel of the United States, the necessary printed copies of records in suits pending in said court in which the United States are interested, without charge or compensation therefor.*

Mr. ADAMS was understood to say that the proposed amendment was out of order, as it went to alter a standing law in an appropriation bill, and also on the ground that a similar proposition had been already rejected by the House.

Mr. BRONSON complained of certain practices of the Clerk in charging the Government for printed copies of papers which had been printed and already paid for by the United States; and contended that it was an abuse which had grown up, and ought to be put an end to. He believed there was no law upon the subject.

After some further remarks by Mr. ADAMS to prove the amendment out of order,

Mr. CAMBRELENG said it was competent to amend the bill to limit the object of a certain appropriation, and referred to various precedents where the committee had sanctioned that course. He said the money appropriated to meet the expenses of suits, &c., had been erroneously and corruptly applied, and the amendment to restrict it to its legitimate application was right and proper.

The CHAIRMAN decided that the amendment was in order.

Mr. BYNUM obtained the floor, and, wishing to reply to the remarks of Mr. KENNEDY, it

being late in the day, moved that the committee rise.

Mr. TURNEY wished the committee, by consent, to take up the bill to pay for horses taken from certain volunteers in the Florida war by order of their officers; but the committee refused to take it up.

The committee then rose—ayes 80, noes 45—and reported.

On motion of Mr. MITCHELL, the House adjourned.

#### IN SENATE.

WEDNESDAY, February 20, 1839.

The VICE PRESIDENT announced a communication from the Secretary of War, transmitting a report from the chief of the topographical bureau, with accompanying documents, made in answer to the resolution of the Senate of the 11th instant, on the subject of the operations for increasing the depth of water at the mouth of the Mississippi; which,

On motion of Mr. SEVIER, was laid on the table, and ordered to be printed.

The VICE PRESIDENT presented a communication from the president of the convention lately held of the people of Florida, for the purpose of forming a constitution and State government; which was referred to the Committee on the Judiciary, and ordered to be printed.

#### PETITIONS, ETC.

Mr. WRIGHT presented the petition of the Screw Dock Company of the city of New York, praying permission to import, free of duty, certain iron to be used in the construction of their dock; which was referred to the Committee on Finance.

Mr. LYON presented the joint resolutions of the Legislature of the State of Michigan, instructing their Senators, and requesting their Representatives in Congress, to use their best exertions to procure the passage of a law allowing them to locate other lands in lieu of those granted them for their university, and which have been claimed as preemptions by actual settlers; also instructing them to endeavor to procure the passage of a law continuing the preemption rights of deceased settlers to their widows and children; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. L. also presented a joint resolution of the same, on the subject of an appropriation for building a light-house and pier; which was referred to the Committee on Commerce.

Mr. BENTON presented the petition of sundry citizens of the northwestern part of Missouri, praying for the establishment of a new land office; which was referred to the Committee on Public Lands.

Mr. ALLEN presented the memorial of a number of citizens of Geauga county, Ohio, on the subject of the neutrality law of last session.

Mr. A. said these citizens complain of the severe provisions of that law, and of the manner in which they have been executed. They also complain of the destruction of the Caroline and her crew by British soldiers, acting under the authority of the British flag. They express the opinion that that was an outrage which the dignity and honor of this country require should be answered for. They desire the repeal or essential modification of the neutrality act, and that such measures may be taken by our Government as would efface the stain inflicted by the burning of the Caroline. He had heretofore presented several memorials on that subject, which had been referred to the Committee on Foreign Relations, and he asked that this memorial might take the same direction.

The memorial was referred to the Committee on Foreign Relations accordingly.

Mr. NORVELL presented the joint resolution of the Legislature of Michigan, asking an appropriation for the construction of a steam revenue cutter to navigate the lakes of Erie, St. Clair, and Huron; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MORRIS presented several petitions from citizens of Ohio, all praying for the abolition of slavery in the District of Columbia, and moved that they be received.

On motion of Mr. SEVIER, the motion to receive them was laid on the table.

Mr. ROBINSON presented the joint resolutions of the Legislature of Illinois on the subject of the establishment of a surveyor general's office in that State; which were laid on the table, and ordered to be printed.

Mr. BUCHANAN presented the petition of Reynell Coates, who states that he was one of those selected for the scientific corps to be attached to the exploring expedition, and relinquished a profitable business for that purpose; but by the final arrangements he was left out, and asked for remuneration; which was referred to the Committee on Naval Affairs.

Mr. B. also presented a memorial from merchants, mechanics, and traders of the city of Philadelphia, for the erection of a new custom-house in that city; which was referred to the Committee on Commerce.

Mr. FULTON presented a memorial from the Legislature of Arkansas, praying for the passage of a general preemption law; which was referred to the Committee on Public Lands.

Also, two memorials on the subject of military roads; which were referred to the Committee on Roads and Canals.

Mr. KING presented the petition of Henry Lucas and A. P. King, asking for the value of property taken from them by the officer commanding a detachment of regular troops on their march to Florida; which was referred to the Committee on Military Affairs.

Mr. MOUTON presented the petition of Jean Baptiste Coms, praying permission to locate two hundred arpens of land in lieu of the same quantity of which he has been deprived by the Government; which was referred to the Committee on Private Land Claims.

#### REPORTS FROM COMMITTEES.

Mr. LINN, from the Committee on Private Land Claims, to which the same had been referred, reported the bill No. 335 from the House, with an amendment; which was read.

Also reported, without amendment, the bills from the House for the relief of John Dawson, Polly Leonard, Henry Stoker, and William Walker.

Mr. FULTON, from the Committee on Public Lands, to which was referred the following bills, reported the same without amendment:

An act for the relief of the heirs of Francis Jarvis, deceased;

An act for the relief of John Bovey, of Arkansas;

An act for the relief of David Ballentine;

An act for the relief of Thomas M. Burland;

An act for the relief of the children and heirs of Sebastian Scroufe, late of Ohio, deceased;

An act for the relief of Robert M. Roberts, or his legal representatives;

An act to grant to the counties of Lee, Des Moines, Jackson, and Dubuque, in the Territory of Iowa, land to aid in erecting county buildings.

Also, an act for the relief of the heirs or legal representatives of George C. Withers, with an amendment.

Mr. WALKER, from the Committee on Public Lands, to which had been referred the bill making grants of public lands to certain States for purposes of internal improvements, reported the same without amendment.

On motion of Mr. WALKER, the same committee was discharged from the further consideration of the petition of certain citizens of Warsaw, Missouri, asking the establishment of an additional land office.

Mr. LINN observed, that in consideration of the lateness of the session, he did not object to the motion; but he should take the earliest opportunity at the next session of pressing this subject on the attention of the Senate.

Mr. BENTON, from the Committee on Military Affairs, reported a bill making appropriations for certain military and geographical surveys; which was read, and ordered to a second reading.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the bill from the House making appropriations for the naval service for the year 1839, reported the same without amendment, and gave notice that he would call up the bill at an early hour to-morrow.

Mr. WILLIAMS, of Maine, from the Com-

mittee on Naval Affairs, to which was referred the petition of the widow of John R. Shaw, late a purser in the Navy, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. RIVES, from the same committee, reported a bill for the relief of Thomas B. Parsons; which was read, and ordered to a second reading.

#### JAIL FOR WASHINGTON.

On motion of Mr. BAYARD, the bill to provide for the erection of a new jail for the county of Washington, in the District of Columbia, was taken up; and after some remarks from Messrs. BAYARD, NILES, MORRIS, CALHOUN, WRIGHT, and KING, the bill was, by general consent, laid on the table.

#### BILLS INTRODUCED.

Mr. TALLMADGE, on leave, introduced a bill to authorize the canceling of certain debenture bonds on the exportation of coal; which was read twice and referred.

Mr. HUBBARD, on leave, introduced a joint resolution for the relief of Pearson Cogswell, late marshal of New Hampshire; which was read twice, and, with the accompanying documents, referred to the Committee on the Judiciary.

#### REPEAL OF SALT DUTY.

On motion of Mr. WRIGHT, the resolution to print certain documents in relation to the salt duty was taken up and adopted.

#### INTERFERENCE IN ELECTIONS.

The bill to prevent the interference of certain Federal officers with elections was taken up; and Mr. CUTHBERT addressed the Senate at some length, and with great force and ability, in opposition to the bill; after which it was passed over informally, Mr. CALHOUN giving notice of his intention to address the Senate on the subject.

#### MRS. MIRA ALEXANDER.

The Senate then took up the bill for the relief of Mrs. Mira Alexander, on its third reading, and, after a debate, in which it was supported by Messrs. CRITTENDEN, WALKER, LINN, and WHITE, and opposed by Messrs. NILES, CALHOUN, PIERCE, HUBBARD, and KING, the question was taken; and the bill was decided to be rejected—yeas 18, nays 19; as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Fulton, Linn, Merriek, Norvell, Rives, Roane, Robinson, Rugles, Sevier, Smith of Indiana, Walker, Webster, White, and Young—18.

NAYS—Messrs. Allen, Brown, Calhoun, Clay of Alabama, Hubbard, King, Lyon, Morris, Monton, Nicholas, Niles, Pierce, Prentiss, Smith of Connecticut, Strange, Swift, Wall, Williams of Maine, and Wright—19.

The vote having been announced,

Mr. TALLMADGE rose and said that he had voted in the majority, and his name did not appear on the Journals as having voted at all, and desired to have the Journal corrected.

Mr. WRIGHT and several other Senators declared that they had distinctly heard the Senator from New York answer to his name, voting in the affirmative.

A discussion then ensued, in which the propriety of making this correction was involved, Messrs. CALHOUN and HUBBARD contending that the vote having been announced, the subject was passed from the Senate; while Messrs. WALKER, TALLMADGE, WEBSTER, and others, contended that it was the duty of the Chair to correct the error the instant that it was discovered.

Mr. KING suggested that the correction could be made by the unanimous consent of the Senate, and hoped that this course would be taken.

The debate was further continued by Messrs. WALKER, KING, WRIGHT, CLAY of Alabama, TALLMADGE, SMITH of Indiana, DAVIS, and SMITH of Connecticut.

The decision was then unanimously made by the Senate that the vote should be corrected.

The name of Mr. TALLMADGE was again called, who answered "ay."

The VICE PRESIDENT then announced the vote as standing 19 in the affirmative and 19 in the negative; and, after a feeling and interesting eulogy on the services and character of George Madison, gave his casting vote in favor of the bill.

The Senate then adjourned.

### HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 20, 1839.

Mr. PARKER resumed his remarks on the report of the select committee on the public lands, and in opposition to the distribution scheme proposed by Mr. ROBERTSON, going at large into a variety of statements demonstrating the inequality of that measure upon the old States. Mr. P. having concluded,

Mr. YELL obtained the floor, and delivered his views on the subject. Mr. Y. said he occupied what he termed a middle ground between Mr. HARRISON and Mr. ROBERTSON. In reference to the proposition of the former, his State had signed the contract with the General Government; and whether she had made a bad bargain or not, she would abide by it, and ever would do so, as far as he had any influence, though he would not say Mr. H.'s resolution was wrong in the abstract. Mr. Y. then went into a general reply to Mr. ROBERTSON; and, without concluding, gave way for the orders of the day.

The SPEAKER laid before the House a communication from the Commissioner of the General Land Office, transmitting a copy of a communication addressed to that office by the Executive of the State of Illinois, on the 4th instant, inclosing a copy of a preamble and resolutions passed by the Legislature of that State at its present session, setting forth the importance of establishing a surveyor general's office within that State.

On motion of Mr. CASEY, the same was referred to the Committee of the Whole on the state of the Union, to which the bill upon that subject had been committed, and it was ordered to be printed.

Mr. CASEY renewed his request to the House for permission to submit the resolutions presented by him on Saturday last, in relation to the non-selection of the banks of Illinois as depositories of the public funds.

Mr. PETRIKIN said there were too many "whereases" by four in this proposition, and he therefore objected to its reception.

Mr. CASEY then, for the second time in his life, must move a suspension of the rules; but the motion did not prevail.

Mr. DOWNING, on leave, presented the proceedings of the convention of Florida for the formation of a State constitution; which was laid on the table, and five thousand extra copies ordered to be printed.

Mr. TURNEY made an ineffectual effort to call up the bill to revive the act to pay for horses lost in the Florida war.

Mr. NAYLOR asked leave to make a report from the select committee appointed to investigate the conduct of Commodore Elliott, while commanding in the Mediterranean.

Mr. WILLIAMS, of Kentucky, objecting, Mr. N. moved a suspension of the rules; lost—87 to 50; not two thirds.

Mr. CONNOR, on leave, moved the withdrawal of the papers in relation to the claim before the Committee on Private Land Claims.

#### CIVIL AND DIPLOMATIC BILL.

On motion of Mr. CAMBRELENG, the House again went into the Committee of the Whole on the state of the Union, (Mr. BANKS in the chair.)

The question immediately pending was the motion of Mr. BRONSON to limit the appropriation of money for the contingent expenses of the Supreme Court.

Mr. BYNUM addressed the committee at length in reply to Mr. KENNEDY's speech of yesterday, and went into a general defense of the administration of General Jackson, from the assaults of that gentleman. As soon as Mr. B. had got through,

Mr. C. H. WILLIAMS obtained the floor, and on his motion the committee rose and reported.

#### EXECUTIVE COMMUNICATION.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I transmit a report from the War Department in relation to the investigations had by the commissioners under the resolution of July 1, 1836, upon the sales of the reservations of deceased Creek Indians.

M. VAN BUREN.

WASHINGTON, February 19, 1839.

### BILLS PASSED.

On motion of Mr. BRONSON, the three following bills were taken up, read a third time, and passed:

A bill making provision for a court-house in Duval county, Florida;

A bill granting to the judge of the supreme court of Iowa the same compensation as by law is given to the judges of the supreme court of Wisconsin; and

A bill making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon.

#### LAW LIBRARY FOR FLORIDA.

An act making an appropriation for purchasing a law library for the use and benefit of the Legislative Council and court of appeals of the Territory of Florida, was taken up, on the motion made on the 12th of February to reconsider the vote by which it was rejected.

The bill was opposed by Messrs. STANLEY and HALSTED, and briefly advocated by Mr. BRONSON.

Mr. WILLIAMS, of North Carolina, moved to lay the motion to reconsider on the table, upon which motion the vote was—ayes 60, noes 58; no quorum.

On motion, the House adjourned.

### IN SENATE.

THURSDAY, February 21, 1839.

The VICE PRESIDENT presented a communication from the Postmaster General, transmitting the annual statement of contracts made by that office; which was laid on the table, and ordered to be printed.

#### PETITIONS, ETC.

Mr. NORVELL presented the joint resolutions of the Legislature of Michigan, asking for an appropriation for the construction of a marine hospital at Detroit; which was referred to the Committee on Commerce.

Mr. PIERCE presented the memorial of George Gates and others, legal voters of the town of Antrim, New Hampshire, praying for the abolition of slavery in the District.

Mr. P. said that the memorial came to him, accompanied by a letter from a highly respectable clergyman, residing in his native county. The letter says:

"Though we are aware that your views may not correspond with those of the petitioners, they have no doubt of your readiness to present a respectful petition, coming from any portion of the citizens of New Hampshire."

It is certainly no task to present the memorial; and yet I cannot, in justice to my own convictions of duty, comply with the request without expressing my deep regret that these petitioners, many of whom I am sure are actuated by pure motives, should so far mistake their own moral responsibilities, and the power and duty of Congress in relation to this subject.

I do earnestly hope that every honest man who has sincerely at heart the best interests of the slave and the master, may no longer be governed by a blind zeal and impulse, but be led to examine this subject, so full of delicacy and danger, in all its bearings; and that, when called upon to lend their names and influence to the cause of agitation, they may remember that we live under a written Constitution, which is the panoply and protection of the South, as well as the North—that it covers the entire Union, and is equally a guarantee for the unmolested enjoyment of the domestic institutions of all its parts; and, I trust, further, that they will no longer close their eyes to the fact that, so far as those in whose welfare they express so much feeling are concerned, this foreign interference has been, and must inevitably continue to be, evil, and only evil. Having, on a former occasion, expressed my views somewhat at length, I will not detain you further than to notice an erroneous statement which has been made, and a thousand times repeated, with regard to my own course and that of the representatives of New Hampshire in both Houses of Congress. We have been charged with having denied the right of petition; and, although the charge is wholly without foundation, I have no doubt that, from its frequent repetition, it may

have had an influence upon the minds of many honest and patriotic men. So far from having denied, we have uniformly asserted and maintained this right. But after declamation and argument had been exhausted on both sides of the question; after the memorials had been referred to a select committee during the Twenty-Fourth Congress, and an elaborate report sent forth to the American people—we thought it our duty to take such a course with petitions of this character as would enable Congress to proceed with the consideration of subjects of necessary and legitimate legislation. The whole question since that period has been one with regard to the disposition of memorials when received; and no denunciation or false representations will drive us from a course demanded alike by a regard for the proper and necessary legislation of Congress, the rights of the South, and the interests of the whole country. After the declarations which have come from high sources during the present session, in both ends of the Capitol, I am encouraged to hope that the agitation of this question in New England for political purposes will cease; that there will be no more attempts to deceive and excite the people by inculcating the impression that their right to petition has been invaded.

On motion of Mr. WILLIAMS, of Mississippi, the question of reception was laid on the table.

Mr. NICHOLAS presented the memorial of upwards of one thousand citizens of the State of Louisiana, praying for the repeal or modification of the naturalization laws; which was referred to the Committee on Foreign Relations.

Mr. McKEAN presented a memorial from sundry pilots of the river Delaware and shipmasters of the port of Philadelphia, in relation to the harbor of Chester; which was referred to the Committee on Commerce.

Mr. WALL presented a petition of citizens of the State of New Jersey, praying for the erection of a light-house at Little Egg harbor; which was referred to the Committee on Commerce.

Mr. YOUNG presented the petition of a number of citizens of the town of Burlington, Illinois, praying for the establishment of a new post route; which was referred to the Committee on the Post Office and Post Roads.

#### REPORTS FROM COMMITTEES.

Mr. WRIGHT, from the Committee on Finance, reported unfavorably on several bills from the House that had been referred to the same committee.

On motion of Mr. WRIGHT, the same committee was discharged from the further consideration of the petition of Thomas H. Perkins, of Boston, on the ground that there are no documents on the files of this or the other House in support of the claim.

Mr. WRIGHT, from the same committee, reported, without amendment, the bill making appropriations for the erection of public buildings in Florida, and the bill to revive and extend the act authorizing the issue of Treasury notes.

Mr. WILLIAMS, of Mississippi, from the Committee on Revolutionary Claims, to which was referred an act for the relief of the representatives of Ann Levacher Van Brun, reported the same without amendment.

Mr. KING, from the Committee on Commerce, to which was referred the petition of Joseph Shaw, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on Finance; which was agreed to.

Mr. HUBBARD, from the Committee on Claims, to which the subject of claims for depredations in Florida had been referred, reported a bill for the relief of the legal representatives of James Williams, deceased; which was read, and ordered to a second reading.

Mr. LINN, from the Committee on Private Land Claims, to which was referred an act for the relief of the settlers upon the Salt Lick reservation in the western district of Tennessee, reported the same without amendment.

Mr. WILLIAMS, of Maine, from the Committee on Pensions, to which was referred the following bills, reported the same without amendment, and with a recommendation against their passage:

An act for the relief of Gideon Sheldon;  
An act for the relief of the executors of Robert McFarland; and

An act granting a pension to John F. Wiley.  
Mr. W. also, from the same committee, reported an act granting a pension to John Clark, without amendment.

#### DEATH OF EDWARD WIER.

Mr. KING said he rose to present a resolution in consequence of the melancholy death this morning of one of the officers of the Senate, (Mr. Edward Weir.) But yesterday, (said Mr. K.,) he was among us, discharging his duties apparently in good health and spirits—to-day he had passed that bourn from whence no traveler returns. He would not dwell on the faithful services of this officer while he was among us; they were well known to the members of this body. He rose simply to present a resolution that the Senate would attend the funeral of their deceased officer, at half past three o'clock to-morrow, and that the expenses of his funeral be paid out of the contingent fund of the Senate.

The resolution was read, and unanimously agreed to.

#### EXECUTIVE SESSION.

On motion of Mr. ROBINSON, the Senate went into executive session, and after a short time spent therein, the doors were reopened.

Mr. BENTON submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Secretary of the Treasury and the Postmaster General be directed to report to the Senate what drafts on banks having public funds on deposit have been protested since the 1st day of January, 1837; the amount of public money in deposit in each bank at the time of each protest; and whether, in any case, such protests have been made in violation of special arrangements, and, if so, what those arrangements were.

#### OWNERS OF THE ALLEGHANY.

The bill for the relief of the legal representatives of the owners of the ship Alleghany was ordered to be laid upon the table—ayes 21, noes 14.

#### SECURITY OF THE PUBLIC MONEY.

The bill for securing the public money in the hands of collectors and agents of the Government, and the punishment of defaulters, was taken up on its third reading; and, after some remarks from Messrs. WEBSTER, HUBBARD, and WILLIAMS of Maine,

Mr. CLAY, of Kentucky, submitted a motion to recommit the bill to the Committee on Finance, for the purpose of having it amended so as to embrace the principles of Mr. RIVES's substitute; and, after some remarks from Mr. C. and Mr. WRIGHT, the question was taken by yeas and nays, and decided in the negative, as follows:

YEAS—Messrs. Clay of Kentucky, Crittenden, Foster, Knight, McKean, Merrick, Prentiss, Rives, Robbins, Ruggles, Smith of Indiana, Spence, Swift, Tallmadge, Webster, and White—16.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Hubbard, Linn, Lyon, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Wall, Walker, Williams of Maine, Williams of Mississippi, Wright, and Young—25.

The debate was further continued by Messrs. TALLMADGE and NILES; and the question being taken on the passage of the bill, it was decided in the affirmative—yeas 28, nays 15; as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lyon, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Wall, Walker, Williams of Maine, Williams of Mississippi, Wright, and Young—28.

NAYS—Messrs. Bayard, Clay of Kentucky, Crittenden, Davis, Foster, Knight, McKean, Merrick, Prentiss, Robbins, Ruggles, Smith of Indiana, Swift, Tallmadge, and White—15.

On motion of Mr. YOUNG, the title of the bill was so amended as to read, A bill further to prescribe the duties of collectors of the customs and other officers and agents in the employment of the United States, prohibiting the admission of certain offsets in suits against the debtors of the Government, and to provide for the punishment of public defaulters.

The bill entitled "A bill in amendment of the acts respecting the judicial system of the United States;" and

The bill to authorize the selection of lands for the benefit of the University of Michigan, instead of other lands heretofore selected;

The bill to repeal certain acts respecting Navy pensions, and making further provisions in relation to Navy pensions; and

The bill to authorize the Washington County and St. Genevieve Railroad Company, in the State of Missouri, to construct a road through the public lands,

were ordered to be engrossed for a third reading.

The bill to explain and amend the fifth section of the act passed the 30th of June, 1834, for the better organization of the United States Marine Corps, was taken up and discussed by Messrs. RIVES, and WILLIAMS of Maine; and, without coming to any action thereon,

The Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, February 21, 1839.

As soon as the Journal was read, The SPEAKER announced the unfinished business of the morning hour.

Mr. PRENTISS, of Mississippi, said he rose to a question of privilege, which would take precedence over all other business, and he would offer the following resolution:

*Resolved*, That this House proceed to inquire: 1. Whether ALEXANDER DUNCAN, a member of this House from the State of Ohio, be the author of a certain publication or publications, under his name, in relation to the proceedings of this House, and certain members thereof, published in the Globe newspaper of the 19th instant. 2. Whether, by said publication or publications, the said ALEXANDER DUNCAN has not been guilty of a violation of the privileges of this House, of an offense against its peace, dignity, and good order; and of such grossly indecent, ungentlemanly, disgraceful, and dishonorable misconduct, as renders him unworthy of his seat in this House, and justly liable to expulsion from the same.

Mr. YELL inquired if he was not entitled to the floor on the report of the select committee on the public lands?

The SPEAKER replied that he was, but that a question of privilege overrode everything else.

Mr. YELL asked the gentleman to postpone his motion until the expiration of the morning hour.

Mr. PRENTISS, of Mississippi, said he could not consent to do so. Mr. P. said, that as this was a very important question, he would move a call of the House.

The call was ordered *nem. diss.*

On the first call of the roll one hundred and twenty-five members answered to their names, others having meanwhile come in, and one hundred and forty-six were announced as being present.

The doors were then closed, the absentees again called, and excuses rendered. After some time,

On motion of Mr. HALSTED, the call was dispensed with.

The publication in the Globe of the 19th instant was then read at the Clerk's table.

Mr. PRENTISS, of Mississippi, then proceeded to comment at length upon the language used by Mr. DUNCAN, stating that, in doing so, he should consider the publication as a forgery and a false libel, and not regard it, for the honor of the House, as authentic.

Mr. DUNCAN interposed, and said he would save the trouble of proof. I say, sir, that I am the author of that publication, and of every word contained in it.

Mr. PRENTISS, of Mississippi replied, however, he should still proceed to comment upon the language as if the avowal had not been made; and he went on to contend that its use merited expulsion, or some potent mode of exemplifying the indignation of the House. Either under the code of honor, or the legal code, he was equally unworthy of a seat there; and Mr. P. argued both these positions at large.

Mr. JENIFER followed on the same side, and appealed to the advocates of the anti-dueling law to sustain the affirmative of the proposition before the House; for he insisted that Mr. DUNCAN's conduct had rendered him amenable to that law. Moreover, Mr. J. contended, also, that those who had certified to the fact of the time occupied by Mr. STANLY in his reply, were equally guilty, if their object was the same as Mr. D.'s. In reference to Mr. S.'s printed speech, he maintained that the gist of it was uttered on the floor, though the delivered speech was, in the opinion of himself, and thirty or forty members besides, more violent than the published one.

Mr. J. inquired if the gentleman from Ohio had so insulted the gentleman from North Carolina as

to be evident to every one within hearing, would not the Chair have called him to order?

Mr. CONNOR, who had temporarily occupied the chair at the period referred to, explained that he had called Mr. DUNCAN to order.

Mr. JENIFER asked the gentleman whether he considered it a personal insult?

Mr. CONNOR had called the gentleman to order for disorderly language; but whether it was a personal insult or not did not fall within his consideration.

Mr. JENIFER having concluded,

Mr. DUNCAN obtained the floor, and addressed the House at some length in explanation, going to show that the language used toward him fully warranted his own in retort.

Mr. GRAY, after a few remarks, which will be given with the debate, moved to lay the resolution on the table.

Mr. TILLINGHAST demanded the yeas and nays; which, being ordered, were—yeas 83, nays 91; as follows:

YEAS—Messrs. Adams, Heman Allan, Anderson, Andrews, Atherton, Banks, Beatty, Beers, Bicknell, Birdsall, Bronson, Buchanan, Bynum, Cambreleng, John Campbell, Casey, Chaney, Chapman, Coles, Connor, Crabb, Cray, Cushman, De Graff, Dromgoole, Elmore, Farrington, Fry, Gallup, Glascock, Grant, Gray, Griffin, Hammond, Hamer, Harrison, Hawkins, Holsey, Holt, Howard, William H. Hunter, Robert M. T. Hunter, Nathaniel Jones, Keim, Kemble, Klingensmith, Lewis, Loomis, Lyon, Martin, McKay, Robert McClellan, Abraham McClellan, Miller, Samuel W. Morris, Murray, Owens, Parker, Parmenter, Parris, Paynter, Pennybacker, Petrik, Phelps, Pickens, Plumer, Potter, John H. Prentiss, Rives, Robertson, Sawyer, Spencer, Swearingen, Thomas, Titus, Turney, Vail, Vanderveer, Wagener, Webster, Jared W. Williams, Worthington, and Yell—83.

NAYS—Messrs. Alexander, John W. Allen, Ayer, Bell, Biddle, Bond, Briggs, William B. Calhoun, John Calhoun, William R. Campbell, Carter, Chambers, Cheatham, Clark, Coffin, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dunn, Edwards, Evans, Everett, Richard Fletcher, Fillmore, Rice Garland, Giddings, Goode, James Graham, William Graham, Grennell, Halsted, Harlan, Harper, Hawes, Hoffman, Jenifer, Henry Johnson, William C. Johnson, Kennedy, Legare, Lincoln, Mallory, Marvin, Sampson, Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Ogle, Pearce, Pope, Potts, Sergeant S. Prentiss, Rariden, Randolph, Ridgway, Robinson, Rumsey, Russell, Saltonstall, Sergeant, Shields, Sibley, Stuart, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Whittlesey, Lewis Williams, Sherrard Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yorke—91.

So the motion to lay on the table was decided in the negative; and the debate was further continued by Messrs. MENEFEE, PRENTISS of Mississippi, and GRAY.

Mr. PRENTISS, of Mississippi, offered a resolution, in substance, as a modification of the one first introduced, "That, as ALEXANDER DUNCAN had avowed himself the author of the publication in the Globe, (naming the article,) he be and is hereby expelled the House."

Mr. LEGARE suggested the propriety of the gentleman moving it in the form of an inquiry.

Mr. ADAMS said, as an inquiry he might be prepared to vote for it, but the substitute involved a question as to the constitutional power of this House to expel a member.

Mr. PRENTISS then, as it did not appear to meet the approbation of his friends, withdrew it.

The debate was further continued by Messrs. PRENTISS of Mississippi, GRAY, WISE, and PARRIS, who moved to lay the whole subject on the table, and upon that motion the yeas and nays were ordered.

Mr. CHAPMAN moved a call of the House; which was not ordered.

The question was then taken by yeas and nays on the motion to lay on the table, and decided as follows:

YEAS—Messrs. Adams, Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Birdsall, Bouldin, Bronson, Buchanan, Cambreleng, John Campbell, Casey, Chaney, Chapman, Coles, Connor, Cray, Cushman, Davee, De Graff, Dromgoole, Isaac Fletcher, Fry, Gallup, Glascock, Grant, Gray, Griffin, Hale, Hammond, Hamer, Harrison, Hawkins, Holsey, Holt, Howard, William H. Hunter, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, Keim, Kemble, Klingensmith, Leadbetter, Lewis, Logan, Loomis, Martin, McKay, Robert McClellan, Abraham McClellan, Montgomery, Moore, Samuel W. Morris, Murray, Noble, Owens, Palmer, Parker, Parmenter, Parris, Paynter, Pennybacker, Petrik, Phelps, Pickens, Plumer, John H. Prentiss, Reilly, Richardson, Rives, Robertson, Sawyer, Sheffer, Shepler, Spencer, Swearingen, Taylor, Thomas, Titus, Toncey, Turney, Vail, Wagener, Webster, Weeks, Jared W. Williams, Worthington, and Yell—91.

NAYS—Messrs. Alexander, Heman Allan, John W. Allen, Ayer, Bell, Biddle, Bond, Borden, Briggs, William B. Calhoun, John Calhoun, William R. Campbell, Carter,

Chambers, Cheatham, Childs, Clark, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Edwards, Elmore, Evans, Everett, Ewing, Richard Fletcher, Fillmore, Rice Garland, Giddings, Goode, James Graham, William Graham, Grennell, Halsted, Harlan, Harper, Henry, Herod, Hoffman, Hopkins, Jabez Jackson, Jenifer, Henry Johnson, William C. Johnson, Kennedy, Legare, Lincoln, Mallory, Marvin, Menefee, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Ogle, Peck, Pope, Potts, Sergeant S. Prentiss, Putnam, Randolph, Kencher, Ridgway, Robinson, Rumsey, Russell, Saltonstall, Sergeant, Sibley, Slade, Stuart, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Albert S. White, John White, Lewis Williams, Sherrard Williams, Christopher H. Williams, Wise, Word, and Yorke—101.

So the House refused to lay it upon the table.

The debate was further continued by Messrs.

TOUCEY, WISE, and GRAY.

Mr. THOMPSON obtained the floor, and moved the following as a substitute for the original resolution:

*Resolved*, That ALEXANDER DUNCAN, a member of this House, having avowed himself the author of an article published in the Globe of the 19th instant, grossly libelous of honorable members of this body, the said ALEXANDER DUNCAN be reprimanded by the Speaker in the presence of the House.

The debate was further continued by Messrs. THOMPSON and GLASCOCK; when,

On motion of Mr. PETRIKIN, the House adjourned.

## IN SENATE.

FRIDAY, February 22, 1839.

As soon as the Journal was read,  
Mr. ROBINSON rose and said: Mr. President, I present, and ask to have read and printed, two joint resolutions of the Legislature of Illinois—the first, that it is not the true policy of the United States to establish an Independent or sub-Treasury system; the second, instructing the Senators and requesting the Representatives of the State in Congress to vote against the adoption of any such system. With the greatest respect and most profound deference for the opinion of the majority of the Legislature whose vote passed the resolutions, the system they reject, so far at least as keeping the public money is concerned, is, in my humble opinion, not only the true, but the best policy; and it is my firm conviction that such is the decided opinion of a majority of the voters of Illinois, and such I take to be their unqualified expression, as evinced last August in the result of the election for Governor, Lieutenant Governor, and members to Congress. Yet it is possible I may be mistaken, and it is not for me to go behind the instructions; that is an account those who give them have to settle. If they were elected to give them, or their constituents are for them, they have done right; if neither, the instructors will be instructed. I have only to add, my political creed forbids disregard to the legitimate instructions from the body whose voice honored me with a seat here. Their will, not mine, be done, and upon them rest the responsibility.

The resolutions were then read, and ordered to be printed.

Mr. R. observed, whilst up, he would also present a joint resolution of the same Legislature, containing instructions to the Senators and a request to the Representatives of the State to use their best exertions to have the Constitution so amended as, after the 4th of March, 1845, no person shall hold the office of President of the United States longer than four years in any term of eight years; which he also moved be read and printed.

Mr. WRIGHT presented a petition of a large number of citizens of Erie county, New York, praying that wheat may be imported from Canada free of duty, for the purpose of being manufactured into flour and exported; which was referred to the Committee on Commerce.

Also, a memorial from William Dickinson, of the Territory of Wisconsin, asking remuneration for losses sustained on contracts; which was referred to the Committee on Claims.

Mr. YOUNG presented three petitions from citizens of Warren, McLean, and Tazewell counties, Illinois, praying for the establishment of mail routes; which were referred to the Committee on Claims.

Mr. NICHOLAS presented a petition from Samuel T. Harrison, praying the refundment of certain duties; which was referred to the Committee on Finance, and ordered to be printed.

## REPORTS FROM COMMITTEES.

Mr. WALL, from the Committee on the Judiciary, to which was referred an act to incorporate the Washington Manual Labor Society, reported the same without amendment.

Mr. BENTON, from the Committee on Military Affairs, to which was referred a resolution of the Senate instructing them to inquire into the propriety of making appropriation for defenses on the northeastern frontier, reported a bill for the erection of certain military defenses in the State of Maine; which was read, and ordered to a second reading.

Mr. SEVIER, from the Committee on Indian Affairs, to which was referred the bill for the relief of George G. Johnston, reported it without amendment, and with a recommendation against its passage.

Mr. TALLMADGE, from the Committee on Naval Affairs, to which was referred a memorial of Henry Hall Sherwood, on the subject of electro-magnetism, made a report thereon; which was read, and five thousand extra copies of the report and memorial ordered to be printed.

## BILL INTRODUCED.

Mr. KING, on leave, and in pursuance of notice given, introduced a bill for the relief of John H. Jacobs; which was read a first and second time, and ordered to be engrossed for a third reading.

The bill to fix the minimum price of lands acquired by Miami treaty of November 6, 1838;

The bill for the relief of Samuel Collins; and

The bill for the relief of Benjamin Murphy; were ordered to be engrossed for a third reading.

## JAIL IN WASHINGTON.

The bill for the erection of a jail in Washington county, District of Columbia, was taken up for consideration, and several amendments proposed by Mr. BAYARD were adopted.

Mr. NILES offered a substitute for the bill; which, after some remarks from Messrs. BAYARD, NILES, and ALLEN, was rejected—ayes 5, noes 24.

The bill was then ordered to be engrossed for a third reading—ayes 19, noes 14.

## BILLS PASSED.

The following bills were severally read a third time and passed:

The act to authorize the selection of lands for the benefit of the University of Michigan, instead of other lands heretofore selected, and for other purposes;

The act to amend the judicial system of the United States;

The act to repeal certain acts in respect to Navy pensions, and to make further provision in relation to Navy pensions;

The act granting to the Washington County and St. Genevieve Railroad Company the right of way through the public lands; and

The act for the relief of the legal representatives of John J. Bulow—ayes 19, noes 16.

## JOSEPH M. HERNANDEZ.

The act for the relief of Joseph M. Hernandez was taken up for consideration; and, after being discussed by Messrs. NILES, WRIGHT, CRITTENDEN, and BAYARD, was amended on motion of Mr. WRIGHT; and it was then ordered to a third reading.

## OPERATIONS OF THE MINT.

Mr. DAVIS submitted the following resolution, which was considered and adopted:

*Resolved*, That the Secretary of the Treasury be directed to report to the Senate such information as he may possess, as to the following particulars:

1. The amount of coin made at the Mint, and the amount at each of its branches, for one year preceding the first day of February last.
2. The amount of bullion deposited at, or obtained for, each establishment for the same time.
3. The expense incurred in carrying on and in sustaining each establishment during the same time.

## INTERFERENCE IN ELECTIONS.

The bill to prevent the interference of certain Federal officers in elections was then taken up, and Mr. CALHOUN addressed the Senate in opposition to the bill.

By unanimous consent, the bill was then informally passed over.

## CITIZENS IN OREGON.

On motion of Mr. LINN, the bill to provide for the protection of the citizens of the United States residing in the Oregon Territory, or trading on the Columbia river, was taken up.

Mr. LINN addressed the Senate at length in explanation and support of the bill; and, after a further debate, in which Messrs. LINN, NILES, and WRIGHT participated, the subject was, on the motion of the latter, passed over informally, with the understanding that it be taken up tomorrow.

## RAILROAD IN ILLINOIS.

The bill to grant to the State of Indiana a quantity of land for the purpose of aiding in the construction of a railroad from New Albany to Mount Carmel, in the State of Illinois, was read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

On motion, the Senate then adjourned.

## HOUSE OF REPRESENTATIVES.

FRIDAY, February 22, 1839.

The privileged question on the publication of Mr. DUNCAN, as stated in yesterday's proceedings, was again resumed.

Mr. PETRIKIN, who was entitled to the floor, addressed the House as follows, in explanation of the motives inducing him to make the motion with which he concluded: I rise, not to make a speech, or to take sides in this war. It matters not what my individual opinions are of members of this House in their individual relations. I am here not to gratify my own private pique against others, or to gratify my own private feelings at the expense of duty to my constituents and the country generally. I disclaim any intention to express an opinion on the merits of the case now before the House, but I must be allowed to give my opinion of the scene enacted within this Hall yesterday. We were called upon to inquire into the conduct of one of the members of this House, on an alleged breach of privilege, for printing and publishing an alleged libel on other members; and in discussing the propriety of passing those resolutions, a scene has been enacted, in my opinion, and I believe the country will consider it so, infinitely more a breach of the privilege of the members of this House, than that alleged to be perpetrated by the accused member, even if that be as great an outrage as those complaining of it allege. We have, by law, but seven days to do the business of the country—to furnish the supplies for the necessary operations of Government; and shall we, regardless of our duties, spend that time in idle debate? I intended to have made my remarks last evening; but, on reflection, I thought there was too much excitement. I hope all are cool now, and ready to do their duty, and I therefore move to lay the whole subject on the table.

Mr. P., however, withdrew the motion at the request of Mr. ELMORE.

Mr. THOMPSON sent to the table the following substitute, which Mr. PRENTISS accepted as a modification:

Whereas, ALEXANDER DUNCAN, a member of this House from the State of Ohio, has, in his place, acknowledged himself to have written, and caused to be published in the Globe newspaper, of the 19th instant, the following writing, to wit:

[FOR THE GLOBE.]

On the 16th and 17th January last, I made some remarks in the House of Representatives on the resolution to appoint a committee to inquire into the defalcations of Samuel Swartwout, which remarks were soon after published in the Globe, and have since been published in pamphlet form. Mr. STANLY, of North Carolina, followed me in reply. At the commencement of his remarks, he insinuated that I was an Abolitionist. I promptly pronounced the insinuation a base falsehood, and a foul detraction, whether it dwelt upon the lips of the unprincipled calumniator, or floated on the breeze in the corrupt, poisonous, and slanderous Federal sheets of the day. My intention at the time was to insult the member. So he understood me. So all who heard me understood me. My meaning was that the member was a base liar and a foul calumniator; and the only reason that he was indirectly thus denounced, was because the rules of the House prohibited me from doing it directly, without laying myself liable to its censure. All this, too, was well understood at the time; and for this intended and well-understood insult, I held myself in readiness to give the member any satisfaction which he might have the moral courage to seek. But no disposition to seek for redress was manifested within the time I had a right to expect it, or within the time it might be expected from a man who had any regard for his honor or reputation. So I was dis-

posed to let the member go for, what I believe him to be, a mean poltroon and a base liar; and which I believe he may at any time, and in any place, be pronounced with impunity.

Some ten or twelve days after making the remarks to which I allude, I saw a communication in the National Intelligencer, occupying the space of four or five columns of that paper, purporting to be "the reply of Mr. STANLY, of North Carolina, to Dr. DUNCAN." I was surprised to see a reply of such length. I was not present all the time the member was speaking. I was present, as I have stated, when he commenced. I was present when he finished, and his last remark was, "I have detained the House not more than fifteen minutes." I thought he was correct as to the time he occupied the floor—(a short time in which to make a speech occupying four and a half columns of one of the largest newspaper sheets.)

Leave is sometimes asked of the House to write out a speech which there may not be time to make, and the privilege is generally granted. This is an accommodation to the House, and to the country, whose business is permitted to progress. But, in all cases of this kind, leave of the House ought to be obtained, and a notice of the fact ought to accompany the written speech. It is mean and basely dishonorable, and it is a falsehood and a fraud practiced upon the community, to promulgate a speech purporting to have been delivered on the floor of Congress which never was there spoken, on any other conditions than by the leave and with the notice which I have named.

I say that the speech published in the National Intelligencer of the 4th instant, purporting to be "the remarks of Mr. STANLY in reply to Dr. DUNCAN," never was delivered in the House of Representatives, nor any other place, except through the polluted columns of the corrupt, bank-bought, servile, and degraded sheet through which it makes its appearance; therefore, its very caption or title contains a base falsehood, and a mean attempt at fraud and imposition upon the public. Its whole body is a tissue of misrepresentations, unmanly insinuations, and low vulgarity, worthy of the man that can be charged with base falsehood and foul detraction with impunity. In order to know that I could not be mistaken as to the time the member occupied in his attempt to reply to me, and to ascertain some other facts of which I will soon speak, I addressed the following notes to the gentlemen whose names are prefixed, to which I received the subjoined answers:

HOUSE OF REPRESENTATIVES, February 9, 1839.

SIR: If you were present on the 17th of January, 1839, when Mr. STANLY, of North Carolina, replied to some remarks made by me on the resolution to appoint a committee to inquire into the defalcations of Samuel Swartwout, will you have the goodness to state what time Mr. STANLY occupied in making his reply? Whether Mr. SLADE, of Vermont, did or did not hand him (STANLY) a paper containing my answer to some abolition interrogatories, and whether Mr. SLADE did or did not point out to Mr. STANLY such passages of said answer as Mr. STANLY exhibited in his reply.

Your attention to this will much oblige your friend,  
A. DUNCAN.  
Hon. H. L. TURNER.

HOUSE OF REPRESENTATIVES, February —, 1839.

SIR: I have received your note of the 9th of this month, and in answer thereto have the honor to state that I was in my seat in the House of Representatives on the 17th of January last. I heard your speech delivered in the House on that day on the subject to which you refer, and the reply thereto of the Hon. Mr. STANLY, of North Carolina, on the same day. I did not tax my recollection with the precise time occupied by Mr. STANLY in making his reply, but my impression is it did not exceed fifteen or twenty minutes.

In the course of Mr. STANLY's remarks, I understood him to make allusions to a letter which he alleged had been written by you on the subject of abolitionism. He regretted that he had not the letter to read to the House. In a few seconds after this, my attention was directed to Mr. STANLY by some gentlemen who sat near me, and who called my attention to the fact, that Mr. SLADE was prompting Mr. STANLY, by pointing out to him certain parts of your letter, to be read by him to the House. I have no knowledge how or from whom Mr. STANLY received the letter above referred to.

I am, sir, respectfully yours, &c.,  
H. L. TURNER,  
Hon. A. DUNCAN.

HOUSE OF REPRESENTATIVES, February 9, 1839.

SIR: Were you in the House on the 17th January, 1839, when I made some remarks on the resolution providing for the appointment of a committee to inquire into the defalcations of Samuel Swartwout, or were you present when Mr. STANLY, of North Carolina, replied to me? If so, will you be so good as to state, first, if Mr. SLADE, of Vermont, did or did not hand him (STANLY) a paper containing my letter in answer to some abolition interrogatories? Second, state whether Mr. SLADE did or did not stand by him (STANLY) and prompt or point out such passages of said letter as were exhibited in his reply? Third, will you state what time STANLY occupied in his reply, and whether or not the greater portion of that time was occupied in reading portions of the letter above alluded to?

Your attention to this will much oblige, yours, &c.,  
A. DUNCAN.  
Hon. J. A. BYNUM.

WASHINGTON CITY, February 10, 1839.

SIR: In reply to your note of the 9th instant, and the questions therein contained, I can only say that I was present and heard the concluding part of your remarks on the occasion alluded to; after which, I saw Mr. STANLY rise, and heard his reply.

I did not see Mr. SLADE hand Mr. STANLY the paper containing your letter on the subject of abolition. Mr. SLADE has informed me since, however, that he did hand Mr. STANLY such a paper at the time alluded to by you.

While Mr. S. was speaking, I saw Mr. SLADE standing by or behind Mr. STANLY, pointing, as I thought, at differ-

ent paragraphs in the paper held by Mr. S. As to the last question, I think I heard Mr. STANLY say, in concluding his few remarks, that he had not addressed the House more than fifteen minutes, and I think that about the time he did speak.

With respect, I have the honor to be your obedient servant,  
J. A. BYNUM.  
Hon. A. DUNCAN.

HOUSE OF REPRESENTATIVES, February 9, 1839.

SIR: Were you in the House on the 17th January, when I made some remarks on the resolution providing for the appointment of a committee to inquire into the defalcations of Samuel Swartwout, or were you present during the time that Mr. STANLY replied to me? If so, will you be so good as to state the time, as near as possible, or as well as you can recollect, that he (STANLY) occupied in his reply? Your early answer will much oblige your friend,  
A. DUNCAN.

Hon. Eli Moore.

HOUSE OF REPRESENTATIVES, February 12, 1839.

SIR: In reply to the interrogatories contained in your communication of the 9th instant, I will state that I was in the House at the time referred to, and heard the remarks both of Mr. STANLY and yourself. The time occupied by Mr. S. in his reply to you did not, to the best of my recollection, exceed fifteen minutes.

Very respectfully,  
ELY MOORE.  
Hon. A. DUNCAN.

I think I am sustained in the fact which I have asserted, viz: that "the speech of Mr. STANLY, of North Carolina, in reply to Dr. DUNCAN," &c., never was made in the House of Representatives, or, if made, must have been made in the short space of "fifteen minutes." But even all that time was not occupied in making the speech purporting to be the reply to "Dr. DUNCAN." When I charged upon the member a base falsehood, &c., for making the insinuation which he did, some part of the fifteen minutes was occupied in denying that he had insinuated that I was an Abolitionist. Here is where the member showed the white feather. That denial was but a squirming from under the responsibility of answering in an honorable way the charge of being guilty of base falsehood. A part of the balance of these precious fifteen minutes, (and a great part, too,) was occupied in reading garbled extracts from a letter which I wrote in answer to some Abolition interrogatories propounded to me shortly before my reelection. The member first regretted that he had not the letter in his possession; but it was soon furnished. Who furnished it? Mr. SLADE, of Vermont. Ah! Mr. SLADE, I am happy to meet you on this board of exposition. I have been talking all this time about (to use a vulgar phrase) "the little end of nothing;" a thing that requires the use of a telescope to see if it be at any considerable distance; hardly the ninth part of a man; a thing now out of time and out of place; a thing that the Almighty never intended for any other purpose than the use of bodkin, shears, and thimble. But you, sir, are a man six feet five in your shoes. I feel a freedom in talking to you; and, in order to have a full and ample case, I will splice the member from North Carolina to you, and for a short time will consider you one person, or in "cahoot," and in that capacity I will hold myself responsible to you for all I say.

You profess to be an Abolitionist; religiously, morally, patriotically, and civilly, a modern Abolitionist—even, so I have been told, to amalgamationism. You furnished the member from North Carolina, did you, with my answer to the Abolitionists, from which to read garbled extracts? You stood at his elbow, did you, prompting him, and pointing out suitable passages of my letter, to enable him to make an anti-abolition speech, and attach to my name that of abolitionism? Only think of this! A rank abolition Whig from the North in "cahoot with a rank anti-abolition Whig from the South, in exposing the pernicious doctrine contained in a letter which deprecates slavery in the abstract, or, rather, a northern abolition Whig making a convenience and a parrot of a southern anti-Abolitionist, through which to expose the dangerous tendencies of an expression of hostility to slavery in the abstract, and its effects, without regard to time or place! What base sophistry! What black hypocrisy! What political swindling for base and corrupt party purposes!

Yes, black hypocrisy, take it as you may. If I am an Abolitionist, why should the member from Vermont lend himself to make me odious to the slaveholding people? Or if the member from Vermont is sincere in his profession of abolitionism, why is he assisting and prompting an anti-Abolitionist to expose opinions of mine to the prejudice of the principles of his faith? If the member from North Carolina is sincere in his professions of anti-abolitionism, why does he permit himself to be made the tool of an avowed Abolitionist? All this unnatural connection is well understood. Abolitionism and Whiggery, like twin brothers, walk hand in hand here and everywhere else. There is not an ism on earth, however degraded, that Whiggery will not take by the hand. Here we have the evidence of the submission and acknowledgment into which the member from North Carolina was either kicked or coaxed by party discipline, evidenced by the following letter, by which the member from North Carolina is made publicly to retract a charge which he had made against the member from Vermont, and to declare publicly that he (STANLY) believes that the open, avowed, and reckless Abolitionist, [SLADE], "means no harm to the South." But read the letter. Here it is:

TO THE EDITORS.

WASHINGTON, December 14, 1838.

MESSRS. GALES & SEATON: In the Intelligencer of this morning, I find the following report:

"Mr. SLADE introduced the following resolution:

"Whereas, there exists and is carried on between the ports in the District of Columbia and other ports of the United States, and under the sanction of the laws thereof, a trade in human beings, whereby thousands of them are annually sold and transported from said District to distant parts of the country, in vessels belonging to citizens of the

United States; and whereas, such trade involves an outrageous violation of human rights, is a disgrace to the country by whose laws it is sanctioned, and calls for the immediate interposition of legislative authority for its suppression: Therefore, to the end that all obstacles to the consideration of this subject may be removed and a remedy for the evil speedily provided,

"Resolved, That so much of the fifth of the resolutions on the subject of slavery, passed by this House on the 11th and 12th of the present month, as relates to 'the removal of slaves from State to State,' and prohibits the action of this House on 'every petition, memorial, resolution, proposition, or paper, touching' the same, be, and hereby is, rescinded."

After which, it is reported that "Mr. DAWSON called for the reading of the resolution; which having been again read, Mr. STANLY said he wished to introduce an amendment. The Chair said it was not now in order, the resolution not yet being in the possession of the House."

When Mr. SLADE's resolution was read, and I heard the words "outrageous violation of human rights" and "disgraceful" applied, as I thought, to the slaveholding States, and to North Carolina as one of them, I could not repress the indignation I felt at such language. It was under the influence of this excitement that I wished to "introduce an amendment," when the "Chair said it was not now in order."

The amendment I wished to introduce was in the words following:

"Resolved, That said resolution is disrespectful in its language, and outrageously insulting to the representatives of the slaveholding States; that it is calculated to provoke and irritate the members from said States; and that the consideration of said resolution would be an 'outrageous violation' of the respect due to the slaveholding States, and would necessarily tend to weaken the bonds of our Union."

"Resolved, That said resolution is 'disgraceful' to the member who presents it, as it evinces a total disregard of the feelings of the representatives of the slaveholding States of this Union, and does not deserve to be considered by the House."

But the rules of order, different at different times, prevented me from introducing this amendment, and I do not now regret it, as the resolution was not considered by the House, and as I have been since satisfied that, though the language sounded harshly to the ears of a Representative from the South, nothing offensive was intended, and I write this note now, that my constituents may be informed what my amendment was; waiting for an hour of leisure, when I will inform them more fully why it was that I did not vote upon the resolutions recently offered by a member from New Hampshire.

I have good reasons for refusing to join in the miserable farce which has been played by the instruments of party in the House of Representatives during Tuesday and Wednesday last.

Oblige me by publishing this note.

Very respectfully, yours, EDWARD STANLY.

Comment on this letter, it would seem, is unnecessary. The resolution of the member from Vermont not only strikes at the root of every interest the southern States have in the institutions of slavery, but it uses the most degrading and abusive language that a foul tongue could express or a poisoned pen record; and so the member from North Carolina virtually expresses himself; but either from being whipped into the traces by force of party discipline, or from cowardice, unworthy a son of the South, whose heart ought to be in her interests, and her reputation his boast, he is forced to the degrading public acknowledgment that nothing offensive to the South was intended by the member from Vermont! I think, as the people of North Carolina will understand this matter, it is useless for me to expand upon it.

But a word in relation and in justice to myself. A few days prior to my reflection, several interrogatories were propounded to me on the subject of the abolition of slavery in the District of Columbia, and I, probably on the spur of the occasion, answered them without time for reflection or opportunity for examination; but I am to say that, on mature examination, I have not one word contained in that letter to take back, as it regards slavery in the abstract or abolitionism. When I wrote that letter I felt as I wrote. I wrote as I now feel, and as I hope always to feel, on the subject of slavery in the abstract, and as thousands and hundreds of thousands of the best men the world ever produced have thought, and now think, both in free and in slave States.

My remarks in that letter were made with reference to slavery in all time, present, past, and future, and without reference to any particular realm, kingdom, empire, or republic; and I now say, that the man who will otherwise express himself to this general view of the subject of slavery in the abstract, is no philanthropist, is no friend to human liberty, and would be unworthy the proud name of an American.

My objections to modern abolitionism are strongly expressed in the same letter. I there deprecate it as disorganizing in its tendencies, in violation of the compact by which the Union was brought into existence, and, if persisted in, will endanger its duration. My official course since has been in accordance with the view I then entertained of it. I voted to suspend the rule for the admission of Mr. ATRERTON's resolutions, for the object and contents of which I refer the reader to the Journals of the House of Representatives for the present session of Congress. A motion for adjournment was then made by Mr. BELL, at the early hour of half past one o'clock, p. m., evidently for the purpose of defeating the adoption of the resolutions. I voted against the adjournment; but the member from North Carolina [Mr. STANLY] voted in favor of the adjournment. I voted throughout for the adoption of these resolutions, with the exception of the last division of the last resolution, which goes to prevent the reading, printing, and reference of petitions on the subject of abolitionism. This I thought impolitic, and well calculated to multiply petitions and petitioners on this vexed question, because such a disposition never fails to raise the cry of persecution. I also thought that such a disposition of petitions was a violation of the right of peti-

tion as secured by the Constitution; for, surely, to prevent and refuse legislative action upon them, is virtually to prostrate the right to petition. To recognize the right to petition Congress to abolish slavery in the District of Columbia, (which Congress does by receiving petitions for that purpose,) and at the same time, and by the same act, refuse them the usual legislative action, is worse than contemptuous mockery of the right to petition.

I hold that the people have a right to petition Congress for the redress of every grievance not forbidden by the Constitution. I hold that the people are, and of right ought to be, the judges of what they shall petition Congress for; and I hold it follows, as a corollary, that Congress is bound to give petitions the proper and usual direction, to the end that they may receive that legislative action which the framers of the Constitution intended they should, when they secured inviolate the right of petition. It seems to me that good policy and a sound interpretation of the Constitution require that such should be the disposition of all petitions.

I voted for Mr. ATRERTON's resolutions, because I thought the reserved and constitutional rights of the southern States demanded their adoption. I voted for them, because I thought the peace and quiet of the country required it. I voted for them, because, as I have before said, I think the practical operation of the principles of modern abolitionism would be more fatal to the unfortunate African than even slavery itself as it at present exists in the United States; and, therefore, I can consider modern abolitionism in no other light than as mistaken philanthropy. I voted for their adoption, because I am not clear that Congress has any such power over the District of Columbia as to abolish slavery within its limits. But above all, I voted for them, because I think the perpetuity of this Union, and the duration of our institutions required that they should all be adopted, with the exception of that part of the last resolution which I before excepted.

I say I stood by and sustained these resolutions, voting for them against all the efforts to defeat them by the Opposition; but where was the member from North Carolina at this trying moment? I have examined the Journals; the name of EDWARD STANLY is not to be found. Where was he, I ask, when the northern Democracy rallied almost to a man to put at rest a question that was shaking the institutions of his State from their center to their circumference, and endangering the very existence of the Union itself? I repeat, where was the member at this responsible crisis? Was he at his post, sustaining the interests of his State, which he said, on one occasion not long since, had "GROWN WITH HIS GROWTH! STRENGTHENED WITH HIS STRENGTH!" No, he was not at his post. He was, spaniel-like, skulking from his duty and his post, at the nod of party discipline; but, when backed and prompted by the Abolitionist, Slade, he assumed all the pertness of a whiffet, hissed on, puppy-like, to do that which a bigger dog had not the courage to attempt.

But to conclude, people of North Carolina, (for this paper may find its way to you,) what do you think of your Representative, who has attempted to practice a base fraud and a mean deception upon you, by promulgating a speech among you, purporting to have been delivered by him in the House of Representatives, which never was delivered, and though a disgrace—delivered or written—to any man but the member from North Carolina, he has neither the moral courage nor the talent to deliver? What do you think of your Representative, who has patiently stood to be charged with base falsehood and foul detraction with impunity, and who, to skulk from the responsibility of resenting such an insult, has basely denied that which every word written in that which he is pleased to call his speech bears evidence, thus adding, I repeat, base falsehood to mean cowardice? What do you think of your Representative, who has skulked from the support of measures (I mean ATRERTON's resolutions) introduced for the purpose of putting to rest that dangerous question, modern abolitionism, so eminently calculated to disturb the peace and harmony of this Union, and to prostrate or shake the institutions of the member's State, whose interests have "grown with his growth! and strengthened with his strength!"

But, above all, what do you think of your Representative, who has permitted himself to be made the tool, the cat's-paw, the thing, the automaton, and the parrot, through which an open and avowed Abolitionist should make an anti-abolition speech? An anti-abolition speech through your Representative! and that, too, by an Abolitionist! Yes; and, I believe, an amalgamation Abolitionist, too, a man who has spent or evaporated thousands of dollars on the floor of Congress in efforts to establish principles and laws subversive of your institutions, in violation of your reserved rights as a State, and disorganizing, if not destructive, to the Union; and so far as amalgamation is concerned, or is a part of his creed, degrading to the American character. This is the man from whom your Representative receives promptings, papers, and dictations, to fix upon me the character of an Abolitionist! and to expose the horrors, injustice, and dangers of modern abolitionism!

I conclude by saying, that if the speech in the Intelligence, which purports to be "the reply of Mr. STANLY, of North Carolina, to Dr. DUNCAN" had been delivered, and had the member suspended the previous question which he held, and which he refused to suspend, this communication would have appeared in the form of a reply, which would have been made to all he really did say; but as it was, I thought it due to myself, to those who may read this paper, and to the cause of truth and justice, to make the above exposure.

Further this deponent saith not.

A. DUNCAN.

HOUSE OF REPRESENTATIVES, February 12, 1839.

SIR: In a letter written by me in answer to some interrogatories propounded to me on the subject of abolitionism, by a number of members of the anti-slavery society in the district I have the honor to represent, I deprecate slavery in the abstract; and I attempt, to some extent, to describe the effects it has upon the institutions and prospects of those countries and States where it exists. I also, in the same letter, deprecate modern abolitionism as dangerous and disorganizing, subversive of the reserved rights of the slave

States, and calculated to endanger the Union, &c. All, in that letter, that I said in relation to slavery, was intended to apply to slavery in the abstract; also, to apply to slavery and its effects in all time—past, present, and future. I gave no locations. My objections and descriptions were of the most general character. I see in a speech published in the National Intelligencer, purporting to be a speech made by "Mr. STANLY, of North Carolina, in reply to Dr. DUNCAN," &c., he is made to ask, in substance, if the ruin and desolation, &c., which I describe in the letter above-mentioned, applies to your district, &c.? You are made to respond, "No; it is a foul libel, a base slander upon my constituents and upon my State." If you made such a remark, I did not hear it, or I would have responded to it at the time. I presume you made it. Now, sir, if you read my letter, you must have seen that my objections to slavery have reference to slavery in the abstract, and applied to slavery, as I have before said, in all time; and my description of its effects had no location. You had no right to suppose that my description of the effects of slavery applied to your State, or your district, where it is well known, it is a matter of history creditable to your State, that slavery exists in its mildest and most unexceptionable form. I say, if you had read my letter, you would have had no grounds to warrant the remark you are said to have made. If you never read the letter, and know nothing of its contents, only from the base and unmanly manner in which its garbled fragments have been exhibited, you are wholly unjustifiable in your remark. You made the remark under the broad and protective shield of parliamentary privilege. You have not the moral courage to face me, or any other man, and make such a remark without the protection of such a privilege. It is a shield and privilege under which many a puppy, in man's shape, has taken refuge.

I think your remarks were unwarranted, uncalled for, and unprovoked. And, sir, on my own responsibility, and without claim to privilege, permit me, by way of offset and compromise, to reciprocate the remark by another, which I think better founded in truth—that is, that you are a liar and a scoundrel, and permit me to add, also, that, in my opinion, you are better qualified to adorn the gambler's board, the brothel, and the dogery, than the Halls of Congress.

A. DUNCAN.

TO WILLIAM SOUTHGATE, Esq.

HOUSE OF REPRESENTATIVES, February 18, 1839.

SIR: In the remarks which I made in the House of Representatives on the 17th January, 1839, on the resolution to appoint a committee to investigate the defalcations of Samuel Swartwout, I exposed the names of several Government defaulters, and the several amounts for which they were in default, and the offices which they held under which the defalcations occurred. In my expositions I was governed by the official reports and records of the different Government Departments. Among them I found the name of Robert B. Randolph, acting purser in the Navy, reported to be a defaulter to the amount of \$25,000, or upwards. Since the publication of the remarks above referred to, I have seen a communication addressed to me through the Alexandria Gazette, (a paper published in the District of Columbia,) signed Robert B. Randolph, denying that he is a public defaulter, as he has vouchers to show, &c.

I hope the statement of Mr. Randolph is true. It will give me great uneasiness, if I have done him injustice. I have not the slightest acquaintance with Mr. Randolph, nor have I any practical knowledge of his defalcations whatever. If I have done him injustice in the exposition I have made, it will give me great pleasure to acknowledge my error in as public a manner as I have made the exposition. Will you have the goodness to inform me, without delay, what the relations of Mr. Randolph are with the Government in reference to the defalcations reported by your Department?

Respectfully, A. DUNCAN.  
TO THE FOURTH AUDITOR.

TREASURY DEPARTMENT,

FOURTH AUDITOR'S OFFICE, February 19, 1839.

SIR: I have the honor to acknowledge the receipt of your letter of this date, inquiring "what the relations of Mr. Robert B. Randolph are with the Government, in reference to the defalcations reported by the Treasury Department," and to state, in reply, that the account of Mr. Randolph, as acting purser of the frigate Constitution, was settled and closed in this office, in the month of October, 1828; that in February, 1833, he was recharged with items for which he had been erroneously credited in the previous settlement, amounting to \$25,220 17; and that by a subsequent allowance for pay and rations to 19th April, 1833, the balance against him was reduced to \$23,097 83, in which sum he appears, by the books of this office, still to be indebted to the United States.

I have the honor, sir, to be, very respectfully, your obedient servant, A. O. DAYTON.

TO HON. ALEX. DUNCAN, House of Representatives.

HOUSE OF REPRESENTATIVES, February 19, 1839.

SIR: If you were Fourth Auditor of the Treasury Department at the time Robert B. Randolph was purser in the Navy, will you have the goodness to state to me whether Mr. Randolph was, or was not, a public defaulter? If he was a defaulter, please state to what amount he so appeared. It is alike due to myself, as it is to Mr. Randolph, that this information should be furnished me. Will you please give it your immediate attention.

I am yours, with high respect, A. DUNCAN.  
HON. A. KENDALL.

WASHINGTON, February 19, 1839.

SIR: I have just received your letter of this date. I was not Fourth Auditor at the time Robert B. Randolph was an acting purser in the Navy, nor did I settle his account for that service; but I settled the account of his predecessor in the pursership, who had died at sea; and in the course of

that duty, discovered that Mr. Randolph had received a large sum of public money left by the deceased purser on board of his ship, with which he had never been charged, and other property, public and private, for which he did not appear to have accounted. The amount was accordingly charged to him on the books of the Fourth Auditor, where, I suppose, the charge still stands.

Mr. Randolph denied his indebtedness, alleging that he had paid away the money on account of his predecessor, and taken the vouchers in his name, but could produce no proof which would entitle him to credits in the accounting office. It was the opinion of a court of inquiry, called in his case, that he had applied a portion of the money in the way he alleged, and that he was justly indebted for the balance.

I write from memory, and cannot particularize.

Very respectfully, your obedient servant,

AMOS KENDALL.

Hon. A. DUNCAN.

I have been induced to make the inquiries and exposures here exhibited, in consequence of the following communication:

To the Hon. A. Duncan, of Ohio.

In a speech which has been published, said also to have been delivered by you, in the House of Representatives, I find that you have classed me among the public defaulters. However much you may be in favor of abolition "in the abstract," I bog that hereafter you will not, in making use of my name, *abolish the truth*. I am no defaulter, as the documents in my possession will show. It may suit your creed, sir, to stand up in your place, and, with brazen front, defame honest and honorable men; but you shall not use your "privilege," where I am concerned, without receiving a proper contradiction. You have quite enough to do to defend the speculations and frauds of your political friends—those who steal millions and upstrokes for England, as well as those who steal thousands and remain at anchor here—without calumniating innocent persons. I therefore recommend to you a little caution in your future harangues.

R. B. RANDOLPH,

Late of the United States Navy.

ALEXANDRIA, January 29, 1839.

It was not from a spirit of resentment I have been induced to notice the above communication. No; I was led to notice it from a disposition to do Mr. Randolph justice and right, if I had done him an injury, although I think most readers will conclude, with me, that Mr. Randolph might have seen abundance of reason, in the following extract, to have desisted from the above communication. The extract is taken from the speech to which Mr. Randolph alludes, and was in answer to Mr. BELL, as the extract shows. When I was exposing the defalcation of the Messrs. Erwins, Mr. BELL, of Tennessee, rose, and said the Erwins were not defaulters; it was a slander promulgated by the Globe paper.

"Mr. DUNCAN responded, that he did not get the information from the Globe; he obtained it from the records in the archives of the Government—evidence of the highest character, and that which is open to the view of every one who desires to read. I hope (said Mr. D.) it is not true. I would prefer to conceal, at all times, human weakness and depravity, rather than expose, where it may be done without public injury; but I would prefer that such depravity as I am now exposing, did not exist. And let me say, once for all, that I know nothing personally of the numerous and wholesale frauds which I am now exposing. I am alike ignorant of the men whom the records show to be the perpetrators. These frauds, with the names of those who committed them, are matters of record, and the facts are spread over the whole country, and known to all who read the Journals of Congress and the reports of the Secretary of the Treasury. Consequently, my exposition can neither affect the reputation of those whose names I expose or the cause of justice."

I say the remarks contained in this extract might have well superseded the communication. But Mr. R. volunteers the following advice: "I therefore recommend to you a little caution in your future harangues." I return my thanks for this advice, and when I want more I will call for it. But Mr. R. is unkind in saying: "It may suit your creed, sir, to stand up in your place, and, with brazen front, defame honest and honorable men." I say this is an unkind charge—is unkind if it is intended to fix on me a claim of privilege in consequence of my representative character. I claim no privilege on that ground. I hold myself responsible for all I say, either in my personal or representative character. If, perchance, I am officially compelled to notice men and things in a manner unpleasant, and I am to be held responsible in my individual capacity, all I ask is that he be a gentleman who so holds me. I want him to have clean hands. He must be such a one whose frauds have not been such as to place him out of time and out of place when he is without the gloomy walls of a degrading penitentiary. He must not have the base and degraded character of coward united to his reputation in life and to his memory in death, by having pulled the nose of an old patriot, withered and bleached by the frosts of seventy winters, and worn to the brink of the grave by services to his country.

A. DUNCAN.

Therefore,

Resolved, That the said ALEXANDER DUNCAN has, in the premises, subjected himself to the just censure of this House; and that he be reprimanded therefor by the Speaker, in the presence of the House.

Mr. ELMORE then gave his reasons at length why he should sustain this motion. Mr. E. having, as requested by the original mover, renewed the motion,

Mr. DROMGOOLE asked Mr. PETRIKIN to substitute a demand for the previous question; but Mr. P. declined.

Mr. CUSHMAN called for the yeas and nays; which were ordered.

Mr. WISE moved a call of the House; which was agreed to—yeas 88, noes 69.

After the call was proceeded in till two hundred and sixteen members were ascertained to be present.

On motion of Mr. ANDERSON, it was further dispensed with.

Mr. WILLIAMS, of Kentucky, (Mr. PETRIKIN having again temporarily withdrawn the pending motion) briefly assigned the reasons why he should vote to lay on the table.

The motion having been renewed by Mr. W., the vote thereon was—yeas 117, nays 94; as follows:

YEAS.—Messrs. Adams, Anderson, Andrews, Atherton, Banks, Beatty, Boers, Beirne, Bicknell, Birdsall, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, John Campbell, Casey, Chaney, Chapman, Clowney, Coles, Connor, Crabb, Craig, Crary, Crockett, Cushman, Davee, De Graff, Dromgoole, Elmore, Farquhar, Isaac Fletcher, Foster, Fry, Gallup, Glascock, Grant, Gray, Griffin, Haley, Hammond, Hamner, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, William H. Hunter, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, Keim, Kemble, Klingensmith, Leadbetter, Logan Loomis, Lyon, James M. Mason, Martin, Maury, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Owens, Palmer, Parker, Parmenter, Parris, Paynter, Pennybacker, Petrik, Phelps, Pickens, Plumer, Potter, Pratt, John H. Prentiss, Reilly, Richardson, Rives, Robertson, Sawyer, Sheffer, Shepherd, Snyder, Spencer, Swearingen, Taylor, Thomas, Titus, Poucey, Towns, Turney, Vail, Vandever, Wagener, Webster, Weeks, Whitlsey, Sherrard Williams, Jared W. Williams, Joseph L. Williams, Worthington, and Yell—117.

NAYS.—Messrs. Alexander, Heman Allan, Ayer, Bell, Biddle, Bond, Borden, Bouldin, Briggs, William B. Calhoun, John Calhoun, William B. Campbell, Carter, Chambers, Cheatham, Childs, Clark, Corwin, Cranston, Cushing, Dawson, Davies, Deberry, Dennis, Dunn, Evans, Everett, Ewing, Richard Fletcher, Fillmore, Rice Garland, Giddings, Goode, James Graham, William Graham, Grennell, Hall, Halsted, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Jabez Jackson, Jenifer, Henry Johnson, William C. Johnson, Kennedy, Legare, Lincoln, Mallory, Marvin, May, McKennan, Menefee, Mercer, Milligan, Mitchell, Naylor, Noyes, Ogile, Pearce, Peck, Pope, Potts, Sergeant S. Prentiss, Putnam, Rariden, Randolph, Reed, Ridgway, Robinson, Rumsey, Russell, Saltonstall, Sergeant, Augustine H. Shepperd, Shields, Sibley, Slade, Stuart, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Lewis Williams, Christopher H. Williams, Wise, Word, and Yorke—94.

So the whole subject was laid on the table.

#### MEMORIAL.

Mr. FLETCHER, of Vermont, on leave, presented the memorial of the inhabitants of St. Albans, Vermont, upon the subject of the attack on the steamer Caroline, the neutrality law, and the disturbances on the Canadian frontier.

#### REPORT FROM A COMMITTEE.

Mr. EVERETT, from the Committee on Indian Affairs, reported with amendments Senate bill to appoint commissioners to adjust claims under the Choctaw treaty.

#### COMMODORE ELLIOTT.

Mr. NAYLOR, from the select committee appointed to inquire into the conduct of Commodore Elliott, while commanding in the Mediterranean, on leave, made a report thereon; which was read, and was accompanied by the following resolutions:

Resolved, That an interference, by the House of Representatives, in the disputes that occur between subordinate officers of the Navy and their superiors, commanding squadrons, is a power which ought at all times to be exercised with great caution, and is calculated to produce insubordination in that important arm of the national defense. But, in the opinion of this committee, it is competent for the Representatives of the people to investigate any abuses alleged to be committed by officers in command of squadrons, and to provide by law, for the recurrence of such abuses; and moreover to investigate and ascertain whether the head of the Navy Department may have used such means as are placed in his hands by law to punish and prevent any such alleged abuses.

Resolved, That the most appropriate remedy for such subordinate officers, is an appeal to the Secretary of the Navy for a court of inquiry to investigate the charges exhibited against their superiors; and from his decision the party aggrieved may appeal to the President, who, by the Constitution, is Commander-in-Chief of the Navy; he, as well as the Secretary, being liable to an impeachment for a willful and corrupt violation or neglect of duty.

Resolved, That the time allowed this committee is insufficient to enable them to make a full and thorough examination of the subject committed to them; that even a limited and partial examination would require them, contrary to the duty they owe to their immediate constituents and the country at large, to be absent daily during the sittings of the House at this important period of the session.

Resolved, therefore, That it is inexpedient to commence the investigation at this time, and that the chairman report these resolutions, with the journal of our proceedings, to the House, together with the opinion of this committee that

the subject matter referred to them by the resolution of the House of the 14th instant requires investigation, and that he ask that the committee be discharged from the further consideration of the subject.

Mr. NAYLOR moved to lay the subject on the table, and print, but withdrew it at the request of

Mr. PRENTISS, of Mississippi, who moved its recommitment, with instructions to strike out the first resolution, and addressed the House at length on the subject.

Mr. CAMBRELENG then moved to lay on the table and print all the reports; which was agreed to.

#### RELATIONS WITH MEXICO.

Mr. HOWARD, on leave, submitted the following resolution; which was read and agreed to:

Resolved, That the President of the United States be requested to inform this House whether any, and what, change has occurred, since his annual message, in the posture of the relations between the United States and Mexico, and to communicate to the House such correspondence relating thereto as may not be incompatible with the public interest.

#### GENERAL APPROPRIATION BILL.

The House then went into the Committee of the Whole on the state of the Union, (Mr. BANKS in the chair,) and resumed the consideration of the general appropriation bill.

The question immediately pending was the motion of Mr. BRONSON, to amend that part of the bill providing for the support of the supreme court, by limiting the application of the contingent fund thereof.

Mr. C. H. WILLIAMS, who was entitled to the floor, addressed the House at much length on the various leading topics of the day:

Mr. GARLAND, of Virginia, obtained the floor, but gave way to

Mr. SLADE, who spoke for some time, when he gave way for a motion for the committee to rise, on which the vote was—yeas 44, noes 51; no quorum.

Mr. S. resumed and concluded, when the committee rose, and the House adjourned.

#### IN SENATE.

SATURDAY, February 23, 1839.

Mr. LYON presented the petition of Israel V. Harris and others, praying the establishment of a post road from Kent, in Kent county, through the town of Tallmadge, to Muskegon, in Ottawa county, Michigan.

Also, two petitions signed by one hundred and sixty-five inhabitants of Kent county, Michigan, praying an appropriation for the construction of a harbor at Port Sheldon, in said State; which were referred to the Committee on the Post Office and Post Roads.

Mr. BENTON presented three petitions from persons asking for preemption rights; which were referred to the Committee on Public Lands, and ordered to be printed.

Mr. KING presented a memorial of sundry citizens residing in Key Vacas, praying Congress that all legislation on the subject of making Indian Key a port of entry may be postponed until further investigation; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. YOUNG submitted a report of the Board of Public Works of the State of Illinois; which was laid on the table, and three hundred extra copies ordered to be printed.

Mr. BENTON presented a petition from Thomas Coyle, which was referred to the Committee on Patents and the Patent Office.

Mr. LINN presented the papers of Peter Deselle, in relation to a land claim; which were referred to the Committee on Private Land Claims.

#### REPORTS FROM COMMITTEES.

Mr. SMITH, of Connecticut, from the Committee on Revolutionary Claims, to which was referred the petition of the heirs of William Rumsey, and the petition of the heirs of John L. De Van Brun, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. NORVELL, from the same committee, to which was referred the bill for the relief of Joseph R. Folsom, and the owners and crew of the brig Galaxy, reported the same without amendment.

Mr. LYON, from the Committee on Private Land Claims, to which was referred a petition of

Joseph Campan, for the confirmation of his title to a tract of land, reported a bill for his relief; which was read, and ordered to a second reading, and the report ordered to be printed.

Mr. L. also, from the Committee on Roads and Canals, to which was referred the bill to authorize the construction of certain improvements in Wisconsin, reported the same without amendment.

#### BILLS PASSED.

The following bills were severally read the third time and passed:

An act for the relief of Dennis Tramell;  
An act for the relief of Joseph M. Hernandez;  
An act for the relief of the legal representatives of Thomas Glascock, deceased;

The bill to grant to the State of Indiana the right of preemption to a quantity of land, to aid in the construction of a railroad from New Albany, Indiana, to Mount Carmel, in Illinois; and  
The bill to amend the act of 3d March, 1834, supplementary to the act entitled "An act to amend the judicial system of the United States."

The bill to fix the minimum price of the public lands acquired by the Miami treaty of November 6, 1828;

The bill for the relief of John A. Jacobs;  
A bill for the relief of Benjamin Murphy;  
A bill for the relief of Samuel Collins; and  
The bill to amend the act of 3d March, 1837,

entitled "An act supplementary to the act entitled 'An act to amend the judicial system of the United States,'" and for other purposes, after being amended on motions of Messrs. LINN, CLAY of Alabama, NORVELL, and SEVIER, were severally ordered to be engrossed.

The bill to explain and amend the fifth section of the act for the better organization of the United States Marine Corps was read the second time as in Committee of the Whole, and ordered to be engrossed for a third reading.

The bill to provide for the appointment of a board of commissioners to hear and examine claims against the United States, was taken up, and considered as in Committee of the Whole; and, after some remarks from Messrs. BAYARD, WALL, SEVIER, HUBBARD, PRENTISS, BENTON, CALHOUN, and SMITH of Connecticut, was ordered to be engrossed for a third reading.

The VICE PRESIDENT said, that according to usage he did not intend to resume his seat in the Senate this session. He had a great deal of correspondence and some business at the public offices to attend to, which the Senate knew that he could not do while performing his duties in the chair, and therefore his absence from the Senate became indispensably necessary. He would take this occasion to express his obligations to the members of the Senate for the kindness and courtesy with which he had been treated during the years he had presided over their deliberations, and he concluded by wishing them all a safe and happy return to their families and their homes.

The Senate then adjourned.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, February 23, 1839.

Sundry bills from the Senate were taken up, read twice, and referred to their appropriate standing committees.

#### ARMED OCCUPATION OF FLORIDA.

The bill to provide for the armed occupation of Florida, being taken up,

Mr. ROBERTSON moved that it be laid on the table.

Mr. DOWNING earnestly solicited the gentleman to permit the bill be committed.

Mr. ROBERTSON declined.

Mr. DOWNING moved to refer it to the Committee on Military Affairs.

Mr. YELL appealed to Mr. R. not to press his motion.

Mr. ROBERTSON again declined, but subsequently withdrew it.

Mr. YELL moved its postponement till Monday.

Mr. ROBERTSON moved its indefinite postponement.

Mr. CRAIG. That opens the whole merits of the question.

Mr. YELL withdrew his motion; and the question recurring on that to commit,

Mr. ROBERTSON opposed the bill with much earnestness, as, in effect, a proposition to add ten thousand men to the standing Army. If committed at all, he insisted it should be to a select committee; and if to any standing committee, it should be that on Public Lands. Moreover, there was no time for the due consideration of a measure of so much importance. If the system was a good one for Florida, why should it not be for the western portions of Missouri and Arkansas? It was, in effect, (he said,) a proposition to give away three million acres of the finest land in the world. Mr. R. concluded by renewing his motion to lay the bill on the table.

Mr. STANLY moved a call of the House; upon which motion,

Mr. WILLIAMS, of North Carolina, demanded the yeas and nays; which, being ordered, were—yeas 89, nays 60.

So the call was ordered, and proceeded in until one hundred and eighty-eight members answered to their names; when,

On motion of Mr. CAMBRELENG, all further proceedings in the same were dispensed with.

The question then recurred on the motion to lay the bill on the table; upon which

Mr. GRENNELL demanded the yeas and nays; which were ordered, and were—yeas 91, nays 94; as follows:

YEAS—Messrs. Adams, Alexander, Heman Allan, John W. Allen, Ayer, Biddle, Bond, Borden, Briggs, William B. Calhoun, John Calhoun, Carter, Chambers, Cheatham, Cranston, Crockett, Curtis, Cushing, Davies, Deberry, Dennis, Dunn, Edwards, Everett, Ewing, Richard Fletcher, Fillmore, Giddings, Goode, James Graham, William Graham, Graves, Grennell, Hall, Halsted, Hamer, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Robert M. T. Hunter, Jabez Jackson, William C. Johnson, Kennedy, Lincoln, Marvin, Sampson, Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Ogilvie, Pearce, Potts, Sergeant S. Prentiss, Putnam, Rariden, Randolph, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Sergeant, Shields, Sibley, Slade, Southgate, Stanley, Stuart, Stone, Stratton, Talliaferro, Tillinghast, Toland, Underwood, Webster, Albert S. White, John White, Lewis Williams, Sherrard Williams, Word, and Yorke—91.

YEAS—Messrs. Andrews, Atherton, Banks, Beatty, Beers, Beirne, Bicknell, Birdsall, Bronson, Buchanan, Cambreleng, William B. Campbell, John Campbell, Casey, Chapman, Clark, Clowney, Coles, Connor, Crabb, Craig, Cushman, Dawson, Dromgoole, Elmore, Farrington, Isaac Fletcher, Foster, Fry, Gallup, James Garland, Rice Garland, Glascock, Grant, Gray, Griffin, Haley, Hammond, Harrison, Hawkins, Haynes, Holsey, Holt, Roward, Ingham, Henry Johnson, Joseph Johnson, Nathaniel Jones, Keim, Kingensmith, Logan, Lyon, Maltory, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, Miller, Montgomery, Moore, Morgan, Noble, Noyes, Owens, Palmer, Parker, Parmenter, Farris, Paynter, Pennybacker, Petrik, Pickens, Plumer, Pratt, John H. Prentiss, Richardson, Rives, Sawyer, Sheffer, Shepler, Spencer, Swearingen, Taylor, Thomas, Thompson, Titus, Toucey, Towns, Turney, Vail, Weeks, Jared W. Williams, and Yell—94.

So the House refused to lay the bill upon the table.

The question then recurred upon the motion to commit the same to the Committee on Military Affairs; but before taking the vote upon the same,

Mr. ROBERTSON moved to refer so much of the bill as provides for a survey of the lands to the Committee on Public Lands, and so much as relates to a supply of grain to the Committee on Agriculture.

Mr. CAMBRELENG moved that the House go into the Committee of the Whole on the state of the Union, to consider the general appropriation bill, but waived it for the present, at the request of

Mr. THOMAS, on whose motion the House took up and considered Senate bill entitled "An act in amendment of the acts respecting the judicial system of the United States."

Mr. SERGEANT made a few remarks in relation to the nature of the bill.

Mr. THOMAS hoped the bill would be acted on now, as it had passed the Senate twice, had been favorably reported upon by the Judiciary Committee of the House, and had met the approval of the whole body of the judiciary.

Mr. SERGEANT made a few further remarks in defense of the bill; after which,

Mr. ADAMS inquired what punishment had been substituted for the whipping and pillory for felony, which, he perceived, had been abolished. He did not think a substitute had been provided therefore.

Mr. SERGEANT was understood to say that only a part of the punishment for felony had been abolished, and that the other portion, imprisonment, remained. The bill had undergone full investigation, and had met the approval of the Judiciary Committee and the judges of the Supreme Court, and hoped it would pass without delay.

Mr. ADAMS said there was strong authority to sustain the bill, and was unwilling to make any serious objection to it; but there were a number of alterations of the present code, and should like time to give it more mature consideration. There had been two ignominious punishments for felony abolished, (whipping and the pillory,) and no reasons had been assigned therefor; and for the withdrawal of these, there should at least something be substituted. The pillory was an ignominious punishment; but to throw the felon back upon the provisions of the former law which was left, was an aggravation of his punishment, and doing him great injustice. He was not willing to give up the punishment of the pillory, because it operated upon the mind; it acted upon the moral feeling of the man, and not upon his physical powers, as imprisonment did; it operated upon the reputation, and not upon the person; and he considered those punishments which operated upon the moral feeling the best, and would be in favor of increasing the penalties in this respect, and alleviating those upon the physical man. He would like to see the practice restored to the bill.

Mr. CAMBRELENG said that this was a Senate bill, and could be acted upon at any time; and, by the rules of the House, we had but three days left in which we could send bills to the Senate, originating in this body; and he hoped the House would either act upon it without further debate, or postpone it until next Friday or Saturday.

The bill was then, without further debate, ordered to a third reading on Monday next.

#### EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a communication from the Postmaster General, in compliance with a resolution of the House of Representatives of the 11th instant, transmitting all the facts in relation to the existing contract for carrying the mail from Louisville, Kentucky, to New Orleans; which was laid on the table, and ordered to be printed.

Also, a communication from the Postmaster General, in pursuance of acts of Congress, transmitting the annual report of the contracts made for the transportation of the mail within the year preceding the 1st of July, 1838; also, a statement of all land and water mails established or ordered within the same year, other than those let to contracts at the annual lettings, together with a copy of the abstract of the offers made thereon, also, various other information under several acts of Congress; which were, on motion of Mr. BRIGGS, referred to the Committee on the Post Office and Post Roads, for the purpose of ascertaining what was to be printed.

#### CIVIL AND DIPLOMATIC BILL.

On motion of Mr. CAMBRELENG, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. BANKS in the chair,) to consider the civil and diplomatic appropriation bill. The immediate question before the House was the motion of Mr. BRONSON to limit the application of the contingent fund for the support of the Supreme Court.

Mr. GARLAND, of Virginia, who was entitled to the floor, proceeded to discuss, at length, the policy of the past and present Administrations. He vindicated the Conservatives from the charge that they had abandoned the principles of General Jackson's administration, and said that they were governed by patriotic motives, &c., and gloried in his efforts to break down the Bank of the United States. He advocated the commitment of the public treasures of the nation to the banks, made some strictures upon Mr. Van Buren's letter to Sherrard Williams, and deprecated the idea of a specie currency, and contended that it was impracticable to carry on the commercial operations of the country; denounced the sub-Treasury bill as a scheme to increase Executive patronage and power, and would op-

pose such acquisition of power, whether it came from Henry Clay, William H. Harrison, or Martin Van Buren; that the refusal to receive State bank paper, went to destroy the power of the States, &c., and argued that the establishment of the sub-Treasury system would have the tendency to bring into existence another national bank. He denied that he and the Conservatives had formed an alliance, offensive or defensive, with any party, but that the Whigs had embraced their opinions, and let come what might, he would not change his opinions.

Mr. UNDERWOOD obtained the floor, and was about to proceed to address the House, when

Mr. CAMBRELENG suggested to Mr. UNDERWOOD the propriety of delaying his speech until the committee should take up the other appropriation bills. This bill was of great length, and would require considerable time to act upon the various amendments and engross the same; and the others were very short, and could with facility be passed through.

Mr. UNDERWOOD could not yield to the suggestion, but proceeded to reply at some length upon the speech of his colleague, [Mr. MURRAY,] and upon the question of currency, and the various other topics which occupy the public mind at the present day, concluding with the position that a national bank was the only remedy which could equalize the currency; and hence he was opposed to Mr. GARLAND's scheme, for the State banks would continue to blow up on every revolution or depression, as they had done heretofore.

Mr. HALSTED then went into a review of sundry small items of contingencies, and in touching, among other things, upon the Mint establishment, he averred that every dollar coined at New Orleans cost the country two dollars, at the other branches \$1 50, while at Philadelphia the cost of coining was only eight mills on the dollar. Therefore he was for abolishing all but the one at the latter place. Mr. H. went over a variety of other topics.

Mr. REED made a few remarks which were not distinctly heard.

Mr. BRONSON remarked that, before the question was taken, he wished to correct an error which he had understood had occurred in the report of some remarks which he had made on introducing this amendment. He understood (for even now he has not observed the report) that he was represented to have charged the clerk of the Supreme Court with evil practice or abuse in this matter. He did not intend to say, and he thought he did not say, that the clerk had been guilty of any malpractice; and if he was so reported, he apprehended that he had been misunderstood. He believed that the charges which had been made by the clerk of the court were such as were authorized by law, or by the rules and practice of the court; and it was but justice to the clerk to say, that no misconduct or abuse was imputed to him personally. But Mr. B. said that he had probably stated (and such, as he understood it, was the true state of the case) that, as the law and the rules and practice of the court now stood, they seemed to allow of an abuse, or of something which operated as an abuse, towards the Government, by permitting the clerk to charge the Government for copies of records which had been printed at the expense of the Government; and he was still of the opinion that, inasmuch as the Government paid the expense of printing these records, they should not be charged by the clerk for copies of such as were necessary for the Attorney General in suits in which the United States were interested; and he conceived that, if such was the law, it was perfectly competent for Congress now to alter that law, so as to correct this thing, and relieve the Government from the charge complained of.

After a few remarks from Messrs. McKEN-NAN, SERGEANT, and CORWIN, in opposition to the amendment, and in explanation of the practice of the clerk,

Mr. BRONSON then withdrew his amendment; but

Mr. PETRIKIN renewed the same, and the question on its adoption was taken, and decided in the negative.

Mr. GARLAND, of Louisiana, indicated a number of amendments he should propose to the bill, retrenching clerkships in several of the De-

partments; and moved to substitute an appropriation for a charge d'affaires for the proposed appropriation for a minister plenipotentiary at the court of Spain.

The motion was opposed by Mr. CUSHING and Mr. HOWARD, and lost.

Mr. GARLAND also pointed out several subjects of complaint in the management of the Post Office Department, and warmly objected to an item of nearly \$500,000 proposed in the bill to meet the demands of the Postmaster General.

An incidental discussion took place on an appropriation for arrearages in the expenditures for the Territory of Iowa, which led to extended explanations by Mr. CHAPMAN, the Delegate from that Territory, in relation to the difficulties between Governor Lucas and the Secretary of the Territory, Mr. Conway. The discussion resulted in the rejection of the item for arrears.

Mr. BOND proposed to limit the contingent fund for foreign missions to \$600, and quoted a recommendation to that effect in the report of the Committee of Retrenchment of 1828; but, after a brisk encounter between him and Mr. CAMBRELENG and Mr. HOWARD, in relation to that report, the motion was negatived.

On motion of Mr. LYON, an item was inserted for a marine hospital at Mobile.

When the committee rose, an appeal was pending, which had been made by Mr. INGHAM from a decision of the Chairman, [Mr. BANKS,] in relation to his motion for a reappropriation of \$100,000, formerly appropriated for a dry-dock in New York harbor.

On the motion to adjourn, the yeas and nays were called; when there were—34 for the adjournment, and 25 against it.

A motion for a call of the House was negatived.

After frequent attempts to get the bill out of committee, a little before twelve o'clock, p. m., the House adjourned.

#### IN SENATE.

MONDAY, February 25, 1839.

At eleven o'clock, in the absence of the VICE PRESIDENT, the Senate was called to order by the Secretary, and then proceeded to ballot for a President *pro tempore*.

On the first ballot thirty votes were given, of which Mr. KING, of Alabama, received twenty-eight, and was accordingly declared to be duly elected.

Mr. K. was then conducted to the chair by Messrs. BENTON and KNIGHT, and, in a neat and pertinent address, returned thanks for the honor conferred on him.

#### PETITIONS, ETC.

Mr. RUGGLES presented a memorial from John Williams and eighty-seven others, remonstrating against the repeal of the duty on salt and abolition of the fishing bounties; which was laid on the table, and ordered to be printed.

Mr. FULTON presented the petition of Francis P. Harklerood, and the petition of Daniel Harklerood, severally praying preemption to a tract of land; which was referred to the Committee on the Public Lands.

Mr. SWIFT presented two memorials of citizens of Addison county, Vermont, praying the establishment of a national foundry at Vergennes, in that State; which were ordered to be printed.

Mr. MERRICK presented a memorial of the Mayor and City Council of Baltimore, praying that the usual annual appropriation may be made for the improvement of the harbor of said city; which was referred to the Committee on Commerce.

Mr. NORVELL said that two or three weeks ago a memorial was presented from a naturalized citizen of the United States, resident in Michigan, praying that Congress would adopt measures to secure effectual protection to such citizens under all circumstances. He had the honor now to lay before the Senate a joint resolution of the Legislature of the State of Michigan, instructing her Senators and requesting her Representative "to use their efforts for the adoption of such measures as will insure the recognition, by foreign Powers with whom we have national intercourse, of the absolute citizenship of all foreigners naturalized by the existing laws of the United States." He begged leave, moreover, at the same

time, to present a memorial from a large body of the respectable naturalized citizens of Michigan, having the same interesting object in view. Having given his views somewhat at length, on a former occasion, in relation to the rights of this numerous and valuable class of American citizens, and the corresponding obligations of the United States to afford them complete protection at all times, under all lawful circumstances, and at all hazards, he should only add that the joint resolution and the memorial which he held in his hand met his entire concurrence.

The memorials, on Mr. N.'s motion, were referred to the Committee on Foreign Relations, and ordered to be printed.

#### REPORTS FROM COMMITTEES.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the following, asked to be discharged from the further consideration thereof; which was agreed to:

A memorial in relation to the condition of the Mineral Bank of Wisconsin;

A memorial of the New York Screw Dock Company, for the remission of duty on iron imported by them;

A memorial of Joseph Shaw, praying remission of duties on imported cordage; and

An act to authorize the cancellation of certain debenture bonds on the exportation of coal.

Mr. RUGGLES, from the Committee on Commerce, reported a bill to provide for the better security of passengers on board of vessels propelled in whole or in part by steam; which was read, and ordered to a second reading.

#### RECESS—HOUR OF MEETING.

Mr. HUBBARD submitted a resolution that the Senate should hereafter take a recess from three to five o'clock; and, after some remarks from Mr. H. on the amount of business on the Calendar, and the necessity of the adoption of the proposed resolution, it was decided in the negative—yeas 14, nays 17.

Mr. DAVIS then submitted a resolution that hereafter, the Senate meet daily at ten o'clock; which was agreed to—yeas 15, nays 14.

#### ELECTION OF ASSISTANT DOORKEEPER.

Mr. NORVELL, in pursuance of notice given, moved that the Senate go into an election of an assistant doorkeeper; which, after some debate, was laid on the table—yeas 23, nays 17.

#### SAND-BAR IN CONNECTICUT RIVER.

Mr. NILES submitted the following motion; which was considered and agreed to:

*Resolved*, That the Secretary of War be directed to report to the Senate whether the sum of \$25,000, appropriated in 1836 for removing the sand-bar at the mouth of the Connecticut river, has been expended for that object, or any part thereof; and if not, the reasons why the said appropriation has not been expended agreeably to the act appropriating the same.

#### EMIGRANT INDIANS.

The bill to provide for the security and protection of the emigrant and other Indians west of the States of Missouri and Arkansas, was taken up on its third reading, and after some remarks from Mr. CALHOUN, in opposition to the bill, the question on its passage was decided in the affirmative—yeas 31, nays 10; as follows:

YEAS—Messrs. Bayard, Clayton, Crittenden, Cuthbert, Fulton, Hubbard, King, Knight, Linn, Merriek, Morris, Mouton, Nicholas, Pierce, Prentiss, Robbins, Robinson, Sevier, Smith of Indiana, Strange, Swift, Tallmadge, Walker, Wall, White, Wright, and Young—31.

NAYS—Messrs. Allen, Benton, Calhoun, Niles, Norvell, Roane, Smith of Connecticut, Williams of Maine, and Williams of Mississippi—10.

So the bill was passed.

#### COURT OF CLAIMS.

The bill to provide for the appointment of a board of commissioners to hear and examine claims against the United States, was considered on the question of its passage, and decided in the affirmative—yeas 30, nays 12; as follows:

YEAS—Messrs. Bayard, Clayton, Crittenden, Cuthbert, Davis, Foster, Hubbard, King, Knight, Linn, Lyon, Merriek, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Prentiss, Preston, Roane, Robbins, Robinson, Smith of Connecticut, Swift, Tallmadge, Walker, Wall, Williams of Maine, and Young—30.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Fulton, Ruggles, Sevier, Smith of Indiana, Strange, Williams of Mississippi, and Wright—12.

So the bill was passed.

## MARINE CORPS.

The bill to explain and amend the fifth section of the act for the better organization of the United States marine corps, was read the third time and passed.

## SMITHSON BEQUEST.

The bill providing for the disposition and management of the fund bequeathed to the United States, in trust, by James Smithson, of London, deceased, for the establishment of an institution for the increase and diffusion of knowledge among men, was taken up, and, after an animated discussion, in which Messrs. ROBBINS, NILES, CALHOUN, WALKER, CRITTENDEN, BROWN, BENTON, and HUBBARD participated, it was, on motion of Mr. H., laid on the table—yeas 20, nays 15; as follows:

YEAS—Messrs. Allen, Bayard, Benton, Brown, Calhoun, Clay of Alabama, Hubbard, King, Lyon, Morris, Mouton, Niles, Norvell, Roane, Robinson, Smith of Connecticut, Strange, Williams of Maine, Williams of Mississippi, and Wright—20.

NAYS—Messrs. Clay of Kentucky, Davis, Fulton, Knight, Linn, Merrick, Prentiss, Preston, Rives, Robbins, Ruggles, Sevier, Smith of Indiana, Walker, and Young—15.

## BOUNDARY OF MAINE.

Mr. WILLIAMS, of Maine, rose and asked the indulgence of the Senate to make some remarks upon an article in a leading journal of this city, (the National Intelligencer,) published this morning, in which the recent proceedings of the State of Maine and of the people of that State were represented in a light not only unjust, but injurious. The struggle in which Maine is now engaged to maintain and defend her rights and the rights of the nation, is one of the deepest interest and concern to both; and to find a leading and influential journal at the seat of Government coming out and condemning the course pursued by Maine in a controversy with a foreign nation was not only a reproach upon his State, but calculated to prejudice the public mind upon a question of the first importance to the State and nation.

The editorial article referred to is calculated to impress upon the nation that the people and the Legislature of Maine have been hurried into "very hasty measures;" that "the boundary question is not so much a question of real substantial interest as it is of State feeling, stimulated by the rivalry between the two great parties in the State which shall turn it most to its advantage;" that "the boundary question is a game which is expected to be won by the side which succeeds in driving the ball furthest;" that "the Governor of Maine gets the Legislature to authorize him to send out a body of men to drive the British subjects off from the land which Great Britain claims and actually occupies, and which is claimed also as territory of the United States;" and "the first that Congress hears of them is, that the Governor of Maine is actually levying war against a Power in amity with the United States."

Maine is now struggling, and perhaps bleeding, in defense of her rights, invaded and threatened by a foreign Power; and to see her Government and people thus unjustly and injuriously treated, is too much for any of her representatives to suffer to pass unnoticed and unrebuked. He had nothing to say of the motives which could have induced the publication; his business was to expose to the Senate and to the nation the great injustice done by this publication to his State and to the government of it, and with this view he desired to place before the Senate the facts which had led to the present alarming and interesting state of affairs. As to the right of the United States and Maine to the territory in dispute between this country and Great Britain, he would not say more than to refer to the unanimous declaration of both Houses of Congress at the last session. As to the question of jurisdiction, it might be important to spread before the Senate the facts in the case, which he would do as briefly as possible. Prior to 1820, Maine was part of Massachusetts, and the seat of government was at Boston, four or five hundred miles from the territory now in dispute. But little was then known of the Madawaska or the Aroostook; they lay far beyond the settled part of the Commonwealth, and with the exception of the Madawaska settlement, were wilderness and uninhabited. Whatever communication there was, and could be, between the settled part of Massachusetts and Madawaska, was through the British Provinces and up the St. Johns river.

The commissioners under the treaty of Ghent had been expected to settle and determine the treaty line, until about the time Maine was separated from Massachusetts; and until their disagreement was made public, no one had any apprehension that Great Britain would pretend that the highlands of the treaty were to be found at Mar's Hill. In 1820 Maine became a separate State, owning one half of the unsold lands, and Massachusetts the other half; and in 1821 or 1822, an agent of the State of Maine was sent into the Madawaska and Aroostook countries to ascertain their condition, to look after the timber, and to prosecute trespassers. This was effected, and satisfaction obtained for the timber which had been cut. The same course was pursued the following year, and nearly, if not quite, every year from that time to this. In 1825, the land agents of Massachusetts and Maine were empowered to convey lands in the Madawaska settlements, and in 1826 some lots were conveyed to settlers there. In 1827, Baker and others were arrested by the provincial authorities, and imprisoned at Frederickton for alleged misdemeanors at Madawaska in raising the American flag and stopping his Majesty's mail. After a long confinement he was tried, convicted, and sentenced by a foreign court to pay a fine and suffer imprisonment. These proceedings were protested against by this Government, and Baker's release was the consequence; but no satisfaction for the wrong has ever been obtained. In 1831, Hunnewell, Wheelock, and Savage were arrested and imprisoned, under provincial authority, for attempting to organize the town of Madawaska, under a law of the State of Maine. Upon remonstrance being made, they were finally pardoned and set at liberty, but no recompense was ever made for the wrong done them. In 1837, Greeley, who was employed under a law of the State of Maine to enumerate the persons at Madawaska, was twice arrested and committed to prison by the provincial authorities, and finally released upon the demand of this Government; but without any satisfaction being made for the wrong done him.

In consequence of these difficulties, and to avoid the evils of a conflict of jurisdiction, an informal, and somewhat indefinite, understanding was had between the Governments of the United States and Great Britain, that pending the negotiation and arbitration as to the line of boundary between the two countries, neither party should extend its jurisdiction in the disputed territory, or do acts to strengthen its claim to the prejudice of the other party. While it is admitted that the British Government might well claim jurisdiction over the early settled part of Madawaska, it can scarcely be pretended that such claim would include the American settlers further up the St. Johns, who settled there about the year 1816; but however that may be, there can be no just pretense that the British Government ever had jurisdiction in the Aroostook country. And as relates to recent events in Maine, it is important to keep in mind that the facts, so far as relate to the question of jurisdiction, are very different in the Aroostook country from what they are in the Madawaska country. In the latter, there were early settlements and grants from the Crown. In the former, the first settlements were not earlier than 1822, made by American citizens and persons from the Provinces, who resorted there to be within American territory, and beyond the reach of their Provincial creditors. Very soon after the establishment of the monument at the source of the St. Croix, a line was run due north therefrom, and two ranges of townships, each of six miles square, were surveyed and located by the Commonwealth of Massachusetts, contiguous to that line, and extending northwardly many miles beyond the Aroostook river. The township including the Aroostook river and adjoining to the due north line, was conveyed by Massachusetts as early as 1807; and other townships and parts of townships were conveyed soon after, all of which have been, and are, held by those grantees and their assigns.

In 1826, the territory west of these two ranges of townships, and extending near to St. Johns river, was surveyed under the joint authority of Massachusetts and Maine, into townships of six miles square, and soon after divided between those

States. Many of these townships have been sold to individuals, and the others remain the property of the State. A road has been marked out from the military road, near Mattawamkeag, across the Aroostook, and thence on to the St. Johns, and is well made to the Aroostook river.

The land agents of Maine and Massachusetts have frequently, and almost yearly, been upon that territory, sold timber, granted permits, prosecuted trespassers, and exercised other acts of ownership. The persons settled upon that river look to Massachusetts and Maine for titles to the land they possess; and it is not known that the British authorities ever made, or proposed to make, grants to any of them. In fact, the only claim to jurisdiction by the British authorities, so far as known, depends upon their assumption that, as the land once belonged to the Crown, and has not been set apart, the title of jurisdiction remains now in the Crown; that by the arrangement before mentioned, they retain jurisdiction until the controversy about the boundary shall be settled; and that they have a warden to look after trespassers upon the disputed territory, for the benefit of the party to whom the land may finally be awarded. The claim to exclusive jurisdiction is of very recent origin, and without a shadow of foundation. Whenever advanced, it has been denied by our Government; and in 1829 we find the Acting Lieutenant Governor of New Brunswick, in a letter to the British Minister, uses this language:

"I am induced to submit to your Excellency's consideration the propriety of an officer being appointed by the General Government of the United States, to act in concert with Mr. McLaughlin, in guarding against further depredations, and the infraction of the existing understanding between the two Governments, until the pending question between the two Governments shall be decided."

And now, the claim is to the exclusive jurisdiction.

Let us now look at the causes which have brought on the alarming state of things which threatens the peace of the country, and see whether or not the government and people of Maine are justly chargeable with "very hasty measures."

During the last year, the land agent of Maine went twice upon the territory on and about the Aroostook waters, saw the persons who had prepared to cut timber, warned them to desist, and, in some cases, sued the persons concerned, and obtained satisfaction for what they had cut, and, in all instances, the trespassers promised to quit. Fearing that, after he should be gone, the trespassers might return to their work of destruction, he notified them that, if they should do so, he should prosecute them and take their teams. In December, the land agents sent Mr. Buckmore to the Aroostook and Fish rivers, to prevent, as far as he could, any trespassing upon the public lands.

In January, that agent reported to the Governor of Maine that vast depredations were committed by some two or three hundred persons, who not only refused to desist, but defied the power of the State to prevent their cutting timber to any extent they pleased. The Governor communicated that information to the Legislature then in session. The Legislature thereupon "directed the land agent forthwith to employ sufficient force to arrest, detain, and imprison all persons trespassing upon the territory of the State, and to dispose of the teams, lumber, and other materials of the trespassers, as he should deem necessary and expedient." Under this resolve, the land agent proceeded with about two hundred chosen men to the scene of operations on the Aroostook, dispersed most of the trespassers, and arrested some fifteen or twenty. On the following night, while the land agent was in bed, he was surrounded by armed men, and ordered to Frederickton. On his inquiring their authority, they presented bayonets, and compelled him to go with them to Woodstock, where there was some examination by magistrates, and then ordered to Frederickton under military guard, in a most humiliating manner. What is his present condition is not known.

Upon this, Sir John Harvey, Lieutenant Governor of New Brunswick, issued his proclamation, reciting that he had received information that a party of armed persons, two hundred or more, had invaded that province from the neighboring State of Maine, for the professed object of exercising authority, and driving off persons

stated to be cutting timber therein, and ordering a sufficient military force to proceed forthwith to the place where these outrages are said to have been committed, as well to repel foreign invasion as to prevent illegal acts of her Majesty's subjects, a draft of militia from two brigades. Upon receipt of that proclamation, the Governor of Maine ordered a reinforcement of five hundred armed men to sustain the land agent's party in the discharge of their duty, communicated the proclamation to the Legislature, with a statement of what had occurred; and also transmitting a letter received by him from Lieutenant Governor Harvey, in which the latter asserted the right of *exclusive* jurisdiction over the disputed territory, and informing that he had instructions not to suffer any interference with the possession or jurisdiction of that territory, asking that the land agent's party may be withdrawn, and adding that "he had directed a strong force of her Majesty's troops to be in readiness to support her Majesty's authority, and protect her Majesty's subjects in the disputed territory, in the event of that request not being immediately complied with." The Legislature approved the Governor's course, and made a large appropriation to enable him to carry it out. The Governor returned an answer to Sir John Harvey, that he should not comply with his request, and that the land agent's party would not be withdrawn, so long as he could find sufficient force to maintain them there, and one thousand men have already marched, and no doubt are at this moment upon the disputed territory, to sustain the land agent, and to execute the laws of their State, and, if attacked, may now be pouring out their blood in defense of their country, and in maintaining the rights and honor of their State. The Governor has communicated all to the President, and we may expect a message to-morrow, informing us of the course he may think proper to pursue on this momentous question.

Having stated the facts, as Mr. W. believed them to exist, he submitted to the Senate and to the nation whether the government or people of Maine were justly chargeable with adopting "very hasty measures," or "levying war against a Power in amity with the United States?" As to the idea of the boundary question being in Maine a party question, or a game to be won "by the side which succeeds in driving the ball furthest," it was no such thing. Although there are political parties in Maine, they are extinguished upon this great, vital, and all-absorbing question of boundary, and the maintenance of the rights and honor of the State. On this question there is but *one voice* and *one determination*, as well in the government as in the people of Maine; and that is, to maintain inviolate *her whole territory*; and, before yielding to the haughty demand of the Lieutenant Governor of New Brunswick to withdraw her land agent and the force necessary to sustain him in the execution of his duties, the best blood of her citizens will be freely shed to repel invasion, and to vindicate the rights of Maine and the honor of the nation.

Mr. WALKER said that he was not at all surprised at the course of the paper alluded to on this subject. It had but followed its instincts in this matter. In the difficulties with the Indians it had advocated their pretensions in opposition to the Government; in our difficulties with France it was the French organ; in our dispute with Mexico it was the Mexican organ; and in the present difficulty it was very natural it should be the British organ. Whenever we have had difficulties with a foreign Power, this paper was sure to be found advocating foreign interests.

The PRESIDENT *pro tempore* interposed, and said there being no question before the Senate, the remarks of the Senator were out of order.

Mr. DAVIS, by unanimous consent, offered some remarks on the subject of the difficulty on the borders of Maine; and said that, as to the question of the right of this country to the disputed territory, there was not a shadow of doubt, but advised calmness and deliberation in the consideration of the matter. If, on a full and calm consideration of the matter, an appeal to arms for the protection and defense of our rights was thought necessary, he would not be found faltering.

#### CITIZENS IN OREGON.

On motion of Mr. LINN, the bill to provide for the protection of the citizens of the United

States residing in the Oregon Territory, or trading on the Columbia river, was taken up; and, after some remarks from Mr. L.,

On motion of Mr. WRIGHT, the bill was referred to the Committee on Foreign Relations.

#### NAVY APPROPRIATION BILL.

The Navy appropriation bill was then taken up; and

Mr. WILLIAMS, of Maine, said he had an amendment to offer; but the chairman of the Naval Committee [Mr. RIVES] not being in his seat, he hoped the bill would be permitted to lay over till to-morrow.

Mr. WRIGHT gave notice that he would call it up to-morrow at twelve o'clock.

#### DAVID WALLER.

The bill granting a pension to David Waller was ordered to be engrossed for a third reading.

#### CIRCUIT COURT IN THE DISTRICT.

The bill to explain and limit the powers of the circuit court of the District of Columbia, was taken up and ordered to be engrossed—yeas 24, nays 10; as follows:

YEAS—Messrs. Allen, Benton, Brown, Clay of Alabama, Fulton, Hubbard, King, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Wall, Williams of Maine, Williams of Mississippi, Wright, and Young—24.

NAYS—Messrs. Bayard, Clayton, Davis, Foster, Knight, Prentiss, Preston, Swift, Tallmadge, and White—10.

#### LAND CLAIMS IN MICHIGAN.

The bill to amend an act confirming certain land claims in Michigan was, after some remarks from Mr. LYON, read a second time, and ordered to be engrossed for a third reading.

#### HEIRS OF PHILIP BARBER.

The bill for the relief of the legal representatives of Philip Barber, deceased, was, on motion of Mr. WALKER, after some remarks, indefinitely postponed.

The bill to authorize the payment of equitable commissions to the attorneys of persons in whose favor awards have been made by the commissioners under the several treaties with foreign Powers, was read a second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

#### BOUNTY LANDS TO SOLDIERS.

The bill to revive an act authorizing certain soldiers of the late war to surrender the bounty lands drawn by them, and to locate others in lieu thereof, was, after a brief explanation from Mr. FULTON, also ordered to be engrossed for a third reading.

#### J. AND W. BEESON.

The bill for the relief of J. and W. Beeson and others was also considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

On motion of Mr. CLAY, of Alabama, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, February 25, 1839.

The regular business of the day being the call for resolutions,

Mr. CAMBRELENG moved a suspension of the rules for the purpose of calling the committees for reports, and proceeding with the public business.

#### AMENDMENT OF THE CONSTITUTION.

Mr. ADAMS asked leave to present the following resolution; which was read for information:

*Resolved by the Senate and House of Representatives in Congress assembled, (two thirds of both Houses concurring therein,) That the following amendments to the Constitution of the United States be proposed to the several States of the Union, which, when ratified by three fourths of the Legislatures of said States, shall become and be a part of the Constitution of the United States:*

First. From and after the 4th day of July, 1842, there shall be, throughout the United States, no hereditary slavery; but, on and after that day, every child born within the United States, their Territories or jurisdiction, shall be born free.

Second. With the exception of the Territory of Florida, there shall henceforth never be admitted into this Union any State, the constitution of which shall tolerate within the same the existence of slavery.

Third. From and after the 4th of July, 1845, there shall

be neither slavery nor slave trade at the seat of Government of the United States.

Objection having been made,

Mr. A. proceeded to state that he had in his possession a petition which he desired to present, and on which these resolutions were founded. It was a petition from John Jay and forty-three most respectable citizens of the city of New York. [Mr. A. was here interrupted by cries of "Order!"]

The SPEAKER having decided that the motion to suspend the rule must first be disposed of, Mr. ADAMS did not press the motion further at this time.

The question having been taken on the motion of Mr. CAMBRELENG, the rules were suspended.

#### REPORTS FROM COMMITTEES.

Mr. STEWART, from the Committee of Claims, made a report against the petition of James Young.

Mr. RUSSELL, from the same committee, made a report upon the petition of Joseph H. Walters; and the same was referred to the Secretary of War.

Also, reported bills for the relief of Daniel Steenrod and William P. Rathbone.

Mr. CHAMBERS, from the same committee, made a report against the petition of William Thomas.

Mr. CUSHMAN, from the Committee on Commerce, reported a bill making appropriations for repairing certain public works.

Mr. GIDDINGS, from the committee of Claims, made a report against the petitions of John M. Pounds and William H. Spiller.

Also, reported Senate bill, with amendments, for the relief of Gad Humphreys, of the Territory of Florida.

Mr. CUSHMAN, from the Committee on Commerce, reported, without amendment, Senate bill for the relief of Elisha Eldridge.

Also, a bill explanatory of an act entitled "An act making appropriations for building light-houses, light-boats, beacon-lights, buoys," and making surveys for the year 1838, passed 7th July, 1833.

Mr. CASEY, from the Committee on Public Lands, reported, without amendment, Senate bills authorizing the relinquishment of the sixteenth sections granted for the use of schools, and the entry of other lands in lieu thereof; and authorize certain certificates of deposit to be canceled and reissued; which last mentioned bill was read the third time and passed.

Mr. CHAPMAN, from the Committee on Public Lands, reported, with amendments, Senate bill for the relief of certain settlers on the public lands who were deprived of the benefits of the act granting preemption rights, which was approved on the 19th of May, 1834.

Some debate followed, (directed to the question of engrossment or commitment,) in which Messrs LINCOLN, CHAPMAN, WILLIAMS of North Carolina, and CRABB participated.

When, on motion of Mr. WILLIAMS, of North Carolina, the bill (ayes 82, noes 54) was laid on the table.

Mr. LOOMIS, from the same committee, reported, with amendment, Senate bill to authorize John E. Metcalf and others to locate certain preemption claims to land in Indiana.

Also, made a report on the subject of securing to actual settlers on public lands the right of preemption to their own improvements, when offered for sale, in preference to others, accompanied by a bill for that purpose.

Also, reported a bill authorizing the issuing of land scrip to satisfy military bounty land warrants.

Mr. BOULDIN, from the Committee for the District of Columbia, reported, without amendment, Senate bill supplemental to the act granting certain city lots to the corporation of the Columbia College, for the purposes therein mentioned, approved 14th July, 1832.

This bill was read the third time and passed.

Mr. TOUCEY, from the Committee on the Judiciary, reported, without amendment, Senate bill to prevent the abatement of suits and actions now pending, in which the Bank of Columbia, in Georgetown, may be a party; which bill was read the third time and passed.

Mr. T. also, from the same committee, reported an amendatory bill to authorize the circuit courts

of the United States to appoint their own clerks, and to regulate the fees of clerks in the States of Louisiana and Alabama.

Also, Senate bill to abolish imprisonment for debt in certain cases, without amendment; which bill was read the third time and passed.

Mr. MARTIN, from the same committee, reported a bill to change the terms of the circuit court for the eastern district of Louisiana, and the southern district of Alabama; which was, on his motion, laid on the table.

Mr. MAY, from the Committee on Private Land Claims, reported, without amendment, Senate bill to confirm the title to a certain tract of land in the county of Mobile.

Also, for the relief of Daniel Maisaque.

Mr. FLETCHER, of Massachusetts, from the same committee, reported, with amendments, Senate bill to continue in force the act for the final adjustment of private land claims in Missouri, approved 9th July, 1832, and the act supplemental thereto, approved 2d March, 1833.

Mr. McKAY, from the Committee on Military Affairs, reported a bill for the erection of certain military works on the northeastern frontier of the United States.

Mr. HOWARD, from the Committee on Foreign Affairs, reported, at length, relative to the commercial intercourse between the United States and the British provinces of Nova Scotia and New Brunswick.

Mr. MORGAN, from the Committee on Revolutionary Pensions, reported a bill for the relief of Jacob Adams, of Massachusetts.

Mr. WHITTLESEY, from the same committee, reported, without amendment, Senate bill for the relief of Joseph Bassett; and made a report against the petition of Jacob White.

Mr. JOHNSON, of Virginia, from the same committee, reported a bill for the relief of Elisha Benton; which was read twice and committed.

Mr. J. also made an unfavorable report on the petition of Jacob White; which was laid on the table.

Mr. CHILDS, from the same committee, reported a bill granting a pension to Elnathan Sears.

Mr. FRY, from the same committee, reported a bill granting a pension to Christian Brougher, of Pennsylvania, and made a report against the petition of Margaret Wade.

Also, reported Senate bill to establish a pension agency at Montpelier, in Vermont, with amendments.

Mr. MERCER, from the Committee on Roads and Canals, made a report upon the subject of an appropriation for improving the navigation of the Ohio river, and reported an amendment to the joint resolution now before the House, authorizing certain military surveys.

Mr. PRATT, from the Committee on Public Buildings and Grounds, made a report upon the subject of having the public buildings, hereafter to be erected, built either of marble or granite, instead of sandstone.

Mr. LINCOLN, from the Committee on Public Buildings and Grounds, laid before the House certain communications in relation to the material for the construction of public buildings; which was laid on the table, and ordered to be printed.

Mr. JENIFER, chairman of the select committee to which had been referred so much of the President's message as relates to the tobacco trade with foreign nations, made a report; which was laid on the table, and ordered to be printed.

Mr. HOWARD said that as this was a very important report, he would move the printing of five thousand extra copies.

And the rule having been suspended, the motion to print (having been urged briefly by Messrs. HOWARD, and JOHNSON of Maryland) was agreed to.

Mr. MAY presented certain joint resolutions from the Legislature of Illinois, on the subject of the currency; which were read, laid on the table, and ordered to be printed.

#### IMPRISONMENT FOR DEBT.

Mr. WILLIAMS, of Kentucky, moved to reconsider the vote by which the bill abolishing imprisonment for debt in certain cases had been passed. The motion was entered.

On motion of Mr. TOUCEY, the rules were suspended for the purpose of considering the mo-

tion to reconsider the vote abolishing imprisonment for debt.

Mr. PETRIKIN demanded the previous question.

The bill having, on motion of Mr. ROBERTSON, been read,

The previous question was seconded, and the main question (being on the reconsideration) was ordered and taken;

And the motion to reconsider was rejected.

#### JUDICIAL SYSTEM.

On motion of Mr. SERGEANT, the act amending the act in relation to the judicial system of the United States was taken up on the question of final passage.

Mr. EVERETT moved to recommit the bill to the Committee of the Whole on the state of the Union, for the purpose of striking out the second section.

Some debate followed, in which Messrs. EVERETT and THOMAS participated.

Mr. CAMBRELENG moved the previous question.

Mr. EVERETT moved to lay the bill on the table; which motion was rejected.

The previous question was then seconded, and the main question ordered;

And the bill was passed.

On motion of Mr. CASEY, leave was granted to O. Wallace to withdraw certain papers from the files of the House.

Mr. WORD, on leave, presented certain joint resolutions from the Legislature of Mississippi, in relation to post roads in the United States.

Also, presented the petition of David G. Harvey.

#### GENERAL APPROPRIATION BILL.

The House again resolved itself into the Committee of the Whole on the state of the Union (Mr. BANKS in the chair) on the above bill.

The appeal in relation to the amendment for a reappropriation for a dry-dock at Brooklyn was withdrawn; and so the question pending on Saturday fell to the ground.

On motion of Mr. CAMBRELENG, the following item was stricken out, (provision having been made therefor in another bill):

"For carrying into effect the treaty between the United States and Texas of the 25th April, 1838."

Mr. SLADE moved to amend the bill by inserting an appropriation of \$2,000, to enable the President to defray the expenses of sending a commercial agent to Hayti, for the purpose of establishing commercial relations therewith.

The CHAIRMAN decided this amendment to be out of order, on the ground that it was for an object not authorized by law.

Mr. SLADE appealed from the decision; and a debate followed, in which Messrs. SLADE, CAMBRELENG, CRAIG, FLETCHER of Massachusetts, LEGARE, TILLINGHAST, WISE, HOWARD, TOUCEY, ADAMS, WHITTLESEY, and CUSHING took part, and which resulted in affirming the decision of the Chair.

A variety of amendments were moved by Mr. CAMBRELENG, and agreed to. After which, another question of order occupied the House on an item moved by Mr. C., the operation of which would be to restore to certain officers of the customs the salaries they received in 1832; the repeal of the duties on certain articles, and the operations of the tariff having deprived them of the sources from which they received the same; the duties of the office being as laborious as they were when the act regulating their pay became a law.

The CHAIRMAN decided that the amendment was in order, because it proposed to fulfill the provisions of a former act.

Mr. EVERETT resisted this as an increase of expenditure not authorized by law; and the question was debated by Messrs. EVERETT, CAMBRELENG, BRIGGS, PETRIKIN, CUSHING, HOWARD, CUSHMAN, WILLIAMS of North Carolina, REED, PARMENTER, LEGARE, RANDOLPH, and MERCER; when the decision of the Chair was reversed by the House, and the amendments rejected.

Mr. PRATT, in the course of the above debate, under the impression that the appeal from the decision of the Chair upon the amendment pro-

posing to appropriate \$100,000 for a dry-dock at Brooklyn was still pending, intimated his wish to address the House upon that subject; but as he was mistaken as to the question now before the committee, and holding to the opinion that time is money, if the House had no objection, he would write his views out upon that subject, instead of contributing to its waste at this late period of the session. The House granted him leave.

Mr. PETRIKIN moved an amendment to distribute certain copies of the Documentary History of the United States, now in the State Department, among the members of the House who had not received them; which was agreed to.

On another item of appropriation which proposed both an outfit and salary to a charge to Holland, Mr. STANLY inquired of Mr. HOWARD, chairman of the Committee on Foreign Affairs, whether it was intended to recall the present minister, (Mr. Devizac,) and appoint another?

Mr. HOWARD replied, it was his opinion that there would be a change in that mission.

Mr. STANLY inquired whether he was at liberty to state whether certain rumors stating the present Minister to be a public defaulter were well founded?

Mr. HOWARD replied that he did not know, or feel himself authorized to state.

Mr. SLADE moved to strike out the item of an outfit for a charge to Holland; and on that motion went into a speech, at large, in favor of appointing a diplomatic agent to Hayti.

Mr. S. spoke for several hours, and was finally called to order, and the House refused to permit him to continue his remarks, after considerable conference, and various motions for the committee to rise.

Mr. SERGEANT moved an item of \$15,000 to pay the clerks in the custom-house at Philadelphia certain arrears of salary, or so much of that sum as might be necessary; and, in support of the claim, said it had been acknowledged by the collector and Secretary of the Treasury as just.

Mr. CAMBRELENG said he had no doubt the justice of the claim, but upon the same principle as the amendment offered by him, proposing to supply a deficiency in the salaries of other custom-house clerks, it was out of order. The Chair decided his amendment was in order, but the committee thought proper to reverse that decision. To be consistent, the committee ought to declare this out of order.

The CHAIRMAN, however, again decided (notwithstanding the reversal of his former decision) that this amendment was in order.

The decision was sustained by the committee, and the amendment agreed to.

Mr. CAMBRELENG presented certain additional items of amendment; which were agreed to.

Mr. WILLIAMS, of North Carolina, presented an amendment in the shape of a new section, the object of which was to confine all civil officers and agents to their salaries, so that they shall not receive, by fees or otherwise, more than \$4,000; the surplus to be paid over to the Treasury. The amendment excepts certain officers therein named.

Mr. CAMBRELENG objected that the amendment was not in order, on the ground that it was not in order to modify or repeal a law creating salaries, &c., in a general appropriation bill.

The CHAIRMAN decided the amendment to be in order.

After some debate between Messrs. WILLIAMS of North Carolina, CAMBRELENG, and REED,

Mr. BRONSON moved to amend the amendment by adding thereto, "or any other officer whose salary is fixed by law."

Mr. WILLIAMS, of North Carolina, accepted the modification; and the amendment was agreed to.

Mr. McKAY offered an amendment that no officers or persons whose salaries are fixed by law and regulation shall receive any allowance for disbursement of public moneys, &c., unless authorized by law.

An amendment to the amendment was offered limiting to thirty dollars per annum the sum to be expended by the heads of Executive Departments for newspapers or periodicals not necessary for the use of their offices; which was agreed to.

And the amendment as amended was agreed to.

Mr. BOND moved a new section, that the printing of the Executive Departments shall be done by contract; proposals to be advertised for, and contracts to be let to the lowest bidder.

After a few remarks from Mr. B., the amendment was agreed to.

Mr. GARLAND, of Louisiana, moved to amend the bill by striking out "for compensation to the clerks in the office of the Secretary of the Treasury, per act of 23d June, 1836, \$3,600."

After a few remarks from Messrs. GARLAND of Louisiana, and CAMBRELENG, (the latter gentleman having stated that such clerks were still required,)

Mr. GARLAND, of Louisiana, modified his motion so as to insert, after "1836," the words "entitled an act to regulate the deposits of the public money."

The amendment was agreed to.

Mr. DOTY moved an amendment appropriating \$10,000 for surveys of the public lands north of the Wisconsin.

Mr. DOTY and Mr. CAMBRELENG supported the amendment, and it was agreed to.

Mr. PETRIKIN moved to amend the bill by inserting "five" instead of "eight" dollars per mile for surveying the public lands in Louisiana.

After a few remarks from Messrs. GARLAND of Louisiana and PETRIKIN,

The amendment was rejected.

On motion of Mr. CAMBRELENG, the appropriation of \$32,000 for contingent expenses, pay, mileage, &c., of the members of the Legislature of Wisconsin, was reduced to \$25,000.

Mr. DROMGOOLE offered a new section, increasing the salaries of such clerks in the Departments of War, Treasury, and Navy, and clerks of both Houses of Congress and the Library, &c., whose salaries were under \$2,000. [Increasing the salaries of all officers drawing under \$1,000 twenty per cent., and over that sum, but under \$2,000, ten per cent.]

The motion was supported by Messrs. DROMGOOLE and BOULDIN, and opposed by Mr. GRAVES, who called upon all those gentlemen who were opposed to this Administration on the ground of its extravagance, to resist this amendment.

Mr. PETRIKIN moved to amend the amendment by including the clerks in the General Post Office.

Mr. DROMGOOLE accepted this as a modification.

The debate was continued by Mr. PRATT, who said he was opposed to the amendment of the gentleman from Virginia, [Mr. DROMGOOLE.] He thought, by a prudent application of the salaries they now receive, it was a competency to support them in a genteel style. He inferred from the quarter in which the amendment originated, and the ready support which it received by the gentleman from Pennsylvania, [Mr. PETRIKIN,] there should strong suspicions attach to it. He was not astonished that these gentlemen should step forward to take care of those who belonged to their State by birth—they were governed by a kind of State pride in the matter. He had examined into the condition of the Departments of Government in this respect, to ascertain whether the State he in part represented had her quota in the public service of the country; and he was somewhat astonished to find that the sons of Virginia received from the Government more than \$500,000, and Pennsylvania \$200,000, in the way of salaries, whilst the great State of New York received not more than \$50,000. He had prepared statements to show this result, but would not detain the House to read them. He was opposed to any increase; and he was astonished to find some gentlemen who talked so much about extravagant expenditures, so ready to come forward to heap large salaries upon non-producing officials; but when any proposition to do justice to the workingmen in the employment of the Government was before us, they spurned it from them. These are the men who deserve and need the assistance and protection of Congress. Their faces are ground into the dust, whilst those less worthy are pampered in indolence. These perfumed Whig officeholders, who push themselves forward as the leaders of the *ton*, should never receive his vote to increase the means to promote luxurious extravagance, and to increase their indolence.

Gentlemen in the Opposition need not apprehend that an increase of salary would be giving these officials the means to assist in perpetuating this Administration. No, there need be no fears upon that score; but, on the other hand, it would be voting means to overthrow the present Administration; for it can be proved beyond controversy that more than two thirds of them were opposed to it. He did not wish to be understood as casting any imputation upon them; but, on the other hand, he had an exalted opinion of many. He would ask gentlemen to look to the workingmen in the employment of the Government, who work from sun to sun, in this District, and emphatically, and in truth, earn their bread by the sweat of their brow, and receive probably the pittance of \$1 50 per day. It is those who should receive an increase of their pay, those who are contributing to build up your Navy, and adding to the glory of the country, they are equally, if not more meritorious, and their employment is equally intellectual as those who are the mere scribes or examiners of other men's inventions. He sincerely wished that he could contribute to pay this class of men more in accordance with their merits, industry, and efficiency. He hoped the amendment would be rejected; but if there is to be an increase, let it be done in the proper manner, at the next session, including the workingmen, as well as the clerks.

The debate was further continued by Mr. McKENNAN, in favor of the amendment.

The amendment was also supported further by Messrs. BOULDIN and SLADE, and opposed by Messrs. CALHOUN of Massachusetts, GRAVES, and EWING.

Mr. PETRIKIN moved to amend the amendment by striking out \$2,000 and inserting \$1,800.

Mr. P. spoke in favor of the whole proposition.

Mr. DROMGOOLE accepted this also as a modification, and further modified his amendment by including the clerks in the Attorney General's office.

After some further remarks by Mr. GRAVES, Mr. SLADE moved to amend the amendment by making the maximum \$1,600.

The amendment was agreed to.

The question being taken, the amendment as amended was rejected.

Mr. BOND moved to strike out the appropriation of \$100,000 for the construction of the new Treasury building.

Some remarks followed from Messrs. BOND, CAMBRELENG, and LINCOLN.

The amendment was rejected.

Mr. LINCOLN moved to increase the above appropriation to \$135,000.

After some remarks from Messrs. EVERETT and LINCOLN,

The amendment was rejected.

Mr. HARRISON moved to amend the bill by adding to other similar appropriations an amount for surveys of public lands in Missouri.

Mr. YELL moved to amend the amendment by extending the benefit of the appropriation to Arkansas.

The amendment to the amendment was agreed to.

The amendment as amended was rejected.

Mr. SLADE offered the following amendment, to come in at the end of the bill:

*And be it further enacted, That the President be, and hereby is, requested duly to accredit to the Government of the Republic of Hayti the commercial agents of the United States now residing, or who may hereafter be appointed to reside, near that Government.*

The CHAIRMAN decided the amendment to be out of order.

Mr. SLADE appealed, and spoke briefly to the question.

The decision of the Chair was sustained.

Mr. OGLE moved to strike out the appropriation for the branch mints in North Carolina, Louisiana, and Georgia, and to appropriate \$600 each to persons to take charge of the public property there.

Mr. O. addressed the committee at great length, and in review of the numerous experiments made on the currency, the last of which was the sub-Treasury, which had been so often and so emphatically condemned.

Mr. HOLSEY replied, in vindication of the branch mint of Georgia.

Mr. CAMBRELENG followed in a few remarks, and expressed his conviction that, to be successful, the gentleman must at least modify his motion. He appealed to the gentleman not to press his motion at this late hour, and to allow the bill to be reported.

Mr. HALSTED (at half past twelve o'clock) moved that the committee rise; which motion was rejected.

Some further debate followed, in which Messrs. OGLE and MALLORY participated.

Mr. MONTGOMERY indicated his desire to address the committee; and, as the hour was so late, moved that the committee rise.

And the committee having divided; there appeared—ayes 25.

Mr. M. withdrew the motion before the noes were counted.

Mr. CHAMBERS renewed the motion; and there appeared—ayes 25, noes 52; no quorum.

Mr. ROBERTSON moved that the committee rise and report the fact; when there appeared—ayes 25, noes 45; no quorum.

The CHAIRMAN, in reply to Mr. R., decided that it required the vote of a majority of those present in committee to rise and report the fact of the want of a quorum.

Mr. MERCER appealed.

A scene of much confusion and disorder ensued, and some conversation of a personal character between Mr. CHAMBERS and the CHAIRMAN.

The appeal was debated by Mr. MERCER.

Mr. HOWARD reminded the members that a subject of the most vital interest would be up tomorrow, affecting the character and honor of the country, which must be acted upon; and he implored the committee to take this bill out of committee to-night.

Mr. WILLIAMS, of North Carolina, was as anxious to get the bill out of committee as any gentleman; but he was not willing that the bill should be reported when not even a quorum was present.

Mr. TILLINGHAST debated the appeal.

After which, Mr. TOUCEY moved that the committee rise; which motion was agreed to.

And the committee having risen, the Chairman reported the fact of the absence of a quorum.

Mr. TOUCEY moved that the House adjourn; on which motion the yeas and nays were asked and refused.

And then (at one o'clock, a. m.) the House adjourned.

Mr. MILLER presented certain joint resolutions of the Legislature of the State of Missouri. Also, petitions signed by Abraham Vanmeter, William Hook, and others, asking the establishment of a mail route from Jonesboro, in Saline county, Missouri, by the way of Hook's Mills, Victoria, to Carrollton, in Carroll county, in said State; which was referred to the Committee on the Post Office and Post Roads. The petition of P. Walsh and others, citizens of Missouri, asking the passage of a law by Congress, ratifying and confirming an act passed by the Legislature of the Territory of Wisconsin on the 16th January, 1838, for the partition of the Half-Breed Indian lands in the now Territory of Iowa; which was referred to the Committee on the Judiciary. A joint memorial of the General Assembly of the State of Missouri, asking the passage of a law by Congress granting to all persons who may hereafter settle on the public lands, and who shall continue to occupy the same for two years after settlement on such lands, the right of preemption thereto; which was referred to the Committee on Public Lands. A joint memorial of the General Assembly of the State of Missouri, asking the passage of a law by Congress requiring the Commissioner of the General Land Office, or the register of the particular land district where land may be hereafter purchased, to indorse on each patent or plat of the section in which said land lies, the length of the boundary lines thereof, and a plain description of the section, fractional section, quarter section, and legal subdivisional corners of the same, and that the same be done free of expense to the purchasers; which was referred to the Committee on Public Lands.

Mr. RIDGWAY presented a petition signed by forty-two females and twenty-nine males, of

Marion county, Ohio, who memorialize the Senate and House of Representatives of the United States of America in Congress assembled, to take into consideration the condition of the descendants of Africa who are now groaning under the galling yoke of slavery. They ask Congress to use their utmost influence, in a peaceful manner, as a council desiring the welfare of all its subjects, for the deliverance of the African race, that they may enjoy, under our Government, the rights and privileges of free men. The memorialists state that they have viewed, and deeply lamented, the system of slavery as practiced in this nation, believing it to be entirely at variance with the Christian religion; which was laid on the table. Also, a petition signed by sixty-five females and fifty-six males, from the same section of Ohio. They state that they have viewed, deplored, and deeply lamented, the condition of the aborigines of our country, which they believe calls loudly upon every Christian and philanthropist to intercede in their behalf; believing, as they do, that they are, and have been, a most injured people, driven from their homes, possessions, and the graves of their fathers, to seek an unknown and unmolested refuge, and that they were the original owners of the soil we now possess. Therefore, they desire of Congress, in their legislative capacity, to extend the hand of mercy to this people, by permitting them to enjoy, peaceably, the small remnants of their possessions which they now occupy, and like a kind father to extend the arm of protection over the residue of this people, that the blessing of Heaven may rest upon us; which was referred to the Committee on Indian Affairs.

HOUSE OF REPRESENTATIVES, February 27, 1839.

In the Globe of Tuesday night, February 6, 1839, it is mentioned that the proposition of Mr. OGLE, of Pennsylvania, to strike out the appropriation to carry on the operation of the branch mints, &c., was debated by Messrs. OGLE, ROBERTSON of Virginia, STANLY, and W. THOMPSON, in favor of the amendment. This is a mistake, as far as I am concerned. I replied to my colleague, Mr. MONTGOMERY, and commented upon the mismanagement of, and large expenditures at, the branch mint in Charlotte.

I replied to Mr. MONTGOMERY because I thought, from his remarks, he intended to censure the Governor of North Carolina.

For the reasons assigned by Messrs. GRAHAM and DAWSON, I should oppose the amendment.

Will you correct this mistake?

Respectfully, &c.,

EDW. STANLY.

Messrs. BLAIR & RIVES.

The reporter's understanding of the tenor and general bearing of the remarks of Mr. STANLY, in reply to his colleague, (Mr. MONTGOMERY, who opposed the amendment of Mr. OGLE to suspend the operations of the branch mint at Charlotte,) and his censure of the manner in which that mint had been conducted, justified him in classing Mr. S., in the brief summary published in the Globe, among those who were in favor of breaking up that establishment.—REPORTER.

## IN SENATE.

TUESDAY, February 26, 1839.

The PRESIDENT *pro tempore* presented a communication from the Secretary of the Treasury, in relation to the allowances made to marshals; which was referred to the Committee on the Judiciary, and ordered to be printed.

## PETITIONS, ETC.

Mr. LYON presented a memorial from John P. Richardson and nineteen others, asking Congress to establish military posts on the Columbia river, and to hold out inducements to emigrants to the Oregon territory.

Mr. L. said if Congress would pass a law granting to each emigrant one thousand acres of land, a sufficient number of enterprising young men would go there to defend the country against attacks from any quarter. These young men would be of the number; and as he was acquainted with them, and knew them to be young men of character and respectability, he had no doubt they would perform whatever they promised.

The memorial was laid on the table, and ordered to be printed.

Mr. WILLIAMS, of Maine, presented a petition from between six and seven hundred persons residing on or near the Penobscot river, praying for the erection of military defenses on the northeastern frontier; which was referred to the Committee on Military Affairs.

Mr. LYON presented eight petitions from the following named persons: Marie Germaine, Jo-

seph Campan, Ann Smith, Francis Cicott, Cornelius O'Flynn, assignees of the heirs of Henry Campan, Victor Morass, the assignees of Jean B. Cicott, and John M. Wilson, John Hulbert, and James L. Schoolcraft, all praying Congress to grant them other lands in lieu of those claimed by them; which had been sold or disposed of by the United States; which were referred to accompany Senate bill No. 71, being a general bill to provide for such cases.

Mr. BAYARD presented resolutions to rescind the expunging resolution; which were laid on the table.

## REPORTS FROM COMMITTEES.

Mr. WRIGHT, from the Committee on Finance, to which was referred an act to fix the compensation of the keeper of the public archives in the Territory of Florida, reported the same without amendment.

Mr. WALL, from the Committee on Military Affairs, to which was referred the following bills, reported the same without amendment:

An act for the relief of Zebulon Paxson; and

An act for the relief of William Clark.

Mr. W., from the Committee on the Judiciary, to which was referred an act granting to the supreme court of the Territory of Iowa the same compensation as that of Wisconsin, reported the same without amendment.

Mr. W., from the same committee, reported a bill for the relief of parties interested in the unsettled estates of persons proceeded against as bankrupts; which was read a first and second time, and considered as in Committee of the Whole, and, after some remarks from Messrs. WALL and TALLMADGE, was ordered to be engrossed.

Mr. NORVELL, from the Committee on Commerce, to which was referred various memorials and papers on the subject, reported a bill authorizing the erection of certain light-houses and light-boats, and the establishment of certain buoys and beacon-lights; which was read, and ordered to a second reading.

Mr. BAYARD, from the Committee on Private Land Claims, to which was referred the bill for the relief of Joshua and William E. Kennedy, made an unfavorable report thereon.

Mr. LYON, from the Committee on Private Land Claims, reported a bill for the relief of Joseph Campan; which was read and ordered to a second reading, and the report ordered to be printed.

Mr. NILES, from the Committee on Foreign Relations, to which was referred an act for the relief of Don Carlos Dehaute Delassus, reported the same with amendments.

Mr. STRANGE, from the Committee on Patents, to which was referred a paper purporting to come from Thomas Coyle, asked to be discharged from the further consideration thereof; which was agreed to.

## RESOLUTION INTRODUCED.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a joint resolution to fix the value of the pound sterling of the British provinces at our custom-houses; which was read twice, and referred to the Committee on Commerce.

## INTERFERENCE IN ELECTIONS.

The resolution offered some time since by Mr. RIVES, in relation to the interference of Federal officers in elections was taken up; and

On motion of Mr. WILLIAMS, of Mississippi, laid on the table.

## BOUNTY LAND TO SETTLERS.

The bill to set apart a belt of land on the western borders of the States of Missouri and Arkansas, as bounty lands, to be granted to settlers engaged for a term of years in the defense of the frontier, was taken up; and after some remarks from Mr. FULTON on its great importance to the people of Arkansas in the present situation of our affairs, but that from the lateness of the period it was impossible for it to be acted on at the present session, he moved that it be laid on the table; which was agreed to.

## LAND FOR MILITARY USES.

The bill to authorize the inhabitants of township eight north, range thirty-two west, in the

State of Arkansas, to enter a section of land, in lieu of the sixteenth section of said township, upon condition that the same is surrendered to the United States for military purposes.

## BILLS ENGROSSED.

The following bills were severally considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

A bill to authorize the location of the preëmption certificates given by the register of the land office at Batesville, in Arkansas, under the act of the 26th of May, 1824, on any of the public lands for sale in the State of Arkansas;

A bill for the relief of Daniel B. Bush;

A bill for the relief of John S. Billings;

A bill for the relief of the administrator on the estate of Joseph Edson;

A bill to provide for additional clerks in the Post Office Department and the Auditor's Office connected therewith, and for other purposes;

A bill for the relief of John Richey;

A bill for the relief of John L. Scott;

A bill for the relief of Charles A. Dodd;

A bill for the relief of Richard Robertson;

A bill for the relief of John Burke;

A bill for the relief of Hannah Leighton;

A bill granting to certain persons therein named the right of preëmption to a section of land in Ottawa county, in the State of Michigan; and

A joint resolution to authorize the purchase of an island in the river Delaware, called the Pea Patch.

JOHN H. CLARK.

The bill for the relief of John H. Clark was considered, and on the question of its engrossment, it was decided in the negative.

## BILLS PASSED.

The following bills were severally read the third time and passed:

A bill for the relief of David Waller;

A bill confirming certain land claims in the State of Michigan;

A bill to authorize certain soldiers of the last war to surrender certain bounty lands, and to locate others in lieu thereof;

A bill for the relief of J. and W. Beeson; and

A bill to authorize the payment of equitable commissions to the agents or attorneys of persons in whose favor awards have been made, under three several treaties between the United States and certain foreign Powers, which awards have been retained in the Treasury in payment of debts due to the United States.

## CIRCUIT COURT IN THE DISTRICT.

The bill to explain and limit the powers of the circuit court of the District of Columbia coming up on its passage,

Mr. PRENTISS moved that it be recommitted to the Committee on the Judiciary, with instructions; which were read.

Mr. PRESTON moved that the bill be indefinitely postponed; which was decided in the negative—yeas 15, nays 26; as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Davis, Foster, Knight, Merrick, Prentiss, Preston, Rives, Ruggles, Smith of Indiana, Swift, and Tallmadge—15.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Wall, Williams of Maine, Williams of Mississippi, Wright, and Young—26.

Mr. PRESTON then addressed the Senate in opposition to the bill, and in favor of its recommitment.

The question being taken thereon, it was decided in the negative—yeas 15, nays 27; as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Davis, Foster, Knight, Merrick, Prentiss, Preston, Rives, Ruggles, Smith of Indiana, Swift, and Tallmadge—15.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lyon, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Wall, Williams of Maine, Williams of Mississippi, Wright, and Young—27.

The question was then taken on the passage of the bill, and decided in the affirmative—yeas 27, nays 15; as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lyon, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Roane,

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Robinson, Sevier, Smith of Connecticut, Strange, Wall, Williams of Maine, Williams of Mississippi, Wright, and Young—27.

NAYS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Davis, Foster, Knight, Merrick, Prentiss, Preston, Rives, Ruggles, Smith of Indiana, Swift, and Tallmadge—15.

## LANDS IN MISSOURI AND ARKANSAS.

The bill to revive the act entitled "An act to enable the claimants to land within the limits of Missouri and the Territory of Arkansas to institute proceedings to try the validity of their claims," approved the 26th of May, 1824, and the act amending the same, was taken up for consideration; and after some remarks from Messrs. LINN, BUCHANAN, MOUTON, BAYARD, SEVIER and CRITTENDEN, it was informally passed over.

## NAVY APPROPRIATION BILL.

The bill making appropriations for the naval service for the year 1839 was taken up; and after being amended so as to make provision for the construction of three steam vessels, was ordered to be engrossed.

## AMERICA VESPUCCI.

Mr. WALKER, from the Committee on the Public Lands, to which was referred the memorial of America Vespucci, made the following report thereon:

The Committee on the Public Lands, to which was referred so much of the petition of America Vespucci as relates to a grant of land, beg leave to report:

That, conceiving it to be their duty to verify the facts upon which the application was founded, they have examined a voluminous mass of documentary evidence, and find the statements of the memorial to be fully sustained. They have seen the authentic certificates of baptism, through many generations, of the Vespucci family in Florence, which attest the lineage and descent of the memorialist. They have read the highly favorable and complimentary letter of the Queen of the French, through her secretary, to the petitioner. They have read the letter to her of the King of the French, through the Minister of the Interior, subscribing for a work for the King, of which she was the author; and have also read the permission of the French Minister of the Marine for her to sail in a French national vessel. The committee have also had before them her credentials from the Minister of Tuscany in France, and many other papers of high character and authenticity in her favor. They have also witnessed her own personal deportment here, and the manner in which she has been received by the French legation; which, added to other testimonials, leave not a doubt of the identity of the memorialist, and the truth of her representations.

After the lapse, then, of more than three centuries, a descendant of the celebrated Americus Vesputius is amongst us. This heroic navigator, before, and also after, the close of the fifteenth century, landed upon the shores of the New World, among the most early and scientific of those who succeeded the great and preeminent Columbus in the discovery of this continent. A descriptive narrative of his several voyages was written and published by Americus, and Europe baptised with his name this mighty continent. This name can never now be abandoned. It is the name of our beloved country. It is associated with all the glories of the past, and the still brighter hopes of the future. It is written upon our national Constitution, and engraven upon the heart of every true American. Under this name we have succeeded in two struggles with the most formidable Power in Europe, and have so wonderfully augmented in population that, should the same ratio of increase continue for the future, the close of this century will find within our limits more than one hundred millions of people, and more than five millions within the single city of New York. In reflecting, then, with glory upon the name of America, can we forget the great navigator from whom we derived this proudest of earthly titles? A descendant of Americus is now here; a young, interesting, dignified, and accomplished lady, with a mind of the highest intellectual culture, and a heart beating with all our own enthusiasm in the cause of American and of human liberty. She feels that the name she bears is a prouder title than any that earthly monarchs can bestow, and she comes here asking of us a small corner of American soil, where she may pass the remainder of her days in this land of her adoption. She comes here as an exile, separated forever from her family and friends, a stranger, without a country and without a home, expelled from her native Italy for the avowal and maintenance of opinions favorable to free institutions, and an ardent desire for the establishment of her country's freedom. That she is indeed worthy of the name of America; that her heart is indeed imbued with American principles, and a fervent love of human liberty, is proved, in her case, by toils and perils and sacrifices worthy of the proudest days of antiquity, when the Roman and the Spartan matron were ever ready to surrender life itself to their country's service.

The petitioner desires the donation to her of a small tract of land by Congress. With every feeling of respect and kindness for the memorialist, a majority of the committee deem it impossible for this Government to make the grant. They think such a grant without a precedent, and

that it would violate the spirit of those compacts by which the public domain was ceded to this Government. It is the unanimous and anxious desire of the committee that the petitioner should receive all the benefits and recognition that this Government can bestow. What this Government cannot do is within the power of the American people. They feel at least an equal pride and glory with us in the name of America. Throughout our wide-extended country, among all classes, this feeling is universal; and in the humblest cottage the poorest American feels that name—the name of his beloved country is a prouder title than any that adorns the monarch's brow, and that if he has no other property, this name, with all its great and glorious associations with the past and hopes for the future, is an all-sufficient heritage to transmit to his children. This generous, patriotic, and enlightened people will take into their own hands the case of America Vespucci. They will procure for her that home which she desires among us. They will do all that Congress is forbidden to do, and infinitely more than she asks or desires, and demonstrate to the world that the name of America, our country's name, is dear to us all, and shall be honored, respected and cherished in the person of the interesting exile from whose ancestor we derive the great and glorious title.

The report was ordered to be printed.

## INCREASE OF THE NAVY.

Mr. RIVES, from the Committee on Naval Affairs, to which the subject of the construction of steam vessels had been referred, made a report thereon; which was ordered to be printed.

## MAINE BOUNDARY QUESTION.

The PRESIDENT *pro tempore* submitted the following message from the President of the United States:

To the Senate of the United States:

I lay before Congress several dispatches from his Excellency the Governor of Maine, with inclosures, communicating certain proceedings of the Legislature of that State, and a copy of the reply of the Secretary of State, made by my direction, together with a note from H. S. Fox, Esq., Envoy Extraordinary and Minister Plenipotentiary of Great Britain, with the answer of the Secretary of State to the same.

It will appear from those documents that a numerous band of lawless and desperate men, chiefly from the adjoining British provinces, but without the authority or sanction of the provincial government, had trespassed upon that portion of the territory in dispute between the United States and Great Britain which is watered by the river Aroostook, and claimed to belong to the State of Maine; and that they had committed extensive depredations there by cutting and destroying a very large quantity of timber. It will further appear that the Governor of Maine, having been officially apprised of the circumstance, had communicated it to the Legislature, with a recommendation of such provisions, in addition to those already existing by law, as would enable him to arrest the course of said depredations, disperse the trespassers, and secure the timber which they were about carrying away; that in compliance with a resolve of the Legislature, passed in pursuance of his recommendation, his Excellency had dispatched the land agent of the State, with a force deemed adequate to that purpose, to the scene of the alleged depredations, who, after accomplishing a part of his duty, was seized by a band of the trespassers, at a house claimed to be within the jurisdiction of Maine, whither he had repaired for the purpose of meeting and consulting with the land agent of the Province of New Brunswick, and conveyed as a prisoner to Frederickton, in that province, together with two other citizens of the State, who were assisting him in the discharge of his duty.

It will also appear that the Governor and Legislature of Maine, satisfied that the trespassers had acted in defiance of the laws of both countries, learning that they were in possession of arms, and anticipating (correctly, as the result has proved) that persons of their reckless and desperate character would set at naught the authority of the magistrates, without the aid of a strong force, had authorized the sheriff, and the officer appointed in the place of the land agent, to employ at the expense of the State, an armed posse, who had proceeded to the scene of these depredations, with a view to the entire dispersion or

arrest of the trespassers, and the protection of the public property.

In the correspondence between the Governor of Maine and Sir John Harvey, Lieutenant Governor of the Province of New Brunswick, which has grown out of these occurrences, and is likewise herewith communicated, the former is requested to recall the armed party advanced into the disputed territory for the arrest of trespassers, and is informed that a strong body of British troops is to be held in readiness to support and protect the authority and subjects of Great Britain in said territory. In answer to that request, the Provincial Governor is informed of the determination of the State of Maine to support the land agent and his party in the performance of their duty, and the same determination for the execution of which provision is made by a resolution of the State Legislature, is communicated by the Governor to the General Government.

The Lieutenant Governor of New Brunswick, in calling upon the Governor of Maine for a recall of the land agent and his party from the disputed territory, and the British Minister in making a similar demand upon the Government of the United States, proceed upon the assumption that an agreement exists between the two nations conceding to Great Britain, until the final settlement of the boundary question, exclusive possession of, and jurisdiction over, the territory in dispute. The important bearing which such an agreement, if it existed, would have upon the condition and interests of the parties, and the influence it might have upon the adjustment of the dispute, are too obvious to allow the error upon which this assumption seems to rest to pass for a moment without correction. The answer of the Secretary of State to Mr. Fox's note, will show the ground taken by the Government of the United States upon this point. It is believed that all the correspondence which has passed between the two Governments upon this subject has already been communicated to Congress, and is now on their files. An abstract of it, however, hastily prepared, accompanies this communication. It is possible that, in thus abridging a voluminous correspondence, commencing in 1825 and continuing to a very recent period, a portion may have been accidentally overlooked; but it is believed that nothing has taken place which would materially change the aspect of the question, as therein presented. Instead of sustaining the assumption of the British functionaries, that correspondence disproves the existence of any such agreement. It shows that the two Governments have differed not only in regard to the main question of title to the territory in dispute, but with reference also to the right of jurisdiction, and the fact of the actual exercise of it in different portions thereof. Always aiming at an amicable adjustment of the dispute, both parties have entertained and repeatedly urged upon each other a desire that each should exercise its rights, whatever it considered them to be, in such a manner as to avoid collision, and allay, to the greatest practicable extent, the excitement likely to grow out of the controversy. It was in pursuance of such an understanding that Maine and Massachusetts, upon the remonstrance of Great Britain, desisted from making sales of lands, and the General Government from the construction of a projected military road in a portion of the territory of which they claimed to have enjoyed the exclusive possession; and that Great Britain, on her part, in deference to a similar remonstrance from the United States, suspended the issue of licenses to cut timber in the territory in controversy, and also the survey and location of a railroad through a section of country over which she also claimed to have exercised exclusive jurisdiction.

The State of Maine had a right to arrest the depredations complained of; it belonged to her to judge of the exigency of the occasion calling for her interference; and it is presumed that had the Lieutenant Governor of New Brunswick been correctly advised of the nature of the proceedings

of the State of Maine, he would not have regarded the transaction as requiring, on his part, any resort to force. Each party claiming a right to the territory, and hence to the exclusive jurisdiction over it, it is manifest that, to prevent the destruction of the timber by trespassers, acting against the authority of both, and at the same time avoid forcible collision between the contiguous Governments during the pendency of negotiations concerning the title, resort must be had to the mutual exercise of jurisdiction in such extreme cases, or to an amicable and temporary arrangement as to the limits within which it should be exercised by each party. The understanding supposed to exist between the United States and Great Britain has been found heretofore sufficient for that purpose, and I believe will prove so hereafter, if the parties on the frontier, directly interested in the question, are respectively governed by a just spirit of conciliation and forbearance. If it shall be found, as there is now reason to apprehend, that there is, in the modes of construing that understanding by the two Governments, a difference not to be reconciled, I shall not hesitate to propose to her Britannic Majesty's Government a distinct arrangement for the temporary and mutual exercise of jurisdiction, by means of which similar difficulties may in future be prevented.

But between an effort on the part of Maine to preserve the property in dispute from destruction by intruders, and a military occupation by that State of the territory, with a view to hold it by force, while the settlement is a subject of negotiation between the two Governments, there is an essential difference, as well in respect to the position of the State, as to the duties of the General Government. In a letter addressed by the Secretary of State to the Governor of Maine, on the 1st of March last, giving a detailed statement of the steps which had been taken by the Federal Government to bring the controversy to a termination, and designed to apprise the Governor of that State of the views of the Federal Executive, in respect to the future, it was stated, that while the obligations of the Federal Government to do all in its power to effect the settlement of the boundary question were fully recognized, it had, in the event of being unable to do so specifically, by mutual consent, no other means to accomplish that object amicably, than by another arbitration, or by a commission with an umpire in the nature of an arbitration; and that in the event of all other measures failing the President would feel it his duty to submit another proposition to the Government of Great Britain, to refer the decision of the question to a third Power. These are still my views upon the subject; and until this step shall have been taken, I cannot think it proper to invoke the attention of Congress to other than amicable means for the settlement of the controversy, or to cause the military power of the Federal Government to be brought in aid of the State of Maine, in any attempt to effect that object by a resort to force.

On the other hand, if the authorities of New Brunswick should attempt to enforce the claim of exclusive jurisdiction set up by them, by means of a military occupation on their part of the disputed territory, I shall feel myself bound to consider the contingency provided by the Constitution as having occurred, on the happening of which a State has the right to call for the aid of the Federal Government to repel invasion.

I have expressed to the British Minister near this Government a confident expectation that the agents of the State of Maine, who have been arrested under an obvious misapprehension of the object of their mission, will be promptly released; and to the Governor of Maine that a similar course will be pursued in regard to the agents of the Province of New Brunswick. I have also recommended that any militia that may have been brought together by the State of Maine, from an apprehension of a collision with the Government or people of the British Province, will be voluntarily and peaceably disbanded.

I cannot allow myself to doubt that the results anticipated from these representations will be seasonably realized. The parties more immediately interested cannot but perceive that an appeal to arms, under existing circumstances, will not only prove fatal to their present interests, but would postpone, if not defeat, the attainment of the main objects which they have in view. The

very incidents which have recently occurred will necessarily awaken the Governments to the importance of promptly adjusting a dispute, by which it is now made manifest that the peace of the two nations is daily and imminently endangered. This expectation is further warranted by the general forbearance which has hitherto characterized the conduct of the Government and people on both sides of the line. In the uniform patriotism of Maine, her attachment to the Union, her respect for the wishes of the people of her sister States, of whose interest in her welfare she cannot be unconscious, and, in the solicitude felt by the country at large for the preservation of peace with our neighbors, we have a strong guarantee that she will not disregard the request that has been made of her.

As, however, the session of Congress is about to terminate, and the agency of the Executive may become necessary during the recess, it is important that the attention of the Legislature should be drawn to the consideration of such measures as may be calculated to obviate the necessity of a call for an extra session. With that view, I have thought it my duty to lay the whole matter before you, and to invite such action thereon as you may think the occasion requires.

M. VAN BUREN.

WASHINGTON, 26th February, 1839.

A very interesting discussion followed, in which Messrs. BUCHANAN, WEBSTER, DAVIS, CLAY of Kentucky, WALKER, NORVELL, and WILLIAMS of Maine, participated; when,

On motion of Mr. BUCHANAN, the documents were referred to the Committee on Foreign Relations, and ordered to be printed.

On motion of Mr. TALLMADGE, five thousand additional copies were ordered to be printed.

Mr. CLAY, of Alabama, gave notice that to-morrow he would call up a bill for the organization of a volunteer corps for the defense of the inland and maritime frontier.

Mr. WRIGHT submitted a resolution that the Senate would to-morrow go into the election of a printer, and asked that it be considered now.

Mr. DAVIS objecting, the resolution lies over. The Senate then adjourned.

## HOUSE OF REPRESENTATIVES.

TUESDAY, February 26, 1839.

The unfinished business of the morning hour was the report of the select committee on the public lands, the question being on the amendment of Mr. ROBERTSON.

Mr. YELL said that there were but a few days of the session left for the transaction of business indispensable to the support of the Government; that it was now apparent that no action could be had during this session, and he would not trespass another morning upon the business of the nation, &c. He stated the positions which induced him to oppose the resolution, in addition to those advanced on a former day: First that the public lands, under the deeds of cession, were set apart for the payment of the national debt, which amounted, at the close of the war, to eighty million. That debt has been paid; and if you please, by the proceeds of the public lands, or rather the whole amount of the sales amounts to about one hundred and six million, out of which amount about thirty million has been expended in surveying and paying all necessary expenses and salaries. But it must be recollected that this funded debt was paid as well out of the common treasure as the proceeds of the public lands. Secondly, that, from the estimate of the Commissioner of the General Land Office, there has been about sixty million paid for the purchase under the treaties with Florida and Spain and the extinguishment of Indian titles. That must be paid before the proceeds can be diverted from their original purpose. The money was taken out of the public Treasury to acquire these titles, and it thereby became a part of the revenue, and could no more be applied in distribution than money raised from customs upon imports.

Mr. Y. took a brief survey of the grounds assigned, and finally closed with his objections to the passage of the resolution, because the state of the Treasury would not justify it, and because the effect would be to raise the tariff, or a resort to direct taxation to make up the deficiency, which

he estimated to be ten million, or more, and which, moreover, would fall heavily upon the western States, as they were the consumers, and paid the duties in the end.

[Mr. Y.'s speech in full will be published as soon as it is prepared for the press.]

Mr. WILLIAMS, of Kentucky, on the ground of want of time to act deliberately upon the subject, moved to lay the report and resolutions upon the table.

Mr. HAYNES asked the gentleman to withdraw the motion to allow him to make a brief explanation. His position was a peculiar one, for his constituency had been assailed by the gentleman from Virginia, [Mr. ROBERTSON,] and he wished to place himself right before the country.

Mr. WILLIAMS, of Kentucky, declined.

Mr. WILLIAMS, of North Carolina, called for the yeas and nays; but they were refused; and the whole subject was laid on the table without a division.

## GENERAL APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House then went into Committee of the Whole on the state of the Union, (Mr. BANKS in the chair,) and resumed the consideration of the general appropriation bill.

The question immediately pending was the motion of Mr. OGLE to strike out the appropriations for the branch mints, and to devote a sum of \$600 to each, for a man to take charge of them.

Mr. MONTGOMERY, who was entitled to the floor, addressed the committee against the amendment, and especially in reply to Mr. OGLE's remarks last night.

Mr. JOHNSON, of Louisiana, also advocated the propriety of continuing the branch mints.

Mr. ROBERTSON sustained the amendment, and said he should have moved it, or one similar to it, had it not been moved by a gentleman from the North. He expressed his surprise that any southern man, opposed to the protection of manufactures, should support these branch manufacturing for gold, when they had one before capable of doing all the business of the country.

Mr. DAWSON expressed his surprise at this having been made by the advocates of the amendment a party measure, and no less so at an effort to cut off, in its infancy, before it had scarcely gone into operation, works like these. He confined his remarks to the branch at Dahlonega, the necessity of which he warmly insisted upon.

Mr. GRAHAM was in favor of the continuation of the branches.

Mr. EVERETT thought this an improper occasion to abolish the branch mints—that it should be brought forward as a separate measure. On such an occasion the argument of the gentleman from Pennsylvania [Mr. OGLE] would be entitled to great consideration. He thought, at least, it was an unsafe course to introduce subjects of legislation into appropriation bills. So long as the law establishing these mints remained, he thought that the annual appropriations for their support should be made. He said this, although he had voted against their establishment. Many of his friends, however, voted for them, no doubt on the ground on which they were then, as now, advocated—as a measure of protection to domestic industry. It was then, as now, urged that their establishment would increase the value of gold in the section of country where produced. On this point the North had no constitutional scruples; and he was glad to find that, on that occasion, none were expressed by the South. He had voted against it principally on the ground that the establishment of different mints tended to produce a variation of value. He had thought, to preserve a perfect unity of value, there should be but one mint.

Mr. STANLEY made a reply to Mr. MONTGOMERY, in opposition to the mint at Charlotte; and threw out an intimation that the proceedings were not very honestly conducted there, particularly in reference to the wastage of gold, or contingent expenses.

Mr. CAMBRELENG remarked that, strictly speaking, this amendment was not in order, because they could not repeal one law and enact another upon an appropriation.

Mr. MERCER advocated the adoption of the amendment.

Mr. BYNUM said he should not have said a

word, but for the peculiar relation in which he stood to the question under consideration. He regarded the question of more importance than it might at first appear to possess. The proposition was, in his mind, an insidious one, and wore the "ear-mark" (to use the language of a friend of his) of the party, and system of the party, whence it came; and he would show that it sprang from the very source from which such a motion should. The proposition to strike out all appropriations for the branch mints in the South, he would show, sprang from one who stood in need of a "straight jacket" by far more than did those who voted to establish the mints, and the gentleman from Pennsylvania had denounced all who voted for that bill as such. Now, sir, what does the member ask by the proposition? To stop all appropriations for the southern mints, and, consequently, by this indirect blow, strike them down, after having, in the short space of six months, been established, without giving them the least trial to test their utility; and this he would have us do without furnishing one single additional fact more than was known at their establishment. Not a single new fact has he presented to justify this House in striking down those institutions which, but a few years ago, were established by a vote of 115 to 60, lacking five only of being two to one. Does the gentleman think that there is so much stupidity in this House to do such a thing, in absence of additional evidence of the impolicy of the erection of those institutions? Were we to do it, we should truly deserve the epithets that the member, in his assumed wisdom, has applied to us. Before we attempt such a thing, why did not the gentleman make proper calls on the Department for all the information necessary to justify the voting for such a proposition? Sir, does he think, by such "lunatics," to adopt such a proposition, without these necessary and usual calls? And to require the House to do such an act, shows much more clearly that he himself stands more in want of a "straight jacket" than others.

That this is an insidious attack is evident, in my mind, because it comes directly from a source that is the natural enemy to everything that is connected with a money currency for the use of the laboring, productive people of this country, who live by industry and labor, and not by their corporate privileges and rights exclusively to issue paper in the name of money for the use of the people, and often without a particle of intrinsic value attached to it. It is this *stuff* that it is wished, by these privileged orders, to pass instead of money, and upon their credit and promises, as often as they choose to break them. It is for such *stuff* that they wish the people to work and labor, and with which they would buy the produce of our industry. This step is one of their old tricks again; it is a piece of that old craft family, that have been the curse of every age, to get produce and labor without returning for it a valuable consideration.

Yes, sir; paper money is the natural enemy of labor, industry, and every species of produce and agriculture. Those mints were established for the especial benefit of the laborer and productive industry, and to aid in establishing for them, as far as they could effect it, a currency founded on a valuable consideration, and not subject to eternal fluctuation and depreciation; and for this cause alone have they become an "eye sore," and are so bitterly denounced by the friends of this non-productive, non-laboring party, who have been so long wont to live upon their incorporate privileges, and eat the bread of idleness. Yes, sir; for this reason will those institutions ever be opposed by the drones of this consumptive, non-productive party. The member wants the laborers who make this gold to go to Philadelphia to get their money coined; to pay their own expenses from the backwoods of North Carolina and Georgia, and the whole West and South, to the great Mecca of the paper currency, to get the stamp of the holy father before they can use their money, or be under the necessity of selling to speculators at from ten to fifteen per cent.; men sent on there by his holiness, or some of his stockjobbing junto at the capital of the holy land. Does the gentleman think that the honest laborer will not see through all this craft, and I like to have said folly, for such it is in fact, as much wisdom as the gentleman may think

there is in it? By keeping up these mints and carrying on your coinage among the people, this gold and silver, much of it, indeed, would be left with the people who make and use it; but carry it to Philadelphia, and your bank will do, what it ever has done, seize on every dollar of it that it can, and substitute for it its own paper and promises to pay.

Again, I have no idea of any one place monopolizing the coinage of money, or any other thing. I am against all such exclusive privileges in a free country; and there are considerations, most powerful in my mind, of this character, that will induce me to vote against the novel and unprecedented motion to cut down those institutions.

Let gentlemen alone, and they would have us to go to this Mecca of paper promises, for our apparel, our rights—and some would have gone there for our political opinions, our morals, religion, and manners even. Sir, we are hardly to be considered "decent," unless we have visited this holy father, and dipped our corrupted hands in his sacred fountain. No man possesses learning, or intelligence—is a scholar, or an orator, unless he has the certificate from this capital of exclusive privileges. All is vulgar, but what is sanctioned by their criticism. But it does not stop here; they have assumed, assumed, sir, even to decide who are to be considered gentlemen, and to be worthy of notice. Such is the preposterous arrogance of these advocates of exclusive privileges. The very idea is not more insulting than disgusting, as you pursue it.

I am sorry that the conduct of the Governor of North Carolina has been quoted by this party, to justify them in their striking down those institutions. It was but what might have been expected, however, from the contents of his message to the last Legislature.

Sir, it was well calculated to aid and excite the enemies of that State to strike at her most favorite institution, and prostrate her dearest interest, as a Democratic Republican productive State. I protest, however, against his views in relation to this subject being taken here as evidence of those of a majority of that patriotic State. Sir, it was not the only question that the Governor did not speak out on before the last election, in which he succeeded in that State. Yes, sir, it is believed by many that he purposely concealed his opinions on many other subjects, until he had succeeded in his election. Yes, sir, and by this means a deception was practiced on that too-confiding people, the like of which never had been before played on them by any man or set of men; and, sir, the people of that high and patriotic State will feel humiliated when they learn, by such a message, their Governor had become a favorite and a subject of eulogy by an Antimasonic Abolitionist of this House, and that his principles find favor alone with such, and those who would give them indirect aid here. Long, long should that abused people remember the evidences this day elicited in this House of the conduct and principles of their Governor. But he has got from them his all; he never will dare to appear before them again. Upon this subject I am responsible, sir, for what I speak, here or elsewhere. I regret, deeply regret, having the conduct of the Governor of the State that I represent, in part, thrown in my teeth here from such a source. Soon may we expect the conduct of some of the Abolitionists from the same State thrown at us here, as evidence against us, as to the triumphant progress of their bloody and assassin-like schemes to the South. I feel humbled at such a state of things, coming from whatever quarter it may.

The member from Pennsylvania has dwelt much on the "gold humbug," the "gold humbug" used by the Democratic party for mere deception, to gull and dupe and delude the people. Now, sir, in this the member is guilty of the error of his whole party. They give the strongest evidence against themselves. If the attempt to place our currency upon a specie basis, and make it a permanent one, for the benefit of the productive and laboring interests, to thwart the views of speculators, bankers, and stockjobbers—if it all was a mere "humbug," I say, sir, why these mighty, these Herculean, these dying struggles, made in every section of your country, both in and out of this House, to prevent it? Why those indefatigable efforts, here and elsewhere, to thwart it, to impede it, and strangle it at every step that

is taken on that subject? Do those deathlike efforts alone not give the most palpable and incontrovertible contradiction to all their ideas of its being a "humbug?" Could anything afford a more clear demonstration of their belief of its being no "humbug," than such solicitude and indefatigable efforts on their part to resist it? Is this evidence not clear of the grossest attempt on their part to practice a deception on the people, and make them believe what their every act furnishes the most clear demonstration that they do not themselves?

Mr. THOMPSON regarded the establishment of these mints as an extraordinary piece of legislation. The establishing these branch mints in the places where located was novel and unprecedented. There was no practical necessity for them; and, as a southern man and patriot, he deprecated the practice of digging gold from the bowels of the earth; that it had desolated and ruined every country that ever undertook to carry on this species of mining. Could he prevent it, he never would have another dollar dug. Mr. T. concluded at the suggestion of

Mr. HOWARD, who stated to the committee that a message from the President of the United States, of an important character, was now in waiting, and hoped the committee would rise, to enable the House to receive the same, and have it referred to the Committee on Foreign Affairs.

The committee, at this suggestion, accordingly rose, and reported progress.

#### MAINE BOUNDARY.

The SPEAKER laid before the House a message from the President of the United States in relation to the difficulties on the Maine frontier, accompanied by voluminous documents from the Governor of Maine; also, communications from the Secretary of State to Mr. Fox, the British Minister, and his replies thereto.

Mr. HOWARD moved that the message and accompanying documents be referred to the Committee on Foreign Affairs, and be printed; and that the committee have liberty to sit during the sittings of the House.

Mr. THOMPSON moved the printing of twenty thousand extra copies; and supported the motion by a speech, in which he highly commended the message; and which, together with the rest of this highly interesting debate, will be given hereafter.

Mr. PEARCE, of Maryland, briefly replied to some remarks of Mr. Thompson, which he considered as reflecting, in an offensive manner, upon the House.

Mr. THOMPSON explained.

Mr. EVANS, of Maine, followed in a long and very animated speech, in which he gave a full history of the present difficulty in that State from its origin; stated minutely its present condition; commented with some severity on the neglect which had been shown by the General Government to the oft-repeated representations of that State, in which the present crisis had been represented as inevitable; and insisted that it was evident, from the whole tone of the message, that the urgency of the case was not appreciated.

Mr. HOWARD remonstrated against this crimination of the Government as necessarily leading to a defensive reply, and thus tending to withdraw the attention of the House to a collateral subject, and diverting it from the deeply interesting subject of the message.

Mr. EVANS proceeded some time longer; and when he sat down,

Mr. PETRIKIN moved the previous question. [Loud cries of "No, no!" "Withdraw it! Withdraw it!" from all parts of the House.]

Mr. PETRIKIN withdrew his motion.

Mr. ADAMS then addressed the House indorsing fully the speech of Mr. EVANS, but suggesting a constitutional difficulty in relation to the advice of the President to the Governor of Maine to enter into an explanation and accommodation with the Governor of New Brunswick, &c., as a thing which the Governor of a State was not authorized to do; and expressed his hope that an agent of the Government would be appointed to manage such an arrangement, should it take place, &c.

Mr. CRARY moved the previous question.

Mr. LINCOLN requested him to withdraw the motion, but he refused to comply.

The question being taken by tellers, on seconding the motion, it was rejected—yeas 48, nays 89. Mr. LINCOLN then addressed the House, and after warm commendations of the message, went at large into the general subject.

He was succeeded by Mr. CUSHING, who strenuously denied the existence of any agreement between the two Governments that, pending the controversy, Great Britain was to hold exclusive jurisdiction over the disputed territory, and adverted to the aggressive claims of that Government, her course toward the Indians, and on the northwestern coast, &c.

Mr. WHITTLESEY demanded the previous question; which was seconded, put, carried, and the question of reference agreed to without a division.

On motion of Mr. HOWARD, the Committee on Foreign Affairs had leave to sit during the sessions of the House.

Mr. BRONSON moved to print twenty thousand copies of these documents.

Mr. WILLIAMS, of Kentucky, objected to the consideration of the resolution at this time; and, at the suggestion of several gentlemen that it would be better to print them with the report of the committee, Mr. Bronson did not press his motion.

#### DEFALCATIONS OF SWARTWOUT.

Mr. HARLAN asked leave to report from the select committee appointed to inquire into the defalcations of Swartwout and others.

Mr. CAMBRELENG said he must object to anything interposing to prevent the action of the House on the appropriation bill. Moreover, the committee had risen for the sole purpose of receiving the President's message on the Maine question; and that having been disposed of, the unfinished business should be resumed.

Mr. HARLAN thereupon moved a suspension of the rules.

Mr. WISE demanded the yeas and nays; which, being ordered, were—yeas 85, nays 59.

Not being two thirds, the rules were not suspended.

#### GENERAL APPROPRIATION BILL.

The House then went into the Committee of the Whole on the state of the Union, and resumed the consideration of the general appropriation bill; the pending question still being on striking out the appropriations for the branch mints of North Carolina, Georgia, and Louisiana, and providing salaries for persons to supervise the public property thereat.

Mr. CAMBRELENG gave notice that he would remain here all night, and move a call of the House, rather than again rise without closing the amendments on this bill.

The debate was continued at great length by Messrs. OGLE, BYNUM, GRAHAM, and RENCHER.

Mr. CAMBRELENG appealed to the House to take the question, and let the bill be reported. And the question on the amendment was taken, and rejected.

Mr. CHAMBERS proposed to amend the bill by adding a provision requiring the collectors of customs to deposit the money coming into their hands to the credit of the Treasurer of the United States, subject to warrant, &c.

The CHAIRMAN said that if there was any objection, he should pronounce this amendment out of order.

Mr. CHAMBERS supposed no gentleman would object.

Mr. PETRIKIN alluded to the short space of time left, and objected.

Mr. CHAMBERS. Then let the gentleman take the responsibility. I now move to strike out the enacting clause of the bill, so that the gentleman will gain no time on the score of debate, by objecting to this amendment.

Some remarks followed from Messrs. CHAMBERS, CAMBRELENG, and PETRIKIN.

Mr. CHAMBERS withdrew his motion to strike out the enacting clause, and again offered his amendment for the purpose of taking an appeal.

But, on the suggestion of Mr. MERCER, Mr. C. withdrew the amendment, with the intention to move a suspension of the rule in the House, for the purpose of offering it there.

Mr. HALSTED moved to amend the bill by providing that no part of the contingent fund of the Post Office Department should be expended in paying for the dinners of the clerks; which was rejected.

Mr. H. moved further to amend the bill by reducing the appropriation for the contingent expenses of the Senate to \$30,000; which was rejected.

Mr. GRAVES offered an amendment, the effect of which would be to reduce a certain class of clerks in the Post Office, who now enjoyed an advantage over others by having had ten per cent. added to their salaries, to the same level with the rest, by taking off twenty per cent. from what they now received.

The amendment was opposed by Mr. CAMBRELENG, and rejected.

After an ineffectual attempt by Mr. RIVES to get an amendment to increase the salaries of collectors of the smaller ports of the Union, with especial reference to the collector at Petersburg, Virginia,

The committee rose and reported the bill to the House.

Mr. CHAMBERS offered an amendment, the effect of which would be to prohibit any collector from retaining in his hands moneys paid under protest, and requiring him to deposit the same in bank to the credit of the Treasurer of the United States.

The amendment was adopted.

The House then concurred in the amendments reported from the committee, save a few which were reserved for discussion, which were ordered to be printed.

Mr. BELL moved an adjournment; but withdrew the motion at the request of

Mr. EVANS, who, by leave, laid on the table a communication from Governor Fairfield to the Legislature of Maine, which, he observed, presented a very critical state of things there. The reading was dispensed with, and the document ordered to be printed for the information of the members.

Mr. JENIFER, on leave, offered a resolution calling for certain information in relation to the tobacco trade.

A bill in explanation of a bill for the reorganization of the United States Marine Corps was read twice and committed.

Mr. EWING asked leave to present joint resolutions of the Legislature of Indiana on the subject of slavery; but it was objected to, and leave was refused.

Mr. DAWSON, from a select committee, made a report on certain claims of the State of Georgia; which was read and referred.

Mr. BEATTY moved an adjournment, (about half past ten o'clock.)

Mr. HARLAN requested him to withdraw it, that he might present a report from the investigating committee on the Swartwout defalcation.

Mr. BEATTY refusing, Mr. HARLAN demanded the yeas and nays.

The yeas and nays were ordered; and, being taken, resulted—yeas 45, nays 52.

So the House refused to adjourn.

Mr. HOPKINS moved that there be a call of the House.

Mr. BEIRNE demanded the yeas and nays.

Mr. WISE remonstrated. All the committee desired was to get the report out of their hands into those of the printer.

Mr. MERCER hoped the report would be received, and ordered to be printed.

Mr. HOPKINS withdrew his motion for a call.

Mr. OWENS stated that the report of the minority would be ready in the morning; and it being understood that both reports should be presented simultaneously to-morrow morning, the House (a few minutes before eleven o'clock) adjourned.

#### IN SENATE.

WEDNESDAY, February 27, 1839.

Mr. McKEAN presented the memorial of the Philadelphia Board of Trade, praying a further appropriation for the completion of the lighthouse on Brandywine shoals; which was referred to the Committee on Commerce.

Mr. YOUNG presented the petition of A. B.

Patterson and others, citizens of Warren county, Illinois, praying the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. MOUTON presented the petition of a number of the citizens of the State of Louisiana, praying the entire repeal of the naturalization laws now in force, and the passage of other laws to prevent the indiscriminate influx of foreign emigrants; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. BENTON submitted the following resolution; which, after some remarks from Messrs. PIERCE, MOUTON, PRESTON, HUBBARD, and BENTON, was considered and agreed to:

*Resolved*, That there be allowed, and paid out of the contingent fund, for extra services, to each of the messengers of the Senate and office, \$250; to each of the pages, \$200; and to each of the assistant messengers and laborers, \$200.

The following resolution, submitted yesterday by Mr. TALLMADGE, was taken up for consideration, and adopted:

Whereas, the Senate, on the 12th day of February instant, passed a resolution, as follows:

*Resolved*, That the Postmaster General communicate to the Senate the number of removals of deputy postmasters since the 4th March, 1837; the names of the persons so removed, and times when removed; the names of the persons appointed to fill the vacancies; the names of the offices where such removals have been made; classing the whole by States and Territories.

And whereas, no answer has been received to the same: Therefore,

*Resolved*, That the Postmaster General inform the Senate, without delay, why he has not communicated the information required by that resolution.

The joint resolution fixing the value of the pound in money of the British Provinces in North America at our custom-houses, was read a second time, and ordered to be engrossed for a third reading; and, by unanimous consent, read the third time and passed.

The resolution submitted by Mr. WRIGHT, yesterday, fixing half past twelve o'clock to go into an election for printer, was considered and agreed to.

#### REPORTS FROM COMMITTEES.

Mr. YOUNG, from the Committee on Claims, reported a bill for the relief of Philip Weedman; which was read, and ordered to a second reading.

Mr. BENTON, from the Committee on Military Affairs, to which was referred the bill to provide for the defense of the western frontier, from the mouth of the Sabine to Fort Snelling, on the Mississippi river, reported the same without amendment.

Mr. NORVELL, from the Committee on Commerce, to which was referred an act for the relief of Lewis B. Willis, reported the same without amendment.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the following acts, reported the same, severally, without amendment:

An act for the relief of Francis Mallaby;  
An act for the relief of Griffith Combe and John P. Ingle, trustees of the house in the city of Washington, commonly called the Brick Capitol;

An act for the relief of A. J. Pickett, and George W. Gayle; and

An act for the relief of James W. Cox.

Mr. SWIFT, from the Committee on Indian Affairs, to which was referred the petition of William Dickinson, asked to be discharged from the further consideration thereof.

#### BILLS PASSED.

The following bills were severally read the third time and passed:

The joint resolution providing for the purchase of an island in the Delaware, called the Pea Patch;

The bill to provide for additional clerks in the Post Office Department, and the Auditor's office connected therewith;

The bill granting a pension to Hannah Leighton;

The bill for the relief of John Ritchie;

The bill for the relief of John L. Scott;

The bill granting to certain persons therein named the right of preemption to a tract of land in Ottawa county, Michigan;

The bill for the relief of Charles A. Dodd;

The bill for the relief of Daniel B. Bush;

The bill to authorize the inhabitants of township eight north, range thirty-two west, in the State of Arkansas, to enter a section of land in lieu of the sixteenth section in said township, upon condition that the same is surrendered to the United States for military purposes;

The bill to authorize the location of the pre-emption certificates given by the register of the land office at Batesville, in Arkansas, under the act of the 26th of May, 1824, on any of the public lands for sale in the State of Arkansas;

The bill for the relief of Richard Robinson;

The bill for the relief of the widow and other heirs of Alexander Hamilton, deceased;

The bill for the relief of John Burk;

The bill for the relief of Josephine Nourse;

An act for the erection of light-houses, light-boats, beacons, and buoys;

An act for the relief of James H. Ralston;

An act for the relief of Samuel McKay;

An act for the relief of John W. Kearney;

An act for the relief of John McFarland; and

The bill making appropriations for the naval service for the year 1839.

#### ELECTION OF PRINTER.

At half past twelve o'clock, in pursuance of the resolution on the subject, adopted this morning, the Senate proceeded to ballot for a Printer; and the result was as follows:

On the first ballot, forty-three ballots were given; of which

Blair & Rives had.....	25
Gales & Seaton.....	11
Ogden Niles.....	4
Thomas Allen.....	2
Blank.....	1
	43

Blair & Rives, therefore, having a majority of the whole number of votes given, were declared by the Chair to be duly elected.

#### LIGHT-HOUSES, ETC.

The bill making appropriations for light-houses, light-boats, beacons, and buoys, was ordered to be engrossed.

#### INTERFERENCE IN ELECTIONS.

The bill to prevent the interference of certain Federal officers in elections was taken up; when Mr. CRITTENDEN addressed the Senate for upwards of two hours and a half in defense of the bill, and was replied to by Mr. WALL.

Mr. NILES and Mr. PRESTON followed in the debate, and the question was taken on the amendment to the bill offered by Mr. CRITTENDEN, and decided in the negative—yeas 18, nays 25; as follows:

YEAS—Messrs. Bayard, Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, Foster, Knight, Merrick, Prentiss, Preston, Rives, Robbins, Ruggles, Smith of Indiana, Swift, Tallmadge, and White—18.

NAYS—Messrs. Allen, Benton, Brown, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Walker, Wall, Williams of Maine, Williams of Mississippi, Wright, and Young—25.

Mr. TALLMADGE then offered to amend the bill by making its provisions and penalties applicable only to the officeholders named when they shall subscribe sums of money to carry on elections; which was lost—yeas 15, nays 26; as follows:

YEAS—Messrs. Bayard, Calhoun, Crittenden, Davis, Foster, Merrick, Prentiss, Preston, Rives, Robbins, Ruggles, Smith of Indiana, Swift, Tallmadge, and White—15.

NAYS—Messrs. Allen, Benton, Brown, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Walker, Wall, Williams of Maine, Williams of Mississippi, Wright, and Young—26.

Mr. RIVES then moved to recommit the bill to the Committee on the Judiciary, with instructions to amend the bill so as to conform to the resolutions which he had submitted to the Senate some time since; which was lost—yeas 13, nays 25; as follows:

YEAS—Messrs. Crittenden, Davis, Foster, Knight, Merrick, Prentiss, Preston, Rives, Ruggles, Smith of Indiana, Swift, Tallmadge, and White—13.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Sevier, Smith of Connecticut, Walker, Wall, Williams of Maine, Williams of Mississippi, Wright, and Young—25.

The question then came up on the engrossment of the bill, which is as follows:

A bill to prevent the interference of certain Federal officers in elections.

To the end that the great powers given to the officers of the Federal Government, and other persons employed in its service, may not be used for the influencing of elections, which ought to be free and incontestable:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the 1st day of April, in the year 1839, no marshal or deputy marshal, no postmaster or deputy postmaster, no receiver or register of a land office, or any other deputies or clerks, no surveyor general of the public lands, or any of his deputies or assistants, no collector, surveyor, naval officer, weigher, gauger, appraiser, or other officer or person whatsoever concerned or employed in the charging, collecting, levying, or managing the customs, or any branch or part thereof, no engineer, officer, or agent, employed or concerned in the execution or superintendence of any of the public works, shall, by word, message, or writing, or in any other manner whatsoever, endeavor to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of any person to be elector of President and Vice President of these United States, or for the choice of any person to be a Senator or Representative in the Congress of the said United States, or the choice of any person to be Governor or Lieutenant Governor of any State, or of any person to be a representative or member in the legislative department of any State of this Union, or for the choice of any person to serve in any public office established by the law of any of said States; nor shall any such officer or person intermeddle in any of the elections above mentioned, or use any means with intent to influence or control the same, otherwise than by giving his own vote; and every person offending therein shall forfeit the sum of \$500; one moiety thereof to the informer, and the other moiety thereof to the United States aforesaid, to be recovered, with costs of suit, by any person that shall sue for the same, by action of debt, bill, or plaint in any of the district or circuit courts of the United States; and every person convicted, on any such suit, of the said offense, shall thereby become disabled and incapable of ever bearing or executing any office or place of trust whatsoever under the said United States.

Mr. SMITH, of Indiana, gave his reasons why he could not support the bill; and the question being taken on its engrossment, was decided in the negative—yeas 5, nays 28; as follows:

YEAS—Messrs. Crittenden, Foster, Merrick, Preston, and White—5.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Knight, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Walker, Wall, Williams of Maine, Williams of Mississippi, Wright, and Young—28.

So the bill was lost.

#### MAINE BOUNDARY QUESTION.

The PRESIDENT *pro tempore* submitted the following message from the President of the United States:

WASHINGTON, February 27, 1839.

To the Senate of the United States:

I transmit to Congress copies of various other documents received from the Governor of Maine, relating to the dispute between that State and the Province of New Brunswick, which formed the subject of my message of the 30th instant, and also a copy of a memorandum signed by the Secretary of State of the United States and Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary near the United States, of the terms upon which it is believed all collision can be avoided on the frontier, consistently with, and respecting the claims on either side. As the British Minister acts without specific authority from his Government, it will be observed that this memorandum has but the force of recommendation on the provincial authorities and on the government of the State.

M. VAN BUREN.

#### MEMORANDUM.

Her Majesty's authorities consider it to have been understood and agreed upon by the two Governments that the territory in dispute between Great Britain and the United States, on the northeastern frontier, should remain exclusively under British jurisdiction until the final settlement of the boundary question.

The United States Government have not understood the above agreement in the same sense, but consider, on the contrary, that there has been no agreement whatever for the exercise by Great Britain of exclusive jurisdiction over the disputed territory, or any portion thereof, but a mutual understanding that, pending the negotiation, the jurisdiction then exercised by either party, over small portions of the territory in dispute, should not be enlarged, but be continued merely for the preservation of local tranquility and the public property, both forbearing, as far as practicable, to exert any authority, and, when any should be exercised by either, placing upon the conduct of each other the most favorable construction.

A complete understanding upon the question thus placed at issue, of present jurisdiction, can only be arrived at by friendly discussion between the Governments of the United States and Great Britain; and, as it is confidently hoped that there will be an early settlement of the question, this subordinate point of difference can be of but little moment.

In the meantime, the Governor of the State of Maine will act as follows: Her Majesty's officers will seek to expel, by military force, the armed party which has been sent by Maine into the district bordering on the Aroostook river; but the Government of Maine will voluntarily, and without

needless delay, withdraw beyond the bounds of the disputed territory any armed force now within them; and if future necessity should arise for dispersing notorious trespassers, or protecting public property from depredation by armed force, the operation shall be conducted by concert, jointly or separately, according to agreements between the Governments of Maine and New Brunswick.

The civil officers in the service respectively of New Brunswick and Maine, who have been taken into custody by the opposite parties, shall be released.

Nothing in this memorandum shall be construed to fortify or to weaken, in any respect whatever, the claim of either party to the ultimate possession of the disputed territory.

The Minister Plenipotentiary of Her Britannic Majesty having no specific authority to make any arrangement on the subject, the undersigned can only recommend, as they now earnestly do, to the Governments of New Brunswick and Maine, to regulate their future proceedings according to the terms herein set forth, until the final settlement of the territorial dispute, or until the Governments of the United States and Great Britain shall come to some definite conclusion on the subordinate point upon which they are now at issue.

JOHN FORSYTH,

Secretary of State of the United States of North America.

H. S. FOX,

Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary.

WASHINGTON, February 27, 1839.

After some remarks from Messrs. WILLIAMS of Maine, PRESTON, DAVIS, RUGGLES, WEBSTER, BROWN, WALKER, and CALHOUN, the message was referred to the Committee on Foreign Relations, and five thousand additional copies ordered to be printed.

#### CIVIL AND DIPLOMATIC BILL.

An act making appropriations for the civil and diplomatic expenses of the Government for the year 1839, was read a first and second time, and referred to the Committee on Finance.

The Senate then adjourned.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 27, 1839.

Mr. HARLAN, from the select committee appointed on the 17th of January last to inquire and report as to the defalcations of public officers, made a report; when

Mr. OWENS, of the same committee, on behalf of the minority, by leave, submitted a report containing the views of the minority upon the subject-matters committed to the committee.

Mr. HARLAN, on behalf of the committee, moved the reading of the conclusions of the committee; and that five thousand copies of the reports with the journal, and twenty thousand copies of the reports without the journal, be printed.

Mr. PETRIKIN said he was not opposed to printing, but he objected to the reading, unless all the reports were read. And he called for the reading, accordingly.

Some conversation followed in different parts of the House, of which little could be heard, owing to the extreme confusion.

The SPEAKER decided that it was a parliamentary right to call for the reading; and, after some further conversation on points of order,

The Clerk proceeded to read the report of the majority.

The reading was frequently interrupted by attempts to suspend it; after some time,

On motion of Mr. OWENS, all the reports (by general consent) were laid on the table; and five thousand copies thereof, with the journal, and twenty thousand copies of both documents, without the journal, were ordered to be printed.

Mr. HALL, from the select committee appointed on the 24th of January to inquire into the character and amount of proof which is required by existing laws and regulations to establish claims on the United States for revolutionary services in the Virginia Continental and State lines and navy, and whether any, and what, further legislative provisions be necessary in regard to the mode of adjusting and allowing claims for such services, made a report thereon adverse to further appropriation for the satisfaction of said warrants; and moved that it be laid on the table, and that the report and documents be printed.

Mr. TALIAFERRO asked for a division of the question.

Mr. WISE urged that the question should not be taken now, as a colleague of his, and a member of the committee, (not now in his seat,) was preparing his protest against this report, by which great injustice, he contended, was done; and he

wished to have that protest printed, together with the report.

The report was laid on the table.

The question recurring on the motion to print, Some remarks followed from Messrs. TALIAFERRO, CRAIG, HALL, and WISE.

Mr. STANLY, with a view to save the time of the House, now so precious, moved to lay the motion to print on the table.

Mr. BRIGGS, as a member of the committee, appealed to Mr. STANLY to withdraw the motion.

Mr. STANLY not consenting,

Mr. GRENNELL asked the yeas and nays on the motion to lay the motion to print on the table, which were ordered, and being taken were—yeas 43, nays 127.

So the motion to lay the motion to print on the table was rejected.

And the question recurring on the motion to print,

Before further action was taken, the Speaker announced the expiration of the morning hour.

#### HOURLY MEETING.

Mr. CAMBRELENG, on leave, offered a resolution fixing the hour of meeting at ten o'clock, and providing that the House take a recess from three to half past four o'clock.

Some amendments being offered,

Mr. CAMBRELENG moved the previous question; which was seconded.

The main question was ordered.

And the resolution was adopted, (and takes effect as to the recess this day.)

#### EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting reports of the Commissary General of the Army and the Commissioner of Indian Affairs, together with document No. 78 of the House of Representatives, second session of the Twenty-Fifth Congress, containing the information called for by a resolution of the House of Representatives of the 28th ultimo.

A letter from the Secretary of War, in answer to a resolution of the House of Representatives of the 21st January last, calling for information as to the number of Cherokee Indians now residing in North Carolina, &c.

A letter from the Secretary of War, transmitting the information required by a resolution of the House of Representatives of the 14th ultimo, in relation to the improvement of Little Egg harbor.

Mr. ADAMS, on leave, presented certain joint resolutions from the Legislature of Massachusetts, on the subject of the salt duty; which was laid on the table, and ordered to be printed.

Mr. CUSHMAN, on leave, from the Committee on Commerce, reported a bill to compensate certain officers of the customs for the year 1839; which was read twice and committed.

#### GENERAL APPROPRIATION BILL.

The House resumed the consideration of this bill, which had been reported from the Committee of the Whole on the state of the Union, the question being on concurring in certain amendments made thereto in committee, and which had been reserved for special question.

The first amendment was that proposed by Mr. ADAMS, and passed in committee, that the aggregate amount of all the items of appropriation in the bill be set forth in the first clause thereof.

Some debate followed, in which Messrs. CAMBRELENG, ADAMS, and BELL participated.

When, the question being taken, the amendment was non-concurred in.

Mr. BELL, for the purpose of making some general remarks, moved to strike out the enacting clause of the bill.

Mr. B. then addressed the House on the actual condition and resources of the country at the present time, and the inertness and want of energy in the heads of the General Government, as illustrated by the state of our different frontiers.

Mr. BRONSON defended the Administration, and especially with reference to its measures on the Canadian frontier.

Mr. BELL then withdrew his motion.

The question recurred on concurring in the second amendment made in committee, and reserved for special question, which was to reduce the item for the contingent expenses of the pay

and mileage, &c., of the Territory of Iowa to \$27,575.

Some debate followed, in which Messrs. CHAPMAN and LEADBETTER participated.

And the question was not taken, when, pursuant to its order, the House took a recess until half past four o'clock.

#### EVENING SESSION.

The House met after recess; and the general appropriation bill being still under consideration,

Mr. LEADBETTER concluded his remarks in reply to Mr. CHAPMAN, on striking out the item of \$16,000 for certain arrearages in the pay of the members of the Legislature of Iowa.

Mr. CHAPMAN replied; when the amendment was concurred in, and the amendment stricken out.

Mr. CAMBRELENG moved the previous question.

Mr. GARLAND, of Louisiana, asked him to withdraw the motion, reminding him of a pledge given by him on a former day that he would not make this motion till Mr. G. should have had an opportunity of renewing in the House certain amendments moved by him in committee.

Mr. CAMBRELENG denied that he was under any such pledge.

Mr. GARLAND, of Louisiana, replied with great warmth, and in somewhat intemperate terms, which, however, were indistinctly heard by the reporter amidst the cries of "Order!" "Order!" and the general confusion of the House.

Mr. WILLIAMS, of North Carolina, moved a call of the House; which motion prevailing, the House was called. One hundred and twenty-nine members having answered to their names, the absentees were called, when one hundred and fifty seven members were found to be present.

The call was then suspended.

The previous question was seconded by yeas and nays—yeas 113, nays 47. It was then put, and carried.

Mr. CONNOR demanded the yeas and nays; but the House refused to order them.

The bill was then read the third time by its title, and passed.

Mr. GARLAND apologized to the House for the intemperate expressions he had used towards Mr. CAMBRELENG, stating that the latter had come to his seat and stated that he had forgotten having given the pledge, though afterwards convinced it had been given, as stated by Mr. G.

[Cries of "Well done!" "Handsome!"]

#### MAINE BOUNDARY QUESTION.

A message was now received from the President of the United States, on the subject of our difficulties in Maine, accompanied by a memorandum signed by Mr. Forsyth and Mr. Fox, proposing a conciliatory course to be pursued by New Brunswick and Maine.

Mr. EVANS addressed the House in a course of remarks expressive of his fears that this proposal had come too late to prevent the effusion of blood. He moved that the message and accompanying documents be referred to the Committee on Foreign Affairs.

Two other messages were received and referred.

#### NAVY APPROPRIATION BILL.

The Navy appropriation bill having come back from the Senate with some amendments,

Mr. CAMBRELENG moved its reference to the Committee of the Whole on the state of the Union; which was agreed to.

#### INDIAN HOSTILITIES.

On motion of Mr. C., the House then went into the Committee of the Whole, (Mr. INGHAM in the chair,) and took up the bill to prevent and suppress Indian hostilities.

Mr. CAMBRELENG moved to insert after the appropriating clause the words "amounting to \$1,804,774;" which was agreed to.

After the adoption of some other slight amendments,

Mr. EVERETT moved an item of \$5,000 to cover the expenses of a treaty with the Seminole Indians, should the President see fit to enter into one. He supported the amendment in a speech in which he adverted to the large sums which had been expended in the vain effort to expel these

Indians from Florida, and stated the probability, from information he had received, that if negotiations were entered into, the remnant now there would be content to retire within an ascertained line, &c.

The amendment gave rise to an extended debate, in which Messrs. EVERETT, DOWNING, FILLMORE, ROBERTSON, CRABB, MONTGOMERY, MERCER, and PUTNAM took part; which resulted in the adoption of the amendment.

Mr. BELL moved to insert an amendment appropriating \$50,000 to pay for horses which had been taken into Florida by volunteers, and detained there by order of United States officers, and then turned over, by the owners, to the United States.

On this amendment a long and desultory debate took place, in which Messrs. BELL, PETRIKIN, EWING, WILLIAMS of North Carolina, ROBERTSON, ELMORE, GRENNELL, and CHAPMAN participated.

Mr. ROBERTSON made the point of order, that the law having expired which authorized these expenditures, the amendment, under the rule of the House, was out of order.

Mr. McKAY inquired whether a bill had not been reported from the Committee of Claims covering these cases?

A reply having been given in the negative,

The point of order was debated by Mr. TURNEY, who contended that even though the law of 1837 had expired, yet there was a general law under which the amendment was in order. And Mr. T. went into an examination of the amendment, and urged its adoption.

The amendment was debated further by Mr. McKAY.

Mr. BELL modified his amendment so as to conform to the words of the law.

Mr. ROBERTSON called the attention of the Chair to the point of order.

The CHAIRMAN decided the amendment to be in order.

The amendment was further debated by Messrs. HARRISON and RUSSELL.

Mr. JOHNSON, of Maryland, asked that this bill be laid aside, in order that some of the many other bills before the House might be taken up. He alluded to the great loss of time in debate, and to the excellent practice in the British House of Commons of coughing members down on certain occasions—a rule which he thought might be most properly applied here. He was willing, however, that the pending question should be taken.

Mr. ELMORE moved to amend the amendment so as to include horses that have died in consequence of the failure of the Government to furnish proper support and forage, or from injuries sustained while in the service, where they have died after their owners were discharged from service.

Some further remarks were made by Messrs. BELL, RUSSELL, and ELMORE.

The amendment to the amendment was rejected—ayes 32, noes 91.

Mr. GRANTLAND moved an amendment appropriating \$85,000 to refund to the State of Georgia money expended for pay and subsistence of troops called into service to repel an invasion of Indians near Okefenoke swamp.

A document from the War Department was read in relation to this subject.

The amendment was rejected.

The bill was then laid aside.

#### RIVER AND HARBOR IMPROVEMENTS.

Mr. GRANT moved that the committee take up the bill to provide for certain harbors, and for the removal of obstructions in and at the mouths of certain rivers, and for other purposes, for the year 1839; which motion was rejected—ayes 57, noes 74.

#### PAY OF PENSION AGENTS.

Mr. MORGAN moved to take up the bill to authorize the Secretary of War to allow compensation to pension agents; which motion was rejected.

#### POST OFFICE BUILDING.

On motion of Mr. LINCOLN, the committee took up the bill providing for the erection of a

fire-proof building for the use of the General Post Office Department.

A letter from the Postmaster General, showing the necessity of this building, having been read,

Mr. THOMAS said that this was not a time to enter into a debate, and if the occasion justified it he was not disposed to do so. He would say that he was satisfied in his own mind that this building ought to be of marble, large quantities of which were to be found in Washington county, Maryland, near the line of the Chesapeake and Ohio canal; in Baltimore county, in the same State; in Pennsylvania, and in other parts of the United States. He had taken some pains to ascertain the character of the marble in Washington county. Several years ago he had prevailed upon the Committee on Public Buildings to send into that county a statuary who had worked in the marbles of Italy, to examine these quarries. That gentleman stated, on his return, that marble in large quantities could be had in Washington county, equal, and some of it superior in quality to the most celebrated marble of Italy. Mr. T. had been called upon by a committee of the workmen now engaged on the Treasury building, and from them he had received information leading his mind to the conclusion that marble would cost less than split granite, and no one would deny but that it would be more beautiful to the eye, in a public building, than the sandstone used in the Presidential Mansion and this Capitol. This being the case, he desired to see the building for the Post office department constructed of marble. But he did not propose, in this bill, to make it imperative on the architect to use that material. He desired to avoid debate, and, with that view, proposed to trust the President of the United States in this matter. He could profit by the information which had been and could be collected, and would select the best material, having a due regard to economy.

Mr. LINCOLN, as one of the committee, expressed himself entirely content with the amendment.

Mr. TALIAFERRO moved to amend the amendment by striking out, in the second section, all after the words "Be it enacted," and inserting a provision that the principal material of which the exterior walls shall be constructed shall be the same as that of the President's House, Capitol, &c., unless a cheaper and more suitable material can be procured.

After a few words from Mr. McKAY, Mr. TALIAFERRO withdrew his proposition.

Mr. LINCOLN stated some facts in relation to the injury done by absorption in buildings constructed of freestone.

Mr. WISE was opposed to leaving so wide a discretion in the President, and desired that the bill should state specifically the material, length, breadth, cost, &c. He was in favor of spending any amount of money on the Capitol, for that was the people's house. But the public buildings should be merely fire-proof and capacious; he wanted no marble palaces, such as the custom house at New York, to which Mr. W. referred particularly. He desired that the subject should be postponed until next session, when more deliberate action might be had.

Mr. W. here took occasion to inquire from the members of the Committee on the Post Office what records had been lost and what destroyed at the burning of the Post Office, &c., for he understood that the Postmaster General could not or would not furnish those who were sued by the Government with a statement of their accounts.

Mr. CONNOR referred Mr. Wise to the report made by the committee, in their investigation at the time into the circumstances of the fire, and which report contained an account of the books saved.

Mr. WISE expressed his gratification that it was so. All he wished as to the public buildings was, that they should be solid, substantial, and of Republican simplicity.

Mr. LINCOLN urged the necessity of proceeding immediately with the building, and alluded to the constant exposure to which all the records of the Department were hourly exposed.

Mr. TALIAFERRO made a few remarks addressed to the advantage of freestone over granite on the score of economy.

Mr. WISE asked the gentleman from New York [Mr. PRATT] if there was not reason to be-

lieve that there were at present, or had been very recently, the grossest frauds practiced by the disbursing agents of the Government in erecting public buildings here?

Mr. PRATT said something in reply; but not a word reached the ear of the reporter.

Mr. WISE rejoined, that frauds were going on at the rate of seven or eight thousand dollars, instead of seven or eight hundred, in buildings now erecting. He was determined, for his own part, he would not appropriate another dollar until these frauds were examined into. Before he voted money for this building, he must know the dimensions, cost, &c., of the building.

Mr. PRATT said, as one of the Committee on Public Buildings, he had given the subject mature consideration. He had acted in the same manner as if he were acting for himself. He had considered the interests of the Government with the same reference to economy as if the expenditure was to be made out of his own private pocket. It was apparent to all that we needed a post office building, as well to secure the public archives of the country from the dangers of fire, as to subserve the comfort of the Department, and to secure the public interest. The Government is now paying for the building in use more than four thousand dollars as rent. He considered it beneath the dignity of the American people to be driven to the necessity of renting brick, and even combustible, buildings to carry on the operations of the Government, and leave its valuable records to the danger of fire. Prudence, if we have no feeling of pride upon the subject, dictated a different course. But the only difference of opinion seemed to be as to the material of which the building should be constructed. He hoped, for the honor of his country, no more sandstone would be built by the Government. From his experience, and from information furnished, the building could be built of more durable material, say marble or granite, at much less cost than this sandstone, which is of such a nature that, without it be saturated with paint, at an enormous expense, every two or three years, it would crumble into dust. We already see some parts of the Capitol very much impaired by the action of the weather. But the greatest objection is that this sandstone absorbs so much water that the buildings cannot be kept in a fit condition to preserve the public records. Therefore, having a view to public economy, and the durability of this building, I do hope that marble or granite will be adopted. He hoped the appropriation would be made immediately, as we have brought many mechanics here, and thought it the duty of the Government to keep them employed. Some gentleman had called for an estimate. He would furnish the one handed to the committee by the architect:

2,500 perches of foundation stone, (laid,) at \$4...	\$10,000
4,850,000 bricks, (laid in walls and arches,) at \$20...	97,000
9,000 tons of granite, at \$5.....	45,000
Working the same, say 80,000 feet, at 30 cents....	24,000
Setting cutstone.....	9,000
Flagging corridors, &c., with stone.....	5,000
Extra work on portico and steps.....	8,000
Cut-stone work inside.....	10,000
Carpenter's work, roof, centering, windows, and doors.....	15,000
Blacksmith's work.....	4,000
Plumber's work, coppering roof, &c.....	9,000
Painters and glaziers, and glass.....	4,500
Plasterers' work.....	10,000
Finishing to sub-basement or cellars.....	2,500
Building privies, inclosing lot, &c.....	6,000
Contingencies, superintendence, &c.....	21,000
Total.....	\$380,000

The debate was further continued (about the material for the new Post Office) by Messrs. BANKS, MERCER, and PRATT, when the amendment was agreed to.

Mr. PETRIKIN moved a further amendment, limiting the whole expenditure for the Post Office building to \$150,000.

Mr. NAYLOR opposed this amendment as precipitate.

Mr. PETRIKIN inquired what was the estimate for the whole expense?

Mr. LINCOLN explained, and concluded by stating that the probable cost would not exceed, in all, \$250,000.

Mr. PETRIKIN thereupon modified his amendment, so as to fix that sum as a maximum.

After a remonstrance by Messrs. CAMBRELENG, and JOHNSON of Maryland, against further delay,

The question was taken; and the amendment rejected.

After further conversation between Messrs. WISE and PRATT,

Mr. RENCHER moved an amendment providing that no more than one architect should be employed.

The count being made on its adoption, the committee was found to be without a quorum.

After various motions, the committee rose, and reported that fact to the House.

A call of the House was moved, and negatived—yeas 53, nays 80; when,

A quorum being present, Mr. INGHAM resumed the chair of the Committee of the Whole,

And the amendment of Mr. RENCHER was adopted.

#### FRONTIER MILITARY WORKS.

On motion of Mr. EVANS, the committee took up a bill for the erection of military works on our northeastern frontier, (it appropriates to that object \$100,000.)

Mr. JOHNSON, of Maryland, inquired what was meant by the phrase "military works" in the bill?

Mr. McKAY, chairman of the Committee on Military Affairs, explained the grounds of the bill.

Mr. JOHNSON then went at length into a speech in favor of the erection of a United States armory for the founding of cannon, in which he dwelt with great earnestness on the unprovided state of our fortifications, and urged the necessity of measures to arm them, as well on the sea-board as on our inland frontiers. He quoted the report of the Ordnance Bureau, from which it appeared that one thousand one hundred and seventy-eight guns were needed to man new forts already erected, two thousand five hundred and seventy-eight for works in process of construction, seven hundred and eighty-two for forts now rebuilding, three thousand six hundred and six for other works, projected but not yet commenced; making in all thirteen thousand three hundred and twenty pieces of ordnance, exclusive of what were needed for the Navy.

He then stated the guns now on hand, which were one thousand heavy cannon and mortars, not much more than half of which were fit for use; nine hundred and thirty-five in forts, one thousand two hundred and nineteen in depot, one hundred and fifty under contract to be cast; making in all two thousand three hundred and four; thus leaving a deficit of eleven thousand and seventeen pieces, aside from the Navy and field trains.

He stated the condition of the guns now mounted in our forts, the want of new mortars similar to those used by the French in the late siege and demolition of the castle of St. Juan d'Ulloa, in Mexico, and the introduction of similar mortars into the British service. He then quoted the recommendations of an armory by various Presidents, and urged the measure with much zeal.

Mr. CAMBRELENG moved for the rising of the committee; which motion prevailing, the committee thereupon rose, and reported the bills which had been acted upon to the House; which, at about half past eleven, thereupon adjourned.

#### IN SENATE.

TUESDAY, February 28, 1839.

The PRESIDENT *pro tempore* submitted a communication from the Secretary of War, in compliance with a resolution of the Senate of the 12th instant, in relation to the mode of furnishing supplies for the Indian Department; which was laid on the table and ordered to be printed.

Also, a communication from the Secretary of War, transmitting a communication from the Commissioner of Indian Affairs, relative to the number and description of persons employed as agents by the Indian Office; which was laid on the table and ordered to be printed.

Also, a communication from the Treasury Department, in answer to a resolution of the Senate of the 21st instant; which was laid on the table and ordered to be printed.

Also, a communication from the Secretary of the Treasury, in relation to the operations of the branch mints; which was laid on the table and ordered to be printed.

Also, a communication from the Secretary of

the Treasury, transmitting a letter from the register and receiver at St. Stephens, Alabama; which was laid on the table and ordered to be printed.

Mr. WILLIAMS, of Mississippi, presented the joint resolutions of the Legislature of Mississippi, on the subject of certain mail routes; which were laid on the table and ordered to be printed.

#### REPORTS FROM COMMITTEES.

Mr. NICHOLAS, from the Committee on Indian Affairs, to which had been referred the documents relating to the claim of Henry Funkhouser, and the memorial of the Stockbridge Indians, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. BROWN, from the Committee on Revolutionary Claims, to which was referred the memorial of Job Whipple, and the petition of the heirs of Thomas West, severally asked to be discharged from the further consideration thereof; which was agreed to.

Mr. HUBBARD, from the Committee on Claims, to which was referred the petition of Gibert B. Stalker and N. B. Hill, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. BENTON, from the Committee on Military Affairs, to which was referred various memorials from officers of the line of the Army, praying equalization of pay with the officers of the staff, made a report thereon, that the request of the petitioners was reasonable and ought to be granted, but that the present was not a favorable time to accomplish the object; which was ordered to be printed.

Mr. SEVIER, from the Committee on Indian Affairs, to which was referred the petition of a number of half-breeds of the Sac and Fox Indians, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. S., from the same committee, to which was referred an act for the relief of the Brotherton Indians, reported the same without amendment.

Mr. BUCHANAN, from the Committee on Foreign Relations, to which was referred the President's message, and accompanying documents, in relation to the existing difficulties on the north-eastern frontier, made a report thereon; which was read, as follows:

The Committee on Foreign Relations, to which was referred the messages of the President of the United States of the 26th and the 27th instant, and the accompanying documents, in relation to the existing difficulties on the north-eastern frontier of the United States, report the following resolutions, and recommend their adoption by the Senate:

*Resolved*, That the Senate can discover no trace, throughout the long correspondence which has been submitted to them, between the Governments of Great Britain and the United States, of any understanding, express or implied, much less of any "explicit agreement," such as is now alleged, that the territory in dispute between them on the northeastern boundary of the latter, shall be placed and remain under the exclusive jurisdiction of her Britannic Majesty's Government until the settlement of the question; on the contrary, it appears that there was, and is, a clear subsisting understanding between the parties, under which they have both acted, that, until this question shall be finally determined, each of them shall refrain from the exercise of jurisdiction over any portion of the disputed territory, except such parts of it as may have been in the actual possession of the one or the other party.

*Resolved*, That whilst the United States are bound, in good faith, to comply with this understanding, during the pendency of negotiations, the Senate cannot perceive that the State of Maine has violated the spirit of it by merely sending, under the authority of the Legislature, her land agent, with a sufficient force, into the disputed territory, for the sole purpose of expelling lawless trespassers engaged in impairing its value by cutting down the timber; both parties having a common right, and being bound by a common duty, to expel such intruders from a territory to which each claims title, taking care, however, to retire within their acknowledged limits when this single object has been accomplished.

*Resolved*, That should her Britannic Majesty's Government, in violation of the clear understanding between the parties, persist in carrying its avowed determination into execution, and attempt, by military force, to assume exclusive jurisdiction over the disputed territory, all of which, they firmly believe, rightfully belong to the State of Maine, the exigency, in the opinion of the Senate, will then have occurred, rendering it the imperative duty of the President, under the Constitution and the laws, to call forth the militia, and employ the military force of the United States, for the purpose of repelling such an invasion. And in this event, the Senate will cordially cooperate with and sustain the President in defending the rights of the country.

*Resolved*, That should the British authorities refrain from attempting a military occupation of the territory in dispute, and from enforcing their claim to exclusive jurisdiction over it by arms, that then, in the opinion of the Senate, the State of Maine ought, on her part, to pursue a course of similar forbearance. And should she refuse to do so, and determine to settle the controversy for herself by force, the adjustment of which is intrusted, under the Constitution, to the Federal Government, in such an event there will be

no obligation imposed on that Government to sustain her by military aid.

The report was ordered to be printed, and made the special order for to-morrow.

Mr. WALL, from the Committee on the Library, reported a joint resolution for the distribution of the Madison papers; which was read, and ordered to a second reading.

Mr. WALKER, from the Committee on Public Lands, to which was referred an act granting to the Territory of Iowa a quantity of land for the erection of public buildings, reported the same without amendment.

Mr. W. also, from the same committee, to which was referred the joint resolution for the relief of Edward Beatty, reported the same without amendment.

#### RESOLUTIONS.

Mr. WEBSTER submitted a resolution for the distribution of certain books; which was ordered to lie on the table and be printed.

Mr. CLAY, of Alabama, submitted the following resolution; which was agreed to:

*Resolved*, That the Secretary of War be instructed to report to the Senate, at the commencement of the session in December next, or as soon thereafter as may be, what measures have been taken since the last report of Messrs. Crawford and Balch, in settling the claims of the purchasers of reservations growing out of the treaty of 1832, and particularly what further action has been had, or may before that time yet be had, on the contract of J. C. Watson & Co., as conditionally ratified by the late President of the United States, and upon the assents of the individual reserves to that contract, purporting to have been taken by Captain John Page, what charges have been made impeaching those assents, together with the evidence filed thereon. Also, copies of all correspondence on the subject of referring said contract to the examination of a commissioner or commissioners, with the instructions given to said commissioner, and his decision thereon, as to the legality of said contract under the treaty, and the validity of the assents so taken, particularly whether any assents purporting to be signed by the original reserves, and that he furnish a list of the reserves whose lands are included in the Watson contracts, and who are marked on the register of the certifying agents as being dead; and also a list of those Indians entitled to reservations who died or were killed in the Florida war, and of those who died on the route from Alabama to their destination west of the Mississippi, as appears from the report of the officers in charge of the different emigrating parties.

*Resolved, further*, That the Secretary of War be instructed to issue no patent in confirmation of the Watson contract, nor to make any final decision adverse to private claimants, and in favor of said contract, until the report required in the preceding resolution shall be submitted to the examination of the Senate.

#### TREASURY NOTES.

The bill to revive and continue in force the act providing for the issue of Treasury notes, came up on its third reading.

Mr. WEBSTER rose to make an inquiry of Mr. WRIGHT, whether there was any intention of selling the remaining bond due by the Bank of the United States; and gave it, unhesitatingly, as his opinion that the sale of the second bond was not only perfectly legal, but a judicious proceeding. He thought, moreover, that the manner in which the funds had been dispersed had a considerable agency in the resumption of specie payments.

The bill was passed without a division.

#### ARMY APPROPRIATION BILL.

On motion of Mr. WRIGHT, the Senate took up the bill making appropriations for the support of the Army for the year 1839.

After some amendments had been made, Mr. WEBSTER offered an amendment appropriating the sum of \$272,000 in payment for the services of the Massachusetts militia during the last war with Great Britain.

After a short discussion, in which Messrs. WRIGHT, WEBSTER, and DAVIS took part, the amendment was rejected—yeas 17, nays 18.

After the adoption of several other amendments, the bill was reported to the Senate, and

Mr. DAVIS renewed the motion of Mr. WEBSTER, and it was decided in the affirmative—yeas 19, nays 16; as follows:

YEAS—Messrs. Bayard, Clayton, Crittenden, Davis, Foster, Knight, Linn, Merrick, Norvell, Prentiss, Preston, Robbins, Rugless, Smith of Indiana, Swift, Tallmadge, Webster, White, and Williams of Maine—19.

NAYS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Lyon, Nicholas, Niles, Roane, Smith of Connecticut, Williams of Mississippi, Wright, and Young—16.

So the amendment was agreed to.

The amendments were then ordered to be engrossed.

#### BILLS PASSED.

The following bills from the House of Representatives were read the third time and passed:

- Resolution for the relief of the heirs of Captain Frederick M. Bell, deceased;

Resolution for the relief of the heirs of Charles Brown, deceased.

An act for the relief of Archibald S. Hunter;

An act for the relief of the Louisville Savings Institution;

An act for the relief of the Springfield Manufacturing Company;

An act authorizing a grant of bounty land to the heirs of Bennet Shurley;

An act for the relief of the legal representatives of Charles S. Walsh;

An act for the relief of John H. Pease;

An act for the relief of Frederick Frey & Co.;

An act to authorize the issuing of a register to

Anthony C. Meneghetti, for the sloop Sarah;

An act for the relief of John Randolph Clay;

An act for the relief of John Whitsitt;

An act for the relief of Robert Murray;

An act for the relief of Jonathan Boone;

Resolution for the relief of Abraham Wright;

An act for the relief of James Madison;

An act for the relief of Samuel Dickerson;

An act for the relief of Nathaniel H. Hooe;

An act for the relief of John Wiley and Jefferson Greer;

An act for the relief of Messrs. Smith and Towne;

An act for the relief of Levi Chadwick;

An act for the relief of Daniel Malone;

An act for the relief of Tilford Taylor;

An act for the relief of William W. Stevenson

and Joseph Henderson;

An act for the relief of John Davlin;

An act for the relief of Hiner Stigermire;

An act for the relief of the legal representatives

of Nathan Sage;

An act for the relief of Nathaniel Mitchell;

An act for the relief of William Colt and William Donaldson;

An act for the relief of John E. Alexander;

An act for the relief of Thomas McClelland

and James Smith;

An act for the relief of Jesse E. Dow;

An act for the relief of certain heirs and legal

representatives of James Wilson; and

An act for the relief of Thomas T. Triplett.

The Senate then adjourned.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, February 28, 1839.

The first business in order was the motion to print the report and documents brought in by the select committee appointed to inquire into the character, &c., of Virginia bounty warrants.

The pending question was on the motion to print.

Mr. BRIGGS, with a view of saving time, requested the gentleman who objected to the printing of the report, to allow it to be printed, with the replicatory papers, viz: a report of the Virginia Legislature, and of the marshal of the State.

Mr. MALLORY said he would make no bargain.

Mr. BRIGGS then gave a brief account of the proceedings of the committee, and their labors, and moved the printing of five thousand extra copies.

Mr. MALLORY opposed the printing, and made some complaints of the course of the committee.

Mr. WISE called for the reading of the report, which was ordered; and its reading, without being concluded, occupied the whole of the remaining part of the morning hour.

Mr. THOMAS, on leave, submitted the following resolution:

*Resolved*, That the Committee on Accounts be instructed to settle and certify the accounts of the members of the committee appointed to investigate the defalcation of Samuel Swartwout and others, on the same principles as those of the committee which investigated the affairs of the late Bank of the United States.

The resolution was read, and agreed to without a division.

Mr. S. W. MORRIS had risen in the mean while and addressed the Chair; but was not heard. Mr. M. then requested some gentleman to move for a reconsideration, as an act of justice to the Committee on Accounts.

Mr. DE GRAFF accordingly made that motion.

Mr. JOHNSON, of Virginia, said the committee had investigated this matter, and had come to the conclusion that these allowances ought not to be made. He hoped the question would at least be postponed till to-morrow, as the resolution had taken him by surprise; for Mr. J. was satisfied he could convince the House they ought not to pass it.

The House refused to reconsider—ayes 56, noes 67.

The House then proceeded to the orders of the day.

#### NORTHERN FRONTIER.

The bill making an appropriation for the protection of the northern frontier coming up on its third reading.

Mr. CAMBRELENG moved to strike out the words "or volunteers," as the act authorizing the employment of that force by the President had expired.

Mr. FILLMORE suggested whether that description of force might not become indispensable, and the President might be authorized, by the retention of those words, to call them out.

Mr. McKAY desired the adoption of the amendment for that reason.

Mr. CAMBRELENG, however, withdrew the amendment, and the bill was passed.

#### FLORIDA WAR.

The bill making appropriations for preventing and suppressing Indian hostilities for 1839 then came up on its third reading.

Mr. BELL renewed the following amendment, moved by him in committee:

For paying the value of the horses and equipage of the Tennessee and other volunteers who have at any time been in the service of the United States, in the Territory of Florida, and which were turned over to the Government by the order of the commanding general, or other commanding officer, said value to be ascertained by the appraisement of said value when the volunteers entered the service, \$52,000.

And the provisions of acts approved and in force at various periods since 1813, authorizing payment for horses lost in the service of the United States by rangers, militia, and volunteers, are hereby revived and extended for two years, from and after the passage of this act, and, under the action of the Third Auditor shall be deemed to embrace all cases not already satisfied, of horses lost to their owners in service as aforesaid, in battle or otherwise, where due care and diligence be rendered manifest on the part of the owner; and whether, if the death or loss of rangers' horses shall have occurred for want of forage, and at places when acting in obedience to the orders of commanding officers, forage could not have been procured by proper diligence on the part of the owner.

Mr. RUSSELL renewed his amendment to the amendment of Mr. BELL, by adding thereto the following:

"No payment, however, shall be made for horses or other property lost or destroyed, when the loss or destruction shall have been occasioned by the fault or neglect of the owner, or when, by the terms of the contract, the risk was upon the owner of the property. And the valuation, when horses have been turned over to the Government, shall be made at the time they were turned over."

Mr. TURNEY warmly opposed the proposition of Mr. R. and supported the original amendment.

After some further remarks from Messrs. THOMPSON and DOWNING,

Mr. BELL accepted the first branch of the amendment as a modification; but the second, he said, would have the effect of defeating the whole.

After a few further remarks from Mr. CHAMBERS; the last branch of Mr. RUSSELL's amendment was rejected.

Mr. GRENNELL opposed the amendment of Mr. BELL, and entreated the House to put it off till next session, and not, thus in the dark, vote so large a draft upon the Treasury without having the facts or any investigation.

Mr. RUSSELL demanded the yeas and nays, but they were refused, and the amendment was agreed to—ayes 81, noes 61.

Mr. GRANTLAND renewed the amendment submitted by him in Committee of the Whole last night:

For refunding to the State of Georgia, for pay and subsistence of the troops called into service by that State to drive the Indians from the Okefenokee swamp, \$35,323.

After a few remarks in opposition to it by Mr. MASON, of Ohio,

Mr. PETRIKIN demanded the previous question on the bill.

Mr. OWENS begged the gentleman to withdraw it.

Mr. PETRIKIN refused.

The previous question was then put and carried.

The bill was read the third time and passed.

#### SUSPENSION OF JOINT RULE.

Mr. CAMBRELENG asked leave to submit a resolution to rescind the 16th joint rule of the two Houses, which provides that no bill can be sent from one branch to the other for concurrence, within the last three days of the session, be suspended, so far as regards the above two bills.

Objection being made,

Mr. C. moved a suspension of the rules, which was agreed to; and the resolution being before the House,

Mr. GARLAND, of Louisiana, moved to include the bill to provide for taking the sixth census.

Mr. CAMBRELENG accepted this as a modification.

Mr. WILLIAMS, of Kentucky, moved to strike out all limitation.

Mr. PICKENS protested against the adoption of this amendment; for those who had the physical force would then pass what bills they pleased.

Mr. SHIELDS demanded the previous question.

The previous question was seconded; and the resolution, as modified, was agreed to.

#### MAINE BOUNDARY QUESTION.

Mr. HOWARD, on leave, from the Committee on Foreign Affairs, reported a bill giving to the President of the United States additional powers for the defense of the United States, in certain cases, against invasion, and for other purposes; which was read twice.

The bill was accompanied by a report, which, upon the call of Mr. LEGARÉ, was read as follows:

The Committee on Foreign Affairs, to which have been referred two messages from the President of the United States, inclosing sundry papers relating to the disturbances upon the Aroostook river, in the State of Maine, report:

That they have examined the papers submitted to them by the House with great care, and will offer such reflections upon them as the limited time for the preparation of this report will admit. The very near approach of the termination of the present Congress, and the desire of the committee that as much time as possible should be afforded to the House for the examination of the bill herewith reported, are considerations of such a powerful nature that some incidental matters connected with the subject cannot be fully investigated. The main points, however, of the controversy, are not numerous, and upon them the opinion of the committee is clear and decided. The position assumed by the President in his message is correct, and ought to be sustained, if necessary, by the legislative power of Congress.

It is well known that an informal arrangement or understanding has existed, for many years past, between the United States and Great Britain, relating to the territory in dispute between them, and having for its object the avoidance of clashing authorities, calculated to endanger the peace of the two nations. The committee have not time to give a detailed and historical statement of the origin and progress of this arrangement, the examination of which might perhaps elucidate the cause of the strange error into which the British Government is represented by its agents in this country to have fallen with respect to its provisions. Suffice it to say, that it never appears to have gone further, in its greatest extent, than to adopt the basis of the "*uti possidetis*," leaving each party to the continued exercise of the jurisdiction which it had previously maintained in practice. The idea which is occasionally suggested in some of the British documents, that, prior to the peace of 1763, the Government of Great Britain was in possession of the whole country, and, therefore, that this constructive possession must be considered as continuing until she is divested of it with her own consent, is one which the United States can never sanction, or even listen to, without strong repugnance. It implies that the people of the United States hold their country by a grant from the British Crown, made in the treaty of 1763—a doctrine which was successfully resisted by the Ministers of the United States, even when it was advanced by remote implication, prior to the signature of that treaty, by their refusing to treat with the British ministers until their credentials were changed. At a subsequent period of our history, the same doctrine was advanced in argument, and at that period, also, was, as it must ever be, met with instant contradiction. The people of the United States hold their country by virtue of the declaration of the 4th July, 1776; and the treaty of 1763 did nothing more than arrange the boundary lines between the two nations, independent of each other in fact and in right. So far, therefore, as the claim of Great Britain to the jurisdiction over the unsettled parts of Maine is founded upon the twice exploded theory that she is the rightful sovereign of all that she has not granted away, it cannot be submitted to without sacrifices of honor, which the American nation never will make.

When the discussion became active between the two Governments, as to their respective rights to the territory

now in dispute, the greater part of it was, and indeed still remains, uninhabited by permanent settlers. Here and there a small settlement could be found, consisting in some cases of a single house, and in others of more than one, placed near each other for the convenience of the inhabitants. The extent of the arrangement between the two Governments does not appear, as construed by the American Government, to have gone further than the recognition of the jurisdiction of each over the people and lands then operated upon by it. If these inhabitants had taken out the titles to their lands from either one Government or the other, and were in the habit of resorting to its judicial authority for the preservation of order, then they were to continue so to do until the question of ultimate ownership should be finally decided in some mode satisfactory to both Governments. The propriety of this arrangement will not be questioned by the committee. If it left to the British Government the jurisdiction over the inhabitants along the military road which leads from Halifax to Quebec, and thereby furnished it with a motive for procrastinating the controversy; inasmuch as it continued in the enjoyment of nearly all that rendered the country valuable as a British possession, it also furnished a strong proof of the desire of the American Government to deal fairly and liberally with its antagonist in the argument. Demonstrating in this conclusive manner that it was not influenced by a capacious spirit of discontent, the Government of the United States derived from this state of the case a right to appeal to the British Government to expedite the final adjustment of the controversy, and to claim, in the meantime, the full benefit on its part of an arrangement which, perhaps, gave to its adversary more than an equal share of advantages.

But the arrangement has been entirely misunderstood or misconstrued, if the Lieutenant Governor of New Brunswick be correct in his exposition of the orders under which he is acting. The United States never did, and never can, consent that the exclusive jurisdiction of the whole territory in dispute shall be consigned to the care of any officer of the British Government. The pretension now advanced is as unreasonable in itself as it is unsustained by any agreement between the two Governments. Supposing that the parties to the controversy stand upon an equal footing as to their rights, (and there is none other in the case, except the inadmissible one formerly alluded to,) the United States have as much reason to expect that Great Britain will yield to them the exclusive jurisdiction of the whole of the contested territory, together with the care and custody of the timber and other public property, as she has to require from us such an extravagant concession. On the part of the United States, it has never been claimed, or asked, as far as the committee are informed; and the true position of the President now is, that he resists the application of a principle, which no Executive of this country ever adopted as his guide. It has not been asked of Great Britain, nor can it be submitted to from her. What the United States ask from others, they are always willing to grant; nor can they grant what it would be deemed unreasonable to ask.

That portion of the territory in which the recent and present disturbances exist, has been, for a number of years past, subject to the laws of Maine; and, before the separation of Maine from Massachusetts, was under the control of the latter. In December, 1807, Massachusetts conveyed one township, lying on both sides of the Aroostook, and near the meridian line from the source of the St. Croix, according to a selection, survey, and plan made under a resolve passed in March, 1806. In January, 1808, she conveyed ten thousand acres, lying west of the aforesaid township, and on both sides of the Aroostook, pursuant to a survey and plan made under the same resolve. This jurisdiction has been continued, through the medium of land agents, ever since that time; and the settlers, who have been there for a number of years past, (certainly since 1823,) have always, in practice, held their property under grants from Massachusetts and Maine. The part remaining unsettled has been applied to no other useful purpose than to use the timber, in which it is very productive; and the State of Massachusetts has been in the practice of granting licenses to her people to cut timber from the public domain. The exercise of jurisdiction was as perfect as the nature of the country would permit. The mere fact of granting licenses to cut timber to certain individuals shows that the preservation of the timber was held to be an object of great consequence, and drew after it the incidental right of refusing to permit the timber to be cut down, whenever it was thought wise to do so; or of taking other measures for its preservation, by driving off trespassers, or punishing them by civil process. This right Maine derived from Massachusetts. Every State government in the Union has a right to regulate the landed interest, whether public or private, within its limits; and Maine stands upon the same footing, unless as to such parts of it as are decided not to be under its jurisdiction by the exercise of the constitutional powers of the Federal Government. But, as has been already observed, no proceeding or agreement of the Federal Government can be found which did not recognize an actual jurisdiction, just such as that now claimed and enforced by Maine. Whether the Legislature of that State ought or ought not, in courtesy to the Federal Government, to have invoked its interposition before driving off the trespassers with a strong hand, is a question which the committee deem it unnecessary to examine; because the pretensions advanced by the Lieutenant Governor of New Brunswick equally exclude the right of the United States and Maine to interfere. If the United States had been applied to, and the urgency of the case had rendered a prompt and forcible interposition necessary to remove those lawless trespassers who were equally the enemies of both Governments, the same opposition would have been made to such interference by the Lieutenant Governor of New Brunswick, and the same question arisen as in the present case.

The conflicting claims of Great Britain and the United States are now presented in antagonistical position to each other, and the subordinate question as to the manner in which they have thus been brought in direct opposition is not of sufficient importance to require a strict examination. If it were, it might be argued that the conduct of the Lieutenant Governor of New Brunswick, in directing a boom to be placed across the mouth of the Aroostook river, for

the purpose of intercepting, seizing, and selling, the timber which has been cut, is no sufficient satisfaction to the State of Maine, which may desire to preserve its own timber, whilst it argues such remissness on the part of the British authorities over their own people as might well have induced the State of Maine to enforce her own laws. If the committee are right in the view which they have taken of the arrangement between the United States and Great Britain, there is nothing in it to impair, but, on the contrary, everything to ratify, the jurisdiction of Maine over that part of her territory where it had long been familiar; and the interference of the Lieutenant Governor of New Brunswick is a violation of the existing understanding. In the first proceeding of Maine, the force sent to arrest or drive off the numerous and armed bands of trespassers who were depredating upon the public property, appears to have been in the nature of a civil process, in execution of the law of the land. The power of a ministerial officer, (such as a sheriff, for example,) to compel obedience to the law, and to summon to his aid a sufficient portion of the "power of the country" to subdue opposition, is well known both to American and British jurisprudence, and is sanctioned by early laws in the history of England. The riotous and desperate character of the marauders upon the Aroostook is sufficiently manifested by the fact of their breaking open an arsenal upon the British territory, in order to supply themselves with an additional quantity of arms to enable them to resist and repel the party which was approaching, under a civil officer, to require submission to the laws.

The proclamation of the Lieutenant Governor of New Brunswick was issued before any steps were taken by Maine to sustain the civil by the military power, and was directed against the interference of the ministerial officer of the law, acting in strict conformity with what are believed to be fundamental principles of British as well as American law. The first appeal to military force was made by him, and the subsequent proceedings of Maine are defensive merely. The pretension of the Lieutenant Governor of New Brunswick excludes the civil as well as the military power of Maine and the United States from interfering to preserve order in this seat of the ancient jurisdiction of Massachusetts; and would compel the United States and Maine to rely upon the justice, the vigilance, or the generosity of the British authorities for the maintenance of good order and the enforcement of the laws, in a country where nothing but a naked claim can be said to exist upon the part of the British Government. It demands of Maine that she should divest herself of a jurisdiction practically established and ascertained, and transfer it to Great Britain. It demands of the United States that an arrangement, alleged to have been made between the two Governments, of the existence of which the United States are unconscious, should be summarily carried out, according to the construction which one of the parties is said to have placed upon it, and without giving to the other party an opportunity to contest such construction. It is difficult, in the opinion of the committee, to believe that the Government of Great Britain maintains such an interpretation of the arrangement, and thus converts what was intended for the preservation of friendly feelings into a source of great and instant discord. But the assertion of the Lieutenant Governor of New Brunswick has been twice officially, deliberately, and publicly made, that he is acting under the instructions of his Government; a fact of which he and his Government can be the only judges. The execution of these orders is incompatible with the honor of the United States. The executive branch of the Government has expressed this opinion, and in this opinion the committee fully concur. The sudden execution of these orders may bring on a crisis for which as much preparation ought to be made as the short time remaining of the present session of Congress will permit; and the bill which is herewith submitted is intended to accomplish that purpose.

The committee refer with much pleasure to the efforts which have been made by the British Minister at Washington, evidenced by the memorandum of a conference between him and the Secretary of State, to avert the events which seem to be approaching. If the Lieutenant Governor of New Brunswick shall desist from any attempt to take or hold military possession of the whole of the disputed territory, it will be easy to restore things to their former condition. If he shall determine to suspend further movements until the decision of the British Government be known, it will be for that Government to say what shall be the political relations between the United States and Great Britain; whether the friendship which now so happily prevails between the two nations, for the preservation of which the essential interests of both loudly call, shall be suddenly and rudely broken by assuming a principle as a ground of action to which the United States cannot submit.

The committee cannot but entertain the hope that no precipitate counsels on the part of the Lieutenant Governor of New Brunswick will deprive the Government of Great Britain of an opportunity of explaining, before any more serious difficulties shall have occurred, orders which he is believed to have misunderstood. In this event, all immediate difficulties will disappear. The insuperable objection to the military occupation of the disputed territory by Great Britain requires, in common fairness, that no attempt of the kind should be made by Maine or the United States. Having accomplished her intention of driving off or arresting the trespassers upon the Aroostook, and thus enforcing her laws, Maine will, it is not to be doubted, be satisfied with this vindication of her sovereignty, and withdraw the military force which is now in arms to sustain the civil authority and repel invasion. A contemporaneous cessation of measures by Maine and New Brunswick will compromise the honor of neither; and time will thus be afforded for the British Government to select the position which it intends to occupy in the relations between it and the United States. If any motive were necessary to induce Maine to adopt a course so manifestly proper, it would be found in the prompt response of the Executive of the United States to the appeal made to it at the present crisis, and the jealous sensibility which has been manifested for the protection of her rights, by spreading over them the ample powers of the Federal Union.

The committee ought, perhaps, here to close this report.

But the anxiety which they feel that no measure should be left unemployed to preserve the peace between the United States and Great Britain, by removing, not only temporarily but permanently, the causes of discontent between them, induces them to offer another recommendation to the House. It is, the expression of an opinion by the House, sustained by a legislative provision, that a special embassy should be sent to England, for the purpose of cooperating with the resident Minister there, in endeavoring to adjust this long-pending controversy. The precedents for this measure in our history are numerous and encouraging.

The object of such an embassy is, to express a deep conviction on the part of the Government of the extreme urgency of the case, and the absolute necessity of adjusting existing difficulties. The ordinary forms of negotiation appear insufficient to rouse the British Government to the danger that the two nations may find themselves involved in war, notwithstanding the desire of the Governments of both to avoid it; and the step proposed would manifest to the world, at all events, that the United States are sincerely anxious to exert every means in their power to maintain the most amicable relations with a Government and people, so eminently entitled to the respect and regard of every civilized nation on the globe.

The committee are conscious that some of the provisions of the bill herewith reported would more properly have emanated from some of the other committees of the House, upon whose jurisdiction they are reluctant to encroach; but the few days which remain of this session would not have permitted any delay, with a view of referring these subjects to other committees, with the slightest hope of obtaining any action on the part of the House. They submit the whole matter, therefore, as the result of their anxious reflections, to the better judgment of the House.

#### The following bill was also reported from the Committee on Foreign Relations:

A bill giving to the President of the United States additional powers for the defense of the United States, in certain cases, against invasion, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is, authorized to resist any attempt on the part of Great Britain to enforce, by arms, her claim to exclusive jurisdiction over that part of the State of Maine which is in dispute between the United States and Great Britain; and, for that purpose, to employ the naval and military forces of the United States and such portions of the militia as he may deem it advisable to call into service.

SEC. 2. And be it further enacted, That, in the event of actual invasion of the territory of the United States by any foreign Power, or of imminent danger of such invasion discovered, in his opinion, to exist, before Congress can be convened to act upon the subject, the President of the United States be, and he hereby is, authorized, in addition to the present military establishment of the United States, to raise a provisional force, to be enlisted for five years, or during the continuance of hostilities with any foreign Power, not exceeding one regiment of dragoons, one regiment of artillery, two regiments of riflemen, and sixteen regiments of infantry, to be organized, in all respects, like the corresponding regiments now in service; and, also, to appoint not exceeding one major general, four brigadiers general, and not exceeding one surgeon and one assistant surgeon for each new regiment; the regimental general, and medical officers to be subject to the same laws and rules, and to be entitled to the same benefits, of every kind, with the like corps and officers now in service; and it shall be the duty of the President to discharge the troops which may be raised by virtue of this act, whenever the occasion for them, as defined by this act, shall cease to exist.

SEC. 3. And be it further enacted, That, in the event of either of the contingencies provided in the first section of this act, the President of the United States shall be authorized to complete the public armed vessels now authorized by law, and to equip, man, and employ in actual service all the naval force of the United States.

SEC. 4. And be it further enacted, That the sum of ——— millions of dollars is hereby appropriated and placed at his disposal for the purpose of executing the provisions of this act, to provide for which the Secretary of the Treasury is authorized to borrow money on the credit of the United States, and to cause to be issued certificates of stock signed by the Register of the Treasury for the sum to be borrowed or any part thereof; and the same to be sold upon the best terms that may be offered, after public notice for proposals for the same: *Provided*, That no engagement or contract shall be entered into, which shall preclude the United States from reimbursing any sum or sums thus borrowed, after the expiration of five years from the 1st of January next; and that the rate of interest shall not exceed five per cent., payable semi-annually.

SEC. 5. And be it further enacted, That the sum of \$18,000 be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for outfit and salary of a special Minister to Great Britain: *Provided*, The President of the United States shall deem it expedient to appoint the same.

Mr. HOWARD said, in view of the condition of the public business, and the little time left them, he hoped, at present, anything like a general debate would be abstained from. His object was to have the bill referred to a Committee of the whole on the state of the Union, and make it the special order for to-morrow at ten o'clock.

Mr. ADAMS asked the committee to agree to a small amendment in the report. The report affirmed that the British Government had taken the ground of an agreement that they should hold exclusive jurisdiction over the disputed territory. Now, he did not understand that the British Government had taken that ground. The provincial

governor had undoubtedly taken that ground, and rested his defense upon it. If, therefore, in the course of the negotiation upon this subject, there was found clear and demonstrated proof that no such agreement ever has been passed, which he was well assured of, then the Governor of New Brunswick had put himself, and, as far as possible, the Government of his country in the wrong from the very first moment.

Mr. EVANS interposed. He said it was true that Sir John Harvey asserts the existence of that agreement as the basis upon which he proceeds but then he adds that he acts by the express commands of his Government, and that he holds positive orders from which he is not at liberty to depart.

Mr. ADAMS so understood it; but that order from his Government was founded upon his own construction of what those orders were. Now, the reason why he wished this alteration made was this: the Governor of New Brunswick had assumed that ground for his Government. Mr. A. said he had assumed it on his own responsibility. The Governor affirmed that he had such orders, and that it was upon them that he acted. Now, Mr. A. inferred, and was willing to leave it to the British Government, and he was convinced such would ultimately be its declaration, that Sir John Harvey had misunderstood his orders; and it will say, "We do not assume, and have not assumed, that principle." If, when these matters come before the British Government, they should find a report of this House, (on which was based the action of this House,) assuming that that Government has taken the ground which their subordinate officer affirms they have taken, then they will so far redeem that ground of right as to say to us, "Your proceedings have been too precipitate; you have assumed that what our subordinate officer did, under his own construction of his orders, was our act." Now, the first and most important thing in any controversy has in this case been assumed by the Governor of New Brunswick, in putting his own country in the wrong. Sir, I want to keep them there; I want to give his Government an opportunity to say, "This gentleman, acting with the best intentions, and with an ardent zeal in my service, which I approve, has mistaken the import of the orders I gave." If you assume to make the British Government responsible beforehand for an assertion which an inferior officer alone has made, but for which his Government is not yet responsible, then I say you weaken the ground of right, to maintain which this nation should go to death and destruction. I repeat, that from the moment this correspondence appeared, and from the moment that the Governor of New Brunswick assumed this alleged agreement as a justification for his orders and conduct, as he construes his orders, I have considered the case of the United States as triumphant in advance; it has the right; and, without quoting exactly what was said on another occasion by one of the greatest observers of the affairs of mankind,

"Thrice is he arm'd that hath his quarrel just,"

I will say thrice three times is he armed who hath his quarrel just. The Governor of New Brunswick, by the position which he has assumed, has, in fact, conceded the whole cause of quarrel between the two nations. It will turn out, it must turn out, that the British Government can bring no proof of such an agreement; and they, having no such proof to allege in the face of the world, will say, "Our officer misunderstood our instructions; we never assumed the principle; we disavow it; and we are prepared to settle this quarrel on the grounds of right and justice."

All I wish to suggest to the committee and to the House is, that a small alteration should be made, that a word or two in the passages in which it is affirmed that the British Government has assumed this principle should be effaced, so as not to make the British Government responsible for the construction put upon their orders, and to give them an opportunity to disavow the construction which their officer has set up.

Mr. LEGARE said he concurred in the views of the gentleman from Massachusetts, [Mr. ADAMS,] and the more so because he (Mr. L.) had the honor to urge the same views strenuously in the committee this morning. It was not from

mere oversight that these words had been inserted. His opinion had been that the committee should take pains to separate the military officer of New Brunswick from the Government of Great Britain. He had said in committee, and he had repeated here, that he did not think the British Government ever thought of giving such orders. He regarded it as impossible, looking to the circumstances in which Canada was placed, that the Government of Great Britain could, in this sudden, violent, and, he would add, insolent manner, undertake to disturb our peace; but (Mr. L. was understood to add) the committee were of opinion that this idea was not involved.

Mr. HOWARD quoted the language of the particular passages of the report referred to by Mr. ADAMS, (the precise words of which the reporter is unable to give, not having the document before him.) Mr. H. was desirous to make any amendment to the report which might be considered proper. We have not before us (said he) the orders of the Governor of New Brunswick. He is a very high officer, and intrusted with very great power. The whole power of the British forces throughout the Canadas is understood to be placed at his disposal. He is therefore an officer whom we should presume to be high in the confidence of his Government; and, when we found him re-asserting the same principle with which he had set out, we came to the conclusion that he had intelligence enough to understand his own orders, and that we were justified in supposing that such were his orders, having no reason to judge otherwise.

Mr. H. then alluded to the language of the letter of Mr. Fox, in reference to the claim to exclusive jurisdiction, as being a sufficient indication of the interpretation put upon this matter by the British Government; which language, added to the declaration of this high functionary, the Governor of New Brunswick, was the ground on which the committee had proceeded.

Mr. H. would cheerfully agree, so far as he was concerned, to any alteration which could properly be made on the suggestions of the gentleman from Massachusetts, because he (Mr. H.) felt assured that on the leading features of the controversy they both thought alike. He was glad of that gentleman's support in any cause, especially in such a cause as this. The report was now in possession of the House; and if the gentleman from Massachusetts [Mr. ADAMS] would take it and suggest any modification which might seem proper to him, he (Mr. H.) would, for his own part, cheerfully accept them, provided they did not affect the essential parts of the report.

Mr. ADAMS said he had not the slightest objection to any part of the report, except the few words to which he had alluded, (and which he specifically pointed out.) He reiterated his wish that the British Government should be left at liberty to disavow the act of the Governor of New Brunswick, and to say that he misunderstood his orders. Such Mr. A. believed to be the fact. He believed, and there were undoubted evidences, that not only the Governor of New Brunswick, but the British Minister here, (the conduct of which latter gentleman, in taking upon himself a great responsibility to prevent impending extremities, Mr. A. regarded as of the most high and honorable character,) had the impression fixed in the strongest manner upon his mind that such an agreement existed. (In proof of this position Mr. A. alluded to the language quoted by Mr. HOWARD from Mr. Fox's letter.) And yet, when the existence of such an agreement was denied, as it ought to be, in the most positive and explicit terms, by the Secretary of State, the British Minister, instead of producing evidence of that agreement, said he would refer it to his Government. If there was such an agreement, was it not in the power of the Provincial Governor or the British Minister here to have produced it? And if it had been produced, we must undoubtedly have changed our ground. But from that very fact, Mr. A. believed that both the Minister and the Governor had misunderstood the matter, and had imputed to their Government that which never was intended, and he wished that, in every proceeding here, this House should do the British Government the justice to suppose that their officers, both military and diplomatic, had misunderstood their views on this subject, and that the

Government would at once disavow what had been imputed to them.

Mr. EVANS suggested, as an easy mode of making any alterations that might be advisable, that the report should be printed under the superintendence of the committee.

Mr. HOWARD accepted the suggestion, and modified his motion accordingly.

And thereupon the bill and report were referred to the Committee of the Whole on the state of the Union, were made the special order of the day for to-morrow, (Friday,) at eleven o'clock, to take precedence over all other business, and were ordered to be printed under the superintendence of the Committee on Foreign Affairs.

Mr. JOHNSON, of Maryland, moved the printing of twenty thousand extra copies of the President's message, bill, report, documents, &c.

Mr. BRONSON had no objection to the printing of any reasonable number, if it could be done in reasonable time; but he understood they could not be furnished till some time in October or November next.

Mr. LOOMIS said that by any time they could be furnished they would be stale, and he would move ten thousand.

Mr. JOHNSON thought they would be printed in a few days; but he accepted the amendment, and, as modified, the motion was agreed to.

#### DEFENSE OF THE COUNTRY.

Mr. BRONSON moved that the House go into the Committee of the Whole on the state of the Union, in order to consider the three following bills:

House bill (No. 1097) making appropriations for the defense of the northern and western frontier;

House bill (No. 1169) for the erection of certain military works on the northeast frontier of the United States; and

House bill (No. 1032) to provide for the establishment of a national foundry.

Mr. B., in support of the motion, said that, at the present moment, the foregoing bills, relating exclusively to the defense of the country, were of the utmost importance, and he hoped the House would agree to consider them.

The motion was disagreed to.

#### CENSUS OF THE UNITED STATES.

The House then again went into committee, (Mr. SERGEANT in the chair,) and

On motion of Mr. GARLAND, of Louisiana, the committee took up the bill pending for the taking of the next census.

The bill having been read,

Mr. G. moved two additional sections; which were agreed to.

Various amendments were offered, and some progress had been made in the bill, when, the hour of three having arrived,

The House took a recess.

#### EVENING SESSION.

Mr. THOMAS having moved a resolution for the compensation of the investigating committee in a manner corresponding to preceding practice on that subject; which was agreed to—

Mr. MORRIS, from the Committee of Accounts, made a statement in exculpation of that committee for having refused to allow a certain account presented to them by the chairman of the investigating committee. The account amounted to \$2,726, for thirteen days' services in New York.

The committee then returned to the consideration of the

#### CENSUS BILL.

Mr. LOOMIS moved an amendment, proposing to add certain items to the returns of the marshals relating to the ages of unmarried persons. It excited no little merriment in the committee, and was rejected.

Mr. WISE made explanations in reply to those of Mr. MORRIS, and in defense of the investigating committee.

Mr. McKAY moved to amend the bill by substituting the 1st of June for the 1st of January, as the period for commencing the census. He advocated the amendment at some length.

It was opposed by Mr. GARLAND, and advocated by Mr. TILLINGHAST, and negatived.

Mr. SLADE moved an amendment proposing a minute classification of the colored population as to age, &c.; but it was rejected without a count.

Mr. ADAMS insisted that the time heretofore fixed for taking the census was too short, and suggested to Mr. GARLAND to strike out six months and insert twelve.

Mr. GARLAND assented to the grounds of Mr. ADAMS's objection, and moved to insert ten months; which was agreed to.

Mr. G. proposed to increase the compensation of marshals employed in taking the census to \$2 per hundred names.

Mr. DAVIES proposed \$1 50; but it was negatived, and the amendment of Mr. GARLAND was agreed to.

Mr. GARLAND then moved to fill the blanks in the compensation to marshals in the manner following:

In Maine, \$400; Massachusetts, \$450; Rhode Island, \$250; Vermont, \$400; Connecticut, \$350; New York, (southern district,) \$450; (northern district,) \$450; New Jersey, \$350; Pennsylvania, (eastern district,) \$400; (western district,) \$400; Delaware, \$225; Maryland, \$450; Virginia, (eastern district,) \$400; (western district,) \$400; Kentucky, \$450; North Carolina, \$450; South Carolina, \$450; Georgia, \$450; Tennessee, (eastern,) \$275; (western,) \$275; (middle,) \$275; Ohio, \$500; Indiana, \$450; Illinois, \$300; Mississippi, (northern,) \$200; (southern,) \$200; Louisiana, \$200; Alabama, (northern,) \$200; (southern and middle,) \$200; District of Columbia, \$150; Michigan, \$250; Arkansas, \$250; Florida, (five districts, \$50 each; Wisconsin, \$250; Iowa, \$250.

Mr. ADAMS suggested that a larger number of copies of the returns should be printed, (the bill proposed one thousand copies,) and moved five thousand. He supported the motion by dwelling on the importance of the document, and the propriety of preserving it as an historical monument of the condition of the country.

Mr. NAYLOR suggested ten thousand copies.

Mr. ADAMS, after some hesitation, assented to this, and modified his motion accordingly; and it was finally agreed that ten thousand copies be printed.

Mr. GRAVES objected to the allowance proposed for the marshals of Tennessee, and moved to reduce it to \$175 for each of the three districts. On this motion he went at large into a speech on the general politics of the country, and especially the practice of levying a percentage on the salaries of officeholders, to be applied to electioneering purposes. In confirmation of his views on this subject, he quoted the printed report of the investigating committee on the Swartwout defalcation, and showed that certain officers of the customs in New York were in the habit of paying such percentage, which was collected from them by a Mr. Vanderpoel, who had a list of the officers for that purpose. He was interrupted in the reading by

Mr. TAYLOR and Mr. RIVES, on a question of order; but the Chair, after an explanation by Mr. G., declared that that gentleman was not strictly out of order until he assumed the course of certain members of that committee, which was certainly irrelevant and out of order.

Mr. GRAVES having referred to the case of a postmaster in Mr. FOSTER's district, who was a convicted counterfeiter, who had fled from Massachusetts, and whose bad character had been expressly stated to the head of the Post Office Department, but who was still continued in office, and was a zealous partisan of the Administration,

Mr. GRANT (who comes from the same district with Mr. FOSTER) warmly disclaimed all knowledge of such a case, and with still greater warmth complained of Mr. GRAVES for pronouncing a derogatory opinion respecting the capacity of Mr. Gillett, (who was formerly a member from New York,) to fill any office. Mr. G. pronounced a very high eulogium on the character of Mr. Gillett in all respects.

The discussion between these two gentlemen was continued in a somewhat sharp tone for some time, and was terminated by Mr. EVERETT, who called both to order.

The CHAIRMAN supported Mr. E., and decided the dispute to be out of order.

The question was put on Mr. GRAVES's amendment, and it was negatived.

On motion of Mr. GARLAND, the compensation of the Tennessee marshals was fixed at \$200.

The bill was then ordered to be engrossed for a third reading.

#### CUMBERLAND ROAD.

On motion of Mr. GRANT, the House then went into the Committee of the Whole on the state of the Union, (Mr. BRIGGS in the chair) and took up the bill for the continuance of the Cumberland road through the States of Indiana, Illinois, and Missouri—ayes 70, noes 55.

The bill having been read,

Mr. McKENNAN offered an amendment appropriating \$20,000 for the erection of guard fences on that portion of the road lying east of the Ohio, and \$500 for widening a certain turn in the road on the side of Laurel Hill.

The amendment was rejected.

Mr. JOHNSON, of Maryland, moved to appropriate \$80,000 for the extension of the road from the Monocacy to Rockville, in Maryland.

This also was rejected.

Mr. ROBERTSON moved to strike out the enacting clause of the bill.

It was negatived—ayes 54, noes 70.

Mr. YELL moved to amend the bill by appropriating \$65,000 for a road from Memphis to Little Rock, in Arkansas.

Mr. ELMORE moved to amend the bill by striking out the clause which provides that the cost of the road be reimbursed out of the two per cent. fund.

On this motion a highly animated debate arose, in which Messrs. ELMORE, MASON of Ohio, THOMPSON, THOMAS, DAWSON, ROBERTSON, GARLAND of Louisiana, and HEROD participated; when, at about ten o'clock, the committee rose (ayes 63, noes 60) and reported progress.

The census bill was read the third time by its title, and passed.

On motion of Mr. ELMORE, the House adjourned.

#### IN SENATE.

FRIDAY, March 1, 1839.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Treasury, made in compliance with a resolution of the Senate of the 22d instant, calling for information on the subject of the coinage, deposits for coinage, and the expenses of the Mint and its branches; which was ordered to be printed.

#### MEMORIAL, ETC.

Mr. MOUTON presented the memorial of Pierce and Patrick Shannon, praying permission to import free of duty the materials necessary for the construction of an Iron steamboat; which was ordered to lie on the table, and be printed.

Mr. LYON presented the proceedings and a memorial adopted at a meeting of the citizens of Saginaw, praying an appropriation to complete the military road from Detroit to Saginaw river; which were laid on the table.

Mr. WEBSTER said that he had in his possession a number of petitions for the abolition of slavery, which had been sent to him and his colleague, [Mr. Davis.] In some of these they were asked to procure their reference to a select committee; but at this late period, even if the motion prevailed, there would not be sufficient time to give the subject proper attention. The opinions of himself and colleague were well known, both as to the constitutional power of Congress on this subject, and as to the great and undoubted right of petition, and their opinions were unchanged. He moved that the petitions be received.

On motion of Mr. CLAY, of Alabama, the motion to receive was laid on the table.

Mr. SMITH, of Connecticut, from the Committee on Agriculture, to which had been referred the following, asked to be discharged from the further consideration thereof; which was agreed to:

Memorial of the American Silk Society; Petition of Thomas J. Durant and J. Towser; Memorial of Charles Fleischman; and Memorial of Russel Comstock.

On motion of Mr. WRIGHT, it was

Ordered, That the Committee on Finance have leave to sit during the hours of the session of the Senate.

On motion of Mr. NORVELL, it was Ordered, That fifty thousand copies of the report of the Committee on Foreign Affairs, submitted to the Senate on the 4th of July last, be printed for the use of the Senate.

#### ARMY APPROPRIATION BILL.

The act making appropriations for the support of the Army for the year 1839, and the other acts ordered to be engrossed for a third reading yesterday, were severally read the third time and passed.

#### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* submitted the following communication from the Postmaster General:

POST OFFICE DEPARTMENT, February 27, 1839.

SIR: Just as my messenger was about to start for the Capitol with several communications, including my reply to the resolution of the Senate adopted on the 13th instant, I received their resolution of this day, asking why the information then called for has not been communicated.

In reply, I have the honor to state, that the only reason I have to give why it has not been before communicated is that it was not ready.

Very respectfully, your obedient servant,  
AMOS KENDALL.

Hon. R. M. JOHNSON,  
Vice President and President of the Senate.

Mr. SEVIER moved that the letter be referred to the President of the United States, with a request that he dismiss the Postmaster General for an insult to the Senate of the United States.

A debate ensued, in which Messrs. SEVIER, FOSTER, TALLMADGE, CRITTENDEN, WEBSTER, BUCHANAN, SMITH of Connecticut, WALKER, BENTON, ALLEN, CALHOUN, LINN, and NILES, participated; at the conclusion of which,

Mr. SEVIER modified his motion as follows:

Resolved, That the letter of the Postmaster General to the President of the Senate, stating that the only reason why he had not sent an answer to a previous resolution was, because it was not ready, is considered by the Senate as disrespectful to this body.

Resolved, That said letter, with the resolution to which it purports to be an answer, be laid before the President of the United States for such action as he may deem proper.

The question was taken on the resolutions separately; and the first was adopted—ayes 38, noes 8; the second—ayes 31, noes 15.

So the resolutions were adopted.

After passing a number of private bills, the Senate took a recess until five o'clock.

#### EVENING SESSION.

The PRESIDENT *pro tempore* submitted the following communication from the President of the United States:

To the Senate of the United States:

I have received the resolution of the Senate of this day, upon the subject of a communication made to you by the Postmaster General on the 27th ultimo, and have the satisfaction of laying before the Senate the accompanying letter from that officer, in which he fully disclaims any intended disrespect to the Senate in the communication referred to.

M. VAN BUREN.

March 1, 1839.

POST OFFICE DEPARTMENT, March 1, 1839.

SIR: In reference to the resolution of the Senate adopted this day, and by you just communicated to me, expressing the opinion that a communication made by me on the 27th ultimo, in reply to their resolution of the same date, was disrespectful to that body, I have only to say that no disrespect was intended or felt.

Their resolution of the 13th ultimo, calling for the names of removed postmasters, designated no specific time within which the information would be wanted; and as it did not appear to look to any legislative or executive action on their part, the necessity of great expedition in preparing and communicating them, to the delay of other pressing matters, was not appreciated by me so highly as it appears to have been by the Senate, or as perhaps it ought to have been. And as the reply to the resolution of the 12th was already in the hands of the messenger, and would accompany the reply to that of the 27th, showing that no disposition existed to withhold the information called for, it did not occur to me that any detailed explanation why it had not been sooner sent was necessary, or would be expected: Hence it will be perceived that the letter complained of was written hastily, (the messenger having been, in fact, detained until it could be written and recorded;) and but for the hurry of the moment, not allowing time for consideration, I should probably have given the more full explanation contained in this letter.

Very respectfully, your obedient servant,

AMOS KENDALL.

The Committee on Finance, to which had been referred the bill making appropriations for the support of the Government for the year 1839, reported the same with several amendments.

#### ARMY APPROPRIATION BILL.

An act making appropriations for the Army

for the year 1839 was taken up, and after several amendments had been offered and decided on,

Mr. BENTON offered an amendment appropriating \$740,000 for putting certain old fortifications in a state of efficiency, and for completing new works which are not yet finished.

This amendment was supported by Messrs. BENTON and DAVIS, and opposed by Mr. CALHOUN; and on taking the question, it was lost—ayes 14, noes 23; as follows:

YEAS—Messrs. Allen, Bayard, Benton, Clay of Alabama, Davis, Fulton, Knight, Nicholas, Robbins, Ruggles, Walker, Wall, Webster, and Williams of Maine—14.

NAYS—Messrs. Buchanan, Calhoun, Clay of Kentucky, Crittenden, Cuthbert, Foster, Hubbard, Lyon, McKean, Niles, Norvell, Pierce, Preston, Roane, Sevier, Smith of Connecticut, Smith of Indiana, Swift, White, Williams of Mississippi, Wright, and Young—23.

After several amendments, the bill was ordered to a third reading.

#### FRONTIER PROTECTION.

An act making appropriations for the protection of the northern and northwestern frontier was taken up, and after being considered as in Committee of the Whole, was ordered to be engrossed for a third reading, read the third time and passed.

#### INDIAN HOSTILITIES.

Mr. WRIGHT, from the Committee on Finance, to which had been referred a bill from the House, making an appropriation for the suppression of Indian hostilities for the year 1839, reported the same with an amendment; which was considered and adopted.

Mr. CLAY, of Alabama, offered an amendment making an appropriation for property taken by officers of the Government in the campaign against the Creek Indians, which he advocated at some length, as a measure of long deferred justice to many citizens whose property had been appropriated to the use of the Government. The amendment was rejected—ayes 11, noes 26.

The bill was then ordered to be engrossed for a third reading, and afterwards read the third time and passed.

#### BILLS PASSED.

The following bills were severally read the third time and passed:

An act giving to the President of the United States additional powers in defense of the United States, in case of invasion, and for other purposes;

An act to alter and amend the organic law of the Territories of Wisconsin and Iowa;

An act to establish and define the eastern boundary line of the Territory of Iowa;

An act to authorize the election and appointment of certain officers in the Territory of Iowa and for other purposes;

An act to amend an act entitled an act regulating the pay and emoluments of brevet officers, approved April 16, 1818; and

An act for the relief of Captain John Vannettin and his company for their services during the late war.

#### EXECUTIVE SESSION.

The Senate then went into executive session; and after some time spent therein, the doors were reopened.

#### CIVIL AND DIPLOMATIC BILL.

The bill making appropriation for the civil and diplomatic expenses of the Government for the year 1839, was taken up for consideration, and after several amendments proposed by the Committee on Finance had been concurred in, the amendment of the committee proposing to strike out the following section, was considered:

"For the balance due on account of the first volume of the Documentary History of the United States, \$5,602; and the Secretary of State is hereby authorized to deliver to the Secretary of the Senate forty copies of said work, and the Clerk of the House of Representatives three hundred and sixty-eight copies of said work, to be distributed to each of the members of the Senate and House of Representatives of the Twenty-Third, Twenty-Fourth, and Twenty-Fifth Congresses, who are not entitled to receive the same under former resolutions or acts of Congress."

Mr. WEBSTER hoped that the Senate would not strike out this appropriation. It was, in his opinion, a very small matter, and too unimportant to be wasting the time of the Senate on at this late period of the session. The House had thought proper to make this appropriation to fulfill the obligations of a contract entered into by this

Government, and he thought the proper way was to agree to it, and not to hazard the loss of the bill and the consequent stopping of the Government by delaying the passage of it. If gentlemen would persist in consuming time, and were determined to higggle with the House on this appropriation of \$5,000, he had warned them of the consequences, and they must take the responsibility.

Mr. WRIGHT said: If the Senator from Massachusetts thinks I am not aware of my responsibility, or that I fear to meet it, he does not know me. Mr. W. thought the time was come when the Senate should make a stand upon this subject, and said the responsibility of defeating this bill, if it was lost, would rest with those who had incorporated this provision into it. Mr. W. went on at some length in opposition to the practice of appropriating money for the purchase of books, and distributing them among themselves, and trusted that the Senate would not countenance it any longer.

After some remarks from Mr. BENTON in favor of the amendment, the question was taken on the recommendation of the committee.

The PRESIDING OFFICER announced there was not a quorum in attendance.

Mr. SEVIER moved that there be a call of the Senate.

The PRESIDING OFFICER said the Senator from Arkansas might reach his object by moving that the Sergeant-at-Arms be directed to summon the absent Senators, and if they refused attending, the Presiding Officer might issue his warrant, and have them brought before the Senate.

Mr. SEVIER modified his motion accordingly.

Several Senators requested Mr. S. to withdraw his motion.

Mr. WALKER hoped that the Senator from Arkansas would persist in it. The only Senators who were invalids and whose healths were endangered by the protracted sittings of that body, were in their seats attending to their public duties, while a majority of the Senate, who had not the plea of illness to offer as an excuse for their absence, were in their beds. He hoped the motion would be persisted in, and that Senators, if other motives could not induce them to do so, would be compelled by order of the body to attend to the public business.

After some conversation the motion was withdrawn, and

The Senate adjourned.

## HOUSE OF REPRESENTATIVES.

FRIDAY, March 1, 1839.

Mr. GRAY asked leave to submit a resolution giving the pages and messengers of the House an extra allowance of \$250 over and above their pay for their three months' services.

Mr. WILLIAMS, of North Carolina, objected.

The SPEAKER, however, said the unfinished business must first be disposed of. This was the report from the select committee on Virginia bounty warrants, the reading of which was not concluded yesterday.

Mr. GRAY said he hoped it would be passed over for the present.

Mr. BRIGGS should object, because, if passed over this morning, it would not be reached again, and the object of the committee be defeated.

The reading of the report was resumed, and various ineffectual efforts were made to dispense with it; but it again occupied the whole morning hour without being brought to a conclusion.

Mr. BOULDIN, from the Committee for the District of Columbia, on leave, reported, without amendment, Senate joint resolution authorizing the opening of an alley and the execution of certain deeds in the city of Washington.

Also, Senate bill, without amendment, to extend the jurisdiction of the corporation of the city of Washington over the Potomac bridge.

Also, Senate bill to incorporate Georgetown College, in the District of Columbia.

The above bills and resolution were severally read the third time and passed.

Mr. EWING moved to suspend the special order for one hour, to go into committee on the Cumberland road bill.

[Cries of "No!" "No!" from all parts of the Hall.]

The motion was rejected by a large majority.

Mr. GRAVES asked the House to take up the resolution submitted by him some time since, in relation to the alleged defalcation of Charles J. Ingersoll, late district attorney at Philadelphia; but it was objected to.

Mr. MERCER moved a suspension of the special order for half an hour, to enable the committees to report; but the motion was rejected.

Mr. GRANT asked leave to make an explanation in relation to the debate between himself and Mr. GRAVES last night; but it was refused.

## EXECUTIVE COMMUNICATIONS.

The following executive communications were received, and ordered to lie on the table:

A message from the President of the United States, in obedience to a resolution of the House of the 18th January last, calling for a copy of a dispatch from Mr. Stevenson, our Minister at London, on the subject of the tobacco trade.

A communication from the Treasurer of the United States, transmitting copies of his accounts settled by the accounting officers of the Treasury, for the third and fourth quarters of 1837, and the first and second quarters of 1838.

A letter from the Secretary of War, in obedience to a resolution of the House of Representatives of the 19th ultimo, calling for a statement of the proceedings of his Department in the execution of the first and second provisions of the fourth article of the treaty of the 1st November, 1837, with the Winnebago Indians.

A letter from the Secretary of War, transmitting a report of the Commissioner of Indian Affairs, and one of the Second Auditor of the Treasury, in answer to a resolution of the 16th ultimo, calling for information in reference to the treaty with the Pottawatomie Indians of the 25th, 26th, and 27th of October, 1832.

A letter from the Secretary of War, transmitting reports from the Commissioner of Indian Affairs and Second Auditor, in reply to a resolution of the House of Representatives of the 28th of January last, in relation to the execution of the treaties of 1832 and 1834, with the Chickasaw Indians, and the treaty of 1830, with the Choc-taws.

A communication from the Secretary of the Treasury, in compliance, as far as practicable, with the resolution of the House of the 31st December last, in relation to the condition of the banks in Wisconsin.

## MAINE BOUNDARY QUESTION.

The House then, in pursuance of the special order, went into the Committee of the Whole on the state of the Union (Mr. LINCOLN in the chair) on the "bill giving to the President of the United States additional powers for the defense of the United States, in certain cases, against invasion, and for other purposes."

After some conversation as to the order of proceeding, Mr. PICKENS giving notice of his intention to move to strike out the second section of the bill.

Mr. ROBERTSON suggested a modification of the first section, so as not to assume that Great Britain "set up a claim" to exclusive jurisdiction.

Mr. MENEFEE wished the phraseology made so clear that the Executive should resist an occupation of this territory, either on the part of the Government of Great Britain, directing and acting on her own responsibility, or through her provincial authorities.

Mr. CRAIG saw no necessity for making any distinction.

Mr. BIDDLE said he was not prepared to vote for any part of the bill.

Mr. ADAMS saw no necessity for Mr. ROBERTSON'S amendment. The case did not apply as it did yesterday to the report, because it was there asserted that an "agreement" was set up by Great Britain. Now there was a "claim." She set up a claim, and so did we.

Mr. ROBERTSON immediately withdrew his amendment.

Mr. HOWARD could see no necessity of drawing the distinction indicated by Mr. MENEFEE.

Mr. MENEFEE still thought provision ought to be made to meet both cases.

Mr. NAYLOR, to meet this objection, and ob-

viate all confusion or difficulty that might hereafter arise, moved to insert after "Great Britain" the words "or her provincial authorities."

Mr. KENNEDY approved entirely of the principles of the report, and should support the bill as it had been brought in by Mr. HOWARD. He then went on to read a number of extracts from the dispatches of Sir Charles Vaughan, etc., to show that Great Britain did set up a pretension to exclusive jurisdiction pending the controversy, and added that he had no doubt, from the tenor of these documents, that Sir John Harvey had received specific instructions and orders to assert and maintain that jurisdiction. Mr. K. said he should move the printing of this with the other documents.

Mr. ELMORE inquired if these papers had been communicated to our Government?

Mr. KENNEDY replied that they had not.

Mr. ELMORE. Then, it is a private paper, with which we have nothing to do.

Mr. LEGARE was of a different opinion, in spite of these documents, and did not believe any such specific orders had been received by the Provincial Governor from the British Ministry. The amendment of Mr. NAYLOR he considered as entirely unnecessary.

Mr. BIDDLE agreed with Mr. ADAMS that it was desirable we should keep ourselves right, and therefore he was indisposed to run into collateral questions; for he was one of those who believed this question would have to be settled with arms. He desired, therefore, that with such a Power as Great Britain we should use nothing like bravado, set up nothing like a bugbear. The mere unanimity of that House would have no effect upon a proud nation like that. This course had been tried towards Mexico, and she had treated us with contempt in return. These experiments would achieve nothing.

Mr. HOWARD explained. Two years ago, in the Committee on Foreign Affairs, he had again and again given it as his opinion that the pacific course afterwards adopted would be ineffectual. He was for a different policy.

Mr. BIDDLE had adduced this as an illustration, and because the same course seemed now about to be adopted. If we did go to war, he hoped it would not terminate as the last did, by leaving the question in suspension. If, however, we went to war, it should always be on such a question as should unite our whole people; upon which they would think and dwell night and morning; upon which they could rally. Was the present such a question? It was not. Even in view of all the atrocities of the late war, when our whole coast was plundered, and hundreds of families reduced to ruin; when our commerce was almost annihilated, our seamen forcibly taken and made to serve against their country, with the popular cry of "free trade and sailors' rights," what was the scene exhibited? So far from that general unanimity indispensable to success, one half the country was almost in friendly alliance with the enemy, and the pulpit poured its blessings upon them as the main pillar of religion.

Mr. B. then went on to show that the present was not such a question as warranted our hurrying ourselves into a long and sanguinary war, and he cited a speech of Mr. EVANS, made a year ago, to prove that this mere question of jurisdiction was viewed as a matter of very small importance by the State of Maine; and if she, who was directly interested, had made a light matter of it, why should we be now called upon to issue a declaration of war thereon? For he regarded the step now about to be taken as equivalent to a declaration of war. Mr. B. went on at length to demonstrate that exaggerated importance had been given to this question all at once, and insisted that acquiescence in the jurisdiction of Great Britain over the disputed territory had been yielded from 1824 down by the General Government, and distinctly recognized by the Legislature of Massachusetts. To sustain this position he cited a variety of documents. To go to war now upon the new question involved, would be to go to war for the shadow after having abandoned the substance. It was one upon which the people of this country could never be rallied; but if the President came there, and told them that all negotiation was at an end, and that there was no resort left but to arms, then he was prepared to go into it even to the ruin of himself and those

he represented. He implored the House to pause, and not to rush prematurely into a contest, the termination of which no one could foretell.

Mr. HOWARD deemed the amendment offered by Mr. NAYLOR as entirely unnecessary, because the whole case was fully met in the general terms of the bill.

Mr. H. said he had listened to the speech of Mr. BIDDLE with surprise and regret. The sum and substance of the gentleman's argument was, that the President was wrong in the position he had taken, because the administration of General Jackson had suffered this question to remain dormant. Was that an argument (Mr. H. would inquire) to be used upon a question like this? Refuse to pass this bill, adopt the course recommended by the gentleman from Pennsylvania, and where would the country be? Would it renew the negotiation? It could not; and the Governor of New Brunswick might go on with the invasion, or might not. Pass no law; adjourn; make no appropriation, and refuse to sustain the President in the lofty grounds he has taken; and what will be the consequence? They send him into the field at the head of the militia he has called out, crippled by the refusal of the House to sustain him in whatever consideration of national honor calls upon him to do. Surely the gentleman from Pennsylvania would be the last to desire this. Nothing was to be gained by refusing to pass this bill; much, perhaps everything, to be lost. He trusted this threatening crisis would pass away peaceably. He was for peace, so long as it could be preserved without impairing the national honor, but no longer; and in saying this he spoke the sentiments of those he represented. In reply to Mr. BIDDLE, he also contended that the issue was a plain one, to be understood by every one. He held that Sir John Harvey must be supposed capable of understanding his orders; and it was no more improbable that he had received specific orders of the character referred to, than that the commander of the infamous expedition against the Caroline, and the murder of her defenseless crew, should be rewarded with the subsequent command of the lake frontier of Canada. He stated that he was instructed to move to fill up the blank with \$10,000,000, when they reached that part of the bill.

Again: refuse to pass this measure, adjourn and do nothing, and if circumstances should arise rendering an extraordinary convening of Congress necessary, the first thing they must do would be to pass a law in the terms of the second section of this bill. As for the idea of a threat, he disclaimed it; no such idea was entertained by the committee.

Mr. BIDDLE explained. He never intended to say, but only referred to what might be the impression of the British Government. He agreed with the President, and wished no premature leaning to a military resort.

Mr. HOWARD said, as their debates went forth, the disclaimer was necessary. The plan proposed, he insisted, was pacific, but at the same time it was one that, if war was forced upon us, we should not be unprepared. He had no fears of the people not rallying an issue like this, and no comparison should be drawn between our present condition and resources and that of 1812. The bill, however, was but an initiatory step, and only authorized action on the part of the Executive in an extreme case, when all pacific expedients have failed.

Mr. EVANS followed in reply to Mr. BIDDLE, and in support of the bill, but before he had proceeded far the hour arrived for the House to take its daily recess.

#### EVENING SESSION.

Mr. EVANS resumed his speech after the adjournment, and continued to occupy the floor for a considerable time, when he was succeeded by Mr. FILLMORE, who urged some provision for the defense of the lakes, and laid on the table an amendment empowering the President to arm and equip as many steamboats as he might deem necessary for that end.

Mr. MENEFEE spoke with great earnestness on the necessity of vindicating the national honor.

Mr. SALTONSTALL opposed the bill as premature, and read extensively from the documents to show that Great Britain had no right to claim

the existence of any understanding between the two Governments for her exclusive possession of the disputed territory, yet the course of our Government had been such as to encourage such an idea; and therefore we ought to give time for explanation. He charged Maine with rashness and indiscretion in the movement which she had made.

Mr. LEGARE defended the bill, denied it was a war measure, but insisted that its tendency was to peace. He examined the question of right, and vindicated the stand taken by the State of Maine.

Mr. PICKENS replied to the remarks of Mr. MENEFEE, and said that national interest ought to be looked at as well as national honor. He deprecated war, and thought peace might be preserved, but was prepared to go any length when war was inevitable. He opposed the second section of the bill, which empowers the President to raise twenty new regiments, &c.

Mr. NAYLOR insisted that it would be an empty bravado to pass the rest of the bill, and not the second section, which gave vitality and force to the whole. He concluded that the country must do something in the case, and supported the bill as fit and necessary.

Mr. PRENTISS replied to some of the remarks of Mr. PICKENS, and treated with ridicule the idea of looking at interest when honor was at stake. He went into an examination of the several parts of the bill, opposed the second section, and wished the residue better guarded, and the discretion of the President more restricted.

Mr. HOFFMAN went into an explanation of the reason why, although a Representative of a great commercial emporium, which must be most sensibly injured by war, should it come, he gave his support to the bill. He then went into a brief examination of the existing difficulty, and insisted on the necessity of supporting the national rights and character at every sacrifice.

Mr. THOMPSON followed in a similar course of remark, commenting with great severity on the injustice and arrogance of the British claims, and the course of the provincial government on this occasion, and pledged his constituents and himself, to the whole extent of their means, to stand by the Government.

Mr. JOHNSON, of Maryland, moved the substance of the foundery bill to be inserted as an amendment.

Mr. WISE treated the whole debate as a matter of amusement. Those who talked so much seldom were great doers. The whole danger, as he understood, was like to pass away; but if not, he opposed giving to any President powers so large as those in the bill. He offered, by way of substitute, the resolutions moved in the Senate by Mr. BUCHANAN, and then moved that the committee rise; but consented to withdraw the motion under a pledge that it should be renewed.

Mr. EVANS stated that information had been received through the papers by the evening mail, that a special messenger had passed through Augusta, Maine, with dispatches from Sir John Harvey for the British Minister here, the contents unknown, but generally understood and believed to be expressive of his determination to take no further step until the reception of the Minister's reply. It was not certainly true, though he was strongly inclined to believe that it was.

He then went into a course of very severe animadversion on the speech of Mr. SALTONSTALL, particularly as coming from a member from Massachusetts, who had been the first to resist British aggression; and, as a contrast to the positions of that gentleman, read a series of resolutions, just received, from the Legislature of Massachusetts, fully supporting Maine in all she had done, and proffering for her aid the loan of \$1,000,000. He further stated that an agent of Massachusetts had accompanied the agent of Maine in the late transactions, and had concurred fully in all that was done; that the party who went to support the sheriff, though they had arms with them to resist, if need be, an armed body of trespassers which they understood to be collected in a considerable force within the territory, had taken care to carry their boxes up, and had determined not to open the boxes until the actual necessity arrived of a forcible conflict. It was not a military expedition, but strictly a civil one to enforce the execu-

tion of a writ. As to the secret session of the Legislature, it had been secret to conceal the movement, not from the General Government here, or the Provincial Government beyond the lines, but from the trespassers, whom it was desirable to seize before they could make good their retreat.

After some general remarks on the necessity, whether the pacific intelligence were true or false, of still passing the bill, Mr. E., according to his pledge, moved the rising of the committee, but hoped the motion would not prevail.

[It was now midnight.]

The question being put, it was carried, and thereupon the committee rose and reported progress.

On motion of Mr. HOWARD, it was ordered that the consideration of this bill be the special order for to-morrow at eleven o'clock, to take precedence of all other business.

Mr. PETRIKIN moved a reconsideration of the vote on a bill for the benefit of the Georgetown College, but did not press it.

Mr. WISE obtained the printing of his substitute for the military preparation bill.

The House took up sundry bills on the Speaker's table, which had come back from the Senate with amendments.

The amendments to the bill for the relief of Joseph M. Hernandez were concurred in, and the bill passed.

The Senate's amendment to the bill for the erection of a new jail in Washington, requiring the addition of \$1,000 to the appropriation by the House of \$30,000 for the erection of that building. The bill was referred to the Committee of the Whole on the state of the Union.

The House bill for the support of the Army, with sundry amendments from the Senate, was referred in like manner.

The Senate's amendment to the bill for the relief of the Springfield Manufacturing Company having been read,

Mr. CALHOUN, of Massachusetts, moved that the said amendment be non-concurred in.

Various attempts were made to get a quorum on this motion, and several motions for adjournment were made, the last of which succeeded—yeas 73, nays 59.

So the House (at half past twelve o'clock) adjourned.

#### IN SENATE.

SATURDAY, March 2, 1839.

Mr. HUBBARD presented a petition from citizens of New Hampshire, for a post route; which was laid on the table.

Mr. H. also presented certain joint resolutions of the Legislature of New Hampshire, instructing their Senators and requesting their Representatives to obtain the adjustment of claims for spoils committed by France prior to 1800; which were read, and ordered to be printed.

Mr. MORRIS presented several petitions for the abolition of slavery; which he asked might be received.

On motion of Mr. CLAY, of Alabama, the motion to receive was laid upon the table.

#### REPORTS FROM COMMITTEES.

Mr. NORVELL, from the Committee on Commerce, to which were referred several memorials on the subject of a steam revenue cutter, made a report thereon, accompanied by the following resolution:

*Resolved*, That the resolutions and memorials concerning the construction of steam revenue cutters, with a copy of this report be referred to the Secretary of the Navy.

The resolution was considered and adopted.

Mr. CUTHBERT, from the Committee on Naval Affairs, to which was referred the memorial of the heirs of Robert Fulton, made a special report thereon; which was read, and ordered to be printed.

#### RESOLUTIONS.

The following resolution, submitted by Mr. BENTON, was considered and adopted:

*Resolved*, That the President of the United States be requested to cause to be laid before the Senate, at the commencement of the next session of Congress, reports upon the military and naval defenses of the country, showing—

*First*. The fortifications, or other permanent defenses, commenced, completed, projected, or deemed necessary—  
1. For the northern frontier, from Lake Superior to Passa-

maquoddy bay; 2. For the maritime frontier, from Passamaquoddy bay to Cape Florida; 3. The Gulf frontier, from Cape Florida to Sabine bay; 4. The western frontier, from the Sabine bay to Lake Superior, with a conjectural estimate of the probable expense of constructing or completing such works as may not yet have been completed or commenced.

*Second.* The state of the armament of the fortifications, so far as the same may be completed or commenced, with a conjectural estimate of the expense of completing the armament of all the forts which may be commenced, or deemed necessary to be constructed.

*Third.* The armories, arsenals, magazines, and foundries, either constructed or deemed necessary, with a conjectural estimate of the expense of constructing such of said establishments as may not yet be completed or commenced, but which may be deemed necessary.

*Fourth.* The floating or steam batteries, or vessels which have been constructed in aid of fortifications, or may be deemed necessary to be constructed in aid of such works, with a conjectural estimate of the expense which the same may require.

*Fifth.* The ships of war built, or under construction, or deemed necessary to be built, with a conjectural estimate of the expense of building and arming the vessels not yet completed or commenced, or which may be deemed necessary within a reasonable time.

*Sixth.* The navy-yards, docks, and naval establishments of every kind, either constructed or commenced, or deemed necessary, with the probable expense of completing the same.

With any other information or suggestions which the President may deem necessary to be communicated to Congress, in order to exhibit a full view of what is necessary to be done, and the probable cost thereof, to place the United States in a proper state of defense, by land and water, and on each of the four great lines of defense which her frontiers present.

Mr. DAVIS offered the following resolution; which was considered and adopted:

*Resolved,* That the Secretary of the Treasury be directed to report to the Senate, at the next session of Congress, whether any change in the system of marine hospitals is expedient; and if so, what; and especially if any new hospitals are necessary, and in what manner they ought to be erected, if deemed expedient, and how supported.

#### CIVIL AND DIPLOMATIC BILL.

The bill making appropriations for the civil and diplomatic expenses of the Government for the year 1839 was taken up; and the question being on the amendment proposed by the Committee on Finance, to strike out the appropriation for the Documentary History—

Mr. BENTON spoke at much length against the appropriation, and also against the distribution of the books, and read from reports of committees to justify what he said. He considered this whole business of printing books for members of Congress—a practice which had grown up within a few years past—to be one of the most abominable abuses which now beset the Government, and he considered this particular job as the most abominable of the whole. Taken in every way, the manner in which it was got through without the knowledge of the most attentive members—he meant others still more than himself—the enormity of the sum involved; the vast bulk and little worth of the work; and the distribution of it to the members that voted for it, and it was truly an enormous abuse. None of us knew that such a work was authorized by us. It was passed in 1833, and it was nearly a year afterwards before we discovered what we had done. He found it out from Mr. MANGUM, of North Carolina, at the next session, who was a member of the committee who discovered what had been done; and then, for the first time, it was found out that an act had been passed by which upwards of half a million dollars, at the least, and probably a million and a half, was to be given to an officer of the House of Representatives (M. St. Clair Clarke, the Clerk of the House) and his partner, for printing a work to be given to those who voted that officer and his partner the money? As soon as found out, the abuse was resisted by some members, has been resisted for six years, but without effect; for while a majority condemn and denounce it, yet they are placed under duress, and compelled to vote for the money and the distribution by putting them in the appropriation bills for the support of the Government, and then making it a question to lose the whole bill and stop the Government, or let the distribution go on. He, for one, would vote against it, and let the Government stop, if that should be the consequence; and let the people see who it was that would break up the Government before they would cease voting books to themselves! Even if the vote of the books was right in itself, it would be wrong to put it in an appropriation bill; and he would not be coerced by finding it there.

But the whole practice was wrong in itself, and was becoming an enormous abuse; enormous for the amount of money, enormous for the principle, enormous for the frightful progress which it made, enormous for the consequences it might lead to. Every session we have jobs and distributions. A multitude of works have been printed and distributed. They multiply every session. We vote the money to the jobber; the jobber gives the books to us; and many of us sell the books instantly to Mr. Templeman, or some other purchaser. Twenty thousand, forty thousand, sixty thousand dollars, is a common vote, and done with a rapidity which defies all description, and in a way to escape the notice of the most attentive members. But this is a case, not of twenty, or forty, or sixty thousand dollars, but of one or two millions? It is absolutely a case of millions, and may be as many as the jobbers choose to make it. It is without limits or boundaries. It is to print whatever the jobbers choose to print—for there is no earthly control over them—under the name of Documentary History of the Revolution. Already they inform us that the private and public libraries of America and Europe are to be explored to find either manuscript or printed matter to be published; and they are at liberty to publish all that they can find. The first computation supposed it might amount to \$1,500,000; then the undertakers, when the enormity of that sum startled everybody, proposed to put a limit on themselves by limiting the number of volumes. They proposed to limit the volumes to twenty, and left the number of pages unlimited, though estimated for at eight hundred pages. The pay was by the page—so much the page—and at this rate it would come to \$20,400 a volume; and twenty volumes would make \$408,000. This seemed to impose a limit, but it was all an illusion! The number of pages was unlimited; and instead of eight hundred, the first volume (the only one printed) contained over one thousand pages! and instead of \$20,400, the estimated price, the actual price is \$26,000; and by doubling the pages, the next one may be \$52,000! This bill is to pay a balance—a balance due for the first volume; and this balance is \$5,600! the estimated price of \$20,400 having been previously paid. At this rate the twenty volumes will cost \$520,000; but there is nothing to limit it to that amount; the publishers can print what they please, as many volumes as they please, and as many pages as they please in each volume; and being paid by the page, the bulk of the work and the amount of the price are absolutely without limit!

It is also without limit as to time! It may last for centuries, and through generations; and the families of Mr. Clarke and Mr. Force may be pensioned on the Federal Government through successive ages. It is a personal contract with Messrs. Clarke and Force; it will descend to their representatives; it has taken six years to make one volume; and twenty volumes, even if limited to that, would require at the same rate, one hundred and twenty years to complete the work. So slow is the forthcoming work, that we have been told on this floor—told by Mr. KING, who began the good work of opposing this business—that he was well informed that a member had sold his interest in the whole Documentary History, for which we pay a million or so, for ten dollars in hand.

Mr. B. then took the ground that the whole contract ought to be set aside, for fraud: first, in the manner of getting it through Congress in a way to prevent all knowledge of the magnitude of the work, and that by an officer of the House; next for want of moral or constitutional power in the Congress to vote themselves such presents; third, for the manner in which the price was fixed, and fixed nearly twice too much—as he proved by reading answers to inquiries from the most eminent booksellers of Philadelphia and other cities, addressed to them by a committee of the House of Representatives after the discovery of the extent of the job given to Messrs. Clarke and Force. He read from the report to show that Messrs. Clarke and Force virtually fixed the price themselves, by putting it into the face of the law, that they were to have at the same rate that Messrs. Blair & Rives were paid for a certain work, the price of which was fixed by Mr. Force, who was selected by Mr. Clarke and Mr. Lowry

for that purpose; Clarke and Force's bill depending in Congress, while Mr. Force, as a referee, was fixing the price of work which was to govern his own.

Mr. B. finished with declaring that this book-printing and book-distributing business had become an enormous abuse; that the attention of the country ought to be roused up to it; and if the bill for the support of the Government was lost, it would rouse the country, and, in the end, save millions. For his own part, he had been resisting this business for six years without any effect, for it was growing and increasing annually. But he should go on opposing it, opposing all these jobs, great and small. He had to encounter friends and foes, and to draw on himself censure and opposition. He was sorry for it, but could not help it. The abuse must be stopped; and he had taken a fixed and inexorable resolution to try and stop it. He had put on his iron nerves, and should yield to neither friends nor foes.

Mr. SOUTHWARD spoke in reply, insisting that this sum was due under a contract which was a law of the land; and that Congress, before withholding appropriations, ought to declare that contract null and void, which no one dared to propose in direct terms, or else they ought to make a compromise, and allow Clarke and Force suitable damages.

Mr. CALHOUN said he would vote for this appropriation, but a sense of duty would not allow him to vote in favor of giving books to members of Congress. He agreed, however, if Clarke and Force should suffer damage on account of a failure in Congress to fulfill a contract, they ought to be remunerated.

On the call of Mr. FOSTER, the question was divided so as to ascertain, first, whether the Senate would make this appropriation; and, second, whether the books should be distributed as provided for by the bill.

The former of these questions was decided in the negative, thus striking out the appropriation of \$5,602 by yeas and nays, as follows:

YEAS—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Fulton, Hubbard, Linn, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Walker, Williams of Mississippi, and Wright—20.

NAYS—Messrs. Bayard, Clay of Kentucky, Clayton, Davis, Foster, Knight, Merrick, Robbins, Smith of Indiana, Southard, Swift, Tallmadge, and Webster—13.

The question on the distribution of the books was negatived by yeas and nays, as follows:

YEAS—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Foster, Fulton, Hubbard, King, Knight, Merrick, Mouton, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Swift, Walker, Wall, White, Williams of Maine, Williams of Mississippi, and Wright—29.

NAYS—Messrs. Davis, Southard, and Webster—3.

The amendment to strike out the proviso, which required the printing, &c., of the Executive Departments to be done by contract, to be given to the lowest bidder, being before the Senate,

Mr. WRIGHT said the committee had recommended this amendment, because in their view a compliance with the requisitions of the proviso was impracticable; it amounted to a total denial to the departments of the power of having any printing done whatever. There was no obligation on the contractor to reside, or to perform the work, in this city; and the Departments would be compelled on every emergency in which they required a job of printing to be done, to send it perhaps to Boston to be executed. He hoped the proposed amendment of the committee would be adopted.

The amendment was agreed to, and the bill was ordered to a third reading, and, by unanimous consent, was read the third time and passed.

This bill was subsequently returned from the House, with the information that the House non-concurred in the two above principal amendments made by the Senate, and was referred to the Committee on Finance.

Mr. WRIGHT, from the Committee on Finance, moved that the Senate insist on their first amendment striking out the provision for letting out the public printing on contract; which was agreed to.

Also, that the Senate recede from the amendment striking out the appropriation for the Documentary History, which was agreed to—yeas 23, nays 6.

Also, that the Senate insist on their amend-

ment striking out the provision for the distribution of these books among the members of the Senate and House of Representatives, which after some remarks from Mr. WEBSTER, in opposition, was agreed to—yeas 23, nays 7; as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay of Alabama, Foster, Fulton, Hubbard, King, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith of Indiana, Walker, White, Williams of Maine, Williams of Mississippi, and Wright—23.

NAYS—Messrs. Davis, Ruggles, Southard, Swift, Tallmadge, Webster, and Young—7.

#### POSTMASTER'S EXPLANATION.

Mr. ALLEN submitted the following resolution:

*Resolved*, That the President's message, of the 1st instant, and the accompanying letter of the Postmaster General, in answer to certain resolutions of the Senate adopted on the 1st instant, in relation to a communication previously made to the Senate by the Postmaster General, are satisfactory to the Senate.

Mr. A. desired the consideration of the resolution at this time; but, this requiring the unanimous consent of the Senate,

Mr. SMITH, of Indiana, objected.

Mr. BUCHANAN expressed a hope that the Senator from Indiana [Mr. SMITH] would withdraw his objection. The Postmaster General had expressly disclaimed all intentional disrespect to the Senate in his former communication. He had never believed, and he had so expressed himself, that this officer intended any disrespect to the body, although, without this disavowal, his communication would fairly bear such a construction. He had now disavowed all such intention, and therefore the Senate ought to express themselves satisfied.

Mr. SMITH still persisting in his objection, the resolution was laid upon the table.

Mr. ALLEN then said that by the rules he could call up his resolution to-morrow; and that as the day would terminate at twelve o'clock, he gave notice that he would take the earliest occasion thereafter to call for its consideration.

#### FRONTIER PROTECTION.

The Senate proceeded to consider the bill from the House for the protection of the northern and northwestern frontier.

Mr. BENTON, from the Military Committee, reported various amendments to the bill, making an aggregate of \$1,240,000, viz: \$740,000 for fortifications much advanced, and \$500,000 for others not much advanced.

Mr. RUGGLES moved to increase the appropriation for fortifications in Maine from \$100,000 to \$200,000.

This motion was briefly advocated by Messrs. WILLIAMS, of Maine, and RUGGLES, and opposed by Messrs. WRIGHT, and CLAY of Alabama.

The amendment was negated without a division.

The appropriation of \$100,000 for Maine fortifications was also negated by yeas and nays; as follows:

YEAS—Messrs. Allen, Benton, Cuthbert, Davis, Foster, Fulton, Knight, Linn, Lyon, Norvell, Pierce, Ruggles, Smith of Connecticut, Tallmadge, Walker, Wall, Webster, Williams of Maine, and Young—19.

NAYS—Messrs. Bayard, Buchanan, Calhoun, Clay of Alabama, Clayton, Hubbard, King, McKean, Merrick, Nicholas, Niles, Prentiss, Rives, Roane, Robinson, Sevier, Smith of Indiana, Southard, Swift, White, Williams of Mississippi, and Wright—22.

The appropriation of \$80,000 for the western frontier was advocated at some length by Mr. FULTON and Mr. BENTON, and opposed by Mr. CALHOUN.

The appropriation was carried in the affirmative, by yeas and nays; as follows:

YEAS—Messrs. Allen, Bayard, Benton, Clay of Alabama, Clayton, Foster, Fulton, Linn, Lyon, Norvell, Robinson, Ruggles, Sevier, Smith of Indiana, Tallmadge, Walker, White, Williams of Maine, Williams of Mississippi, and Young—20.

NAYS—Messrs. Buchanan, Calhoun, Hubbard, King, McKean, Merrick, Nicholas, Niles, Pierce, Prentiss, Roane, Robinson, Smith of Connecticut, Southard, Swift, Wall, and Wright—17.

The appropriations of \$740,000 for fortifications and other military defenses on the Atlantic and Gulf coast were now taken together, advocated by Mr. BENTON and Mr. DAVIS, who stated that there was recently not a gun at Boston in a condition to fire a salute, which he supposed was generally the case; and opposed by Mr. CALHOUN, who said there were always ready guns

by hundreds when he was connected with the Department; and if the millions recently appropriated had been thus wasted, this pittance would do nothing; and then this whole appropriation was negated, by yeas and nays, as follows:

YEAS—Messrs. Allen, Bayard, Benton, Clay of Alabama, Davis, Fulton, Knight, Nicholas, Robbins, Ruggles, Walker, Wall, Webster, and Williams of Maine—14.

NAYS—Messrs. Buchanan, Calhoun, Clay of Kentucky, Crittenden, Cuthbert, Foster, Hubbard, Lyon, McKean, Niles, Norvell, Pierce, Prentiss, Preston, Roane, Sevier, Smith of Connecticut, Smith of Indiana, Swift, White, Williams of Mississippi, Wright, and Young—23.

The bill, as amended, was now reported to the Senate; and, after a brief conversation, the appropriation of \$80,000 for the western frontier, made in committee, was non-concurred in, or lost, in Senate, by yeas and nays; as follows:

YEAS—Messrs. Allen, Bayard, Benton, Fulton, Linn, Rives, Ruggles, Sevier, Smith of Indiana, Walker, Webster, White, and Williams of Maine—13.

NAYS—Messrs. Buchanan, Calhoun, Davis, Hubbard, King, Knight, Merrick, Nicholas, Niles, Pierce, Prentiss, Preston, Roane, Smith of Connecticut, Southard, Swift, Wall, and Wright—18.

The bill, as amended, was ordered to a third reading, and by consent read the third time and passed.

#### POSTMASTER GENERAL'S EXPLANATION.

The resolution submitted by Mr. ALLEN, relative to the letter of the Postmaster General, was, on his motion, called up and agreed to, without a division.

#### MAINE BOUNDARY QUESTION.

The bill from the House giving to the President of the United States additional powers for the defense of the United States in certain cases against invasion, and for other purposes, was received, the 16th joint rule in the way of its reception was suspended, and the Senate proceeded forthwith to consider the bill. After having been read the first time,

Mr. BENTON observed that he did not think it necessary, at this late period of the session, and under present circumstances, to refer this bill to a committee. The subject was perfectly understood by every Senator; the bill, as it had passed the House, was on their tables; and the sense of the Senate had been fully expressed in the resolutions unanimously adopted last evening. He therefore thought that they had better not refer the bill, but take it up in Committee of the Whole, and act on it at once.

Mr. BUCHANAN observed that the bill from the House, now before the Senate, entirely met his approbation, with perhaps a single exception. Under all the circumstances, he doubted the policy of sending a special minister to England; but he should make no motion to strike this provision from the bill, unless his doubts might be fortified by the opinion of other Senators. With this exception, if such it ought to be considered, the bill, he believed, was just such a one as the Committee on Foreign Relations would have unanimously reported to the Senate, had it not been deemed more proper that this measure should originate in the House. It was precisely in accordance with the resolutions which had passed the Senate last night, by which we pledged ourselves, that in case the British Government should attempt to take possession of this disputed territory, we should stand by the President of the United States, and sustain him with all the military power of the nation in repelling this aggression. This bill contained no provisional army. It simply authorized a resort to the militia and volunteers, in case it should become necessary to call out a military force before Congress could be convened, and appropriated the money necessary to accomplish the object. Mr. B. agreed with his friend from Missouri, [Mr. BENTON,] that it was unnecessary to refer this bill to a committee, as it was plain and simple in its provisions, and the session so near its close. As to the propriety of sending a special minister to England, he would be glad to hear the opinion of other Senators on this subject.

Mr. TALLMADGE observed that he differed with the Senator from Pennsylvania in one particular. He was highly in favor of sending a special minister to England. He thought the minister sent should be a man of character and standing, and he had no idea that the President would send any other.

Mr. SOUTHARD acknowledged that he felt

great difficulty in passing so promptly on a bill of such magnitude. He did not view it in the light that other Senators did, as carrying out the resolutions of the Committee on Foreign Relations, but going far beyond them. He greatly feared the consequences of passing such a bill, and was alarmed at what would be the result of its passage. For if it did pass, and the President should call for the volunteers authorized by it, there would be a war between this country and Great Britain which might last for years. Where were these volunteers to be raised, and how? The moment (said Mr. S.) that this bill is passed, you will find volunteers assembling under it, and eager to march into the British territories.

Now, I ask you to look upon the whole of our frontiers, and see what has occurred there during the past twelve months, together with the tone and temper of the people. Did it not require all the exertions of the Executive to repress the spirit that was so openly manifested? He would as soon vote for an absolute declaration of war as this bill. The great danger was that the volunteers would not wait for the orders of the President of the United States, but that they would, as soon as organized, invade the British territory, and thus bring on a war while the two Governments were in the progress of adjusting the differences between them. There were other provisions of this bill to which he was not prepared to give his assent, and there were others which he approved of, and among the latter was the one referred to by the Senator from New York. He hoped that a special minister would be sent to England, and that the mission would result in the settlement of all our differences with that Power. God forbid that a war between this country and England, the representatives of the freedom of the world, should ever take place. He did not fear the contest, if it should be forced on him; but (said he) if we go into this conflict, I wish to go into it coolly and dispassionately, and in a manner calculated to carry with us the feelings of the people of the whole country. He preferred that the bill should be sent to a committee, with a view to a more mature consideration of the whole subject, and the recommendation of some measure less calculated to precipitate the country into a war. In the present posture of affairs, this section authorizing the raising of volunteers, would be looked on by the British Government in no other light than as a menace, and perhaps lead this high-spirited people into acts of hostility, which more moderate measures on our part might prevent. How could we expect any successful negotiations for terminating our differences with the British Government, with this threat hanging over them? Would they not point to it as an act of hostility, and refuse to negotiate until it was withdrawn?

Mr. S., after some further remarks, concluded by moving to refer the bill to the Committee on Foreign Relations.

Mr. TALLMADGE did not know that he had any objections to the reference of the bill; the remark he made was in regard to the sending of a minister. But he saw no cause for the alarm felt by the Senator from New Jersey. No one could pretend that volunteers would be raised under the provisions of this bill till the President called for them; and after he has called for them, they will, as soon as raised, be in the service of the United States, and cannot go to Canada, or anywhere else, without orders. He could not agree with the Senator from New Jersey that any part of this bill could justly be viewed as a threat or menace. We have been threatened with invasion, and, though he did not believe that the threat would be carried into execution, yet it was highly necessary to be prepared for any such contingency. Should the British Government complain of this clause of the bill as a menace, which he did not believe they would do, the President could say, that from the very nature of our institutions, we were unprepared for any emergency, and therefore it was that Congress passed this measure in order that we might be prepared to meet the invasion that was threatened. We shall always enter into a conflict with a foreign Power under disadvantageous circumstances, but we shall become stronger as it progresses, and triumph in the end. He did believe that this bill was necessary, and he would therefore give it his vote. We passed (said he) unanimously the resolutions

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reported by the Committee on Foreign Relations; and last session we passed resolutions just as strong; and what did they amount to? To nothing. The British Government, instead of giving up their claims, had advanced the claim to exclusive jurisdiction over the disputed territory, and threatened to support it with an armed force. Under these circumstances, he was for putting the country in a situation to meet the threatened contingency. He saw nothing alarming in the authorizing this volunteer force to be raised. They will be embodied only when the President shall call for them; and, being under his orders, they will not be able to march a foot until he commands it.

Mr. MERRICK was in favor of referring the bill to the Committee on Foreign Relations. It was an important measure, and should go through all the forms of legislation; and if it passed, it should be after full and solemn deliberation. There was no man in the country more reluctant to go to war than he was. A war would be highly injurious to the people he represented, but he would not sacrifice the honor or the interests of the nation for the sake of preserving peace. He had no fears of any consequences resulting from authorizing this volunteer corps. They are (he said) to be composed of the freemen of the United States, and upon them we can as safely rely for obeying the laws as for defending the liberties of the country. We are about to adjourn, and cannot meet again for many months. We are threatened with invasion, and the danger is great that the threat will be carried into execution. My opinion is that war will come before twelve months are over, do what you will. Ought we, then, to adjourn without putting it in the power of the President to defend the country?

Mr. BUCHANAN said that, even at this late hour of the night, considering the position which he occupied in relation to the subject, the Senate would excuse him for asking their attention for a few moments, whilst he replied to the remarks of the Senator from New Jersey, [Mr. SOUTHARD.]

For my own part, (said Mr. B.) I am not excited in the slightest degree, but am calm as a summer's morning; nor do I believe that the Senate required a caution against acting under violent impulse. I confess that, throughout the whole proceeding, I have been only anxious that we should act with such coolness, such dignity, and such discretion as would secure the approbation of the country. This important object has, I think, been accomplished. The justice of our cause is palpable; and I have only labored to prevent it from being obscured by the adoption of any measure, in the assertion of our rights, on which our constituents could be fairly divided in opinion. It was for this reason, that I came into conflict with the State of Maine in relation to the fourth resolution reported by the committee. Although I preferred that resolution as it originally stood, because it was more precise, yet the change in the last clause does not materially affect the meaning; and it has procured a unanimous vote in its favor—a consummation much to be desired. Should Maine act in accordance with the spirit of this resolution, then, if war must come, it will find the country unanimous. On the part of Great Britain, it will be a war of pure aggression, waged, during the pendency of peaceful negotiations, for the purpose of assuming exclusive military jurisdiction, against the clear understanding between the two Governments, over a territory to which she has not even a color of title. In such an event, the only alternative is war or national dishonor; and between these two, what American can hesitate? Force must be repelled by force; or national degradation is the inevitable consequence. I confess, however, it is still difficult to believe that Great Britain will madly rush into such a contest for an object so inconsiderable. This is a question for her own decision. All we have to do is to stand on the defensive, and exercise forbearance until the shock of arms shall render forbearance no longer a virtue.

I would ask the Senator from New Jersey what is there in this bill which is not precisely in conformity with the resolutions unanimously adopted last night? Which was the most important of all these resolutions? Was it not that one which declared that, if the British Government should, in pursuance of its avowed determination, attempt, by military force, to take possession of the disputed territory, that we would sustain the President in defending the rights of the country and repelling this invasion? This is the single principle clearly and strongly expressed in the fourth resolution. What, then, do we propose to do by this bill? Merely to carry out this principle in practice; and that, too, in the mildest form consistently with the safety of the country. Would we not make ourselves a ridiculous spectacle before all mankind, if we should adjourn, after adopting this solemn resolution, and leave the President without a dollar to defend the country in case it should be attacked? We first pledge ourselves, in the most solemn manner, to sustain him; and, when called upon to redeem our pledge, we prove recreant to this duty which, but yesterday, we imposed upon ourselves. Is there a single Senator here prepared to act such a part?

The bill is, in fact, but little more than a contingent appropriation of \$10,000,000, placed at the disposal of the President, to enable him to call forth the militia in execution of the Constitution and the existing law, for the purpose of repelling the threatened invasion of the disputed territory. It is true that the term of service is extended from three to six months, and the President is authorized to accept of the services of volunteers. These are the only changes in the old law effected by the bill. It does not propose to add a soldier to the regular Army. Until the next meeting of Congress, it relies exclusively upon the present Army, militia and volunteers of the country, to repel the invasion of the disputed territory. Now, I ask, what less can we do, unless, regardless of our duty, we should determine to adjourn whilst war is impending over us, without providing any means of defense? And yet the Senator from New Jersey fancies that he sees in the bill a menace to England; and he dreads a rushing of armed citizen volunteers across our frontier for the purpose of invading the territory of a friendly Power. But what says the bill? Unless the contingency should happen for which it provides, these volunteers will remain at home. They can never be embodied without the orders of the President. They cannot move towards the frontier until the event shall occur on which we have solemnly declared that we will cordially coöperate with the President in defending the interest and honor of the country. What, then, is the inevitable consequence of the Senator's argument? That we shall adopt no precautionary measures to repel a threatened invasion lest, perchance, they may be construed into a menace by the invading Power! The gentleman has not seen the point to which his own argument would lead him. If he had, it never would have been advanced. Besides, this argument implies a want of confidence in our citizen volunteers, which I do not feel.

If we adjourn without passing this bill, we shall richly deserve the reputation of being a Government valiant in resolutions upon paper—a Government mighty in words, but contemptible in action. We should become the scorn of our constituents.

But this bill is called a threat. A threat! To prepare for war when an intention to invade our territory has been avowed, is a threat which may offend our powerful neighbor! Such was not the opinion of General Washington. He believed that to prepare for war was the best mode of preserving peace. Weakness always invites aggression. Fortunately, or unfortunately, for us, from the very nature of our institutions, we shall never be well prepared for war; but for this very reason, when we have cause to apprehend immediate danger, our exertions ought to be so much the more vigorous. We now find that Sir

John Harvey is collecting and concentrating his forces, which it is said will amount to four or five thousand regular troops, with the avowed purpose of making a descent on the disputed territory, and placing it under the exclusive jurisdiction of England. When this danger is impending, shall we place ourselves in the contemptible position of resolving that the State of Maine shall be defended, and then reresolving that it shall not be defended, lest it might give offense to the British Government? We can never avert war by base submission; and if we could, the people of this country will never purchase peace at the price of self-degradation. No, sir; never. If the British Government should ever complain of this bill as a threat, our Minister can point with confidence to the letter and proclamation of Sir John Harvey, in which he has first threatened to take military possession of the disputed territory, under the express command of his sovereign. He can show that the menace first came from her Majesty's Government, and that our proceedings have been purely defensive. This bill contains no provision which goes further than adopting the necessary means of self-defense, in case a foreign foe should invade our native land. If my neighbor should be in the very act of attempting to deprive me of my property by force, and I should stand upon the defensive, he might, with the same propriety, turn about and accuse me of threatening him.

Whilst I am in favor of defending the just rights of Maine to the last extremity, I am also disposed to inform her distinctly, that if, in violation of the Constitution, which confers upon the Executive of the Union the treaty making power, and in violation of the clear subsisting understanding between the parties, she will become the aggressor, and attempt permanently to occupy the disputed territory by force, we are under no constitutional obligation to come to her aid, however difficult it might be even in such a case, to resist her appeal. In the language of the amendment made to the fourth resolution, it is her duty to leave the ultimate vindication of her rights to the General Government, to which it rightfully and constitutionally belongs. Hands off from this territory on both sides, while negotiations are pending. During this period, the question belongs exclusively to the General Government. It would be forever a source of regret, both to Maine herself and to the whole country, if she should not withdraw her forces from this territory, in case Sir John Harvey should set her the example, desisting from attempting its military occupation.

I deprecate war; but in a just cause I do not dread it. If it should come now, it will be inevitable, and we may appeal to the world for the justice of our cause. Our course has hitherto been correct in asserting our rights. I trust and believe that Maine will not embarrass us in pursuing it to the end. That she has cause to complain, I cheerfully admit; but let her continue to rely upon the General Government, and when the crisis shall arrive, if arrive it must, she will find the country as one man rushing to her rescue. On the contrary, should the patriotic, but excited, feeling which now seems to pervade her citizens, drive them into acts of aggression, and involve us in war, the best cause will be weakened by such conduct, and distraction and division among the citizens of the other States may be the consequence. Let her be prudent as well as firm. This controversy must soon be ended, either by negotiation or by arms. Let her patiently and patriotically await the result, unless the territory should be actually invaded.

The question was here taken on Mr. SOUTHARD's motion to refer the bill to the Committee on Foreign Relations, and lost without a division.

Mr. SOUTHARD then addressed the Senate in opposition to the bill, recapitulating the arguments used by him when first up.

Mr. WALKER said he did not rise at this late hour to make a speech in favor of this bill, but to appeal to the Senator from New Jersey, [Mr.

SOUTHARD, and beseech him, by his love of country and regard for its honor and its rights, not to vote against this bill. It was not the bill that the Senator supposed it was. He certainly could not have had an opportunity of understanding it truly. He appealed to the Senator not to prevent a unanimous vote of this body in favor of a measure so essentially necessary for the honor and safety of the country. He fully believed that the Senator regarded the rights and liberties of his country as much as any man on that floor; and he had not a doubt but if he understood this bill properly, he would give it his support. Every vote given against this bill will be regarded by Great Britain as an invitation, on the part of the Senator who gave it, to persist in her unreasonable pretensions, and never to surrender her claims to this disputed territory. Not to pass this bill would be dishonorable, when we had declared that Great Britain had not a shadow of claim to this disputed territory, and that we would consider her taking possession of it as an invasion of the territory of the United States, that would justify the President, under the Constitution, in calling out the militia to repel it. When, in addition to this, we had pledged ourselves to the State of Maine to sustain her, would it not be dishonorable to vote down the only measure that would enable the President to carry into effect the recommendations of the Senate? If we should send a minister to England after this bill had been negotiated by the Senate, the British Ministry would laugh him to scorn.

And under what circumstances are we to refuse to pass this bill? From all the official information that is before us, we learn that the Governor of New Brunswick says that he is positively instructed by the British Government to take possession of this disputed territory, and that he is determined to do it with all the forces of the provincial Government, both regulars and militia. There is a threat, and not merely a threat, for it has been followed up by an actual call for militia, and by armed troops marching into the disputed territory. We shall disgrace ourselves by returning to our homes, and leaving a sister State undefended, when she has been threatened with invasion. Under these circumstances, he appealed to the love of country of the Senator from New Jersey—for he believed that patriotism beats in his bosom as strong as in that of any other Senator—to let the vote on this bill be a unanimous one by adding his voice in its favor, so that, when our Minister went to England, he might go armed with the strongest powers of the country. He knew that there were those within the sound of his voice who, armed with such a moral power as this bill, passed by the unanimous consent of both Houses of Congress, would give them, could not fail of bringing this controversy to a successful and happy termination.

Mr. NILES said he rejoiced to see this bill so perfectly acceptable to the members of this body, with but one solitary exception. We all agree in this matter, that we are for preserving the peace of the country if we can do so without sacrificing our honor. The only question, then, is, whether the assuming the attitude the bill proposes, by clothing the President with power to arm for defense only, on the one hand, and proposing to open a new negotiation on the other, the latter purpose will be frustrated by the former, as the Senator from New Jersey apprehends? Now, he had no such apprehensions. All the Senator's objections were, in his view, founded in error. No volunteers could be organized until the President called for them by his proclamation, and when they were organized they would be in the service of the United States; and no matter what the state of excitement on the Canada borders was, they could not march a foot without orders. But he would pass over this objection, as it could not be supported by any show of reason. The only plausible objection raised was, whether Great Britain might not consider the authorizing this volunteer force as some sort of a menace; as coming to her with the olive branch in one hand and the sword in the other? This was possible; but what would be the ultimate effect of assuming this attitude? It would produce this effect; it would convince the British Government that we are in earnest in this matter, and that, though we have a strong desire for peace, yet we are not willing to delay the settlement of these difficulties any

longer, and that they must be settled at once or produce a rupture between the two countries. The high attitude we assumed towards France, notwithstanding her complaints of insult, settled the controversy with her that had lasted for a quarter of a century. Pass this bill, and the present controversy will be settled in twelve months. Instead of its being a war measure, I, for one, pronounce it to be a peace measure. It will preserve peace between the two countries. If you do not pass it, it will protract the negotiation, and perhaps end in a war which will last for years. He stood upon that noble maxim of the late President of the United States, that we desired nothing from foreign nations but what was right, and would submit to nothing that was wrong.

Mr. SOUTHARD here moved to strike out the provision in the bill for raising fifty thousand volunteers; which motion was rejected—yea 1, nays 38; as follows:

YEAS—Mr. Southard—1.

NAYS—Messrs. Allen, Bayard, Benton, Buchanan, Calhoun, Clay of Alabama, Davis, Foster, Fulton, Hubbard, King, Linn, Lyon, Merrick, Mouton, Nicholas, Niles, Norvell, Pierce, Prentiss, Preston, Roane, Robbins, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Swift, Tallmadge, Walker, Wall, Webster, White, Williams of Maine, Williams of Mississippi, Wright, and Young—38.

The question was then taken on ordering the bill to a third reading; and it was carried by a unanimous vote—yeas 41; as follows:

YEAS—Messrs. Allen, Bayard, Benton, Buchanan, Calhoun, Clay of Alabama, Crittenden, Davis, Foster, Fulton, Hubbard, King, Knight, Linn, Lyon, Merrick, Mouton, Nicholas, Niles, Norvell, Pierce, Prentiss, Preston, Robbins, Robinson, Roane, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Southard, Swift, Tallmadge, Walker, Wall, Webster, White, Williams of Maine, Williams of Mississippi, Wright, and Young—41.

The bill was then read the third time, and passed unanimously.

And the Senate adjourned at twenty minutes past four o'clock, a. m.

## HOUSE OF REPRESENTATIVES.

SATURDAY, March 2, 1839.

On motion of Mr. NOYES, three other members were added to the Committee on Enrolled Bills.

The unfinished business of the morning being the report of the select committee on Virginia revolutionary claims,

Mr. HOPKINS moved a suspension of the rules for the morning hour to take up business on the Speaker's table, and allowing the committees to report; but, on a division, there being—ayes 35, noes 37—no quorum.

Mr. MALLORY moved a call of the House; which was ordered, and proceeded in till a quorum appeared, when it was dispensed with, and Mr. HOPKINS withdrew his motion, and Mr. H. then asked leave to submit a resolution similar to that offered yesterday by Mr. GRAY, to pay the little boys, &c., \$250 extra for the session. It being objected to, Mr. H. moved a suspension of the rules; but it was ineffectual.

## REPORTS FROM COMMITTEES.

Mr. MERCER moved to suspend the rules till half past eleven o'clock, to enable the committees to report; which was agreed to—ayes 89, noes not counted.

Mr. CUSHMAN, from the Committee on Commerce, reported a resolution discharging that committee from all its unfinished business.

Mr. C. moved that the annual report of imports and exports, which there had not been sufficient time to prepare, be printed during the recess, together with ten thousand extra copies; which was agreed to.

Mr. CHAMBERS, from the Committee of Claims, reported the following resolution:

*Resolved*, That the Speaker of this House designate one member of the Committee of Claims, who is elected a member of the next Congress, whose duty it shall be during the recess to attend at the seat of Government and examine all petitions, memorials, and resolutions committed to that committee, and not acted upon at the present session, and to prepare reports thereon for the action of the Committee of Claims at the next session of Congress.

Mr. MERCER remarked that the member must be first sworn and qualified.

Mr. DROMGOOLE said it was doubtful whether the House had power to adopt such a resolution; and, therefore, he moved to lay it on the table; which was agreed to.

Mr. CASEY, from the Committee on the Public Lands, laid before the House a letter from the Commissioner of the General Land Office, in relation to the removal of the surveyor general's office from Cincinnati; which was referred to the same Committee of the Whole having charge of the bill on that subject, and ordered to be printed.

On motion of Mr. THOMAS, the Committee on the Judiciary were discharged from all the unfinished business before them.

Mr. GARLAND, of Louisiana, from the Committee on Private Land Claims, reported, without amendment, Senate bill confirming certain land claims in Louisiana.

Mr. G. moved it be put on its engrossment.

Messrs. BRIGGS and FILLMORE insisted that it should be committed, as it involved an appropriation of money.

Mr. JOHNSON, of Louisiana, explained the character of the claims, and urged the importance of acting upon them promptly, contending that it was not necessary to refer the bill to the Committee of the Whole, which reference might prevent its being passed at this session. As objection had been made to its involving an appropriation, which was only \$500, he would remove that difficulty by moving to strike it out.

Mr. FILLMORE. But it seems to appropriate indirectly a large quantity of land.

Mr. PETRIKIN moved the reference of the bill to the Committee of the Whole on the state of the Union; which motion, after some remarks from Mr. HARLAN, was agreed to.

Mr. GARLAND, of Louisiana, from the same committee, reported, with an amendment, Senate bill for the relief of the heirs of Madame De Lucy; and the amendment having been concurred in, the bill was committed.

He also, from the same committee, reported, without amendment, Senate bill for the relief of Sebastian Butcher and the other heirs of Bartholomew Butcher.

Mr. CRABB, from the same committee, reported, without amendment, Senate bill for the relief of the heirs of Miguel Eslava.

Mr. EVERETT, from the Committee on Indian Affairs, reported the following resolution; which was concurred in:

*Resolved*, That the Secretary of War be directed to prepare a plan for the reorganization of the Indian department, and to report the same to this House at the next session of Congress.

On motion of Mr. WILLIAMS, of New Hampshire, the Committee on Revolutionary Pensions was discharged from the further consideration of the petition of Samuel Whidden, and said petitioner have leave to withdraw his petition.

Also, made an unfavorable report on the petition of Gilbert Vroman.

Mr. HOWARD, from the Committee on Foreign Affairs, to which had been referred the message of the President of the United States of the 27th instant, relating to Mexico, reported the following resolutions:

*Resolved*, That the unreasonable procrastination which has attended every step on the part of Mexico in the progress of the negotiations between the two Governments, for many years past, justifies a hope that the Minister who is about to be sent to that country by the President, will press for a speedy and definite settlement of the demands which have so repeatedly, but ineffectually, been made upon Mexico by the Government of the United States.

*Resolved*, That this House will impatiently expect the result of this mission; and if it shall prove unavailing, will sustain the executive branch of the Government in any ulterior measures which may become necessary.

Mr. DROMGOOLE, from the Committee on Foreign Affairs, reported a resolution, which was concurred in, to discharge the committee from the further consideration of sundry memorials asking for the opening of international relations with Hayti.

Mr. CUSHING, from the same committee, reported the following resolution; which was concurred in:

The Committee on Foreign Affairs, to whom have been referred sundry messages from the President of the United States in regard to the relations of the United States and Great Britain, report the following resolution:

*Resolved*, That the said messages, and documents accompanying the same, be laid on the table, and ten thousand extra copies of document Nos. 1810 and 183 be printed for the use of the House.

Mr. CONNOR, from the Committee on the Post Office and Post Roads, reported, without amendment, Senate bill for the relief of the Nantucket Steamboat Company.

Mr. GARLAND, of Louisiana, from the Committee on Private Land Claims, reported, on leave, without amendment, Senate bill to settle the title to certain tracts of land in the State of Arkansas.

Mr. FLETCHER, of Vermont, moved a suspension of the rule, for the purpose of taking up the bill from the Senate in addition to the act to promote the progress of the useful arts; which was agreed to, the bill read twice, and committed.

Mr. MERCER, from the Committee on Roads and Canals, reported the following resolution; which was concurred in:

*Resolved*, That the President of the United States be requested to consider the expediency of opening or continuing negotiations with the Governments of other nations, and particularly with those whose territorial jurisdiction comprehends the Isthmus of Panama, and to which the United States have accredited ministers or agents, for the purpose of ascertaining the practicability of opening a communication between the Atlantic and Pacific oceans, by the construction of a ship channel or canal across the isthmus, and of securing forever, by suitable treaty stipulations, the free and equal right of navigating such canal to all nations, on the payment of reasonable tolls.

Mr. M. also, from the select committee to which had been referred the bill to alter the mode of appointing certain officers of the United States, and for other purposes, offered the following resolution:

*Resolved*, That the President of the United States be requested to lay before the House of Representatives, as early as convenient after the commencement of the next session of Congress, a list of all the officers of the Government who derive their appointment from the nomination of the President and concurrence of the Senate who have been removed from office since the 3d of March, 1789, denoting in each list their number and grade, and the dates of their respective removals; also, a like list of the names of those officers whose terms of service being limited to four years were not re-nominated to the Senate at the expiration of their commissions.

Mr. HOWARD moved to lay the resolution on the table.

Mr. MERCER demanded the yeas and nays on that motion.

Mr. HOWARD called for the special order.

Mr. MERCER moved to suspend it for the purpose of acting on this resolution, and asked for the yeas and nays; which being ordered,

Mr. HOWARD withdrew his motion.

The resolution was then agreed to; and

Mr. GRAVES called up the resolution submitted by him some time since, to inquire into the alleged defalcation of Mr. C. J. Ingersoll, late district attorney in Pennsylvania.

Objection was made; and Mr. G. moved a suspension of the rules; which was agreed to.

Mr. KEIM said he earnestly hoped the resolution would be adopted. The friends of Mr. Ingersoll, as well as that gentleman himself, were, and always had been, exceedingly desirous that a full investigation into all his accounts and transactions with the Government should be gone into; and the more so as this was one of the proudest charges of his enemies.

The resolution was then agreed to.

Mr. HOWARD then renewed the demand for the special order; which was agreed to.

#### MAINE BOUNDARY QUESTION.

The House then, in pursuance of the special order, went into the Committee of the Whole on the state of the Union, (Mr. LINCOLN in the chair,) and resumed the consideration of the bill in relation to the difficulties in Maine.

Mr. CUSHING obtained the floor, but gave way to

Mr. SALTONSTALL, who made an explanation of his remarks of last evening.

Mr. CUSHING then proceeded to discuss the merits of the question with reference to Sir John Harvey. Mr. C. was convinced that officer had misconstrued his instructions, and he adduced facts which went to show it. As to the bill, he denied that it was a war measure, either on its face or in its spirit. What were the preparations contemplated by it? Were they either aggressive or belligerent? They were not; they were purely defensive, and in conformity with the act of 1795. Instead, too, of being an augmentation of the Executive power, derived under that act, it was a diminution; because the law of

1795 gave the President general power, whereas the bill restricted it to a particular exigency—a contingency—on the arising of which he could act. Having explained and advocated the provisions of the bill, Mr. C. proceeded

to defend the principles of the bill and the report, in reply to Mr. BIDDLE. As to the present being an incidental question, it was precisely one of those which the country could understand.

The main issue, the question of boundary, was involved in a tedious controversy, running through a long series of ponderous documents. Not so with this. It was a question of fact, plain and intelligible to every man. The State of Maine had been invaded, and that all could understand. Bring it home to the ordinary occurrences of life. A question of title to an estate might be so involved in intricacy, that no common man could unravel it; but if a trespasser fenced in half his neighbor's farm, it was plainly understood. Moreover, the case of the Aroostook was stronger than that of Madawaska. In regard to the latter, Great Britain had set up a claim of jurisdiction on the ground of *uti possidetis*. But they had never before set up to exercise practical jurisdiction in the Aroostook, for there the *uti possidetis* gave it clearly to the United States, and we had always held over it full sovereignty. Mr. C. produced a map, published by the House of Commons of England, and also cited the commission of the Earl of Durham as Governor General of all the British North American provinces, and which demonstrated that she herself then regarded the sovereignty over this territory as not belonging to her. After dwelling on the main points very briefly, Mr. C. concluded.

Mr. CRARY, after a brief review of the question, made an earnest defense of the bill, which he regarded as a peace or a war measure, just as it might be taken by Great Britain. As for the State of Maine, he knew the character of the people of this country too well to think, for a moment, that she would recede a single step; and rather than vote to coerce her to do so, he would abandon his seat and go home. He hoped the British Government would at once disavow the unlawful acts of her Provincial Governor; but if she did not, he was prepared for the worst consequences. Nor had he any of those terrors of her mighty power which some gentlemen seemed to entertain. Her relations with Russia, with Persia, with the Burmese Empire, and the East generally, were of the most critical character. The blood she had so cruelly shed in Canada, had weaned the heart of that Province from her, and her domestic relations were at this moment being shaken to their center. He did not desire war, but he would yield nothing to preserve a dishonorable peace. After some further remarks, Mr. C. concluded, and

Mr. ADAMS followed at length in support of the bill, and on the question generally. He said he should not be surprised that, if the Congress failed to do anything at the present crisis, it might be taken as an argument by Great Britain that this Government had left Maine to its fate. She would answer "no" to all the claims of that State to have her rights of jurisdiction respected. Whatever might be the action of the House at the present time, he believed the question would eventually have to be settled by force of arms; and, for one, he was not disposed to have much further negotiation. It was for this reason that he was disposed to vote for this bill, as a further notification to the British Government—one which she could not misunderstand—as to what were our determinations. He was in favor of the bill, not merely because this contingency presented itself, but to put us in a state of defense for any contingency that might occur. He understood it as a bill to arm merely for the defense of our soil, and not as an indication that we were determined or expected to have war. England cannot understand it thus; there is nothing offensive in it at all. Every independent nation, whether weak or strong, has the right to arm herself up to the ears. The right to arm in self defense is a right of peace. Indeed, he was rather disposed to take a stiffer course than the bill proposes; for he did not altogether approve the section which proposes to send a special Minister to England; he thought she had assumed a wrong position, and should rather send us a special Minister to explain what, indeed, were her intentions.

The President and Secretary of State seemed to regret the course Maine has taken; but, so far as he was concerned, he respected and revered her for it; it was one sanctioned by the unanimous voice of her Legislature. The act of that State was de-

liberate, one of the qualities which belonged to firm and consistent action. The act was not rash and indiscreet, as denounced by some, but it was the exercise of her unquestionable right to defend her territory; and so far from disapproving, he would esteem her course, during the short remnant of his life, as honorable.

We had been so quiescent that the usurpations of England had now commenced to assume the form of rights. He wished to stop them where they are—send them back. That there should be no further mistake, no further delusion on the part of England as to what our rights are in this matter, he thought this bill should be passed. If, however, gentlemen would offer a substitute equally firm, equally argumentative, he would be willing to take it, not without.

Mr. LEGARE made a few remarks in reply to Mr. ADAMS, and was understood to intimate his approval of the resolutions which passed the Senate; and that he would not, on any account, vote this tremendous power, given in the bill, to the President, were he not of the opinion that he would use it with great prudence.

Mr. BELL regarded the former proceedings of Massachusetts or Maine, or of this Government, as of very little consequence to the present question; because, if Great Britain intended to assert her claim by arms, she would give us an intimation of that fact, or otherwise postpone it; and therefore we need not apprehend any violent collision till we have received information from that Government. Mr. B. did not think the bill in its present shape could pass the House, and some compromise must be come to. He could not bring himself to believe that anything like war would ensue. He had never questioned our right to the boundary claimed by us, and though he had anticipated difficulties, yet there was no issue of national honor now involved. All he thought the House ought now to do, was to express its concurrence in the views of the President, not by the passage of this bill, or the first section of it, but to grant him a sufficient supply of money to execute the powers already vested in him, in case the contingency provided for under the existing law of 1795 should arise. He had no objection to vote a contingent appropriation of \$5,000,000, or more, and he had no great objection to the proposition to send a special messenger to England, if the Executive desired it.

Mr. HOWARD explained that the latter proposition was one emanating entirely from the Committee on Foreign Affairs, no member of which, he believed, knew whether it met the views of the Executive or not.

Mr. BELL was glad it came from the source it did. He then went on further to sustain his views of the non-expediency of action at present. They ought to do no more than declare their own opinion, or concurrence in the views of the Executive, and grant him sufficient supplies for any exigency that might arise, till dispatches were received from England and the new Congress could be called together. There was no necessity to go beyond this point.

Mr. EVERETT remarked that the only point of controversy was this: that the British threatened to take forcible and exclusive possession of the debatable territory, and this is what it is intended by this bill to prevent. But an agreement had been entered into that all further proceedings on both sides should be estopped; and after communicating that fact, by the President, there we should have stopped, for no further measures were required. They should not have permitted any serious difficulty to have grown out of an incidental question. There was no necessity for this bill; for, in any contingency, Maine would not be left defenseless, as the law of 1795 was in force, and authorized as much as the Executive could possibly do in sixty days.

At this stage, it being three o'clock, the House took its daily recess.

#### EVENING SESSION.

Mr. EVANS addressed the House for a short time in explanation of some portion of his remarks made on Friday evening, which he admitted to have been too severe on an honorable gentleman [Mr. SALTONSTALL] for whom he cherished the highest possible personal respect. He then proceeded to express his entire conviction of the rectitude of that gentleman's motives, and

acquitted him of the remotest purpose of strengthening the hands of a foreign Power against the interests of his own country and State.

Mr. ADAMS made a similar explanation in regard to Mr. BIDDLE, on whom he pronounced a short but beautiful eulogium. He insisted on his own right to combat the arguments of any other member with all the force in his power, and protested against its being interpreted as the slightest reflection against such member; and the strenuousness with which he had resisted the speech of Mr. B. was but a proof in how high a degree he appreciated the talents of that gentleman, and their effect upon the House.

The question being on the motion of Mr. JOHNSON, of Maryland, to amend the bill by inserting a provision for the purchase of a site for a foundery of cannon,

Mr. J. supported the motion in a short speech, and then, at the request of Mr. ROBERTSON, modified his motion so as to require that the piece of ground purchased should not be less than fifty nor over one hundred acres.

The question being then taken, the amendment was negatived.

Mr. WISE moved to amend the bill by striking out all after the enacting clause, and inserting the following as a substitute:

That the sum of \$5,000,000 is hereby appropriated and placed at the disposal of the President to defray any expense which may be incurred by the employment of the naval and military forces of the United States, and such portion of the militia as he may deem necessary to be called into service, to repel or prevent any actual invasion of the territory of the United States by any foreign Power, at any time before Congress can be convened to act upon the subject; to provide for which, the Secretary of the Treasury is authorized to borrow money on the credit of the United States, and to cause to be issued certificates of stock, signed by the Register of the Treasury, for the sum to be borrowed, or any part thereof; and the same to be sold upon the best terms that may be offered after public notice for proposals for the same: *Provided*, That no engagement or contract shall be entered into which shall preclude the United States from reimbursing any sum or sums thus borrowed after the expiration of five years from the 1st of January next; and that the rate of interest shall not exceed five percent., payable semi-annually.

*And be it further enacted*, That the sum of \$18,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for outfit and salary of a special minister to Great Britain: *Provided*, The President of the United States shall deem it expedient to appoint the same.

Mr. W. expressed his hope that the committee would be brought to a unanimous vote in favor of this amendment. It went to avoid all the disputed questions on the bill, and reduced it in fact to a contingent appropriation of \$5,000,000. This was as far as he could go. The whole measure was, at last, but a menace; and, as such, it would, with such a power as Great Britain, operate rather as an obstacle to negotiation, than an auxiliary to its success. He was willing to vote a declaratory resolution like that he had offered; but he would not make the President a sole judge of the expediency of peace or war, &c. He was willing to trust the present Executive in a matter of that kind as far as he would any man, because he was not of a warlike disposition—but a chieftain might hereafter rise, and plead this act as a precedent. He believed the noise about war to be all humbug; but, if a war did ensue, he would not go as far as these resolutions went, but he would go further—he would ask President Van Buren for an office.

A Voice. What will it be?

Mr. WISE did not say; but observed that if this substitute should not be agreed to, he would then move resolutions generally similar to those which have been submitted to the Senate by a Senator from Pennsylvania, [Mr. BUCHANAN.]

The question being put, the amendment was negatived—ayes 73, noes 84.

Mr. WISE now moved to strike out the second section of the bill; which is as follows:

SEC. 2. *And be it further enacted*, That, in the event of actual invasion of the territory of the United States by any foreign Power, or of imminent danger of such invasion, discovered, in his opinion to exist, before Congress can be convened to act upon the subject, the President of the United States be, and he hereby is, authorized, in addition to the present military establishment of the United States, to raise a provisional force, to be enlisted for five years, or during the continuance of hostilities with any foreign Power, not exceeding one regiment of dragoons, one regiment of artillery, two regiments of riflemen, and sixteen regiments of infantry, to be organized, in all respects, like the corresponding regiments now in service; and, also, to appoint not exceeding one major general, four brigadiers general, and not exceeding one surgeon and one assistant surgeon for each new regiment; the regiments, general, and med-

ical officers, to be subject to the same laws and rules, and to be entitled to the same benefits, of every kind, with the like corps and officers now in service; and it shall be the duty of the President to discharge the troops which may be raised by virtue of this act whenever the occasion for them, as defined by this act, shall cease to exist.

After the reading of a substitute for that section, which Mr. McKAY was desirous of offering when in order,

The question was taken by tellers on Mr. WISE's motion to strike out, and decided in the affirmative—ayes 95, noes 78.

So the second section of the bill was ordered to be stricken out.

Mr. McKAY (chairman of the Military Committee) now moved to fill the blank occasioned by the above vote, by inserting the following:

SEC. 2. *And be it further enacted*, That the militia, when called into the service of the United States by virtue of this act, or of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, repel invasions, and to repeal the act now in force for these purposes," may, if in the opinion of the President of the United States the public interest require it, be compelled to serve for a term not exceeding six months after the arrival at the place of rendezvous, in any one year, unless sooner discharged.

SEC. 3. *And be it further enacted*, That, in the event of actual invasion of the territory of the United States by any foreign Power, or of imminent danger of such invasion discovered, in his opinion, to exist before Congress can be convened to act upon the subject, the President be, and he is hereby, authorized, if he deem the same expedient, to accept the services of any number of volunteers, not exceeding fifty thousand, in the manner provided for in an act entitled "An act authorizing the President of the United States to accept the service of volunteers, and to raise an additional regiment of dragoons or mounted riflemen," approved May 23, 1836.

A member moved to extend the term of militia service to twelve months instead of six; but it was negatived.

The question on Mr. McKAY's amendment was then divided; and being put first on so much as relates to the term of militia service, it was carried—ayes 105, noes not counted.

The question being then put on the residue of the amendment, relating to volunteers,

Mr. WISE opposed it as going, in substance, to reenact the second section, which had just been stricken out.

Mr. McKAY denied this, and spoke a short time in vindication of the amendment.

Mr. BRIGGS moved to amend the amendment by limiting the number of volunteers to twelve thousand; which was rejected.

The amendment was then agreed to—ayes 101.

So the House adopted both branches of the amendment moved by Mr. McKAY.

Mr. WISE offered an amendment limiting the operation of the bill to thirty days after the commencement of the next session of Congress; which was agreed to.

Mr. HOWARD moved to fill the blank which related to the number of millions which the President was empowered to borrow to carry into effect the purposes of this act, by inserting "ten."

Another member (not known by the reporter in the confusion which prevailed) moved "twenty."

Mr. WISE moved "five."

The question being put first on the highest number, "twenty," was negatived.

And the blank was filled with the word "ten"—ayes 95, noes 64.

Mr. FILLMORE moved the following amendment:

And to build, purchase, or charter, arm, equip, and man, such vessels and steamboats on the northern lakes and rivers whose waters communicate with the United States and Great Britain, as he shall deem necessary to protect the United States from invasion from that quarter.

Mr. FILLMORE warmly advocated the adoption of the amendment, and showed to the House the defenseless condition of the frontier.

The question having been put,

Mr. BRONSON called for a count, and rose amid loud cries of "question" and "order;" and, order being in some measure restored, Mr. B. said that gentlemen might cry "question" as loud as they pleased, but he should not be deterred from explaining and insisting upon this amendment; and he would stand in his place and insist upon a hearing to the last day, if necessary to insure a hearing upon this amendment.

The CHAIRMAN declared Mr. B. to be in order; and order being restored in the Hall,

Mr. BRONSON proceeded to say that the amendment which had been offered by his col-

league [Mr. FILLMORE] was of the utmost importance to the northern frontier; and that without it the bill would be defective and partial.

Mr. B. said that, by the third section of the bill, the President was authorized, in case of invasion or imminent danger of hostilities, to fit out and arm the whole naval force of the United States; and, by that means, the bill provided, in the event of that contingency, for the protection of the Atlantic coast, and of our trade on the ocean, as far as the whole naval force of the United States was adequate to such protection; but it must be borne in mind that the United States had no vessels of any description on the northern lakes or rivers which could be fitted out, or put in commission—not a single vessel—not even a gunboat, did the United States own on those waters, as he believed, which could be used or made serviceable; and yet, in the event of hostilities occurring which are intended to be provided for by this bill, those northern lakes and rivers would be the principal theater of hostilities; and it would be by means of naval forces on those lakes that the country could not only be severely annoyed, but the frontier devastated. Hostile operations along the whole of that frontier must and would be principally on the lakes; and Mr. B. insisted that, if the bill undertook to provide for putting our vessels of war in a state of preparation and repairs, in case of the contingency mentioned in the bill, it was equally important that the President should be authorized to purchase or charter such vessels as might be obtained on those waters, and which might be readily put in commission and made serviceable for the defense of the country.

Mr. B. said that, as the third section now stood without this amendment, it provided, so far as we were able, for the defense of the whole Atlantic coast; but no provision whatever, not the least, was made for the northern frontier. It was partial and unjust in this respect; and, though he trusted and believed that no contingency would happen rendering any portion of this section necessary, yet if any provision was to be made, let it be general and impartial, and such as will operate for the benefit of the northern frontier, as well as the Atlantic coast.

Mr. B. said he had not risen to make a speech upon this subject, and would not detain the committee; he had merely wished, in the shortest time and fewest words possible, to explain to the House the nature and propriety of the amendment offered by his colleague, [Mr. FILLMORE;] and having done so, he trusted it would now be adopted.

The amendment was agreed to.

An amendment empowering the President to arm all the fortifications was moved by some member not ascertained by the reporter, and negatived.

Mr. McKAY now moved to amend the bill by adding thereto the following:

SEC. 7. *And be it further enacted*, That, in the event of either of the contingencies provided for in the first and third sections of this act, the President of the United States shall be authorized to apply a part not exceeding \$1,000,000 of the appropriation made in this act to repairing or arming fortifications along the sea-board and frontier.

SEC. 8. *And be it further enacted*, That, whenever militia or volunteers are called into the service of the United States, they shall have the organization of the Army of the United States, and shall receive the same pay and allowances.

These sections were both agreed to.

Mr. PRATT offered an amendment for the construction of three steam frigates.

Mr. P. said he could not let this opportunity pass without saying a few words in support of this amendment. He would much prefer giving a silent vote, if he could do it, and perform his duty to his country. He was for peace, and had no doubt it was the wish of his country, if it could be preserved on honorable terms. But whether for peace or war, it was due to the people that the country should be put in a state of defense. It is our duty, as the representatives of the people and guardians of their rights, to see that the country be prepared to meet and repel invasion. He did not know that such a thing was likely to take place, but we should make ready for the worst. We should, like prudent men, prepare for war; and for that purpose, we should place all necessary means at the disposal of those at the head of the Government. As times do look a little squally, and as prudence dictated to us preparation, he would suggest, as

the best mode of defense, the building of the three steam vessels in the shortest possible time. He said that the nations of Europe, with whom, in all probability, we would come in contact, are an age in advance of us as to the mode of warfare; they are keeping pace with the improvement of the age, whilst we are holding on to old systems. The whole mode of warfare will be changed in a few years, and we should be preparing for that change. He referred to the facility with which Europe could send her steamships and batter down our defenseless cities. He referred to the improved condition of the navy of England, which has in commission and now building fifty-three steam vessels, twelve of them ships of war; France has thirty-seven, and twenty-two of which are actually in commission; and Russia has eight, all in commission. He would not say more, but hoped the House would adopt the amendment.

Mr. PICKENS warmly remonstrated against thus incurring the bill with amendments, and declared, if it were persisted in, he should feel himself obliged to vote against the bill so amended.

The amendment proposed by Mr. PRATT was rejected.

Several other ineffectual attempts were made to amend the bill; when,

On motion of Mr. HOWARD, the committee rose, and reported the bill to the House.

In the House, the bill being taken up, Mr. HOWARD proposed to concur in all the amendments reported by the Committee of the Whole; but a division of the question being insisted on, it was put on the several amendments *separatim*.

The question on concurring in the amendment striking out the second section of the bill (above recited) was taken by yeas and nays, as follows:

YEAS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Atherton, Ayer, Banks, Beers, Beime, Bell, Biddle, Borden, Briggs, William B. Calhoun, William C. Campbell, John Campbell, Carter, Chambers, Chaney, Chapman, Cheatham, Clark, Coles, Corwin, Crabb, Cranston, Crockett, Curtis, Darlington, Dawson, Davee, Davies, Deberry, Duncan, Edwards, Elmore, Everett, Ewing, Farrington, Richard Fletcher, Fillmore, Fry, James Garland, Rice Garland, James Graham, Grant, Graves, Grennell, Griffin, Haley, Hall, Halsted, Hammond, Hamer, Harlan, Hastings, Hawes, Hawkins, Hopkins, Robert M. T. Hunter, Ingham, Jenifer, Joseph Johnson, William C. Johnson, John W. Jones, Keim, Klingensmith, Lewis, Lincoln, Logan, Loomis, Lyon, Mallory, Marvin, James M. Mason, Sampson Mason, Martin, Maxwell, McKay, Abraham McClellan, McClure, McKennan, Menefee, Mercer, Milligan, Mitchell, Montgomery, Calvary Morris, Murray, Noble, Ogle, Palmer, Pearce, Peck, Pennybacker, Petrikin, Pickens, Pope, Potts, Sergeant S. Prentiss, Putnam, Rariden, Randolph, Reily, Rencher, Ridgway, Rumsey, Russell, Saltonstall, Sawyer, Sheffer, Augustine H. Shepperd, Shields, Southgate, Stuart, Stone, Straton, Taliaferro, Thomas, Tillinghast, Titus, Towns, Wagener, Webster, Albert S. White, John White, Whitlesey, Lewis Williams, Sherrard Williams, Jared W. Williams, Christopher H. Williams, Wise, Word, Worthington, Yell, and Yorke—136.

NAYS—Messrs. Anderson, Beatty, Bicknell, Birdsall, Bouldin, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, Casey, Cray, Cushing, Cushman, De Graff, Dennis, Dromgoole, Evans, Gallup, Gray, Harrison, Hoffman, Holt, Howard, William H. Hunter, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, Kemble, Kennedy, Legare, Leadbetter, Robert McClellan, Miller, Moore, Samuel W. Morris, Naylor, Noyes, Parker, Parmenter, Parris, Paynter, Plumer, Pratt, Rives, Robinson, Sergeant, Shepler, Smith, Spencer, Taylor, Thompson, Toland, Toucey, Turney, and Vail—56.

So the amendment was concurred in, and the second section of the bill stricken out.

The section extending militia service to six months was agreed to without a count.

That empowering the President to accept the services of fifty thousand volunteers having been read,

Mr. MALLORY moved to reduce the number to twenty thousand; which motion was negatived—yeas 78, noes 105.

[On this question Mr. WILLIAMS, of North Carolina, demanded the yeas and nays; but the House refused to order them.]

The number standing at fifty thousand, the section was concurred in—yeas 153, nays 47; as follows:

YEAS—Messrs. Adams, John W. Allen, Anderson, Andrews, Atherton, Banks, Beatty, Beers, Beime, Bicknell, Birdsall, Borden, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, William B. Campbell, John Campbell, Carter, Casey, Chaney, Chapman, Cheatham, Clark, Coles, Connor, Cray, Curtis, Cushing, Cushman, Darlington, Dawson, Davee, De Graff, Dromgoole, Dunn, Edwards, Elmore, Evans, Ewing, Farrington, Richard Fletcher, Fillmore, Fry, Gallup, James Garland, Goode, James Graham, William Graham, Grantland, Grant, Graves, Gray, Grennell, Haley, Halsted, Hammond, Hamer, Harlan, Harrison,

Hastings, Hawkins, Henry, Herod, Hoffman, Holt, Hopkins, Howard, William H. Hunter, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Jenifer, Henry Johnson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kennedy, Klingensmith, Leadbetter, Lincoln, Logan, Loomis, Mallory, James M. Mason, Martin, Maury, McKay, Robert McClellan, Abraham McClellan, McClure, McKennan, Menefee, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Calvary Morris, Murray, Naylor, Noble, Noyes, Ogle, Owens, Palmer, Parker, Parmenter, Parris, Paynter, Pearce, Pennybacker, Petrikin, Plumer, Pope, Pratt, John H. Prentiss, Reily, Ridgway, Rives, Robinson, Rumsey, Sawyer, Sergeant, Sheffer, Augustine H. Shepperd, Shepler, Smith, Southgate, Spence, Stuart, Stone, Taylor, Thomas, Titus, Toland, Toucey, Towns, Turney, Vail, Wagener, Webster, Albert S. White, Whitlesey, Sherrard Williams, Jared W. Williams, Joseph L. Williams, Worthington, and Yell—153.

NAYS—Messrs. Ayer, Bell, Biddle, Bond, Briggs, William B. Calhoun, Corwin, Crabb, Cranston, Crockett, Davies, Deberry, Everett, Rice Garland, Griffin, Hall, Hawes, Jabez Jackson, Legare, Lewis, Marvin, Sampson Mason, Maxwell, Mercer, Milligan, Mitchell, Peck, Pickens, Potts, Rariden, Randolph, Reed, Rencher, Robertson, Russell, Saltonstall, Shields, Slade, Straton, Taliaferro, Tillinghast, John White, Lewis Williams, Christopher H. Williams, Wise, Word, and Yorke—47.

The remaining amendments of the committee having all been concurred in,

Mr. GRANT demanded the previous question; which was seconded by the House—yeas 103.

The previous question being then put,

Mr. WISE demanded the yeas and nays; but the House refused to order them.

And the previous question was agreed to, (cutting off all further amendment.)

The main question then recurring, on the engrossment of the bill, it was decided in the affirmative by yeas and nays, as follows—yeas 201, nays 6, namely: Messrs. CRANSTON, DAVIES, GIDDINGS, MAXWELL, STRATTON, and WISE.

The bill was thereupon read a third time, (by its title), passed, and sent to the Senate for concurrence.

Mr. ADAMS moved that when the House adjourn, (the Senate concurring,) both Houses meet to-morrow (Sunday) at ten o'clock, a. m.

He said that this was far better than continuing to sit, as the House otherwise would, till eight or nine o'clock. If it was a breach of the Sabbath, it would be as great in the one case as in the other, and the business would be half done, in the night, instead of being done understandingly and properly, after necessary rest.

Mr. CROCKETT demanded the yeas and nays; which were ordered; and being taken, stood—yeas 89, nays 91.

So the motion was negatived.

Mr. SHIELDS made a strenuous effort to get up the Tennessee land bill, (to issue warrants and grant titles for certain unoccupied lands in that State.)

Objections being made, he moved to suspend the rules, and demanded the yeas and nays; which were taken, and resulted—yeas 90, nays 61.

There not being two thirds, the rules were not suspended.

Mr. CAMBRELENG moved that the House go into Committee of the Whole on the state of the Union, with a view to consider the Senate's amendments to the appropriation bills still pending, namely, to the Navy bill, the civil list bill, the Army bill, and the Indian bill.

Mr. McKENNAN moved to amend the motion by adding the Cumberland road bill, and asked the yeas and nays on this motion.

Mr. DROMGOOLE moved the previous question on Mr. McKENNAN's motion.

The SPEAKER *pro tempore* (Mr. INGHAM in the chair) at first pronounced this out of order.

Mr. ELMORE appealed, and the House got into very great confusion.

The SPEAKER *pro tempore* subsequently reviewed the decision and reversed it.

The call for the previous question was seconded by the House—yeas 67, noes 60.

The previous question was then put and carried, (cutting off Mr. McKENNAN's amendment,) and the main question being on going into committee, it was carried; and the House thereupon went into Committee of the Whole on the state of the Union, (Mr. BRIGGS in the chair,) and took up the Senate's amendments to the

#### NAVY APPROPRIATION BILL.

Mr. MERCER addressed the House in vindication of Captain Thomas Ap Catesby Jones from the charges preferred against him when this bill was in the House. He quoted Mr. INGHAM's

speech, and then sent to the Clerk's table a letter from Captain Jones, which was read.

The amendments of the Senate were all concurred in.

The committee next considered the amendments to the

#### CIVIL AND DIPLOMATIC BILL.

Mr. BOND moved to disagree to the Senate's amendment proposing to strike out the clause of the bill which requires the public printing for the Executive Departments to be done on proposals, and let out to the lowest bidder; and he spoke with earnestness against the existing practice of giving that printing at extravagant prices as a job to favorites, &c.

Mr. CAMBRELENG ridiculed the idea of issuing proposals for every separate piece of printing which the Departments might need done.

The amendment of the Senate was negatived.

The committee also concurred in an amendment appropriating \$6,000 for the salary of a resident minister at Constantinople in place of a chargé, as at present.

Another amendment of the Senate struck out the appropriation of five or six thousand dollars to comply with the contract of the Government with M. St. Clair Clarke and Peter Force, for the publication of their Documentary History of the United States, and the item for distributing copies of that work to members not supplied therewith.

Mr. PETRIKIN moved that the House non-concur in this amendment. There was a contract; the books were published, and must be paid for. They lay rotting in the Secretary of State's office, and ought to be distributed.

The motion prevailed. So the House refused to concur in striking out this item of the bill.

The committee next proceeded to consider the amendments to the

#### ARMY APPROPRIATION BILL.

There were three sections added to the bill by the Senate—one to pay for lost horses of the Louisiana volunteers; one to allow the claims of the State of New Hampshire for the pay of militia; and a third respecting similar claims of Massachusetts.

[What action was had upon them the reporter was unable to hear, the noise and movement in the House being very great. His impression is, they were disagreed to.]

Another amendment had been made by the Senate, inserting the substance of the fortification bill, appropriating sums of money to complete various forts.

These amendments were concurred in; but not until a very warm debate had taken place on expending \$10,000 on the fort at the Pea Patch below Philadelphia, pending a suit by a private individual who claimed the island on which that fortification stood as his own property. Messrs. RENCHER and RANDOLPH opposing, and Mr. NAYLOR advocating the appropriation, it was agreed to—yeas 95.

The House being in Committee of the Whole on the Army appropriation bill, which had been returned to the House by the Senate, with an amendment providing for the repairs of various fortifications on the Atlantic coast,

Mr. GRANT submitted an amendment to the Senate's amendment, providing for the repairs of certain fortifications and military works on the northern and western frontier.

Mr. BRONSON remarked that he found, on examining the Senate's amendment to this bill, that the Senate had taken a bill which had been reported by the Committee of Ways and Means of the House, making appropriations for the forts on the Atlantic coast, and had appended it to this bill as an amendment; that this amendment to the Senate only provided for the forts on the seaboard, and made no provision whatever for any forts or military work on any part of the inland frontier of the Union.

Mr. B. said he had endeavored to get the floor to offer an amendment providing for the repairs of the forts and military works on the northern frontier, and he was glad that his colleague [Mr. GRANT] had brought forward this amendment, which he deemed not only perfectly in order, but highly necessary and just. Mr. B. said he did not understand why it was that the whole of the northern and western frontier was neglected or

left out by the Senate. If it was necessary to repair the forts and military works on the Atlantic coast, it was equally necessary to repair those on the northern frontier; and he protested against these partial and one-sided appropriations which went to benefit and protect one section of the Union to the exclusion of another; that bills had been reported by the Military Committee of this House providing for the repair and building forts on the inland frontiers, which it would be as proper to append to this bill, if in order, as the one which the Senate had added; and that, in reference to the repair of the forts or military works on the northern frontier, now actually occupied by our troops, such repairs were necessary and imperiously required by every consideration of prudence and economy.

Mr. B. said he had already, in some remarks which he had the honor to submit a few days ago, called the attention of this House to the defenseless state of the whole northern frontier, so far as any proper and sufficient forts and other works of that nature were calculated to afford defense or protection, and that sound policy would require the erection of some new works as well as the repair of old ones; and if it was now in order, he would submit (if he supposed it would be of any service) an amendment to provide for the erection of certain new works. At all events, under the amendment now under consideration, it is, beyond all doubt, competent to provide by further amendment for the repairs of the present works on the northern and western frontier; and it should be borne in mind that the amendments now offered by the gentleman from New York [Mr. GRANT] were appropriations which had been recommended by the War Department, and had undergone the investigation of the Military Committee of this House, and that that committee had reported them to this House, as recommended by the Department, except that he believed that the committee had very much reduced the amount which was recommended by the Secretary of War. Under these circumstances, he hoped that the House would adopt the amendment offered by his colleague, and thus do justice, in part, at least, to that frontier.

The amendment was understood to be disagreed to.

On motion of Mr. CAMBRELENG, the committee now rose and reported the naval appropriation bill and the civil and diplomatic appropriation bill to the House, with the amendments of the committee.

In the House, the amendments to the naval bill were all concurred in.

The civil and diplomatic bill then coming up, Mr. BOND called for the yeas nays on concurring with the amendment striking out the item for doing the printing of the Departments under proposals.

Mr. HARLAN and Mr. SMITH opposed concurrence.

Mr. CAMBRELENG advocated it; and the question was decided in the negative—yeas 73, nays 90.

The House concurred in the committee's disagreement to striking out the item for Clarke and Force's Diplomatic History.

Mr. TILLINGHAST proposed a recess till ten o'clock in the morning; but it was rejected.

#### THANKS TO THE SPEAKER.

Mr. ELMORE now moved the following vote of approbation of the course of the Speaker:

*Resolved*, That the thanks of this House be presented to the Hon. JAMES K. POSE, for the able, impartial, and dignified manner in which he has presided over its deliberations; and performed the arduous and important duties of the Chair.

On this resolution a long and excited debate arose, in which Messrs. ELMORE, BELL, McKENNA, CURTIS, PRENTISS, WISE, and GRAY took part, and which was terminated by a demand by Mr. GRAY for the previous question. It was seconded by the House, and carried—yeas 92; nays 73.

The main question then recurring on the adoption of the resolution, it was decided in the affirmative—yeas 94, nays 57.

So the resolution was agreed to.

#### ARMY APPROPRIATION BILL.

The House then went again into Committee of the Whole on the state of the Union, (Mr. BRIGGS

in the chair,) and resumed the consideration of the Army appropriation bill.

The noise was great, the efforts of the Chairman to preserve order incessant, but in a great degree ineffectual; and it was difficult to tell what was and what was not done by the committee. The reporter made out the following motions:

Mr. MALLORY moved to concur in the appropriation for Fortress Monroe, (Old Point Comfort,) and made a speech in support of the motion; but it was negatived.

Mr. YELL moved an appropriation for Fort Smith, on the western frontier of Arkansas; but it was pronounced out of order, as inserting another bill into an appropriation bill, contrary to the rule which forbids that to be done.

Mr. GALLUP moved a similar appropriation for some work in New York; which shared a like fate.

Mr. EWING moved to strike out the amendment for the fortifications in Charleston harbor, and went into a speech of very great animation in support of the motion; in which he took occasion to retort with severity on Mr. ELMORE, who had always opposed the Cumberland road, and who, he contended, was bound by his own principles, equally to oppose the work in his own State.

The amendment was agreed to.

Mr. PETRIKIN moved to strike out the appropriation for the pay of the visitors to West Point Academy.

The motion was not agreed to.

Mr. CAMPEELL, of Tennessee, moved to strike out the whole appropriation for the Military Academy.

The motion was not agreed to.

The committee then took up the section respecting the pay for lost horses of the Louisiana volunteers; which, after a desultory debate, was concurred in.

The section providing for the payment of the New Hampshire claims for militia services was debated by Messrs. CUSHMAN, ATIHERTON, REED, and SMITH, in favor, and by Messrs. THOMAS and CAMBRELENG against the allowance; when it was rejected—ayes 31.

The section respecting the Massachusetts claims for militia services came next in order.

Mr. LINCOLN went at length into a speech in support of concurrence; after which,

The committee, on motion of Mr. LINCOLN, rose and reported.

It being now half past three o'clock in the morning, a motion was made to adjourn, but negatived.

The Senate having insisted on its rejection of interest in the bill for the relief of the Springfield Manufacturing Company,

Mr. DROMGOOLE moved that the House insist on retaining it in the bill; which was lost.

On motion of Mr. CALHOUN, of Massachusetts, the bill was laid on the table.

The House concurred in the amendments to sundry private bills, and also in a joint resolution of the Senate to meet again at ten o'clock.

And then (a little before four o'clock on Sunday morning) adjourned, to meet again at ten o'clock.

#### IN SENATE.

SUNDAY, March 3, 1839.

Mr. PIERCE moved that his friend the Senator from Georgia, [Mr. CUTHBERT,] be permitted to record his vote in the Journal on the passage of the bill giving to the President of the United States additional powers for the defense of the United States, in certain cases, against invasion, and for other purposes, as he was absent from extreme indisposition when the vote was taken.

Mr. BENTON observed that if there was any one case in the world on which he would agree to dispense with this important rule, it would be this—in which the Senator was compelled, from extreme indisposition, to be absent when the vote was taken on an important question, on which every gentleman wished his vote to appear. But he deemed the rule of such vital importance, that it ought not to be departed from in any instance.

The PRESIDENT *pro tempore* was under the impression that, the rule being imperative, it could not be departed from without the unanimous consent of the Senate.

Mr. PIERCE would not have made this motion, but from the peculiar circumstances of the case. An important bill to provide for the defense of the country had been brought in from the other House, and the question on its passage taken late at night, soon after the Senator from Georgia had been compelled, from extreme indisposition, after a protracted and exhausting session, to leave the Chamber. Under these circumstances, the Senator from Georgia wished his vote to appear on the Journal in favor of this bill.

Mr. BENTON observed that the very decision made by the Chair was given when he first came into the Senate by Mr. Gaillard, the then Presiding Officer, who was one of the most urbane gentlemen he ever knew. Mr. Gaillard declared that, if the rule was not adhered to, there would be no termination of the business of the Senate. If one gentleman was permitted to come in under certain circumstances, another gentleman would claim to come in under other circumstances, and there would be no knowing where it would end.

The PRESIDENT *pro tempore* said the motion was already decided on.

Mr. RUGGLES asked leave to withdraw the memorial of Thomas Jefferson Smith, which he had presented some days since, for the reason that he had discovered that it contained language derogatory and personally offensive towards W. A. Whitehead, another memorialist on the same subject, whose memorial had been withdrawn for a similar reason by the Senator from Michigan. He observed that he certainly should not have presented it had he been aware of the indecorum in the language of the memorial, to which his attention had since been called.

Mr. SMITH, of Indiana, presented several joint resolutions of the Legislature of that State, which, on his motion, were ordered to be laid on the table and printed, it being at too late a period of the session to take any further order upon them.

#### IMPROVEMENTS IN FLORIDA.

An act for the improvement and survey of certain rivers, and the repairs of certain roads in Florida, was taken up; and Mr. ALLEN offered as an amendment a proposition for the United States to apply the proceeds of their stock in the Louisville and Portland Canal to the purchase of stock held by individuals, with the view to absorb the ownership of the stock; which was supported by Messrs. ALLEN, WALKER, BENTON, and CRITTENDEN, and opposed by Messrs. CLAY of Alabama, SMITH of Connecticut, and SEVIER, and was rejected—ayes 6, nays 23.

The bill was then read the third time and passed.

#### SIXTH CENSUS.

The bill to provide for taking the sixth census or enumeration of the inhabitants of the United States was read the third time and passed.

#### IMPROVEMENTS IN WISCONSIN.

An act to authorize the construction of certain improvements in the Territory of Wisconsin, and for other purposes, was taken up; and, after some remarks from Messrs. HUBBARD, WALKER, CLAY of Alabama, NORVELL, BUCHANAN, and LYON, it was laid on the table.

#### BILLS PASSED.

A great number of bills from the House, the titles of which have been heretofore given, were read the third time, and passed.

#### POST OFFICE BUILDING.

A message was received from the House of Representatives, stating that they had suspended the 16th joint rule, so as to permit the House to send to the Senate the bill making an appropriation for the erection of a fire-proof building for the Post Office Department, and asking their concurrence therein; which was agreed to.

The bill was then taken up, carried through its several stages as in Committee of the Whole, and, by unanimous consent, read the third time, and passed.

#### MALE ORPHAN ASYLUM.

Mr. CLAY, of Alabama, moved to reconsider the vote on the passage of the bill to incorporate the Washington Male Orphan Asylum and Manual Labor School, in the city of Washington. This bill (he said) had passed in the course of the

evening without exciting much attention in the Senate, and he himself assented to its passage, without being acquainted with its details. The truth was, he looked towards the seat of the Senator from Ohio, who he understood intended to oppose this bill, and not seeing him there, he supposed that his objections were removed. Since the passage of the bill, however, he had examined some of its details, and he was convinced that had they been understood, it could not have passed the Senate. It allowed this corporation to take charge of any unprotected orphan found in this city, and work him till twenty-one years of age, or bind him out to any other person. The bill also took the control of these orphans from the chancery court, and left them there without any remedy, wholly at the disposal of this corporation, whether well treated or not—a thing unheard of in the legislation of any civilized country. He did not use too harsh a term when he said, that this bill authorized the corporation to catch every unprotected orphan in the District, and hold them in servitude. The bill was degrading to this unfortunate class of persons, and was opposed to principles that had been deemed sacred for ages. By the laws of the country from which we have derived our jurisprudence, the care of these orphans is confided to one of their highest judicial tribunals; but this bill takes the orphan from the courts, and turns him over, without appeal, to an irresponsible corporation.

Mr. ALLEN thanked his friend from Alabama for calling the attention of the Senate to this subject. The principle of the bill was simply this: it was to incorporate a few citizens of the District to take charge of all the unfortunate orphan children found within its limits, and to work them till of age. The bill did not impose on the corporation the obligation of teaching these children trades, or, in fact, of teaching them anything at all. The whole of the unfortunate orphan children of this District who have no one to protect them are to be turned over to this corporation, to be worked as slaves till they are twenty-one years of age. And this was not all; this corporation was to have the power of transferring the services of these children to any one they pleased; and no court whatever would have the power of releasing them from servitude. He would undertake to say that, if the whole history of the civilized world was searched into, a parallel to this bill could not be found. It was odious for its injustice, odious for its cruelty, and odious for its rapacity; and the whole of this odious principle was covered up in a mass of words. It was very imposing, too, in its title, being called, or rather misnamed, an orphan asylum. If there was anything true on earth, it was that governments should be the protectors of the poor, the fatherless, and the needy; and here you propose to turn over the most unfortunate of these to a heartless corporation to be worked as slaves. Mr. A. contended that, though Congress, as the local Legislature of the District, had the guardianship of these orphans, it had no right to transfer them to a corporation. Nothing could be said to justify this bill.

Mr. WALL made a few remarks in defense of the bill, contending that it was not liable to the objections of the Senators from Ohio and Alabama, and went into a history of the rise and progress of the institution, which, he said, was founded in motives of benevolence.

After some remarks from Mr. CLAY, of Alabama,

The question was taken on the reconsideration; which was agreed to.

The bill was then laid on the table.

#### CIVIL AND DIPLOMATIC BILL.

A message was received from the House of Representatives, stating that they had non-concurred in the amendments of the Senate to the bill making appropriation for the civil and diplomatic expenses of the Government for the year 1839. The amendments were—first, to strike out the provision that the printing of the Executive Departments should be done by contract; and the second was, striking out the provision for distributing copies of the Documentary History of the United States to the members of the Senate and House of Representatives.

Mr. WRIGHT moved that the Senate insist, and that a conference with the House be asked; which was agreed to.

Numerous bills from the House were acted on; after which the Senate took a recess until six o'clock.

#### EVENING SESSION.

Mr. WRIGHT, from the committee of conference appointed to consider the disagreement of the two Houses on the amendments of the Senate to the general appropriation bill, reported that the managers appointed to conduct the conference on the part of the Senate and the managers on the part of the House, had agreed to recommend to their respective Houses to adopt the following course: That the Senate should recede from so much of its amendment as provides for the manner of executing the printing for the Executive Departments, with an amendment providing that the printing shall be executed in the city of Washington; and that the Senate insist on so much of their amendment as relates to the distribution of the Clarke and Force papers to members of the Senate, leaving it in the power of the House to make the distribution to its own members, while any such distribution to members of the Senate is prohibited.

Mr. BENTON said he never would agree to this report, and he demanded the yeas and nays on concurring in it. This system of distributing books had grown up to an enormous abuse, indeed the most enormous abuse in our Government. He would oppose it to the last; and if the appropriation bill was lost in consequence, and the Government stopped, why let the responsibility rest on those who would incur the risk for the sake of securing to themselves three or four hundred dollars' worth of books.

Mr. WRIGHT asked that the questions on concurring with the recommendations of the committee of conference be taken separately; which was accordingly ordered.

Mr. TALLMADGE inquired whether the bill would be lost, in case neither of the two Houses would agree to recede from the ground taken by them?

The PRESIDENT *pro tempore* answered that that question was not before the Senate; but it was obvious that if one House should insist on its amendments, and the other should insist on its disagreement, and no compromise could be effected, the bill would be lost.

Mr. TALLMADGE observed that if the House of Representatives saw fit to vote for a distribution of books to its members, he would be willing to let them take the responsibility, and settle the matter with their constituents. He would, therefore, vote for concurring with the recommendations of the committee of conference.

Mr. NORVELL said that if any principle was involved, it applied as well to the distribution to the members of the House as of the Senate. He should, therefore, vote against concurring in the report.

Mr. WALKER was for concurring with the committee. If that was not done, the result would be that the whole bill making appropriations for the civil and diplomatic expenses of the Government would be lost. The Government, throughout all its departments, legislative, executive, and judicial, would be brought to a close; and that, too, at a period of all others the most unfortunate. Other Senators might think it would be less dangerous to lose this bill than to suffer members of the House to vote themselves a few books. He hoped the Senator from Michigan would reconsider his determination, and let the report of the committee be concurred in.

Mr. BENTON said that the consequence of the Senate adhering to the resolution it had taken on the subject of the distribution of these books, might be the loss of the bill now pending; and as that bill contained the appropriations necessary for keeping the Government in action, gentlemen were a great deal alarmed at the danger of the Government being stopped. Then on whom would the responsibility rest? It will rest on those who have personal interests in these books; and those members, therefore, who are to receive these books ought not to be permitted to vote on this question, in which they are personally interested.

The PRESIDENT *pro tempore* here stated that the discussion was not in order; that, by the joint rules, when a committee of conference was asked for by one House, and assented to by the other,

the report of the conferees, together with all the papers, should first be presented to the House that assented to the conference. Under this rule, therefore, the report and papers were sent by the Secretary to the House of Representatives.

A message was received from the House of Representatives, stating that the House had concurred in the report of the committee of conference on the amendments to the general appropriation bill, and resolved that the bill do pass accordingly.

The question was then taken on concurring in that part of the recommendation of the committee of conference as relates to the printing of the Executive Departments, and carried.

The question then recurring on concurring in that part of the report which relates to the distribution of the Clarke and Force documents,

Mr. BENTON warmly opposed concurring in the agreement. He objected to it because it made a distinction between the two Houses—allowing a distribution of books to the members of the House, while it refused a distribution of books to the Senate. He objected to it because a distribution of books to either House was wrong in principle. Some gentlemen seemed to fear that if the Senate insisted on its amendment, the appropriation bill would be lost, and the wheels of Government stopped; but could they suppose there was any member of either House who would be willing to break up this Government for the sake of retaining his share of these books, which were not worth more than \$330 at the price they cost the Government, and which, if sold to Mr. Templeman, or any other bookseller, would not bring the half or quarter of that sum. Now, he was determined, as far as it depended on him, to put it to the test whether any member of Congress would be willing to put an end to this Government for the sake of retaining \$330 worth of these books.

Mr. B. here enlarged on the growing evils of this system of distributing books to members of Congress; and in illustration, alluded to the manner in which another proposition to distribute books had been run through the Senate last night. A resolution was offered by a Senator from Massachusetts, [Mr. WEBSTER,] to distribute among the members two volumes relating to the land laws. He had given full notice of his opposition to this resolution, and his intention to oppose it when it came up for consideration. Yet, in the course of a fatiguing session of eighteen hours, he had been absent from his seat but a few moments, and in those few moments this distribution was galloped through. It was presented to the Senate while he (Mr. B.) was in his seat; objected to by him; then withdrawn; taken up in his absence, and hastily run through. This book-making concern was one of the most crying abuses in our system. There was no end to it; it ran round in a continued circle. In the first place, a sufficient number of books are ordered to supply the members of a Congress. At the ensuing session the new members are to be supplied; and this is easily done, and in the following manner: some of the members who had already received copies may sell them to Mr. Templeman, and he sells them at a small advance to the publishers, and they are furnished to the new members at Government price as new books, who, in their turn, sell them to Mr. Templeman, and the process goes on *ad infinitum*, so that the original fifteen hundred copies may supply fifteen thousand members, the Government, at every revolution of the circle, paying the full price. He hoped the Senate would insist on its amendment, and let the people of the country see what members of Congress were willing to break up the Government to hold on to the books they had voted to themselves.

Mr. CLAY, of Alabama, said he had never voted for a purchase or distribution of books in his life. He was opposed to the whole matter, and thought it a most serious abuse. He would not, however, incur the hazard of such serious embarrassment as would result to the Government from the loss of the appropriation bill. He would, therefore, vote for agreeing to the report of the committee of conference, and let the members of the House take the responsibility of voting books for themselves.

The question was then taken on agreeing with the report of the committee of conference, and

decided in the affirmative—yeas 24, nays 7; as follows:

YEAS—Messrs. Buchanan, Calhoun, Clay of Alabama, Cuthbert, Foster, Fulton, Hubbard, King, Linn, Merrick, Nicholas, Norvell, Pierce, Roane, Sevier, Smith of Indiana, Southard, Swift, Tallmadge, Walker, Webster, Williams of Maine, Williams of Mississippi, and Wright—24.

NAYS—Messrs. Allen, Benton, Davis, Niles, Robinson, Smith of Connecticut, and White—7.

#### THANKS TO THE PRESIDING OFFICER.

The Hon. WILLIAM R. KING having temporarily retired from the chair,

Mr. TALLMADGE submitted the following resolution:

Resolved, That the thanks of the Senate be presented to the Hon. WILLIAM R. KING, for his able, impartial, and dignified conduct as Presiding Officer of this body.

Mr. DAVIS heartily concurred in the resolution, and hoped that it would meet with the unanimous concurrence of the Senate.

Mr. SOUTHARD hoped the word "*unanimous*" would be inserted in the resolution.

Several members were heard at the same time expressing the same wish.

Mr. TALLMADGE modified his resolution by inserting the word *unanimous*, and the resolution was then unanimously adopted.

#### MADISON PAPERS.

Mr. TALLMADGE moved that a joint resolution for the distribution, in part, of the Madison papers, be taken up; which was agreed to, and the resolution was passed.

#### SUSPENSION OF JOINT RULE.

Mr. TALLMADGE moved that the 16th and 17th joint rules be suspended, so as to permit this resolution to be sent to the House for concurrence; which was also agreed to.

#### ADJOURNMENT SINE DIE.

On motion of Mr. WRIGHT, it was

Ordered, That the Secretary inform the House of Representatives that, having completed the legislative business before them, the Senate was ready to adjourn.

#### COMMITTEE TO WAIT ON PRESIDENT.

A message was received from the House of Representatives, by Mr. GARLAND, their Clerk, stating that they had passed a joint resolution for the appointment of a joint committee, to wait on the President of the United States and inform him that the two Houses of Congress had completed the business before them, and were ready to adjourn, if he had no further communications to make.

On motion of Mr. HUBBARD, the resolution was concurred in, and Mr. HUBBARD and Mr. FULTON were appointed on the part of the Senate.

#### MADISON PAPERS.

A message was received from the House of Representatives, stating that they had passed the joint resolution of the Senate for the distribution, in part, of the Madison papers.

Mr. BENTON asked what resolution? He had been in his seat, with the exception of a few minutes, the whole day and the whole night, and he had not the least recollection of any resolution of the kind having passed, and this was the first intimation he had that any such resolution was before the Senate.

Mr. ALLEN also said that he had no knowledge of any such resolution having passed, and he believed he was in the Chamber at the time of its passage.

Mr. WILLIAMS, of Mississippi, stated that he was in the chair when the consideration of the resolution was called for by the Senator from New York, [Mr. TALLMADGE.] The resolution was taken up, considered, and adopted, with all the forms that are usual on the passage of a resolution. He wished to know if the Senator from Missouri intended to impute any incorrectness of conduct to the Chair in the proceedings on the resolution.

Mr. BENTON. Not at all; not at all. He was out of his seat at the time, and knew nothing of what was done, or how it was done; he only knew it was quickly done. He was out of his seat but a few minutes; was invited out of it into a near room; was, in fact, invited out several times before he went; and was out but a few minutes. He knew nothing of what was done until since he came back. He certainly imputed no blame to the Senator from Mississippi; neither thought it or imputed it.

Mr. WRIGHT said he had looked at the resolution, and found that it contained the certificate of the Secretary, that it had passed. Without making any complaint as to the irregularity with which that resolution passed, he would only say, that if their Secretary, or the secretary of any other body, distributed books under a resolution thus passed, he would, so far as he (Mr. W.) was concerned, do it upon his responsibility.

Mr. TALLMADGE said, that as to the responsibility attending this resolution, he avowed himself willing to meet it there or before the country. He had called up the resolution, and it had been acted on at his instance. He acknowledged that advantage had been taken of time and circumstances; but the same advantage had been taken of him and others, in various instances. He did not pretend to be much of a Jackson man, but he was perfectly willing, as regarded his participation in this matter, to meet the responsibility.

Mr. HUBBARD, from the joint committee appointed to wait on the President of the United States, and inform him that the two Houses of Congress having finished the business before them, were ready to adjourn, provided he had no further communications to make, reported that they had performed the duty assigned them, and had received for answer that the President had no further communications to make to Congress, and requested them to wish to each member of the Senate a safe return to his family and his home.

Mr. WRIGHT moved that the Senate now adjourn.

Mr. TALLMADGE hoped that the Senate would not adjourn until they had consummated the business before them; that they would disregard this message, which had been sprung upon them—and sprung upon them in an irregular manner, during the discussion of a pending question—and complete the business before them.

The question on adjournment was taken and decided in the negative.

Mr. BENTON said this resolution could not pass. It was in the power of any one member to stop it, and he should use every effort to do so. It was then after midnight—it was two o'clock—there is not a quorum of the Senate present; messages of adjournment have passed between the two Houses and with the President, and no act, save the adjournment, can be done except by unanimous consent, which hides and covers up irregularities. The resolution had better be dropped; it cannot be passed; it will not be passed. Mr. B. said it was now after two o'clock—half past two o'clock—and he moved that the Senate do now adjourn; and that the hour be entered on the Journal. It was now half past two o'clock on the 4th day of March, and the constitutional existence of the Senate was at an end. This was the fact, and he wanted it on the Journal.

Mr. TALLMADGE inquired if the motion to enter the hour on the Journal was in order?

The PRESIDENT *pro tempore* stated that by the rules, any member who moved an adjournment had the right to have the hour at which such motion was made entered on the Journal.

The entry was accordingly made on the Journal.

The PRESIDENT *pro tempore* said that before taking the question on adjournment, he would ask the indulgence of the Senate to make a few remarks. He regretted exceedingly that he had left his situation in the chair for a moment, as it had led most probably to unpleasant feelings. He had hoped that at this hour, when they were about to separate, nothing would have occurred to mar the harmony of the body, or interrupt the feelings of personal kindness so appropriate to the occasion. He had endeavored, while presiding over their deliberations, to which he had been called by the kindness of the Senate, to discharge his duties to the extent of his ability—faithfully, he believed; honestly he knew he had; and he regretted, regretted deeply, that anything should have occurred, during his temporary absence from the chair, to induce unpleasant feelings, and prevent a harmonious adjournment.

Mr. BENTON said that every word spoken by the President [Mr. KING] went into his heart, and found a resting place there. Like him, he wished a harmonious adjournment; like him, he wished all to separate with feelings of personal kindness;

and for that very purpose he had moved the adjournment. It was the quiet and easy way to get rid of an unpleasant subject; to avoid a struggle which will lead to no results; for the resolution could not become a law. He wished to drop it as it was; and then there would be nothing to mar the kind feelings which prevailed, and which all would wish, with the President, to see preserved.

The question was then taken on the adjournment; and decided in the negative—yeas 6, nays 12; as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Hubbard, King, and Williams of Mississippi—6.

NAYS—Messrs. Foster, Fulton, Lyon, Merrick, Nicholas, Norvell, Roane, Southard, Tallmadge, Walker, Wall, and White—12.

Mr. BENTON said it was now entered on the Journal that it was half past two o'clock in the morning, and no quorum—only eighteen members present; and he now made a motion which was addressed to the President himself. In doing so, he would cite the example of Mr. Macon, whom they all knew, and than whom no man was more scrupulous. Mr. Macon held that at twelve o'clock at night, on the 3d of March of the short session, his powers as a Senator ceased, and if the Senate was not willing to adjourn at that time, he went away. Now, Mr. President, (said Mr. B.) I believe that at this hour, half past two o'clock in the morning of the 4th of March, you have no authority here, and I have no right to address you. I, therefore, mean to make the question with you, whether, at this hour, you have power to act. The Chair has given notice that he is going to sign the resolution, and I object to it. It is the 4th of March, and no quorum.

The PRESIDENT *pro tempore* said it was a very common thing at the close of Congress to sit and do business after midnight on the 3d of March.

Mr. BENTON said he knew it was, but in such cases the fact was kept out of the Journal; all appeared there to have been done on the 3d of March. The Journal went on headed the 3d, and the approvals of the President bore date the 3d. But now this is not the case. The time is marked on the Journal; it is marked the morning of the 4th, and the whole proceeding will be invalid on its face.

The PRESIDENT *pro tempore* was of opinion that he could not sign the resolution when a quorum of the Senate was not present, and so stated to the Senate.

Mr. BENTON said, as there was no quorum present, he hoped the Senate would adjourn.

Several SENATORS said they hoped not; that a quorum would be soon present; and said that the Chair could dispatch the Sergeant-at-Arms after the absentees.

Mr. BENTON said they had no right to send the Sergeant-at-Arms after members; that all power over Senators was at an end.

The question was then taken on adjournment; and decided in the negative.

Mr. MERRICK then made a few remarks in relation to the passage of the resolution. He said he was in his seat in the Senate, but knew not of the passage of this resolution. In fact, he did not know that the resolution had been presented for the consideration of the Senate, until he was informed that it had passed. He was in favor of the object of the resolution, and would have voted for it, if he had been aware of its having been before the Senate.

Mr. WALKER said, in regard to the resolution, he had understood such a one was to be offered, and not having been offered, he had concluded that it had been abandoned. The first actual knowledge he had of the resolution being before the Senate was hearing its title pronounced by the voice of his colleague, [Mr. WILLIAMS.] I did not know what it meant. He read the resolution. I heard him distinctly put the question; and the various questions that are usually put on the passage of a resolution were put as fully and as clearly as they generally are; and the question was carried as fairly, and the Senate was as full as it was when a majority of the acts passed by that body were carried.

Mr. ROANE said that he knew no more of the passage of that resolution than the child unborn. He must have been in the Chamber at the time, but he had never heard it called up, nor any ques-

tion taken on it. With respect, however, to these Madison papers, he looked on them in a very different light from the trash that was so often published by Congress. He had received, this very evening, from a distinguished gentleman in Virginia, a letter asking information about them. It was a letter abounding with good sense, and placing a proper estimation on these papers. With this letter in his hand he went round to the seat of his friend from Missouri, and endeavored to soften his rigid resolution with regard to the distribution of books, so as to make the Madison papers an exception. He endeavored to put these papers in contrast with the trash that was put abroad under the sanction of Congress, which may, perhaps, form the materials for a spurious history of the country. He represented that these Madison papers had already been published, and that there would be an absurdity, after paying for them, to put them away in the garret, with the trash that has lumbered there among the cobwebs of time. The Senator from Missouri stated the terms on which he would agree to the distribution of this particular work, and that was to make a general distribution throughout the Union, and into every State; and he desired me to go to the Secretary's table, and get the clerk to make out a list of the general distribution of documents, and then he would support it. Mr. R. then descanted at length on the great value of the Madison papers; the importance that the information contained in them should be disseminated as widely as possible, and the absurdity of locking them up from the public view, after having paid for printing them. He did not consider the works of James Madison of the same nature with those publications with which it had been the custom of the two Houses to supply the members—

"a custom

More honor'd in the breach, than the observance;"

and he hoped that the resolution of the Senator from Missouri with regard to distributing books, would not, like the rigid laws of the Medes and Persians, be applied to them.

Mr. BENTON said the reference of the Senator from Virginia [Mr. ROANE] to him was correct; he had refused to agree to a distribution of the Madison Papers to the members of Congress, but was willing to a general distribution, according to the general distribution of documents; and desired the Senator from Virginia to get that list from one of the clerks, and either omit the members of Congress, or require them to pay the cost. This general distribution would carry the work into every State—its Senate and House of Representatives—its executive office—its colleges and universities—to all the executive offices of the General Government—to the Library of Congress—to the offices of the Secretary of the Senate and Clerk of the House of Representatives, and many others. It would distribute eleven or twelve hundred copies, and place them in every part of the Union, and in the best hands for preservation and for use. Gentlemen were debating as if the only alternatives were between an exclusive and gratuitous distribution of these papers to members of Congress, or a consignment of them to the worms in the garret, and an everlasting loss of them to mankind. This was rather wild. The distribution which he proposed would have saved them from the worms, would have given them to the whole Union, and to all mankind; it would have curtailed nobody but members of Congress.

The PRESIDENT *pro tempore* said that on further consideration, and consulting the rules, he was of opinion that it did not require a quorum to be present to authorize the signing of a bill or resolution. It was not properly an act of legislation, but merely a signing to be done by the Chair to authenticate the act. Holding this opinion, he would now proceed to sign the joint resolution.

Mr. BENTON said the signing could only be done in the presence of the Senate, and there was no Senate when there was no quorum. Every signing was a public act. The Presiding Officer gave audible notice of it; the Senate ceased to act; no Senator could speak; nothing could be done while the President was signing. Mr. B. was clearly of opinion that acts could only be signed when the Senate was formed and a quorum present.

The PRESIDENT *pro tempore* then signed the resolution.

Mr. ALLEN said that the resolution could not now go to the President for his signature. There is no committee of the House of Representatives which is necessary to form the joint committee, to join the committee on the part of the Senate to carry it. The House of Representatives had adjourned and dispersed, and the two members who composed part of the joint committee to take bills to the President had ceased to exist as members of Congress. The body to which they belonged had ceased to exist. The resolution could not be carried; there was no authority existing which could carry it.

Mr. FOSTER said that he would carry it. He was a member on the part of the Senate of the joint committee, and he had once carried a bill to the President alone, but he had ascertained that he had made a mistake.

[Mr. FOSTER and Mr. MERRICK, the committee on the part of the Senate then left the Chamber with the joint resolution.]

Mr. BENTON said the impediments were not yet surmounted; there was a little difficulty to be encountered when the committee got back. He had the rules in his hand, and would read them at the proper time. It was now four o'clock on the morning of Monday, the 4th of March; the House of Representatives adjourned and gone, and no quorum here. There were obstacles ahead.

Mr. WHITE said he would state what he knew respecting the passage of this resolution. He had just come into the Senate Chamber when he heard the Senator occupying the chair [Mr. WILLIAMS] ask if a resolution should be taken up. If he gave it any particular designation it escaped my ear. The Presiding Officer put the question, and it was passed, several voices voting in the affirmative. Not knowing what it was, or what it contained, I asked for the reading of it, and it was handed to me. As there was no discussion on the subject, no division asked, and none taken, and consequently deeming the question an unimportant one, he voted neither aye nor no. He himself was opposed to the principle of distributing books among the members of Congress; but none of those whose lead he was accustomed to follow on this subject opposing this resolution, and on looking around and observing that the Senator from Missouri [Mr. BENTON] was not in his seat, he thought it was an unimportant matter, and did not expect to hear anything more about it.

The committee who waited on the President for his signature to the joint resolution having arrived in the Senate Chamber,

Mr. BENTON rose to a point of order—to have things done in order. One of the most solemn acts of the two Houses is that of sending bills to the President to be signed; it has to be done in a prescribed form, and reported and recorded in a prescribed form. Upon this depend all the questions connected with the ten days' constitutional right of the President to retain a bill, his culpability if he does not return it, the prevention of the return by the adjournment of Congress, the efficacy of the bill as a law if not returned in time, unless prevented by an adjournment. All this makes the presentation of the bill to the President one of the most formal and serious acts of legislation; and therefore the rules had carefully provided to make the presentation a matter of record in each House of Congress—a record the verity of which could not be impeached, and which would require no extensive evidence to support it. A standing committee was to carry it; that committee was to be joint; it was to be composed of two members from each House, and these two members of each House were to make report to their Houses, respectively, that the bill had been presented, carefully stating the day on which it was presented; and then this report was to be entered on the Journals of each House.

[Mr. B. here read the rules, to show that he stated them correctly.]

He said these rules could not have been complied with in this case. The joint standing committee was dissolved by the dissolution of the House of Representatives. The half committee of the Senate was a nonentity without the other half from the House of Representatives. No record could be made in the House of Repre-

sentatives, which had been adjourned for two hours, and no such record can be made here, as the rules imperatively require. I call the attention of the Secretary of the Senate to the rules, in the entry which he is to make. The Senators will report what they have done; and that is, they went, without the committee of the House, to the President, and went on the 4th of March; and there ends the work for which we have been kept here so many hours. It drops now, as I proposed it should drop three hours ago.

Mr. MERRICK reported that within the last hour the committee had placed in the hands of the President a joint resolution for the distribution, in part, of the Madison Papers.

Mr. TALLMADGE moved that the Senate adjourn *sine die*.

Mr. BENTON asked if a minority of the Senate could adjourn *sine die*. He thought they could only adjourn from day to day, until a quorum was present.

The PRESIDENT *pro tempore* decided that the Senate could adjourn *sine die*, and

The Senate adjourned *sine die* at twenty minutes past four o'clock, a. m.

## HOUSE OF REPRESENTATIVES.

SUNDAY, March 3, 1839.

The SPEAKER laid before the House several Executive communications, which were laid on the table, and ordered to be printed.

### POST OFFICE BUILDING.

Mr. LINCOLN asked the House to take up the bill to provide for the erection of a fire-proof building for the Post Office Department.

Mr. CAMBRELENG hoped they would confine this day to the needful appropriation bills; and therefore he must object to it.

Mr. LINCOLN thereupon moved a suspension of the rules; and the vote being—ayes 71, noes 38,

Mr. CAMBRELENG withdrew his objection.

Mr. CRABB then objected; but, on a second trial, the vote being—ayes 89, noes 29; no quorum,

Mr. CRABB called for the yeas and nays; but they were refused; and tellers being ordered, the result was announced—ayes 93, noes 35.

So the rules were suspended; and the bill was put on its third reading.

Mr. CRABB was opposed to acting on anything on such a day as this but what was absolutely necessary to carry on the Government. This was not a measure of that class, and therefore he opposed it.

Mr. TALIAFERRO opposed the bill mainly on account of the report upon which it was based.

Mr. CAMBRELENG demanded the previous question; which was seconded.

Mr. CRABB moved to lay the bill on the table; which was lost.

The main question was then ordered; and thereon

Mr. CRABB demanded the yeas and nays; but they were refused; and the bill was ordered to a third reading, and then read the third time and passed.

Mr. LINCOLN then submitted a resolution to suspend the 16th joint rule, so as to send this bill to the Senate; which was agreed to.

### FLORIDA WAR.

On motion of Mr. CAMBRELENG, the House took up the amendments of the Senate to the bill for preventing and suppressing Indian hostilities.

Mr. EVERETT moved to non-concur in the amendment striking out the item of \$5,000 for holding a treaty with the Seminoles.

Mr. ROBERTSON called for the yeas and nays; but they were refused.

The amendment then was non-concurred in—ayes 51; noes not counted.

The other amendment was concurred in.

### GENERAL APPROPRIATION BILL.

The amendments of the Senate to this bill, upon which they insisted, namely: to have the executive printing and binding done upon advertised contract, and the one in relation to the Documentary History, were taken up.

Mr. BOND, at whose instance the first provision had been ingrafted upon the bill originally,

briefly advocated its expediency, and moved that the House adhere.

The SPEAKER explained that this motion would peril the whole bill; and if both Houses adhere, the bill would be lost.

Mr. BOND was aware of the consequences, but he should persist in his motion nevertheless. Mr. McKENNAN did hope the gentleman would substitute the motion to "insist," and not peril the bill in this way.

After a few words from Messrs. ATHERTON, WILLIAMS of North Carolina, BRIGGS, GRENELL, HARLAN, WILLIAMS of Kentucky, GARLAND of Louisiana, FILLMORE, TILLINGHAST, RIVES, BANKS, and BELL, Mr. GRAHAM, of North Carolina, demanded the yeas and nays; which were ordered.

After a number of suggestions from Messrs. RIVES, BELL, and others,

Mr. BOND substituted a motion to insist.

Mr. RIVES, as being more respectful to the other body, moved that the House "recede" from its disagreement to the proposed amendment of the Senate.

Mr. CAMPBELL, of Tennessee, demanded the yeas and nays; which were ordered.

Mr. HARLAN said, as the executive printing had been a monopoly for years, he hoped the professed anti-monopolists, the Locofocos, would now show the sincerity of their professions by their votes.

The question being then taken, the result was—yeas 80, nays 93.

So the House refusing to recede, the question recurred upon the motion to insist.

Mr. LOOMIS moved to amend the motion by adding the words "and ask a committee of conference;" but the amendment was disagreed to.

The motion to insist was then carried without a division.

The other amendment, upon which the Senate had, in part, insisted, in relation to the Documentary History, was then taken up.

Mr. PETRIKIN moved that the House insist.

Mr. TOUCEY moved that the House recede from its disagreement.

Mr. ATHERTON called for the yeas and nays; but they were not ordered; and Mr. TOUCEY's motion was rejected—yeas sixty-six, noes not counted.

The motion to insist was then agreed to without a division.

At a subsequent stage, the bill was returned from the Senate, accompanied by a message, stating that they still insisted, and asked a committee of conference, having appointed a committee of three on their part.

Mr. CAMBRELENG moved to concur in the resolution for a conference, which was agreed to; and, on his motion, a committee of three was appointed on the part of the House, consisting of Mr. BOND of Ohio, Mr. ATHERTON of New Hampshire, and Mr. LYCOLN of Massachusetts.

About seven o'clock at night, Mr. BOND made a report from the committee of conference, which recommended the Senate, in part, to recede, and in part to insist, upon their amendment, with the addition that the printing shall be executed in the city of Washington; and recommended that the Senate recede from part of their amendment striking out the appropriation for the Documentary History, but only so far as the House was concerned, the Senate abstaining from taking the books.

The report was concurred in without a division; but, at a subsequent stage, at the instance of Mr. BELL,

Mr. BOND moved a reconsideration of the vote by which the last matter was agreed to; and, after a desultory discussion by Messrs. BOND, LINCOLN, and BELL,

Mr. WILLIAMS, of Kentucky, said that, rather than peril a bill upon which the temporary existence of the Government depended, upon a mere point of etiquette, he should demand the previous question; and it was seconded, carried, and the main question ordered and put; when the House refused to reconsider—yeas 54, noes 84.

#### ARMY APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House went into Committee of the Whole on the state of the Union, (Mr. BRIGGS in the chair.)

Mr. McKENNAN moved to take up the Cumberland road bill.

The CHAIRMAN, however, ruled that the Committee must first dispose of the business under consideration when the committee last rose, which was the Army bill.

Mr. CASEY inquired if the Cumberland road was not necessarily in order, as the House had gone into committee generally?

The CHAIRMAN replied that it was not, and reiterated his decision.

Mr. McKENNAN appealed therefrom, but after some remarks from that gentleman and Messrs. CAMBRELENG, LINCOLN, and RARIDEN, he withdrew it.

The committee then resumed the consideration of the Army appropriation bill, the question pending being on the provision to pay the State of Massachusetts \$272,716 for her militia claims for services in the late war.

This was an amendment of the Senate, and the question was on concurring therein.

Mr. LINCOLN warmly advocated the claim, and went on to show that it was scarcely a seventh of what Massachusetts was justly entitled to, and that it precisely accorded in principle with the already paid claims of Connecticut, New York, Maryland, Virginia, South Carolina, and other States, proceeding to establish the latter point by a review of the services actually performed by the militia of Massachusetts.

Mr. COLES opposed the amendment. He objected to the manner in which it was introduced, by thus ingrafting substantive propositions upon bills with which they have no connection. It was a loose mode of legislation, ever to be deprecated, and was establishing a bad precedent. Moreover, the validity of the claim for so large an amount was not proven, and was doubtful. It had never yet been audited; and therefore the House would be voting away upwards of a quarter of a million of dollars in the dark. Mr. C. went into a variety of minute statements of the various items composing this gross sum, in order to show that the claim ought not to be passed. The evidence in support of a number of the items was deficient.

Mr. CAMBRELENG entreated gentlemen to abstain from speaking, for if they were to go into the merits of these ancient claims, they would have to sit all night again.

Mr. EVANS said the claim had been audited in 1836; and although then there was not sufficient evidence to establish all the items, yet since that time Congress had adopted a new principle of evidence, and upon the application of that principle this claim was valid.

Mr. JOHNSON, of Maryland, moved to amend the amendment by adding the following:

"And that the Secretary of War be, and he is hereby, authorized and directed to adjust and settle claims of the State of Maryland, for interest due on the amount of money advanced by that State to the United States during the last war with England."

This amendment was rejected without a division.

The amendment of the Senate was then non-concurred in—yeas 65, noes 73.

Some of the other amendments were agreed to, and others non-concurred in.

#### INDIAN ANNUITIES, ETC.

On motion of Mr. CAMBRELENG, the committee then took up the sundry amendments of the Senate to the Indian appropriation bill, some of which being concurred in,

Mr. EVERETT moved an additional item of \$10,000 for surveying and marking the Indian country west of the Mississippi; which was agreed to.

Mr. BELL moved to amend the bill by adding a provision that the Cherokee warriors wounded, &c., in the late war with Great Britain, should be placed on the pension roll like other pensioners, which was agreed to.

Mr. GARLAND, of Louisiana, remarked upon the large sums involved in the Senate's amendments, and inquired if they had undergone examination?

Mr. BELL said he had collated the sums with the requisitions of the treaties, and had found them accurate in every instance.

The amendments were generally, but briefly discussed by Messrs. PETRIKIN, HARLAN,

CAMBRELENG, BELL, ADAMS, LEWIS, GARLAND of Louisiana, and EVERETT.

Some of the amendments were non-concurred in, but the more important ones were all agreed to.

The item of \$5,000, for the commission to investigate the Creek frauds in Alabama, was discussed at length by Messrs. HARLAN, EVERETT, LEWIS, DAWSON, MURRAY, TOWNES, and GARLAND of Louisiana; when it was agreed to.

Before all the amendments were acted on, at the suggestion of Mr. CAMBRELENG, the bill was laid aside, the committee rose, and reported the Army bill to the House.

#### ARMY APPROPRIATION BILL.

The SPEAKER having resumed the chair, the Army appropriation bill was taken up; and the House having concurred with the committee in their concurrence with the Senate's amendments,

Mr. CAMBRELENG moved to non-concur in the disagreement of the committee to the amendment for the payment for the Missouri horses, lost in the voyage from New Orleans to Tampa bay, which was agreed to; and thus the amendment of the Senate was concurred in.

The additional section for the payment of the New Hampshire militia was non-concurred in without a division.

The additional section also inserted by the Senate for the payment of the Massachusetts militia claims was taken up, on the question of concurring with the Committee of the Whole in their disagreement thereto.

Mr. LINCOLN demanded the yeas and nays; which were ordered.

Before the call was commenced, the hour of three having arrived, the House took its daily recess until half past four.

#### EVENING SESSION.

On motion of Mr. WILLIAMS, of Kentucky, a resolution was adopted to give the little boys an extra compensation of \$250 for their services during the last three months.

Sundry other resolutions of a similar character were offered; some of which were agreed to, and others rejected.

Mr. LYON moved that the House take up the bill for the benefit of the Selma and Tennessee Railroad Company. He stated that he would not ask the favor, but, though he had been in the House all day, indisposition would compel him to leave the Hall.

Mr. LINCOLN objecting, Mr. LYON moved a suspension of the rules; but it was ineffectual.

#### ARMY APPROPRIATION BILL.

The question was then taken on concurring with the Committee of the Whole in their non-concurrence with the Senate in the provision to the Army bill to appropriate \$272,716 to liquidate the Massachusetts militia claims, and resulted in the affirmative—yeas 83, nays 63.

So the House disagreed to the amendment of the Senate.

#### INDIAN AFFAIRS.

Mr. DOWNING asked leave of the House to present a communication from the Governor of Florida in relation to the barbarous murders recently perpetrated in that Territory. Mr. D. also asked leave to make a statement on the subject. He said it was very important, for the houses were in flames from the depredations of the Indians within ten miles of the seat of government.

Objection being made, Mr. D. moved a suspension of the rules.

The rules were not suspended—yeas 88, noes 54; not two thirds.

On motion of Mr. CAMBRELENG, the House then went into the Committee of the Whole on the state of the Union, (Mr. BRIGGS in the chair,) and resumed the consideration of the bill providing for the payment of Indian annuities, and other Indian affairs.

Mr. DOWNING read an extract from a letter of the Governor of Florida, setting forth that the condition of that Territory was worse than it had been during any period of the war; and that the regular troops afforded no protection at all.

The amendment of the Senate providing for the Seneca treaty was non-concurred in.

Mr. EVERETT moved to non-concur in the section repealing the second section of the act of 1830, which authorizes the President to exchange lands owned by Indians east of the Mississippi, who wish to emigrate, for lands west of the Mississippi.

Mr. BELL fully concurred in the amendment, which would have the effect of preventing the multiplying of Indian treaties, and put an end to making these interminable Indian treaties.

Mr. EVERETT withdrew his objection, though he could not flatter himself that the amendment would arrest the evil.

The amendment was agreed to; and all the amendments of the Senate having been acted on, Mr. JOHNSON, of Maryland, moved an additional clause to authorize the President of the United States to accept the services of volunteers, not to exceed five thousand in number, for Florida, and that — dollars be appropriated therefor.

The CHAIRMAN, however, ruled the amendment out of order, on the ground that it was an appropriation for which there was no existing law.

On motion of Mr. CAMBRELENG, the committee then rose; and reported the above bill and amendments to the House.

The report of the committee on all the amendments was concurred in, and the bill sent to the Senate for concurrence.

#### CUMBERLAND ROAD.

Mr. RARIDEN then moved that the House go into the Committee of the Whole on the state of the Union on the Cumberland road bill; upon which motion

Mr. PETRIKIN demanded the yeas and nays; which, being ordered, were taken.

Before the vote was announced, Mr. DAWSON rose and called the attention of the House to the fact that names were recorded who were not in the city. Among these were Messrs. THOMPSON, WORTHINGTON, and MASON of Ohio; all of whom had left the city, and all voted in the affirmative. These votes, it was ascertained, if counted, would take up the bill; if omitted, the majority would be in the negative.

The SPEAKER suggested that the roll be called again, and the difficulty put an end to.

Mr. McKENNAN objected to this.

The vote was then announced—yeas 74, nays 77.

So the House refused to go into committee on the bill.

#### PEA PATCH ISLAND.

On motion of Mr. RENCHER, the House took up the joint resolution from the Senate to authorize the purchase of the Pea Patch Island in the Delaware river, and for other purposes, which, having been read twice, was committed; and Mr. R. moved that the House go into the Committee of the Whole on the state of the Union thereon; which was agreed to.

The House accordingly went into committee, (Mr. HOWARD in the chair,) and the above joint resolution was taken up and discussed by Messrs. MILLIGAN and HARLAN, when the latter gentleman moved so to amend it as to substitute the "President of the United States" for the "Secretary of War," and to limit the price to \$50,000, subject to the approval of Congress.

After a few words from Mr. KEMBLE, the first amendment was disagreed to—yeas 51, nays not counted.

The second amendment was discussed by Messrs. HOFFMAN, POPE, MERCER, NAYLOR, McKAY, GRAVES, and CURTIS, when Mr. WILLIAMS, of North Carolina, moved to limit the sum to \$25,000.

This proposition was also discussed by the mover and Messrs. THOMAS, HARRISON, KEMBLE, PETRIKIN, GRAVES, CAMBRELENG, and BELL, when it was rejected.

Mr. THOMAS then moved to strike out \$50,000, and leave the sum indefinite, subject to the ratification or approval of Congress; which was disagreed to—yeas 45, nays not counted.

Mr. HARLAN's amendment was then agreed to, without a division.

The resolution was then laid aside to be reported.

#### LAW OF PATENTS.

The committee then took up the Senate bill entitled "An act in addition to the act to promote the progress of the useful arts;" but, before much progress was made in it,

On motion of Mr. BELL, the committee rose, and reported the joint resolution, leaving the bill in committee.

The House concurred in the amendment to the joint resolution—yeas 83, nays not counted.

Mr. McKAY moved a further amendment; which was agreed to.

Mr. HARLAN renewed his first amendment, but it was rejected without a division.

The resolution was then ordered to a third reading, read the third time, and passed.

On the question of going into committee again on the bill on patents,

Mr. BOULDIN moved to include the bill providing for the building of a jail in the District of Columbia; which was agreed to.

Mr. LEWIS moved the Florida occupation bill; which was rejected.

Mr. BELL moved the bill to continue the Choctaw commission; which was rejected.

The House then went into committee, and resumed the consideration of the bill amendatory of the law organizing the Patent Office.

Mr. PETRIKIN moved to strike out the provision for a board of examiners; which was rejected.

Several other amendments were submitted and rejected.

Mr. PETRIKIN moved to strike out the enacting clause; and upon that motion, proceeded to state his objections to several provisions of the bill, then withdrawing the motion.

The bill was then laid aside to be reported.

#### JAIL IN WASHINGTON.

The committee then took up the amendments of the Senate to the bill providing for the erection of a new jail in the city of Washington; and they being agreed to, the committee rose and reported the two foregoing bills to the House.

The first bill was ordered to a third reading, read the third time, and passed.

The House then concurred in the amendments of the Senate to the bill to provide for the construction of a new jail in the city of Washington.

#### SIXTH CENSUS.

The House concurred in the amendments of the Senate to the bill to provide for taking the sixth census.

#### ARMY BILL.

The House took up the Senate's amendments to the Army appropriation bill; and, on motion of Mr. CAMBRELENG, concurred therein, the House receding therefrom.

#### INDIAN BILL.

The amendments of the Senate to this bill were taken up.

The House, in the morning, had disagreed to several of the amendments, but insisted upon one of them.

On motion of Mr. CAMBRELENG, the House now receded from their disagreement; and thus the bill was finally passed.

#### SELMA AND TENNESSEE RAILROAD.

Mr. LEWIS moved that the House go into committee upon several bills granting the right of way to certain railroad companies.

Mr. BELL moved to include the bill to continue the Choctaw commission; which Mr. LEWIS accepted as a modification of his motion; which was then agreed to, only so far as regards the Selma and Tennessee Railroad Company.

The House then went into committee on various bills.

The bill for the benefit of the Selma and Tennessee Railroad Company, granting them right of preemption to alternate sections, with six years credit, was taken up, and

Mr. LINCOLN was proceeding to oppose it; when

Mr. CASEY suggested that the gentleman move that the committee rise; for if this bill was to be debated, nothing more could be done.

Mr. LINCOLN accordingly made the motion, but held it suspended for suggestions, and then renewing it, the motion prevailed.

The SPEAKER having resumed the chair, Mr. GRAVES moved that the Tennessee land bill be taken up.

Objections were made all over the House, and Mr. G. moved a suspension of the rules.

Mr. WILLIAMS, of North Carolina, demanded the yeas and nays; which being ordered, were—yeas 81, nays 49.

So the rules were not suspended, requiring two thirds.

#### COURTS IN LOUISIANA.

On motion of Mr. JOHNSON, of Louisiana, the bill to change the times of holding the Federal courts in Louisiana was taken out of Committee of the Whole, brought into the House, and put on its third reading.

Mr. HOFFMAN moved an amendment in reference to the courts in New York; which was agreed to.

Mr. BRONSON moved a further amendment; which was agreed to.

The bill was then passed.

#### PEA PATCH ISLAND.

The amendment of the Senate to the joint resolution for the purchase of Pea Patch Island was concurred in by the House receding from so much of its amendment as the Senate disagreed to—yeas 109, nays not counted.

#### COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. CUSHMAN offered the usual resolution for a joint committee to wait on the President of the United States, and inform him that the two Houses were ready to adjourn.

Mr. WISE said he should object, for the House had not completed its business.

The resolution was agreed to without a division.

#### PAY OF SAILING MASTERS.

Mr. WISE moved to go into Committee of the Whole on the state of the Union on the bill to increase the pay of the sailing masters of the Navy. [Cries of "No!" "No!" intermingled with others of "Agreed!" "Agreed!"]

The motion was disagreed to.

#### PAY TO A CLERK.

Mr. WISE asked leave to submit a resolution to pay the clerk of the select committee on defalcations certain extra compensation for his services.

Objection being made,

Mr. W. moved a suspension of the rules; and the tellers having announced—yeas 77, nays 45, (not two thirds,)

Mr. W. called for the yeas and nays; but they were refused; and the motion to suspend was rejected without a division.

Mr. S. W. MORRIS asked leave, as a member of the Committee of Accounts, to make a statement in relation to this matter; but it was refused.

#### ADJOURNMENT SINE DIE.

On motion of Mr. BRIGGS, the usual order was adopted, to send a message to the Senate notifying that body that the House, having concluded the business before it, was ready to adjourn.

#### EXTRA PAY TO CLERKS, ETC.

Several resolutions were offered again to give the clerks, messengers, stable-keeper, &c., extra pay; but they were all rejected.

#### PUBLIC DEFAULTERS.

Mr. HARLAN moved a suspension of the rules, to enable him to submit a resolution that the Secretary of the Treasury prepare a statement of the defaulters from 1829, and that it be printed during the recess.

Mr. H. asked for the yeas and nays on his motion; which being ordered, were—yeas 64, nays 33.

So the rules were not suspended.

#### MADISON PAPERS.

The House concurred in the resolution of the Senate to suspend the 16th and 17th joint rules of the House, so as to pass a joint resolution to provide for the distribution, in part, of the Madison papers.

The joint resolution was soon after received, and, having been read twice,

Mr. WISE briefly supported it.

Mr. PETRIKIN was not opposed to the resolution, but he would take that occasion to remark that the charge brought by Mr. BELL against the Senate was now proven to be unfounded.

The resolution was then put on its third reading; and the question being on its passage,

Mr. DROMGOOLE called for the yeas and nays; but they were refused, and the resolution was passed without a division.

#### REPORT OF COMMITTEE.

Mr. CUSHMAN, from the joint committee appointed to wait on the President of the United States, and inform him that, unless he had further communications to make, both Houses were ready to close the present session, reported that they had performed that duty, and were informed by the President that he had no further communication, but he wished the members all a safe and happy return to their homes.

#### THANKS TO THE SPEAKER.

Mr. ELMORE moved the following resolution:

*Resolved*, That the thanks of this House be presented to the Hon. JAMES K. POLK, for the able, impartial, and dignified manner in which he has presided over its deliberations, and performed the arduous and important duties of the Chair.

Mr. McKENNAN inquired of the Chair whether this could be received at this time without suspending the rules of the House for that purpose?

Mr. ELMORE suggested that it had always been customary to offer a resolution of this kind as an act of courtesy, and it was never objected to.

Mr. BELL hoped that no objection would be made. It was an act of courtesy on the part of the House, to which he presumed there would be no objections of a technical character.

Mr. McKENNAN said he should not press the inquiry or make further objection.

Mr. CURTIS renewed the objection. This was not petition day, and petitions could only be presented on leave. The short time remaining ought to be devoted to the pressing business of the country, which ought not to be interrupted by a resolution of this description, which would, in all probability, lead to an excited debate.

Mr. ELMORE quoted from the Journal a precedent when a vote of thanks had been passed to Mr. Stevenson. The question of order had then been raised as now; the Chair decided the motion to be in order; an appeal was taken, and the House sustained the decision of the Chair by a vote of 95 to 40.

Mr. PRENTISS said he would not object to the offering of the resolution, but wished to offer an amendment to it.

Mr. ELMORE reminded him that it was a question of order, and that no amendment could be offered till that had been settled, and the resolution received.

Mr. WISE said he should never have raised the question of order himself, but thought it was very proper that it should be raised and considered; and as it was now up, he should back his friend from New York [Mr. CURTIS] in his objection. This was a resolution—nothing more, and nothing else—and it came under the rules which governed the presentation of resolutions. If it was in order, it could only be because the rules admitted its presentation, or because the House, by a vote of two thirds, suspended the rules for a time. The rules expressly forbade its being presented save on a particular day, and the rules had not been suspended.

Mr. CURTIS said that to avoid delay he would withdraw his question of order, though he held it to be a valid objection under the rules.

Mr. ELMORE said that, in offering this resolution, he had only followed out a practice of the House which had prevailed from the beginning of the Government. Courtesy had always dictated to the members of the House to accord to their Speaker that meet of thanks which was due to his services. He had no desire to wound the feelings of any gentleman; nor would he debate the propriety of the resolution itself; but if others entered into that question, he should claim an equal right to do so.

Mr. PRENTISS, of Mississippi, said that he had come to the House prepared to expect the

offering of such a resolution. He had seen indications of its coming, and he had come prepared also to offer an amendment to the resolution, and to sustain that amendment, which he should do, if left to sustain it alone.

Mr. P. said he was unwilling, at this hour, when they were about so shortly to leave that Hall, to allude to anything which might excite unpleasant reminiscences. He considered this resolution as not a mere matter of form. It had been claimed to be a mere act of parting courtesy, usual at the termination of every Congress; if it were that, and nothing more than that—if it were the mere touching of the cap or extending the hand to the Speaker who was retiring from office—Mr. P. would not oppose or object to it. He was for encouraging the courtesies of life, and they had seen quite enough, during the present session, to convince them of the necessity of doing so; but this was a peculiar case, to which the rules of mere courtesy did not apply. Mr. P. could not consent to praise the Speaker for having been impartial in the discharge of the duties of the Chair, simply because it was not true that he had been impartial. It might be said that this was a very small matter—a customary compliment merely; but as every gentleman knew, in politics a very small thing might become a very great thing; a mere thread might be seized upon, and, by party management, might be woven at last into a cable, by which to lead bodies of men and to control the Legislatures of States. The present resolution was one which presented facilities for being so availed of. Mr. P. had no objection to uttering a courteous farewell to the Speaker as a gentleman, and wishing him a pleasant journey home; but he believed this vote of thanks was to be used as so much political capital, to do political business upon, and he, for one, was not disposed to furnish it.

He said that the Speaker had not been impartial; the House did not so consider him; and in proof of this it would be sufficient to refer to the vote of the House refusing to him, on that very ground, the appointment of the members of an investigating committee, to examine into the defalcations of his own party. And though the debate on that subject had rushed and raged through the House like an unchained tiger, leaping in all directions, yet this was a point, and the only point, from which it had never departed; here it had fixed its fangs with a determined and a deadly hold. Trust the Speaker with that appointment the House would not; and now to pass a solemn vote that the Speaker had discharged his duties in an "impartial" manner would be to declare a lie. Mr. P. never would vote for such a declaration. He never would say what he did not believe, nor record the assertion that the Speaker had been impartial when the House had recorded its own vote to the contrary. Mr. P. had here in his pocket a little document, which would speak very intelligibly as to this Speaker's impartiality. He well knew what this resolution of thanks was worth, under existing circumstances. He should speak out plainly and explicitly, as he was wont to do. He knew that the incumbent of the chair was playing a political game, in which the smallest amount of capital was useful to him. In that game Mr. P. was opposed to him; and he would not, by voting for this resolution, throw it into his own teeth. He would not send that gentleman into the electioneering field with this certificate in his pocket; he would not certify to the people of the United States a positive lie, which was to be used against himself and others with whom he acted. He would say to the whole country that, in the formation of the committees of the House—and what act was of deeper importance—the Speaker had not been impartial. Mr. P. would not be understood as saying that it was unusual or improper that the Speaker of that House, in appointing its standing and other committees, should place upon them a majority of those who corresponded with him in political sentiment; of this he did not complain; but he believed there was not a legislative body upon the globe where, political parties being so nearly balanced, the disparity of those parties in the committees of that body was so enormous. Mr. P. would deal in no loose or general assertions on this subject; he would put his finger upon the facts—facts which, if the gentleman from South Carolina [Mr. ELMORE] was able to swallow, his

powers of deglutition must be very different from those of Mr. P.

To begin with the Committee on Foreign Affairs. How stood parties there? There were six Administration men to three of the Opposition. Was this—Mr. P. put it to gentlemen—was this a fair representation of the balance of parties in the House itself? Then there was the Committee of Ways and Means; every one admitted its importance as standing at the head of the finances; and how was it constituted? Here again it was six to three. But what was the constitution of the Committee of Elections? Everybody knew that a place on that committee had been no sinecure this Congress; so far from it, the acts and reports of that committee had shaken the pillars of this Government, as the blind Sampson shook the pillars of Dagon's temple; if they had not been absolutely thrown down, they had at least been shaken to their foundation. It was a committee in which, of all others, the strictest impartiality was demanded; for there it was that the demon of party was most likely to rear its hydra head. And how did this committee—a committee of judges—how did it stand? Seven to two. Yes, seven to two; and that was this Speaker's "impartiality!" Well, how stood the case with the Judiciary Committee? Here again it was seven to two, if the distinguished gentleman from Virginia was to be ranked with the Administration; but as a change had taken place since the constitution of the committee, it stood, on the most favorable statement, six to three. Here, then, under the action of this most impartial Speaker, the four most important committees of the House were so constituted as to give the Administration party, as its very smallest majority, two to one; and the most important of them all, on a political point of view, had seven on the one side, and but two on the other.

Mr. P. did not mean to be understood as derogating in the slightest degree from the character, or reflecting on the conduct, of the members of these committees; far from it. They acted, no doubt, according to their own views of public duty. He spoke only of the balance of political power in those committees collectively. But how stood matters in those committees which exerted no party or political influence? Oh! there he found quite a different state of things. The Committee on Manufactures contained eight Whigs to one Administration man. Now, if their duty had been to manufacture politics, did any man believe that such a proportion would have been observed? Oh, no; the balance would have been far different. Then there came the Committee on Roads and Canals—a committee which, however useful or important, exerted no political influence; and it contained seven Whigs. Here the proportion was seven to two. So in the Committee on Revision and Unfinished Business, seven to two. In the little Committees on Expenditures in the various Departments, it was still larger; some of these were all Whigs. Now, did not this show design? Was there not a reason for so great a contrast? It showed a deliberately-adopted principle of action, followed out through the whole selection; and this by a Speaker on whose own election to the chair the House had been so equally divided that his election had been carried by thirteen votes only out of two hundred and forty-seven. After this, could Mr. P. vote to declare that this officer had been "impartial" in exercising his great and most responsible power? This was in the appointment of committees; and then, as to other cases, where the House had been equally divided, and the casting vote of the Chair decided the question one way or the other, would any gentleman point him to a single instance, whether of greater or of minor importance—whether the decision swept away the whole political rights of a State, or recognized the official claims of the Globe newspaper, or settled the smallest question, where the vote had not invariably been given in one direction?

Mr. P. did not deny the capacity of the Speaker, his dispatch of business, or his full and thorough knowledge of parliamentary law—he conceded all this—but it was the facts he had just quoted on which M. P. took his stand, and denied, utterly, the "impartiality" of the Chair. And he never would, out of mere courtesy, indorse a tool of the Executive, or a tool of the party.

A more perfectly party Speaker, one who would be more disposed to bend the rules of the House to meet the purposes of his own side in politics, never had pressed the soft and ample cushions of that gorgeous chair. To say that he had been impartial in the duties of his high office would be but flattery; it would be certifying to what was not true; and Mr. P. had too often seen the effects of certificates not to be cautious how he gave them. He was willing to make the Speaker a courteous parting bow; but he would not consent to let him sit there and do all his party work and then march out with the honors of war. The duties of the Chair were too important for this. The presiding officer of that House cut out, in effect, all the business of the House. It was he who placed before it all the material work for its action, and decided who should work it up. Through the standing committees of that House, his power extended to the utmost bounds of the nation. It was, in some respects, beyond that of the President himself. Such an officer ought not to be the high priest of party—that Moloch, before whose altars were daily immolated the dearest rights of this Republic. *The present Speaker was, as the House well knew, a candidate at this time for the Chief Magistracy of his own State; and in the canvass there, and throughout all the West, this vote would be referred to as an undeniable proof that he had exercised the utmost impartiality while in that chair; and yet the House itself had utterly refused to trust him. When that damning fact should be brought by his opponents, what more would he have to do, should this resolve pass, than to tear from the records of the House the leaf which contained it, and, holding it up to the sun, pronounce all these representations to be unfounded calumnies? All those gentlemen who did conscientiously believe that the Speaker had been impartial would, of course, vote for the resolution; but Mr. P. called upon all who did not, and could not, in their hearts believe so, but who did believe that, with strong hand, he had wielded his power for the purposes of a party, to vote against it. Let those who knew the resolution to be untrue, say so by their acts. For, one, if Mr. P. had ever seen the poised needle turn and point with still prevailing attraction toward the pole, he had seen that Speaker turn with equal constancy towards the interests of his party. Gentlemen might raise the notes of their *te Deum laudamus* as high as they pleased; but he called upon all those whose free sentiments had been crushed on that floor by the weight of his official truncheon, to let the world see that they would not give the lie to those sentiments of indignation which had often been forced from their lips under the smart of oppression. Let them not give this unguarded, sweeping certificate of good behavior, to aid the election of the Governor of Tennessee. Thus to vote a public lie was to set a bad and pernicious example, particularly in a free Republic.*

Mr. P. concluded by moving as his amendment to the resolution, to strike out the word "impartially."

Mr. GRAY said he did not rise for the purpose of discussing the resolution, but for the purpose, if the House should agree with him, of having immediate action upon it, that the House might proceed as speedily as possible to other business. He said it was his intention to move the previous question; but before he made that motion he would make a brief reply to the gentleman from Mississippi, [Mr. PRENTISS,] who had not objected to the resolution on the ground that the Speaker had not with ability and impartiality presided over the deliberations of the House; but, on the contrary, the gentleman conceded that the Speaker had, with ability and impartiality, decided all questions which, by the rules and parliamentary law of the House, it had been his duty to decide. The whole ground of objection was, that the Speaker had appointed a majority of his political friends on the leading and most important committees of the House; and hence the Speaker had not been impartial. The gentleman said, strike out the word "impartially," and he would vote for the resolution.

Was it not the duty of the Speaker to appoint committees as the House would have done? Can any one doubt that the House would, by ballot, have elected committees precisely, or at least substantially, as the Speaker appointed them? Could an instance be given in which a commit-

tee had been elected, that the majority of the House had not placed a distinct majority of their political friends upon the committee? There is a case too recent to be forgotten by the House—the Swartwout committee. A majority of the House are opposed to the Independent Treasury, and supposed, perhaps, that if they could have a committee of opponents of that measure, arguments might be found against the measure; and what was the result? The committee was six and three—two to one against the Administration.

The resolution offered is not novel; it has been customary here, and is customary in all the State Legislatures. One was passed complimentary to Mr. Stevenson at the expiration of his term of service. He pursued the same course as the present Speaker in the appointment of committees; and, more recently, at the expiration of the term of the gentleman from Tennessee, [Mr. BELL,] a resolution in nearly if not the precise language with the one under consideration, was passed. The gentleman from Tennessee, [Mr. BELL,] who was then in favor of the Administration, followed the example of Mr. Stevenson in the appointment of committees.

Mr. G. said he had before him the Journals, and would read the appointment of committees made by the gentleman from Tennessee, [Mr. BELL,] if any one desired it. The present Speaker has done the same, nothing more; and less he could not do, unless he entirely disregarded the will of the majority.

Mr. G. said his colleague [Mr. CURTIS] had raised a question of order upon the introduction of the resolution, and as he supposed his object was to defeat the resolution by preventing its consideration, Mr. G. said he would refer to an example in the New York Legislature, which his colleague would recollect. In 1838, the present Lieutenant Governor of that State was Speaker of the Assembly. During the session party spirit ran high; frequent collisions took place between the minority of the House and the Speaker; many appeals were taken from the Speaker's decision, and much asperity was exhibited in debate; and yet, at the close of the session, the minority joined in an expression of thanks to the Speaker. A distinguished individual of that minority, formerly a member of this House, [Mr. MANN,] as is usual on such occasions, rose above the party excitement that had prevailed, and made a speech highly complimentary to the Speaker; it was due to the Speaker and the honor of the State, that the minority should thus act; and should the same just spirit prevail here, what is due to the dignity of the House, to the Speaker, and to the honor of the nation would be done.

But another and more significant objection is raised; it is, that the adoption of this resolution may make him political capital; that it may be used in the Tennessee election "upon every stump in the State;" hence the gentleman from Mississippi would withhold from him the justice which, by parliamentary custom, is due to him, lest, by doing justice to him now, he may have justice done him hereafter in his own State. Mr. G. said it was not a matter that ought to be discussed; the facts in the case were upon record, and known to the House; the propriety of the resolution was self-evident; and if gentlemen wished to make a party question of it, and show the country that they carried party feelings to an unprecedented and unwarrantable extent, the sooner they declare it the better.

Mr. G. then moved the previous question.

The previous question having been moved upon the resolution, it was seconded; and upon the motion shall the main question be put, which was upon the adoption of the resolution, it was decided in the affirmative by the following vote:

YEAS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Bicknell, Birdsall, Bouldin, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, John Campbell, Casey, Chaney, Chapman, Coles, Connor, Cray, Cushman, Dawson, Davee, Deberry, De Graff, Dromgoole, Elmore, Farrington, Fry, Gallup, Grant, Gray, Griffin, Haley, Hammond, Harrison, Hawkins, William H. Hunter, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kembie, Klingensmith, Leadbetter, Lewis, Logan, Loomis, Lyon, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Owens, Parker, Parmenter, Parris, Paynter, Petrik, Pickens, Plumer, Pratt, John H. Prentiss, Putnam, Kelly, Rives, Sheffer, Spencer, Swearingen, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Wagener, Webster, Jared W. Williams, Worthington, and Yell—92.

NAYS—Messrs. Adams, John W. Allen, Ayer, Bell, Bond, Borden, Briggs, John Calhoun, William B. Campbell, Carter, Chambers, Cheatham, Childs, Clark, Corwin, Crabb, Cranston, Crockett, Curtis, Darlington, Dennis, Dunn, Evans, Ewing, Fillmore, Rice Garland, Goode, William Graham, Graves, Grennell, Hall, Halsted, Hastings, Herod, Hopkins, William C. Johnson, Kennedy, Mallory, Maury, McKenna, Menefee, Mercer, Milligan, Calvary Morris, Naylor, Ogle, Pearce, Peck, Pope, Potts, Sergeant S. Prentiss, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Russell, Augustine H. Shepperd, Shields, Sibley, Stanly, Stratton, Talafero, Tillinghast, John White, Lewis Williams, Joseph E. Williams, Christopher H. Williams, Wise, Word, and Yorke—75.

The question then recurred upon the adoption of the resolution; which was taken by yeas and nays, and passed by the following vote:

YEAS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Birdsall, Bouldin, Briggs, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, John Campbell, Casey, Chaney, Chapman, Coles, Connor, Cray, Cushman, Dawson, Davee, Elmore, Farrington, Fry, Gallup, James Garland, Grant, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Howard, William H. Hunter, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kembie, Klingensmith, Leadbetter, Lewis, Logan, Loomis, Lyon, John M. Mason, Martin, McKay, Abraham McClellan, Robert McClellan, McClure, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Parker, Parmenter, Parris, Paynter, Petrik, Pickens, Plumer, Pratt, John H. Prentiss, Putnam, Kelly, Rives, Sheffer, Spencer, Swearingen, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Wagener, Webster, Whittlesey, Jared W. Williams, Worthington, and Yell—94.

NAYS—Messrs. Adams, John W. Allen, Ayer, Bell, Bond, William B. Calhoun, John Calhoun, William B. Campbell, Carter, Chambers, Cheatham, Childs, Clark, Corwin, Crabb, Cranston, Crockett, Curtis, Darlington, Dunn, Evans, Ewing, Rice Garland, Goode, William Graham, Graves, Grennell, Halsted, Herod, William C. Johnson, Kennedy, Sampson Mason, McKenna, Menefee, Mercer, Calvary Morris, Naylor, Ogle, Peck, Pope, Sergeant S. Prentiss, Rariden, Randolph, Reed, Ridgway, Robertson, Russell, Saltonstall, Augustine H. Shepperd, Sibley, Stanly, Stratton, John White, Lewis Williams, Christopher H. Williams, Wise, and Word—57.

A motion was made by Mr. CONNOR that the House adjourn without day, when

The SPEAKER rose, and addressed the House as follows:

Gentlemen of the House of Representatives: In taking leave of this body, in all probability forever, emotions are excited which no language can adequately convey. When I look back to the period when I first took my seat in this House, and then look around me for those who were at that time my associates here, I find but few, very few, remaining. But five members who were here with me fourteen years ago, continue to be members of this body. My service here has been constant and laborious. I can, perhaps, say what but few others, if any, can—that I have not failed to attend the daily sittings of this House a single day since I have been a member of it, save on a single occasion, when prevented for a short time by indisposition. In my intercourse with the members of this body, when I occupied a place upon the floor, though occasionally engaged in debates upon interesting public questions, and of an exciting character, it is a source of unmingled gratification to me to recur to the fact that on no occasion was there the slightest personal or unpleasant collision with any of its members. Maintaining, and at all times expressing, my own opinions firmly, the same right was fully conceded to others. Our discussions were at that time conducted with that courtesy and decorum, and respect for the opinion of others, which ought ever to prevail in a deliberative assembly. For four years past the station I have occupied, and a sense of propriety, in the divided and unusually excited state of public opinion and feeling which has existed both in this House and in the country, have precluded me from participating in your debates. Other duties were assigned me.

The high office of Speaker, to which it has been twice the pleasure of this House to elevate me, has been at all times one of labor and high responsibility. Its difficult, and often delicate, duties have been fully appreciated and freely expressed by all my predecessors. They have all borne testimony to the difficulty, nay, impossibility, of discharging its duties with entire satisfaction to all, especially in seasons of high political or party excitement. Whilst they have borne this testimony, I think I may truly affirm that none of them have had a severer ordeal to pass than has fallen to my lot. Frequent have been the occasions when, but for the indulgent and liberal sup-

port at all times given to me by this House, I should have been utterly unable to preserve that order and decorum which should ever attend the deliberations of the representatives of the people. It has been made my duty to decide more questions of parliamentary law and of order, many of them of a complex and difficult character, arising often in the midst of high excitement, in the course of our proceedings, than had been decided, it is believed, by all my predecessors, from the foundation of this Government. This House has uniformly sustained me, without distinction of the political parties of which it has been composed. Our records will show, that upon the numerous appeals which have been taken to the House, I have been sustained by both political parties, and often by decided and large majorities. Though doubtless I may often have fallen into error in promptly deciding novel questions, suddenly raised, I trust it was not on points material, and I know it was never intended. I return to this House my thanks for their constant support

in the discharge of the arduous and difficult duties I have had to perform.

But, gentlemen, my acknowledgments are especially due to the majority of this House for the high and flattering evidence they have given me of their approbation of my conduct as the presiding officer of the House, by the resolution you have been pleased to pass. I regard this as the highest and most valued testimonial I have ever received from this House, because I know that the circumstances under which it has passed has made it matter of substance, and not of mere form. I regard it as of infinitely more value than if it had been the common matter-of-course and customary resolution, which, in the courtesy usually prevailing between the presiding officer and the members of any deliberate assembly, is always passed at the close of their deliberations. That is unmeaning—is indiscriminately conferred—is a mere act of courtesy, and possesses, comparatively, but little value. I return to the majority of this House, what I sincerely feel, my grateful

thanks for this high evidence of their approbation and regard, given, as it has been, at a time of high party excitement, which, in the accomplishment of party and political objects, but too often disregards all other considerations. I shall bear it in grateful remembrance to the latest hour of my life.

I trust this high office may in future times be filled, as doubtless it will be, by abler men. It cannot, I know, be filled by any one who will devote himself with more zeal and untiring industry to do his whole duty than I have done.

We are now about to separate, many of us never again to meet. I wish you, gentlemen, a safe return to your families and friends; and whatever our respective future destinies may be, my prayer to a beneficent and overruling Providence is, that our future lives may be useful and happy.

The SPEAKER then announced that the House stood adjourned without day.

The House (at two o'clock, a. m.) adjourned *sine die*.

# LIST OF APPROPRIATIONS.

## STATEMENT

*Showing the Appropriations made during the Third Session of the Twenty-Fifth Congress of the United States of America, specifying the amount and object of each.*

By the act (H. R. No. 891) making appropriations for the support of Government for the year 1839.

For pay and mileage of members of Congress and delegates.....\$370,944 00  
For pay of officers and clerks of the Senate and House of Representatives..... 43,400 00  
For stationery, fuel, printing, and all other incidental and contingent expenses of the Senate, 35,000 00  
For stationery, fuel, printing, and all other incidental and contingent expenses of the House of Representatives..... 100,000 00

### H. R. No. 981.

For compensation to the President and Vice President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Postmaster General..... 60,000 00  
For salary of the Secretary to sign patents for public lands, per act of the second of March, eighteen hundred and thirty-three..... 1,500 00  
For clerks and messengers in the office of the Secretary of State..... 20,300 00  
For the contingent expenses of the Department of State, including publishing and distributing the laws..... 25,000 00  
For compiling and printing the Biennial Register..... 1,800 00  
For the superintendent and watchmen of the Northeast Executive building..... 1,500 00  
For contingent expenses of said building, including fuel, oil, labor, and repairs..... 3,350 00  
For compensation to the clerks and messengers in the office of the Secretary of the Treasury... 16,450 00  
For compensation to the clerks in said office, per act of twenty-third June, eighteen hundred and thirty-six..... 3,600 00  
For compensation to the First Comptroller of the Treasury..... 3,500 00  
For compensation to the clerks and messengers in the office of the First Comptroller..... 19,300 00  
For compensation to the Second Comptroller... 3,000 00  
For compensation to the clerks and messenger in the office of the Second Comptroller, including the compensation of two clerks transferred from the office of the Fourth Auditor... 12,250 00  
For compensation to the First Auditor of the Treasury..... 3,000 00  
For compensation to the clerks and messenger in the office of the First Auditor..... 15,900 00  
For compensation to the Second Auditor of the Treasury..... 3,000 00  
For compensation to the clerks and messenger in the office of the Second Auditor..... 17,900 00  
For compensation to the Third Auditor..... 3,000 00  
For compensation to the clerks and messengers in the office of the Third Auditor..... 27,250 00  
For three additional clerks, under the act of the twentieth April, eighteen hundred and thirty-eight, to enable the Third Auditor to execute the act of sixth April, eighteen hundred and thirty-eight..... 2,400 00  
For compensation to two additional clerks, employed under the act of the eighteenth January, eighteen hundred and thirty-seven, for the payment for horses and other property lost or destroyed..... 2,400 00  
For compensation to the Fourth Auditor..... 3,000 00  
For compensation to the clerks and messenger in the office of the Fourth Auditor..... 15,950 00  
For an additional clerk in the same, to carry into effect the act of the third of March, eighteen hundred and thirty-seven, for the more equitable administration of the pension fund..... 1,000 00  
For compensation to the Fifth Auditor..... 3,000 00  
For compensation to the clerks and messenger in the office of the Fifth Auditor..... 9,800 00

For compensation of two clerks in the office of the Fifth Auditor, according to the act of the seventh July, eighteen hundred and thirty-eight.....\$9,000 00  
For compensation to the Treasurer of the United States..... 3,000 00  
For compensation to the clerks and messenger in the office of the Treasurer of the United States..... 10,750 00  
For compensation to the Register of the Treasury, 3,000 00  
For compensation to the clerks and messengers in the office of the Register of the Treasury... 24,200 00  
For compensation of the Commissioner of the General Land Office, per act of fourth July, eighteen hundred and thirty-six..... 3,000 00  
For compensation of the recorder, solicitor, draughtsman, and assistant draughtsman, clerks, messengers, and packers, in the office of the Commissioner of the General Land Office..... 107,850 00  
For compensation to the Solicitor of the Treasury..... 3,500 00  
For compensation to the clerks and messenger in the office of the Solicitor of the Treasury... 3,950 00  
For expenses of stationery, printing, and all other contingent expenses of the Treasury Department, viz:  
For the office of the Secretary of the Treasury, including copying and expenses incurred in consequence of the burning of the Treasury building..... 12,500 00  
For translating foreign languages, and for receiving and transmitting passports and sea-letters, in the office of the Secretary of the Treasury, 300 00  
For stating and printing public accounts..... 1,400 00  
For the office of the First Comptroller..... 2,000 00  
For the office of the Second Comptroller..... 1,500 00  
For the office of the First Auditor..... 1,000 00  
For the office of the Second Auditor..... 1,000 00  
For the office of the Third Auditor..... 1,000 00  
For the office of the Fourth Auditor..... 1,000 00  
For the office of the Fifth Auditor..... 1,000 00  
For the office of the Treasurer of the United States..... 1,500 00  
For the office of the Register of the Treasury... 3,000 00  
For the office of the Solicitor of the Treasury... 1,000 00  
For parchments, books, stationery, advertising, rent of an additional building, and contingent expenses of the General Land Office, and for books and blanks for the district land offices... 19,753 00  
For compensation of superintendent and two watchmen for the additional building for the use of the General Land Office..... 1,050 00  
For compensation of the superintendent and watchman of the Southeast Executive building..... 2,100 00  
For contingent expenses of the building occupied by the Treasury, including fuel, oil, labor, repairs, furniture, and for rent, amounting to three thousand two hundred and fifty dollars per annum..... 12,000 00  
For compensation to the clerks and messengers in the office of the Secretary of War, including the messenger in the bounty land bureau... 13,300 00  
For contingent expenses of the office of the Secretary of War..... 3,000 00  
For books, maps, and plans for the War Department..... 1,000 00  
For compensation of extra clerks, when employed in said office..... 3,000 00  
For compensation of the Commissioner of Indian Affairs..... 3,000 00  
For compensation of the clerks and messengers in the office of the Commissioner of Indian Affairs..... 16,400 00  
For contingent expenses of said office..... 2,000 00  
For compensation of the Commissioner of Pensions..... 3,000 00  
For compensation of clerks transferred from the office of the Secretary of War to the office of the Commissioner of Pensions..... 4,800 00  
For compensation to clerks and messengers for the office of the Commissioner of Pensions, authorized by the act of ninth of May, eighteen hundred and thirty-six..... 13,450 00  
For contingent expenses of said office..... 3,000 00

For compensation to clerks and messengers in the office of the Paymaster General.....\$7,100 00  
For contingent expenses of said office, including two hundred dollars for arrearages..... 700 00  
For compensation of clerk and messenger in the office of the Commanding General..... 1,500 00  
For contingent expenses of said office..... 300 00  
For compensation to clerks and messenger in the office of the Adjutant General..... 7,650 00  
For contingent expenses of said office..... 1,600 00  
For compensation of clerks and messenger in the office of the Quartermaster General..... 7,300 00  
For contingent expenses of said office..... 1,000 00  
For compensation of clerks and messenger in the office of the Commissary General of Purchases, 4,200 00  
For contingent expenses of said office..... 800 00  
For compensation of clerks and messenger in the office of the Commissary General of Subsistence..... 4,300 00  
For contingent expenses of said office..... 3,900 00  
For compensation of clerks and messenger in the office of the Chief Engineer..... 5,650 00  
For contingent expenses of said office, including one thousand dollars for expenses attending the removal of the office..... 1,500 00  
For compensation to clerk and messenger in the office of the Surgeon General..... 1,650 00  
For contingent expenses of said office..... 500 00  
For compensation of clerks and messenger in the Ordnance office..... 8,650 00  
For contingent expenses of said office..... 1,000 00  
For compensation to the clerks and messenger in the Topographical Bureau..... 2,500 00  
For contingent expenses of said bureau..... 1,235 00  
For compensation to the superintendent and watchman of the Northwest Executive building..... 2,250 00  
For contingent expenses of said building, including rent of bounty land office, for labor, fuel, oil, and repairs, and for the contingencies of the fire engines and apparatus..... 4,700 00  
For compensation of the clerks and messengers in the office of the Secretary of the Navy..... 12,850 00  
For contingent expenses of said office, including three thousand dollars for extra clerk hire... 6,000 00  
For compensation to the Commissioners of the Navy Board..... 10,500 00  
For compensation of the Secretary of the Navy Board..... 2,000 00  
For compensation to the clerks and messenger of the Navy Board..... 8,450 00  
For contingent expenses of said office, including seven hundred dollars for arrearages of extra clerk hire..... 2,500 00  
For salary of superintendent and watchman of the Southwest Executive building..... 1,250 00  
For altering and painting passages in said building, 1,800 00  
For contingent expenses of said building..... 3,350 00  
For compensation to three Assistant Postmasters General, per act July third, eighteen hundred and thirty-six..... 7,500 00  
For compensation to clerks and messengers in the General Post Office..... 48,600 00  
For topographer and additional clerks in said office, and a clerk to keep the appropriation account..... 11,600 00  
For contingent expenses of said office, including four thousand dollars for rent and fuel for the Auditor's office..... 12,500 00  
For compensation of two watchmen..... 600 00  
For compensation to the Auditor of the Post Office..... 3,000 00  
For compensation to clerks and messengers in said office..... 5,000 00  
For eleven additional clerks in said office..... 13,200 00  
For contingent expenses of said office, including the expense of quarterly books, stationery, printing, and pay of laborers..... 4,700 00  
For compensation to the surveyor general northwest of the Ohio..... 2,000 00  
For compensation to clerks in his office, per acts of ninth May, eighteen hundred and thirty-six, 6,300 00  
For compensation to the surveyor general for Illinois and Missouri..... 2,000 00  
For compensation to clerks in the office of said surveyor general, per acts of ninth May, eighteen hundred and thirty-six..... 3,820 00

For compensation to the surveyor general of Arkansas.....	\$2,000 00	jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, incurred in the year eighteen hundred and thirty-nine and preceding years; and likewise, for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States, and for the safe-keeping of prisoners, in addition to former appropriations.....	\$128,000 00	For alteration and repairs of the Capitol, and incidental expenses.....	\$1,198 00
For compensation of clerks in the office of said surveyor general.....	2,800 00	For the payment of pensions granted by special acts of Congress.....	1,050 00	For lighting lamps, and keeping in order the public grounds around the Capitol, the iron water pipes, and wooden fences.....	6,306 00
For compensation of the surveyor general of Louisiana.....	2,000 00	For the support and maintenance of light-houses, floating lights, beacons, buoys, and stakages, including the purchase of lamps, oils, keepers' salaries, repairs, improvements, and contingent expenses.....	394,331 00	For attendance on the western gates of the Capitol.....	547 50
For compensation of clerks in the office of said surveyor general, per acts of ninth May, eighteen hundred and thirty-six.....	2,500 00	For survey of the coast of the United States, including the compensation of the superintendent and assistants.....	90,000 00	For removing a light house on Goat Island, being the balance of former appropriations carried to the surplus fund.....	8,706 75
For compensation of the surveyor general of Mississippi.....	2,000 00	For the compensation to two keepers of the public archives in Florida.....	1,000 00	For deepening the straight channel of the east pass to Apalachicola, Florida, being the balance of an appropriation transferred to this improvement, and since carried to the surplus fund.....	9,900 00
For compensation of clerks in the office of said surveyor general, per acts of ninth May, eighteen hundred and thirty-six.....	5,000 00	For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall be admitted in due course of settlement at the Treasury.....	12,000 00	For improving the harbor of Saybrook, by removing the bar at the mouth of Connecticut river, being the balance of an appropriation carried to the surplus fund.....	15,710 00
For compensation of the surveyor general of Alabama.....	2,000 00	For salaries of ministers of the United States to Great Britain, France, Spain, Russia, Prussia, and Austria.....	54,000 00	For an outfit of a chargé d'affaires to Holland.....	4,500 00
For compensation of clerks in the office of said surveyor general, per acts of ninth May, eighteen hundred and thirty-six.....	2,200 00	For salaries of the secretaries of legation to the same places.....	12,000 00	For completing the warehouse at Baltimore.....	30,000 00
For compensation of the surveyor general of Florida.....	2,000 00	For salaries of the charges des affaires to Portugal, Denmark, Sweden, Holland, Belgium, Brazil, Chili, Peru, Central America, New Granada, Venezuela, Texas, and Naples, including an allowance to the chargé d'affaires to Texas of one thousand two hundred and eighty-four dollars.....	59,784 00	For balance due on account of the first volume of the Documentary History of the United States.....	5,602 00
For compensation of clerks in the office of said surveyor general.....	3,500 00	For salary of a minister resident of the United States to Turkey.....	6,000 00	For the balance due H. Randall for a lot of ground upon which the engine-house of the Union Fire Company has been erected.....	300 00
For compensation of the surveyor general of Wisconsin, and of the clerks in his office, per act of twelfth June, eighteen hundred and thirty-eight.....	3,100 00	For salary of the dragoman, and for contingent expenses of the legation to Turkey.....	6,500 00	For surveying the public lands in the State of Illinois, and for surveys not yet completed.....	12,000 00
For extra clerks and draughtsmen in the offices of the surveyors general, to be apportioned according to the exigencies of the service.....	8,000 00	For contingent expenses of all the missions abroad.....	30,000 00	For repairs of the custom-house at Key West.....	1,625 00
For extra clerks to transcribe field-notes of survey, for the purpose of having them preserved at the seat of Government, to be expended in case fire-proof vaults are not furnished for their preservation, at the following offices, viz:		For salaries of the consuls of the United States at London and Paris.....	4,000 00	For the third payment to Luigi Persico, under the contract with him for a group of statues for the Capitol.....	4,000 00
Of the surveyor general northwest of the Ohio.....	4,500 00	For expenses of intercourse with the Barbary Powers.....	17,400 00	For the third payment to the artists engaged in executing paintings for the rotundo of the Capitol.....	8,000 00
Of the surveyor general of Illinois and Missouri.....	3,880 00	For the relief and protection of American seamen in foreign countries.....	40,000 00	For engraving a chart of the bay and harbor of New York.....	5,000 00
Of the surveyor general of Arkansas.....	3,030 00	For the contingent expenses of foreign intercourse.....	25,000 00	For paying the clerks in the custom-house at Philadelphia the arrears of their salaries from eighteen hundred and thirty-two to eighteen hundred and thirty-seven, so as to make the same equal to what they received in the last mentioned year, on the same principle that has been applied at New York.....	15,000 00
Of the surveyor general of Louisiana.....	4,500 00	For clerk hire, office rent, stationery and other expenses in the office of the American consul in London, per act of nineteenth January, eighteen hundred and thirty-six.....	2,800 00	For procuring such books and papers relating to Spanish grants of land, formerly belonging to the late Spanish surveyors in the Territories of Orleans and Florida, as may be useful to protect the interests of the United States, and to be expended only with the approbation of the Secretaries of the State and Treasury Departments, after an inspection and examination of said books and papers by a competent person or persons, at the General Land Office.....	20,000 00
Of the surveyor general of Mississippi.....	4,290 00	For interpreters, guards, and other expenses incidental to the consulates in the Turkish dominions.....	5,500 00	For the support of the United States Penitentiary in the city of Washington for the year eighteen hundred and thirty-nine, including the pay of officers and agents, rations, clothing, beds, bedding, hospital stores and medicines, repairs to buildings, fuel, raw materials to be worked up, allowance to discharged convicts, and other contingencies, as per estimate of board of inspectors.....	12,537 36
Of the surveyor general of Wisconsin.....	3,900 00	For salary of the principal and two assistant librarians, pay of the messenger, and for contingent expenses of the library.....	3,950 20	For the survey of the southern boundary of the Territory of Iowa.....	969 05
For compensation to the Commissioner of Public Buildings in Washington.....	2,300 00	For the purchase of books for the Library of Congress.....	5,000 00	For the survey of the public lands north of the Wisconsin and Neenah rivers, in Wisconsin, for three new cupolas over the Library of Congress.....	5,000 00
For compensation to three assistants to the Commissioner, as superintendent of the Potomac bridge, and for the expense of oil for lamps.....	1,950 00	For stationery, fuel, printing, and all other contingent expenses of the Senate, in addition to former appropriations.....	40,000 00	For branch pipes and stop-cocks to water the Capitol grounds.....	350 30
For compensation to officers and clerks of the Mint.....	20,400 00	For stationery, fuel, printing, and all other contingent expenses of the House of Representatives, in addition to former appropriations.....	100,000 00	For repairing the water-pipes from the Tiber, north of the Capitol, to the Capitol.....	500 00
For pay of laborers in the various departments of the Mint, and for contingent expenses.....	23,000 00	For salary of the principal gardener.....	1,200 00	For compensating Charles Gordon for services rendered under the resolutions of the Senate of the second of July, eighteen hundred and thirty-six, and the twenty-eighth of June, eighteen hundred and thirty-eight.....	1,800 00
For incidental and contingent expenses, including the wastage of gold and silver, fuel, materials, stationery, water-rent, and taxes.....	18,000 00	For alterations and repairs of the President's house and furniture, and for superintendence of the grounds.....	3,465 00	For completing the special repairs heretofore proposed in the President's house, including a deficiency in a former appropriation.....	1,511 22
For new machinery.....	3,000 00	For preparing, printing, and binding documents ordered by the resolutions of the Senate of the second of July, eighteen hundred and thirty-six, and second of March, eighteen hundred and thirty-seven, relating to the establishment of the seat of Government; plans and surveys for the improvement of harbors and rivers, roads, and canals, to be disbursed under the direction of the Committee to Audit and Control the Contingent Expenses of the Senate.....	15,000 00	For the purchase of two fire-engines for the Capitol, the Marine Barracks, and the Navy-Yard, including apparatus, and for suction and hose for the Perseverance Fire Company.....	10,100 00
For specimens of ores and coins to be reserved at the Mint.....	1,000 00	For expenses arising under the act for the relief of certain insolvent debtors of the United States.....	3,000 00	For the service of the General Post Office for the year eighteen hundred and thirty-nine, in conformity to the act of the second of July, eighteen hundred and thirty-six, viz:	
For compensation to the officers and clerk of the branch mint at Charlotte, North Carolina.....	6,000 00	For an appropriation carried to the surplus fund on the thirty-first of December, eighteen hundred and thirty-six, for a brick wall around the custom house at New Orleans.....	5,500 00	For the transportation of the mails.....	\$3,529,000
For pay of laborers in the various departments of the same.....	3,600 00	For completing the marine hospital at Mobile.....	15,000 00	For compensation of postmasters.....	1,091,000
For wastage of gold, and for contingent expenses of the same.....	5,100 00	For an appropriation carried to the surplus fund on the thirty-first of December, eighteen hundred and thirty-seven, for the repair of the pier and wharves of the public stores on Staten Island.....	2,313 75	For ship, steamboat, and way letters.....	35,000
For compensation to the officers and clerk of the branch mint at Dahlonega, Georgia.....	6,000 00	For constructing the custom house at Boston.....	75,000 00	For wrapping paper.....	25,000
For pay of laborers in the various departments of the same.....	3,800 00	For constructing the custom house at New York.....	150,000 00	For office furniture.....	6,000
For wastage of gold and for contingent expenses of the same.....	4,100 00	For furnishing one hundred and fifty-six rooms in the new Treasury building, including one thousand dollars for shelves and cases in the various rooms occupied by the Register.....	16,600 00	For advertising.....	38,000
For the compensation to the officers and clerks of the branch mint at New Orleans.....	12,900 00	For carrying into effect the acts relating to the Smithsonian legacy, to be paid out of the fund arising from that legacy.....	10,000 00	For mail bags.....	48,000
For pay of laborers in the various departments of the same.....	22,000 00	For surveying the public lands, in addition to the unexpended balance of former appropriations.....	15,000 00	For blanks.....	34,000
For wastage of gold and silver, and for contingent expenses of the same.....	17,100 00	For surveying the public lands in Louisiana, at a rate not exceeding eight dollars per mile, in addition to the special appropriation for this purpose per act of third of March, eighteen hundred and thirty-seven.....	15,000 00	For mail locks, keys, and stamps.....	12,000
For compensation of the Governor, Judges, and Secretary of Wisconsin Territory.....	9,100 00	For the construction of the Post Office.....	150,000 00	For mail deprecations and special agents.....	15,000
For contingent expenses, pay, and mileage of the members of the Legislative Assembly, pay of officers of the Council, printing, furniture, stationery, fuel, and other incidental expenses.....	25,000 00	For the construction of the new Treasury building.....	100,000 00	For clerks for offices.....	200,000
For compensation of the Governor, Judges, and Secretary of the Territory of Florida.....	14,370 00	For the construction of the Patent Office.....	50,000 00	For miscellaneous.....	67,000
For contingent expenses, pay, and mileage of the members of the Legislative Council of said Territory, pay of the officers of the Council, printing, furniture, rent, stationery, fuel, and other incidental expenses.....	28,215 00				
For compensation to the Governor, Judges, and Secretary of the Territory of Iowa.....	8,200 00				
For contingent expenses, pay, and mileage of the Legislative Assembly, pay of officers, printing, furniture, stationery, fuel, and all other incidental expenses, including an arrearage of sixteen thousand three hundred and fifty-four dollars, for eighteen hundred and thirty-eight.....	37,104 00				
For compensation to the Chief Justice, the associate judges, and district judges of the United States.....	93,900 00				
For compensation to the Chief Justice and associate judges of the District of Columbia, and of the judges of the criminal and orphan's courts of said District.....	12,700 00				
For compensation to the Attorney General of the United States.....	4,000 00				
For compensation of clerk and messenger in the office of the Attorney General.....	1,200 00				
For contingent expenses of said office.....	500 00				
For compensation to the reporter of the decisions of the Supreme Court.....	1,000 00				
For compensation to the district attorneys and marshals, as granted by law, including those in the several Territories, and arrearages.....	14,842 00				
For defraying the expenses of the Supreme Court and the district courts of the United States, including the District of Columbia; also, for					

## H. R. No. 1176.

For outfit and salary for a special minister to Great Britain..... 18,000 00

## H. R. No. 1146.

For the erection of a jail in the city of Washington..... 31,000 00

## H. R. No. 1138.

For taking the sixth census or enumeration of the inhabitants of the United States..... 20,000 00

# THE CONGRESSIONAL GLOBE.

PRINTED AND PUBLISHED AT THE CITY OF WASHINGTON, BY BLAIR & RIVES.

25TH CONGRESS, 3D SESSION.

MONDAY, MARCH 4, 1839.

VOL. 7.....No. 16.

## H. R. No. 975.

For carrying into effect the convention between the United States of America and the Republic of Texas for marking the boundary between them..... \$2,000 00  
For the salary of the commissioner..... 2,000 00  
For the salary of the surveyor..... 1,200 00  
For the salary of the clerk.....  
Provided, That the salaries of the said officers shall not commence until they shall be ordered into service.  
For other expenses of the survey of boundary required by said convention, including the purchase of instruments, wages to persons employed, and other contingencies..... 10,000 00

## H. R. No. 1061.

For the construction of a road from Dubuque, in the Territory of Iowa, to the northern boundary of the State of Missouri..... 20,000 00  
To pay the expense of a survey of Red Cedar creek, and an estimate, with a view to the improvement of the navigation thereof..... 1,500 00  
For the opening and construction of a road from Burlington towards the seat of the Indian agency on the river Des Moines..... 5,000 00  
For the improvement of the road from Burlington, in the Territory of Iowa, to De Hagues, in Illinois..... 2,500 00

## H. R. No. 1081.

For the erection of public buildings in the Territory of Florida..... 20,000 00

## H. R. No. 1097.

For building a pier at the northern extremity of Winnebago lake, in the Territory of Wisconsin..... 500 00  
For placing buoys at the mouth of Neenah river, at the head of Great bay, in said Territory, to mark the channel thereof..... 500 00

## H. R. No. 1131.

For the further survey and an estimate of the cost of improving the navigation of the Fox and Wisconsin rivers, and connecting the same by a navigable canal or water communication.... 2,000 00  
For the construction of a road from Racine, by Janesville, to Sinipee, on the Mississippi..... 10,000 00  
For the survey and construction of a road from Snuk harbor, on Lake Michigan, to Dekorrie, on the Wisconsin river..... 5,000 00  
For the construction of a road from Fond du Lac, on Lake Winnebago, by Fox lake, to the Wisconsin river..... 5,000 00

## H. R. No. 1136.

For the removal of obstructions at the mouth of the Suwannee river, and for the survey of the same river..... 15,000 00  
For the survey of the Yellow river, Florida..... 500 00  
For the repair of the road from Jacksonville to Newnansville, Florida..... 5,000 00  
For the construction of a road from Jacksonville to St. Mary's, Florida..... 7,500 00

## S. No. 35.

For the support of the penitentiary in the District of Columbia..... 8,689 40  
\$9,010,081 57

By the act (H. R. No. 887) making appropriations for the support of the Army for the year eighteen hundred and thirty-nine.

For the pay of the Army..... \$1,534,832 00  
For the subsistence of officers..... 470,754 00  
For forage of officers' horses..... 111,115 00  
For payments in lieu of clothing to discharged soldiers, and to officers in lieu of clothing for their servants..... 50,400 00  
For subsistence, exclusive of that of officers..... 1,122,831 00  
For clothing of the Army, camp and garrison equipage, cooking utensils, and hospital furniture..... 473,435 00  
For the medical and hospital department..... 24,400 00  
For the regular supplies furnished by the quartermaster's department, consisting of fuel, forage, straw, stationery, and printing..... 245,500 00  
For barracks, quarters, store-houses, embracing the repairs and enlargement of barracks, quarters, store houses, and hospitals at the several posts; the erection of temporary cantonments at such posts as shall be occupied during the year, and of gun-houses for the protection of the cannon at the forts on the sea-board; the purchase of the necessary tools and materials for the objects wanted, and of the authorized furniture for the barrack-rooms; rent of quarters for officers; of barracks for troops at posts where there are no public buildings for their accommodation; of store-houses for the safe-keeping of subsistence, clothing, and other

military supplies; and of grounds for summer cantonments, encampments, and military practice..... \$100,000 00  
For allowance made to officers for the transportation of their baggage, when traveling on duty without troops..... 60,000 00  
For the transportation of troops and supplies..... 205,000 00  
For the incidental expenses of the Quartermaster's department..... 102,000 00  
For contingencies of the Army..... 7,000 00  
For two months' extra pay to reenlisted soldiers, and for the contingent expenses of the recruiting service..... 30,927 00  
For the national armories..... 360,000 00  
For the armament of the fortifications..... 100,000 00  
For the current expenses of the Ordnance service..... 100,000 00  
For ordnance, ordnance stores, and supplies..... 120,000 00  
For arsenals..... 150,000 00  
For new machinery at the Springfield armory..... 20,000 00  
For the purchase of land at the Alleghany and Watertown arsenals..... 3,500 00  
For the expense of preparing drawings of a uniform system of artillery, and for other supplies in the ordnance department..... 3,800 00  
For arrearages prior to the first of July, eighteen hundred and fifteen, per act of the first of May, eighteen hundred and twenty, payable through the Third Auditor's office..... 3,000 00  
For surveying and opening of the western frontier military road, being the balance of an appropriation carried to the surplus fund..... 52,125 67  
For the preservation of Castle Island, and repairs of Fort Independence, at Boston..... 25,000 00  
For Fort Warren, at Boston..... 40,000 00  
For Fort Adams, at Newport..... 10,000 00  
For the fort at New London harbor..... 5,000 00  
For Fort Schuyler, at New York..... 10,000 00  
For repairs of Castle William and Fort Columbus and officers' quarters, at New York..... 2,000 00  
For Fort Delaware..... 10,000 00  
For Fort Monroe..... 10,000 00  
For Fort Calhoun..... 15,000 00  
For Fort Caswell..... 5,000 00  
For fortification in Charleston harbor, South Carolina, and for the preservation of the site of Fort Moultrie..... 10,000 00  
For Fort Pulaski, at Savannah..... 15,000 00  
For Fort Marion, and sea-wall at St. Augustine, for fort on Foster's bank, Pensacola..... 5,000 00  
For contingencies of fortifications..... 10,000 00  
For incidental expenses attending the repairs of fortifications, and for the purchase of additional land in the neighborhood..... 50,000 00  
For fort at Grand Terre, being the amount of a former appropriation carried to the surplus fund..... 15,000 00  
For the preservation and repair of Fort Niagara, for repairing and rebuilding the old fort at Oswego, including the construction of the necessary barracks..... 20,000 00  
For barracks and other buildings at Sackett's Harbor..... 10,000 00  
For barracks and other buildings at Plattsburg..... 20,000 00  
For construction of barracks, quarters, store-houses, hospitals, and stables, and the necessary defenses of the posts it may be deemed proper to establish for the better protection of the western frontier..... 80,000 00  
For the support of the Military Academy for the year eighteen hundred and thirty-nine, viz:  
For pay of officers, cadets, and musicians..... 59,928 00  
For subsistence of officers and cadets..... 40,004 00  
For forage of officers' horses..... 3,936 00  
For clothing of officers' servants..... 390 00  
For defraying the expenses of the Board of Visitors at West Point..... 2,000 00  
For fuel, forage, stationery, printing, transportation, and postage..... 12,581 45  
For repairs, improvements, and expenses of buildings, grounds, roads, wharves, boats, and fences..... 7,221 60  
For pay of adjutant's and quartermaster's clerks..... 950 00  
For increase and expenses of the library..... 1,000 00  
For miscellaneous items and incidental expenses..... 731 50  
For the department of engineering..... 300 00  
For the department of philosophy..... 1,200 00  
For the department of mathematics..... 97 54  
For the department of chemistry..... 827 50  
For the department of drawing..... 285 00  
For the department of tactics..... 360 00  
For the department of artillery..... 275 00  
For a reservoir..... 3,118 00  
For two fire engines, with hose complete..... 1,900 00  
For the completion of the buildings for the library, and the engineering, philosophical, and chemical departments, in addition to the appropriation of eighteen hundred and thirty-eight..... 16,649 50  
For payment to the Missouri volunteers, whose horses were lost or cast away at sea, or which perished and died in consequence of suffering at sea, in the voyage from New Orleans to Tampa bay, in the year eighteen hundred and thirty-seven..... 35,000 00

## H. R. No. 892.

For the protection of the northern and north-western frontier of the United States..... 500,000 00

## H. R. No. 1176.

For the defense of the United States, in certain cases, against invasion..... \$10,000,000 00

## H. R. No. 469.

For paying three companies of militia in the State of Indiana, called into the service of the United States..... 1,578 89  
\$16,556,253 65

By the act (H. R. No. 896) making appropriations for the naval service for the year eighteen hundred and thirty-nine:

For pay of commissioned, warrant, and petty officers, and of seamen..... \$2,352,625 64  
For pay of superintendents, naval constructors, and all the civil establishments at the several yards..... 44,000 00  
For provisions..... 600,000 00  
For repairs of vessels in ordinary, and the repairs and wear and tear of vessels in commission..... 1,000,000 00  
For medicines and surgical instruments, hospital stores, and other expenses on account of the sick..... 75,000 00  
For improvement and necessary repairs of the navy-yard at Portsmouth, New Hampshire..... 30,000 00  
For improvement and necessary repairs of the navy-yard at Charlestown, Massachusetts..... 26,000 00  
For improvement and necessary repairs of the navy-yard at Brooklyn, New York..... 7,500 00  
For improvement and necessary repairs of the navy-yard at Philadelphia, Pennsylvania..... 8,000 00  
For improvement and necessary repairs of the navy-yard at Washington..... 26,000 00  
For improvement and necessary repairs of the navy-yard at Gosport, Virginia..... 64,000 00  
For improvement and necessary repairs of the navy-yard near Pensacola..... 25,000 00  
For ordnance and ordnance stores..... 65,000 00  
For defraying the expenses that may accrue for the following purposes: For the freight and transportation of materials and stores of every description; for wharfrage and dockage; storage and rent; traveling expenses of officers and transportation of seamen; house rent for purgers when attached to yards and stations where no house is provided; for funeral expenses; for commissions, clerk hire, office rent, stationery, and fuel to navy agents; for premiums and incidental expenses of recruiting; for apprehending deserters; for compensation to judges advocate; for per diem allowance to persons attending courts-martial and courts of inquiry; for printing and stationery of every description, and for working the lithographic press; and for books, maps, charts, mathematical and nautical instruments, chronometers, models, and drawings; for the purchase and repair of fire engines and machinery, and for the repair of steam engines in navy-yards; for the purchase and maintenance of oxen and horses, and for carts, timber-wheels, and workmen's tools of every description; for postage of letters on public service; for pilotage and towing ships of war; for taxes and assessments on public property; for assistance rendered to vessels in distress; for incidental labor at navy-yards, not applicable to any other appropriation; for coal and other fuel, and for candles and oil for the use of navy-yards and shore stations; for repairs of magazines or powder houses; and for no other purpose whatever..... 450,000 00  
For contingent expenses for objects not herein-before enumerated..... 3,000 00  
For pay of the officers, non-commissioned officers, musicians, and privates, and subsistence of the officers of the marine corps..... 174,300 00  
For provisions for the non-commissioned officers, musicians, and privates serving on shore, servants, and washerwomen..... 45,050 00  
For clothing..... 43,660 00  
For fuel..... 16,370 00  
For keeping the present barracks in repair until new ones can be erected, and for the rent of temporary barracks at New York..... 10,000 00  
For the transportation of officers, non-commissioned officers, musicians, and privates, and expenses of recruiting..... 6,000 00  
For medicines, hospital stores, surgical instruments, and pay of matron..... 4,139 00  
For contingent expenses of said corps..... 17,977 00  
For military stores, pay of amoners, keeping arms in repair, drums, lites, flags, accouterments, and ordnance stores..... 2,000 00  
For completing the hospital at New York..... 20,000 00  
For conveying Schenckkill water to the naval asylum at Philadelphia, and for all necessary repairs..... 9,760 00  
For current expenses of the hospital and its dependencies, near Norfolk..... 1,500 00  
For completing the hospital buildings at Pensacola, and building a wharf for landing the sick..... 4,000 00

\$5,130,781 64



For the transportation of the militia or volunteers while marching to and from the scene of operations..... 30,000 00

For miscellaneous expenses of all kinds, not embraced under the foregoing heads, and which, from their contingent character, cannot be specified..... 400,000 00

For accoutrements and arms for infantry and cavalry, including militia infantry and cavalry, ammunition for men and field artillery, and repairs of arms, and for contingencies..... 71,000 00

For the pay of such militia-men and volunteers as may have been or may be called into the service of the United States..... 114,315 00

For the purchase and maintaining in active service three vessels of light draught of water, to cruise along the coast of Florida, for the protection of the lives and property of the citizens..... 50,000 00

For paying the value of the horses and equipage of the Tennessee and other volunteers who have at any time been in the service of the United States in the Territory of Florida, and which were turned over to the Government by order of the commanding general or other

commanding officer; said value to be ascertained by the appraisement of said value when the volunteers entered the service..... 52,000 00

\$1,856,774 00

**By the act (S. No. 256) to promote the progress of the useful arts.**

For two assistant examiners, each to receive an annual salary of one thousand two hundred and fifty dollars..... \$2,500 00

For publishing a classified and alphabetical list of patents..... 1,000 00

To pay for the use and occupation of rooms in the City Hall by the Patent Office..... 3,659 22

For the purchase of necessary books for the library of the Patent Office..... 1,000 00

For the collection of agricultural statistics, and for other agricultural purposes..... 1,000 00

To the chief justice of the district court for services in relation to the Patent Office..... 100 00

\$9,259 22

*House of Representatives.*

Private claims\*.....\$31,965 73

*Senate.*

Private claims..... 13,099 54

\$45,065 27

**RECAPITULATION.**

Civil and diplomatic .....\$9,010,061 57

Army, fortifications, and Military Academy.. 16,556,253 65

Navy ..... 5,130,781 64

Revolutionary and other pensioners..... 2,499,020 15

Current expenses of the Indian department.. 1,755,007 28

Preventing and suppressing Indian hostilities, 1,856,774 00

To promote the progress of the useful arts... 9,259 22

Private claims..... 45,065 27

\$36,862,242 78

\* Several acts were passed for the settlement of private claims; but as the amounts are to be ascertained by settlement by the accounting officers, the aggregate cannot be carried out in this statement.



# APPENDIX

## TO THE CONGRESSIONAL GLOBE.

25TH CONG....3D SESS.

Report of the Secretary of War.

SENATE & HO. OF REPS.

### Report of the Secretary of War.

WAR DEPARTMENT, }  
November 28, 1838. }

SIR: I have the honor to submit to you the following report upon the several branches of the public service confided to the superintendence of the War Department.

The provisions of Congress for the increase and organization of the army have been carried into execution, as far as the limited time since the passage of the act, and the circumstances of the country, would permit. The eighth regiment of infantry, authorized by law, has been raised, officered, and equipped for the field, as have four additional companies of artillery. The staff of the army has been completed in every department, according to the intentions of Congress, and will form a most efficient branch of the service. In execution of the law of March 2, 1821, which says "That each regiment of artillery shall consist of one colonel, one lieutenant colonel, one major, one sergeant major, one quartermaster sergeant, and nine companies, one of which shall be designated 'and equipped as light artillery,'" I have caused one company of artillery to be mounted, and armed with their appropriate arm. It is very desirable that the intentions of this provision of the law, which have been so long postponed, should be carried into effect without further delay; and I would recommend that this description of force, so important in the composition of an army, and so efficient in the field, be increased by separating two companies from each regiment of artillery, and forming with them two battalions of light artillery, one to be stationed in the western, and the other in the eastern division of the army.

The only additional increase of the army attending this arrangement, which is calculated to add very considerably to its effective strength, will be that of the field officers of the battalions.

The army has been actively and usefully employed, as will be seen from the report of the Commanding General, partly on the southwestern and northern frontiers, and partly in the Cherokee country. With a view to render it more efficient, I would recommend that the places and manner of quartering and stationing the troops in time of peace be changed. Scattered in small detachments and distant posts, it would be impracticable to unite any part of it in sufficient strength to make an effective resistance upon any one point of either frontier; and equally so to impart to them that discipline and skill in military maneuvers which they will have to practice in time of war, and which will enable them to meet an enemy in the field on equal terms. The object of our fortresses is to defend our harbors, and to arrest the first progress of an enemy's arms; and this may be effected by small garrisons of regular troops, aided by a well-trained militia. Our militia, covered by works and fortifications, have proved themselves, from their dexterity in firing, to be superior to the best European troops; but it cannot stand against them in the field, from its want of instruction and military organization. If, therefore, the army is

to remain shut up in fortresses, and militia to be depended upon to march to their relief, in case of invasion, we fail to avail ourselves of the advantages that may be derived from the different qualities of these troops. In the present state of the art of war, no fortress is impregnable, and each in its turn would be forced to yield, if attacked, unless there was an army ready to march to its relief; for the militia, although perfectly competent to defend the forts, would be found incapable of contending with disciplined troops in the field, or of storming an intrenched camp. My object would be, therefore, so to station the troops, that they should form a center around which the militia may rally, and the combined forces march to the relief of any point that may be menaced or attacked. The points which appear to me best calculated for such stations as are here indicated, are, in the State of New York, on Lake Champlain, whence troops may be moved with facility towards the northern or eastern frontier, and to protect the sea-board. In Pennsylvania, at Carlisle, where exist already good barracks, and from whence troops may be moved rapidly upon any point of the coast north of the Chesapeake. In the State of South Carolina or Georgia, not far from the head waters of the Savannah river, a commanding position may be occupied, from whence troops might be transported to any point between the Chesapeake and Florida, with nearly equal expedition. The fourth station I would recommend is Jefferson barracks, a central post as regards the southwestern frontier, Louisiana, and all the western States; presenting extensive lines of water communication, which greatly facilitate the movements of the troops upon any point of the western division. These stations, supplied with a competent regular force, and, when the occasion requires it, augmented by the hardy militia collected from the neighboring States, would be able to contend successfully with any force that could be sent against this country; whilst small garrisons of regulars, aided by the volunteers and militia of the maritime and inland frontiers, might occupy the forts and defend them until the *corps d'armée* nearest the point attacked could march to their relief. In no other way can an extensive line of frontier, like that of the United States, be defended by a small army such as ours. To carry this measure into effect, it will be necessary to ask of Congress an appropriation for the purpose of erecting and extending the accommodations for the troops at the points indicated.

The sparse population of the western frontier and the number, character, and proximity of the enemy we have to guard against in that quarter, will require that the garrisons of the several posts should be stronger than on the maritime or northern and eastern frontiers; and it is respectfully recommended that the measures proposed by the Department for the defense of that frontier, the last year, should be persisted in. It is to be regretted that those measures were not sanctioned by Congress at its last session. The law of the 2d July, 1836, is in progress of execution, and every exertion has been made to meet the wishes of the framers of it. The survey of the whole line of road has been made, and part of it under contract.

I should not, however, discharge my duty as the officer charged with this branch of the public service, if I refrained from reiterating my opinion, that the plan proposed by that law would not only be inefficient, but, if carried out to its full extent, would produce immediate hostilities with the Indian tribes on that frontier. So confident am I that the withdrawal of the garrison from Fort Gibson would be the signal of an outbreak on the part of the Indians, that I have ventured to suspend the execution of that part of the law until an opportunity could be given to Congress to reconsider that order; and would respectfully suggest that the position of the posts, the direction of the lines of communication, and all the details relating to the defenses of the frontiers, should be left to that department of the Government which is responsible for the peace and defense of the country. I will briefly recapitulate the plan of defense proposed by me, in order to bring it again to the notice of Congress, with an expression of my conviction that, if adopted, it will prove effectual for the protection of the settlement on that frontier, and will impose such a restraint upon the Indians as to keep them quiet and peaceable, as well as to enable the authorities of the United States fully to comply with their treaty stipulations with those tribes, and protect them against intrusion from the whites.

I propose that the existing fortresses within the Indian territory should be enlarged and strengthened, and others erected at the Illinois river, near the line of the State of Arkansas; at Table creek, near the Missouri river, below the Platte; and at the upper forks of the Des Moines; these stations to be connected by good roads, perpendicular to the line of defense, and connecting it with an interior line of posts to be established at convenient points, to serve as places of refuge for the inhabitants in periods of alarm or danger, where they could remain in safety until relieved by the regular troops. This, with some additional depots of arms at points judiciously selected, and a good organization of the neighboring militia, would furnish ample security and protection to the bordering States. The works on the exterior line, especially, should be built of permanent materials, and in a manner to insure the health and comfort of the soldier, and to be defended by a small garrison.

In order to maintain these remote posts at the least possible expense, as well as to secure permanent and seasonable supplies, I would recommend that a farm be attached to each of them, to be worked by a given number of laborers, under a competent superintendent, with the assistance of the soldiers at seed-time and harvest. For this purpose it will be necessary to have the authority of Congress to hire the necessary number of laborers, it having been found by experience that the constant employment of soldiers in the cultivation of the soil is incompatible with discipline or the acquisition of military skill. They may, however, be made very useful at particular seasons of the year, without any detriment to the service.

I have seen no reason to change my views as to the proper organization of a militia or volunteer

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force, to serve as auxiliaries to the system proposed for the defense of the maritime and inland frontiers. It would, doubtless, be desirable to adopt some uniform system of organization, which would render effective the whole militia of the United States; but no plan has yet been suggested that can be carried into effect throughout the whole of our extensive country. That which appears to present the greatest advantages, and has been frequently pressed upon the attention of Congress by my predecessors in office, appears to me to be only applicable to the thickly-settled portions of our country; for if it were attempted to divide the militia into classes in some parts of our southern country and on our borders, where their services are most likely to be required, it would be found difficult to assemble a single company of the junior class within a space of one hundred miles. It is to be feared that the whole militia of the United States will be found too unwieldy a body to be successfully organized at once by any plan that can be devised; and for some time to come it had better be left to the direction of the several States, adopting only a uniform armament and uniform drill, until a system be introduced on the frontiers which may be gradually extended over the whole country. A commencement may be made by enrolling twenty thousand men, taken from among the inhabitants and settlers of the frontier and the country around the permanent stations in the interior. Six consecutive days in the year would be sufficient for their drill, provided the commissioned and non-commissioned officers be assembled for instruction at the nearest military post for the term of thirty days in the year. During the time the privates and officers are in service, they should receive the pay and rations of soldiers and officers of the army of the same grade respectively. These forces would not be withdrawn from the States where they are raised, and may be called into service by the Governors, upon the requisition of the President. In this manner would be formed a well-disciplined body of militia, capable of acting as an auxiliary force both to the regulars stationed in the four posts above designated, and to the garrisons stationed in the maritime and frontier fortresses, and a system commenced, which, if it work well, may gradually be extended so as to embrace the whole militia of the United States.

A considerable portion of the troops have been employed in Florida under that indefatigable and zealous officer, General Taylor. Engaged in a harassing service during the sickly season of that unhealthy climate, they have displayed a spirit of enduring courage and perseverance highly creditable to the American soldier. The theater of this war is a country of dense forests, swamps, and morasses; the enemy active, subtle, cruel, and invisible; and the mode of warfare one of pursuit, by following the track of an unseen foe. It is, in short, a contest entirely devoid of all the incentives which usually repay the soldier for the toils, privations, and dangers to which his duty exposes him. But the Government has no alternative. The Indians must be expelled from Florida, and the army will make any sacrifice that is required to protect the inhabitants of that Territory from these ruthless savages, and to maintain, untarnished, the honor of their arms. During the past summer, profiting by the unhealthiness of the season, the Indians made several incursions into the settlements, committing the most cruel murders, and, as is usual with them, sparing neither age nor sex. They attacked the light-houses, and murdered the crews of the vessels which were unfortunately driven on shore, and wrecked on that dangerous coast. The necessary protection due by the Government to the commerce of the country, and to the citizens of Florida, demands that the utmost exertions be made to drive these merciless savages from a country which they have so cruelly afflicted. No pains will be spared to effect this object, but it does not appear that the means hitherto adopted are calculated to do so. A vigorous effort was made last year with a formidable force of regular troops and mounted volunteers. Every scheme was tried that a skillful and vigilant commander could devise, and that brave and active soldiers could execute. The morasses were traversed; the forests

and swamps penetrated in every direction; the Indians beaten whenever they could be overtaken, and many of them forced to surrender, who were afterwards sent out of the country; but still, as soon as the sickly season set in, it was found that some of these savages had eluded the vigilance of our troops, gained their rear, and penetrated into the heart of the settlements, where their presence was first discovered by the murders they committed and the barbarous cruelties they perpetrated upon the aged and helpless. They were enabled to effect their bloody purposes only by the unsettled state of the country through which they passed. When this war first broke out, the Indians destroyed all the frontier settlements, and the inhabitants beyond them in the interior abandoned their homes, and were either received into the service or supported at the expense of the Government. A valuable and fertile portion of the Territory became a wilderness, through which the Indians wandered like wild beasts seeking their prey. Had these people been compelled to remain; to picket their houses; to arm themselves, and form associations for the mutual protection of their firesides, we should have been spared the recital of Indian murders and devastations. This is what is now proposed to be done. General Taylor has been directed to invite the settlers to return to their homes; to receive them, when there, into the service; to cause them to surround their houses with stout pickets; to organize them into battalions for mutual defense; a part of them to be kept under arms, while others are employed in cultivating their farms. No doubt this arrangement will aid in protecting the country from the inroads of the savages; but the farms which will be so occupied will be too sparse to form an impenetrable barrier to the Indians; and it is respectfully recommended that a portion of land, selected by the officers of the Government, should be granted to such settlers as will bind themselves to settle on it, and to cultivate and defend it under such regulations as shall be made by the Executive.

That portion of the army employed in the very important and delicate operation of removing the Cherokees, has acted throughout with the activity and zeal which distinguish this branch of the public service. The generous and enlightened policy evinced in the measures adopted by Congress towards that people, during the last session, was ably and judiciously carried into effect by the General appointed to conduct their removal; and his orders were executed, both by the regular troops and the volunteers, in every instance, with promptness and praiseworthy humanity. The reluctance of the Indians to relinquish the land of their birth in the east, and remove to their new homes in the west, was entirely overcome by the judicious conduct of that officer, and they departed with alacrity under the guidance of their own chiefs. The arrangements for this purpose, made by General Scott, in compliance with his previous instructions, although somewhat costly to the Indians themselves, met the entire approbation of the Department, as it was deemed of the last importance that the Cherokees should remove to the west voluntarily, and that, on their arrival at the place of their ultimate destination, they should recur to the manner in which they had been treated with kind and grateful feelings. Humanity, no less than sound policy, dictated this course towards these children of the forest; and in carrying out, in this instance, with an unwavering hand, the measures resolved upon by the Government in the hope of preserving the Indians, and of maintaining the peace and tranquillity of the whites, it will always be gratifying to reflect that this has been effected, not only without violence, but with every proper regard for the feelings and interests of that people. The unprecedented drought which afflicted that part of the country during the past season compelled the General to postpone the period of departure of the Indians until very lately; but since they have been on their march, the most satisfactory intelligence has reached the Department of their progress, and of the good order with which, under the direction of their own chiefs, the parties are advancing towards their permanent homes.

The peaceful execution of the removal of the

Cherokees has been interrupted by the treacherous conduct of a few warriors, who had fled to the mountains of North Carolina. A small party of Indians, while marching under escort to the rendezvous, took advantage of the kindness and humanity of our men, who had lent their horses to convey their children more conveniently, and murdered them while walking heedlessly by their side. The officer only escaped by the speed and activity of his horse. A detachment of troops has been sent in pursuit of the murderers, and from the character of the officer commanding it, no doubt is entertained that the fugitive Cherokees will be promptly arrested. This cruel and treacherous act is much to be lamented, and forms a strong contrast to the orderly conduct of the rest of the nation. The General commanding there represents the Cherokees as equally indignant with the whites, and anxious, themselves, to be allowed to march against their countrymen, and punish them for this wanton and cruel murder.

The Government, on its part, has taken every precautionary measure to comply fully with its treaty stipulations towards these Indians, and to render their new home comfortable and acceptable to them. As soon as a proper regard for the peace of that portion of the country, and the probability of the successful execution of the measures of Government would admit, a part of the troops were removed to the northern frontier, and stationed by the Commanding General of the Army in a manner to afford protection to that part of the country. It was hoped that the good sense and respect for the laws which characterize the American people, would have rendered unnecessary any coercive measures to restrain them from taking part in the disturbances of Lower Canada. But I regret to say that not only have the citizens of the United States, living on that frontier, aided the feeble efforts of the Canadians, which can terminate only in their misery and destruction, but others bordering on Upper Canada, where no disposition to revolt is known to exist, are banded together in secret societies for the express purpose of invading the province of a friendly Power, which, but for this unjustifiable interference, would remain in peace and tranquillity. The means used are as reprehensible as the end proposed is nefarious; and it is a subject of regret with this Department that it has not at its disposal a sufficient number of regular troops effectively to guard this extensive frontier from all attempts, on the part of our fellow-citizens, tending either to disturb the peace of Upper Canada, or to succor the insurgents in the lower province—attempts which can only lead to the discomfiture and death of the parties immediately engaged in their execution, and to the shame and sorrow of those who, by thoughtlessly encouraging these acts, have produced such fearful consequences.

In compliance with the expressed wish of Congress, the northern and northwestern frontiers have been reconnoitered by two able and experienced officers of engineers, and the result of their observations will be laid before Congress as soon as the report of the proceedings is received.

It will be seen, from the accompanying report of the Chief Engineer, that the delay attending the appropriation for the military and civil works under the superintendence of that department until the close of the last session of Congress, occasioned the temporary suspension of those works during a great part of the season for efficient operations.

By my direction, the Board of Engineers proceeded to examine the works of Fort Delaware. The purchase of the island on which the important work is situated, is again earnestly recommended to the attention of the Government.

The operations at Fort Monroe have been commenced, according to the intention of Congress, and will be prosecuted without interruption until the works are completed. Measures have been taken to obtain the title to the land on which this fort is situated, and to effect the purchase of the bridge connecting it with the main land, as authorized by Congress.

In compliance with the recommendation of the Board of Engineers, by whom an examination of Fort Calhoun was made in September, 1837, the mass of materials which had been heaped upon

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the foundation to produce a settlement, and afterwards removed, is in the course of being replaced. It is proposed now to postpone the erection of the superstructure until these foundations have attained their final subsidence.

The appropriation for Charleston harbor was intended exclusively for the protection of Sullivan's Island, and measures have been taken by the officer of engineers, under whose general superintendence it is, to apply the funds to that purpose. As soon as the services of an officer of experience can be made available, there will be one stationed permanently in this harbor.

By direction of this Department, several of the civil works, formerly under the superintendence of the military, have been transferred to the topographical engineers.

Since the last report, the great task of removing the raft in the Red river has been completed. The formation of a new raft, on the site of the old one, has been a serious inconvenience, but it is hoped the navigation will be reopened very soon after the commencement of the working season; the boats for this purpose have been already dispatched to the river. The formation of this new obstruction supports the views expressed in the last annual report, and shows the necessity of keeping a boat constantly at work upon the river for several seasons to come.

The detailed survey of the mouths of the Mississippi, referred to in the last report, is now nearly completed, and will be submitted, at an early day, to the Board of Engineers. Their plan of amelioration, if sanctioned by the Department, will then be carried into immediate execution.

On the Upper Mississippi the water has been so high as to prevent all work.

By the increase of the corps of engineers at the last session of Congress, the several works of the Department will soon be more immediately under the control of the Government officers; the change cannot, however, take place immediately, as, in conformity with my views, explained in my report of last year, an addition of five young officers only has as yet been made, and the remaining vacancies it is proposed to fill annually by selections from the highest graduates of the Military Academy.

The officer of engineers in charge of the Military Academy having applied to be relieved, Major Delafield, of the corps, has been ordered in his place.

The necessity of horses and instruction in the cavalry exercise, now that the cavalry has become a component arm of the service, is evident; and until regular provision for this purpose can be made by law, it is proposed to replace the artillery detachment, now there, by one of dragoon privates, which would procure for the cadets the use of the horses. I would urgently recommend that the instructor of artillery and the assistant professor of history, geography, and ethnics, be placed by law upon the same footing as other assistant professors at the academy. The French classes are very much in need of instructors, and none are known in the line of the army qualified for the task. I therefore recommend that authority be given to appoint two citizens, with moderate salaries, for that purpose.

The large building containing an exercise hall, recitation rooms, and quarters for unmarried officers, so long wanted at the academy, is finished, and now in use. Since the last report the building, containing the library, chemical laboratory, and philosophical and engineering rooms, has been destroyed by fire. The appropriation of the last session to replace this, would have been applied sooner, but before determining on sites for the new buildings it is proposed to adopt the suggestion of the Board of Visitors of 1837, viz: to appoint a board of competent engineers to determine, in conjunction with the superintendent, a general plan for the public buildings at the academy. Many of the present buildings are entirely unfit for the purposes to which they are applied, and must, eventually, come down; and the position of each new one authorized should have reference to the system of future construction.

While treating this subject, it becomes my duty to bring to your notice the dilapidated condition of one of the barracks. This building is literally

worn out, and in so decayed and corrupted a state as seriously to endanger the safety and health of the cadets. Its removal and reconstruction will enter into the plan to be presented by the board for the arrangement of the public buildings at West Point. The system here suggested, of presenting, before any public works are commenced, a well-digested plan for such enlargements and improvements as the increase of our population and the future wants of the country may require, has been generally adopted and will be hereafter persevered in, so that the present constructions will all be erected in conformity with, and in furtherance of, a general plan. At the same time the Department has adopted regulations to govern the engineer's, quartermaster's, and ordnance departments in the construction of the buildings under their superintendence, so as to avoid all unnecessary extravagance, and at the same time secure solidity, uniformity, and durability.

For the more efficient and economical administration of the engineer department, in many respects the most important branch of the military service, I beg leave respectfully to suggest that an inspector of fortifications ought to be appointed, with such additional rank and emoluments as will insure respect to the officer of engineers who shall be selected to perform that duty, and defray the additional expenses which must necessarily be incurred during the extensive tours of duty he would be called upon to make. Experience has proved that this duty can only be discharged by an officer of this corps, and the important nature of the works, on the solidity and durability of which so much of the safety and honor of the country may depend, requires a vigilant and frequent inspection of them during the progress of their construction, and recommends this measure to the favorable consideration of the Legislature.

The ordinance corps has been increased agreeably to the provisions of the late law.

The operations of that branch of the service have been conducted with intelligence and activity, and some progress has been made in digesting a general system by which they will hereafter be regulated. A series of experiments have been ordered, which will determine the precise character of the field and heavy artillery, and it is then proposed to arm the artillery regiments, which have hitherto acted as infantry, when in the field, with their proper arm. There is not at present a complete train of artillery for a single one of the four regiments in the service; and I beg leave to suggest the necessity of an appropriation for the purpose of furnishing the number of pieces required to arm the existing regiments properly, as well as to furnish batteries for two battalions of light artillery. I would respectfully recommend the establishment of a rocket brigade. These projectiles have lately been brought to great perfection in Europe, and are now regarded as a formidable addition to the efficiency of their armies. That of the United States, although comparatively so small, should not be entirely deficient in any one of the elements which go to make up the power and efficiency of the best-constituted armies of Europe. With four regiments of artillery, we are nearly without field-pieces and trains; we are without light artillery altogether, and have yet to learn its management; and we are entirely ignorant of the use of so formidable a weapon as the rocket. These deficiencies in an arm which, in modern warfare, produces the most decisive results, ought to be remedied without delay.

It is obviously of the first importance that the artillery and munitions of war furnished to the troops should be fabricated and prepared on a uniform system, according to established patterns; and the first step toward this object, is to prepare drawings of all the parts of such a system in the utmost detail. To accomplish this, it is intended to detail, for this especial duty, three competent officers, with the requisite number of draughtsmen, the result of whose labors, after due revision and approval by the Secretary of War, shall be conformed to in the ordnance department; the patterns thus established not to be changed, without the sanction of the same authority by which they were approved.

An estimate for the small sum required to cover the expense incidental to such an arrangement, is

embraced in the general estimate of this Department for the ensuing year.

I cannot forbear to repeat the recommendations made in my last annual report, for the establishment of a national foundry and powder manufactory, and the erection of a manufactory of small-arms west of the Alleghany mountains, upon the plan therein proposed. The armory manufactory at Harper's Ferry, which is conducted with great ability by its present superintendent, Colonel Lucas, requires considerable alterations and repairs. The temporary workshops erected there are altogether insufficient, and now that the usefulness of this establishment is placed beyond doubt, permanent buildings ought to be substituted, agreeably to some well-digested plan, both as to their construction and position. Permission has been granted by the Department to the Baltimore and Ohio Railroad Company to run their road through the lands belonging to the United States at this place, passing along the line of the work-shops, from whence the company have the option of choosing either of two routes, the one leading along the wall of the canal, and the other by the hill-side. The former would have been the most advantageous to the United States, as the company's works would have strengthened the wall, which is very defective, and requires such extensive repairs that it will probably be necessary to rebuild it altogether; but the difference of expense to the company was represented by the estimates of the cost of both routes to be so great—upward of \$50,000—that the river route could not be insisted upon without the United States paying a part or the whole of it. The Department had no authority to make such an arrangement without the previous consent of Congress, and therefore granted the option to the company. It is understood, however, by the parties to the contract, that upon Congress desiring that the river line should be adopted, it may be done on Government agreeing to pay the difference of expense between the two routes.

Reflection and experience confirm the view taken in the last annual report from this Department, on the policy of selling the mineral lands belonging to the United States. Their retention in the hands of Government presents an insuperable obstacle to the exploration of the mines, and impedes the natural progress of that portion of the country.

The corps of topographical engineers has been increased, agreeably to the act of the last session, with the exception of the officers whose nominations were not acted upon by the Senate, and whose places could not, therefore, be supplied. With few exceptions, the civil works under the charge of the military engineers have been transferred to this corps, and a system has been adopted, which, when fully carried into effect, cannot fail to produce the most salutary results. The several portions of the country where these works are being carried on are divided into districts of limited extent, and officers are permanently assigned to them; by this method time is saved, and much useless expense avoided, as well as better information acquired. Over these limited commands a system of supervision and inspectorship is exercised by the older officers, by means of which their superior knowledge and experience are brought in aid of all the plans, estimates, and constructions.

The officers of the corps who are employed in the superintendence of works carried on by corporations and States, of which there are but four, are gradually being withdrawn, according to the provisions of the law regulating the establishment of the army; and they will all be placed on national works as soon as it can be done without injury to those they are now conducting.

The duties enjoined upon the Department by resolutions of Congress, ordering certain surveys, have not been performed for want of means to defray the necessary expenses. These are paid invariably from special appropriations applicable to each object, or out of the usual annual appropriation of \$30,000 for military surveys, which was withheld this year. Owing to this cause the following surveys have been omitted: That of the Tennessee river from its mouth to

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the highest point of steamboat navigation; of Elizabeth river, from the outlet of the Dismal Swamp canal to Sewall's Point; of Annapolis harbor; that from the harbor of Norfolk, Virginia, to Charleston, South Carolina, in reference to inland steamboat navigation. Partial appropriations were made for a survey of the Des Moines and Iowa rivers, and it is intended to commence the work early in the spring. These appropriations are, however, quite inadequate, and I would respectfully suggest that they be, in all such cases, based upon estimates furnished by this Department. Great delay and expense would be avoided by this procedure, for it not unfrequently happens that the appropriation is exhausted, just as the men and materials are collected on the spot to proceed to work, and the former have to be discharged for want of funds to continue them in the service.

It is deemed very important that the annual appropriation for military surveys should be made. We are still lamentably ignorant of the geography and resources of our country; and it is essential to its defense, as well as to its improvement, that the boundaries, the course of rivers, the size and form and obstacles to navigation of the lakes, and the direction and height of the mountains, should be accurately determined and delineated. Much has been done during the last two years towards the attainment of this important branch of knowledge; at least one hundred points of latitude and eighty of longitude have been accurately established, and the whole country west of the Mississippi and north of the Missouri, has been surveyed and delineated. The military reconnaissances made in Florida have enabled the Department to present a tolerably accurate map of the interior of that Territory, which has been engraved by order of Congress. An accurate map was made of the country lately occupied by the Cherokees, when it was supposed that it might become the theater of military operations; and there exist in the Topographical Bureau all the materials collected by its officers in the military and other surveys ordered by Congress. I earnestly recommend, therefore, that the usual annual appropriations for the military and other surveys be continued, in order that these useful operations may be proceeded with, and especially that complete hydrographical surveys may be made of the lakes.

The singular and important discrepancies which have been brought to my notice in existing charts of Delaware bay would seem to call for immediate attention to that important estuary. Its survey may be considered as belonging to the survey of the coast, now being made under Mr. Hassler. But it would probably facilitate his operations, and the sooner give to commerce the advantages of a correct chart of this bay, if it were immediately attended to under a special appropriation. There being an officer of the corps of topographical engineers already on duty in that quarter, with a proper understanding between the Topographical Bureau and Mr. Hassler, the work might be done the earlier under the former, and with all requisite connection, with the great and highly interesting operations of the latter.

I would recommend, likewise, that a survey be made of the country between the *Neenah* or Fox and the Wisconsin rivers, with a view of establishing a water communication from Lake Michigan to the Mississippi river, which would be in the highest degree important to this Department in time of war, and useful for the transportation of supplies in time of peace.

The report of the Surgeon General shows the extent of usefulness and the great efficiency of the department under his immediate superintendence. The severe examination to which applicants for admission to the medical staff of the army are subjected has secured the services of men of a high order of talents and attainments, while the method introduced into the administration of all its operations has produced great economy as well as activity and fidelity in the discharge of the duties of this branch of the service. The great extent to which these duties have lately been enlarged, by the increase of the army and its operations in the field, the employment of militia, and the augmentation of the number of permanent posts, renders it necessary that an additional clerk should be employed in the office of the Surgeon General,

in order to aid in the settlement of its accounts; and I respectfully recommend that the addition be made.

The quartermaster's department, and that of the commissary of subsistence, have been increased agreeably to the act of Congress, and the duties of both these branches of the public service have been discharged with intelligence and activity.

The duties of the paymaster's department have been discharged with singular fidelity; and, in justice to the officers engaged in their performance, I beg leave to suggest the propriety and usefulness of creating an intervening grade between the paymaster general and the paymasters: that of assistant paymaster general, with the pay and emoluments of a lieutenant colonel. The good of this valuable branch of the public service would be much promoted by such a measure. A provision was struck out of the bill for the increase and organization of the army, for giving a small percentage on disbursements to officers engaged in paying the militia. The peculiar and embarrassing nature of this service, which occasions unavoidable losses, would seem to render such a provision just and proper.

It will be seen by the report of the Commissioner of Pensions, that the number of persons on the pension rolls amounts to forty-one thousand eight hundred and seventy; that there have been fourteen hundred and sixty-one deaths during the year ending the 30th of September last, and the addition to the pension rolls in the same year, has been two thousand three hundred and fifty-four. The addition to the list of widows' pensions will increase the expenditure about \$1,372,000; and, to meet payments now due, the sum of \$245,000 will be immediately required, as no appropriation has yet been made for paying the pensions granted by the act of July 7, 1838. Arrears are, therefore, due all such pensioners as have been entered on the rolls under this act. These arrears will be due on the 31st of December next, and justice to the claimants requires that an early appropriation should be made for their payment.

I respectfully recommend that the early attention of Congress should be called to the compensation to be granted to pension agents for discharging the duties of their office. The performance of these duties is attended with labor and expense and very considerable responsibility, and it is unjust to exact it from any one without remuneration. The agents have been induced to continue to pay the pensioners in the expectation that an act would be passed for their relief. If this is not done, this Department will find it utterly impracticable any longer to execute the pension laws.

Connected with this subject is the inconvenience which has been experienced in carrying into effect the provisions of the law passed at the last session providing that the amounts of pensions unclaimed for a certain period after becoming due and payable, shall be paid only at the Treasury. The operation of this law has proved very harassing to the accounting officers charged with the duty it enjoins, and very inconvenient to the pensioner. The period of eight months fixed by it for the unclaimed pension funds to be returned to the Treasury and to be claimed here and drawn out through the Pension Office and that of the Third Auditor, is too short. Small pensioners living a distance from the agency were in the habit of going there not oftener than once a year, whereas they are now obliged to go there more frequently, to their great inconvenience, or to employ an agent to receive their pensions either at the nearest agency or at Washington. The great burden thrown upon the office of the Third Auditor, by that law, will be better understood by the letter of that officer, herewith submitted.

I beg leave again to call your attention to the subject of frauds and impositions practiced both upon the Government and the ignorant and unwary pensioners, whereby the benevolent intentions of Congress towards the veterans of the Revolution and the sufferers by the late war, are frustrated by unprincipled and designing men. The law passed July 7, 1838, will occasion an expenditure of about \$1,500,000 in the year 1839, and it is to be feared that not more than one half

of that sum will reach the objects whose distresses it was intended to relieve; the rest will, too probably, be swallowed by usurious agents, or wrested from the Department by fraudulent applications. These practices ought to be checked by a law imposing a severe penalty upon persons who are found guilty of them.

Independent of the removal of the Cherokees, the operations of the Indian department within the last year have been extensive and important. The entire Creek nation, with the exception of a small number of fugitives among the Cherokees and Seminoles, has emigrated and formed permanent settlements beyond the Missouri river. Of the Chickasaws, not more than two hundred remain east of the Mississippi. It is estimated that about three thousand Choctaws still live in their old country, and they will probably continue there until the titles set up by them to reserves under the treaty of 1830, are satisfactorily adjusted. By the interposition of the authorities of the State of Indiana, nearly all the Pottawatomies residing within its limits have recently been removed. The emigration of the Ottawas, Chippewas, and Pottawatomies in Illinois, has progressed slowly; nearly fifteen hundred yet remain there. A small band of Appalachicolas has been removed. About four hundred Seminoles emigrated in 1836, and fifteen hundred in 1837 and 1838; the military movements for the removal of the residue still continue to be vigorously prosecuted, as has already been explained. At the close of the present season, there will be, in the States and Territories, about twenty-two thousand Indians, who, it is desirable, should be removed as early as practicable to the West. They are the New York Indians, the Wyandots in Ohio, the Miamies in Indiana, the Ottawas, Chippewas, and Pottawatomies in Illinois; the Winnebagoes and Menomonees in Wisconsin; the Ottawas and Chippewas in Michigan; and the Seminoles in Florida. In compliance with the resolution of the Senate, conditionally ratifying the treaty with the New York Indians, that instrument and the amendments to it have been submitted to them for their assent, and that of all the bands except the Senecas has been obtained; and it is believed that these will not withhold their assent eventually. There is reason to believe that a treaty of cession and removal may soon be effected with the Miamies, which will relieve the State of Indiana from the incumbrance of its Indian population. An exploring party of Winnebagoes has been authorized to visit the region beyond the Missouri, and but little doubt is entertained that they will there find a tract of country suited to their habits and wants. Similar parties of Ottawas and Chippewas, and of the Chippewas of Saginaw, have examined the same section of country, and found locations with which they believe their people will be satisfied. There are conflicting parties among the Wyandots, which render the completion of anything more than an arrangement for partial removal improbable at present. The information received from the Menomonees holds out the prospect that a treaty might be made with them for the relinquishment of their possessions in Wisconsin, should Congress authorize the measure.

Commissioners have been appointed to examine claims, for the payment of which provision was made in the treaties with the Miamies, Chippewas, the Sioux, the Sacs and Foxes, and the Winnebagoes, ratified at the last session, and instructions issued for the execution of other stipulations in them. The commissioners intrusted with the duties of carrying into effect the treaty with the Cherokees, of 1835, have steadily pursued their labors. It is supposed that all the claims, except those for reservations, have been investigated. More than one million of dollars have been paid to them and their creditors in the ceded country, and upwards of one million have been remitted to be paid to them, on their arrival west, on account of claims allowed in their favor. In conformity with the treaty, a patent has been issued, and will be shortly transmitted to them, for the thirteen million six hundred thousand acres set apart for them, and they will have individual and national wealth sufficient to insure their prosperity. The commissioners who were selected to examine claims to reserves under the fourteenth

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article of the treaty with the Choctaws of 1830, had made considerable progress, when their appointments were terminated by the expiration of the law on the first of August last. The final adjustment of these claims is important to the inhabitants of the State of Mississippi, and to the Indians who remain among them; to the former as a measure essential to the settlement of land titles, and to the latter as conducive to their removal and union with their countrymen, who are making rapid advances in wealth and improvement. It is, therefore, respectfully recommended that the commission be renewed at an early day. The stipulations in the treaty with the Chickasaws, which were to be executed east of the Mississippi, have been nearly fulfilled. About two hundred reserves are yet to be located, and of those located, about two hundred to be sold. It is estimated that the proceeds of future sales will be sufficient to pay their debts, and to defray the expense of their removal and subsistence. They will then have a national fund of \$2,000,000, yielding them an annual income of one \$100,000, a sum adequate to all their possible wants.

Of the emigrated tribes, all the accounts that have been received are encouraging. The recently emigrated Creeks have formed agricultural and trading establishments, and found in the comfort around them, and the prospect of individual wealth before them, the strongest inducement to cultivate friendly relations with their brethren, with other tribes, and with the United States. The council convened by the Cherokees had no object unfriendly to our people or Government. This belief originated from a misapprehension of the condition and temper of those Indians. It is not probable that those who emigrated many years since, and from whom the call of the council proceeded, would jeopard their whole property, the farms, the stock, and merchandise they possess, and the large annuities they receive from the United States, for the gratification of commencing a war which they could not be ignorant must terminate in their utter destruction. It appears from subsequent information that the Cherokees hold an annual council for the purpose of legislation, and that, in order to revive an ancient association of the tribes, formed for the preservation of peace among themselves, they invited, in 1837, the Creeks, Senecas, and others, to meet them; and in 1838 renewed their invitations, and extended them to more distant nations. They applied, in some instances, to the United States officers to write letters of invitation, and their request was complied with; and where the wampum was sent, that symbol contained no red beads or other war-like tokens. Notwithstanding, however, the peaceful appearances which characterized these preliminaries, some of the more northern tribes suspected the object of the council to be hostile to the whites, and refused to attend; the same opinion might naturally have been entertained by the officers of Government at distant posts, but it would have been imprudent to have acted upon such suspicions. To preserve our influence over the Indians we must abstain from all unnecessary interference in their local affairs. To disturb their councils, or to attempt to overawe their proceedings by an armed force, might excite unfriendly feelings, and tend to produce the very evil the Government is so anxious to avoid. Nor could such an interposition have led to the discovery of the designs of the council. If the views of that body had been hostile, and the occasion of the representatives of so many tribes being assembled had been deemed a fitting one to consult on war-like measures, those consultations would have been secret, and the presence of our troops would have only led them to conceal their design still more deeply.

Since this event the Department has again been called upon by the commanding general of the western division of the army to furnish additional troops to guard the southwestern frontier from apprehended attacks from the Indians inhabiting Texas, circumstances having led to the belief that these Indians had been excited by the Mexican authorities to attack the Texans. This call increased the vigilance of the Department, and inquiries were instituted which did not elicit any information that would have justified me in recom-

mending such a draft of militia as was proposed to aid the regular force on that frontier. The Indians within the territory of the United States have been warned that they will not be permitted to take part in any contest between Mexico and Texas, or to pass into the territory of the latter with hostile intent; and that the amount of their annuities will be stopped if they disobey this order, without prejudice to other measures which will be taken to enforce its observance.

Upon the first receipt of the intelligence of the appearance of the small-pox among the tribes on the Missouri river, supplies of money and of vaccine matter were liberally furnished, the employment of physicians was authorized, and instructions given for the immediate and thorough vaccination of the Indians. The reports, thus far, do not show satisfactorily to what extent this duty has been performed.

The subject of our Indian affairs, confessedly the most difficult and complicated under the supervision of the Department, being the last year entirely new to me, I forbore to suggest any changes in their management; but subsequent experience and reflection have convinced me that the present system is defective, and that the evils which spring from it will not be remedied by the measures heretofore recommended, nor by the bill which, at the last session of Congress, received the sanction of one branch of the Legislature. It is unnecessary, however, to discuss the defects or merits of this bill, because the preliminary condition to its being carried into execution—the previous consent of the tribes—cannot be complied with. The Choctaws and Cherokees have expressed their unwillingness to enter into the confederation, or to adopt the form of government the bill proposes. If even the most insignificant changes in the settled forms of government require to be considered with great care, how much more cautious ought we to be in any attempts to introduce those forms among a people who have hitherto lived with scarcely any knowledge of them. I would recommend, as the first step, that the tribes should be encouraged to adopt a system of self-government adapted to their wants and condition, with which there should be as little interference on our part as possible; and that their chiefs be invited to attend an annual council, at which the agents of the Government and the commanding officer of the nearest station should be present. In this manner the Government would exercise a salutary influence over them, become acquainted with their wants, and heal their differences with each other. It appears to me, likewise, that the Indian agents should not be attached to any one tribe, as experience proves that they become so identified with those whose peculiar interests are confided to their care, that they imbibe their prejudices and espouse their quarrels. It ought to be in the power of Government to change their residence from time to time, and by assembling them once a year in general council with the chiefs of all the tribes, they will understand and seek to promote the general interests of the red men.

I would recommend that the system hitherto pursued for the education of the Indians, by which alone their civilization can be effected, be changed. At present the Indian youth receives an education which is altogether useless to him when he returns to his home in the western wilds. He can read, write, and cipher, and in his native village there are no books to read, no writings required, and none but the most simple accounts kept; such as are reckoned on the fingers and notched on a stick. He has acquired no knowledge which can be usefully applied for his own benefit or for that of his people; and he has forgotten how to trap and hunt. As a matter of course, then, he and his acquisitions are despised, and the half-educated savage too often becomes a profligate and drunken vagabond. The remedy for this evil appears to me to be the introduction of manual-labor schools, where the Indian, at the same time that he receives the rudiments of education and is taught the Christian faith, will acquire some knowledge of farming and of the useful arts, which will secure to him the admiration and gratitude of his countrymen on his return among them, and enable him, not only to render them the most essential services, but to

teach them by his example the vast advantages to be derived from knowledge, and induce them to become a civilized community.

The important interests involved in the proper administration of Indian affairs, and the great distance of the theater of their management from the supervisory power at Washington, require, in my opinion, that there should be attached to the office of the commissioner an inspector charged to visit, from time to time, the stations of the disbursing officers and Indian agents; inspect their books, examine into their proceedings, view the condition of the different tribes, and furnish such a report as will enable the Department to correct abuses, to understand and provide for the wants of the Indians, and, generally, to extend over the whole matter a more complete supervision than has heretofore been found practicable. By such means, in conjunction with a more liberal policy towards the interpreters, who exercise great influence over the Indians; by a proper attention to the chiefs, through whom alone the people can be approached, and who ought, by every fair means, to be conciliated and attached to the United States; and by the cooperation of the traders, whom I have always found ready to lend their aid to the Government, reasonable hopes may be entertained of extending the blessings and advantages of Christianity and civilization to the Indian race.

All which is respectfully submitted.

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

#### Report of the Secretary of the Navy.

NAVY DEPARTMENT,  
November 30, 1838.

SIR: In the performance of a duty annually devolving on this Department, I submit the following report:

The squadron employed in the Mediterranean during the past year, under Commodore Jesse D. Elliott, consisted of two frigates, a sloop of war, and a schooner. These vessels, with the exception of the sloop of war, having returned home either for repairs, or in consequence of the terms of service of their crews having expired, will be replaced by a ship of the line, a frigate of equal force, and a dispatch brig or schooner.

The whole will be under the orders of Commodore Isaac Hull.

Although some of the causes which originally dictated the policy of employing a portion of our navy in the Mediterranean have, in a great measure, ceased, still it is believed that as a school of discipline under experienced officers, as a means of exhibiting a portion of our naval force in contact and comparison with that of the principal maritime States of Europe, and for the purpose of affording countenance and protection to our commerce, a perseverance in this policy will equally contribute to the good of the service and the honor of the United States.

The squadron now in the Pacific, under Commodore Henry E. Ballard, comprises one ship of the line, two sloops of war, and two schooners.

These last requiring extensive repairs have been ordered home the ensuing spring, or as soon after as the public interest will admit; and the ship of the line may also be expected to return about the same time, as the terms of service of most of her crew will then be about expiring.

The unsettled and precarious relations subsisting between the South American States bordering on the Pacific, in my opinion, render it essential to the protection of our commerce, that at least an equal force should be maintained in that quarter. Accordingly, measures will be taken to replace the vessels ordered home by others not less efficient for that service.

The force operating on the coast of Brazil, under Commodore John B. Nicolson, consists of one razee, one sloop of war, and one brig. No change is at present contemplated. The present force is deemed adequate to the protection of our commerce in that quarter, and it is believed that no reduction would be consistent with the attainment of that object.

At the date of the last report of the Secretary of the Navy, the squadron employed on the West India station and in the Gulf of Mexico, under

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Commodore Alexander J. Dallas, consisted of one frigate, five sloops of war, and one small vessel. The frigate and one of the sloops having recently returned to Boston for repairs, it is contemplated to send another frigate, and to increase the number of sloops of war on that station to seven. The force will then be composed of one frigate, seven sloops of war, and one small vessel.

As the blockade of the Mexican ports by the French squadron continues to be strictly enforced, and as indications of a revolutionary spirit have lately been exhibited at Tampico, it is believed that, under existing circumstances, as well as in view of future contingencies, no reduction of the proposed force can be prudently made.

A frigate and sloop of war, which, as stated in the last annual report of the Secretary of the Navy, were then preparing for a cruise in the Indian seas, under Commodore George C. Read, sailed from Norfolk on the 6th of May last. By the latest advices from Commodore Read, dated the 28th of July, he had reached Rio de Janeiro, from whence he was to depart the next day. Having reason to believe it would conduce to the protection and safety of our citizens and commerce in those remote regions, I have directed these vessels to visit the Sandwich and Society Islands on their way home.

That the officers employed on these various services have performed their duties with equal activity, vigilance, and prudence, is sufficiently evidenced by the fact, that notwithstanding the wars and revolutions which still agitate so great a portion of the South American States bordering on the Pacific, and the long protracted blockade of the ports of Mexico and of Buenos Ayres, the persons and property of citizens of the United States have, in no case which has come to the knowledge of this Department, sustained outrage or wrong; while, on the other hand, nothing has occurred throughout the whole of our intercourse or interposition to disturb the relations of peace between us and the parties in collision with each other.

The exploring expedition, on the resignation of Commodore Thomas Ap Catesby Jones, in consequence of ill health, was placed under the command of Lieutenant Charles Wilkes, with some modification of force, and finally sailed from Norfolk on the 19th of August. It now consists of the sloops of war Vincennes and Peacock, the store-ship Relief, the brig Porpoise, and the pilot-boat schooners Seagull and Flying Fish. Letters from Lieutenant Wilkes announce the safe arrival of these vessels at Madeira, with the exception of the Relief, which vessel was ordered by him to proceed direct for Rio de Janeiro. It will appear from the estimates for 1839, that the annual expense of the expedition under its present organization will be very considerably less than that required for it as originally contemplated.

A number of scientific gentlemen who had accepted appointments in the expedition under an impression that their services would be required, and their emoluments continued during the period anticipated for the completion of its objects, were not included in this new arrangement. They have asked to be remunerated for their sacrifices and disappointments, and I now submit the propriety as well as justice of their claims.

The act of Congress approved 22d December, 1837, authorized the President of the United States to employ the public vessels in cruising along the Atlantic coast during the winter season, for the purpose of affording relief to merchantmen in distress. Under this law the sloop of war Erie, the brigs Pioneer and Consort, the schooner Active, and the steamship Fulton, were occasionally employed with beneficial results. Owing to the want of proper vessels at the disposal of this Department after supplying the necessities of foreign stations, the steamship Fulton is the only one now available for this service.

To aid in making the general survey of the coast of the United States, Lieutenants Gedney and Blake, with other naval officers, were, on the application of the Secretary of the Treasury, placed under his directions, and such other assistance afforded as circumstances permitted.

The survey of the southern coast, from Tybee bar to Hunting Island, May river, as directed by

the act of Congress of March 3, 1837, has been completed by Lieutenant Wilkes, a copy of whose report will be communicated to Congress early in the approaching session. The surveys of the harbors of Beaufort and Wilmington, North Carolina, provided for by the same act, will be commenced forthwith by Lieutenant Glynn, of the Navy; and it is expected will be completed in time to be communicated to Congress previous to its adjournment.

The delay in carrying this act into execution has arisen from a want of proper vessels for that service, which will now be performed in a steam vessel loaned by the War Department. The attention of Lieutenant Glynn will also be directed to an examination of the coast between the mouths of the Mississippi and Sabine rivers, as directed by the act of 7th July, 1838.

Under the provisions of the act of Congress of the 28th June last, and the supplementary act of the 9th July following, authorizing the appointment of three competent persons to test the various inventions which might be presented to their notice, for the improvement and safety of steam-boilers, a board has been designated by the President to make the requisite examinations and experiments, and it is presumed will report the results at the opening of the ensuing session of Congress.

In conformity with the provisions of the act of 7th July, 1838, making appropriations for light-houses, light-boats, beacon-lights, and buoys, the coasts of the Atlantic and of the great lakes were divided into eight districts, and an officer of the Navy appointed to each, with orders to report to the Secretary of the Treasury, for the purpose of carrying out the views of Congress, under his directions.

The instructions of the President for establishing lines of dispatch vessels, to run during the continuance of the blockade of the Mexican ports, by a French squadron, between New York and Vera Cruz, and New Orleans and Tampico, at stated and regular periods, have been carried into effect. The United States brig Consort, Lieutenant William H. Gardner, sailed from New York the 1st of November, and the revenue cutter Woodbury, loaned by the Treasury Department, it is presumed is now on her way to Tampico, under the command of Lieutenant John S. Nicholas, of the Navy. This arrangement it is believed will be highly beneficial to the commercial community, by affording not only the means of communication, but of transporting their funds to the United States.

The state of the Navy pension fund is as follows:

The number of invalid pensioners is	440.
The annual sum required to pay them is.....	\$33,496 23
The number of widow pensioners is	302.
The annual sum required to pay them is.....	55,716 00
The number of minor children pensioners is	105.
The annual sum required to pay them is.....	13,908 00
Whole number of pensioners is 847, and the whole annual amount required to pay them is.....	103,120 23

The amount of stocks owned by the Navy pension fund on the 31 of March, 1837, was.....	\$1,115,329 53
Do. do. on the 1st of Oct., 1838..	390,832 25
Difference.....	\$724,497 28

which was sold, and the proceeds of the sale, with the interest and dividend of the capital, were applied to the payment of pensions and arrears of pensions. Of the balance of stock, \$390,832 25, owned by the fund 1st of October, 1838, the nominal amount of \$97,469 16 has been directed to be sold to meet payments on the 1st of January, 1839, so that the actual capital of the fund for the year 1839 will be only \$293,363 09.

It will thus be seen that under the operation of successive pension laws, each widening and extending the stream of public munificence, this fund is rapidly decreasing, inasmuch that in the course

of a very few years large appropriations will be required to redeem the faith of Congress pledged for its support.

## PRIVATEER PENSION FUND.

The number of privateer pensioners is thirty-six. The annual amount required to pay them is \$2,862. No payments were made to these pensioners during the past year, as the privateer pension fund had been exhausted.

This fund, it will be perceived, failed in 1836; and, consequently, no payments have been made since that time. The subject was brought to the notice of the President in former reports from this Department; and I have only to add, that as, in conformity with the law establishing and appropriating this fund, the certificates of pensions were granted during life, it would appear that the nation stands pledged to furnish the means of fulfilling the obligation.

## NAVY HOSPITAL FUND.

The balance in the Treasury to the credit of this fund on the 1st of Oct., 1837, was...\$94,202 36  
Receipts to the 1st of October, 1838... 31,242 92

Expenditures to 1st of October, 1838. \$125,445 28  
1,975 00

Balance.....\$123,470 28

The construction of a dry-dock at some point in the harbor of New York, has been heretofore repeatedly recommended by this Department, and is every year becoming more necessary to the purposes of the Navy. Whatever diversity of opinion may exist as to the most eligible site, all seem to unite in favor of the object. The two docks at Norfolk and Boston are entirely insufficient to meet the requirements of the service; delays in repairing ships, at all times injurious, and in time of war dangerous to the interests and safety of the country, frequently occur in consequence of their being no vacant dock to receive them; and at this moment two line-of-battle ships are lying at New York in a decayed and rapidly decaying state, which can neither be repaired where they are, nor removed elsewhere for that purpose without great risk and expense.

The subject of a naval academy has also been more than once presented for consideration. Such an institution is earnestly desired by the officers of the Navy, and it is believed would greatly conduce to the benefit of the service generally. The propriety of affording young midshipmen the means and opportunity for the acquisition of that knowledge and those sciences which are either absolutely necessary, or highly useful to their profession, would seem to have been recognized by Congress in the liberal provision for teachers and professors of mathematics, on board our ships of war and at the principal navy-yards. Those, however, who have had the best opportunities for observing the practical operation of this system, are of opinion that it does not answer the purposes for which it was intended, and that other and more effectual means are required. A naval academy which should combine the acquisition of those sciences, and that knowledge without which professional duties cannot be performed to the public satisfaction, with that practical experience which is, if possible, still more indispensable, would, in my opinion, add little to the expense of the present defective system, and be followed by benefits which would far more than repay the cost of such an establishment.

The attention of the President and Congress is also solicited to that part of the estimates of the Board of Navy Commissioners which contemplates the building of five brigs or schooners, the frames of which have been collected under the law for the gradual improvement of the Navy; and which are required for dispatch vessels, surveys, and other purposes.

It is presumed that no arguments are necessary to enforce the propriety of retaining a sufficient number of ships in commission to afford active sea service to the officers of the Navy. Such service is manifestly essential to discipline, to experience, and to those habits of hardihood without which no officer can adequately fulfill his duty. The same practical experience necessary to eminence in any

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other profession is most emphatically so in that of a seaman; the self-possession and skill required to meet the exposures and dangers incident to a sea life, both in peace and in war, can only be acquired on the seas; the same consequences which result from idleness and neglect, in all other conditions of life, will assuredly follow in this; and charged, as the officer is, with protecting the property, as well as defending the rights and honor of his country, his incapacity is not less dishonorable to himself than injurious to her. Unless, however, his country affords him opportunities of acquiring this professional experience by often calling him into active service, it would be unjust to complain of his inability to perform these high duties, and it is only when he declines these opportunities that he can be fairly charged with being ignorant of what he has never been permitted to learn.

Experience has also demonstrated that it is only by frequency of active service at sea, that the otherwise unavoidable consequences of a long peace can, in any degree, be arrested. All other expedients will be found either entirely useless, or only partially operative; and I abstain from suggesting any material alterations in the system of the service, not only for that reason, but because my limited experience in this Department has not given me sufficient confidence in my own opinions, or, perhaps, entitled them to the consideration of others.

There are other strong and imposing reasons for keeping up the present naval establishment of the United States in full vigor and activity.

The unremitting attention which, since the late war with England, and the secrets it disclosed, has been paid by the maritime powers of Europe to the improvement and perfection of their ships of war and of naval discipline, calls for awakened vigilance on our part. The position of the United States, remote as it is from the scene of European rivalry, affords no immunity from its consequences. Commerce makes neighbors of all nations, and the conflicts of interest or ambition between any two can scarcely fail of involving many others. Against such imminent contingencies, an adequate naval force, keeping pace with the commerce and resources of the country, well manned, and, above all, well disciplined, is our most effectual security. It is equally recommended by its comprehensive sphere of action; the facility with which it can be directed to distant and various points, and by its freedom from almost all those objections which a wise people so justly cherish towards great military establishments. In addition to these considerations, it comes recommended to the people of the United States as the best guardian of their flag, wherever it is carried by their enterprise, as well as by having so largely contributed to that fund of national reputation, which being a common possession, constitutes one of the strongest bonds of our Union.

Respectfully submitted,

J. K. PAULDING.

To the PRESIDENT OF THE UNITED STATES.

#### Report of the Postmaster General.

POST OFFICE DEPARTMENT, }  
December 3, 1838. }

SIR: The post routes of the United States in operation on the 1st day of July last were, as nearly as can be ascertained, 134,818 miles in extent. The rate of annual transportation on that day was about 34,580,202 miles, and its cost \$3,131,308, viz:

	Miles.	Cost.
By horse and sulky.....	11,573,918	\$831,028
By stage and coach.....	20,593,192	1,889,792
By steamboat and railroad.	2,413,092	410,488
	<u>34,580,202</u>	<u>\$3,131,308</u>

This is exclusive of transportation by steamboats and other vessels, under the 5th and 6th sections of the act of 1825, which costs about \$16,000 more.

The lettings of the present year have been at a considerable advance on former prices, except those of the express mails, which have been at a saving of about twenty-nine per cent.

To avoid danger of embarrassment from the recent check on the revenue of the Department, retrenchments and suspensions of service have been made to the amount of \$359,641 per annum. Great care has been taken to make them in service which was of the least value to the community.

The report of the First Assistant Postmaster General, herewith transmitted, furnishes interesting details as to the mail service.

On the 1st July last the number of post offices was 12,519, being an increase of 752 during the preceding year. The number established was 1,104, and the number discontinued 352. During the same year, the appointments of postmasters were 2,068.

The number of post offices on this day is 12,553.

The number of contractors in service during the last year was about 1,947. Of this number, 592 have been fined or had deductions made from their pay, on account of delinquencies and omissions. The aggregate amount of fines and deductions, excluding remissions, was \$67,128 54.

The revenue of the Department for the year ending June 30, 1837, was.....\$4,100,605 43  
The accruing expenditures were

about..... 3,303,428 03

Excess of revenue..... \$797,177 40

The revenue of the Department for the year ending 30th June last, is estimated to have been.....\$4,262,145

The engagements and liabilities of the Department for the same year were 4,680,068

Excess of engagements and liabilities.. \$417,923

The surplus on hand has prevented embarrassment from this excess of liabilities.

Compared with the preceding year, the revenue has increased about four per cent. This is an unexpected and most gratifying result.

The cash on hand on the 1st instant, was as follows:

In banks, available, or expected to be so after the 1st January next.....\$84,220 01

In draft offices and due from the Canada post office.....229,848 74

Total.....\$314,068 75

It will be seen that the surplus funds of the Department, which at one time exceeded \$800,000, have been greatly diminished.

The determination of Congress not to reduce letter postages, as suggested in my annual report of 1836, was considered in the light of an instruction to apply the cash on hand, and the increasing current revenue, to improvements of the mail service. It was estimated that the seven hundred new routes established in 1836, and the improvements of service on many old ones, in conjunction with the usual annual increase of business in the country, would add at least fifteen per cent. to the revenue of the last year, which would be maintained with a still further increase during the present year. The extension of mail service was accordingly carried far enough to consume this anticipated increase, and also, in the progress of a few years, reduce the surplus on hand to the lowest amount consistent with the convenience of the Department. The general financial disasters of last year have not reduced the revenue, as might have been expected, but have prevented most of the anticipated increase, and thrown the Department upon its surplus to sustain a large portion of its extensions. The indications now are, that there will be a slight improvement in the revenue of the current fiscal year over the preceding, but not enough to produce any material effect. An advance somewhat greater may be reasonably expected next year, but not great enough to meet the increasing cost of mail service, and put into operation the new routes established at the last session of Congress. It will hence be seen, that, for more than a year to come, the curtailment, rather than the extension of service, on routes now in operation, is to be expected.

In general, the accounts of postmasters are rendered, and the duties of contractors performed, with the utmost fidelity and precision. Indeed,

the world may be challenged for any similar establishment, embracing so much intelligence, activity, and energy, and yielding to millions of mankind so much unqualified good. The chief obstructions which it has recently encountered in its career of usefulness, have arisen from the deficiencies and unreasonable demands of corporate bodies which it had employed, or deemed it useful to employ, in the public service.

In managing its funds through the public agents, who are under bonds for their security, and removable at will, and in dealing with the individual freemen of the States and of the United States in competition with each other, it finds all its operations easy, safe, and prosperous.

At their last session, Congress enacted "that each and every railroad within the limits of the United States which now is, or hereafter may be made and completed, shall be a post route, and the Postmaster General shall cause the mail to be transported thereon, provided he can have it done on reasonable terms, and not paying more than twenty-five per centum over and above what similar transportation would cost in post coaches."

To avoid further trouble with the railroad companies on the main mail lines, it was determined to pay them, upon renewal of existing contracts, the highest price which this law would admit. But there was difficulty in fixing on that price. In the first place, it was to be ascertained what Congress meant by the phrase "similar transportation," and, in the next place, what that transportation would cost in post coaches. It was obvious that they could not mean a transportation equal in speed; for that would be impossible. They could not mean the same transportation, or the transportation of the same mail upon the same route; for in that case the word same would have been used instead of the word "similar." It seemed probable that they had reference to the ordinary post coach transportation in the same section of country, and to the points of similarity between that and railroad transportation, intending the additional twenty-five per cent. as compensation for the increased speed. This construction would have given the railroad companies as liberal a compensation as they had a right to expect, inasmuch as it would have materially increased the cost of mail transportation, while, in respect to passengers, produce, and merchandise, the cost is everywhere cheapened by them.

But upon a careful consideration of the words of the law, in connection with the mail service existing at the time of its passage, the Department felt itself constrained to adopt a construction more favorable to the railroad companies. That the word "similar" should be construed as having no reference to speed, was a position which, according to legal as well as just rules of construction, could not be maintained. From New York to Baltimore, the great southern and western mails are united in one. At the latter point they separate, one portion, believed to be the larger, going West, and the other South. It could not be doubted that the transportation of the western mail was, in its bulk, its weight, its importance, and also its speed, more "similar" to that on the main southern line, than any other appertaining to the Department. The Department, therefore, felt constrained to take the cost of that transportation as its guide in fixing on the basis for the allowance to railroad companies on the main southern line, provided for by law. The average cost of this line, from Baltimore to Cincinnati, was found to be \$190 per mile. To this sum, twenty-five per cent. was added, and the aggregate, \$237 50, was offered to the railroad companies between Fredericksburg, Virginia, and the Roanoke river, as the highest compensation which could be allowed them by law. The same rule was intended to be applied to all railroads under like circumstances. It was not doubted that this provision would be readily accepted as more ample than the railroad companies had a right to expect, and that this troublesome matter would have been forever adjusted, so far as regards those roads. But the proposal of the Department has not been acceded to, and not only is a higher compensation demanded, but conditions are insisted on as extraordinary as the concession of them would be

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impolitic and illegal. The Department is, therefore, engaged in making provision for the transportation of the great southern mail by other means after the 1st of January next, not being at liberty under the law, even if it were otherwise disposed, to accede to the terms demanded by the railroad companies. This cannot be done on the same line without public inconvenience in the loss of time; and although a rival line may be raised up in the course of a few months fully equal in speed, yet it will not be so convenient to the Department, or in all respects so useful to the public as the one in question. But having offered all that the law admitted, and more than justice and good policy would have sanctioned had no law been passed, the Department does not feel itself in any way responsible for the public inconvenience which may ensue.

These details have been given that Congress may correct the construction given to the law of last session if too liberal or too strict, or resort to such further enactments as the public interest may seem to require. The principle that Congress may constitutionally make roads for the transportation of the mails, once entertained by some, seems to be generally abandoned; but that they may use for that purpose all roads constructed under the authority of the States, has hitherto been universally conceded. The charters of railroads are granted for the public convenience, and in their construction they are considered so far public that private property is taken at a valuation for their use without the consent of the owner. Whether these roads are to form an exception as to the right of use vested in the United States by the Constitution is a question which it may soon become necessary to consider.

The valuable books and papers of this Department are in constant peril from the combustible nature of the building now occupied. It has a shingle roof and much wood work within, and in the Department and the Auditor's office there are daily about seventy fires. It is, perhaps, in greater danger from the proximity of stables and other wooden buildings which could hardly burn, in some directions of the wind, without involving the whole structure occupied by the Department in their destruction. The consciousness of this constant peril is one of the most painful incidents to the administration of the Department, and I can only relieve myself from a weight of responsibility by requesting you to bring this subject to the serious attention of Congress.

With the highest respect, your obedient servant,  
AMOS KENDALL.

TO THE PRESIDENT OF THE UNITED STATES.

#### Report of the Major General of the Army.

HEAD QUARTERS OF THE ARMY, }  
WASHINGTON, Nov. 29, 1838. }

SIR: In conformity with instructions received from the War Department, dated on the 25th of September, 1838, I have the honor to present the following statements and returns:

First—A statement showing the organization of the Army;

Second—A general return of the Army;

Third—Distribution of the troops in the eastern division;

Fourth—Distribution of the troops in the western division;

Fifth—A return showing the number of troops under the command of Brigadier General Taylor, serving in Florida against the Seminole Indians; and

Sixth—A statement showing the number of recruits enlisted in the Army, from the 1st January, 1838.

Since my last annual report, the Army has been actively employed, in various quarters, and in various ways. Although it is not in my power to state that the war in Florida against the Seminole Indians has been brought to a close, there is every probability, from the extreme misery to which the Indians have been reduced, and the indications they have manifested to surrender, that the war will not be of long continuance. A report of the operations in Florida, up to the close of the com-

mand of Major General Jesup, has been made to you by that officer, and was laid before Congress at its last session, and printed by the authority of that body.

Previously to his withdrawal from the command in Florida, General Jesup reported that active operations would necessarily cease by the 30th of April, in consequence of the climate, and that a portion of the troops would be available, during the unhealthy season, for service elsewhere; orders were therefore given for the four regiments of artillery acting as infantry, and one regiment of infantry, to march into the Cherokee country and report to Major General Scott, to be employed, if necessary, in obliging the Cherokees to fulfill their treaty stipulations in reference to their removal to the country allotted to them west of the Mississippi.

Upon the retiring of General Jesup from Florida, Brigadier General Taylor, the officer next in rank there, was assigned to the command. At the close of the campaign, nearly all the volunteer force in Florida was discharged, leaving in that Territory the whole of the second regiment of dragoons, the first and sixth regiments of infantry, and some Florida volunteers. This force was distributed among the principal depots, and the stations along the borders of the settlements, to guard the supplies and afford protection to the inhabitants, most of the interior posts being abandoned; experience having shown that they could not be occupied during the summer and part of the autumn, without great sacrifice of life. During the past summer, although the troops were kept in continual commotion, the enemy, scattered in small bands, succeeded in committing several murders, which, on a line of frontier so extensive, could scarcely have been prevented.

In the month of April, a battalion of the sixth regiment of infantry was sent from Tampa to St. Marks, to prevent a junction between some Creek Indians, who had crossed the Appalachicola, and the Seminoles, and to emigrate the Creeks, if possible. A few of these Creeks are in our possession, but the most of them are still in the swamps of the Appalachicola and Ocklockonne rivers.

On the 25th of June, General Taylor shipped from Tampa, for their new homes, three hundred and sixty-two Indians and negroes, retaining forty-six for runners and guides. The General reports the murder of Hallee Hadjo and four other Seminoles by the Mickasukees, to whom they were sent by General Jesup. In the same month thirty-eight Seminoles delivered themselves to the commanding officer at Fort King. In the middle of the month General Taylor reports the war with the Seminoles as drawing to a close; but that the Mickasukee and Tallahassee bands, with the refugee Creeks, are more hostile than ever. They number between four and five hundred warriors, and are dispersed in small parties over an immense country. In the beginning of June, it was ascertained that a party of Indians had entered the Ockefinokee swamp, in Georgia, and had committed some murders in that State. Five companies of regular troops and one of Georgia volunteers were marched to that quarter to afford protection to the inhabitants, and, if possible, to dislodge the enemy; besides which, the Governor of Georgia, at his suggestion, was authorized by the War Department to call into service a regiment of militia, for the better protection of the exposed settlements. On the 21st of September, the General was visited at Tampa by the principal chiefs of the Tallahassee, with several sub-chiefs, who professed to be anxious for peace, and pledged themselves to come in for emigration by the 20th of October, and to bring in with them their people, and to send runners to the Ockefinokee swamp to get the fugitive Creeks, said to be twenty-two in number, to join them. It was the opinion of the General at that time, that there was decidedly a better feeling among the Indians, as regards emigration, than had been manifested since his arrival in Florida. Early in October, the General repaired to the Appalachicola river, with a view of obliging the Appalachicola Indians to fulfill their promise of removing to the West; and also to take measures to get in the fugitive Creeks secreted in that section of the country. On the 20th of the

month, the day stipulated, he succeeded in embarking the whole of the Appalachicola Indians on board of a steamboat for their new homes. He, however, gained no intelligence respecting the fugitive Creeks. On the 30th of October, the General reports from Fort Harlee, on his way to Tampa Bay, that he had received letters from that place which he could rely on, of the most satisfactory character, as to a portion of the hostile Indians coming in for emigration. This information did not prevent the contemplated movements of the troops into the country, and the occupancy of such positions as would tend to hasten the surrender of the Indians still remaining there. Two of the regiments of artillery, and one regiment and one battalion of infantry have been ordered to reinforce the army in Florida, and two hundred and forty-seven recruits are now on their way to Tampa by the Mississippi route. The force in Florida may, therefore, be computed at about three thousand two hundred and forty regulars, and three hundred and seventy militia.

Colonel Lindsay, of the second regiment of artillery, who was in command of the forces assembled in the Cherokee country at the date of my last report, continued on that duty until early in April, when Major General Scott assumed, by order of the War Department, the direction of affairs in that quarter.

The Cherokees were required, by their treaty stipulations, to commence emigrating to the west of the Mississippi on the 23d of May; but it being apprehended that they would not commence their removal at the time stipulated, unless compelled to do so, a strong regular force was assembled in their country and placed at the disposal of General Scott, who was also authorized to call on the Governors of the States interested in the removal of the Cherokees, for such militia force as he might deem necessary, not exceeding four thousand men. The disposition which the General made of his troops was such as to convince the Indians of his determination to enforce the terms of the treaty; and relying on the disposition of the General to oblige them to yield to those terms, as well as on his disposition to protect them in their persons and property, the Cherokees submitted to his direction, and peaceably departed for the country allotted to them in the West, as fast as circumstances would permit.

In the month of January information was received that unlawful combinations of persons on our northern frontiers were forming for the purpose of interfering with the Government of Canada, and joining with the disaffected in that country in endeavoring to subvert the existing government, in violation of the treaty of peace between the United States and Great Britain. It being deemed necessary, on account of these combinations, to send a military force to the frontier to guard against an infraction of the treaty, Major General Scott was directed to proceed to Buffalo, and to take the direction of affairs along the frontier; and there being no other disposable regular troops, the recruits in depot were formed into detachments and forthwith dispatched to the frontiers. On General Scott's arrival on the Niagara he found the line guarded by about sixteen hundred militia of the State of New York, called out by order of the Governor, a thousand of which were received into the United States service; but subsequently, with the exception of a few companies, discharged. With Brigadier General Brady on the Detroit frontier, and Brigadier General Wool on the Champlain and Vermont frontiers, and with the assistance of the civil authorities and the officers of the revenue, General Scott, aided by Colonel Worth and Major Young, was enabled to frustrate every open attempt to violate our friendly relations on the border. Too much praise cannot be bestowed upon the officers and soldiers, and others engaged in this service, for their zeal and activity at that particular juncture, and in the midst of the rigors of a northern winter, in the effectual performance of so arduous a duty.

Order being restored about the middle of March, and the militia discharged, General Scott, as before stated, was ordered to take the direction of affairs in the Cherokee country. The regular troops, however, remained on the frontier, in order to check any renewed attempts at crossing the line.

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In the month of June, it was reported that the combinations referred to were still existing, and daily gaining strength, by refugees from Canada joining them, and that they were organizing themselves along the whole line of frontier, and making preparations for further attempts upon Canada; and that a gang of desperadoes had burned the British steamboat Sir Robert Peel in our waters.

On the 12th of June, I was directed by the President to repair to the frontier, there to examine into the state of things, and to use every possible exertion to defeat the purposes of the combinations alluded to. Having ordered such troops as could be collected to proceed to Sackett's Harbor and the Champlain frontier, I set out on the same day, taking Albany and Oswego in my route, and arrived at Sackett's Harbor on the night of the 17th. Immediately after my arrival, I took measures to cause to be published, and widely circulated for general information, copies of the laws of the United States under which I was authorized to adopt measures to repress all hostile acts originating within our borders, against the territory of a friendly Power, and to preserve our friendly relations with Great Britain; and to carry into effect these objects, I issued a general order, dividing the frontier into four districts, to the command of which officers of experience were duly assigned. I found Brigadier General Brady and Lieutenant Colonel Cummings at Sackett's Harbor, but none of the troops which had been ordered thither had yet arrived. I ordered General Brady to proceed to the Detroit frontier, where I deemed his presence most important. A detachment of about one hundred recruits reached Sackett's Harbor a day or two after my arrival. There was a small detachment of New York militia stationed at French Creek, called out by order of the Governor, which I caused to be relieved by the regular troops as soon as a sufficient body of them had arrived, when the militia were mustered, paid, and discharged. The commanding officer at French Creek was furnished with boats to enable him to cruise around the islands in the St. Lawrence. On the 20th of June, an additional number of recruits having arrived at Sackett's Harbor, the steamboat *Telegraph* was taken into the service of the United States, and a detachment placed on board under command of Captain Gwynne, of the infantry, who was also ordered to cruise among the "Thousand Islands," in search of the gang above alluded to. On the 20th of June, I dispatched an aid-de-camp, with a letter to Sir John Colborne, or the officer commanding the British forces at Kingston, Upper Canada, acquainting him with the purpose of the above-mentioned expedition. My aid-de-camp was directed at the same time, to state to the commanding officer at Kingston that, if he were disposed to fit out a similar expedition, we would cooperate in making a general search among the "Thousand Islands," for the gang of pirates infesting them, which had been engaged in burning the British steamboat Sir Robert Peel. About a week afterwards, the Hon. Colonel Dundas, of the British Army, commandant at Kingston, and Captain Landom, of the Royal Navy, crossed over to see me on the subject of the proposed cooperation, when it was agreed that a similar expedition would be fitted out on their part, and the 2d of July fixed as the day of meeting of the parties. After a search of some days, the haunt of the pirates was discovered, but in the attempt to take the pirates, they all made their escape except two, who were seized. The gang, it appeared, consisted of but eight men at that time, among whom was the notorious Bill Johnson, their leader; they were well supplied with arms and ammunition, and had a fast rowing boat. The two men taken, with the arms of the gang and the boat, were sent to Sackett's Harbor, and placed in the hands of the proper authority, to be disposed of according to law.

On my arrival at Sackett's Harbor, I was informed that great excitement prevailed in consequence of the approaching trial of some prisoners at Watertown, charged with the burning of the Sir Robert Peel, and that the sheriff of the county had written to Lieutenant Colonel Cummings, the commanding officer at Sackett's Harbor, for a guard to prevent a rescue of the prisoners. As

soon as the troops arrived, a guard, commanded by an officer, was sent to Watertown, as the sheriff had requested.

Having made all the necessary arrangements at Sackett's Harbor, I visited all the important points on the frontier from that place to Ogdensburg, and crossed the country thence to Plattsburg and Vermont. I found Colonel Cutler with a detachment of recruits, equal to about a company, at Plattsburg, and Major Churchill in Vermont, with about an equal force stationed at Swanton. Everything appearing to be perfectly quiet at that time on the border, after giving the necessary directions, I proceeded to Buffalo, where I was advised by the War Department that three regiments of artillery would be withdrawn from the Cherokee country, and would be disposable for service on the northern frontier; in consequence of which, I issued a general order directing that the first regiment of artillery should occupy the Champlain frontier, the second regiment of artillery the Niagara and Detroit frontiers, and that the recruits mentioned as having arrived on the frontier in the early part of the season should be relieved by those regiments, and repair to Sackett's Harbor, there to join the headquarters of the eighth regiment of infantry, to which they had been assigned; which regiment was to occupy that part of the frontier from Ogdensburg to Rochester, and General Brady to command the troops west of Rochester, within the eastern division, and General Eustis all the troops on the frontier east of Rochester. The remaining regiment of artillery (the fourth) was intended to be left in position in New York harbor, as a reserve, to reinforce such portions of the frontier as might require to be strengthened; but, owing to the want of troops in Florida, that regiment was ordered thither.

After inspecting the Niagara frontier, I went to Detroit and examined the military establishments in that quarter; and, on satisfying myself as to the state of things there, I returned to Buffalo, touching at the intermediate points, and proceeded along the frontier to Sackett's Harbor, and inspected the new regiment under Colonel Worth, with the progress of which, in discipline and appearance, I was highly gratified. After which, I visited the whole line to Plattsburg, and thus having seen that the troops were well posted, and that the officers and men were zealous in the performance of the duty assigned them on the frontiers, I returned to the seat of Government to prepare my annual report.

Since my return to the seat of Government, reports have been received of unlawful enterprises having been made from our border by armed persons who entered Lower Canada, on the Champlain frontier, in the early part of November, who were, however, met and driven back by the British forces, and on their retreat the fugitives threw away their arms, which were collected by our guard stationed near the line; and, also, that another party, which went down the St. Lawrence in boats, had effected a landing near Prescott, Upper Canada; but, after a short time, they were attacked by the British forces and completely destroyed or captured. Colonel Worth, of the 8th regiment, commanding at Sackett's Harbor, hearing of these infractions of the law, promptly proceeded, in the steamboat *Telegraph*, to Ogdensburg, with a body of troops, taking with him the marshal of the district and other civil officers, and seized the vessels employed in the enterprise, and so interposed as to prevent any further attempts at crossing into that part of Canada.

During the summer it was reported to General Gaines that the Cherokees settled in the vicinity of Fort Gibson had sent runners to the other tribes settled on the western frontier, inviting them to a general council for purposes of a hostile character; and, in consequence, the General, considering it proper to be prepared against any emergency growing out of the council, took the incipient measure of obtaining a mounted force of ten thousand men, and immediately put in motion the Government troops stationed at Fort Leavenworth and Jefferson barracks, towards the place of meeting designated by the Cherokees; but being informed, while on the way thither, that the object of the meeting was of a pacific character, he ordered the troops back to their stations.

I cannot conclude without renewing the recommendation made in my last annual report, in reference to the advantage of having the several regiments and corps effective in officers as well as in men. From age and exposure, officers are liable to become unfit for active service, or, indeed, for any service at all; and, consequently, the officers next in rank to them are obliged to do their duty. I would respectfully submit that officers thus unfitted for service should retire on their pay proper without emoluments, as rations, forage, &c., and that the officer next in rank to the officer thus retired, be promoted to fill his place, with the grade and emoluments of the retired officer, but only the pay of the grade from which the promoted officer was advanced; thus the officer promoted in this manner, who would perform a higher duty, would, during the lifetime of the retired officer, or while he filled his place and performed his duties, although with the pay of a rank below, be compensated by the earlier advanced rank which he would thereby gain, and the superior emoluments attached to that rank. This arrangement would cost the Government not one cent more than the present one; the only difference would be, that the places of the non-effective officers would be supplied by the effective officers doing their duty, and the brevet officers, at the foot of the list, would be sooner advanced. And thus, by the increased efficiency of the several regiments and corps, there would actually a benefit result to the public; and I feel assured that the arrangement would be acceptable and gratifying to many meritorious officers.

ALEXANDER MACOMB,

Major General Commanding in Chief.

Hon J. R. POINSETT,

Secretary of War.

## Report of the Commissioner of Indian Affairs.

WAR DEPARTMENT,  
OFFICE INDIAN AFFAIRS, Nov. 25, 1838.

SIR: In compliance with your directions, the following report is made of the transactions of this office for the last year:

The most striking feature of the peculiar relations that the Indians bear to the United States, is their removal to the west side of the Mississippi; a change of residence effected under treaties, and with the utmost regard to their comfort that the circumstances of each admitted. The advance of white settlements, and the consuming effect of their approach to the red man's home, has long been observed by the humane with pain, as leading to the speedy extinction of the weaker party. But it is not believed that any suggestion of the policy now in a course of execution, was authoritatively made prior to the commencement of the present century. Since, it has repeatedly, and at various intervals, received the sanction of the Chief Magistrates of the United States, and of one or the other House of Congress, without, however, any definite action prior to the law passed eight years ago. Treaty engagements had been previously made for their removal west with several of the tribes, but the act referred to was a formal and general recognition of the measure, as desirable in regard of all the Indians within any State or Territory east of the Mississippi. Whatever apprehensions might have been honestly entertained of the results of this scheme, the arguments in favor of its adoption, deduced from observation, and the destructive effects of a continuance in their old positions, are so far strengthened by the success attendant upon its execution, as to have convinced all, it is thought, of the humane and benevolent tendency of the measure. Experience had shown, that however commendable the efforts to ameliorate a savage surrounded by a white population, they were not compensated to any great extent by the gratification which is the best reward of doing good. A few individuals, in a still smaller number of tribes, have been educated, and profited by the opportunities afforded them to become civilized and highly respectable men; but the mass has retrograded, giving by the contrast greater prominence to their more wisely judging brethren. What can even the moral and

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educated Indian promise himself in a white settlement? Equality he does not and cannot possess, and the influence that is the just possession of his qualities, in the ordinary social relations of life, is denied him. Separated from deteriorating associations with white men, the reverse will be the fact. A fair and wide field will be open before him, in which he can cultivate the moral and intellectual virtues of the human beings around him, and aid in elevating them to the highest condition which they are capable of reaching. If these views are correct, the reflection is pleasant that is derived from the belief that a greater sacrifice of feeling is not made in their removal, than falls to the lot of our fellow-citizens, in the numerous changes of residence that considerations of bettering their condition are daily producing. Indeed, it cannot be admitted to be so great; for while the white man moves West or South, accompanied by his family only, the Indians go by tribes, carrying with them all the pleasures of ancient acquaintance, common habits, and common interests. It can scarcely be contended that they are more susceptible of suffering at the breaking up of local associations than we are, for apart from their condition not favoring the indulgence of the finer feelings, fact proves that they sell a part of their possessions without reluctance, and leave their cabins and burial places, and the mounds and monuments which were the objects of their pride or affection, for a remote position in the same district. For whatever they have ceded to the United States, they have been amply compensated. I speak not of former times, to which reference is not made, but of later days. The case of the Cherokees is a striking example of the liberality of the Government in all its branches. By the treaty, they had stipulated to remove west of the Mississippi within two years from its ratification, which took place on the 23d of May, 1836. The obligations of the United States, State rights, and acts by virtue of those rights, and in anticipation of Cherokee removal, made a compliance with this provision of the treaty indispensable at the time stipulated, or as soon thereafter as it was practicable without harshness. To insure it, General Scott was dispatched to their late country, and performed a delicate and difficult duty, embarrassed by circumstances over which there is no human control, with great judgment and humanity. Early in the past season, several parties had been dispatched to the West, under the direction of officers detailed for that duty, amounting, as is estimated, to six thousand, of whom muster-rolls have not yet been received at this office. The preparations for the removal of those who remained being in progress, John Ross, and other chiefs, in virtue of a resolution by "the National Committee, and Council, and People of the Cherokee nation, in general council assembled," proposed to the Commanding General that the entire business of emigration should be confided to the nation; that the removal should commence at the time previously agreed on, to wit, when the sickly season had passed away, unless some cause, reasonable in the judgment of the General, should intervene to prevent it; that the expense should be calculated on the basis of one wagon and team and six riding horses for fifteen persons; and that the Cherokees should select the physicians, and such other attendants as might be required, for the safe and comfortable removal of the several detachments to their places of destination. This proposal was accepted, on certain conditions, by General Scott, in a communication to the chiefs, (with an exception of such of the treaty-making party as might not choose to emigrate under the direction of John Ross and his associates.) on the 25th of July. To the conditions prescribed they acceded on the 27th, stipulating for the months of September and October to get all their people in motion, and transmitting a resolution of the Cherokee council, conferring on them authority to make the necessary arrangements. The application as to time was answered by saying that the emigration must recommence on 1st September, and be completed on or before the 20th October, with a reservation in favor of the sick and superannuated, who might be unable

to travel by land, if the waters continued too low for steamboat navigation, and with permission to such respectable Cherokees as might apply for the purpose to remove themselves on the first rise of the rivers, although it should be after the 20th October. An estimate was submitted by the Cherokee chiefs on the 31st of July, which put the cost of the removal of one thousand souls at \$65,880. General Scott intimated that this estimate appeared to be too high, and requested its reconsideration, when its reasonableness was affirmed, a trifling but indispensable article added, and the estimate was thereupon approved. Of their disposition to conduct themselves with propriety, there is evidence in the letter of General Scott to yourself of 3d August, of which I herewith send an extract. Throughout their collection and emigration, so far as this office is informed, the Cherokees have manifested proper temper, and an inclination to do whatever was required, with fewer exceptions than might have been expected, and these not of an important nature. It would seem that the cost of removal, according to the Indian estimate, is high; but as their own fund pays it, and it was insisted on by their own confidential agents, it was thought it could not be rejected. The latest advices give assurances that the last of the Cherokees would be on the road early in November. It has been estimated that twelve thousand will be removed by John Ross and the other chiefs, which, added to the number that had emigrated previously during the year, believed to be about six thousand, will give an aggregate of eighteen thousand Cherokees who have ceased to live east of the Mississippi during the spring, summer, and autumn. It is thought that when muster-rolls of the emigrants come in, the number will be found to be somewhat larger, but at present the above is according to the information possessed. The last annual report of my predecessor made the number of east Cherokees fourteen thousand; but when General Scott had collected the great body of the Indians for emigration, it was computed that there remained, after deducting those who had removed since the above report was made, twelve thousand. Those emigrants being reckoned, as before stated, at six thousand, would make the whole number eighteen thousand a year ago.

A retrospect of the last eight months, in reference to this numerous and more than ordinary enlightened tribe, cannot fail to be refreshing to well-constituted minds. In and previous to May last a large party, led by educated and intelligent chiefs, were dissatisfied and gloomy, discontented with the treaty of December, 1835, disinclined to emigration, and created by their conduct serious apprehensions for the consequences when the day of removal should arrive. It did come on the 23d May; but on the 18th the privilege of wealth and strength to yield what they might withhold was exercised in an act of grace and beneficence by the executive branch of the Government. In answer to a communication from a delegation of the Cherokee nation, then in Washington, the Secretary of War, on that day, informed them that the best efforts of the United States would be put forth to prevail on the States interested in their removal to refrain from pressing them inconveniently, or so as to interfere with their comfortable emigration, and that he was quite sure the exertion would be successful; that the Cherokee agents should remove the nation, if desired, and he would so instruct the general in command in their country, and that he thought the expense of their emigration should be borne by the United States. He promised them an escort and protection while on the way west, and that, as the sum heretofore set apart for the payment of reclamations of various kinds, and to defray expenses of their removal was deemed inadequate for these purposes, a further appropriation would be asked to meet them. This communication met the approbation of the President of the United States, who transmitted it to Congress, "that such measures may be adopted as are required to carry into effect the benevolent intentions of the Government towards the Cherokee nation, and which, it is hoped, will induce them to remove peaceably and contentedly to their new homes in the West." The fruit of

this message was the law of 12th June, 1838, giving to the Cherokees the sum of \$1,147,067. When it is considered that, by the treaty of December, 1835, the sum of \$5,000,000 was stipulated to be paid them as the full value of their lands, after that amount was declared by the Senate of the United States to be an ample consideration for them, the spirit of this whole proceeding cannot be too much admired. The communication to the Cherokee delegation, submitted by the Chief Magistrate to Congress, addressing itself to feelings correspondent with those in which it originated, found in both Houses a ready and willing concurrence. By some, the measure may be regarded as just, by others generous—it perhaps partook of both attributes. If he went further than naked justice could have demanded, it did not stop short of what liberality approved. Thus was the foundation broadly laid for all that has since been constructed upon it. In compliance with his engagement, the Secretary, on the 23d of May, transmitted to General Winfield Scott a copy of the above communication, and authorized him "to enter into an agreement with the agents of the nation for the removal of their people," which produced the arrangement with John Ross and others, already referred to. The natural results of granting so much to the means, to the feelings, and wishes of the Cherokees, followed. If our acts have been generous, they have not been less wise and politic. A large mass of men have been conciliated, the hazard of an effusion of human blood has been put by, good feeling has been preserved, and we have quietly and gently transported eighteen thousand friends to the west bank of the Mississippi.

The Pottawatomies of Indiana, the time for whose removal, by their treaty stipulations, had arrived for some and approached for others, showed an indisposition to comply with their engagements. White men had settled upon the lands they had ceded, and collisions arose that threatened the peace of the country and the spilling of blood, which induced the agent, to whom the direction of their emigration was confided, on the application of the white settlers, to call upon the Governor of Indiana for a military force to suppress any outbreak that might occur. The Governor authorized General John Tipton to accept the services of one hundred volunteers, who raised them and used their services in the collection and removal of the Pottawatomies. A copy of his report to the Governor of Indiana is herewith submitted. By this operation, seven hundred and sixty-eight Indians are now on their way to the West. There have emigrated within the year one hundred and fifty-one Chippewas, Ottawas, and Pottawatomies, one hundred and seventy-seven Choctaws, four thousand one hundred and six Creeks, being chiefly composed of the families of the warriors of that tribe who served in Florida, and who had left their homes prior to the last report, but arrived west since; four thousand six hundred Chickasaws, and one thousand six hundred and fifty-one Florida Indians, making an aggregate of twenty-nine thousand four hundred and fifty-three, which, added to those who had previously occupied their new abode, makes eighty-one thousand and eighty-two emigrant residents, of whom thirty-one thousand three hundred and forty-three are now subsisted at the expense of the United States, at a daily cost of \$3,186 24. In the whole number of emigrants, of those for the year and those living at the expense of the United States, are included the Cherokees and Pottawatomies, who, it is supposed, will have reached the end of their journey before this report is presented. There yet are east of the Mississippi twenty-six thousand six hundred and eighty-two Indians. A tabular statement, which accompanies this communication, exhibits in detail the foregoing facts.

Information was received on the 6th November, from the agent employed in that service, by letter dated at Pensacola, on the 28th October last, that all the Appalachian Indians, and thirty-four Creeks, were embarked for the West. Recent communications are calculated to induce the belief that the Winnabagoes will remove quietly in the spring. They concluded a treaty at Washington

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on the 1st November, 1837, which was ratified on 15th June, 1838, by which they covenanted to leave their present residences for the neutral ground west of the Mississippi, within eight months after the ratification. The day will arrive in winter, and it is understood they wish to be indulged till spring, which seems to be not unreasonable, although the distance to be traveled is short; and I am sure they will be gratified. On the other hand, information of a different character has reached this office, stating that it is uncertain whether they will remove. In any event, I think, the above request ought to be granted.

The number of Indians on this side of the Mississippi is comparatively small, and it cannot be that much time shall elapse before the entire East country will be relieved of their presence—an event desirable in all respects of the subject. It is an expensive operation, but it is difficult to withhold any draft upon the public funds in reference to it. Our great purpose is their peaceable and comfortable translation; and in effecting it, the movement should have a liberal infusion of feeling and humanity, and not be misshaped by narrow rules.

The different treaties providing for their removal, and the act of 1830, entitle the Indians to receive patents for the land allotted to them in the West. To so many of them as are there, would it not be just to give the evidence of title? They will look for it, and would be gratified by its receipt. Few surveys have been made: designation of boundary on the ground might prevent collisions, and is proper. This work should be attended to, I think.

Within the last twelve months, the following treaties, previously made, have been confirmed and ratified, and appropriations made by Congress for carrying them into effect. It is thought proper to notice them particularly, as having been acted on lately for the first time.

A treaty was concluded with the Miami tribe, on the 23d October, 1834, which, having been laid before the Senate with modifications, assented to by the principal chiefs, that body ratified the same with a certain amendment: "Provided, That the chiefs and warriors of the said tribe shall, in general council, as on the occasion of concluding the aforesaid treaty, agree to and sign the same." The amendment was adopted by the Miamies, and the treaty proclaimed by the President on the 22d December, 1837. By this contract a considerable body of land was conveyed to the United States, for which a fair equivalent in money was stipulated to be paid, viz: \$208,000, with reservations of land. The United States further agreeing to have their improvements on the ceded ground valued, and to expend the amount in building, clearing, and fencing land for the Indians, on such place or places as they might afterwards select for their residence. An examination into the debts of this tribe, for the payment of which \$50,000 were appropriated, is now in progress. The stipulations of the United States in the treaty have been complied with, so far as the time has arrived for their performance.

With the Chippewas of the Mississippi a treaty was negotiated on the 29th July, 1837. By it a cession of land was made to the United States, and we undertook to pay them in money and goods, annually, for twenty years, \$31,000; to meet which remittances have been made to the public agents. There are also \$100,000 to be paid by the United States to the "half-breeds of the Chippewa nation," under the direction of the President, and \$70,000 to be applied in payment of their debts; \$58,000 to specific claims, and \$12,000 to other just demands against them. Governor Dodge recommends the postponement until spring of the distribution of the \$100,000, and the allotment to the creditors of the \$12,000. The \$58,000 might be paid here on drafts of those entitled; but if necessary to appoint an agent in the spring for other purposes mentioned, perhaps the whole had better be confided to him. There are some minor, and yet important, provisions for the benefit of the Indians, such as the erection of blacksmiths' shops, the employment of farmers, and the delivery of agricultural implements, and grain or seed, &c., which the above gentleman

has been asked to suggest the most judicious plan of carrying it out.

From the Sioux of the Mississippi a cession of land was obtained by treaty, concluded at Washington, in September, 1837. Instead of investing \$300,000, as provided by the treaty, \$15,000 were appropriated to pay the interest, at five per centum. This sum remains in the Treasury, it having been considered advisable not to pay it over until due. This, for a single reason, is, perhaps, most judicious. If the interest is paid in advance, an interval of more than a year must occur between such payment and one that may be made of the interest that shall have accumulated on an investment when convenient to make it; it will be difficult to explain this to the Indians, and dissatisfaction might grow out of it. Commissioners have been appointed to investigate debts and claims of the "relations and friends of the chiefs and braves." To the latter, \$110,000 have been appropriated by the treaty, and have been remitted to the proper agent; and the sum of \$90,000, set apart for the payment of the just debts of the Sioux, is retained to meet the drafts of the commissioners, in favor of creditors, and until their report is received. The other stipulations of the treaty have been complied with, except those which appropriate, annually, \$8,250 to the purchase of "medicines, agricultural implements, and stock, and for the support of a physician, farmers, and blacksmiths, and for other beneficial objects," and bind the United States to supply the Sioux, as soon as practicable, with "agricultural implements, mechanics' tools, cattle, and such other articles as may be useful to them, to an amount not exceeding \$10,000," to enable them to break up and improve their lands. The agent has been directed to expend such a portion of the amounts mentioned, as prudence would warrant, for the objects intended; and Governor Dodge and he have been requested to submit a plan for the most beneficial application of the said sums.

The Sacs and Foxes of the Mississippi ceded, by the treaty of October 21, 1837, one million two hundred and fifty thousand acres of land. The survey of the land is now making, at the expense of the United States, according to a provision of the treaty. A commissioner has been appointed to examine their debts, and the \$100,000 provided for their liquidation retained until his report comes in, which, it is understood, may be looked for very soon. Goods to the amount of \$28,500 have been delivered to them according to the treaty; and instructions were given, on the 28th of August, for the execution of the other stipulations for the current year, except as to the interest of \$200,000, which has not been paid, because not due. In lieu of an investment of the principal, the interest was appropriated by Congress.

In consideration of a cession of land made by the Sacs and Foxes of the Missouri, by treaty of October 21, 1837, the United States covenanted to invest for their use \$157,400, and to apply \$3,370 of the interest of it for beneficial objects; to effect which instructions have been given. The money has not been invested, but the interest appropriated by act of Congress. The balance of it, amounting to \$4,500, (at five per centum,) has not been paid, because not due. The remaining provisions have been fulfilled.

The treaty made with the Yancion Sioux, on the 21st of October, 1837, has been executed in all its stipulations.

The Winnebagoes ceded their lands east of the Mississippi to the United States, by treaty of November 1, 1837. In consideration thereof the United States agreed to pay, "at the earnest solicitation of the chiefs and delegates" of the nation, \$50,000 to certain individuals, which will be paid here; \$150,000 for their debts, which may be ascertained to be justly due, and admitted by the Indians; and to pay, under the direction of the President, \$100,000 to the relatives and friends of said Indians, of not less than quarter blood. To ascertain the debts, and who are entitled under the last clause, commissioners are now engaged. The payments to be made presently in goods, horses, and provisions, have been attended to. The balance of the proceeds of the lands ceded, namely, \$1,100,000, is to be invested, and interest

at five per centum guaranteed. The investment has not been made, but the interest has been appropriated by act of Congress. Forty-five hundred dollars of it are to be applied, by the treaty, to education and other beneficial purposes. For the attainment of these and other useful objects provided for, and to be gained when they remove, Governor Dodge has been desired to suggest a plan. The balance of the \$55,000 has not been paid because not due.

The stipulations of the treaty made with the Iowas, on the 23d of November, 1837, have been complied with.

The Oneidas at Green Bay, by a treaty made since the last annual report, viz: on the 3d of February, 1838, which was ratified on the 17th of May, ceded all the land "set apart for them in 'the first article of the treaty with the Menomonees, of February, 1831, and the second article of the 'treaty with the same tribe, of October 27, 1832,' reserving to the said Indians "to be held as other Indian lands are held," a tract of one hundred acres for each individual, which shall be so laid down as "to include all the settlements and improvements in the vicinity of Green Bay." The United States agreed to pay to the Orchard party of the Oneida Indians \$3,000, and to the first Christian party \$30,500. Of the last sum, \$3,000 are to go to the erection of a church and parsonage house; and the residue of the \$33,500 to be apportioned, under the direction of the President, to those having just claims thereto, the said aggregate having been "designed to be in reimbursement of moneys expended by said Indians, and in remuneration of services rendered by their chiefs and agents in purchasing and securing a title to 'the land ceded,'" and the United States further agreed to have the reservations surveyed as soon as practicable. Instructions have been given for the execution of the several articles.

A treaty was concluded with the Chippewas of Saginaw on the 14th of January, 1837. They ceded several large tracts of land, the proceeds of which the United States agreed should be invested for their use. The fourth article of the treaty set apart \$107,543 75 for specific purposes, which the United States agreed to advance; but the third article of the supplement limited the amount to be advanced to \$75,000; and provided that the reduction shall be made upon the sums ratably, or in any other manner the President may direct. An appropriation of \$75,000 was accordingly made at the last session of Congress; but as it cannot be apportioned until the debts are ascertained, for the payment of which \$40,000 were allotted in the said fourth article, \$5,000 in money and \$10,000 in goods, provided for by the fourth article of the supplement for the year 1838, have only been paid, together with \$100 for vaccine matter and the services of a physician, and \$200 for tobacco, according to the fourth article of the treaty. The remaining \$59,700 will be retained until the report of the commissioner, recently appointed to ascertain the debts, comes in, when a ratable distribution can be made. The Land Office has been requested to hasten the surveys and sales. An exploring party has found a suitable location beyond the Missouri, and the acting superintendent thinks they will soon remove.

These Indians concluded another treaty with the United States on the 23d day of January, 1838, which was ratified on the 2d July, 1838, which relates to the sales of the lands ceded by the treaty of the 14th January, 1837, and to their emigration.

By these several compacts, the United States have acquired eighteen million four hundred and fifty-eight thousand acres of land, for which the sum stipulated to be paid is \$3,955,000.

Efforts were made in the years 1834 and 1835, through the agency of Governor Lucas, to treat with the Wyandots of Ohio, which failed of their object. They were renewed in 1836, by John A. Bryan, Esq., who negotiated the treaty of 23d April, by which a part of their reservations were ceded. They still hold a generally fertile tract of country, in extent about fourteen miles long by twelve in width, watered by the Sandusky, and situated in Crawford county, nearly midway between Columbus and the shore of Lake Erie. The

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extinguishment of the Indian title to this land is desirable. The Hon. Mr. Hunter, representing that district in Congress, and N. H. Swayne, Esq., of Columbus, have had, on the invitation of the Department, various interviews with the Wyandots, and Mr. Swayne has been instructed to negotiate with them on the most liberal terms.

By the amended treaty of 1834 with the Miami, already referred to, \$50,000 were appropriated to pay their debts. A commissioner was appointed to examine them, and it was discovered that, so far from \$50,000 being equal to their discharge, they had greatly accumulated since 1834, and amounted to upwards of \$200,000. It is probable, that to obtain a fund to relieve themselves from this unexpected embarrassment, they may be disposed to cede a part of their remaining lands.

The Osages, by their treaty of June, 1825, conveyed an extensive tract of country to the United States. The sum agreed to be paid for it was divided and absorbed in various ways, so that not much benefit resulted to them, except the temporary relief afforded by the distribution of money and clothing at the payment of their small annuities. They were poor and destitute, and they plundered our citizens and other tribes. Congress, at its last session, having, for one object, to place the Osages above the temptation to do wrong, made an appropriation for a treaty to extinguish, reads the law, "their title to reservations in lands within other tribes, and for other purposes." The conduct of the negotiation authorized has been intrusted to General M. Arbuckle and Captain William Armstrong, who, in conformity with what was believed to be the wish and intention of Congress in making the appropriation, were instructed to engage for allowances and payments on a liberal scale.

A treaty with the New York Indians has been for some time in a course of negotiation, for their lands at Green Bay. It at one period assumed a shape which induced the commissioner, who was charged with that duty, to accept it; but the Senate prescribed certain amendments, upon the full assent of the Indians to which it was to be promulgated. These changes the commissioner laid before them, with full explanation in council, and obtained the assent of all the tribes, in a manner entirely satisfactory, except that of the largest one, the Senecas. A fuller expression of their willingness to accept the terms proposed was deemed proper and necessary, and the honorable Mr. Gillet, the commissioner, has been requested to lay it again before them, with a view to such consent, if they choose to give it. Should they decline to do so, the treaty, by its own provisions and the resolution of the Senate, will nevertheless be ratified as to the other tribes. When the report is brought in, such course as it makes proper will be taken. I subjoin a part of a report of the commissioner, made on the 29th of December, 1837, which contains some information that may, perhaps, be interesting, respecting these Indians, of whom comparatively little is known out of the region they inhabit.

General Arbuckle and Captain Armstrong have been also charged to treat with the Creeks, "for the purpose of adjusting the claims for property and improvements abandoned or lost, in consequence of their emigration west of the Mississippi."

It has been deemed advisable to attempt a negotiation with the united bands of Ottawas, Chippewas, and Pottawatomies, north of Missouri, for their lands; and Major John Dougherty and Major A. L. Davis have been instructed on the subject.

Under the treaty with the Cherokees, commissioners to value their improvements and examine the debts due by the nation and the individual members thereof have been engaged in the arduous and necessarily protracted duties assigned to them, which have been discharged by the different gentlemen who at various times have constituted the commission, in a manner that is believed to be highly beneficial to the Cherokees. At what time their labors may be expected to close, I have no means of ascertaining; but I have no doubt they will be terminated at as early a day as consists with justice to all concerned.

Anthony Ten Eyck, Esq., of Michigan, was

recently appointed, under the fourth article of the treaty with the Chippewas of Saginaw, which provides for the liquidation of their debts, and the ascertainment of the depredations committed by them, a commissioner to make the inquiries preliminary to payment.

Under the act of Congress of the 3d of March, 1837, a commissioner was constituted to examine claims for spoliation committed by the Creek and Seminole Indians, in Georgia, Alabama, and Florida. A report of examinations in the two former was made by Messrs. Pease and Smith, in November, 1837, which was submitted to Congress in January, 1838. The hostilities in Florida prevented any action by them in that Territory. It was not thought proper to direct their further progress until the report made was acted on by Congress. When it shall be judged necessary, a renewal of the investigations of the commission will be required, and an enlargement of the law constituting it, so as to extend its jurisdiction to the State of Mississippi, is recommended, that depredations committed by the last Creek emigrants at Pass Christian, or elsewhere, may be examined.

The commission, consisting of Alfred Balch, Esq., and the undersigned, raised under the resolution of the House of Representatives of the United States, of 1st July, 1836, has lately closed the investigations committed to it. The field to be explored was very wide, and it is hoped the examinations have been as extensive and thorough as, under the circumstances, could be expected. The reports made up to the close of the last session of Congress have been heretofore, by your direction, transmitted to the House of Representatives, and the further reports, since made, will, it is presumed, take the same course. The contract made by certain Creek chiefs with J. C. Watson & Co., provides for the appointment of an agent, to decide between it and such conflicting claims as might arise; the parties, opposed in interest to that deed, called for the appointment of such a commissioner. The person designated for that duty resigned, and a successor will be selected.

The act of Congress of March, 1837, provided for the appointment of three commissioners, "who shall constitute a board for the adjustment and decision of all claims of the Choctaw heads of families, for reservations of land, under the fourteenth article of the treaty concluded with said Choctaw nation at Dancing Rabbit Creek," on the 28th September, 1830. Under this law, James Murray, Esq., of Maryland, P. D. Vroom, Esq., of New Jersey, and P. R. R. Pray, Esq., of Mississippi, were appointed; but the latter having resigned, Roger Barton, Esq., of Mississippi, was selected to supply the vacancy. They assembled in the State of Mississippi, and entered upon their duties. Pending their discharge, the commission, which would have expired by the limitation contained in the law that created it, was extended, by the act of 23d February, 1838, until the 1st August last. On the 31st July, Messrs. Murray and Vroom made a report of their opinions upon two hundred and sixty-one cases, and state that the number of claimants, whose names were filed with them, amounts, according to the lists returned with the report, to upwards of one thousand three hundred; and that "it is understood three are other claims yet to be filed." I would respectfully suggest that further legislative provision be recommended, for examining the claims that have not been investigated.

The performance of the stipulations for reservations, contained in several treaties, is complete in some instances, while in those more important and difficult, and requiring time, they have been only partially executed. Progress in the latter is, however, making, and it is expected that whatever the treaties and law require will be perfected as early as practicable.

The investment of moneys raised by sales of ceded lands, under treaty provisions, or paid for cessions, has latterly been carried to a considerable extent. It is a most beneficial policy, which furnishes an annual resource to those who would as certainly expend the principal in a twelvemonth as the income of the stocks. The funds thus put to interest, under the direction of this office, for Indian

use, amount to \$1,776,321 76, and yield yearly \$92,722 92. The tabular exhibit herewith submitted shows the nature of the investment, how much belongs to tribes respectively, and other particulars, which it may be gratifying to look at. Future sales of lands will increase this source of comfort and supply. It not being convenient to invest some of the amounts agreed to be so disposed of by late treaties, Congress appropriated sums equal to the aggregate of interest that would have accrued according to the rate provided. This is doing full justice to the Indians, until it shall suit the Treasury to set the necessary capital aside.

An act of Congress was passed on the 7th of July last, appropriating \$150,000 "for affording temporary subsistence to such Indians west of the Mississippi, who, by reason of their recent emigration, or the territorial arrangements incident to the policy of setting apart a portion of the public domain west of the Mississippi, for the residence of all the tribes residing east of that river, as are unable to subsist themselves, and for the expenses attending the distribution of the same." This sum was "to be expended under the direction of the Secretary of War." Soon after, viz: on 28th July, 1838, regulations were prescribed for carrying out the intentions of the Legislature, and orders were issued to the proper agents for this purpose. No returns of those entitled to the benefits of this gratuity have been received, but it is, doubtless, in a course of distribution, and the donation will be received by those for whom it was supposed to be designed.

The principal lever by which the Indians are to be lifted out of the mire of folly and vice in which they are sunk is education. The learning of the already civilized and cultivated man is not what they want now. It could not be advantageously ingrafted on so rude a stock. In the present state of their social existence, all they could be taught, or would learn, is to read and write, with a very limited knowledge of figures. There are exceptions, but in the general the remark is true, and perhaps more is not desirable or would be useful. As they advance, a more liberal culture of their minds may be effected, if happily they should yield to the influences that, if not roughly thrust back, will certainly follow in the wake of properly directed efforts to improve their understandings. To attempt too much at once is to insure failure. You must lay the foundations broadly and deeply, but gradually, if you would succeed. To teach a savage man to read, while he continues a savage in all else, is to throw seed on a rock. In this particular there has been a general error. If you would win an Indian from the waywardness and idleness and vice of his life, you must improve his morals, as well as his mind, and that not merely by precept, but by teaching him how to farm, how to work in the machine arts, and how to labor profitably; so that, by enabling him to find his comfort in changed pursuits, he will fall into those habits which are in keeping with the useful application of such education as may be given him. Thus too, only, it is conceived, are men to be christianized; the beginning is some education, social and moral lives; the end may be the brightest hope. But this allusion ought not, perhaps, to have been made; upon it I certainly will not enlarge; it is in better hands. Manual-labor schools are what the Indian condition calls for. The Missionary Society of the Methodist Episcopal Church has laid before the Department a plan, based upon the idea suggested, for establishing a large central school for the education of the western Indians. Into their scheme enter a farm, and shops for teaching the different mechanic arts. Experience, they say, has shown them, after much opportunity for judging correctly, that separate schools for the respective tribes, though productive of much good, are not so useful as one common school for the benefit of all would be. They assert truly that a knowledge of the English language is necessary, and they think that it can be best acquired in an establishment of the latter description. I would not hazard a different opinion; and yet it may not be improper to state, that the funds which have been set apart for education purposes belong to the several tribes, without whose consent the

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Government could not devote them to a general school; and this the society admits. There is no disposition to discourage the efforts of those who choose to labor in this work of benevolence. On the contrary, there is, as there should be, an eagerness to meet any advance which promises greater facilities for improving the mind and morals of the Indian. Upon success in this department hangs every hope. All that can be done to encourage and cheer on those who have devised this scheme of goodness and charity, I think, should be done. But, whatever reform may be deemed advisable in the direction and economy of the separate schools, it appears to me that if the proposed central school shall be established, they should be kept up too. They may, perhaps, be more numerous than is necessary or advantageous; they may be too expensively conducted, or more scholars ought to be taught for the money expended, or they may be badly located; but each, or all, of these objections may be obviated, and the schools improved. For such minor institutions, would not the central school be able to furnish teachers? Could not the Government, in consideration of any pecuniary aid it might render, exact, as a condition, that a certain number of young Indians of capacity should yearly leave the central school, qualified to be instructors, who shall make compensation for their own education by teaching as long as might be thought a suitable return? After such a plan had been in operation three or four years there would be an annual supply.

The manual-labor system has been advantageously employed in one or two instances, particularly among the Wyandots of Ohio; and by bringing it into general use, better success, it is hoped, may attend the exertions making to impart knowledge to the benighted Indians. Their capacities are represented as not inferior, and yet the different reports made are not very gratifying. There must be some defect in the course adopted, and, it is thought, it may be found where it has been stated to exist; whatever else may be deemed expedient, the connection of manual labor in various shapes with the benevolent toil of instruction, recommends itself by the strongest considerations. Herewith is communicated a statement which gives the information, in possession of this office, respecting the various Indian schools.

The general obligations of the Government to the different tribes, the fulfillment of which is made through the agency of this office, have been attended to. The reports that have been received from the different superintendents and agents, show the general condition of their respective charges. Although here and there your eyes rest on a green spot, the field is generally barren. For those not yet removed, much, if any, amelioration is not to be expected; for the emigrants, everything will depend upon the line of policy that may be adopted. If it be adapted to their condition and wants, and be directed by discretion and wisdom in those to whom its execution may be committed, the most beneficial results may be anticipated. A crisis in their fate has arrived which cannot but make an epoch in their history. The ground is untrodden, and for that reason, together with my own newness of relation to them, the observations already made, and any others which may follow, are submitted with diffidence. The powers and duties of agents, and their permanent assignment to particular tribes, are of long standing. The judiciousness of the latter, it is thought, may be well questioned. Referring not to personal considerations, which are always dangerous ground of legislative or executive regulation, is it expedient to identify the agent with the tribe into which he is sent? Is there not some hazard of his becoming attached to their particular interests, to their customs, to leading men among them, to all that is theirs? The more there is in the agent to esteem, the more likely will it be to happen. If there were but one tribe and one agency, this would be most desirable; but the United States, observing their special treaty obligations to each, intend even-handed justice and protection and improvement, as they owe them to all. With the feelings that have been attributed to these fixed agencies, will not the individuals who fill them become the partisans each

of his own particular charge? It cannot be otherwise, and experience must have shown it. In all differences between tribes, wherever there are conflicting interests, or criminations and recriminations, the several parties will find in their attached agents willing and zealous advocates. However this may commend the individual, the Government seeks information from the calm, who take no counsel from their feelings. A dispassionate representation of claims or acts is necessary to just conclusions, and it is not reasonable to expect it from devoted friends. Such, it is supposed, long-continued residence and intercourse will make agents. It is suggested whether it would not be better to allow each of them to reside but a limited time in any one district. By transferring the agents from one position to another, as frequently as may be regarded proper, they will be cut off from the strong enlistment of their feelings, or if, perchance, it will still occur, a removal to another agency will produce kindred predilections elsewhere, and these attachments will neutralize each other. By a general consideration of the interests of all, those of each will be better understood. A general association will liberalize the views, and by widening the horizon, give a look over the whole surface. It might be well to authorize the yearly or semi-annual assemblage of the agents within particular districts, to confer upon the conditions of their several trusts. It may be said that the influence which the Government should hold among these rude beings has been preserved, and can be maintained only through agents; but cannot this influence be ours through others, and if it can, is it not unwise to confine it to our own officers alone? With them it must cease in a state of things which might be supposed. Besides, the traders are licensed; if they are as judiciously selected as they ought to be, might they not be useful in this particular? But the chiefs should be so treated as to make of them fast friends, and their continued presence, under any circumstances, among the Indians, would furnish us advocates when they would be most needed. If, upon full consideration, these suggestions should be adopted, there does not seem to be (for this particular purpose) any change of law necessary, for the act of 30th of June, 1834, providing for the organization of the department of Indian Affairs, "authorizes 'the President, whenever he may judge it expedient, to discontinue any Indian agency, or to 'transfer the same from the place or tribe designated by law, to such other place or tribe as the 'public service may require.'" The superintendency of St. Louis is fixed, by the above law, at that place; it has become an inconvenient location, and should be removed to Fort Leavenworth, or some other point west of St. Louis; but this cannot be done without the interposition of Congress. It is respectfully recommended that the necessary legislation be requested, leaving the place discretionary with the War Department.

The statement of disbursements through this office exhibits a large amount of expenditure. It shows what has been remitted to different public agents, for how much they have sent in accounts, and what proportion remains unaccounted for. This, except as to the amount drawn out, gives no precise information. The disbursements of the agents can be only settled finally in the accounting offices of the Government; and consequently, the balances unaccounted for may be less or more, as the sums expended and vouchers produced may be allowed or not. The statement is made from such information as is on file. However large the amount of the requisitions, they were made to fulfill treaty obligations, and to effect objects most desirable to the Government and the country. I also send a general statement, showing the amount applicable to expenditure, and the amount expended in the service of the department of Indian Affairs, during the year ending 30th September last. The condition of the civilization fund is shown by exhibit 36, and of the treaty funds for education purposes by statement 37, herewith transmitted. As the law now stands, all sums that are not used within two years after they have been appropriated, go into the surplus fund of the Treasury; and, if they are wanted for

the original objects, must be reappropriated. It frequently occurs from limitation in treaties, from their having been ratified conditionally, and a variety of causes, that money appropriated for the purposes of this office cannot be used within two years; and a great inconvenience would result, were it not that a practice has prevailed of drawing out such balances as it is thought will be wanted, and which would otherwise fall into the surplus fund. The amount so obtained is placed to the credit of the disbursing agent here, and applied in discharge of the Government obligations. This is, although substantially correct, irregular, and to avoid, for the future, the necessity of such a resort, I think the law ought to be altered, so as to allow three years for the expenditure. This, I hope, if a general change is not thought expedient, may be done in regard of this office, so that no money, except for contingencies, and the salaries of the gentlemen employed in the bureau, shall in future be called for; that is, not paid at the Treasury, on special requisitions, at the time and for the precise object that requires the expenditure.

The disease which was so destructive of human life, everywhere before the discovery of the art of vaccination, has been peculiarly fatal among the Indians during the past year. Their general want of medical advice, and neglect of precautionary measures, added to their irregular and exposed modes of living, made them certain victims to the scourge. It appeared among the Chickasaws, by whom it was introduced among the Choctaws in the west, and, from the wandering disposition of the sufferers, it was extended. Numerous deaths occurred, notwithstanding every exertion was made to confine the disease, and prevent their association with the well; but by the early and diligent use of vaccine matter, much was done in this quarter to arrest the ravages of the disorder. It was, however, in the northwest that the greatest amount of human life was extinguished, among the more savage and unsettled tribes. It is computed that, among the Sioux, Mandans, Ricaras, Minnetarees, Assinaboines, and Blackfeet Indians, seventeen thousand two hundred persons sunk under the small-pox. In at least one other tribe it is known to have prevailed, but no attempt has been made to count the victims, nor is it possible to reckon them in any of these tribes with accuracy; it is believed that if the above number was doubled, the aggregate would not be too large for those who have fallen east of the Rocky Mountains. Whether it reached beyond them is unknown. But vaccine matter was sent by a gentleman, who was traveling to the Columbia river region, with a request that he would endeavor to introduce it there. On this side, and where the malady prevailed so extensively, every exertion was used to vaccinate as generally as possible, and a physician was dispatched for the sole purpose, under the direction of this office, while the pestilence was at its height. The intrinsic difficulties attending such efforts are apparent; still, it is believed much prevention was effected and good done. The medical gentleman employed on this benevolent errand vaccinated about three thousand persons.

The removals west make a new organization of the superintendencies and agencies advisable. I have already submitted some observations in favor of their mutual transfer, and if they remain as the law of 1834 arranged them, the executive power, as heretofore remarked, is, perhaps, sufficient for the purpose. If, however, the change alluded to should take place, it would be proper to reenact the authority, with specific legal provisions as to compensation and the bonds for performance of duty. Some regulation as to the disbursing agents will also be expedient. By the law of the 5th July last, officers in the line of the Army cannot be employed on this duty after the 5th July next. Officers of the staff may, it is presumed, render this service; none would do it more efficiently or faithfully. The only objection to them is that military exigencies might call them away.

There is one measure that, in my judgment, is of great importance; it has heretofore attracted the

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attention of Congress, and I hope will meet with favor. As any plan for the government of the western tribes of Indians contemplates an interior police of their own in each community, and that their own laws shall prevail, as between themselves, for which some of their treaties provide, this, as it seems to me, indispensable step to their advancement in civilization, cannot be taken without their own consent. Unless some system is marked out by which there shall be a separate allotment of land to each individual whom the scheme shall entitle to it, you will look in vain for any general casting off of savageism. Common property and civilization cannot coexist. The few instances to be found in the United States and other countries of small abstracted communities, who draw their subsistence and whatever comforts they have from a common store, do not militate against this position. Under a show of equality, the mass work for two or three rulers or directors, who enjoy what they will, and distribute what they please. The members never rise beyond a certain point, (to which they had reached, generally, before they joined the society,) and never will while they remain where they are. But if they should, these associations are so small and confined as to place their possessions in the class of individual estates. At the foundation of the whole social system lies individuality of property. It is, perhaps, nine times in ten the stimulus that manhood first feels. It has produced the energy, industry, and enterprise that distinguish the civilized world, and contributes more largely to the good morals of men than those are willing to acknowledge who have not looked somewhat closely at their fellow-beings. With it come all the delights that the home expresses; the comforts that follow fixed settlements are in its train, and to them belongs not only an anxiety to do right, that those gratifications may not be forfeited, but by industry, that they may be increased. Social intercourse, and a just appreciation of its pleasures result, when you have civilized, and, for the most part, moral men. This process, it strikes me, the Indians must go through before their habits can be materially changed, and they may, after what many of them have seen and know, do it very rapidly. If, on the other hand, the large tracts of land set apart for them shall continue to be joint property, the ordinary motive to industry (and the most powerful one) will be wanting. A bare subsistence is as much as they can promise themselves. A few acres of badly-cultivated corn about their cabins will be seen, instead of extensive fields, rich pastures, and valuable stock. The latter belong to him who is conscious that what he plows is his own, and will descend to those he loves; never to the man who does not know by what tenure he holds his miserable dwelling. Laziness and unthrift will be so general as not to be disgraceful; and if the produce of their labors should be thrown into common stock, the indolent and dishonest will subsist at the expense of the meritorious. Besides, there is a strong motive in reference to ourselves for encouraging individual ownership. The history of the world proves that distinct and separate possessions make those who hold them averse to change. The risk of losing the advantages they have, men do not readily encounter. By adopting and acting on the view suggested, a large body will be created, whose interest would dispose them to keep things steady. They would be the ballast of the ship.

Plans have at various times been proposed for a confederation of the Indian tribes west of the Mississippi, embracing those who shall hereafter remove. I incline much to doubt the expedience of such a measure. It could only be executed with the consent of the tribes that might become members of it. The Choctaws have twice signified their disinclination to it. The treaty with the Cherokees of December, 1835, discourages it. The idea of such a bond between dependent communities is new. The league could only be for regulation among themselves, and not for mutual protection, which is the usual object of such combinations. They have no common property to secure, or common interest to advance. Any plan I have seen is based upon the power of the President to

reject their articles of association, which exhibits strikingly their true position. They may be likened to colonies, among whom a confederation does not exist. They are governed, and their legislation, by each community for itself, is supervised and controlled by the parent country. When they contemplate a different attitude, they confederate. A general council of the Indians might pass resolutions of a pacific character, or to arrest actual hostilities, and to regulate their intercourse with each other; but this could be done better by Congress, leaving to each tribe the management of its own internal concerns, not interfering with treaties or laws. There are inherent difficulties in the dissimilar conditions of the tribes. Some of them are semi-civilized, others as wild as the game they hunt. Some are rich, others poor. Some number but a few hundred souls, others more thousands. We cannot frame for them, much less could they do it, articles of confederation which would bring into council a just representation of the different tribes. If you allot so many representatives to a tribe, looking to its population, the smaller would be swallowed up in the larger. If you limit to a certain number, or within or between two numbers, you are unjust to the larger tribes, which a combination of the smaller, with fewer motives to rectitude, might control. A small proportion of all might come into the confederation, and these separated from each other by bands who would not join in the arrangement, and would not on any principle be bound by the resolves of the general council. We owe duties to ourselves. Cogent reasons for not giving to these neighboring communities more concentration than they have, must be seen. While they are treated with all kindness, tenderness even, and liberality, prudential considerations would seem to require that they should be kept distinct from each other. Let them manage their internal police after their own views. One or more superintendents, and as many agencies as may be deemed proper, with such regulation of their intercourse with each other, and such guards for their protection, as Congress shall think fit to prescribe, would, it appears to me, meet the emergency. Through the officers thus stationed among them they could make their complaints known and ask redress for grievances, which would be afforded when it was proper. It is not understood that the deliberations of the council could result in any act which would be valid until approved by the Chief Magistrate, which does not lessen the force of what has been said.

It would perhaps be judicious not to pay a compliment at some hazard, especially where it would not be appreciated, but to assert directly for general purposes the authority which actually exists, and which must, upon any suggestion that may be adopted, be really felt and acknowledged. At some future period, if circumstances should be so changed as to call for a territorial government, or for any other alteration in the system, the United States can, in the guardian position they occupy, make such modification as sound judgment and an anxious desire to benefit the Indians shall dictate.

I have the honor to be, very respectfully, your most obedient servant,

T. HARTLEY CRAWFORD.

Hon. J. R. POINSETT,

Secretary of War.

#### Report of the Acting Quartermaster General.

QUARTERMASTER GENERAL'S OFFICE,  
WASHINGTON CITY, November 28, 1838.

SIR: In obedience to your instructions, I have now the honor to report the operations of the Quartermaster's Department during the fiscal year ending on the 30th of September last.

The annual report from this office of 1837, exhibits the expenditures, in part, of the third quarter of that year, as well as the aggregate balance remaining in the hands of the officers and agents of the department at the close of that quarter, amounting to..... \$605,042 19

To which is to be added the remittances made to those officers and

agents in the fourth quarter of 1837.....1,162,783 83  
In the first quarter of 1838..... 609,214 93  
In the second quarter of 1838.....2,152,594 35  
In the third quarter of 1838..... 988,943 21

4,913,536 32

And also the funds derived from sales of public property, which became unfit for service, or no longer required for public use, and from rents of public grounds and buildings not occupied for military purposes..... 87,760 11

Making the sum to be accounted for of..... 5,606,338 62

From which is to be deducted the sums disbursed in the fourth quarter of 1836, and second and third quarters of 1837, the accounts for which were received subsequent to the 30th of September, 1837..... \$362,641 03

In the fourth quarter of 1837.....1,261,277 49

In the first quarter of 1838.....1,139,794 22

In the second quarter of 1838.....1,460,839 25

In the third quarter of 1838, so far as the accounts have been received at this date.. 560,243 91

And by the several payments into the Treasury, and warrants rendered unavailable, 624 23

Making whole amount accounted for during the fiscal year..... 4,785,420 15

And leaving in the hands of the officers and agents of the Department, to be hereafter accounted for.... \$820,918 49

The general correctness and punctuality with which the officers of the Department, as well as those of the line of the army acting in the Department, have heretofore rendered their accounts, justifies the belief that the several balances in their hands will, in due time, be satisfactorily accounted for.

The assignment to the Topographical Department of the duties connected with surveying and opening the several roads authorized by Congress, (except such as are strictly of a military character,) which have hitherto devolved upon the Quartermaster's Department, enables me to confine my remarks relative to this branch of the public service to the operations connected with the "western frontier military road."

Measures were taken, early in the season, for completing the surveys and for opening portions of this road, which was, with the view of facilitating operations, divided into three sections. That part of it commencing at Fort Towson, its southern extremity, and extending to Fort Smith, constituting the southern; from Fort Smith to Fort Leavenworth, the middle; and from the last-mentioned point to Fort Snelling, at the mouth of the Saint Peters, the northern section.

The surveys of the middle section were completed in the autumn of last year; and that part of it extending from Fort Leavenworth south, to the Marais de Cygne, has been put under contract, and the work of opening and grading has been commenced by the contractors.

From the commissioners appointed to locate the other sections, final reports have not yet been received. No doubt, however, is entertained that the work intrusted to them will be completed before the close of the present season.

The site selected for the new military post to be established near old Fort Smith, on the Arkansas, has been purchased, agreeably to a resolution of

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Congress of the 4th of April last; and, in that month, Major Thomas, of the Quartermaster's Department, was charged with the construction of the contemplated work, and proceeded immediately to the scene of operations, accompanied by a corps of mechanics and laborers, and provided with ample supplies for its rapid prosecution. Owing, however, to unusual difficulties in the navigation of the Arkansas, caused by the low stage of its waters, it was not until a considerable part of the season for active operations had elapsed, that his party and supplies arrived at their destination; since which he has been actively engaged in collecting and preparing materials, and in making other necessary arrangements for executing the duties which have been assigned to him.

The progress made, during the past season, in the work of enlarging and repairing the quarters at Fort Leavenworth, and in the erection of stables rendered indispensably necessary by the increase of the dragoon force stationed at that post, has been entirely satisfactory; but the further prosecution of it must be suspended, unless Congress shall think proper to make the appropriations required for its completion.

The measures directed by the War Department, during the last summer, for the preservation of our neutral relations and the security of our northern borders, have necessarily involved heavy expenditures connected with the movement of troops and transportation of supplies, and for the indispensable repairs of the lately unoccupied and dilapidated works along the Canadian line, as well as for the construction and rent of barracks and quarters at the several newly-established posts on that frontier.

Although the operations and responsibilities of the Department have been greatly extended by the recent augmentation of the military forces of the country, and the multiplication of posts along our extensive inland frontier, it is believed that, with the late increase of its numerical strength, the Department will be found adequate, provided its officers be confined to their appropriate functions, to the efficient discharge of its numerous obligations.

I have the honor to be, with perfect respect, your obedient servant,

HENRY STANTON,  
Colonel, Acting Quartermaster General.  
Hon. J. R. POINSETT,  
Secretary of War, Washington.

## Report of the Surgeon General.

SURGEON GENERAL'S OFFICE, }  
November 10, 1838. }

SIR: In obedience to your instructions, that I should make a statement of the fiscal transactions and other operations of the Medical Department of the Army, I have the honor to present to you the following report.

The medical and hospital supplies required for the military service within the past year, were furnished in due time, in good order, and of the best quality; and they have been very generally accounted for in a satisfactory manner by the returns of the surgeons and assistant surgeons of the Army proper, and by the returns or statements of the private physicians, temporarily employed in the military service of the United States.

The amount of the appropriation for the medical and hospital department remaining in the Treasury on the 30th September, 1837, was ..... \$28,615 07  
In the hands of disbursing agents.... 8,110 94  
And the sum appropriated by the act of the 6th of April, of the present year, was..... 39,225 00

Making a gross amount of..... \$75,951 01  
Of this sum there has been paid during the fourth quarter of 1837, and the first, second, and third quarters of the present year, at the Treasury:  
On account of the pay and other claims of private physicians... \$12,925 47  
On account of medical and hospital supplies..... 3,621 56

And by disbursing agents for medical and hospital supplies, during the same period ..... 15,327 74

Amounting, in all, to..... \$31,874 77

Leaving a balance, on the 30th September, 1838, in the hands of disbursing agents ..... \$3,308 20  
And in the Treasury..... 40,768 04

Total..... \$44,076 24

There has also been drawn, within the past year, by special requisitions on the Treasury, the following sums:

From the appropriation for preventing and suppressing Indian hostilities..... \$10,900 00

Of this amount there has been expended in the purchase of extra medical and hospital supplies for the troops in the field..... 9,629 54

Leaving a balance in the hands of disbursing agents, of..... \$1,270 46

From the appropriation for the protection of the northern frontier..... \$1,000 00

Of this amount, there has been expended in the purchase of extra medical and hospital supplies for the militia in the service of the United States..... 826 74

Leaving a balance, which was replaced in the Treasury, of..... \$173 26

From the appropriation for erecting hospitals at the military posts ..... \$11,078 62

Of this amount, there has been expended in the erection of an hospital at Fort McHenry ..... 7,532 12

Leaving a balance in the hands of disbursing agents of..... \$3,546 50

And from the appropriation for the purchase of sites for marine hospitals on the western waters, &c..... \$2,168 75

Of this amount, there has been expended in the payment of the accounts of the agents employed in selecting and contracting for sites upon which to erect the hospitals.. 2,168 75

The whole amount of money received, then, during the last fiscal year, being on account of the appropriation for the medical and hospital department..... \$75,951 01

On account of the appropriation for preventing and suppressing Indian hostilities..... 10,900 00

On account of the appropriation for the protection of the northern frontier..... 1,000 00

On account of the appropriation for erecting hospitals at military posts, 11,078 62

On account of the appropriation for the purchase of sites for marine hospitals..... 2,168 75

Total..... \$101,098 38

And the sum of all expenditures, together with the money replaced in the Treasury, during the same period, being—

Under the appropriation for medical and hospital department..... \$31,874 77

Under the appropriation for preventing and suppressing Indian hostilities ..... 9,629 54

Under the appropriation for the protection of the northern frontier..... 1,000 00

Under the appropriation for the erection of hospitals at military posts. 7,532 12

Under the appropriation

for the purchase of sites for marine hospitals on the western waters.... 2,168 75

Total..... \$52,205 18

There remained, on the 30th September, 1838, in the hands of disbursing agents and in the Treasury of the United States, applicable to future disbursements, the unexpended sum of..... \$48,893 20

The number of cases of indisposition which have been under treatment by the officers of the medical staff of the army, during the last twelve months, was 26,053; 24,618 of which occurred within the past year; 1,434 being cases that remained of the preceding year.

Of the whole number of persons reported sick, 24,212 have been restored to duty; 473 have been discharged the service; 29 have deserted; 311 have died; leaving, on the 30th of September, 1838, 1,028 still on the sick report.

The accompanying statement, marked C, however, being an abstract of the detailed reports from the different surgeons in each quarter, will give a better understanding of this subject than I can do by description.

The proportion of sick to the number of persons in the military service cannot be ascertained, as that number varied so frequently in the year by the discharge of one body of troops, and the admission into service of new levies of militia and of volunteers; nor is the proportion of deaths to the number of sick so absolutely known as might be desired, for the reason, that during active operations in the field many of the cases of indisposition were not recorded, while it is to be presumed that the deaths have been accurately stated. Enough, however, has been ascertained from the returns to show that not more than one in eighty-three of the cases reported (a fraction less than one and a quarter per cent.) terminated fatally; and thus to prove that the success of the military surgeons, in the treatment of diseases, bears a favorable comparison with the results of the practice of medicine in civil life.

The law requiring an examination of all candidates for appointment in the medical staff, before admission into the Army, has been rigidly carried out, and the same useful results as heretofore have been realized. During the current year forty-three persons, who had been strongly recommended for appointment, were invited to present themselves for examination before the army medical board, lately in session in this city; twenty-one of whom declined or failed to attend, and twenty-two were examined; and of these last twelve were rejected, and ten passed with credit. From this it will appear that the proportion of successful candidates was larger than formerly; and as it is known that the standard of merit reared by the medical board has not been lowered, but perhaps of late somewhat elevated, we cannot but attribute the comparative increased number of approved candidates to the fact that of late more highly qualified aspirants alone are willing to meet the trial.

The present organization of the medical staff is well calculated to insure efficiency, and, under ordinary circumstances, the number of officers would be sufficient to meet all the requirements of the service. While a portion of the army is in the field, however, and the remainder distributed among the posts along a vast extent of country, we must continue to call into requisition the services of many private physicians.

Delicacy, perhaps, forbids my saying much in commendation of the members of the medical staff of the army; yet I may be permitted to express the confident belief that (with two or three exceptions) no officers of the Government, whether in the civil or military departments, are more zealous in the cause of their country, more prompt to obey orders, or more faithful in the discharge of their various duties. This opinion, I am happy to state, is in accordance with that very generally expressed by their associates in arms of the line of the army. In truth, we have now an efficient corps of talented and experienced medical officers;

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and as the inducements to enter the army are much greater than heretofore, and the bar to admission into the service without merit is, through the action of the medical boards, complete, we may reasonably calculate on introducing into the army, in each succeeding year, a portion of the very élite of the profession.

It becomes my duty now to state to you, that the clerical duties appertaining to the Surgeon General's office cannot be performed by one individual. When the office was first created, and one clerk awarded to it, we had a small army, with the troops more concentrated than now, a few medical officers, and a still less number of hired physicians. Now, our army is larger, and the troops are much more dispersed over the country; a great accession has been made to the strength of the medical staff; and, from the necessities of the service, growing out of the state of war, a still greater increase of hired physicians is required. The correspondence, simply, of the Department with those numerous physicians, and with the officers of the line of the army, not to mention that on public business with many persons in civil life, will give ample employment to the force now in the office. And if we take into consideration the various reports required from the office, and also the numerous returns, reports, &c., from the surgeons, assistant surgeons, and other physicians employed at the military posts, arsenals, recruiting rendezvous, &c., extended all over the land, which have to be examined and prepared for further action; and superadd to these duties the labor of scrutinizing, adjusting, and finally settling the multiplicity of complex and perplex accounts which are constantly coming in upon the department, it will be evident that, with the present force the business of the office cannot be well done, if it is done at all. I am willing, and so is the clerk, to do all that other men can do. I am ready to undertake whatever man can accomplish; but I cannot perform impracticabilities, and one of these is, to keep pace, with one clerk, with the continuously increasing business of the Medical Department of the Army.

All of which is respectfully submitted.

TH. LAWSON, Surgeon General.

Hon. J. R. POINSETT,  
Secretary of War, Washington.

## DEFALCATION OF SAMUEL SWARTWOUT.

## MESSAGE FROM

THE PRESIDENT OF THE UNITED STATES,

*In relation to the recently-discovered default of SAMUEL SWARTWOUT, late Collector of the Customs for the port of New York.*

To the Senate and House of  
Representatives of the United States:

I herewith transmit a special report made to me by the Secretary of the Treasury, for your consideration, in relation to the recently-discovered default of Samuel Swartwout, late Collector of the Customs at the port of New York.

I would respectfully invite the early attention of Congress to the adoption of the legal provisions therein suggested, or such other measures as may appear more expedient, for increasing the public security against similar defalcations hereafter.

M. VAN BUREN.

WASHINGTON, December 8, 1838.

TREASURY DEPARTMENT, }  
December 6, 1838. }

SIR: I consider it the duty of this Department to present for your consideration a special report upon the recently-discovered default of Samuel Swartwout, who had been collector of the customs at the port of New York.

The first object will be to exhibit all the important facts connected with the case, so far as they have been ascertained; then to explain the means for detecting such defaults which are provided by the present laws; and, before closing, I shall take the liberty respectfully to offer some suggestions concerning the new legislation which seems to be

required for the public security against similar defalcations.

1st. Mr. Swartwout was originally appointed collector on the 25th of April, 1829, during the recess of Congress. On the 29th day of March, 1830, he was reappointed for four years, by a nomination to the Senate, which was confirmed.

About the time his term expired, in 1834, he was appointed again for a like term, which ended on the 29th of March, 1838; and he was not re-nominated, and has not since been in office.

Whilst Mr. Swartwout remained collector suspicions do not seem to have been excited at the Department that he was guilty of any default, unless it may be that the balance of money in his hands, when he was renominated to the Senate in 1834, appeared to be too large, and caused some inquiry in relation to the subject.

At that time, not having been myself connected with this Department, and the present accounting officers of the customs also, viz: the First Comptroller and the First Auditor, not having been in office, I am unable to state with accuracy what then occurred, or what examinations were then made; but it is represented that Mr. Swartwout and one of his clerks came to this city on that occasion, and submitted explanations to a committee of the Senate, which obviated any objections to his reappointment.

During his continuance in office, the statements of his accounts, in a condensed form, were made weekly to this Department, with punctuality, and usually exhibited a balance in his hands, ranging from a mere nominal sum, or nothing, to one hundred thousand dollars. The balance varied according to the season of the year, and the circumstances, which might require large drawbacks to be paid, quarterly settlements to be closed with his subordinates, or a great amount of duties received under protest to be refunded. These claims have always been considered as constituting an adequate reason for retaining on hand a sufficient amount to discharge them promptly. The amount so required at the port of New York is generally very heavy; being, on an average, each quarter, over a third of a million of dollars. The last return made before he left office exhibited \$122,977 on hand, which was near \$30,000 less than the amount of his official bond. The return sent after his going out of office, which included only the last three days of his term, showed \$201,096 of money in his possession. When these returns were received at the Department, it was supposed that, the period of his service having expired, he would have but a small balance of custom-house expenses to defray, no more debentures to pay, and no great amount of duties to refund; and he was forthwith requested by me to deposit to the credit of the Treasurer at least half of the sum represented to be on hand.

In reply, he claimed that certain custom-house expenses remained to be discharged, and that suits had been instituted against him for return duties, which, with numerous protests that had been filed against payments, would be sufficient in amount united with those expenses, to cover the whole balance. He therefore insisted, as a right, on being allowed to retain money sufficient to satisfy those liabilities until the questions in controversy received a judicial decision; and he professed to regard that balance as not too large for the purpose.

Copies of the correspondence which took place on the subject between him and the Department are annexed.

A further inquiry into the case was, however, immediately instituted by me, through the First Comptroller and the Solicitor of the Treasury. It terminated in an impression that the facts and the law, as to suits and protests, might justify a short delay in the adjustment.

But the Comptroller was, notwithstanding, directed to bring Mr. Swartwout's accounts to an early settlement, and to have a prompt payment made of whatever amount should appear to be not in doubt or controversy.

Subsequent disclosures made to the Department in November, excited suspicions not only as to that balance, but a much larger indebtedness; and measures were thereupon taken to have the whole

subject thoroughly investigated by the law officer of the Department and the Comptroller, calling to their aid, in the absence of Mr. Swartwout abroad, and under his neglect to offer vouchers for a final settlement, all the lights and assistance which could be obtained, not only here but at New York, and from the books and papers of the collector's office, as well as from those persons who had been associated with him in it, and from his successor.

The circumstances which led to most of those disclosures transpired in the course of preparing the first quarterly accounts of that successor for settlement; and the Department was first indebted for them, in a great measure, to his care and vigilance.

After full investigation, the particulars of Mr. Swartwout's defalcation were ascertained, and a report of the state of his accounts was made by the Comptroller to the Solicitor of the Treasury, and proper legal proceedings instituted to collect the balance appearing to be due. The amount of it as computed on the best data obtainable, was \$1,374,119. The legal proceedings were commenced against the principal on the account, and against both the principal and sureties on the last bond, the parties to which are also parties to the former one. For the portion of the outstanding defalcation which accrued during the period embraced by the first bond, but which is comparatively small, another suit will be brought as soon as the proper accounts can be adjusted. Each bond is for \$150,000. The sum of \$30,000 in money has been paid by his agents since the discovery of the default, and large amounts of property have been taken by the marshal, and likewise mortgaged, as collateral security. How much this balance will be reduced by vouchers hereafter presented and allowed, and how far any final indebtedness may be considered secure, it is now difficult, and indeed impossible, to compute with any great degree of accuracy.

So far, however, as the facts could be ascertained by the Solicitor and the accounting officers, it is feared that the whole amount of the defalcation will not prove to have been less than a million and a quarter of dollars. The security of different kinds which has been obtained is estimated very highly by Mr. Swartwout and some others, so as to be considered by them, with his additional estate in other countries, an ample indemnity against any eventual loss by the Government. But they cannot be regarded by the Department, with the limited information possessed at this time concerning their situation, as equal in value to more than half the claim of the United States. But even this is a mere estimate. The first misuse of the public money by Mr. Swartwout, as collector, appears to have commenced in 1830. A series of defalcations, in various items of his accounts, seem to have followed, and continued through each successive year, increasing constantly in amount, till near the close of his official term. They consisted in withholding a part of the tonnage duties, and a portion of the forfeitures and fines; in not accounting for all the bonds collected, nor all the moneys on hand, held either for office expenses, return duties, or in advance of the adjustment of unascertained duties; and in procuring from the Treasury, under the act of 1834, and similar ones, larger sums for the balance of office salaries than the facts warranted.

These results, so unexpected and painful, have been reached by the Solicitor and accounting officers, only after the most careful examination that was practicable, in the absence of Mr. Swartwout, and after full communication from several of his former clerks, most intimately acquainted with the official course of his business and the real condition of his accounts, and one of whom is understood to be his attorney.

Further particulars are forbore to be detailed, as they are embodied in the reports of the Solicitor of the Treasury and the Comptroller, which were made in the course of their recent examination, and are annexed. It is true that this inquiry has, from necessity, been in some degree *ex parte* in its character, and that some of the results are liable to be disproved or explained away hereafter.

This Department would be highly gratified if Mr. Swartwout should, in the end, be able to

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show that the money for which he is accountable does not exceed the \$201,096 40 reported by him in the last official abstract of his account as the true balance. It would, also, be much pleased if it should happen, as promised in his letter of the 13th of April last, that "on the adjustment of my [his] accounts, the amount due to the Government will be immediately paid."

But it is an unpleasant duty to add, that the examination into his supposed defalcations was not instituted on slight grounds, nor legal proceedings commenced for so large an amount till sufficient facts were developed to produce a clear conviction with the accounting officers that the default was of the aggravated character already described.

2. I would next submit a few remarks on the modes that exist, under the present laws, for detecting faults of collecting officers, in order that you may judge whether they are sufficient, or require additional legislation. The first one is merely by a regulation which requires the weekly returns before alluded to, and which was voluntarily introduced by the Department nearly forty years ago. This regulation provides that a summary statement of accounts shall be transmitted each week from the large ports, and by subsequent modifications, each month from the smaller ones. It is made to the head of the Department, and should exhibit a true abstract of the condition of the receipts and payments by the collector during the preceding week. Originally, it is presumed that this return was required more for correct information, and to enable the Department to draw at times for the money on hand, than as a check on peculation; but if the statements in it do not agree with each other, or do not, on their face, exhibit facts that appear probable, or do not balance, then suspicion is excited, and a defalcation, if one exist, can, by further and full examination, be detected. So if the sum retained on hand appears too large for meeting the engagements of the office, a draft can be issued for the amount, or an order given for its deposit, as has frequently been done. If either is not complied with, nor sufficient reasons assigned for delay, the default may then be discovered. But if none of these circumstances happen, suspicion is not excited through those weekly statements. It will be seen, however, that, generally, it is not possible for a default to occur without its appearing on them, unless they are made incorrect through deliberate fraud and falsehood. In the case of Mr. Swartwout, none of these statements since 1830, when his delinquencies are supposed to have commenced, are known to have disclosed any fact tending to excite suspicion of his misconduct; and if money was collected or expended in amounts differing from the face of the abstracts, (as is now believed to have been the case,) it must have been concealed by a series of false returns during the whole period of seven or eight years. Some of those returns, under Secretaries Ingham and McLane, may have been destroyed by the conflagration of the Treasury building in 1833; but none of them now found, whether made under them or Secretaries Duane, Taney, or myself, appear to evince anything calculated to cause distrust of his integrity.

The other mode now in use for detecting defaults in collecting officers, and which is the only one provided by Congress, (except the revising power, in some respects, and at some ports, by the naval officer, hereafter to be considered,) is, through the quarterly settlements that are required to be made by collectors with the accounting officers of the Treasury. Those officers are the First Auditor and the First Comptroller. These settlements are devolved on them alone by Congress, without requiring the vouchers and accounts to be submitted to the head of the Department, or any other officer, either for revision, approbation, or rejection.

In that branch of their official business which relates to the adjustment of accounts, you are aware that it has been long since settled that the Secretary of the Treasury, or even the President, does not possess any legal authority to aid in making the adjustment, or to overrule their decisions.

The acts of Congress on this subject first provide that if a collector neglects to present his accounts and vouchers for settlement quarterly, the balance against him, so far as it can be ascertained, shall be reported by the Comptroller to the law agent, or the Solicitor of the Treasury, for suit; and the neglect be also reported to the President, in order that he may remove the incumbent, if still in office. It is also directed, that if a balance exists on a settlement, and is not paid, the Comptroller shall cause a suit to be instituted for its recovery. Whenever a default of the latter kind occurs, it is therefore considered not only the duty of the Comptroller to proceed with the suit, but it is expected, though omitted to be required in the acts of Congress, that he will apprise the head of the Department or the President of the delinquency which has occurred, in order that the case of such collector, if still in office, may be examined by the President, and a decision made upon the propriety of continuing him longer in office.

It is understood that the Comptroller has always exercised some discretion in respect to bringing actions for balances on hand, by not forthwith instituting suits if the balances be small, or the reasons for retaining them for a time appear to be satisfactory. But if those balances be large, and sufficient reasons are not offered to justify delay, or if the collector's term of office has expired, the Comptroller should deem it a duty to proceed at once, under the law, to enforce the collection of the money due.

Several reasons exist why the accounting officers, for the time being, did not discover the defalcation in this case, or report it sooner to the law officer, and to the head of the Department or the President. Most of them are detailed in the two annexed reports on that subject from the present First Auditor and First Comptroller, in reply to inquiries made by this Department. In some of the reasons assigned there is great weight. The customs collected at New York equal nearly two thirds of the whole amount in all the United States. Difficulties doubtless exist in detecting defaults under the present laws at ports where the business is so large, the accounts are so complicated, and the necessary delays in settlement so great.

The difficulties in making an earlier discovery in this case would seem to have been increased by the custom, which it is understood has long existed in the Auditor's Office, not to make detailed examinations of the bond accounts at large ports, unless it may be when doubts arose in relation to their correctness.

The bonds on hand at one time at New York alone exceeded ten thousand in number. The delay of three months, which is allowed by law to collectors in preparing for settlements, and the false returns which appear to have been resorted to by the collector of New York, in his weekly reports, with a view to prevent suspicion and detection at an early day through those returns, augmented still further the obstacles to a prompt detection.

The death of one of the clerks in the Auditor's Office, who has had the immediate charge of settling the accounts for that port, and the recent change in the head of the bureau, as well as the death of the Comptroller who was in office during most of the period of the default, render it impracticable to ascertain with accuracy all the circumstances and reasons why suspicion was not there sooner excited; but those already enumerated are supposed to have been the principal ones. It seems apparent, however, from the official reports before referred to, that many of the defalcations in this case happened under such circumstances, and were so concealed as to render it difficult, if not impossible, to detect them sooner by the accounting officers under the existing laws; and it is supposed that they could not all have been eventually discovered and exposed, except by the aid of those persons in the custom-house at New York, who were aware of the deceptions practiced.

In respect to the remaining legal check on the collector, and through which his defaults may at times be detected, it consists of a naval officer, authorized at a few ports, and required by law to

examine and certify to the various expenditures made, as well as the assessment of the duties collected.

But it appears that the naval officer at New York, if able to perform the task, has not for a long period, or at least during the seventeen years that have elapsed since a circular issued by the Comptroller in 1821, considered it his duty to certify to the expenditures and accounts generally, but only to certain portions of them, and to the correct assessment of the duties.

That circular, unfortunately, tended to remove a check on the collector, in some particulars very essential, and has been repealed by the present Comptroller.

It must also be apparent that the real auditor of the custom-house should be attached to the naval office, rather than that of the collector, as he is now a nominee of the latter, and subject to be neither appointed or removed by the Department or the President.

Thus situated, his statements and acts are liable to correspond with the collector's wishes, and can by fraud almost invariably conceal defaults so as not to be detected by the accounting officers, or even the naval officer.

Some of the new instructions given by this Department to the accounting officers when the default was suspected, and of the various steps which were required to be taken to prevent, as far as possible, similar occurrences hereafter, may be seen in the copies of letters annexed.

I do not flatter myself, however, that these instructions, even if able to be strictly enforced by the accounting officers, will prove successful in wholly preventing the occurrence of defaults; but it is hoped that they will tend to an earlier detection of some of them, should any hereafter happen.

3. A few new provisions made by Congress would add much to their efficacy. Thus, if a further clerical force were authorized by law to be placed in the First Auditor's Office, more seasonable and thorough examination of the bond accounts would be practicable, and would, to all appearance, prove beneficial in discovering defalcations. The same result would apparently happen, also, if the naval officer at such a port as New York were enabled, under the increased labor it would devolve on him, to employ such additional clerks as may be necessary to perform the duties required by law in examining critically, and certifying concerning all the payments at that large port, as well as the assessment of duties. So would it happen in the First Comptroller's Office, if the necessary force were given by Congress to investigate carefully the balances on settlement, whenever large; and when those balances are, on such an investigation, not satisfactorily explained, if they should be required by law not only to be immediately reported for suit to the solicitor, but the suspicious circumstances, and even the amount considered due, be, in all cases, communicated to the President, or the head of the Department.

But by none of these steps would the public, in my opinion, be sufficiently secured, without still other legislation of a general character, most of which has been explained in the last three reports from this Department on the finances. The provision in the act of 12th October, 1837, allowing the collector, instead of the district attorney, to extend the payment of bonds falling due, removed one important check which before existed, in requiring the former to deliver forthwith all unpaid bonds to the latter for collection. On this, as well as other accounts, some new and some rigorous provisions by Congress became still more indispensable, and have been earnestly recommended. But, before considering them in detail, it may be proper to observe that, in point of fact, only a small part of Mr. Swartwout's defaults probably originated subsequent to the suspension of specie payments in May, 1837; and that, after the suspension, when drafts and Treasury notes constituted the principal receipts at New York, till he left office, Mr. Swartwout was still required to make deposits in bank of a great part of any surplus which he ever collected in money. He was not one of the officers permitted to retain money

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on which it was customary for the Treasurer to place frequent drafts in favor of public creditors, though, since Mr. Swartwout's term expired, and since specie payments have been resumed by the banks, large sums have been collected there in money; and it has been customary, and has been found convenient, to place such drafts very often on his successor. The first new general enactment, not already enumerated, which might, under existing circumstances, be found useful, is the entire separation of all disbursements from the collections at a port of such extensive business as New York.

The attention of Congress was invited to such a measure by this Department in September, 1837, in the following words: "At points like New York, and a few others, where a likelihood existed that the sums would permanently be large, but which, under a reduced revenue and expenditure, would seldom occur, authority might be given to appoint the clerks, now acting as cashiers or tellers, under the collectors and receivers, or other more suitable persons, to act as keepers and paymasters of the public money. But they should be made independent of the collectors and receivers, and placed under the like tenure of office and under suitable bonds." As some further check on the accounts of the collectors, it might be prudent to require, by law, the certificate of the naval officer to the correctness of each weekly return, and to the possession of the balance in money, after a careful inspection of the whole subject. The provision requiring all balances not immediately adjusted to be reported forthwith to heads of Departments or the President, in order that real defaulters may be ascertained and seasonably removed, has been before alluded to, and would be likely, in all classes of officers, whether collecting or disbursing, to increase the public safety. Such reports are now required of the Second Comptroller in respect to certain accounts of war and navy officers, but should be also of both comptrollers, and as to all kinds of balances and officers. The heads of the Departments could then, by comparison with the weekly returns, and other inquiries, sometimes discover delinquencies, which now might escape detection, in the accounting officers. The entire separation of the duties of controlling the settlement of accounts from those of superintending the customs, and making one of the comptrollers a commissioner of the customs, would be likely, as suggested to Congress as long ago as 1835, to render more effective both of these important branches of business. Another useful check on defalcations would be the requisition of cash in payment of all duties. The largest item of deficiency in the case under consideration grew out of the bond accounts; and future defaults could be much better guarded against if the laws required only cash duties. But, after all such enactments to insure checks, and a closer and wider supervision, this Department is satisfied that the most effectual remedies must be those operating directly on offenders themselves. The severest penalties against false returns, and against the loan or embezzlement of the public money by collectors, as well as all classes of officers, and the strictest prohibition against its use in any way for private purposes, with the occasional and rigorous examination of their funds and vouchers by agents or by committees of Congress, in a manner similar to what was recommended by this Department at the special session in 1837, would, without doubt, have the most salutary effect on the security of the Government. By the influence of these measures in preventing wrong, they would also, in the end, often prove acts of kindness, rather than hardship, to the officers themselves and their unfortunate sureties.

Such transactions as that which it has been my disagreeable task on this occasion to report for your consideration, being flagrant breaches of morality, as well as great civil injuries, cannot, in my opinion, be too strongly branded by penal legislation. This could bring no reproach on any of those upright, scrupulous, and faithful citizens who fill stations of public trust. It will prove fortunate, also, for the security of the Treasury, if public opinion should, in relation to such delinquencies, hereafter indicate a much higher tone of

mors and a stronger sense of official fidelity and honor than have, unhappily, to some extent heretofore prevailed. I regret, sir, that the facts could not be correctly explained in this case without the use of some language which may appear harsh, but which the circumstances and a due discharge of duty seemed imperatively to require.

Respectfully, LEVI WOODBURY,  
Secretary of the Treasury.

To the PRESIDENT OF THE UNITED STATES.

P. S. Two copies of recent letters from Mr. Swartwout to some of his friends in New York, in relation to this subject, protesting against the supposed amount of his default, and insisting on his ability to meet any deficiency, are submitted for the President's perusal, but are not made a part of this report, as some of the matters contained in them seem to be of a private character.

Since this report was prepared, I understand that the office of district attorney for the southern district of New York has become vacated, under circumstances which create a suspicion of some connection between the recent incumbent and Mr. Swartwout in the default above-mentioned. I have requested the Solicitor of the Treasury to take all suitable steps to examine thoroughly the state of the accounts of the late attorney, and, if anything should appear to be due, to procure security therefor as far as practicable. As soon as any important results on this subject are ascertained with accuracy, I will communicate them for your consideration.

L. W.

*Reports of the First Comptroller and Solicitor of the Treasury relative to the defalcation of SAMUEL SWARTWOUT, late Collector of Customs at New York.*

NEW YORK, November 8, 1838.

SIR: On the receipt of your letter to the Solicitor of the Treasury, of the 5th instant, we conferred together on the course most expedient to be taken in regard to the defalcation of Mr. Swartwout, the late collector at New York.

It appeared that the last settlement of his accounts at the Treasury was up to the 31st December last, and that, although he was called upon by the First Auditor, and notice subsequently given to his sureties by the Comptroller, his accounts and vouchers, from that time till the 28th of March, when his term of office expired, had never been furnished. The stated balance against him on the 31st December, 1837, was \$9,678,984 56; this, however, was known to include all the uncollected bonds not due, bonds in suit, and various items to which he would be entitled to a credit on a final adjustment. This made it necessary, as the accounts and vouchers were not furnished, that immediate steps should be taken to ascertain the sum really due, as accurately as possible. With this object, we requested Mr. Underwood, who has been charged with the examination, in the office of the First Auditor, of the accounts of Mr. Swartwout, to proceed at once to New York, and from the documents at the custom-house obtain the necessary information for stating the accounts at the Treasury, and ascertaining the true balance for which Mr. Swartwout is liable. He has accordingly done so.

We arrived here ourselves yesterday, and found that Mr. Underwood had been industriously engaged in the necessary examinations. The result has been, so far, to ascertain that the defalcation exceeds \$1,200,000. He will continue his labors until he has every fact necessary for making a true account, when he will proceed at once to Washington, and have it duly stated and passed by the accounting officers; which is a necessary step, preliminary to further proceedings. We expect Mr. Underwood will leave here this afternoon.

We have every reason to believe that the security in Mr. Swartwout's official bond is fully sufficient for its amount.

The examination requisite to ascertain the manner in which the money was abstracted, and the details of the defalcation which has been going on for seven or eight years, will require some days. All that we know in regard to it at present, is derived from a voluntary communication made to us

last evening by Mr. Henry Ogden, the cashier of the custom-house during Mr. Swartwout's term.

Having been informed that the large defalcation was known to the public officers, and that we had come to New York for the purpose of investigating it, he called on us, and at once, in the presence of Mr. Price, the district attorney, who was with us, entered frankly into a conversation on the subject. He commenced by saying that the circumstances of the case had troubled him exceedingly for some time, and that he had strongly urged Mr. Swartwout not to leave the United States in August last; that he had told him it was scarcely possible the defalcation could remain much longer concealed, especially since the accounts for the last quarter had been called for and not furnished; that he had advised him, instead of going to Europe, to go at once to Washington, submit a statement of the whole matter to the Secretary of the Treasury, surrender his property, and make the best arrangements he could; that Mr. Swartwout told him in reply, he was confident of being able to raise money in England, by which he could pay his whole debt to the United States as soon as he returned; and he did not think the business would be known before that time.

In reply to our inquiry as to the time when the abstraction of the public money commenced, he stated that it was about nine months after Mr. Swartwout was appointed collector. He afterwards said he supposed it might have been a year after—that is, in 1830; that, as the amount of defalcation increased, he frequently spoke to Mr. Swartwout on the subject; and that, about four years since, it had become so large that he told Mr. Swartwout that unless measures were taken to reduce it, he could not consent to continue in the situation he held. Mr. Swartwout was, however, confident that the operations in which he was engaged would be so profitable as to make it easy for him to pay off the whole deficiency. This mode of treating the subject Mr. Swartwout continued to persist in to the last, always expressing his belief that he could set matters right.

In reply to our inquiry as to the mode in which the affair had been conducted, and the amount, Mr. Ogden stated that Mr. Phillips, the assistant cashier, was more fully acquainted with the particulars than himself, but that it commenced by Mr. Swartwout not passing to the credit of the Treasurer the whole sums received; that the bonds, being placed in bank, were there collected and passed to the credit of Mr. Swartwout himself; and that the weekly transfers to the Treasurer by Mr. Swartwout were usually made on Monday, but did not include the moneys received later than Saturday morning at ten o'clock; by which means the receipts on bonds due on Saturday and Sunday were embraced in the succeeding week; and thus that amount, which often was \$100,000 or \$200,000, could be kept and used by him; the receipts of the last two days of each week enabling him to make up the previous deficiency, so as to transfer the requisite sum to the Treasurer. The next mode adopted by Mr. Swartwout was the use of the fund deposited to meet unliquidated duties, which was a large one, amounting frequently to \$150,000 or \$200,000, and was entirely under his control, the deposits being made to Mr. Swartwout's own credit, and subject to his check. To these he added the use of the moneys paid to him on account of the share of the United States in penalties and forfeitures; and he also overdraw the account for fees and emoluments payable to him for himself and the officers of the customs. These were, Mr. Ogden stated, in his opinion, the sources from which Mr. Swartwout retained the moneys, and the mode by which he was able to keep his transfer to the Treasurer apparently correct; but about the years 1836 and 1837, the deficiency had amounted so high that it became necessary, in order to prevent its detection, to use the bonds which were deposited with him for collection; a large amount of them was withdrawn from the usual course, and the amount collected by Mr. Swartwout. From this arises the principal deficiency in the bond account.

In regard to the amount of defalcation, Mr. Ogden stated that in one of his conversations with Mr. Swartwout last summer, he (Mr. Ogden) told

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## Defalcation of Samuel Swartwout.

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him that it could not be less than \$900,000, but Mr. Swartwout said he did not think it exceeded \$600,000.

In reply to our inquiry as to what had become of the money, Mr. Ogden said that he was totally at a loss to conceive how such a sum could have been exhausted; that Mr. Swartwout had been a large speculator in stocks for several years, and that he had known his operations in them to amount to some hundred shares a day; that he had been a loser for a large sum by the failure of the Josephs, to whom he knew of his actually loaning \$25,000 a day or two before their failure; that he had made immense purchases of lands in Texas; and that he also had heavy interests in the Cumberland coal lands. It did not appear, however, that Mr. Ogden could account for an expenditure so large as the ascertained defalcation.

In reply to our inquiry as to Mr. Swartwout's property, Mr. Ogden stated his inability to give a particular account of it. He said that the funds in bank, known to him, did not exceed \$29,000; that there was a house in this city; land at Hoboken, on which there was an incumbrance of about \$50,000, but which he thought worth \$100,000 more; that there was, besides, some land in Illinois, the Cumberland property, and the property in Texas.

Mr. Ogden then stated that he had a full power of attorney from Mr. Swartwout, under which he was desirous to act, as, under the circumstances of the case, he thought his duty required, and Mr. Swartwout himself could not object to. He stated that probably Mr. Swartwout would return in the steamship expected next week; that he had written urging him to do so, especially on his being apprised that the sureties had received notice from the Comptroller that the accounts had not been rendered; that, although he had no direct account of his intention to return, he thought it most probable he would do so. He assured us that, in the mean time, no measures should be taken under his power of attorney to interfere with the claims of the United States; and he finally agreed to transfer to them, under that instrument, the property of Mr. Swartwout, and offered to meet us on the following day for that purpose, at the office of the district attorney.

Very respectfully, yours,

J. N. BARKER,  
H. D. GILPIN.

Hon. LEVI WOODBURY,  
Secretary of the Treasury.

NEW YORK, November 10, 1838.

SIR: Since the joint report of the Comptroller and myself, on the 8th instant, the investigations into the defalcation of Mr. Swartwout, and the steps which seemed expedient in relation to it, have been continued without intermission. They have proved very laborious, and in no degree tended to lessen the amount of the deficiency, or change the character of the transaction.

All the abstracts, vouchers, and other documents, relating to the collector's account for the first quarter of 1838, (being the last of Mr. Swartwout's term,) which had never been furnished, have been now transmitted to the First Auditor. These documents, however, want the signature of Mr. Swartwout, though prepared by the officer who transacted that branch of his official business. The cause of their being thus incomplete appears to have been the desire of Mr. Swartwout that they should not be furnished to the accounting officers until his return from abroad. By that time, according to the statements of Mr. Ogden, he hoped to be able to make arrangements for the settlement of the whole defalcation. The want of them, however, delayed the present collector in the completion of his own accounts, as it was necessary to include therein an accurate statement of the balances in cash and uncollected bonds, handed over by Mr. Swartwout, and that the same should agree with the final accounts of the latter, as rendered to the Treasury Department. The urgent demand for this, made by the present collector upon the officer having charge of these accounts, and the difficulty of obtaining it, first led to the suspicions communicated by him to the

Department, which were rendered more certain by the subsequent examinations he immediately instituted.

Mr. Underwood completed, on Thursday evening, the examination of the books and documents at the custom-house, so far as to enable him, with the addition of the information already possessed at the Treasury, to state the account of Mr. Swartwout so as to exhibit truly the amount due to the United States. He then proceeded to Washington for the purpose of having the account finally adjusted and passed by the accounting officers, as the act of Congress requires, and expected to return it to me, at this place, duly certified, by the 12th instant. When it is received, we shall be able to adopt the summary proceedings by distress warrant, authorized by the act of May 15, 1820, should the interests of the United States make that course most advisable.

It appeared proper, however, without waiting for this, to take whatever measures were possible for the immediate security of the United States. On examining the letter of attorney from Mr. Swartwout to Mr. Ogden, I found that it conferred on the latter the fullest agency. He was entirely impressed with the propriety of adopting under it such measures for the security of the United States as were in his power. He has paid over to me the sum of \$30,000 in cash, being the deposit in bank referred to in the last report. This sum I have placed to the credit of the Treasurer of the United States, on special deposit, in the Bank of America, and herewith inclose you duplicate receipts of the cashier therefor. Mr. Ogden has also executed, as the attorney of Mr. Swartwout, three mortgages of all his property in the States of New York, New Jersey, and Maryland. The specific portions of property belonging to Mr. Swartwout in those States were not all known to Mr. Ogden, but they are described as fully as his information permitted; and the mortgages embrace, generally, all Mr. Swartwout's estate. Neither Mr. Price nor myself have been able to learn that there is any other property, real or personal, unless it be the household furniture. The mortgages have been placed for record in the register's office of this city, and of Bergen county, New Jersey; and I have forwarded that embracing the property in Maryland, to the district attorney there, with a request to have it recorded in the proper office without delay. These mortgages include the house and lots in this city; the large and valuable meadow property at Hoboken; and the interest in the coal lands at Cumberland. As to their value, I have no means of forming an opinion, but it is rated by Mr. Ogden at a very large amount.

The investigation into the details of this defalcation is necessarily very difficult and tedious. Eight or nine years have elapsed since it commenced. The books and accounts through which it is to be traced are numerous, as it was carried on through the various periods when the public moneys were collected and kept in the branch Bank of the United States, the selected deposit banks, and by the collector himself. The different classes of revenue received, which, as was stated in our last report, were successively resorted to at different periods, multiply the researches into the general accounts, which are of vast complexity and amount; and the false statements and other entries in regard to these transactions, made with a view to give the appearance of correctness to the official returns, and prevent discovery, increase the present difficulty. From Mr. Phillips, the assistant cashier during Mr. Swartwout's official term, we received a verbal statement, confirming that previously made to us by Mr. Ogden; and, in a written communication, he has given a general view of the course of proceeding, to which he has offered to add such a particular account of the details of the transactions as he can gather from the books and accounts. When Mr. Underwood returns here, I hope that his knowledge of such accounts and his great industry and accuracy may enable him to trace out the whole of this complicated proceeding, step by step, from the beginning to the close.

I will forward to you, as soon as they can be prepared, copies of the written statements of Mr. Ogden and Mr. Phillips; of the letter of attorney

of Mr. Swartwout to Mr. Ogden; and of the three mortgages of Mr. Swartwout's property.

Very respectfully, yours,

H. D. GILPIN.

Hon. LEVI WOODBURY,

Secretary of the Treasury.

NEW YORK, November 13, 1838.

SIR: Yesterday I received a duly certified transcript of the account of Mr. Swartwout, as finally stated by the accounting officers, showing a balance due from him, as late collector of the revenue for the port of New York, of \$1,344,119 65.

In pursuance of the provisions of the act of 15th May, 1820, I forthwith issued a warrant of distress against the said Samuel Swartwout, and Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenboss, the sureties in the official bond of Mr. Swartwout, which was forwarded from the office of the First Comptroller of the Treasury. The warrant of distress, with a copy of the account, was delivered to the marshal, and he proceeded without delay to make a levy on the estate of Mr. Swartwout and his sureties in this district.

In order to perfect the lien in the manner the act requires, the marshal has already caused the levies he has made, with the dates, to be recorded in the office of the clerk of the district court for this district, and will continue so to do as additional property may be ascertained.

Although the parties are resident in this district, yet as the act of Congress contemplates the issue of different warrants where the estate intended to be taken and sold is situate in different districts, I have issued one to the marshal of Maryland, and another to the marshal of New Jersey, and I have directed the most rigid scrutiny to ascertain the property that can be levied on. The only account of any in either State that I have been able to obtain is that embraced in the two mortgages to the United States, referred to in my last report; but it is supposed there may be other property or interests in some companies, incorporated or unincorporated. At all events, a more full description of that and all other will be obtained and embraced in the return and record of the levy, so as to make the security of the United States more complete than under the mortgage.

Under the distress warrant here, the marshal is causing the most careful search to be made for the purpose of discovering whether there are any moneys or stocks belonging to Mr. Swartwout of which we have not been heretofore informed. So far, it does not appear that there are; and the general impression seems to be, that he is not possessed of any such property. It is among the most remarkable circumstances in this case that so little should, apparently, remain out of such a vast amount of money.

The return of Mr. Swartwout by the steamship is still looked for. She has not arrived, but is hourly expected.

In my last report I stated to you the circumstances which rendered it a work of extreme difficulty and delay to trace the details of this long-continued defalcation. Since the return of Mr. Underwood yesterday, and his ability (now that the statement of the account is completed) to devote his attention exclusively to this branch of the case, considerable progress has been made. The general system by which the money was abstracted, and the deficiency concealed, has been already stated to you, as derived from the information of Mr. Ogden and Mr. Phillips, confirmed by the examinations of the Comptroller and myself. I now, however, feel satisfied that we shall be able to trace out the whole proceedings, so as to show exactly the times, amounts, and modes, in which the various sums of money were respectively taken.

Very respectfully, yours,

H. D. GILPIN.

Hon. LEVI WOODBURY,

Secretary of the Treasury.

NEW YORK, November 15, 1838.

SIR: We have completed, with the aid of Mr. Underwood, the examination of the records of the

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custom-house at this place. From them, with the information derived from Mr. Phillips, the assistant cashier, we have ascertained, as we believe correctly, the sums withdrawn by Mr. Swartwout from the public moneys under his charge, during each successive quarter of his official term, and never replaced. A summary statement, exhibiting this in detail, has been drawn out by Mr. Underwood, and is among the documents transmitted to you herewith.

The amount, as settled at the Treasury on the 10th instant, exhibits a balance due from Mr. Swartwout, exclusive of interest, of \$1,344,119 65. It is supposed that a further adjustment of his accounts, and the production of the formal and necessary vouchers for sums for which he may be entitled to credit, will authorize a further allowance of \$148,413 96. This will make the sum with which he is chargeable \$1,225,705 69, exclusive of interest. This is the amount that he appears to have withdrawn and never replaced.

According to the statement of Mr. Ogden and Mr. Phillips, heretofore mentioned to you, and subsequently confirmed by them in writing as well as verbally, the use of the public money commenced as early as the close of 1829, or the beginning of 1830; the practice being to transfer at the commencement of the week, to the Treasurer of the United States, no more than the amount received previous to Saturday morning; and thus to replace successively from the subsequent receipts the sums withdrawn, so that the deficiency might not appear. Though the sums thus replaced after they were taken, can form no part of the balance now charged against Mr. Swartwout, which consists only of sums never returned, yet we endeavored to obtain from Mr. Phillips the items of this sort from the commencement. We were unable to do so. The original check-book of Mr. Swartwout from June, 1830, to December, 1831, through which, perhaps, they might have been traced, was not, after diligent search, to be found; and although Mr. Phillips commenced, as he stated, in the year 1834, when the deficit began to be large, to make a memorandum by which he can now designate the sums withdrawn subsequent to that period by Mr. Swartwout, from the cash fund for his own use, yet he declared his inability to do so any earlier. The evidence, therefore, in regard to the moneys that were withdrawn and replaced, is found in the verbal communications made to us by Mr. Ogden and Mr. Phillips, which were given in our previous reports to you, and in their letters and written statements, of which copies will be found among the documents transmitted to you herewith.

We have ascertained that the \$1,225,705 69 taken by Mr. Swartwout and not replaced, increased gradually, from the first quarter of 1830 to the end of the first quarter of 1838, when his official term expired, and that it was drawn from various funds.

The deficit of Mr. Swartwout, at the end of each successive year, was as follows:

On the 31st December, 1830.....	\$622 34
On the 31st December, 1831.....	1,168 87
On the 31st December, 1832.....	30,801 33
On the 31st December, 1833.....	35,298 54
On the 31st December, 1834.....	50,370 04
On the 31st December, 1835.....	137,061 69
On the 31st December, 1836.....	336,718 69
On the 31st December, 1837.....	1,016,955 32
On the 28th March, 1838.....	1,225,705 69

The "tonnage duty" is the first fund in which the deficit exists. It amounts in the aggregate to \$2,271 39. Of this there occurred in the year 1830, \$622 34; in the year 1831, \$546 33; in the year 1833, \$823 17; in the year 1835, \$279 35. None of these sums are found to be debited in the cash account of Mr. Swartwout. In the year 1836, however, there is a debt to that account of \$488 15, for correction of errors, leaving the whole amount of tonnage duty received and unaccounted for, \$1,783 24. It may be that this deficit has arisen from errors which have crept into the account during the five years through which it extends. The amount is so small as to give color to this supposition.

The "forfeitures and penalties" belonging to the United States constitute the second fund in which

there is a deficit. It amounts in the aggregate to \$39,823 12.

Of this there occurred—

In the year 1832, the sum of.....	\$29,632 46
In the year 1833, the sum of.....	3,674 04
In the year 1834, the sum of.....	1,173 09
In the year 1835, the sum of.....	5,343 53
	<hr/> \$39,823 12

By the provisions of the 89th section of the act of 2d March, 1799, the collector is to receive from the court all sums received on account of fines, penalties, and forfeitures, for a breach of the revenue laws, and he is to account for them quarterly to the Treasury. The sum above stated belonged to the United States, as their portion of various penalties and forfeitures, and was received by Mr. Swartwout under the above provision. It was not, however, debited in his own cash account; and though admitted in his accounts rendered to the Treasury, it has never been paid over.

Three "Treasury warrants," amounting in the aggregate to \$39,240 05, were received by Mr. Swartwout during the years 1834 and 1835. They were for the following sums, respectively:

1834, August 23, No. 9,677.....	\$7,637 21
1835, May 2, No. 837.....	21,895 15
1835, June 22, No. 993.....	9,707 69
	<hr/> \$39,240 05

Mr. Swartwout received these warrants under the authority of the 2d section of the act of 27th June, 1834, to make up an alleged deficiency in the fees and emoluments of his office to meet the compensation due to his clerks. Their receipt appears by his books, but the proceeds have never been debited in his cash account, and their whole amount still remains entirely unaccounted for.

Cash was withdrawn for the alleged purpose of paying the expenses of the office, beyond the actual amount of these expenses, as exhibited by Mr. Swartwout's own accounts and vouchers. The aggregate of this excess is \$60,291 42. The application of this fund commenced in the third quarter of 1835, and extended down to the last quarter of his official term. It is thus distributed through the several years:

In 1835, the excess of cash withdrawn was.....	\$6,368 25
In 1836, it was.....	30,788 29
In 1837, it was.....	23,134 88
	<hr/> \$60,291 42

A single item, under the name of "cash retained for refunding merchants," appears in the first quarter of 1836. It amounts to \$80,769 52. The explanation given of this item by the auditor of the custom-house is, that there were various importers who were entitled to the extension afforded by the act of Congress to those who had suffered by the great fire in the winter of 1835-36, but who had actually paid their bonds. This sum Mr. Swartwout withdrew from the cash fund, in order, as was alleged, to refund to these importers the amount of their bonds so paid, and to give them the benefits of the extension. It never was, however, applied to that purpose, or restored to the debit of cash. It still remains unaccounted for.

It will thus be seen that the sums withdrawn from these five funds, viz: tonnage duties, forfeitures, Treasury warrants, office expenses, and cash to be refunded to merchants, amounted, altogether, to \$221,907 36. All these were funds that ought, immediately on their receipt, to have been placed in the Treasury of the United States, or appropriated to the specific purposes for which they came into the collector's hands.

The next fund in which we trace the deficit is much larger in amount than either of the preceding; it consists of cash received by the collector, but which, according to the usage of the custom-house, that officer has been in the habit of retaining in his own hands, under the designation of "protests" and "deposits for unascertained duties," instead of paying it into the Treasury. The former consists of sums supposed to be necessary to

pay any amount of damages that may be recovered after suit, by an importer from the collector, on account of his having charged a rate of duty higher than that which is authorized by law, and where, at the time of paying the duty, the importer has filed with the collector a "protest" against the duty charged. The latter consists of sums deposited by the importer at the time of making his entry, in cases where the necessary calculations and examinations to ascertain the exact amount of duty require considerable time; and the deposit remains in the hands of the collector until it is so ascertained, when the proper amount of duty is paid by him into the Treasury, and the balance returned to the importer. It is evident that these funds must, from their nature, constantly leave in the hands of the collector a very large sum, the amount received or retained by him always supplying whatever may be withdrawn to meet the necessary payments, either of protests or ascertained duties.

When Mr. Swartwout's term expired, on the 28th March, 1838, it appears, by his own account, that he was chargeable with \$201,096 40 of cash retained to meet "protests," and with \$164,010 60 of cash "deposited with him to meet unascertained duties." The only portion of this which he paid over to his successor was \$8,229 94 to meet "protests;" leaving the amount of that fund retained by him, \$192,866 46. In the deposits to meet "unascertained duties," Mr. Underwood notes a small error of \$166 44, making it, in fact, \$164,177 04, and thus exhibiting the whole amount of cash retained out of these two funds of "protests" and "deposits," \$357,043 50. None of this is now to be found in any bank deposit to the credit of the late collector, nor has any provision been made for it. The whole appears to have been appropriated by him, from time to time, to his private use. We endeavored to ascertain exactly the amounts of cash which had been successively withdrawn, so as to make up the whole of these funds. Mr. Phillips, the assistant cashier, who kept the check-books, from which only this can be traced, has given us a statement of such of the sums thus drawn out by Mr. Swartwout for his private use as he was able to obtain from the old check-books in the office and his own memorandums. It embraces only the interval between November, 1834, and June, 1837, and amounts in the aggregate to \$193,602 20. Of this sum, the cash noted by Mr. Phillips as being withdrawn, was—

In the year 1834.....	\$6,261 20
In the year 1835.....	43,700 00
In the year 1836.....	97,841 00
In the year 1837.....	45,800 00

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\$193,602 20

In the earlier period of these transactions, (that is, from 1829 until the close of 1834,) Mr. Phillips was not in the habit of noting the checks thus used by Mr. Swartwout, and he states that from this circumstance, and from the loss of the check-book of 1830 and 1831, (to which we have adverted,) he is unable to trace out the particular items which constitute the residue of the cash thus withdrawn. The statement of Mr. Phillips, giving the amount of each check so drawn, will be found among the documents transmitted to you herewith.

It may be proper here to add a remark in regard to the fund alleged to be retained to meet "protests." No such fund, as we have observed, exists in fact; it has been entirely used and absorbed. But, in addition to this, we were informed by the present collector that such is the situation in which the papers and documents connected with this business have been left, that it is quite impossible for him to present anything like an estimate of the sum that may be required to meet the protests, should any damages be ultimately recovered. On an application from the Treasury Department to the district attorney, made some time since, he gave the same reply, accompanied with the fact that the whole amount of packages of goods on which the duties had been protested, and which then formed the subject of suit, was but six hundred and sixty.

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Defense of the Administration—Mr. Strange.

SENATE.

It is also proper to refer to the payment made by Mr. Ogden, of \$30,000, to the Solicitor of the Treasury, as being a deduction to be made from the amount due from Mr. Swartwout. It was not, however, a sum standing in the name of the latter as collector, or forming any portion of either of these funds; it was money in the possession of Mr. Ogden, but admitted by him to have been received from Mr. Swartwout, and which he voluntarily paid over to the United States.

The remaining fund, the deficiency which makes up the whole debt of Mr. Swartwout, is the "bond account." By Mr. Swartwout's returns to the Treasury Department, it appears that when his term of office expired he was chargeable with \$3,994,666 59 of bonds for duties not paid into the Treasury. Of these, he transferred to his successor, the present collector, \$6,045,386 13, constituting the portion of these bonds not yet due, or unpaid. He also accounted for a further portion, amounting to \$2,302,525 63, as having been sent to the district attorney for suit. This leaves the sum of \$646,754 83, being the aggregate of the deficit in Mr. Swartwout's bond account. On examination, we ascertained that this aggregate the amounts that became due were as follows: In the year 1837, the sum of.....\$611,299 93 And in the first quarter of 1838..... 2,504 28

Making together..... 613,804 21  
Of the remaining sum of..... 32,950 62

which is necessary to make up the...\$646,754 83 we were unable to ascertain the particulars. It may consist of bonds not accounted for at earlier periods; and though it may ultimately be traced out, this cannot be done without a thorough examination of the bond account, from the commencement of Mr. Swartwout's term.

It will be seen that this deficit in the bond account first occurs in the year 1837. Shortly after its commencement, Mr. Phillips, the assistant cashier, kept a list for his own satisfaction (as he stated) of a large number of these bonds, which had been paid, and the money received by Mr. Swartwout. It amounts altogether to \$597,331 63. When the bond account came to be finally adjusted, in the summer of 1838, by Mr. Fleming, the auditor of the custom-house during the latter part of Mr. Swartwout's term, he received from Mr. Phillips the original list thus made out and kept, and found it to agree, as far as it went, with the deficiency in the bonds which he had ascertained himself, and to which he had called Mr. Swartwout's attention. It fell short, however, of the whole amount of the deficiency in the bond account of the year 1837, and the first quarter of 1838, by \$16,472 58; but the particulars of this latter sum Mr. Fleming obtained, so as to make the whole amount of the bond account chargeable to Mr. Swartwout during that period, \$613,804 21, as before stated. An explanatory communication of Mr. Fleming, relative to the bond account, together with the list made by Mr. Phillips, will be found among the documents transmitted to you.

It will thus be seen that the deficit of Mr. Swartwout exists in the following different funds:

Tonnage duties.....	\$1,783 24
Forfeitures.....	39,833 12
Treasury warrants.....	39,240 05
Office expenses.....	60,291 42
Cash to be refunded to merchants..	80,769 53
Cash to meet "protests".....	192,866 46
Cash deposited to meet unascertained duties.....	164,177 04
Bond account.....	646,754 83
	<hr/> \$1,225,705 69

The length and laborious nature of this investigation, added to the steps which have been necessary to secure for the United States, as far as could be done, the property of Mr. Swartwout and his sureties, has left us but little opportunity to offer for your consideration any suggestions as to the best mode of preventing for the future similar defalcations. Such suggestions, too, must mainly depend upon the general plan that it may be deemed expedient to adopt, and will essentially vary, as that may be the formation of a new sys-

tem for the collection and safe-keeping of the revenue derived from customs, or the mere substitution of certain changes in that which at present exists.

It will, however, be perceived at once, from the facts communicated, that the success which has attended the present defalcation, and its long concealment, may be attributed in a considerable degree to defects incident to the present system. These defects are, mainly, that the same officer (the collector) ascertains the sums due to the Government for duties, reports them himself to the Treasury, collects the money for them, reports the sums collected, and makes and reports all the expenditures charged upon them before they go into the Treasury; that large sums of public money are retained for long periods by the collector, as funds under his exclusive control; and that there are no inspections, regular or occasional, into the books and proceedings of the several custom-houses, now directed by law.

These defects readily suggest the following remedies:

1. That the system for the collection of revenue from customs should resemble that adopted in regard to the revenue from lands; that the officer who ascertains the amount due to the Government, admits vessels to entry, and performs the various functions connected with those parts of a collector's duty, should be distinct from, and independent of, the officer who receives and is accountable for the moneys accruing on those duties. Each making his separate reports, and held to a separate responsibility, would prove a complete check upon the other, and lead to an immediate detection of error, neglect, or defalcation.

2. That all sums of money should be paid into the Treasury; that no officer should be permitted to retain funds, under any pretext, or make payments, except on estimates previously made to the Treasury, or on accounts properly submitted and examined. There would be no difficulty in so arranging this plan as to give quite as much facility as exists at present in the payment of duties, and all other charges now deducted from the accruing revenue, while it would obviate the disadvantages that are inseparable from the present mode.

3. That actual inspections by competent officers from the Treasury Department should be made from time to time, at every principal custom-house. Had such inspections been made at New York, this defalcation could have been easily detected before it had long existed, or reached any very considerable amount.

4. That the use of the public money by any officer intrusted with its collection, safe-keeping, or disbursement, should be made a criminal offense, severely punishable.

We are, very respectfully, yours,

H. D. GILPIN,  
J. N. BARKER.

HON. LEVI WOODBURY,  
Secretary of the Treasury.

#### DEFENSE OF THE ADMINISTRATION.

#### REMARKS OF HON. R. STRANGE,

OF NORTH CAROLINA,

IN SENATE, December 21, 1838,

In reply to Mr. DAVIS's charge of Extravagance against the friends of the Administration.

MR. STRANGE said:

I was very unfortunate, Mr. President, in not being in my seat when the Senator from Massachusetts commenced his remarks in reply to a few words which fell from me the other day; but having heard a part only of those remarks, I must endeavor to make the best replication to them that, under the circumstances, may be in my power. It cannot be expected that I should do justice either to the subject or myself, in thus promptly answering what, it is evident, has been prepared with hours of labor and premeditation; and the only support and source of confidence I possess is, that I have truth and justice on my side.

It is a great advantage in argument for a man to be allowed to state the proposition involved in the controversy according to his own fancy; and very few can resist the temptation of so stating it as, in their estimation, to facilitate very much the task of sustaining their own side of the argument. The Senator from Massachusetts has, on this occasion, availed himself fully of this advantage, and laid down a very different proposition from the one I endeavored to maintain on the occasion to which the Senator has done me the honor to refer. I took the liberty, in an early stage of his address to the Senate, to call his attention to the inaccuracy into which he was falling, but, unfortunately, without avail; and it now becomes necessary for me, in the first place, to correct his statement of the question. He has assumed that the proposition he was called upon to maintain was, that the Opposition was not exclusively responsible for the expenditures of the Government; attributing to me the assertion that they were; and assuming, further, that I made that assertion in the character of an assailant; whereas the truth is, the attitude in which I stood was that of a defendant, denying the truth of the imputation coming from the other side, that the present Administration was chargeable with all the extravagance of public expenditure. My allegation was, that there had been, and still was, a lavish expenditure of the public money, but that the Administration, and the friends of the Administration in this House, could not justly be charged with the guilt of these expenditures; for that appropriations were generally carried by some few friends of the Administration (who, as a body, were in favor of low taxation and moderate expenditure) joining themselves to the mass of the Opposition, (who were, on the contrary, as a body, in favor of high taxation and lavish expenditure.) I protested against the Opposition charging the Administration with extravagance, while almost every expenditure was voted for by the mass of their own body, opposed by the friends of the Administration as a class, and carried by a few of them in almost every instance, who, under some peculiarity of opinion in relation to the particular subject, the wishes or supposed interests of their constituents, or some other consideration, supported the appropriation with the mass of the Opposition, and thus effected its passage. I read some passages from the Journal of the Senate of the last session, in proof of my position, and left it to the country to decide whether my conclusion was just or erroneous. I did nothing more. But one who has heard the long series of remarks made by the Senator in reply, and his frequent allusions to what I said, might justly suppose that I had delivered to the Senate a long harangue; whereas I can safely appeal to those who heard me, whether I detained the Senate beyond a few moments.

I am not ignorant that there is some little difficulty in assigning to gentlemen in this body their proper places in the political ranks. Some, it is true, are obviously and confessedly the friends of the Administration, and others as palpably its opponents; but there are others whose position is not so well defined. The other day I felt so strongly the delicacy of saying of some gentlemen whether they were the friends of the Administration or its opponents, that I forbore the undertaking. If I said they were opponents of the Administration, I was fearful of giving offense by what would probably be considered as denunciation; and if I should say they were friends of the Administration, I was equally fearful of firing their independent souls with indignation at the supposed injustice of ranking them among "the vassals of the President." There are gentlemen in this body claiming, I believe, to constitute "an armed neutrality." Of what number it consists, is a question of very delicate decision, and when that decision is made, it is still more difficult to define their position. Judging by their conduct, however, they ought not to complain if they are ranked with the Opposition, for although a party may assume a neutral flag, if it is found continually pouring a hot fire into the ranks of one belligerent, and never leveling a hostile gun in the direction of the other, it would not be thought unreasonable in those thus constantly assailed to look upon it

25TH CONG....3D SESS.

Defense of the Administration—Mr. Strange.

SENATE.

as having taken side with the enemy. In the present matter, however, I believe it will make but little difference in the calculation on which side the "armed neutrality" may chance to be counted.

My object, Mr. President, in calling the attention of the Senate to the votes on appropriations, is to bring the gentlemen in the Opposition from vague and general denunciation to specific and intelligible charges. I wish them to toe the mark. I am not ignorant of the prejudice produced through the country by this charge of extravagance upon the Administration. It is done to a great extent in my own State. I wish it thoroughly sifted. If it is just, let its justice be established, and all rightful consequences follow its establishment; but if it is unjust, (as I verily believe,) let not innocence be borne down with the burden of guilt.

It amazes me that the Democratic party has been able to sustain itself with all the disadvantages under which it labors. That it has so far done it, is a cogent argument in favor of the honesty and intelligence of the people. We are constantly slain with our own weapons, and our own principles are used by our adversaries for our overthrow. Nearly all the newspapers throughout the country are in the hands of the Opposition, through which falsehoods are circulated, and seen by many whom their contradictions or exposure never reach. The leading principles of Democracy are dear to the mass of our people who understand them, and they cannot be drawn away from their support by fair means. The art which has been most successful, is the production of a confusion of tongues—an obscuration of the marks by which the advocates of those principles may be known from those who oppose them; fastening the imputation of wanting those principles upon those who are most zealously struggling for their maintenance. Thus the people are assured that an Administration which has gone furthest in the rescue of Democratic principles, from being overthrown and trampled under foot, is wanting in economy and extravagant in its expenditures. All know that economy is a cardinal feature in the Democratic faith, and the Administration which wants it, is wanting in its own principles if it professes to be Democratic. When, then, the charge of extravagance is made and believed, it shakes the confidence of him who hears and believes it in the Democracy of that Administration. The consequence is, an ardent, uncalculating man, who hears and believes the charge, is apt, in all the disgust and indignation of one who conceives himself deceived or betrayed, to denounce the Administration, and withdraw from it his support, without stopping to inquire into the motives of those who profess to point out the supposed abuses, and whether a change of Administration is likely to produce a reform. It is by a process such as this that Opposition recruits are constantly supplied.

Upon the same principle a recent artifice is being played off. It has been for some time settled in the minds of the Democracy of the country that the Pennsylvania Bank of the United States had been actively engaged in the warfare upon free principles. The Administration has been for years engaged in so denouncing it. During all that time, the Opposition has been at work to countervail these denunciations by representing them as altogether false and groundless. But, in spite of their efforts, a large majority of the people of the United States have received these denunciations as speaking forth the words of truth and soberness, and a current is now setting against the Bank which can no longer be stemmed. That institution having failed, through its hostility, to overthrow the Administration, an attempt is now made to render its supposed attachment more effectual. A rumor has been running through the country for some months past that an alliance had been formed between the Government and the Bank. In this state of things, Mr. Biddle, the president of that institution, comes out with a letter, and much astonishment is felt and expressed at the dissimilarity of its tone from that of those which have preceded it from the same source, and many wonder for what purpose it was written. To this latter question there seems to me to be but one response—it is a part of the system—it was to give color and confirmation to the rumor

of the alliance. The president of the bank could not come out and say that such an alliance had been formed, but he could write such a letter as would leave those who chose to draw inferences to do so without blushing. Ostensibly his letter is merely for the purpose of announcing his abdication of the autocracy of this Republic, but the important matter is the inference to be drawn from that abdication, and to give support to that inference was the letter written. As an abdication it must forcibly remind one, who has read Goldsmith's play of the Good-natured Man, of Lord Lofty's renunciation of the control of affairs of State. Having pretended that he had vast influence at court, and could dispose of place and preferment at his pleasure, he was at last detected, and all his pretensions found to be utterly groundless—when he philosophically exclaims: "I am resolved upon a reformation. So now if any one has a mind for preferment, he may take my place. I'm determined to resign."

The Bank of the United States has hitherto claimed to have the currency of the country under its control, and that nothing but its power and skill could countervail the mischievous measures of the Government; but finding that this delusion was fast passing away, and that events were hastening on the disclosure, that the movements of the Government had been in fact stripping it of its ill-gotten power, to the great promotion of the general welfare, that bank makes a merit of necessity, and professes the resignation of a power it never in truth possessed. Listen to the tone in which its president speaks:

"Of the future it is difficult to speak; but in that future the Bank of the United States will no longer occupy its past position. The Bank of the United States had ceased to be a national institution in 1836, and was preparing to occupy its new place as a State bank, when the troubles of 1837 forced it in some degree back into its old position; and it then devoted all its power to assist in carrying the country unhurt through its recent troubles. Having done this, its extraordinary duties ceased. For the future it abdicates this involuntary power. It has no longer any responsibility to the Union; it has no longer any controversies with the Government of the Union. It now desires only repose, and it will take its rank hereafter, as a simple State institution, devoted exclusively to its own special concerns."

"I rejoice, too, that this new position of the bank absolves me from many cares and duties. In the general confusion of public affairs, during the last two years, it has been my lot to be more prominent than my own inclination prompted, and often to assume a station which would have better fitted others. But public calamities justify the apparent forwardness they require, as great dangers are best met by defying them. My task is now ended, and I gladly withdraw from these responsibilities, carrying with me the only satisfaction I ever sought in them—the consciousness of having done my duty to the country as a good citizen."

But in its expiring throes, as the antagonist of the Government, the bank yet seeks to wound, and by giving color to a report that a reconciliation had taken place between them, cause many to withdraw from the support of an Administration which had given the hand of fellowship, as might be supposed, to one of the deadliest enemies of Democracy. See in what terms of innuendo its president expresses himself:

"During these movements it became important to understand distinctly the course of the Government. In my letter to you of the 5th of April last, I stated my conviction that there could be no safe or permanent resumption of specie payments by the banks until the policy of the Government towards them was changed." This change was soon and happily made. On the 30th of May the specie circulars, requiring payments in coin in the land offices, was repealed by Congress. On the 25th of June, the bill called the Sub-Treasury, requiring coin in all payments to the Government, was negatived. In the month of July, the Government agreed to receive an anticipated payment of the bonds of

'the bank to the amount of between four or five millions of dollars, in a credit to the Treasurer on the books of the bank, and arrangements were made for the more distant public disbursements in the notes of the bank. These arrangements, as honorable to the executive officers as they were beneficial to the public service, brought the Government into efficient coöperation for the reëstablishment of the currency, and opened the way to a resumption of specie payments. That resumption accordingly took place throughout the middle States on the 13th of August, and in many of the southern and western States soon after."

But to return to the subject of extravagance, which has been, as I have said, similarly used, and for similar purposes. The Senator from Massachusetts charges me with reading the Senate a homily on economy, and speaks of my censuring the Senate for its votes. Now, this all rests entirely in the imagination of the Senator. I read no homilies to the Senate, neither did I undertake to censure any Senator for his vote. I only complained, as I still do, against gentlemen voting for measures themselves, and then censuring others for the extravagance of them. It was to show the injustice of this complaint, coming from gentlemen in the Opposition, and that expenditures were made principally by their votes, that I read the record, which he has taken up and endeavored to explain, so as to do away the force of my inferences. He takes up, in the first place, the record at page 328 of the Senate Journal, and inquires what there is to complain of here? Again: I say I made no complaint against gentlemen for their votes. I only said that this was a bill for the appropriation of money for laying out a road in the Wisconsin Territory; and, judging by past experience, the Senator from Mississippi [Mr. WALKER] moved to amend it by inserting, "*Provided always*, That nothing contained in this act shall be so construed as to imply that the United States are pledged, or in any manner bound, to make any appropriations in future to make or construct said roads, or any part or portion of them," lest it might be used as a plea for further appropriations; that Government, having commenced the work, was bound to go on, and thus entail upon us endless expenditures. It was to see who was willing to stop this leak from the public Treasury, and who for keeping it open that this record was produced. The Senator from Massachusetts, in recalling our attention to it and, to show that my inference is unwarranted, selects for reading only a few of the names of those who voted. This, I insist, is not the fair way of proceeding. The Senator well knows that his speech will be read by many who will never look into the Journal to see what, upon the whole, is the complexion of the votes on each side. He singles out a few conspicuous individuals on the Administration side, who voted against the amendment, and from thence would have it inferred that my proposition is disproved. But my proposition was not that none of the friends of the Administration voted against economical measures, but, on the contrary, that a few were always found with the mass of the Opposition, from local or other considerations, voting against them; and thus these measures failed, and the contrary ones prevailed. In fairness, the whole record should be submitted, by which, as I insist, my proposition would be fully sustained. The vote really stood thus:

"Those who voted in the affirmative were: Messrs. Allen, Calhoun, Clay of Alabama, Grundy, King, Lumpkin, Lyon, Mouton, Niles, Norvell, Pierce, Preston, Rives, Roane, Robbins, Ruggles, Smith of Connecticut, Strange, Swift, Trotter, Walker, White, and Williams."

"Those who voted in the negative were: Messrs. Bayard, Benton, Buchanan, Clay of Kentucky, Clayton, Davis, Fulton, Hubbard, Knight, Linn, Prentiss, Robinson, Sevier, Smith of Indiana, Tipton, Webster, and Young."

On the motion to postpone the special order of the day for the purpose of considering the bill (S. 86) for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois, it is recorded in Senate Journal, p. 244:

"The yeas were: Messrs. Allen, Bayard, Clay of Kentucky, Crittenden, Davis, Fulton, Knight, Merrick, Morris, Prentiss, Rives, Robbins, Robinson, Sevier, Smith of Indiana, Swift, Tallmadge, Tipton, Webster, White, and Young.

"Those who voted in the negative were: Messrs. Benton, Brown, Calhoun, Clayton, Cuthbert, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Strange, Trotter, Walker, Wall, Williams, and Wright."

So that although the votes in favor of taking up the bill, and thereby indicating a friendly feeling towards it, were mixed, yet of those opposed to it, twenty-one in number, there was but a single Opposition vote.

Again, on motion by Mr. NORVELL, to lay this bill on the table, it was decided in the negative—yeas 18, nays 19.

"The yeas were: Messrs. Bayard, Brown, Buchanan, Cuthbert, Fulton, Hubbard, King, Lumpkin, Lyon, McKean, Mouton, Nicholas, Norvell, Rives, Roane, Walker, Wall, and Williams.

"The nays were: Messrs. Allen, Benton, Clay of Kentucky, Crittenden, Grundy, Knight, Merrick, Morris, Robinson, Sevier, Smith of Indiana, Spence, Swift, Tallmadge, Tipton, Trotter, Webster, White, and Young."

In page 414 of the Journal will be found the passage of the Cumberland road bill, which was passed by the following vote.

"Those who voted in the affirmative were: Messrs. Allen, Bayard, Benton, Buchanan, Clay of Kentucky, Crittenden, Cuthbert, Davis, Fulton, Grundy, Knight, Linn, McKean, Merrick, Morris, Nicholas, Robbins, Robinson, Sevier, Smith of Indiana, Spence, Swift, Tipton, Webster, Wright, and Young.

"Those who voted in the negative were: Messrs. Calhoun, Clay of Alabama, Clayton, Hubbard, King, Lyon, Mouton, Niles, Norvell, Pierce, Prentiss, Preston, Roane, Smith of Connecticut, Strange, Trotter, and Williams."

Only three Opposition men voting in the negative: and again, upon its being returned from the House with an amendment, it is found as follows on page 417 of the Senate Journal:

"On the question 'Shall this bill pass with an amendment?' it was determined in the affirmative—yeas 23, nays 18.

"On motion of Mr. Lumpkin, the yeas and nays being desired by one fifth of the Senators present,

"Those who voted in the affirmative were: Messrs. Allen, Benton, Buchanan, Clay of Kentucky, Crittenden, Cuthbert, Davis, Grundy, Knight, Linn, McKean, Morris, Nicholas, Robbins, Robinson, Sevier, Smith of Indiana, Swift, Tallmadge, Tipton, Wright, and Young.

"Those who voted in the negative were: Messrs. Brown, Calhoun, Clay of Alabama, Clayton, Hubbard, King, Lumpkin, Lyon, Mouton, Niles, Norvell, Pierce, Prentiss, Preston, Rives, Smith of Connecticut, Trotter, and Williams."

The next vote to which I adverted, was the bill explanatory of the act regulating the pay and emoluments of the brevet officers.

On the question "Shall this bill be engrossed and read a third time?" it was determined in the affirmative—yeas 20, nays 18.

"Those who voted in the affirmative were: Messrs. Allen, Bayard, Benton, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Fulton, Knight, Merrick, Nicholas, Norvell, Preston, Rives, Roane, Ruggles, Tallmadge, Trotter, and Wall.

"Those who voted in the negative were: Messrs. Brown, Grundy, Hubbard, King, Lumpkin, Lyon, Mouton, Niles, Pierce, Prentiss, Robinson, Smith of Connecticut, Smith of Indiana, Strange, White, Williams, Wright, and Young."

How many of the Opposition voted against this bill?—a bill proposing to increase the compensation of a class of officers without any corresponding benefit to the public.

In the Senate Journal, page 466, it is found thus recorded:

"The bill (S. 241) to encourage the introduction, and promote the cultivation of, tropical plants in the United States, having been reported by the committee correctly engrossed, was read a third time.

"On the question, 'Shall this bill pass?'

"It was determined in the affirmative—yeas 26, nays 11.

"On motion by Mr. Tipton,

"The yeas and nays being desired by one fifth of the Senators present,

"Those who voted in the affirmative are: Messrs. Bayard, Benton, Buchanan, Clay of Kentucky, Clayton, Fulton, Grundy, Linn, Lumpkin, McKean, Merrick, Mouton, Nicholas, Norvell, Preston, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Southard, Tallmadge, Trotter, Wall, Webster, and Young.

"Those who voted in the negative are: Messrs. Allen, Clay of Alabama, Hubbard, King, Morris, Niles, Pierce, Strange, Tipton, White, and Williams."

A small minority, only one of whom is an Opposition man.

On the bill to purchase the right to use Dr. Boyd Reilly's vapor bath,

"On the question, 'Shall this bill be engrossed and read a third time?'

"It was determined in the negative—yeas 15, nays 20.

"Those who voted in the affirmative are: Messrs. Bayard, Clay of Kentucky, Crittenden, Fulton, Grundy, Knight, Linn, Lumpkin, Lyon, McKean, Merrick, Prentiss, Robinson, Sevier, and Swift.

"Those who voted in the negative are: Messrs. Allen, Buchanan, Clay of Alabama, Clayton, Hubbard, King, Mouton, Nicholas, Niles, Norvell, Roane, Ruggles, Smith of Connecticut, Strange, Trotter, Wall, White, Williams, Wright, and Young."

How many of the Opposition were found voting against this expenditure?

In page 519 will be found that, the bill making appropriations for building light-houses, light-boats, beacon-lights, buoys, and for making surveys, being under consideration, the question on taking up the bill was decided—yeas 23, nays 14:

"The yeas were: Messrs. Bayard, Clay of Kentucky, Clayton, Cuthbert, Davis, Hubbard, King, Knight, Lyon, McKean, Mouton, Nicholas, Niles, Norvell, Prentiss, Rives, Ruggles, Smith of Connecticut, Smith of Indiana, Tallmadge, Wall, Williams, and Wright.

"Those who voted in the negative were: Messrs. Allen, Benton, Clay of Alabama, Crittenden, Fulton, Lumpkin, Merrick, Pierce, Preston, Roane, Robinson, Sevier, White, and Young."

How many of the Opposition were found voting against this measure? At a very late period of the last night of the session, I rose for the purpose of stopping this bill, but it being found that a quorum was not present, I was prevailed upon not to persist in calling for the yeas and nays, as it would have put a stop to all the other business of the Senate.

The Senator asks why I am so much opposed to light-houses and harbors, to those important assistants to commerce? I have never expressed hostility to either the one or the other. I admit that commerce has been a great benefactress to mankind. I did denounce the system or principle of the light-house and harbor bills, which, in my opinion, has done much to corrupt the legislation of this country. They are carried through upon the log-rolling principle, a principle, in my estimation, so corrupting in its tendency, that with all the inconveniences that might attend it, I would willingly see the Constitution so amended as to prohibit the introduction of more than one subject into the same bill, even by way of amendment. But I have no objection to light-houses when necessary and proper, and with those limitations, would not even oppose their being located "in the skies." To light, in every form, and from every source, I am friendly. I am not one of those who prefer darkness to light, (I will not say "because their deeds are evil," but because it does not suit their purposes to have things seen as they really

are,) but am thoroughly opposed to that huggemugger mode of proceeding by which truth is stifled or hid, and advantages unjustly obtained.

I next called the attention of the Senate to the appropriation for the suppression of Indian hostilities, and reminded the Senate what frequent and loud complaints were then made of extravagance, and how often the expenses of the Seminole war were calculated and spoken of, and yet, when it came to the vote, upon a call for the yeas and nays, not a Senator on either side could bring himself to vote against the bill. In proceeding with the record, I came to the harbor bill, and referred to page 538 of the Senate Journal:

"On motion of Mr. Davis, that the Senate proceed to the consideration of the bill to provide for certain harbors, and for the removal of obstructions in, and at the mouths of certain rivers, and for other purposes, during the year 1838, it was determined in the affirmative—yeas 18, nays 11.

"Those who voted in the affirmative were: Messrs. Bayard, Clayton, Crittenden, Davis, Hubbard, Lyon, Merrick, Niles, Norvell, Robbins, Sevier, Smith of Indiana, Southard, Tallmadge, Tipton, Webster, Williams, and Wright.

"Those who voted in the negative were: Messrs. Brown, Clay of Alabama, Fulton, King, Lumpkin, Nicholas, Pierce, Preston, Trotter, Wall, and White."

How many of the Opposition voted against taking up this bill, which involved such heavy expenditures?

"On a motion made indefinitely to postpone this bill, those who voted in the affirmative were: Messrs. Benton, Brown, Clay of Alabama, Crittenden, King, Lumpkin, Mouton, Nicholas, Niles, Pierce, Preston, Rives, Roane, Smith of Connecticut, Strange, Trotter, Wall, and White.

"Those who voted in the negative were: Messrs. Allen, Bayard, Buchanan, Clay of Kentucky, Clayton, Davis, Fulton, Hubbard, Merrick, Norvell, Robbins, Ruggles, Sevier, Smith of Indiana, Southard, Tallmadge, Tipton, Webster, Williams, Wright, and Young."

On a motion to amend by inserting an additional appropriation of \$48,000,

"Those who voted in the affirmative were: Messrs. Bayard, Clay of Kentucky, Clayton, Davis, Lyon, Merrick, Norvell, Robbins, Ruggles, Sevier, Smith of Indiana, Southard, Tallmadge, Tipton, Wall, Webster, and Wright.

"Those who voted in the negative were: Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Crittenden, Hubbard, King, Lumpkin, Mouton, Nicholas, Niles, Pierce, Preston, Rives, Roane, Strange, Trotter, Williams, White, and Young."

On a motion to amend by striking out an appropriation of \$20,000,

"The votes were, in the affirmative: Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Hubbard, King, Lyon, Nicholas, Niles, Norvell, Pierce, Rives, Roane, Strange, Trotter, Wall, White, Williams, and Wright.

"Those in the negative were: Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Davis, Fulton, Merrick, Preston, Robbins, Sevier, Smith of Indiana, Southard, Tipton, Webster, and Young."

On the Indian appropriation bill, to which Mr. WHITE offered an amendment appropriating \$150,000 for subsistence and expenses of such Indians west of the Mississippi, who, by reason of the recent emigration, &c., were unable to subsist themselves,

"Those who voted in the affirmative were: Messrs. Bayard, Benton, Buchanan, Clayton, Crittenden, Cuthbert, Davis, Fulton, King, Linn, Mouton, Nicholas, Preston, Rives, Roane, Robinson, Sevier, Smith of Indiana, Southard, Tallmadge, Tipton, Webster, and White.

"Those who voted in the negative were: Messrs. Allen, Brown, Clay of Alabama, Clay of Kentucky, Hubbard, Niles, Norvell, Pierce, Robbins, Ruggles, Smith of Connecticut, Strange, Wall, and Williams."

How many of the Opposition were found voting against this bill? I have no doubt of the fact, that I could go through the whole Journal, and produce similar results. In truth, almost any proposition

meets the views of some few friends of the Administration, supported by the mass of the Opposition. But let the facts go before the country; I wish to produce no false impression.

But the Senator from Massachusetts says that all these appropriations amount to between only two and three millions of dollars, and asks why I have not thought proper to go into the extravagances of other years. The Senator has been distinctly informed that it was only in the suddenness of reply to a challenge made by himself that I spoke at all, and was obliged to take only such facts as I could readily lay my hand upon. The Journals of the last session furnished the most ready source of supply, and to that I accordingly resorted. But to oblige the Senator, I will take one instance from the Journal of a former session, in which \$5,000,000 are proposed to be voted away at a single dash, in payment of what are called French spoils anterior to 1800.

By turning to the Senate Journal for the second session of the Twenty-Third Congress, page 125, upon the question, "Shall the bill be engrossed and read a third time?" it will be seen that the vote was as follows:

"In the affirmative: Messrs. Bell, Buchanan, Clay, Clayton, Ewing, Frelinghuysen, Goldsborough, Kent, Knight, McKean, Moore, Nau-dain, Poindexter, Porter, Prentiss, Preston, Robbins, Shepley, Silsbee, Smith, Southard, Swift, Tomlinson, Waggaman, and Webster"—only two friends of the Administration.

"Those who voted in the negative were: Messrs. Benton, Bibb, Black, Brown, Calhoun, Cuthbert, Grundy, Hendricks, Hill, Kane, King of Alabama, King of Georgia, Leigh, Linn, Mangum, Morris, Robinson, Tallmadge, Tyler, White, and Wright"—not more than four or five Opposition Senators.

But the Senator from South Carolina, [Mr. Preston,] in reply to my colleague the other day, remarked, in justification of his course upon this measure, that there was a vast difference between voting new expenditures and appropriations for the payment of the existing debts of the Government. I admit the correctness of the distinction, but deny its application to the present case. I do not see how this claim for indemnity can be placed upon the footing of a debt. And again: party spirit must rage to an extent even greater than it does at present, when it shall be settled that the votes above referred to were dictated solely by a differing sense of justice. Does any gentleman believe that, however we may differ in politics, a higher sense of justice prevails on one side of this Chamber than the other? No man can believe it. When, then, nearly all of one side are found voting for a proposition, and the other against it, some other mode of accounting for it must be found than the comparative sense of justice of the two parties. I insist it arises from the different sense entertained by the two parties of the nature and character of this Government, and its obligations in relation to revenue: one considering the trust special and for very limited purposes; the other giving it an almost limitless range.

But I will show, for the satisfaction of the Senator, another fact or two. In the session of 1833-34, when there was a decided Opposition majority in this body, and when the amount called for by the estimates of the Treasury Department, was.....\$18,057,488 73 The amount appropriated was.... 20,968,992 49 Exceeding the amount called for

by..... 2,911,503 76 Besides this, further appropriations amounting to \$5,607,488 passed this body, which did not pass the other, including the famous \$5,000,000 for French spoils. Again: The annual estimates for 1835 were \$15,610,232 73 The annual appropriations for 1835 were..... 18,347,014 36 The latter exceeding the former... 2,736,781 63 In the same session, to wit: the 21 session of the Twenty-Third Congress, appropriations passed an Opposition Senate, which did not become a law for want of the concurrence of the other branches

of the Government, amounting to..... 6,031,400 00 So that it appears, in the Twenty-Third Congress, when there was a decided Opposition majority in this body, appropriations passed it amounting to—

1st session, actual appropriations	\$20,968,992 49
"    projected    "	5,607,488 00
2d session, actual appropriations	18,347,014 36
"    projected    "	6,031,400 00

Total.....\$50,954,894 85

While the estimates for the same period were—

1st session.....	\$18,057,488 73
2d session.....	15,610,232 73
	33,667,721 46

Exceeding the estimates by the small sum of.....\$17,287,173 39

But the Opposition are, whatever may be said of the particular votes on questions of expenditure, mainly responsible for the extravagance of the Government, in that, through their instrumentality the revenue has been raised to an inordinate height. The same principles which control men as individuals, control them as masses. Give a man money, and he will be profuse. Some men, it is true, are misers. But the instances are rare. The miser is a monster, and would not be so if he were common. But in the general, the unlimited command of money will render a man extravagant, and very frequently profligate. Those, then, who inordinately enrich the Government by high tariffs, &c., are the true authors of extravagance and corruption. When the fiscal channels are filled to bursting, the fluid will find vent, and pour itself forth in all directions, corrupting individuals and stimulating the Government to extravagance in all its forms. Those, therefore, who refuse to bring down the revenue to the economical wants of the Government, are, and ought to be, alone responsible for its extravagance; and upon this ground, if no other, it is extremely unfair for the Opposition to charge the Administration with excessive expenditures.

But it is useless to spend more time in the production of facts in support of what must necessarily be true from established principles. The principles of the Democratic party are in favor of an economical administration of the affairs of this Government; and when a Democratic administration falls into extravagance, it is the effect of human weakness, that unfortunate principle of our nature by which good men are often forced to do by temptation what their consciences condemn; and, like them, a Democratic administration is always striving to make head against temptation, and get back again to the path of rectitude. Not so with the Opposition: a strong, energetic, and splendid central Government is, with them, the first desideratum; and to render it so, the expenditures must necessarily be vast. High tariffs are laid for the protection of manufactures, and to carry out the great principles of the American system. By this, large revenues are raised, which must, in their turn, be expended within the States, producing consequences upon which it were tedious at present to enter.

Sir, I admit our expenditures should be reduced; but, disguise it as they will, it is not the extravagance, but the parsimony of this Administration which raises up most of its adversaries against it. It is the well-grounded belief that another administration will scatter, with more profuse hands, those crumbs which so many mouths are eagerly gaping to receive, while their throats are roaring forth extravagance and corruption. The office-holders under this Administration, of which I have often had occasion to remark that a large majority of them are hostile to it, are mainly so from the expectation that more liberal provisions will be made for them, and the rein of control over their extravagancies and corruptions held with a slacker hand, should the Opposition get into power.

But the Senator uses the specious argument that we of course must be alone responsible for the expenditures of the Government, because we are the majority, and pass or refuse to pass just what we please; that the Opposition are a mere handful, and can do nothing but what we choose to

allow them. Sir, is this a fair representation of the case? Is this the way the gentlemen talk upon the eve of an election. Do they not then cry out that theirs is, in truth, the strong party? that they have, and will have, majorities everywhere, and let him who wishes to be on the strong side join them? But whenever measures are to be investigated in which they have been the main actors, with a view to censure, why then they dwindle into a mere handful. Poor innocent creatures! What could such a miserably reduced party do, if they were ever so much disposed? Let the public mind be no longer abused by a misconception of facts. The Administration party is not that drilled and united phalanx which many suppose. On the contrary, it is, as I have said, prone to divide on almost every question. Neither is it true that the Opposition is powerless; but, joined as it frequently is by the "armed neutrality," is able to control, as it often does, the action of the Government. In both ends of the Capitol, measures fail which the mass of the friends of the Administration wish to prevail, and *e converso*. Why, if the Administration party is so united, and the Opposition so weak, has not the Independent Treasury bill long since become a law?

The Senator from Massachusetts, somewhat tired of the journal record, turns to the last annual report of the Secretary of the Treasury, and proceeds to complain of him, also, for reading homilies, as the Senator chooses to style them, on economy, as if it had not been the practice of the Secretary of the Treasury, from the foundation of the Government, to offer to Congress through the President his views in relation to the finances of the country. Mr. Hamilton set the example in an eminent degree, and has been followed to a greater or less extent by all his successors. The Senator then calls our attention with solemn earnestness to the fact, that the expenditures of the Government for the year 1838 are \$40,427,218 68, and comments on it as a very important discovery. Now for what purpose is this done? The Senator knows very well that to the plain men of this country, forty millions is a startling sum, and that it is difficult for them to imagine any fair mode by which such a sum can be disposed of; and that in their amazement at the sum they will very probably conclude that a large portion of such an expenditure was unauthorized, and of course be seized with horror at the Administration who made it. But the Senator from Massachusetts knew how all this was, of what items the expenditures consisted, and under what authority it was made. Why, then, did he not, in all fairness, come out and tell us that all these expenditures were under appropriations by Congress, and that the appropriations thus made by Congress exceeded by nearly twenty millions the sum asked for by the departments of the Government? Why did he not inform us that upwards of eight millions of this forty were in payment of the public debt, including the redemption of Treasury notes; that your Indian treaties and Indian wars have absorbed about ten millions more; and that your pension list, which benefits mainly the northern end of this continent, took upwards of two millions more.

The Senator asks why, in my zeal for retrenchment, I did not turn to the expenses of our foreign relations. I answer, simply because I do not know of any unnecessary expenditures in that department. It may be, and I think it highly probable there are, and if so, I would gladly see them corrected. But I should think our foreign relations a most unfavorable ground for the gentleman and his party, and am rather surprised at his invitation to meet him there. Has he forgotten the constructive journeys and the unauthorized missions under some by-gone Administrations? And does he not remember that, not long ago, a man whom the people of this nation have since thought fit to dignify with the highest honor, was recalled from a foreign mission, and the country necessarily subjected to the expense of sending another in his place? And has he forgotten by whose votes this was done? If any similar faults are chargeable to this Administration, the Senator is doubtless prepared to point them out.

He next turns his attention to the collection of the revenue, and wonders that I have not made the expenses incident to that a subject of com-

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Public Printing—Mr. Morris.

SENATE.

ment. Upon that, I must say I had not time to make the investigation, and I presume it is not expected that any member of this body should be able to enter impromptu upon that complex subject. If there are any competent, I certainly am not one; but I may safely venture to say that most of those expenditures are made in the Senator's own region of country. He well knows they are regulated by law; and I doubt not, like most of the other expenditures, are made mainly by the votes of gentlemen of his own political complexion. But he states it as a fact, and then professes some difficulty in its explanation, that while, during a part of General Jackson's administration, the revenue was declining, the expense of collection rather increased. The Senator I think has himself supplied us with an answer by informing us that in many places the revenue had so fallen off as not to cover the expenses of collection; while, therefore, the aggregate revenue fell off, and became more concentrated at particular points, where the expenses were consequently increased, the expenses at the other places could not be materially diminished.

The Senator next comes round to the Post Office Department, and without specifying any particular extravagance, inquires why I have not directed my attention to that? I believe the present head of that Department is anxious to subject it to the most rigid economy, and only regret that he has not been allowed to administer its affairs more according to his truly Democratic notions. With respect to the box money, I think it, with the Senator from Massachusetts, an abuse. I believe it a mere Yankee trick, by which the northern postmasters first contrived to swell the profits of their office, from whom those further South have unfortunately caught it.

But the Senator says I have forgotten other small matters, and first alludes to the branch mints. Whether the mints are conducted upon the most economical principles, I am not prepared to say; perhaps there may be some extravagance in their administration, yet I am not aware that there is. But if the Senator means to say that those institutions are either useless or improper, I am directly at issue with him. Perhaps it is not to be wondered at that an advocate for the paper system should have some aversion to coining even the gold of his own land, and that he who holds the coinage power of Congress to extend its jurisdiction to the regulation by law of the paper money of the States, should see no necessity for exercising the direct power of coinage. Neither is it strange that those whose iron soil drives them to exercise their wits in transmuting baser substances to gold, and inviting it from foreign parts, should feel some envy of those to whom God has given that precious metal as the spontaneous product of their soil, or yielded it to them, by the simplest labor, from the bowels of the harmless earth. Yes, sir, Providence has made the region which I in part represent, rich in its mineral resources; and I hold it but right that when the Constitution has conferred upon this Government solely the power of making and regulating coin, that she should extend her hand to us, who furnish her the materials to relieve them; and that she should not require us to traverse half the continent to find a market for that of which she claims the monopoly.

The obligation to coin is one of the most imperative in the Constitution, and every principle of justice and propriety conjoin in approving the location of the mints where the bullion can be furnished. Few indeed are the crumbs which fall to our share from the public table, and those few ought not to excite the envy or displeasure of our brethren who partake so largely of its dainties.

He next alludes to the Army as an item of extravagance. An army is proverbially an expensive thing. It is difficult for any Government to administer its affairs economically; and least of all a republic. So many agents must necessarily expose to a great deal of waste, and it is impossible that the supervision which a monarchy would afford can be placed over them. An army must needs be expensive. But does the Senator propose that we should go without one? Is everything to be done for commerce and nothing for safety and honor? Is the American people indeed so

sordid of souls to look only to commercial profit, and make no provision for the protection of their homes or the honor of their flag? No man can be more opposed than I am to a large standing army, but so far from believing the present one excessive in magnitude, it is, in my estimation, inadequate to the present necessities of the country—to the protection of our vast extent of frontier, along which so many causes are in agitation, threatening us with war.

In conclusion, the Senator from Massachusetts demands of me whether I hold the Opposition responsible for having carried on the Seminole war. No, sir; no. Far be it from me to tear the laurel from the proper brow and bestow it where it is so little coveted. I hold the Seminole Indians alone responsible in any odious sense for the origin and continuance of that war. On their part it is one of aggression, on ours merely defensive; and for the maintenance of that defensive war, with all the disadvantages under which it is waged, I appropriate the credit to no party or section of the country. I am surprised to hear the intimation from the Senator that the prosecution of that war is of doubtful propriety. Sir, it should be the first maxim of every gallant nation not to let a hostile footstep rest upon her soil. Like the ancient Romans, never to think of making terms with a foe until he relinquishes the attitude of an invader. For one, I would sooner ingulf the whole Treasury of the nation than suffer the foot of an invader, civil or savage, to rest upon our sacred soil. The Seminole Indians may possibly suppose they are engaged in the vindication of a just cause. Be it so. But does the Senator from Massachusetts believe the territory in contest theirs or ours? If the former, then he is right in condemning the war; but if, as I entertain no doubt it is, the property of these United States, it should be defended with our last cent of treasure and our last drop of blood. Perhaps there are reasons for some difference of feeling upon this subject between the Senator from Massachusetts and myself. The scene of the Seminole war is in the southern end of this continent, and not in the northern; it is nearer to my home and my fireside than to his; and the sufferers by savage violence are more nearly my neighbors. The appeal, therefore, is more direct to my sympathies and my patriotism. Again, in process of time this disputed land is destined to give a wider spread to the institution peculiarly southern—an institution against which all the feelings and prejudices of the Senator are arrayed. My prejudices and feelings are all the other way; nay, my judgment, too, for I most confidently believe that this institution is favorable to the highest moral development of the freemen who live within its influence; that it promotes the growth of all the nobler and generous qualities of our nature in every bosom, except, perhaps, that of the slave himself. But, with all these allowances, I am certain the Senator from Massachusetts does injustice to himself in intimating that he would be willing to relinquish that war, with anything short of the conquest of the country; he is not, I am persuaded, that craven wretch who would tamely surrender any portion of the sacred soil of freedom to any foe, whether savage or civil.

In conclusion, Mr. President—that the expenses of this Government ought to be diminished, and its revenues kept low, I most confidently believe. Such is the opinion of the head of this Administration, as he had assured us in his annual message at this very session; and such is the judgment of the bulk of his friends; and if the Opposition gentlemen will join us in sincere efforts to limit expenditure, instead of making it a subject of electioneering declamation, the evil will very soon be greatly diminished. That any administration can make the machinery of Government move in perfection—that there shall be no errors of judgment—no infidelity of agents, it would be madness to expect. All that I ask for the present Administration is, that its acts shall be judged with candor, and proper allowances made for human imperfection and the difficulties by which it has been envired; and, above all, that the faults of its opponents shall not rest upon its shoulders; and I confidently assert it will prove an Administration well entitled to the respect and confidence of the American people.

## PUBLIC PRINTING.

SPEECH OF HON. THOMAS MORRIS,  
OF OHIO,

IN SENATE, December 31, 1838,

On his motion to rescind the order to print thirty thousand copies of certain documents relative to the duties on Salt.

In the Senate of the United States, Friday, 28th December, Mr. BENTON made the following motion, which was agreed to without a division—that thirty thousand copies of the following papers be printed for the use of the Senate:

1st. Copies of written evidence, as required by an order of the British House of Commons, dated 24th June, 1817, which was laid before the Board of Trade, the right honorable Nicholas Vansittart being president, in an inquiry recently made at the instance of Lord Kenyan and Sir Thomas Bernard, as to the supposed operation of the salt duty, and restrictions on the fisheries, agriculture, and laboring classes of the Kingdom of Great Britain. Ordered by the House of Commons to be printed, 4th of July, 1817, (35 folio pages.)

2d. The report of the select committee of the British House of Commons, appointed in the year 1818, to take into consideration the laws relating to the salt duties, and the means of remedying the inconveniences arising therefrom, and to report thereon, with their observations and opinions, to the House, together with the minutes of evidence taken before them. Ordered by the House of Commons to be printed, June 1st, 1818, (8 folio pages.)

3d. Minutes of evidence taken before the same committee from the 18th of March, 1818, to the 7th of May of the same year; presented to the House of Commons with the report, June 1st, 1818, and ordered by the House to be printed, (204 folio pages.)

On the Monday following Mr. MORRIS submitted to the Senate a resolution rescinding the order of Friday, for the printing of the above named documents.

In support of his resolution Mr. M. said: That not being in his seat at the time the order was made, he had, on submitting his resolution, the first opportunity which presented, made a few remarks in support of his motion; but at the suggestion of a Senator, that the mover of the original resolution was not then in his seat, he agreed that his resolution should lie on the table until that honorable Senator [Mr. BENTON] should be present. He now felt it his duty, with the indulgence of the Senate, to state the whole of his reasons, that the Senator from Missouri might fully understand his objections.

His first objection was the printing of foreign documents by the order of this body. He thought the printing of papers connected with the policy of our own country, and essentially necessary for the legislation of Congress, could alone justify the expenditure of public money for such purposes, and Congress had adopted the practice of printing an extra number of such documents for distribution, until such practice had grown a serious evil, and proved one of the many extravagant uses of the public money; but we are now about to enlarge this job work by printing a book of foreign matter, the proceedings of the board of trade in England, the report of a select committee of the British House of Commons, and the minutes of evidence on which that report was founded, making a folio volume of two hundred and forty-seven pages as printed in London. He thought the printing of books by the order of Congress a very unjustifiable use of the public money, and if Congress took but a few steps more in this business—indeed if they persisted in the order for printing thirty thousand copies of this book—it might well be said that instead of a legislative body, Congress would soon convert themselves into a great national book concern. He had no objections to concerns of this kind, but he considered them as properly belonging to individuals, and not to the Government. A Methodist book concern, a Presbyterian book concern, or that of any other religious or political association, he thought a commendable thing; but it was a private affair by which individuals at their own expense undertook to promulgate through the coun-

try and amongst the people, their own peculiar tenets, opinions, and doctrines; and all they asked of the Government in the exercise of this, their undoubted right, was protection and safety for their persons and property, from mobs and unlawful violence.

But he had seen with regret and alarm, Congress, as a public body, ordering the printing of documents and papers calculated to promote the particular political views and doctrines of individuals or parties in Congress. It was true he had gone with the practice and the tide in this matter, when the documents to be printed were those emanating from some part of the Government, or from a committee of Congress, and were designed as the foundation of legislative action. But he thought even a practice of that kind was better followed in its breach than its observance; but when we are called upon to print a foreign document, he thought it time to pause and reflect on the nature and extent of this business. Not being in his seat at the time it was moved, in the newspaper in which he first heard of this order the mover was made to say that "large as the number was he proposed to have printed, he thought he might venture to say in advance that every Senator would have applications for more copies than would fall to his share." This might be true; but if those who would apply for the book really thought it useful and valuable, they would purchase it if in their power, at the price of a dollar or two; and if this was the case, private interest, which was always on the look out, and was eagle-eyed, would at once induce some bookseller to publish an edition of this work, though a far less number than thirty thousand should be demanded. The fact was, and he well knew it, those public documents printed by order were seldom read; and he would venture to say on the present occasion, that if the thirty thousand of these salt documents should be printed, not one third of the members of Congress themselves would ever read one, and they would be read by a far less proportion of the community at large.

There was another view of this subject which struck his mind as very objectionable to the printing of this document, as well as many others which had been ordered by both Houses of Congress. These orders are always made with the professed view of circulating information among the people. And how was this done? We tax the people at large, say \$200,000, though he believed the books and printing ordered by the two Houses at the last session of Congress would amount to a much larger sum; yet these documents and books, when printed, became, *ipso facto*, the private property of the members. A fair division of the plunder, he admitted, was always made. The members could either sell them or send them to their friends, as each one thought best, or leave them in their boarding-rooms in this city, to be used for all possible purposes. That these documents were frequently ordered to be printed with an eye to political effect, he had no doubt; he meant for the purpose of advancing the private political views of individuals; and he did not believe, for himself, that the people would sustain any gentleman who would not only tell them the truth, but the whole truth, on this subject. Let any gentleman, in his view, collect together one hundred thousand of his constituents, and inform them that he would lay and collect a tax, to which each should contribute fifty cents, and that with this sum of \$50,000 he would cause to be printed thirty thousand documents—yes, even these British documents—and that he would select thirty thousand from among the number, to whom, should it suit his pleasure, he would bestow as a gratuity, and under his own frank, too, one copy each, to become the private property of such individual. He did not believe that any portion of the American people would consent to be taxed in this manner and for such a purpose as this; yet such were the facts of the case, and such the results of voting books and documents to ourselves. We tax the whole people, and then put our hands into the public Treasury; apply the tax to the purchase of books to distribute among our friends, which may enable them to sustain us in all future elections, by furnishing arguments, or at least inducements for them to do so. But it seems as if we had exhausted the strength

of our own policy, and are compelled to draw upon foreign sources, as a foundation for the legislation of the country. It may all be right enough in this case, and at this time, but the example, he feared, might lead to very improper results. Suppose a majority should happen in Congress, or even in this branch, who desired to introduce into the country a foreign system, or the practice of foreign Governments, hereditary succession, or titles of nobility; and to enlighten the people as to the great benefits which imagination might suppose would result from such measures, they might order the printing for distribution, from the example we have set, any number of documents favorable to such a scheme, to prepare the people to submit to a bill which was afterwards to be brought in for such purpose. He would much rather let the \$50,000 which he apprehended this printing would cost, remain in the pockets of the people, to purchase such books as their judgment or their fancy should suggest. He did not believe this Government ought to expend money for any such purpose.

There is (said Mr. M.) another and still more pressing objection to this order for printing, because it comes home directly to the Treasury itself, and to the means we have for the discharge of existing just demands against the Government. The extravagances of the Government had become a by-word and a song, and the corruptions which such a system was introducing through the country was alarming. The astounding defalcations which had lately taken place amongst collecting and disbursing agents, which met us at every turn, was, he considered, a part and parcel of this system of extravagant and improper appropriations; and in these piping times of talking about economy and reform, he considered that our declarations were but in mockery of our doings. What, sir, was the amount of the contingent expenses of the other House of Congress for the last session?—\$272,245 84! Yes, sir, only two hundred and seventy-two thousand two hundred and forty-five dollars and eighty-four cents! You see, sir, how exact and economical we are; we go down to the matter of cents. The contingent expenses of the Senate, for the same session, was \$112,992 20. One hundred and twelve thousand nine hundred and ninety-two dollars and twenty cents! A man of common sense and prudent habits, in looking over the items to make up this enormous amount of expenditure for the mere contingencies of Congress, for one session, must feel amazed at the ingenuity of man in devising means to spend public money. Three hundred and eighty-five thousand two hundred and thirty-eight dollars and four cents, the contingent expenses of one session only! He said he had looked hastily over the items, and he found \$152 for making pens; \$39 50 for snuff; and \$1,641 for horse-hire for the House of Representatives; and \$314 for an hostler. In the Senate, for the same hire, \$1,633, and upwards. He would not say that he had stated the above amounts with perfect accuracy, but the documents were before every gentleman, and he might examine for himself. It would seem, to a plain and upright man, who suspected no evil, that were you to inform him that this sum of \$3,274 92 cents for horse-hire, and \$314 for an hostler, was expended during one session, that this Congress actually legislated for the greater part of their time, at least, upon horse-back.

Sir, it is mockery, cruel mockery, to talk here about favoring the laboring class—the agriculturists; those from whom you draw, or extort would not be a phrase too hard, all the means for the extravagances around us; some thousands of dollars, Mr. President, for the very drapery over and around your chair, while the floor and every part of the Chamber presents equal extravagance. The money expended yearly within your iron-bound inclosure which surrounds your Capitol, he had not a doubt, was more than the yearly expenses of the government of the State in which he lived; he meant the proper charges for the government paid out of the State treasury. He did not wish now to look into the expenditures of the public money in the different departments of the Government; that stupendous mass of extravagance, corruption, and fraud which he feared existed, he left for others to examine; that there was something wrong somewhere all seemed now to

admit; and, in his opinion, the fault was mainly, if not altogether, to be found in the legislation and acts of Congress. He had confined his views to the household economy of the body, to their furniture, the dress of their chambers, and their pin money alone; and he hoped they would begin the work of reformation and retrenchment at home; he thought they had "salted" the people quite sufficient in this branch of the public expenditures without adding to the amount \$50,000 more or less for printing this salt document. He hoped the motion to rescind the order would prevail, and that the Senate would sustain him in a call for the yeas and nays on the vote; for, should he vote alone, he wished his name to appear against this extravagant and extraordinary expenditure of the public money.

The yeas and nays were ordered.

Mr. M., in reply to Mr. BENTON, said that he had not attended very closely to the observations of the gentleman at the commencement of his argument. After explaining his views, he should feel disposed to be satisfied with the decision of the Senate; and it was not his habit to again trouble the House, except new matter was brought forward, or his remarks were misunderstood, so as to produce a misrepresentation of them. But he now understood the gentleman to charge those opposed to this printing as being inimical to a repeal of the duty on salt, and thus against the interests of the agricultural classes; and that the people needed information to judge of the propriety of this repeal. Mr. M. said the people he represented understood very well their interests on this subject; they were in favor of a repeal of all duties on articles of necessity used by the great mass of the people—the laboring classes—such as salt, sugar, coal, and breadstuffs; but they did not consider the price of salt as onerous or oppressive. No one, he trusted, who examined this subject, not even a school-boy, could be made to believe that the duty of five or six cents on a bushel of imported salt increased the price of the domestic article. The western country could manufacture a sufficient quantity for their entire consumption; and the article was sold at as low a price as any one could desire. He thought—he could not speak with perfect certainty—that a bushel of domestic salt (fifty pounds) had been purchased, for years past, at an average price of forty to sixty cents; and those who used the foreign article, used it from choice, not necessity; and he did not think that it was generally understood that fifty pounds of the foreign article was more valuable to the agricultural class than the same quantity of the domestic. The farming interest of the West, he thought, would never complain of the price of salt while they could purchase three pounds of salt for one pound of flour. This had been the case in the West for some time past. For himself, he repelled the charge that this, or any act of his in this body or elsewhere, was done with a view, either directly or indirectly, to oppress, or affect injuriously, the agricultural class—a class amongst which he had been raised, and to whom he belonged. He was ready at once, with the Senator from Missouri, to repeal the duty on salt without the expense of this printing—an amount which the duty on all the salt used in the western country which paid duty, would not probably pay in many years to come. He would go further, and repeal the duty on sugar, coal, and breadstuffs, at once, and all other articles, even coarse woollens, which were used by the poor and laboring class. He considered some of these duties almost as unjust as to tax those classes for the air and sunshine which fell to their lot; and if the revenue would suffer in consequence of this report, he would increase it by an additional duty on articles of luxury, taste, and fashion—articles which produced extravagance, and not economy in this country—and he would lay duties only to meet the proper and necessary wants of the Government, but never for protection.

It was, however, said that these British documents, (the gentleman said that he had called them books when they were only documents, a distinction, he thought, without much difference,) that these documents would throw such light on the subject as to enable Congress to proceed correctly. He did not believe that we needed such light. The gentleman himself [Mr. BENTON] is

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Wisconsin Contested Election—Mr. Thomas.

HO. OF REPS.

fully competent to afford us sufficient information to enable us to judge correctly and justly, on this subject of repeal. Why, then, pay \$50,000 to printers for information we do not need? It had been hinted that the compromise act, so called, with regard to the tariff, ought not now to be disturbed. He did not feel that his hands were tied by that act, so as to prevent him doing justice now. No! "let justice be done, though the heavens should fall."

Mr. M. begged of gentlemen to pause, and look back at what they had done. The amount paid for printing had been enormous. The post office reports—thirty thousand or more of that document had been printed, at some forty or fifty thousand dollars cost, with the view of enlightening the people as to the corruptions, as was said, in that department—what had this printing done? Furnished a job for a printer, and the whole story is told. They were so distributed; he had heard of their being used as wadding for cannon fired to celebrate Democratic victories! He thought it an effectual mode of distribution, and commended the inventor for his wit; but, in his part of the country, this document, with others, under which the mail coaches literally groaned, franked by members of Congress, were distributed in the country stores, and used as wrapping paper for tea and other articles sold in small quantities. Another charge for printing had been made some years ago of \$20,000 or upwards, on a motion of a Senator from Alabama, to print the correspondence and papers of the Indian Bureau. A Senator near me says, name him; he said he had no objection—the Hon. Mr. Moore. He believed that the Senator who made the motion did not, nor had any other at the time, have an idea of the extent and cost of this work; it consisted, he believed, of many volumes; he had seen a Senator present his arms full of them to the Senate, and assert that the expense was larceny of the public money, a fraud upon the Treasury; and he thought the expression not too severe for the occasion. Thus we had gone on printing and distributing documents until the practice had become a serious drain upon the Treasury, and almost a nuisance to the country; they were used mostly, not for information, but as weapons of political warfare by contending parties, and having exhausted our own store, we are now to supply the vacuum from a foreign country. He hoped that gentlemen, if they did not intend to pull down this Administration, would not only make professions of economy and retrenchment, but would actually reduce it to practice, by beginning at home, here in Congress, the very fountain-head from whence all these streams of wasteful extravagance flow. He had been reminded that the farmers of his own neighborhood had suffered loss in the sale of their pork on account of the scarcity and price of salt the past fall. He admitted he had understood that the purchasers of pork were somewhat checked, and dealers in the article stood off for a while, under apprehension that it would be difficult to obtain a sufficient quantity of salt; but no one ever dreamed that this state of things was produced by the duty on imported salt. No, sir; we had abundance of salt in the country, and nothing but the lowness of the waters in our rivers prevented a full supply in the market. He said he would admit that pork was at a lower price now than it had been the last year, or was when the market first opened; but he would inform the gentleman of the cause of this change. It was not because we had not ordered a sufficient number of documents to be printed at the public expense; no such thing: it was to the labor of the gentleman here, and in which good work he has afforded all the aid in his power; it was by checking the banks in their wild career of speculation, and bringing back the inflated currency of the country to something like a reality. The value of money had risen, because the article had appeared something like it was of old, and genuine currency had taken the place of a fictitious one; and what the farmer could obtain for his pork now, had the name at least of being substantial, not quite so doubtful as formerly, which like Jonah's gourd, was liable to wither and die in a night. Now, sir, the farmer, with a good horse, common industry, and the distance not too great, might hope to receive his pay by obtaining at the bank the money for the paper he had received for his pork. He

had no doubt but the country was much benefited, instead of being injured, by this change. He had conversed with sensible farmers and dealers, who both concurred in opinion with him on this subject; who were ready to tender their thanks to the Senator from Missouri, for the noble stand he had made in their favor, and he could assure the gentleman that he most cordially tendered his; but he could not join the gentleman now in printing documents to raise the price of pork, because he did not see any connection whatever between the two objects; and he remained still of opinion that the order for printing ought to be rescinded.

## WISCONSIN CONTESTED ELECTION.

REMARKS OF HON. F. THOMAS,  
OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

January 3, 1839,

On the Wisconsin Contested Election.

The question was on the adoption of the following resolution of the Committee of Elections:

"Resolved, That James Duane Doty is entitled to a seat in this House as a Delegate from Wisconsin Territory, and that George W. Jones is not so entitled."

Mr. THOMAS moved to amend the resolution by transposing the names, so as to declare Mr. Jones entitled to the seat; and proceeded at length to oppose the conclusions of the report.

Mr. T. said that, as a member of the Judiciary Committee, he had been compelled at a former session to examine very generally the laws relating to the Territories. Knowing this, the sitting Delegate from Wisconsin had requested him to participate in this discussion. I do so, sir, foreseeing that the opinion I entertain will not be sanctioned by a vote of the majority of the House. The Committee of Elections, with great unanimity, has reported in favor of the petitioner, and against the sitting member; and there is, we all know, a predisposition in many members to acquiesce in the decision of a committee. In this case, too, we who oppose the report of the committee labor under another serious disadvantage. There is nothing to be gained by either political party in the issue of this question. And hence a very strong inducement felt in most cases for attending to a discussion "designed" to reverse a report of a committee does not exist in this instance. Notwithstanding I have these reasons to fear that my remarks will not be very patiently listened to by the majority, and although I foresee that defeat awaits us, I shall stand up for what I think the right cause.

The committee in this case have failed to perform one of the most important objects for which this subject was referred. They have not informed the House whether there has been heretofore a contest for a seat as a Delegate from a Territory, that we might profit by the opinions of our predecessors. I propose to supply this omission. I will call the attention of the House to a contested election which gave rise to an act of Congress applicable to the Territory of Wisconsin, and designed, in my opinion, to guard against the occurrence of a contest like this now under consideration.

On the 4th of June, 1812, an act of Congress passed, authorizing the citizens of Missouri Territory to elect one Delegate to the Congress of the United States. Nothing was said in the act as to the time when the service of such Delegate should commence or terminate. The power given to the people of Missouri under this law was exercised, and Rufus Easton, having been duly elected, took his seat at the second session of the Thirteenth Congress, and continued to act as a Delegate during that and the first session of the Fourteenth Congress. At the second session of the Fourteenth Congress, John Scott appeared and claimed the seat as a Delegate from Missouri, he having a certificate of election from the Governor of the Territory. His right was contested by Mr. Easton, his competitor at the election, who maintained that the election had been illegally conducted. The House, after a full examination of the whole matter, "Resolved, That the election in the Territory of Missouri has been illegally conducted, and

"the seat of the Delegate from that Territory is vacant." No objection was urged on that occasion to the right claimed by Mr. Scott upon the ground now taken by the sitting Delegate from Wisconsin. The law under which the Delegates from Missouri had been elected, contained no provision like that in the law to which I shall presently refer. There was nothing to be found at that time, either in the Constitution of the United States, or the laws defining the term of a Delegate from a Territory. The Constitution had conferred upon Congress the power to "make all needful rules and regulations respecting the territory or other property belonging to the United States." And in pursuance of this authority, Congress had established a government for the Territory of Missouri, and given to the citizens therein a right to elect a Delegate; but Congress had not declared when the time of service of such Delegate should either commence or terminate. There was nothing in the law or the Constitution authorizing a Delegate to sit more than one year, or forbidding him to sit more than two years, or five years, under one and the same election. Upon this point, the legislation of Congress was manifestly defective. The contest for a seat from Missouri directed attention to this imperfection; and a law was passed to guard against the inconveniences and irregularities which, without it would be unavoidable. I hold that act now in my hand. I invite the attention of the House to its provisions. It is not referred to in the report of the Committee of Elections in this case, and may have escaped attention. It was approved by the President on the 3d of March, 1817, fifty days after the Missouri contest had been disposed of. The first section, which alone relates to the question now before the House, declares: "That in every Territory of the United States in which a temporary government has been, or hereafter shall be, established, and which, by virtue of the ordinance of Congress of the thirteenth of July, one thousand seven hundred and eighty-seven, or of any subsequent act of Congress, passed or to be passed, now hath, or hereafter shall have, the right to send a Delegate to Congress, such Delegate shall be elected every second year, for the same term of two years, for which members of the House of Representatives of the United States are elected." This language is explicit, unequivocal. All delegates from the Territories then existing, or to be established, are to hold their seats for the same term of two years for which members of this House are elected. What is that term? When does it commence? When does it terminate? These questions are settled beyond controversy. The term of a member of this House commences on the 4th of March, and terminates on the 3d of March two years next succeeding. Within those periods, whenever the Congress assembles of which an individual is a duly elected member, he takes his seat in the body. By the act of 1817, these privileges are extended to the Delegates from all the Territories then existing, or to be established. They have a right to sit in the Congress of which they are duly elected members whenever it assembles between the 4th of March, when its term commences, and the 3d of that March, when its term ends.

I am aware, sir, that there is another act of Congress, concerning the Delegate from Wisconsin, to be taken into consideration. But upon an examination of its provisions, it will be found that they do not conflict with those of the act of 1817. It still stands upon the statute-book unaltered, not repealed by subsequent legislation, so far as Wisconsin is concerned; and must be considered, as it was obviously intended to be, as a fundamental law for all the Territories. That the House may judge of the accuracy of this opinion, I will read that part of the law to which I allude. It is an act passed on the 20th of April, 1836, "establishing the territorial government of Wisconsin." The fourteenth section of the act alone relates to the Delegate to this House, and declares, "That a Delegate to the House of Representatives of the United States, to serve for the term of two years, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as have been granted to the Delegates from the several Territories of the United States to the said House of Representatives."

There does not appear to be anything here repealing or modifying the act of 1817. On the contrary, this section seems to have been framed with a knowledge of the existence of that fundamental law; otherwise, the member who drafted this section would be chargeable with gross negligence. It does not attempt to define the term for which the Delegate shall be chosen. He is to serve for the term of two years; but it is not said when that term is to begin and end. We must look elsewhere for that; and to aid us in the search, this law of 1836, in the section I have just read, declares that the Delegates "shall be entitled to the same rights and privileges as have been granted to the Delegates from the several Territories." Now, what are those rights and privileges? Where are they to be found? We must not look for them in the act creating the Michigan Territory, nor to the act establishing Iowa. Those are special acts, confined to those Territories respectively; and as we are in search of rights and privileges which have been granted to the Delegates from the several Territories of the United States, we must look to some general fundamental law applicable to all the Territories. That law we find in the act of the 3d of March, 1817, passed to correct an inconvenience and irregularity growing out of careless legislation in the case of the Missouri Territory, and intended to guard against the possibility of a contest such as that the House is now considering.

There is language to be found in another section of the act of 1836, establishing a territorial government for Wisconsin, that may be relied on in maintenance of the opinion that the provisions of the act of 1817, which we have been considering, are not applicable to that Territory. In the twelfth section of that law, it is declared that "the said inhabitants shall also be entitled to all the rights, privileges, and immunities, heretofore granted and secured to the Territory of Michigan, and to its inhabitants; and the existing laws of the Territory of Michigan shall be extended over said Territory, so far as the same shall not be incompatible with the provisions of this act." In one of the laws of Michigan, (act 16th February, 1819,) there is a section directing the Governor of that Territory to furnish to the Delegate elect a certificate of his election, and declaring that such Delegate shall be entitled to a seat in Congress "for the term of two years from the date of said certificate;" and it is contended that this law of Michigan has, by the provisions of the twelfth section of the act of 1836, been extended over Wisconsin. A moment's examination must show the fallacy of such an opinion. The twelfth section of the act of 1836, relates to the inhabitants of the Territory. In it their rights and privileges are defined; but in the fourteenth section of the same law, we are to look for the rights and privileges of the Delegate, and we there find that they are as great, and not greater, than those granted, not to the Delegate from Michigan, but "to the Delegates from the several Territories of the United States." Moreover, in the twelfth section of the act of 1836, we have these words: Speaking of the laws of Michigan, it is said that they shall be extended over Wisconsin "so far as the same shall not be incompatible with the provisions of this act." Take, then, both these sections of the act of 1836 into consideration, adopting a well-established rule of construction, and let us see what is the conclusion to be necessarily reached. The law of Michigan gave to the Delegate from that Territory a right to a term in Congress for two years from the date of the Governor's certificate. The fourteenth section of the act of 1836 confers expressly upon the Delegate from Wisconsin the right to a term in Congress like that secured to the Delegates from the several Territories of the United States. The twelfth section of the act of 1836 extends over Wisconsin all the laws of Michigan, "not incompatible with the provisions" of that act. The duration of the term in the law of Michigan differs from, and is "incompatible" with the duration of the term in the twelfth section of the act relating to Wisconsin, and is not, therefore, extended over said Territory.

Having assigned these reasons for believing that the act of 1817 is a fundamental law applicable to the Territory of Wisconsin; that it has not been repealed or altered by the act of 1836; and having stated why I believe that the two years' term of service, to which the Delegate from Wisconsin has

a right in the present Congress, commences and terminates at the same periods with the terms of the members from the several States, I will next inquire whether General Jones is entitled to hold the seat he now occupies to the close of the present session. He was elected by the people of Wisconsin in October, 1836. About the same time the members of this House from Ohio and Pennsylvania were chosen. As their rights to seats are not contested, it will not be pretended that he has no right because the election was held in Wisconsin before the term of service was to commence. He appeared here at the first session of the present Congress, was qualified according to the established forms of our proceedings, and took his seat. The House did not adopt a formal resolution declaring that he was entitled to sit therein as a Delegate to the Twenty-Fifth Congress from Wisconsin; but this was done in effect. He was called upon by the Presiding Officer, as the other members, to take the oath of office, and we sat by and witnessed the proceeding, assenting thereto as fully as we could have done by a *viva voce* vote. The House was engaged in the exercise of that high power derived from the "fifth section and first article of the Constitution." We were judging of "the elections, returns, and qualifications" of the members. And we decided that George W. Jones was duly elected a Delegate from Wisconsin, and acquiesced in his appearance amongst us to take his seat as such. We adjudged that he was duly qualified. Such being the facts, I am at some loss to conjecture in what part of the Constitution, in what law, or in what usage is to be found the power to adopt a resolution declaring that James B. Doty is entitled to a seat in this House as a Delegate from Wisconsin. There cannot be two Delegates from one Territory in Congress at the same time. For the power to admit Mr. Doty, I have examined the report of the Committee of Elections, but I find nothing there to satisfy my mind. In that report I find much to prejudice and bewilder the judgment, which ought not to have been introduced. It serves not to enlighten, but to confuse. We are there told that if General Jones is permitted to occupy this seat until the present session closes, he will have been a member of Congress for three regular sessions under one election. If this were true what possible influence should it have upon the judgments of men sitting here as a judicial tribunal. We are not to decide whether General Jones sat in the last Congress with or without legal authority. Each Congress is to judge of the election and qualification of its own members. If the last Congress decided that General Jones was entitled to take his seat therein as a Delegate, and erred in that decision, can we correct that error by usurping a power to dismiss him now, if he be entitled to this seat? That he is so entitled, we have already decided at the first session of this Congress. We said that he is duly elected a member of the Twenty-Fifth Congress, and this decision gave him a title to be in his seat whenever the Twenty-Fifth Congress is in session. But, sir, I maintain that he was not duly qualified as a Delegate to the Twenty-Fourth Congress from Wisconsin. He had been elected as a Delegate to the Twenty-Fourth Congress from Michigan. Under that election, he appeared and was qualified at the first session of that Congress. Michigan did not come into the Union until January, 1837, subsequent to the time when General Jones took the oath as a Delegate from Wisconsin. The oath of office was therefore void. He could not be a representative from two Territories at one and the same moment; and being a qualified Delegate from Michigan at the second session of the last Congress, he could not, without resigning that office, legally qualify and take another. But, I again ask, what have these irregular proceedings to do with the question now to be decided? We are now called upon to construe laws. We are acting judicially; and whether the last Congress acted right or not, is a question which we need not now debate. Instead of attempting to rectify the errors of our predecessors, we should be guarding against error in ourselves. We have the laws, we have the Constitution before us. We are acting as sworn judges in the premises, and have simply to decide this question according to the dictates of an unbiased

reason. I know well that I and those who concur with me in these views are to be found in a minority. But minorities have no terrors for me. Those acts of my political life to which I recur with most pride and pleasure, were when I had few, very few, indeed, to countenance heartily the proceeding. I belong not to that class of men who are "preserved from shame" only "by numbers on their side."

#### THE GRADUATION BILL.

#### SPEECH OF HON. T. H. BENTON, OF MISSOURI,

IN SENATE, January 4, 1839,

On the Graduation bill, and in reply to Mr. CLAY's attacks upon General Jackson.

Mr. BENTON rose, in consequence of the endless attacks made upon an eminent citizen, now retired from public life, and seeking repose under his own vine, and by the side of his own fire, but for whom, it would seem, there was to be no peace on this side of the grave. He alluded to the late President of the United States, General Jackson, and to the repeated instances in which his name had been dragged into this debate, and tyranny and mischief attributed to him for his conduct in relation to the act for the distribution of the proceeds of the public lands. That conduct had been denounced as tyrannical and unconstitutional, and to it had been attributed all the late moneyed embarrassments of the country. The Senator from Kentucky [Mr. CLAY] is the author of these denunciations, and also the author of the bills, for there were two of them, the loss of which he so much deplores, and for the want of which he has seen so much evil arise. I (said Mr. B.) was the contemporary of these bills. I knew their character and their fate; I saw their birth and their death, and great and numerous as are the acts which stamp the character of a hero-statesman on General Jackson, there are none which exalt him more than his conduct in relation to these very bills. It was wise, patriotic, constitutional, and heroic conduct. He had the wisdom to see the pernicious nature of these bills; he had the constitutional right to arrest them; and he had the heroism to exercise that right. The bills were of the most seductive character; they were calculated to seduce all unreflecting minds; for they proposed a distribution, among the people, of near sixty or seventy millions of dollars. The distribution would have left the Treasury bare; it would have bankrupted the deposit banks; it might have debauched the States; it would have compelled a resort to loans or a new tariff; and it would have set the fatal example of lavishing the public money, and also the public property, upon the people on the eve of the presidential elections. The first bill passed the two Houses in 1832, just before the presidential election, and so near the end of the session of Congress that the President had but a few hours, instead of the ten days which the Constitution allowed him, to examine its provisions, to make up his mind upon it, and to return it to the Senate with his objections in writing, if disapproved by him. It was retained by him the ten days, as he had a clear constitutional right to do. Congress did not think proper to prolong its session to cover those ten days, as it might have done; for it was the session whose duration was not limited by the Constitution; and the two Houses having adjourned, he retained the bill until the next session, and then returned it to the House in which it originated with his objections to it. This was the regular course prescribed by the Constitution; and, thanks to the spirit and intelligence of the people, it was the course sanctioned and approved by them. Instead of being excited against the patriot President by an affected outcry against "pocketing bills," and by a *per capita* calculation of the money each voter had lost, so ostentatiously paraded before their eyes—instead of being excited against General Jackson by those means, and made to cast their votes against him, the high-minded people of our America approved his conduct, and testified their approbation in the distinguished honor of his second election. This was the fate

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Graduation Bill—Mr. Benton.

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of the first bill. It was to have taken the whole proceeds of the sales of the public lands for five years—the years 1833–'34–'35–'36–'37—and divided them among the States; leaving the Treasury entirely dependent upon the custom-house duties for its support, which many then saw, and experience has since proved, would be wholly inadequate, without a resort to a new tariff, loans, or Treasury notes, to defray the ordinary expenses of the Government.

The second bill was a duplicate of the first, but four years its junior in point of time; it did not come on until the approach of the presidential election in 1836, but was made to cover the same number of years, and the same identical years, which were covered by the first one. To do this, it was necessary to make this second bill retroact, make it reach back, and exact from the Treasury as much money as the first bill would have taken out of it up to that time, and then for as many more years as would complete the original five. In fact, it was the same bill, in every particular, with the superaddition of the signal aggravation of being retroactive, and getting hold of three years' revenue from the lands for a grand distribution on the eve of the approaching presidential election. This was the character of the second bill; and this character is too important and too necessary to be understood by the people for their knowledge of it to rest upon description. They must see it. They must see the thing itself and know of their own knowledge what it was that fell—or fall it did—before the stern resolve of General Jackson, and the loss of which is now deplored as a national calamity. The people must see it; and here it is in the book of the bills of the Senate, which I have this moment sent a messenger to bring me from the office of the Secretary.

It is entitled "*An act to divide among the States, for a limited time, the proceeds of the sales of the public lands*," &c.; and the signature of the then Secretary of the Senate, Walter Lowrie, Esq., that it passed this body on the 12th day of May, 1836. I read from the third and fourth sections, which show the parts which are material to the present inquiry.

"**Sec. 3.** And be it further enacted, That the several sums of money received in the Treasury as the net proceeds of the sales of the public lands for the years eighteen hundred and thirty-three, eighteen hundred and thirty-four, and eighteen hundred and thirty-five, shall be paid and distributed as aforesaid, at the Treasury of the United States, one fourth part on the first day of July, eighteen hundred and thirty-six, and one fourth part at the end of each ninety days thereafter, until the whole is paid; and those which shall be received for the years eighteen hundred and thirty-six and eighteen hundred and thirty-seven, shall also be paid at the Treasury half yearly, on the first day of July and January, in each of those years, to such person or persons as the respective Legislatures of the said States shall authorize and direct to receive the same.

"**Sec. 4.** And be it further enacted, That this act shall continue and be in force until the thirty-first day of December, one thousand eight hundred and thirty-seven, unless the United States shall become involved in war with any foreign Power, in which event, from the commencement of hostilities, this act shall cease, and be no longer in force."

These are the sections of the act of 1836—the act which sunk before the firm resolve of President Jackson—sunk before his resolve; for it died under his known opinion in respect to it, and without having reached his hand. It was the copy of the one which he had retained, and which he had returned with his objections. It was known to be useless to send it to him unless there was a majority of two thirds for it in each House. Such a majority could not be conciliated; and the bill, after becoming an act of the Senate, died out in the House of Representatives, and was succeeded by another act in the Senate to accomplish a part of its purpose; namely, the bill to distribute, under the name of a deposit, thirty-six millions of public moneys among the States. This latter became a law; it was only about one half the magnitude of its predecessor and progenitor—the five years' land revenue distribution bill. It was only half the

magnitude of that bill; but the one half of it, even, was enough to crush the great deposit banks.

I was one of a few who opposed all three of these bills; and especially I opposed the one from which two sections have just been read, and for the loss of which General Jackson has been so incontinently denounced on this floor, and for the want of which so many evils have been asserted to have arisen. I join issue upon these assertions. I denounce this bill now, as I did when it was on its passage, as a bill that would have bankrupted the deposit banks, and bankrupted the Treasury, and laid the Government under the necessity of reviving the tariff, or borrowing money to defray its ordinary daily and current expenses. These were my declarations then, when the bill was on its passage in May, 1836; and I expressed myself with such earnestness with respect to the danger to the banks and the Treasury, that a member of the Senate and a friend now present, suggested that they would alarm the country if published as delivered; and, in consequence, the speech was but partially and imperfectly reported. The bill died in the House of Representatives; it never became a law; I was satisfied, and should never have troubled the Senate and the country with a revival of the subject, had it not been now revived by the author of the bill, for the purpose of attributing to it a vast merit, and for the purpose of reiterating upon General Jackson an oft-repeated denunciation. The defunct bill is resuscitated by its author—resuscitated to claim our sympathies, as a measure of beneficence to the country, and to excite our resentment against General Jackson, as the destroyer of so fine a measure! Revived, resuscitated, dug up from its grave in this manner, and for these purposes, it becomes a legitimate subject for parliamentary animadversion; and I mean to advert upon it freely, closely, and truly, that the country may not only see what it is they are called upon to regret, and to censure General Jackson for destroying, but also to enable all men who are of "*sound mind and memory*," to judge for themselves what this country would come to if its destinies were in the hands of the friends and supporters of such a bill!

I now address myself to the candor and intelligence of all parties in this Chamber and out of it, and invoke their attention and the decision of their minds on the case which will be presented. The bill, in its third section, provides first for the distribution of the money which had been received from the sales of the public lands for the three preceding years, and which money had already, in great part, been expended by the Government. It ordered the amounts received from the lands in the years 1833, 1834, and 1835, to be divided out; the division to commence on the 1st day of July next ensuing, and to be accomplished in four installments, at ninety days apart. This was one clause of the bill, and the amount on which it would have operated was \$23,582,882; that is to say, the sum of \$3,967,682 for 1833; the sum of \$4,857,600 for 1834; and the sum of \$14,757,460 for 1835. This would have made the sum of nearly six millions, in round numbers, payable out of the Treasury at intervals of ninety days, to wit: on the first days of July, October, January, and April. The whole sum of \$23,500,000 would have been payable in the short space of about nine months, and that in addition to the \$31,000,000 which would be required for the service of the Government during the same year. So much for one branch of the distribution clause. The second branch of it ordered the proceeds of the land sales for the years 1836 and 1837 to be also divided out, but by a half yearly instead of quarterly process. The first payment was to be made on the 1st of July ensuing, being the same day on which the quarterly payments began; the second was to be made on the 1st of January, 1837, being the same day on which the third quarterly payment became due; the third half payment was to be made on the 1st of July, 1837; and the fourth on the 1st of January, 1838. Now, what is the amount which this second branch of the distribution clause would have diverted from the Treasury, and in what time? Sir, the amount would have been \$31,653,380, and the time would have been eighteen months. Such would have been the amount pay-

able in that short time; for the sales of the lands in 1836 were \$24,877,179; and for 1837 they were \$6,776,236, and this in addition to the sum required for the service of the Government in 1837, which was \$39,000,000. The whole amount which would have been required for distribution between the 1st of July, 1836, and the 1st of January, 1838, would have been \$55,336,360; and the service of the Government for the same time would have required just about as much more. A table of dates and sums will show the amount and distribution of these enormous calls for money.

Dates.	Quarterly distribution.	Half yearly distribution.	Total distribution.	Service of the Government.	Grand total.
1st July, 1836..	\$5,720,770	\$12,448,588	\$17,209,758	\$7,750,000	\$29,259,758
1st Oct., 1836..	5,720,770	none.	5,720,770	7,750,000	12,470,770
1st Jan., 1837..	5,720,770	12,448,588	17,209,758	7,750,000	29,259,758
1st April, 1837..	5,720,770	none.	5,720,770	7,750,000	12,470,770
1st July, 1837..	none.	3,368,118	3,368,118	9,750,000	13,138,118
1st Oct., 1837..	none.	none.	none.	9,750,000	9,750,000
1st Jan., 1838..	none.	3,368,118	3,368,118	9,750,000	13,138,118
	\$23,582,882	\$31,653,386	\$54,336,272	\$62,250,000	\$109,457,292

This table exhibits the detail and the gross of the amounts which would have been taken from the Treasury in eighteen months, if the land bill of 1836 had passed, with the detail and the gross also of what was actually required for the service of the Government for the same time. They amount, in round numbers, to \$55,000,000 for distribution, and \$55,000,000 for the support of Government; in all \$110,000,000!

Now, sir, how was the Treasury to stand this enormous call? It could not have stood it at all! It could not have stood the first pull—the first \$17,250,000 for distribution, and \$7,750,000 for the public service; which would have been required on the first day of July, 1836. It would have failed at that payment; and so I declared, and, in my own opinion, demonstrated at that time; and so the event proved, when the deposit act passed, and substituted a smaller and later distribution. This deposit act passed in June of 1836; it began to take effect in January, 1837; it proposed to divide out but \$36,000,000, and that by \$9,000,000 at a time, and to commence the distribution six months later than the land bill proposed; and yet what was the result? The result was the stoppage of the principal deposit banks, and all the rest of the banks within five months after the distribution began to take effect! The deposit banks made the first distribution in January; they nearly sunk under the second installment in April; they were unable to meet the third one in July, and closed their doors in May; and, while several causes contributed to the result, yet it must never be forgotten that the committee of the New York banks, where the stoppage began, in enumerating the four principal causes for that event, placed at the head of those causes, the operation of the deposit or distribution act of June, 1836. Thus, experience proved: that the

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SENATE.

deposit banks could not stand a distribution of \$36,000,000, commencing six months later than the proposed land bill distribution, and made in quarterly installments of only \$9,000,000 at a time. How then could they have stood a distribution of \$55,000,000, commencing six months earlier, and the first installment amounting to \$17,250,000? The thing was impossible; it could not be done; and that was so evident to me that I proclaimed it, and reiterated my opinion on this floor in language too strong, in the judgment of some of my friends, to be allowed to go to the country; and what was that opinion bottomed upon? Upon the fact known to us all, and by me repeated a thousand times, that what was called a surplus of \$40,000,000 in the Treasury was a mere *delusion*; that the money, in point of fact, was *not* in the deposit banks; that it had been *lent* out; that Congress had sanctioned and instigated the *lending*, by requiring interest from the banks for its use; that, instead of being in the banks, it was in the hands of merchants, traders, dealers, manufacturers, mechanics, speculators, and others; that the banks had *used* it with the knowledge of Congress, and with the implied contract and fair understanding of having the use of it till gradually called for on account of the public service; and that, to call for all this money in masses, and almost without notice (for the first payment would have begun as soon as the bill could have been passed) was to COMPEL THE LARGE DEPOSIT BANKS TO CHOOSE BETWEEN STOPPING PAYMENT THEMSELVES, OR DESTROYING THEIR DEBTORS. All this was so plain to me that it was amazing, incomprehensible, and almost incredible that any person could avoid seeing the same. Yet this is the measure, the loss of which we are called upon to deplore. This is the measure, the patriotic resistance of which, by General Jackson, is denounced as an act of tyranny. This is the measure, then believed to be irresistibly popular, now known to be heartily condemned by every considerate man. This is the measure before which General Jackson, and all its opponents, were expected to be prostrated, and before which they were willing to have been prostrated if such had been the penalty of adherence to their principles; this is the measure which, like the consular distributions of grain and money, and public lands, among the voters in the degenerate days of the Roman Republic, was expected to purchase the suffrages of all the people. General Jackson and his friends, myself one of them, did what they believed was right, in resisting this measure, without regard to consequences personal to themselves. They resisted the colossal distribution of \$55,000,000 of money. They threw themselves upon the intelligence, the patriotism, and the candor of their fellow-countrymen; and the event has proved that they were not mistaken in their estimate of that candor, that intelligence, and that patriotism. It has proved that the American people are not yet ready to be seduced and debauched with the spoils and pillage of their own country.

Sir, (said Mr. B.) I pursue this bill of May, 1836, one step further; I pursue it into the fourth section, and see that nothing but a *war* with a *foreign Power* could have arrested the distribution of the \$55,000,000, and given the Treasury a right to retain the \$24,877,179 received from the public lands in 1836, and the \$6,776,236 received from them in 1837. By the terms of the act, the distribution was to go on without regard to anything but a *foreign war*, and the \$32,000,000 received from the lands in 1836 and 1837 were to belong to the States, and to be paid to them without the least regard to the condition of the public Treasury. It was a specific appropriation of the proceeds of the lands, and as such would have been paid over to the States on the days named in the act. The "*shutting up*" of the Treasury would have made no difference; the stoppage of the banks would have made no difference; there was no foreign war—the appropriation was specific and absolute—and the delivery of the money to the States would have been compulsory and inevitable. What then? Why, that notwithstanding the retroactive disbursements from the Treasury of the before received revenues from the lands of 1833, 1834, and 1835—notwithstanding the attempt to disburse these old expended revenues

might have bankrupted the deposit banks—yet the current receipts from the lands for 1836 and 1837 would have been turned over to the States as they came in. The \$25,000,000 (nearly) of 1836 would have gone to the States; the \$7,000,000 (nearly) of 1837 would have gone to them also; and thus, with the banks all stopped—with the Treasury shut up—with Congress called together to provide the ways and means of keeping the Government in motion—with the duties from customs sinking down to nothing—merchants' duty-bonds postponed—balances from banks delayed for many months; with all these we should have been paying out to the States the \$7,000,000 of hard money received from the lands in 1837, and which \$7,000,000 in specie was the sheet-anchor of the Government in that disastrous year, and the only thing which saved it from the degradation and ruin of using depreciated paper money and shipplasters.

Mr. President, we hear much of the incapacity, the ignorance, the incompetency, and the recklessness of the Jackson administration; we hear much of all this from the Opposition, without their being able to specify a measure to which these epithets will apply; but here is an act of the Opposition itself, which places the leaders in a position to choose between a confession of absolute incapacity to manage the public affairs, or of a deliberate design to bankrupt the Treasury and the banks.

No, Mr. President, the Jackson administration was not ignorant, was not reckless, was not incompetent; and to hurl such epithets at that Administration is to hurl them at the people, by whom that Administration was created and has been sustained. To attack that Administration, approved as it was in the triumphant second election of General Jackson, and in the triumphant election of his successor, is to attack the capacity of the people for self-government! It is to attack the elective principle of our Constitution, and to say that that principle ought to be abolished, and a hereditary ruler given as a guardian to those who were so incompetent to choose their own Chief Magistrate.

No, sir! Great are the services which General Jackson has rendered to his country—great in the field—still greater in the Cabinet. His civil administration was a continued series of patriotic exertions, the emanation no less of a heroic soul than of a sagacious head and a patriot heart. None but a hero could have acted the part, in civil affairs, which he did. Above all men who have lived in our eventful times, a single individual, perhaps, alone accepted, he will be stamped the hero-statesman of the age. I have heretofore endeavored to do some justice to his various, transcendent, and victorious policy. I have endeavored to present some views of his numerous, brilliant, and successful ameliorations at home, and negotiations abroad. I have endeavored to present him as posterity will view him, covered, illustrated, irradiated with every species of glory, and above all, with the glory of usefulness—with the glory of having improved the condition, bettered the circumstances, advanced the fortune, and personally benefited every industrious inhabitant which the country contains. I have endeavored to do this; and I appeal to the present unparalleled, unrivaled, unprecedented, unexampled, universal, pervading, and exulting prosperity of the country for the truth and fidelity of the pictures which I have endeavored to draw.

It is not my intention to repeat, on the present occasion, what I have heretofore delivered on this subject; but there is one point which, though heretofore mentioned, has never been presented with the fullness, individuality, and development which its importance and magnitude deserves: I allude to our cotton production, and its influence upon the wealth and industry of every portion of this extended Union, and the part which General Jackson has acted in bringing that production to what it now is, and to what it must be. What was the extent of our cotton-growing territory before the victorious arms of General Jackson acquired for us the vast region of the South and Southwest? It was a part of South Carolina, a part of Georgia, some slips in North Carolina, Tennessee, Mississippi, and Louisiana. What

is it now? It is all Florida, all Georgia, all Alabama, all Mississippi, all Louisiana, all Arkansas, South Carolina, a part of North Carolina, a third of Tennessee, and a slip in Missouri. In territorial extent our cotton-growing region has been increased more than ten fold by the victorious arms of General Jackson over the southern Indians, and by his still more victorious policy over the political allies of those Indians—their Federal allies—whose struggle it was to retain them in the southern States to diminish their political importance, and to cripple their advance. What was the value of our cotton export before these great operations of General Jackson began? It was \$14,000,000. What is it now? It is \$80,000,000. And what is its capacity of augmentation? Almost limitless and boundless, or only limited by the wants of Europe, Asia, Africa, and the two Americas; for to all these countries, even to the Ganges and the Black Sea, to the Cape of Good Hope, and to Terra del Fuego do our American cottons now go. And what is the influence of this vast production, so amazingly augmented under the victorious arms, and still more victorious policy, of ONE MAN; what is its influence upon the industry, the pursuits, and the wealth of every part of this extended Confederacy? To answer this question, let the mind's eye figure to itself a map of this Union, and then contemplate every species of industry which is carried on upon the vast diversified domain which it represents. Let him look at our shipping interest from the Chesapeake to Passamaquoddy bay, all finding its greatest and richest employment in carrying our cotton abroad, and bringing back the productions of so many nations received in exchange for it. Let him see our most opulent merchants throughout the whole extent of our coast, from New Orleans to New York, all bottoming their largest operations upon the cotton of the South. Look to the manufacturing industry of the whole northeast, of which Massachusetts may be taken as an example, and as the highest pattern; manufactures of leather, cotton, wool, iron, brass, tin, wood, glass, stone, &c., the grand aggregate of which, in all the northeast, may be judged of from the annual product of near ninety million dollars for Massachusetts alone; and a goodly proportion of the whole of which finds its market in the same cotton-growing region. Crossing the Alleghany mountains, and descending upon the western waters, see twelve millions of manufactured articles, the product of the industry of three or four miles square at the confluence of the Alleghany and Monongahela; see these twelve millions annually going off from Pittsburgh, and the largest part going to the cotton planters of the South; while many other towns and villages of the West, on a smaller scale, emulate the meritorious example of "*the Birmingham of the West*." Then, see the agricultural States of the great valley. See Kentucky, Ohio, Indiana, Illinois, Missouri, with their vast productions of grain, and their innumerable herds and flocks, all finding their richest market in the same region. Turning to the middle States, where the value of labor, for a long time, has been so much reduced, we see that value in Virginia, Maryland, North Carolina, and Tennessee has found a vast augmentation from the cultivation of cotton. So that, in every part of this extended Confederacy, and over every species of creative industry, the augmented cultivation of cotton, the fruit of General Jackson's military achievements and civil policy, has extended its benefits, and shed its benign influences. The North, the East, the West, and the Middle States; the cities and the country; agriculture, manufactures, and commerce; all, all find employment for their industry, and rich rewards for their skill and labor in that perennial fountain of national wealth—the cotton-growing region of the South—which, while it showers gold upon all others, is itself largely deprived of its own advantages by illusive systems of political economy, a system which leads it to purchase everything by the paper money standard of the United States, while it sells the only article it produces by the hard-money standard of Europe! Every part of this Union feels the beneficial effects of the cotton crops; and no part feels it more than the agricultural region of Kentucky, and the manufacturing districts of Massachusetts.

I have lately traveled in Kentucky, and speak from the knowledge of my own senses. I have lately received an authentic return of the annual manufactures of Massachusetts, and speak upon unimpeachable authority. Kentucky and Massachusetts are the two States of this Union which have profited most by the military victories and the civil administration of General Jackson; they are the two States of this Union which owe most to his arms and to his policy; they are the two States of this Union which should be bound to him by the strongest ties of gratitude and affection. The agriculturist of Kentucky is now on the high road to wealth; his prosperity reposes upon a solid and imperishable basis. His cattle, his mules, his horses, his hemp, all wanted in the South, command the highest price, fill his coffers with vast sums of money, and reflect upon his lands an unprecedented value. It is no longer the illusions of the high tariff; it is no longer the illusions of the "golden fleece," two thousand dollars for a sheep, intrinsically worth twenty shillings, and now sunk to that price; it is no longer the deceptive dream of these ephemeral illusions which tickled and beguiled the Kentuckian before Jackson's administration, but it is now the solid basis of the cotton cultivation in the South, and free trade in Europe, upon which his prosperity reposes. Let him cultivate the cotton-grower, and cherish free trade abroad, and never again fall into the illusions of high tariff and national bank, and never again will he see his crops rotting on his hands, his property sinking to no price, his currency depreciated one half, and piles of property laws, tender laws, relief laws, and stay laws interposed between the hapless debtor and the merciless creditor. So much for Kentucky; and equal with hers, and resting, in good part, upon the same basis, is the prosperity of Massachusetts. The cotton-grower of the South takes a part of all that she has to spare. From "brushes, brooms, and baskets, and buttons of all kinds," up to her eighteen millions of dollars worth of manufactures in shoes, boots, and leather; her seventeen millions of manufactures of cotton; her ten millions of manufactures of wool; her nine millions and a half of fish and oil; her two millions of ready-made clothing, stocks, and suspenders; her two millions and a half of nails, brads, and tacks; her million and a half of soap and candles; her million and a half of paper; her million and a quarter of rum; her million of refined sugar; her two millions of straw bonnets and palm leaf hats; and many other articles "too tedious to enumerate," but amounting, in conjunction with those enumerated, to eighty-six millions of dollars per annum. From all these she sends a part to the cotton-grower, and doubtless gets a better part of the crop than the grower himself receives; an advantage which is the fair and legitimate fruit of industry, conducted by skill, guarded by economy, and diversified by enterprise. It was the last year of President Jackson's administration—the year ending the 31st day of March, 1837—which presented this magnificent result of Massachusetts manufacturing industry; I say manufacturing, for the proceeds of her commerce and agriculture are not included; and this grand result will forever stand as a proof of the prosperity of the country under the sagacious policy of that illustrious statesman.

Sir, it was no part of my intention to make a eulogy upon General Jackson. The time is coming when history, and poetry, and sculpture, and painting, and the living voices of endless generations will do him that service. I make no general eulogy. I have spoken to a single point, to show from one example the beneficent nature of his policy, and the universality of its happy influence upon all parts of our country, and upon all the pursuits of its industry. I have spoken to a single point, and have not exhausted that one, for to this same cotton region we are indebted for the hundred millions of gold and silver which has sustained the country and the Government in the late shock, and which hereafter are to render the people independent of the rise and fall of banks, and safe from the shocks and explosions of the paper system. What I have said has been forced out of me by attacks, as wanton as they are incessant, upon the hero-patriot who is entitled to repose, now that he has withdrawn from the world and given

an example of the manner in which an ex-President of the United States should spend the evening of his days, and close up the career of his life.

## THE SWARTWOUT DEFALCATION.

## DEBATE IN THE HOUSE,

January 8, 1838.

The resolution of Mr. CAMBRELENG, for a Select Committee to investigate the defalcation of Samuel Swartwout, having come up as the unfinished business, together with the amendment thereto proposed by Mr. WISE—

Mr. WISE modified his amendment by adopting a resolution offered some days since by Mr. GARLAND, of Virginia, in the following words:

"Resolved, That a select committee be appointed, to consist of nine members, to be appointed by ballot, whose duty it shall be to inquire into the causes and extent of the late defalcations of the custom-house at New York and other places; the length of time they have existed; the correctness of the returns which have been made by the collectors, and naval and other officers, and the deposit banks respectively; and all such facts connected with said defalcations as may be deemed material to develop their true character.

"Be it further resolved, That said committee be required to inquire into, and make report of, any defalcations among the collectors, receivers, and disbursers of the public money, which may now exist; who are the defaulters; the amount of defalcations; the length of time they have existed; and the causes which led to them; and that said committee have power to send for persons and papers."

Mr. EVERETT said that, as it would be necessary, if any investigation was to take place this session, that it should be entered on without delay, he hoped the resolution would be voted on at once; and he demanded the yeas and nays.

Mr. CAMBRELENG accepted the modification proposed by Mr. GARLAND, except so much as related to the mode of appointing the committee. While up he would take the opportunity to notice some remarks of the gentleman from Virginia, [Mr. WISE.] That gentleman expressed surprise that he (Mr. C.) had not included the defalcations of Mr. Price and General Gratiot in his motion for inquiry. He did not for the obvious reason that he was not aware of them. If the gentleman from Virginia had consulted his colleague, [Mr. MERCER,] he could have informed him that he (Mr. C.) had subsequently proposed to him to include both these cases. The gentleman might make the inquiry as broad as he pleased; he was himself disposed to give latitude for the most extensive examination. The gentleman from Virginia had also ascribed to the motion he had offered a design to "whitewash" the Secretary of the Treasury. He was surprised at this charge, when he had expressly declared, in submitting the motion, that he had no desire whatever to serve as a member of the committee, and that nothing short of an order of the House would compel him to do so. If there was any "whitewashing" to be done, he should have no share in it. The gentleman had further imputed to the Speaker a design to pack the committee for the purpose of protecting the Secretary of the Treasury. If (said Mr. C.) there is any weight in such suspicions, what is the attitude of the gentleman's colleague? [Mr. GARLAND.] He moves that a committee be appointed by ballot, to inquire into the most stupendous fraud that has ever been committed, and that, too, by one of his own political friends—a notorious Conservative—a uniform and bitter enemy of the present Chief Magistrate before and since his original appointment. Before he was appointed I remonstrated against it, in a letter to the President, and then predicted his defalcation. But, sir, Mr. Swartwout is not the only Conservative friend whom the gentleman from Virginia, as I apprehend, will find involved in this defalcation. One of the most important duties to be performed by this committee will be to ascertain whether other Conservatives did not participate in the fruits of this fraud. He did not believe that this large amount, near a million and a half, had ever

been taken for his own use exclusively. He was much mistaken if some portion of it would not be traced to speculations in the Morris Canal and Banking Company—that vortex into which, so much capital had been drawn. It would be the duty of the committee to look into these matters, and to ascertain whether some portion of this money may not have been loaned to others, concerned with Mr. Swartwout, and may not yet be recovered. I care very little, sir, as to the mode in which the committee may be appointed, because I feel assured that however appointed it will make a searching investigation into this and every other defalcation, and that the committee will discharge its duty justly and honorably, wherever or whoever it may strike, whether the Department, the defaulters, or their associates in speculation. But, sir, I do not wish such a committee to be appointed in the dark—in a mode which shuns responsibility. I wish it appointed in the usual manner; that the Speaker may be held responsible, as he is to the House and to the country, for the appointment of a committee to which this important inquiry may be confided, one which will neither "whitewash" the Treasury Department, nor vindicate and justify the defalcation of Mr. Swartwout and the participation of his associates, if any such should be found.

Mr. MASON, of Virginia, would respectfully ask the gentleman from New York, whether he expected the American people, when they found that the money which had been collected from them for the public service had been squandered by public agents and applied to their private uses, would be satisfied with vague declarations from him that the fraud had been committed by men of this or that political creed? Did he cherish the opinion that the Conservatives in that House were, he would not say to be deterred, but to be in the least affected in their course by the opinion of that gentleman, or of the public press, that the defaulters were Conservatives? For one, acting as he did with a small party, known at home as Democratic Republicans, whatever name they might bear here or elsewhere, he would say to that gentleman that they should be satisfied with nothing short of an exact, minute, elaborate inquiry, not into the political opinions of the delinquents—though others might drag in that consideration in order to serve a purpose—but into the extent and nature of the speculations which had taken place, and into the insufficiency of that Treasury machinery, which ought long ago to have detected the fraud; as well as into those legislative provisions which it was proper to adopt, in order to guard against a like occurrence in future. If the gentleman had the information—and he alone could possess it—that there were others connected with the Morris Canal and Banking Company, who participated in the speculation or in its fruits, all that would, by the inquiry, be brought fully to light. Let the House, let the country, have the facts. Nothing less would satisfy them.

The gentleman from New York had insinuated that it was a very remarkable thing that a Conservative should desire to be placed at the head of an investigating committee to look into these defalcations. Thus the gentleman attempted to parry the attack of one of his colleagues, [Mr. WISE,] by throwing out insinuations against another of his colleagues, who had not yet opened his mouth. The gentleman was assailed by a gentleman sitting on one side of the House, and, by way of a reply, he made an attack upon another gentleman in quite a different quarter. However, his colleague [Mr. GARLAND] was well able to take his own part. As one who should vote for the appointment of a committee by ballot, Mr. M. cared not of what political complexion the speculators might be; the American people disclaimed the idea that public trusts were only to be confided to those who were of one particular way of thinking in politics. He had said he should vote for a committee appointed by ballot. It was not needful that he should disclaim the belief that a proper committee would not be appointed by the presiding officer of the House, if he should be intrusted with that duty, for he entertained no such belief; but he would vouch for it, that the partisan press in opposition to the Administra-

tion would not fail, be the complexion of the committee what it might, to attribute its appointment to wrong motives. Let the committee, then, be appointed in such a way that no suspicions could be entertained with any color of reason. It was a great subject. The end in view was to protect the treasure of the country from dilapidation. It had been most shamefully squandered for nine years in succession, and yet the Treasury machinery had proved wholly inadequate to detect the robbery. This was not a vague assertion: it rested on the authority of the highest fiscal officer of the Government, the Secretary of the Treasury himself. If such were the case, it called for the immediate interposition of the House. For one, he was desirous of a committee appointed by ballot, in order that the American people might feel assured that it would be such a committee, and conduct the inquiry in such a manner as should secure to them the efficient protection of this House. The gentleman had asked if the committee should be appointed by ballot, who would be responsible for it. A most extraordinary question! Who would be responsible? What! did the gentleman mean to throw out the imputation that any committee of this House reposed itself on the responsibility of the Speaker who appointed it?

Mr. CAMBRELENG explained. What he had asked was, who would be responsible for the appointment of the committee, if it was appointed in the dark?

Mr. MASON. Who would be responsible? The committee itself would be responsible, let who would appoint them.

[Here some gentleman, speaking across, said, let them be appointed *viva voce*.]

Yes, sir, (said Mr. M.) let them be appointed *viva voce*, if you will; I am ready for such a vote; but however appointed, I say the committee, when appointed, will be responsible for its own acts.

He had deemed it proper that a committee should be raised in such a manner as to protect the inquiry confided to them from all suspicion of a design to whitewash anybody. Let their report go to the American people stamped with the impress of a *bona fide* intention to redress a great public evil. He went for such a report as should bear the broad seal of truth on its front, and should be wholly freed from a partisan character.

Mr. CAMBRELENG said he would accept the amendment of the gentleman from Virginia, [Mr. WISE], as now modified, save so much of it as proposed that the committee be appointed by ballot.

Mr. WISE inquired whether the gentleman had a right to accept of the amendment with a reservation of any part of it? Must he not accept it as a whole?

The CHAIR said the gentleman had a perfect right to modify his own resolution by the addition to it of whatever words he pleased.

Mr. GARLAND, of Virginia, said the gentleman from New York had undertaken to answer arguments as his which he had never made.

Mr. CAMBRELENG explained. He had been answering the gentleman's colleague, [Mr. WISE], who had talked about a stocked pack, and about a whitewashing committee, &c.

Mr. GARLAND. Yes, sir, the gentleman's answer was to my colleague, but all the thunder of it fell on my poor head. And what has been my sin in this matter? I, it seems, am answerable for the defalcation of Swartwout, because he is a Conservative. Sir, I believe he was a Conservative, and the result was, that he conserved more than a million of the public money, and conserved himself to boot, and got off safe to London. Is that my fault?

The gentleman made another suggestion, by which he attempted to put me in an awkward position; he says it did not look well in me to want to be at the head of an investigating committee on the defalcation of a Conservative friend. Sir, I flatly deny the charge. I might appeal to gentlemen on this floor who know that when I offered the resolution which my colleague has adopted, I expressly disclaimed all wish or purpose to be on the committee. But how does the gentleman's doctrine apply to himself? Does he not know that, by the same rule of courtesy, he would himself be placed at the head of the com-

mittee? He moved it in the first instance. But he says he asked to be excused from serving on it. Well, sir, and are there no other gentlemen who could prefer the same request? I have had enough, Heaven knows, of the chairmanship of investigating committees. I want no more of it, I assure you. The gentleman wants to know how it is that I should seek to examine into the defalcation of Mr. Swartwout, a political friend; yet the gentleman, after admitting that my resolution was more comprehensive than his own, accepted it as a modification. If I offered it with a view to cover up my friend's defalcation, how comes it that he accepted it who wants to expose him? His only objection to my proposition is, that it proposes a committee appointed by ballot; the rest he adopts as his own. Sir, was it I who first moved in this matter? Was it not the gentleman himself? Did not the President suggest the measure in his message? Did not the Secretary do the same thing in his report? And was it not, again I ask, the gentleman himself who commenced the affair? I might retort upon the gentleman by asking why he did not include Mr. Price's case, and whether he omitted it because that gentleman is a political friend of his?

Mr. CAMBRELENG. I thought I had explained that matter already. The case of Mr. Price was not then heard of.

Mr. GARLAND. If the gentleman made that explanation, I did not hear it. But, sir, I here tell the gentleman from New York that denunciations of this kind will never drive me from my course in this House or elsewhere. In the discharge of my duty I am responsible to my Creator, to my country, and to my constituents; and I never have asked any man, and I never will, in what manner I shall discharge it.

But, sir, was there not some reason that I should have moved in this business. The gentleman from New York and his friends advocate one plan for managing the moneyed concerns of the country; I and my friends advocate another. The gentleman and his associates declare that this great defalcation of Swartwout is to be traced to the system we advocate. Was it to be expected that I should sit coldly by, and let any course be taken that he and his friends might choose to point out? Sir, this is not a solitary case. These defalcations have been multiplying with an awful rapidity. Scarce do our ears recover from the sound of one explosion, before another still louder bursts upon them. They commenced with little accounts of \$30,000 and \$40,000, and they have gone on till they have grown to upwards of a million at a blow. And all this, forsooth, is to be attributed to the State bank system; and yet we are not to ask a full investigation, for fear of being charged with a design to cover up the iniquities of our political friends! I ask any man to look at the resolution I offered, and see how it covers up the default? Are not the committee to examine everywhere? May they not examine the banks too? The powers, as I supposed, were full enough to cover the most ample investigation; but, if not, I here tell the gentleman from New York, that if he wants any further powers, let him put the resolution in his own words, and I will vote for it. I seek to screen nobody.

As to a committee by ballot, those who know my past history know that that is no new idea with me. In the Legislature of my own State, it was ever a favorite with me. Not that I distrust the Speaker. I know that he does ordinarily appoint committees; but while, on ordinary occasions, the House, by its acquiescence, may suffer him to exercise this power, yet, in great and momentous emergencies, it should appoint its own committees for itself. Sir, whose committee is this to be? The Speaker's? or the House's committee? The argument of the gentleman comes to just this: the House can trust the Speaker, but it can't trust itself. That's it, sir. If we appoint by ballot, we act "in the dark;" there is no responsibility. Sir, it is a reflection on the character of this House. But is not this a question on which the House should assume the responsibility, and not cast it on the Speaker? If he appoints the committee, and their report bears hard on one party, we shall immediately hear some gentleman get up and talk about a stocked pack; and, if it bears hard on the other side, we shall hear the

same complaints and insinuations from that quarter; party feeling will have its influence, and the appointment of the committee is sure to dissatisfy somebody. I propose that the House take its own responsibility, and then let the report bear on whom it may. There can be no complaints of a "stocked pack." But no, sir; this won't do. The House cannot trust itself; there will be no responsibility. Sir, I tell the gentleman I am ready for a *viva voce* vote. I am prepared to tell the gentleman from New York, and every other gentleman, who they are I vote for. I will give the gentleman a copy of my ticket, and he may put it in the papers, if he will. And if the gentleman is still haunted with the idea that I am seeking the chair of the committee, I will here make a bargain with him; and we will both agree to stay off the committee altogether. There are others fitter for the place than either of us. Let the House take the vote in any form; I, for one, request not to be put on the committee. Have I asked any gentleman to vote for me? If I have, let them say so. Besides, if the committee is chosen by ballot, you, Mr. Speaker, will not appoint the chairman of it, so the usual obligation of courtesy would not put me at the head of it; the chairman would be appointed by the House, or chosen by the committee itself. How could I know that I should be made chairman? The gentleman's charge falls to the ground. No, sir, I am actuated, I trust, by higher motives than the poor, pitiful, contemptible hope of being placed in the chair of a committee. I tell the gentleman from New York that, not for the honor of his good opinion, nor for the sake of avoiding his bad opinion, would I accept such a distinction. I don't want such another task; once is quite enough. But I also say that if, notwithstanding my request to the contrary, I shall be placed on that committee, I shall endeavor to do my duty faithfully and fearlessly. But I hope to remain here on the floor, where I am ready to meet the gentleman from New York on his fine financial scheme of keeping the public money in the hands of individuals. On that plan I mean to be heard in this House.

Sir, it is due to the little party of which I am a member, that a full and fair investigation be had, to see whether the State-banks are accountable for this money. If he will prove that they are, I will abandon the State bank scheme to-morrow morning. The gentleman's grand political rule of policy in the matter is this: if an individual keeps the public money for a week, he will rob the nation; but if he keeps it for a month or a year, he will not touch a cent of it. That is not my creed. Why, sir, in this case of Swartwout, the money was all plundered before ever it reached the banks. I here ask the gentleman from New York; in his place, do the banks owe to the Government, at this moment, one single cent of this money? Have they not paid every dollar that was intrusted to them? Yet they are to be held responsible; the default is chargeable on the State-bank system, and not on the Sub-Treasury!

Mr. CUSHING said that the aspect of the question before the House was materially changed since the gentleman from New York [Mr. CAMBRELENG] came forward to move an inquiry into the peculations of the collector of New York. That motion he (Mr. C.) regarded as an event, an epoch in the history of the times. It stood strikingly in contrast with what occurred only two years ago. At that time the President of the United States undertook to certify to the integrity of the departments and officers of the Government. The Administration claimed to be spotless; it seemed to challenge scrutiny of its acts; it held itself up as immaculate; as if there was no taint of its intact purity, no blot on the whiteness of its ermine. Nay, when committees of investigation were appointed by the House, the Administration assumed the lofty tone of indignant innocence, and repelled with all the force of its power the accusation then made by the gentleman from Virginia. The same contrast was yet more glaring, when it was considered that the Administration of his colleague [Mr. ADAMS] had been assailed with every species of imputation by those now in power, and the most trivial acts of that period were dealt with as the greatest political enormities. This Administration had come in over the ruins of that; upon the profession, loud and confident, of the high-spirited

purity of its purposes and spirit. What a spectacle was now presented, when the particular organ of the Administration himself [Mr. CAMBRELENG] came to the House to ask for a committee to investigate facts of extraordinary official corruption happening under that Administration. Its friends it would seem, were driven, by the irresistible impulse of circumstances, no longer to resist investigation. They could not withstand the astounding exposures which had risen up in judgment against them. Accordingly they put on the attitude of fairness, and proposed inquiry. But *what inquiry?* It was of secondary consequence what were the defaults of individuals. There was nothing to examine in the specific case of Swartwout. All the facts were proved and established. There they were, authenticated upon the official papers of the Treasury! All that remained of that case was trivial in itself, and little worthy of the special agency of a select committee of the House. It was material to inquire what other defaulters there were, not yet detected, that the Treasury might be saved from further losses. It was material to look into the dishonor which such acts brought on the country. And it was material to see whether the defalcations, of which this one was but a specimen, and which reflected so much discredit on the country, did not devolve indelible disgrace upon the Administration under which they happened. These were the pinching points in the relations of a case of official enormity unheard of in the annals of the nation.

But did the gentleman from New York [Mr. CAMBRELENG] himself propose investigation of these true objects of such investigations? Not at all. But now, since such further inquiry had been proposed to the friends of the Administration, a change had come over the spirit of their dream. They begin to shrink from the consequences of the ascertained facts, and of a due inquiry into all the relations of those facts. But here the facts are, gross as a mountain, open, palpable. And "what trick, what device, what starting hole is there to escape from this open and apparent shame?" The House now begins to see what this device is. It is clear what the train of thought is, passing through the mind of the gentleman from New York. It has been hinted before. Swartwout, we are told, is a Conservative, and opposed to the Administration; and thus gentlemen seek to shift from their shoulders the present load of ignominy. The answer is obvious. Whether he be a Conservative or not, his default happened by the fault of the Administration, its gross neglect to make due examination, its want of ordinary care, if nothing worse, by reason of which these peculations had run through a space of years, and had swollen from hundreds to hundreds of thousands. It mattered not, therefore, what party Swartwout belonged to, Whig or Tory, Conservative or Destructive; still, for his peculation the Administration was responsible before God and man. But was it not amusing enough to hear the gentleman from New York throwing off this Swartwout case upon the Opposition? Was it not notorious that that individual was one of the special pets of Andrew Jackson—appointed as his particular friend—appointed as a memorial of their ancient association in Burr's conspiracy—appointed because of his distinguished services as an electioneering partisan, actively instrumental in behalf of the late President? And had not his defalcations gone on for seven or eight years before Swartwout wavered in his allegiance to the powers that be? Under these circumstances, it was absurd—it was more, it was superlatively ridiculous—to say that the Whigs, the wicked Whigs, the cunning Whigs, were laboring to screen one of themselves. No such thing. This device will not avail the Administration. Vainly will they say, with Lady Macbeth, "Out, damned spot!" It will not out. They are steeped in guilt to the very elbows. There is not water enough in the deep sea to wash them clean of the indelible proofs of their corruption.

And again: Is Swartwout the only peculator before the House? To pass over the lesser names of Boyd and the rest, is there not William M. Price, the crack orator of Tammany Hall, the peculiar party adviser of Mr. Van Buren in the city

of New York, the special friend there of the gentleman himself, [Mr. CAMBRELENG,] the man to bring up to the polls the thousand of the faithful of New York in solid columns in his behalf? Do these artful Whigs desire to screen him? They cannot screen Swartwout without screening Price. They are *par nobile fratrum*—*Arcades ambo*. They have risen together, and fallen together, and together they are linked for good and for evil. But the gentleman from New York seems to think that the appointment of a committee, by ballot, is to screen the guilty. Was there ever anything more absurd? How to screen the guilty? Why, such a mode of appointment is working in the dark, forsooth. In the dark! What? Here, in the face of Heaven, and of this bright sun, and these assembled crowds of spectators gazing upon us, is a vote here an act performed in the dark? Preposterous! Whether by ballot or *viva voce*, (and Mr. C. said he was indifferent which,) such a mode of appointment was not in the dark. An appointment by the Speaker, in his private apartment, alone, with no eye on him but God's, that, and that alone, was an appointment in the dark. But again: Early in the session, when this defalcation was first discussed, here or elsewhere, we heard something of a "President's committee." The Richmond Enquirer told us there was to be a "President's committee." This is what the country does not want. It wants no President's committee, but a people's committee; and such a committee the House means to have; one to do its duty, not to the President, but to the country. Strike where it may, such a committee there ought to be; one to probe corruption to the very bottom; to penetrate the very vitals of guilt; to denounce punishment on the wrongdoer, whoever he be, high or low, friend or foe, and wherever a blow may be advantageously struck. It can be done. It will be done. Such a committee must do its duty to the nation, whose eyes would be upon it with sleepless jealousy. Its members will have to take heed to themselves, and explore all the crooked ways of corruption, and unearth the guilty, without fear, favor, or affection. He that flinches in the hour of trial will be lashed into the path of duty by the whips of general indignation, and, if he fails, will become a mark for the finger of scorn to the end of time. Therefore it is that there should be a choice of the committee by the House; not (said Mr. C.) that I mean any imputation on the integrity of the Speaker, but because the influences of party should be excluded from the question, and ample regard be had to the appointment of a committee of investigation, in the most solemn form recognized by the House, with the stamp of its immediate power and authority upon it, that it may so far as possible have the confidence of the country, and its report go forth to the world as the voice of the people's House of Representatives.

Mr. PICKENS inquired of the Chair whether it was a rule of the House, as lately established, that the election *viva voce* applied to committees of the House.

The CHAIR replied in the negative. It applied to officers of the House alone.

Mr. PICKENS. I am in favor of the most unlimited and unrestricted investigation the case demands. My only objection is to a change in the mode of choosing committees. It is the established practice of the House for the Chair to appoint them. The reason of this, I suppose, has been to enable the House to act with energy and decision. It is impossible, in practice, to bring so numerous a body to act, otherwise, with any decision. Especially is this the case in the short session. Yet, although I am opposed to the resolution of the gentleman from Virginia, on principles of expediency and policy, and though I believe the difficulty of the inquiry to be so great that it cannot be gotten through with this session, yet I will vote for the resolution, because gentlemen who are clamorous for an investigation, wish the resolution to pass in that form. I will give them all they ask. Let them probe corruption to the very bottom. I will not shield the guilty. I will hold up defaulters to the sun in the heavens, and let the flies blow on them, and let the world gaze at the corruption that covers them.

The gentlemen shall have justice done, so far as my vote can go.

I should not now trouble the House had I not been referred to by several gentlemen who have been up. What! do gentlemen suppose that, because I choose to support an Administration because it supports the principles of the Constitution, my mouth is to be shut when corruption is to be exposed? If they do, they have greatly mistaken me. Neither the smiles of party favor, nor the pitiful denunciations of party malignity, shall ever deter me from treading the path of honor and virtue. I do believe that there has existed most shameful corruption in the country. Take your committee, and go and search it out, and purge the country from the contamination.

But when you attribute this defalcation and that defalcation to this or that peculiar system of managing the public finances, I enter my protest against all such deductions. As well might you attempt to make God responsible for sin because he has breathed life into human beings. No, sir; whatever gentlemen may charge upon the Sub-Treasury scheme, I believe that much of this robbery is chargeable on the legislation of this body. You have thrown millions upon millions into the keeping of the Treasury, and human nature is not always able to withstand the force of temptation. I did not vote for these measures. In 1835 the House voted to place \$3,000,000, in one gross sum, in the hands of the Executive, to be disposed of, at his discretion, in the public service, without specifying a single object to which it should be applied. Thank God, no man can say that I sustained such proceedings. The gentleman has quoted Shakespeare. I will say to him, "Thou canst not say I did it." I will not screen any man from investigation. I go for the strictest responsibility of every officer of Government to this House. These principles have always governed me; and no temptation shall seduce me to depart from them. Let no one suppose I shall abandon them for party considerations. I scorn it. I will express my sentiments here with the most perfect freedom. No party ties shall bind me down on questions of corruption. Take your committee. You shall have my vote. Take it. But still I believe the thing will prove a failure. I desire that the examination be full and prompt. I should think that a committee, if appointed by the Chair, ought to have upon it a majority of those who are heartily in favor of the inquiry. But gentlemen desire another mode of raising the committee, and they shall have it. As to the poor, miserable party tactics about whether the defaulter has been a Whig, or a Conservative, or a friend of the Administration, it is to me not a matter of the slightest interest. I would not turn on my heel to save the President himself, if he is justly chargeable. Again, I say, take my vote.

Mr. WISE next rose and said he was glad he had got the floor at last. He wanted it, that he might reply to the remarks of the gentleman from New York over the way, [Mr. CAMBRELENG,] but first he would say a few words in answer to what had just fallen from the gentleman from South Carolina.

The question now is only whether this investigation shall be made *bona fide*. An investigation is proposed; the Administration itself proposes it; and if you will give them only such a sort of investigation as they seek, verily they will go for it. But the question now is, and it is emphatically the question, whether the investigating committee shall be appointed by Mr. Speaker, or by this House; whether it shall be appointed here by ballot, or in the secrecy of the Speaker's chamber. And what is the rule? Does its spirit and letter contemplate that committees shall be appointed by the Chair alone? No; it says, indeed, that they shall be appointed by the Speaker, *unless* the House determine otherwise, "in which case they shall be appointed by ballot." The rule obviously contemplates and provides for the occurrence of cases in which there will be a necessity that the House take the matter into their own hands. Sir, I will put a case: supposing there should arise a time in this country, when we have a corrupt Executive in the White House, and a gentleman presiding over this House to which orders from such Executive are law. We may suppose such a case, I pre-

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sume, and suppose further, that through the thousands of post offices and the hundreds of land offices the Executive has exerted a powerful patronage, and given office to his partisans who are wastefully and shamelessly squandering and plundering the public money, and that, when inquiry is moved into these abuses, the Executive has a tool there, (pointing to the Chair,) there may still perhaps be honest men enough on this floor to be disposed to probe the corruption of the Government.

Mr. PICKENS here inquired whether the gentleman intended to allude to him.

Mr. WISE. Not at all; the supposed case had no reference to the gentleman from South Carolina; the case referred to a state of things when the Administration had its devoted friend in the chair of this House. Mr. Speaker, is not such a case supposable? Would it be so very strange a thing in these times? Is it not at least a possible case? Sir, I will not go back to the committees of 1836 and 1837, nor remind you and this House in what manner you appointed them. There is now a minority of this House in opposition to the Administration; but at the same time, there is a majority opposed to your fine Administration scheme of a Sub-Treasury, and who are for probing the corruptions which have grown up under a system which, though thrice rejected, the President is determined to force on the country. Is the Speaker with that majority? And if not, what sort of probing shall we have from a committee of his naming?

Again: My friend from South Carolina tells us, in tone and spirit of past time, that you will not catch him screening plunderers; no, sir, not fly-blowing can harden him to their distress. Well, sir, this is the tone I was wont to hear echoing through this Hall when the gentleman stood side by side with me, and went heart and hand for a *bona fide* investigation of abuses. Yet the honorable gentleman will allow me to say that he seems to grant the investigation somewhat grudgingly. He says, "take your committee!" "take my vote," "take it," if you will have it—"take it." Sir, I should rather have expected him to ask that vote from others, than thus to grant it as if extorted. "Take it," is language I should rather have expected from the gentleman from New York, [Mr. CAMBRELENG.] But, sir, all this is easily explained. It all arises from the peculiar position my friend occupies. He denounces the Whigs as a pitiful, disappointed faction; yet, permit me to say, he stands with those who seem to be very much like a disappointed faction themselves. I am glad, however, that the gentleman and his friends are at least not with the Administration. He cares not a farthing on what party the blow shall fall; he would not turn on his heel to save the President. Indeed! Has a change come over the spirit of his dream? Does he begin to distrust the sincerity of that party for whose embrace he left his old friends? I expected it would be so. And I congratulate my friend and the country that it is so.

Again: My friend from South Carolina says, and says truly, that the defalcations are not to be attributed to this system or to that. No, sir, it is neither to a Bank of the United States, nor to the State banks, nor to the Sub-Treasury, that you are to attribute these enormous corruptions. No. Have what system you may, if you put its administration into the hands of wicked and incompetent rulers, the plan must fail of doing any good. That has been proved by the course of this Administration. The defalcation of Swartwout commenced under the United States Bank system; it went on under the system of pet banks; and it reached its consummation under the Sub-Treasury system, which is now in full operation "notwithstanding any lamentations, here or elsewhere." Is there, then, no remedy? Yes, there is one, and only one: the remedy is a GENERAL TURN OUT: that, and that alone, is our only hope of salvation.

Again: My friend and myself differ materially in another point. He blames the appropriations of Congress for this corruption. To that there is an answer, pat and plain. Were these moneys, which Swartwout stole, ever in the Treasury? Never. Then they were not appropriated out of the Treasury. No, sir. Appropriations by this

House had nothing to do with it. They were custom-house bonds and other securities, stolen *in transitu*, before they ever got into the Treasury. So far from being appropriated, they were never even deposited. How, then, can my honorable friend say that our appropriations are to blame for the theft?

But I come now, Mr. Speaker, to reply to the remarks of the gentleman from New York, [Mr. CAMBRELENG.] I asked him before, why he did not include the case of Price in his motion for inquiry; and he now tells me, in reply, that it would have been wonderful if he had, because the departure of Mr. Price was not then heard of. Indeed, sir! Mr. Price embarked on the 6th; the news immediately reached the Treasury by his letter; and the gentleman's resolution was offered on the 10th.

Mr. CAMBRELENG here explained. The case of Swartwout had been mentioned in the President's message. The moment it was announced, he had offered his resolution. Price's letter was published in the newspapers.

Mr. WISE. I refer the gentleman to the Journal. There is the entry. His resolution was moved on the 10th.

Mr. CAMBRELENG. Was it not on the 8th Mr. WISE. No, sir; it was on the 10th.

Mr. CAMBRELENG. I thought it had been earlier.

Mr. WISE. No, sir, no earlier. William Price, the co-ordinator of the gentleman from New York, who preceded him at Tammany—

Mr. CAMBRELENG. I refer the gentleman to his colleague who sits near me, [Mr. MERCER,] whether I did not suggest to him to include the case of Price.

Mr. WISE. Oh ho! You did!—ah!—well! Then the gentleman did know of Price's case, else how could he have suggested to my colleague to include it?

Mr. MERCER said it was very true that the honorable gentleman had made to him such a suggestion. Intending himself to offer a resolution in almost the same words with that which had subsequently been offered by his honorable colleague on the other side, [Mr. GARLAND,] Mr. M. had submitted it to the gentleman from New York, who said he was willing to accept all of it but the clause providing for the appointment of the investigating committee by ballot.

Mr. WISE. Well, sir. The matter stands precisely *in statu quo*. The gentleman did know of Price's defalcation, though he has just said, for the second time, that he did not. There is no escaping. The gentleman knew it, but did not include it in his resolution. Why? Mr. Price is a good, genuine, full-blooded Locofoco. Swartwout was a Conservative. Swartwout's case must be examined—nothing said about Price's. Sir, Mr. Price followed the honorable chairman of the Committee of Ways and Means [Mr. CAMBRELENG,] upon the hustings at Tammany, and harangued the mob there assembled to convince them that the Sub-Treasury was the best scheme in the world for keeping the public money, in which I doubt not he was very sincere. Sir, they were co-ordinators, co-plotters; but, as God would have it, both of them—doubling teams as they did—both of them were defeated—ay, sir, put to the rout.

But, sir, the honorable gentleman is very indignant about this charge of whitewashing; and, to prove that the committee was not to be a whitewashing committee, he reminds me that he desired not to be put upon it. Sir, I know he did not desire to be put on that committee. No, sir; the Administration has other uses for that gentleman. He is worked sufficiently by being put at the head of the Committee of Ways and Means. But the gentleman well knew that, though he was not to be at the head of the whitewashing, there were other gentlemen strong in spirit and ardent in zeal who stood ready to serve the party in any way. I did say, and I here repeat, that, judging of the future from the past, if this committee of inquiry shall be appointed by that Speaker, (pointing to the Chair,) it will be a WHITEWASHING COMMITTEE.

My colleague [Mr. MASON] wants the committee appointed by ballot, in order to avoid imputations on the Speaker; I want it appointed by ballot, to avoid the Speaker himself. To avoid

imputations! After the experience I have had, my colleague would not talk in such holiday terms about avoiding imputations on the impartiality of the CHAIR. We had two investigating committees in 1837-'38. I was at the head of one, and my colleague, who sits on this side of the House, [Mr. GARLAND,] was at the head of the other. Well, sir, and how were they constituted? As I said lately, the committee was *size-tres*. Every throw of the dice was still *size-tres*. Sir, not only had I to play with a stocked pack, but the dice were loaded. Sir, can the people play against this Administration with false cards and false dice? No, sir. If I play again, it must be with gentlemen, and at an honorable game. Further: if I catch a rogue cheating me of my money, I will punish him; and never will I play with that man again. The gentleman from New York goes for the "ordinary course." Ay, for the ordinary course. And so does the Secretary of the Treasury, who, through his agent here, the gentleman from New Hampshire, [Mr. CUSHMAN,] told the House that he was very willing for an investigation provided the committee was appointed in the usual mode.

Mr. CUSHMAN rose to explain amidst cries of "No!" "No!" He had stated that, in regard to the mode of appointing the committee, the Secretary had made no allusion at all.

Mr. WISE. Oh, no, sir; none at all. But his friend, the honorable gentleman from New Hampshire (without, of course, the least conference or understanding with the Secretary) is willing an investigation should take place, provided the committee is appointed in the usual mode. Well, sir, and what is the "usual mode?" I may say, the universal mode? Why, sir, it is *size-tres*.

The gentleman from New York said, or insinuated, that the Conservatives here wished to whitewash their friend, Mr. Swartwout. Why, sir, who is Samuel Swartwout? Who appointed him? Sir, it was the Greatest and Best. I would inquire of the honorable gentleman whether *this* was his certificate of recommendation, (pointing to a book in his hand.) There is a book in the Library which bears the title of "Burr's Trial," and the man who appointed Mr. Swartwout collector of New York was a witness on that trial, and knew all the facts as well if not better, than any other man. Perhaps he knew, too, that Aaron Burr gave Samuel Swartwout a letter of introduction to General Wilkinson. I will read it:

"PHILADELPHIA, July 25, 1806.

"DEAR SIR: Mr. Swartwout, the brother of Colonel S., of New York, being on his way down the Mississippi, and presuming that he may pass you at some post on the river, has requested of me a letter of introduction, which I gave with pleasure, as he is a most amiable young man, and highly respectable from his character and connections. I pray you to afford him any friendly offices which his situation may require, and beg you to pardon the trouble which this may give you.

"With entire respect, your friend and obedient servant,  
A. BURR.

"His Excellency General WILKINSON."

Ay, sir, the same Swartwout, that "amiable young man," was the bearer in the same envelope of all of Burr's treasonable plots. Swartwout was saved from prosecution himself only by coming out in a manly manner as a witness against the conspirators. This man—thus tainted—thus marked with the plague spot of treason—this Levi the son of Alpheus, was appointed to sit at the receipt of customs in the great commercial metropolis; and the party approved it. Yet they themselves now come forward and tell us that this traitor to his country commenced his work of spoliation from the very commencement of his term of office, and continued it for several years, and never ceased till his term expired; and yet the Government never suspected him! And now we are to be told that he was "a Conservative!"

Sir, I will put to the gentleman and to the House a case in simple equations—in the rule of three: If Samuel Swartwout, who was a Conservative, and so but half a genuine Locofoco, stole a million and a quarter, how much would he have stolen had he been full-blooded? I suppose at least two millions and a half. It seems, however,

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that he got all the money before he turned Conservative. Sir, even allowing he had any Whig blood in his veins, can the gentleman ascertain whether it was this or the other sort of blood that prompted him to these depredations? Certainly the Locofoco predominated in him. Sir, to be serious, has it come to this? Are we brought so low, that when public robbers and plunderers are detected and brought up for punishment, we are to be told: "Oh, you should not complain of this, or seek to expose him, because he is one of your party! We permit our people to pick and steal, but you should not complain when one of your side gets a little spice of the good things too." Would it have ever been supposed that a representative of the people in this House, and one especially bound, from the place he occupies, to devise ways and means to save the public purse, would bring such an insulting argument before us? Is it intended to hold up a bribe to the Swiss? a reward to those who will become parasites and panders to the men in power? Can that be the meaning of such a course? He tells us that Swartwout is to be whitewashed by a committee appointed "in the dark." Sir, how many windows are there in this Hall? There, sir, over head, is a magnificent dome, and the sky-light at its top sheds a vertical light upon us—the light of day—of this day—and it is the 8th of January remember, [the drums were heard at the moment.] And we are to be told, in the full sunlight of heaven, that what we do here is done "in the dark!" What does the gentleman mean? Does he mean that if we vote by ballot, the President will not know how each man professing to be a friend of the party voted? Is that what he means? If it is, (and it is what he means,) I tell him that, in a case like this, "darkness," in his sense of the term, suits the interests of the people better than light. If to vote for this searching committee *à la voce*, or leave it to be nominated by the Chair, will insure the purposes of those in power, then better were it that we be descended into the tomb prepared beneath this Capitol for the ashes of the Father of his Country. Ay, sir, better that we voted in a vault, than be called to stand and vote in front of the spears of power. If the people need the panoply of the ballot-box, give them the ballot-box.

The gentleman asks, what has become of the millions which have been stolen? What has Swartwout done with the money? knowing (as he might know) that it was given for speculation to the Morris Canal and Banking Company. Now, sir, it so happens that I, too, know something about that Morris Canal Company, as well as the honorable gentleman. In 1837, I received a letter stating that the public money had been abstracted from the Girard Bank and other banks, to be employed in purposes of speculation; and that the Josephs, of New York, and Mr. Lewis, were privy to the facts. I thereupon issued summonses calling Lewis and the Josephs to the city of Washington, to testify before a committee. But when Lewis came before us, not one of the various questions which I put to him to elicit the truth of the case, would that famous and pure *size-tres* committee suffer to be put! And, after this, would you suppose that any friend of the Administration would rise here and dare to talk to me about this Morris Canal and Banking Company? When I wrote to the Josephs, I got, in reply, one of the most pitiable letters you ever saw, stating that he had some bodily ailment which would prevent him from coming on. So much for the gentleman's "Morris Canal and Banking Company."

But I ask you, sir, and I ask the country, and I ask the gentleman himself, what were the officers of this Government doing while these abductions of the public treasure, for purposes of private speculation, were going on? [Here Mr. Wise sunk his voice so low as to be totally inaudible to the reporter.] Sir, the answer will be found in the celebrated letter of Mr. Senator Hendricks to the Secretary, about the case of Spencer—"Better let it alone!"

And now, sir, we are told that the light-houses, the very eyes of commerce, are to be put out, and river and harbor improvements are to stop, by reason of these defalcations of the Administra-

tion's favorites; while thousands upon thousands are to go to buy votes, and to retain power most ignominiously got, and which you have dishonored.

Mr. BOON said, after the display of eloquence which had just been witnessed by all present, he had risen to address the House under some embarrassment. But, inasmuch as what he had to say was not intended for those in the galleries of the House, or for the House itself, he presumed it would be permitted to pass for what it might be worth to those for whose ear it was intended. I (said Mr. B.) wish to speak a few words for *Buncombe*. I intend my remarks for my constituents, if what I say should chance to reach them; in order to let them know why it is that I will not vote to appoint a committee of the House by ballot—by the members of the House. I am opposed to the proposition, because it would be a total departure, not only from the usual mode of appointing committees of this House, but it would also be a departure from the universal practice which has prevailed in the House of Representatives from its first organization to the present time. And, furthermore, it would be, as had been very truly remarked by the gentleman from New York, [Mr. CAMBRELENG,] a *dark* transaction, and avoiding altogether any individual responsibility to the country, in the appointment of important committees, thus to be raised in the dark, by ballot. I again repeat the fact, that the appointment of a committee of this House by ballot would be a *dark* transaction; for it would be utterly impossible for the country to know how, or for whom, any member of the House voted. If the long-established practice in the appointment of committees of this House is to be departed from in this particular case, let it be by a *visa voce* vote, in order that responsibility to the country may attach where of right it should do.

Mr. B. was in favor of the freest and fullest investigations into frauds and defalcations of public officers of every description, and he was also in favor of the appointment of committees for any and for all purposes by the Speaker of the House, believing that a fairer committee for all parties would be obtained by appointment made by the presiding officer of the House than by the House itself. Should the committee be appointed by the Speaker of the House, he would, no doubt, appoint some Conservatives, some Whigs, and some Administration men. This (Mr. B. said) would be right. But should the committee be appointed by the House by ballot, it would most likely be composed of members of one party only. This would not be right or proper. But it is both right and proper that there should be a majority of Administration men on all committees. It was (he said) the parliamentary usage to appoint, on all committees, a majority of members composing such committees who were known to be friendly to the Administration.

Mr. B. said some gentlemen seem to think that it is no matter whether a public defaulter be a Whig, or a Conservative, or an Administration man. Sir, I think differently from gentlemen entertaining these views. It has been the constant policy of the Opposition, by every possible means, to make the people at a distance from this city believe that there was not in the whole country a Government officer or a public defaulter that was not an Administration man, and that all the frauds upon the public Treasury have been committed by friends of the late and present Chief Magistrates. This (said Mr. B.) is untrue; and it was but right that the truth should go forth to the people, and the country should know whether the Whigs, or the Conservatives, or the Democrats, had committed the greatest public frauds, or stolen most from the public Treasury. This was a very important fact to be known and properly understood by the American people. If, at any time, an office-holder of the Opposition was removed from office for any cause whatever, the yelp of "proscription for opinion's sake" was immediately raised by the Federal press throughout the country; and if certain of the late public defaulters had been earlier detected in their peculations upon the Treasury, and removed from office, the country would have heard the old cry of "proscription for opinion's sake."

The gentleman from Virginia [Mr. Wise] propounded to the Chair a question of arithmetic, to be answered by the rule of three, and which was: "If a Conservative office-holder had, in a given period, stolen from the public Treasury a million and a quarter of dollars, how much would a full-blooded Locofoco have stolen in the same length of time?" Now (said Mr. B.) I propose that the question be put in this way: "If a Conservative office-holder has, in a given period of time, stolen from the public Treasury a million and a quarter of dollars, how much more would a full-blooded, wiggly-tail Whig have stolen in the same length of time?"

Mr. BOND obtained the floor, and, having proceeded for some time, moved an adjournment. And thereupon the House adjourned.

## DRY-DOCKS.

## DEBATE IN THE HOUSE.

January 10, 1839.

The House having resolved itself into the Committee of the Whole on the state of the Union (Mr. BANKS, of Virginia, in the chair) on certain bills reported from the Committee on Naval Affairs, and which had been made the special order for this day, the committee took up for consideration the bill for extending and improving the Navy Yard at Brooklyn, New York, and for constructing a Dry Dock at the same.

A motion was made by Mr. PAYNTER to amend the bill by inserting a new section appropriating \$100,000 for the construction of a dry-dock at the navy-yard in Philadelphia.

Mr. PAYNTER said that the time had arrived when every navy-yard of any magnitude in our country ought to have a dry-dock. In the year 1835, one of the largest, and probably best, ships in our navy was launched from the navy-yard in Philadelphia. That ship had been taken to Gosport to be finished. What would have been the consequence if this were to be the case in time of war? The ship would be captured before she got out of the capes. This was a bad condition to be in. He hoped his amendment would prevail. He believed that a dry-dock could not be built under one or two years, and he asked this appropriation for the purpose of commencing upon it.

Mr. PICKENS said he had risen simply to remark that the bill, as it came from the Committee on Naval Affairs, was such as could receive his support most cordially. It provided for the erection of a dry-dock near the city of New York—a measure which was admitted in all quarters to be absolutely essential for our ships; and it was a remarkable fact that a work of this kind would more than pay back the cost of its construction in a very few years, in the preservation and repair of our vessels. But if the gentleman from Pennsylvania [Mr. PAYNTER] persisted in his effort to append this new appropriation for another object, other gentlemen in different parts of the House would offer their amendments, and would thus create an interest in the House in favor of local appropriations which would be the means of defeating the bill. If the bill was to be loaded down with such amendments, it could not receive his (Mr. P.'s) sanction. This was a branch of that system which had been introduced here, and which had given birth to unsound legislation by combining local interests on particular measures, and thus uniting a majority which would pass a bill amounting to a million of dollars; when, probably, not a single isolated measure contained in it could, of itself, and on its own merits, have received the vote of a majority. He protested against this system, and hoped the amendment would not prevail. Let the gentleman from Pennsylvania bring in a bill at the next session of Congress to gain his object; let it stand on its own separate merits. But let it not interfere with the object of the present bill. Mr. P. believed that a dry-dock was absolutely required at New York—more so, probably, than in any other part of the country.

Mr. INGHAM said, that although the gentleman from Pennsylvania, [Mr. PAYNTER,] who offered this amendment, was a member of the Committee on Naval Affairs, yet he had not

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offered the amendment to the consideration of the committee. He appealed to the gentleman to withdraw it, and not to embarrass a bill which provided for the erection of a dry-dock in a place where it was needed, and which had from time to time received the approbation of the Department. The site at Philadelphia had never been recommended by the Secretary of the Navy.

Mr. NAYLOR. Did I understand the gentleman from Connecticut [Mr. INGHAM] to say that the site of the navy-yard at Philadelphia had never been examined with a view to the establishment of a dry-dock there? There was a very elaborate report made by the Committee on Naval Affairs at the last session of Congress in favor of such an establishment there?

Mr. INGHAM admitted it. What he intended to say was, that the site had never been examined by any of the proper officers of the Department, with a view to establish a dry-dock there, and that it had never been recommended by the Secretary of the Navy.

Mr. NAYLOR. It strikes me, Mr. Chairman, that the site of Philadelphia is strongly recommended by the necessities of the case. And I will point to a fact which, of itself, speaks volumes. One of the finest ships ever built here, or probably in the world—the ship of the line *Pennsylvania*—was taken from Philadelphia to Norfolk for the purpose of being there coppered and finished. And why? Because we had not the materials and the skill? No! But because there was no dry-dock at Philadelphia. The finest ships that have been built in the country—the *President*, the *Franklin*, the *North Carolina*, the *Guerriere*, the *Pennsylvania*—every one of them has been taken from that port. We have from time to time been building the best and the finest ships, by the best mechanics in the country, and yet they are taken from Philadelphia to be finished. If such be the fact, why not have a dry-dock? Is it not needed? It strikes me that Philadelphia and New York are both places where dry-docks are required more than anywhere else. In Philadelphia there is a great mercantile community. Sailors are raised there, and if you will extend to them the same encouragement that they find in the merchant service, there would be a sufficient number to man your whole Navy. You have there skillful and enterprising mechanics, able to build your best ships, and who do build them. You have all the materials for building, and all the means of equipping, supplying, and manning them; and, in addition to this, you have good sound fresh water, which is not injurious to the bottoms of the ships. I appeal to the candor of the gentleman from South Carolina, [Mr. PICKENS,] whether these facts do not show a strong necessity for a dry-dock at Philadelphia. We build as many vessels, and we build them as well, as the people of any other port in the Union. Our country is proud of them, and yet we cannot have the satisfaction of completing them because we have no dry-dock. In time of war, Philadelphia is beyond the reach of an enemy, and yet, by the aid of steam-vessels, you can take a ship from the capes of the Delaware to the city in twelve or fifteen hours, and place her beyond the thunders of an enemy. The distance of Philadelphia from the ocean is, therefore, a recommendation in its favor, instead of being an objection. Under all these circumstances, I ask if this is not a reasonable amendment? Is there not as much necessity for a dry-dock in Philadelphia as in New York?

Philadelphia is a great building station, and is one of the oldest and most celebrated in the country. A navy can be there built, supplied, equipped, manned, and fitted out for all the purposes of war or peace, at least as speedily and as well as in any other place in the country, and at a much more economical rate. These are advantages which every naval station should have; and no naval station can be complete without them. Philadelphia possesses them all in an eminent degree. In adopting this amendment, therefore, and establishing a dry-dock there, you give to her and her mechanics the opportunity to put forth all their genius and skill to the increase and improvement of our navy, and to the elevation of our naval character. Why should it not, therefore, be sustained? You have established a navy-yard there at a great cost to the Government; why not

complete it? And it cannot be completed until you construct in it a dry-dock. I hope the amendment may prevail.

Mr. MALLORY said that the gentleman from Pennsylvania [Mr. NAYLOR] seemed to mistake the main object of a dry-dock. It was not so much to finish vessels which were built, as to repair them. One great objection to Philadelphia was the ice in the winter season. In the next place, there was not a sufficient draught of water for a vessel of war, with all her armament and stores, to go there. Now, in New York there was the requisite draught of water, and also in other places. When the *North Carolina* was carried round to Boston, there was not a dry-dock in the United States. She was carried there simply because it was safer than any where else. The great object of a dry-dock was, that when a ship of war, with her crew, armament, and munitions aboard, needed overhauling in her bottom, she could be carried into any one of these docks and repaired without moving anything. The dry-dock at Boston had saved to the country more money than the cost of its construction. He had no hostility to Philadelphia, but he did not regard it as a proper place for a dry-dock. If a bill were brought forward in a proper shape, probably his opposition to it might cease. But, at present, he saw no reason to favor the project.

Mr. THOMPSON said he had almost made up his mind, after the course which the present, or, he should more properly say, the late Administration had pursued towards the South on the subject of navy-yards, never to vote for another appropriation for a northern navy-yard, even if the alternative presented to him should be the rotting of the whole navy. He intended, however, to vote for this appropriation for a dry-dock at New York. There were two or three line-of-battle-ships now in that port which were absolutely rotting for want of it; and, though he could not, under such circumstances, withhold his assent to the appropriation, yet he confessed he yielded it most reluctantly. And when he made this declaration, he trusted that his course in this House, and more especially in reference to the section of country from which he came, would exempt him from the imputation of being influenced by any unworthy spirit of jealousy; or by any desire to enter into the miserable scramble for the public money or the public offices. This was almost the only branch of the public service in which the South could receive any appropriations. Deeply solicitous as the whole South is for the success of our great enterprise—the Charleston and Cincinnati railroad—we do not ask, and cannot even receive, an appropriation from this Government. Look at the situation of your southern coast. There is not a place from Norfolk to the Gulf of Mexico, where even a long-boat can be repaired. And, although, three years since, I succeeded in extorting from the House, by rallying southern and western gentlemen, and by putting them upon their metal, an appropriation for the naval establishment at Pensacola, yet none of that money has been laid out. It was grudgingly given, and has not yet been expended. Under these circumstances, I shall vote in favor of this appropriation; but I will not vote for it if it is connected with any rider whatsoever.

Mr. CAMBRELENG said that as this was the first appropriation during the present session for a new object, it might be proper to say a word in relation to it. Properly speaking, however, this was not a new appropriation. It was merely re-appropriating that which had been carried to the surplus fund—an appropriation which had been made three years ago, but the expenditure of which had been defeated, owing to the difficulties arising with speculators and proprietors of lands in the neighborhood of New York. The only appropriation, therefore, now made, was to reappropriate the amount which had been carried to the surplus fund. He should vote in favor of it, but he hoped no other appropriation would be added to it. And he hoped, also, that no appropriations for new objects of any kind would be made during the present session, except such as were indispensably requisite for public purposes. The amount of appropriations which would be charged upon the revenue of 1839, would probably not be less

than twenty-six millions, besides which we had eight millions of Treasury notes to redeem. It would be difficult to devise the ways and means to meet this charge, without suspending some of the appropriations. He repeated the hope, therefore, that no appropriations for new objects would receive the sanction of the House, unless they were of a character not to be dispensed with.

Mr. PARMENTER called the attention of the House to the expenses attending the construction of a dry-dock, which he believed would amount to some five or six hundred thousand dollars. A number of years ago, various sites in the Union had been examined, with a view to ascertain which would be the most proper. A report was made in favor of Charlestown and Gosport, but there were serious objections urged against the establishment of a dry-dock at Brooklyn. In the first place, it was highly important that a dry-dock should be placed in a navy-yard which was accessible at all seasons of the year, so as not to be exposed to the blockade of an enemy. During the last war with Great Britain, the port of New York was entirely blockaded, and it was almost impossible for vessels to get in.

Although it is true (continued Mr. P.) that the Secretary of the Navy has been in favor of the construction of a dry-dock at Brooklyn, yet the Commissioners of the Navy have expressed the opinion that two dry-docks are ample for the wants of the naval service of the United States. We have two already, and no advantage can result from increasing their number, except for use in time of war. If a dry-dock cannot be used in time of war, it seems to me that it is improper to go to the expense of its construction.

The bar of New York prevents the largest sized vessels from entering that port at all times. It has been said that the average draught of ships of the first class is twenty-six feet; of the second class twenty-five feet; of frigates of the first class twenty-two and a half feet; of frigates of the second class twenty-one feet. This bill is accompanied with no report or estimates. The average depth of water on the bar of New York harbor has been estimated at twenty-two feet. It appears to me that the subject ought to be deferred until a future Congress, and, if it be thought necessary to have a new dry-dock, a full examination of the whole subject, and reports and estimates presented, before a system is recommended which would involve the expenditure of so large amounts.

My impression is that the matter should be deferred. There is no necessity existing for the establishment of a dry-dock in Brooklyn. Let an examination be made into the subject, and let us wait till we have such a report as will satisfy the House of the expediency of the project. For my own part, taking into consideration the objections which exist against this particular location, and believing also that if you intend to establish dry-docks upon a general system, you ought to establish one at Philadelphia, I hope the matter will be deferred, at least until the necessity of constructing one at Brooklyn is clearly demonstrated.

Mr. REED would not enter into any debate on this subject, for he hoped that this would turn out to be a business session. He had nothing to say against the construction of a dry-dock at New York. He took it for granted that only one such dock was now about to be provided for, and that one ought to be at New York.

As to the examination spoken of by the gentleman who last addressed the House, [Mr. PARMENTER,] he (Mr. R.) would say that there had been no one question relating to the navy which had been more closely examined than this very question of the construction of a dry-dock at Brooklyn. Three years ago an appropriation had been made for this object, but had been strangely defeated. It was not for him to complain of speculators. He would only say that petitions had been got up to show that some place in the vicinity of New York offered greater advantages for the location of a dry-dock than New York did, and thus its construction had been improperly postponed. The construction of the dock was recommended by the Navy Department. The appropriation was supported by the gentleman from South Carolina, [Mr. THOMPSON,] although reluctantly, because the necessity of the case was

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too strong to be resisted. He (Mr. R.) had nothing to say in relation to the South at this time. It was sufficient for him to know that this appropriation was exceedingly needed. The project had been postponed too long already. And as to the objection which one gentleman [Mr. PARMENTER] had made in regard to the depth of the water, did he not know that a ship of the line had just left that port with her crew, her armament, and her munitions and stores on board, and that she had water enough and to spare? There had been numerous reports made on the subject, but the gentleman did not seem fully acquainted with them. The House, however, it was to be presumed, was in possession of the requisite information.

As to a dry-dock at Philadelphia, he (Mr. R.) would say nothing now. He would speak of it at the proper time. It was obvious that only one appropriation would be made for a dry-dock now. Let it, therefore, be placed where the Department and the just sense of the country have decided that it ought to be placed.

Mr. HOFFMAN said he did not rise to debate this question, but merely to answer a statement made by the gentleman from Massachusetts, [Mr. PARMENTER.] But, in the first instance, he (Mr. H.) wished to correct an error which pervaded the committee, that this was an appropriation for a dry-dock at New York. Such was not the fact. It was an appropriation for a dry-dock at the city of Brooklyn, on Long Island.

The great purposes of a dry-dock were not to copper and finish vessels. The main object was to place them in a situation where, from the readiness of access to the sea, and the provision of the requisite material, vessels might enter and be promptly repaired in time of service. It was not necessary, however, to dwell on this point.

Nor was he opposed to a dry-dock at Philadelphia. He should cheerfully vote in favor of an appropriation for that purpose, whenever it might be brought before the House. But (continued Mr. H.) from the tone and temper of the House at the present time, I will ask gentlemen whether it is right that a bill, which might otherwise pass with unanimity, should be incumbered by amendments for objects which will defeat their wishes and our own, whether we are hostile to them or not? Let them assist us, and I, for one, will give them my support in favor of a dry-dock at Philadelphia, whenever the question shall be fairly presented.

In reply to the argument of the gentleman from Massachusetts, [Mr. PARMENTER,] I will ask him if he has forgotten that one of the largest ships in the service entered the harbor of New York, and went out with all her guns, crew, and provisions on board? Has he forgotten that Lieutenant Gedney had told the country that he would undertake to beat her out with a head wind; that there was room for her in stays, and that she could enter almost at half-tide? And then I will ask the gentleman from Massachusetts whether the objections to this appropriation, even if fortified by reasons and argument, would not come better from any other quarter than from the Representative of a State enjoying the advantages of one of the two dry-docks which the munificence of Congress had erected? The objection would have come with more delicacy from the gentleman from South Carolina, [Mr. THOMPSON,] but even he had assented to the appropriation, though believing himself to have good cause of dissatisfaction at the course of policy adopted in these matters towards the southern region of our country.

Mr. SERGEANT said he would not vote in favor of the amendment of his colleague, if he thought it would injure the appropriation for a dry-dock at New York. But he could not think it would be so; if the members were satisfied of the propriety of making a dock at Philadelphia, they would support it in the shape of an amendment; and if they were not, they could not vote for it in this or in any form. The question was not as to the mode, but as to the thing itself.

A great many things had been assumed in relation to Philadelphia, and the navigation of the Delaware river, which stood contradicted by a report made to this House at the last session; and, if there were time, he should probably ask the reading of certain portions of it. This was

not a new question. There was ample testimony before the House. It appeared, clearly, that there had already been carried out of Philadelphia many ships of the largest classes, which had been built there, and amongst them some of the finest in the service. And he must here be permitted to say that the navy-yard in Philadelphia was connected, in the most interesting manner, with the history of the navy of the United States—in a manner which entitled it to be cherished.

The first communication (continued Mr. S.) in relation to the building of ships of war that ever passed between our Government and any man or men, was addressed to the Naval Constructor of the city of Philadelphia, the late Joshua Humphreys, father of Samuel Humphreys, United States Naval Constructor.

The first ship of war built in the United States (and it was before the Navy Department was established) was built under the immediate direction of the War Department; and the correspondence, of which I spoke, passed between General Knox, then Secretary of War, and Joshua Humphreys. The latter gentleman built the frigate "United States," and the same man furnished plans and models, and directed the molds of all the vessels built at that time. From that period to this, the Government of the United States has always thought proper to keep the navy-yard at Philadelphia, and the Government is still of that opinion. The art of ship-building has been preserved there; the industry necessary to preserve that art in useful exercise is still to be found there; and experience shows that naval construction can be carried on as well there as in any part of the United States, if not better. The time has come when one of two things is to happen: Philadelphia must either have a dry-dock, or the navy-yard will be abandoned. If other yards have such docks—and not Philadelphia—if they become the ordinary accompaniments of navy-yards, it will be made a standing argument against the yard at Philadelphia, and will finally lead to its destruction. I therefore consider this question neither more nor less than whether the navy-yard there shall be maintained at all. Why should not Philadelphia have a navy-yard, when experience has shown that there are facilities to do the work economically, and hands that will do it faithfully and well?

Here is a report, made from the Naval Committee at the last session of Congress, with a communication from Commodore Stewart to Captain Henry, together with a plan and estimates for a dry-dock, furnished by Mr. Strickland, the engineer. In page 8 of this document is a statement of the vessels of war that have passed over the Delaware river, including the "Pennsylvania," the first ship in the United States. And what is it? Why, that that vessel went safely down the river, drawing twenty-three feet of water—two feet of the tide were already lost—and there were, notwithstanding, from four to five feet under her. The result ascertained—not doubtful, but certain—is, that the largest ships can descend our river with ease and safety. This, then, being the only difficulty, and this being disposed of, what is there on the other side of the question? I will not recapitulate the arguments of my colleague. There is, however, one feature in the case of the Philadelphia station which cannot be too much pressed, and that is the abundance of sweet fresh water there, where the worm cannot live, and a ship can lie forever without danger from its ravages, so destructive in salt water. When we have got such a dock, we can finish our own ships.

What was the course pursued with the Pennsylvania? Deeply mortifying it was to those who had laid her keel, and who had seen her grow until she became the beautiful and gigantic thing she now is, and who were then told that they could not finish her. Why not? Because we had no dry-dock. The gentleman from New York [Mr. HOFFMAN] says that a dry-dock is not the place for building ships; but this proves that, in the opinion of the Navy Department, a dry-dock is the place for finishing the building of a ship. Well, she was sent away, the allegation (whether true or not I will not say) being that it was unsafe to copper her before launching, and that she could not be coppered after she was launched

at Philadelphia, but must be sent elsewhere. Now, if you are to come to the conclusion that hereafter a ship is neither to be finished nor repaired at Philadelphia, you make a great stride towards the conclusion that there is to be no navy-yard at Philadelphia. This is as sure as the denial of a dry-dock. I refer gentlemen to the report made at the last session of Congress, and to the documents accompanying it. This subject, as I have before said, is not a new one. It has been anxiously examined; and let me say that in these documents you have the pledge of the highest professional reputation, that the construction of a dry-dock at Philadelphia holds out so many advantages as to justify a claim on the Government of the United States; authority which places it on high ground, not only as a fit place, but as holding out peculiar advantages of a very decided character.

Against the dry-dock at Brooklyn I have not a word to say. Common justice requires that there should be one also at Philadelphia, in that navy-yard where your Navy was cradled—where the young Hercules received his first nourishment.

Mr. FRY said he had but little to say in addition to what had already been said upon the subject; he must, however, be permitted to say that his colleague, [Mr. PARMENTER,] in offering the amendment under consideration, could not justly be charged with a desire to load down this bill, as was intimated by the gentleman from South Carolina.

Sir, we from Pennsylvania contend, or shall contend, without any desire to disparage the claim of New York for a dry-dock at Brooklyn, that we hold it a questionable matter whether Philadelphia be not equally entitled to a dry-dock at the navy-yard there. Sir, permit me here to call the attention of the committee to the words of the bill as reported, and now before us. It appropriates \$100,000 to the improvement of the navy-yard at Brooklyn, and for building a dry-dock. Now, sir, I understand that that portion of the appropriation which is to be applied to the improvement of the navy-yard, is to purchase the ground for the location of the dock.

Mr. INGHAM (chairman of the Committee on Naval Affairs) explained.

Mr. FRY. Be that as it may, or be it so, from the very words of the bill, a part of the appropriation was for the improvement of the navy-yard, and the question was, how much of this \$100,000 was to be expended upon the navy-yard, and how much for the dock? Is eighty or ninety thousand dollars of this appropriation to be expended at the navy-yard, and the remaining ten or twenty thousand dollars for the dock? How are we to judge upon this point? The committee are left entirely in the dark in this matter. But, sir, if we pass the amendment of my colleague, and give \$100,000 to the construction of a dry-dock at Philadelphia, then you have no dispute about the ground, no rights to buy out, and you have an assurance that the money will be appropriated to no other purpose than the building of a dry-dock.

Sir, in what particular does the claims of the yard at Brooklyn stand preëminent to those of the yard at Philadelphia? We are told that it is admitted by all, that there is a necessity for a dry-dock at Brooklyn, New York. Well, what are the reasons assigned? We have this bill, to be sure, but I have seen no report, no argument to give it a preference, or show its peculiar advantages over Philadelphia. On the other hand, accompanying the bill for the erection of a dry-dock at Philadelphia, we have a report from the committee, going into the matter fully, and showing clearly, to my mind, that the site there is inferior to none.

Mr. F. said he would call the attention of the committee to one fact that had been alluded to in the report of the Committee on Naval Affairs, for a dock at the Philadelphia yard. He did not recollect the words, but the substance was, that some years ago, perhaps in 1814, a report to the House of Representatives, from some branch of the Navy Department, suggested some place for a dry-dock on the North river, as being out of the reach of approach by foreign vessels. Sir, the idea is a strong one, and let us look for a moment at the site at Philadelphia in this view; while the

yard there is easy of approach to our own vessels, under the guidance of the Delaware pilots, it is inaccessible to foreigners who are unacquainted with the navigation of that river. Ships can be building and repairing thereat all times, in perfect safety and security from foreign depredations, which, in time of war, might be of momentous interest to our navy. Over and above that, a dock can be constructed at Philadelphia with less cost than at Brooklyn. Its location is more central between the two docks at Charlestown and Gosport, and it is within a few hours ride of this city.

Mr. F. said he was induced to throw out these suggestions without any antagonist feeling towards the claim of New York, or any other place, for a dry-dock; but, if the subjects of dry-docks must now be examined, he thought his colleague had done well to offer the amendment, in order that we may show that the claims of the Philadelphia yard are entitled to the consideration and respect of this House.

Sir, my notion, long since, has been that there should be a dock at each of the principal yards; but if we are to have but one at this time, where is the argument, where is the reason, where is the report from any source, or which shows the advantages of Brooklyn over Philadelphia? The Secretary of the Navy leaves that matter open. He says: "*At some point*," without designating either, particularly. Sir, it is not sufficient to give one yard preference over another, to say that it is admitted by all that a dry-dock is wanting at Brooklyn; we want the reasons that shall show this House and the country that any navy-yard has claims over that at Philadelphia.

Considering the course which this debate seems likely to take, I feel much inclined to the idea suggested by my friend from Massachusetts, [Mr. PARMENTER,] that the whole matter should be postponed until a critical examination be made as to the sites, and necessity of more docks than we have at present; we could then meet the subject more fully, and decide more correctly. I shall, however, cheerfully vote for the amendment offered by my colleague, and feel under obligations to him for his having so promptly brought the subject to the notice of the House.

Mr. POTTER said the amendment of his colleague was direct and positive, and expressed, in plain language, what he desired to be at. The bill to which it was desired to be attached appropriated \$100,000 to improve the navy-yard at Brooklyn, and for the erection of a dry-dock. A few thousand dollars would improve and enlarge the navy-yard; but all are aware that it would cost five hundred thousand to build a dry-dock. The minor project takes the first place in the position for appropriation, and the major comes in by way of appendix to it. He would respectfully ask the honorable gentleman from New York [Mr. CAMBRELENG] whether the erection of a dry-dock at Brooklyn was or was not a new work, or had there ever been one dollar expended in preparation for the work?

Mr. CAMBRELENG replied that this was restoring an appropriation made two years ago, and which had been applied to other purposes.

Mr. POTTER. The reply does not meet my inquiry. I have been informed by the chairman of the Naval Committee that this dry-dock is a new work. The reason assigned by the honorable gentleman from New York against the amendment offered by my colleague would seem to me to apply with equal force against the bill. He deprecates, in strong terms, the appropriation of a single dollar out of the Treasury, in its present dilapidated and depressed state, for any new project. The logic of the gentleman is singular to me. For the erection of a dry-dock at Brooklyn—a new work—the appropriation is all very right and proper. For one at Philadelphia, it is destruction to the Treasury. Unless Pennsylvania is inferior in her rights and claims to New York, a distinction which no Pennsylvanian will ever admit, then, sir, Philadelphia stands on an equality with Brooklyn or New York. The memory of the Philadelphia navy-yard is identified with the glory of the Navy. The vessels built there equal in models of beauty, and in superiority of sailing, any vessels built in this or any other portion of the world.

The mechanics in that city equal in skill and science the ship-builders in any port in the Union. In cheapness of building and economy in labor no point on the sea-board can successfully compete with Philadelphia. In advantages in obtaining materials for the construction of vessels of war the port of Philadelphia is admirably situated. Why, then, should there not be a dry-dock connected with the navy-yard at that city? The great ship *Pennsylvania* was built at the navy-yard in that city, and was removed from the point where built to be finished, because there was no dry-dock. I recollect the burst of dissatisfaction throughout Pennsylvania at the circumstance, and the anxiety expressed that this noble ship should be perfected, and ready to sail on her element, in the State from whence she derived her name. The question is one vital to the existence of the navy-yard at Philadelphia—a navy-yard at which the first ship of war was built in this Union. Mark the prediction! If vessels cannot be finished at Philadelphia, the United States will cease to build at that port. What Pennsylvanian could stand silently by and see the navy-yard at Philadelphia abandoned? that navy-yard, so identified with the naval glory of the nation and the pride of Pennsylvania. At no point on the sea-board could a dry-dock be situated where it would be safer from the aggression of a maritime incursion. The navigation of the Delaware, aided as it is by steam-towing ships, can be ascended with ease. Why, then, should not an appropriation be made for the erection of a dry-dock, connected with the navy-yard at Philadelphia?

Mr. BIDDLE would say one word on a point of fact. The gentleman from Massachusetts [Mr. PARMENTER] had said that one dry-dock was sufficient, and that we had more than one already. That was his argument against the bill and the amendment.

Mr. PARMENTER explained. He had said that the chairman of the Board of Navy Commissioners had given it as his opinion that, in time of peace, one dry-dock would be sufficient.

Mr. REED. In what year had he said so?

Mr. PARMENTER. In 1825.

Mr. BIDDLE resumed. We had two dry-docks now, and they were not told how many more would be needed. The bill proposed a dry-dock at Brooklyn, as an extension of that yard—as a convenient appendage to it. But why would not one be an equally convenient appendage to the navy-yard at Philadelphia? As that yard now stood, after a ship had been built there she must be sent to Norfolk or to Boston to be finished; and this would hereafter be used as an argument against building Government ships at Philadelphia at all. It would be said, why take two ports to complete your ship when one will answer? Why not lay the keel where the vessel can be fitted for sea? That was the argument and the feeling in behalf of New York, and why Philadelphia was to be deprived of the advantage—merely to furnish an argument against building ships there. The gentleman from New York [Mr. HOFFMAN] had promised the friends of the amendment that, if they would withdraw it now, and not incur the present bill, when another should be introduced for a like improvement at Philadelphia, he would lend them his voice and aid. This was the very sort of argument that the purest gentlemen of the South were startled at. But let not gentlemen look at vague promises, but at the natural workings of the human heart when the object sought had been attained. Why had the gentleman from New York rebuked the gentleman from Massachusetts, [Mr. PARMENTER,] and accused him of selfish motives? Because he felt the pride of his State interested that the public ships should be built there. And would not the same pride operate in behalf of New York when Pennsylvania shall hereafter come and ask that she may be put on an equal footing? Before any such feeling should have time to grow up, instead of taking vague promises and relying on them, why not now, at once, do equal justice to Pennsylvania? This was the time—the fit and proper time; nor could he see why it should be postponed, unless for some sinister purpose not avowed.

Mr. DAWSON said he had listened to the de-

bate with attention, and had watched the workings of interest on the different gentlemen who had taken part in it. It was with reluctance he was compelled to see how these things were managed. We of the South (said Mr. D.) remain silent at our seats when questions of great interest to the country are agitated; and why? Because whenever we have asked our equal share with the rest of the Union, we have always failed. I have, from time to time, applied here even for a navy-yard at any port south of Norfolk; and how often have I failed? Just as often as I have asked. And why is this? Because we have not the talent at getting up the necessary arrangements. Is that it? We are told the objects we desire are proper, but the chairman of the Committee of Ways and Means tells us there is not a dollar in the Treasury. Thus I find that those who are more modest get nothing. Here there is a navy-yard and a dry-dock at Gosport; a navy-yard here at Washington; another at Portsmouth; another at New York; a navy-yard and dry-dock at Boston. Well, sir, now look at the South; ay, sir, along the whole coast of the Atlantic and round into the Gulf of Mexico, and where is the protection for our commerce from any establishment of the United States? They will send us ships, says the gentleman from Massachusetts, whenever we need them. Yes, sir, and when we need aid and ask for it, perhaps that will be the moment when none can be sent. When we want any repairs done, the vessels must be sent round to Norfolk or to Boston. What other Government in the civilized world ever pursued such a policy? Go to England; how many dry-docks has she? More, by one, than we have. But the gentleman says she has two or three dry-docks at the same navy-yard. Well, sir, if that is necessary, we can do the same; and then the mechanics and all the conveniences will be together on the spot, and there will not be the difficulty now complained of. But this is not the point. You are now asked to appropriate for New York and Philadelphia \$100,000 apiece. How much do you usually appropriate for the increase of the navy in one year? and how many new vessels do you need in the same time? I will venture to predict that if we are to have four dry-docks, as proposed, they will not have a vessel apiece in any one year. I shall oppose both the bill and amendment. Not because I am opposed to either city; I would vote the money with great pleasure, if I honestly believed it was required; but I cannot believe these dry-docks necessary. If a new one is necessary, it must be south of the Chesapeake Bay.

I call upon this House, (said Mr. D.) instead of establishing all the navy-yards and building all the dry-docks at the North, to do an act of justice to the South, and give us an appropriation for our protection. Suppose an enemy should attack us, where are we to look for aid? "Government will send us vessels." Ay! but where is a navy-yard? There is none south of Norfolk. Yet we are to give the North new navy-yards and new dry-docks. Before you pour out your money from the Treasury—but I forget, the gentleman from New York tells us there is none there to pour out—well, sir, when you pledge the country to further appropriations of money for objects of this kind, do it for the South; not because it is the South, but because it is a defenseless portion of this Union. Last session, my friend [Mr. LEGARE] asked for the establishment of only a navy-yard at Charleston, the great commercial emporium of the South, but he could get none. I asked one for the whole coast of Georgia, and the reply I got was: "We will send you help whenever you need it." Sir, this language is becoming unpleasant in our ears. If we belong to the Government, we have our rights, and they should be respected; but they never will be, so long as we lend our aid to put a navy-yard and a dry-dock in every port of the North. More dry-docks are unnecessary, but, if any are built, they should be at the South. Let us treat all justly, before we do over-much for any one port.

The gentleman from New York [Mr. HOFFMAN] seems to manifest an extraordinary solicitude to get the floor—for what? Not for a navy-yard, sir; no! that she has got; but for a dry-dock in addition to a navy-yard. We ask only for a navy-yard at the South; for what New York has

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got, and we have not. He says that if we vote this boon to New York, he will hereafter vote something of the kind for others. If we will vote for New York, then he will vote for the South. But, sir, the claims of the South rest on no such bargain; they depend not on what price shall be paid, but on what has been paid already; and the way for us to get our rights is to keep any more from being given to New York, and to the North, until we get them.

Mr. WISE. I want to get clear of this bill; and if this debate goes on any further, I shall move to lay it on the table. A word only in reply to the gentleman from Georgia who has just resumed his seat. I will answer his question, why we cannot get a navy-yard and dry-dock at the South. He asked whether it was for the want of talent? I will tell him it is for the want of that sort of talent which is required to get boons out of this Government. There is not a man in all the southern delegation on this floor that has the sort of talent for that business. It is not owing to any want of disposition on the part of the House, nor on that of the Committee on Naval Affairs, that the three contending ports of the South have not, long ere this, got what they claim. The committee have been waiting for the friends of the several claims of Charleston, Brunswick, and Beaufort, to come forward with authentic reports and the necessary surveys and estimates to show that there is the necessary depth of water, and the other concomitants which go to render any spot a fit location for a navy-yard. In regard to Charleston, the committee has had a number of reports, but though there has been a member from Georgia on the Naval Committee ever since I was there, yet nothing has yet been done.

Mr. DAWSON reminded the gentleman from Virginia that Commodore Woolsey and Captain Shubrick had made reports in favor of Brunswick, and had recommended it as a proper place for a naval depot.

Mr. WISE admitted this; but there were not reports from the Department like those in favor of Charleston. When the committee were urged to do something for the South, particularly for Charleston, he would tell his friend from South Carolina [Mr. LEGARE] how the proposal had been met: A gentleman from North Carolina had come to the committee, and asked that they would delay the selection of a depot till reports should be received in regard to all the ports claiming the benefit; and he would tell the gentleman from Georgia [Mr. DAWSON] that all the committee ever got in relation to Brunswick was from a northern man and a speculating company.

Mr. DAWSON said there had been a report from the Navy Commissioners in its favor, which had been printed by order of the House.

Mr. WISE. But none from the Department. I have, myself, no opposition to Brunswick; on the contrary, I believe it to be the best of the three; and if proper reports shall be furnished to us, I am ready to vote for it. But I will tell my friend how these things are obtained. At the North private individuals interest themselves in the improvement of the country as means of raising the value of property; they are more watchful, more vigilant, more active, more pushing than we. Georgia has the only proper site for a depot between Norfolk and the Capes of Florida, and yet nothing was done in its favor till a Boston company purchased land there, and erected on it houses, which had been framed and fitted and made, all ready to put up, in New England; and their object now is to get a navy-yard established there, that they may improve the value of their lands; they are active; on the alert; and they will soon have a fine Yankee town there. Now, this is an enterprise which a Georgia Legislature would never once have thought of. It would never have entered into their dreams. And the honest truth is just this: we are not so active, not so watchful, not so enterprising as they are; and that is the reason they get what we cannot. The moment they get hold of a proper site, they beset and besiege the engineers and the Department till, by hook or by crook, they get a report in its favor. If the gentleman from Georgia will go to work in the same way, I suppose he can get as large an amount of Government appropriations as they can.

I say this in no spirit of reproach. I consider it as a compliment to the northern people. It forms the characteristic difference between the population of the North and the South. We in the South claim to be high-minded, gentlemanly, lordly fellows, who think nothing of money; and, therefore, we are poor.

Sir, I hope we shall get the question. For myself, I shall vote against both the dry-docks. I think we have as many as we need; and I doubt if we have now the money to pay for them. I again give notice that if the debate is continued, I shall move to lay the bill on the table.

Mr. PETRIKIN said, that in early life he had been taught that men were elected to Congress by their respective parties, to support and carry out certain fixed principles which the successful party professed to advocate, and that members so chosen were bound to vote for the measures of their respective parties; that until very lately, he had continued in that belief, but he found he was much mistaken in his impressions. His mistake was not confined to any one of the political parties, whether Democratic or Federal; for recent experience had shown, that when money was the question, that many of each party were ready to abandon all their party pledges and principles, and associate together for the purpose of consummating any scheme to filch and trick the people out of their money. When speculation was in the way, many members of Congress forget whether they were Democrats, Federalists, or Whigs, and associated together in a scramble for the public purse with a view of getting as much of the money of the country, each delegation for its own particular section of the Union, and if not directly for their own individual use, for that of their constituents, regardless of all other considerations than those of self-interest, trampling under foot all constitutional obligations or regard for the general interest and prosperity of the country.

Mr. P. was opposed to all partial legislation, or making laws for the benefit of particular sections of the country, to the manifest injury and prejudice of the rest of the Union. He had observed, day after day, and week after week, the time of Congress consumed by members declaiming against the extravagance of the Government, and the increase of the expenses of the present Administration; and yet, on all occasions, he found those men ready to advocate and vote for all appropriations, regardless of whether the money thus voted was for useful and necessary purposes or not. He had listened to members on all sides of the House, making speeches for home consumption, inculcating economy and retrenchment, but the moment a bill was brought into the House, granting thousands and tens of thousands of the public treasure in the shape of pensions to generals, colonels, captains, or commodores, or the widows of some of the aristocracy, without the color of right, either in law or equity, or millions to be expended in the erection of dry-docks, fortifications, artificial harbors, useless light-houses, or vessels of war, to rot in the harbors, those noisy preachers of economy, both Democrats and Federalists, were found, almost to a man, in the support of what they wished to be thought by the people they were opposing. He said he could not have patience with such selfish inconsistency. Let a meritorious but poor old soldier apply for relief, or an honest claim be brought forward, which does not go to enrich their constituents, then we are told by these men that the Government has no money, and that we must not make any new appropriations, or a national debt must be created; yet these very men, almost in the same breath, when it suited their purposes, would vote for the most extravagant sums to contribute to their own local interests or further their political schemes or private ambition. He could see no bounds to this iniquitous system. He was opposed to both the bill and amendment, on the grounds that the public service did not require at present the erection of a dry-dock, either at New York or Philadelphia. If a dry-dock was necessary at those places, it was necessary at every navy-yard. Money ought not to be appropriated at any time for purposes which were not of a general benefit, or for services rendered to the country, especially at a time when it is more than probable the money will have to be raised by taxes,

either indirectly in the shape of an iniquitous tariff, taking the money from the many and industrious part of the people, to put into the pockets of the few idlers, speculators, and loafers, or directly, on the property of the people; either way the taxes must be paid by the producers and consumers, and not by the bankers and speculators who are fattened by creating methods of taxing and burdening the people.

Mr. P. denied that those works were necessary for the public interest. They might say what they pleased; but the most careless observer must see that it was private interest, and not public good, that was the ruling principle of action in all these cases. What care those who were the promoters of these species of works about the welfare of the public? The fact was, that when a few speculators have a lot of land they thought they could make a good market of, or a stone quarry, or the prospect of an office for themselves or some relative to superintend the erection of the work, they immediately laid their heads together, and formed a plan for the erection of a dry-dock, a light-house, a fortification, a harbor, or anything else by which they could make a good speculation, by getting a law passed authorizing the work, and compelling the Government to buy their land, give them the stone contract, or, by management, get both, and the office of superintendent into the bargain. He denied that the sum asked in the present bill was for the interest of the public. No man on the floor could conscientiously deny but that we had dry-docks enough for all the purposes of our navy; and why lay the foundation for an expenditure of two or three millions of dollars, when the public service does not require it?

Members who advocated this bill talked about the necessity of providing for ship-building, and the protection and welfare of our navy. But the recent history of the country had taught him a lesson about ship-building which he could not forget. Was it not a fact that most of our large ships had been built, at an immense cost, for the sole purpose of putting the money of the country raised off the honest yeomanry into the pockets of, comparatively speaking, a few speculators and contractors, and keeping in idleness and luxury a set of sinecure officers? He would name some of those vessels to refresh the apparently short memories of some gentlemen. The Ohio ship of the line made one voyage, and then was laid away to rot, and had just been rebuilt, scarcely a single plank, spike, or bolt of the old vessel remaining of her first construction, and nothing else except the name. Again: there was the Independence, which shared a worse fate; she was not only suffered to rot, but when rebuilt reduced in size, and the apology was that those nuisances, the Commissioners of the Navy, or some one of them, had interfered in the first place, and spoilt her so that she could not be used. He also named other instances of ships having been built and suffered to remain in harbor and rot, because there was no use for them, and not for want of a dry-dock to repair them in.

Mr. P. said that our navy had degenerated ever since it had fallen under the special care of speculators and jobbers; our ships were not so good in their construction, nor was there that character attached to the officers. It had ceased to be the object of emulation among a large proportion of our officers who should excel the other in discipline, but the great object now was who should get the most money and do the least service. There were some few honorable exceptions among the officers of the Navy, but a reference to the pension list would exhibit a deplorable falling off in that pride of character which stimulated the officers of the Navy to deeds of glory, which astonished the world during the late war with England. Where, (said Mr. P.) must we look for the cause of all this? To the improper legislation of Congress. It is the fault of the representatives of the people, who forget their duty and vote away the money of the country with a prodigality which indicates not only a want of political principle, but also a want of moral honesty. Mr. P. said he could not find fault with the conduct of the members of Congress who were Federalists. They, in voting for this bill, and all others of the like kind, acted in accordance with their avowed doctrines and

principles. High taxes, a national debt, a large navy, and a standing army, are among the old and favorite themes of the Federal party. But those professing Democrats who, when at home, wish their constituents to believe that they are opposed to Federal doctrines and measures, will find some trouble to reconcile their votes in this House for measures, the inevitable consequences of which are to increase the taxes, create a national debt in time of peace, build up a navy and army, and all the necessary appurtenances belonging to them, with Democratic doctrines and their own professions. Mr. P. said he came to Congress the representative of Democrats who were the uncompromising advocates of "equal rights," were willing to be taxed when it was necessary for the support of Government, the protection of the country's rights, or the avenging of its wrongs. But his constituents were opposed to the extravagant expenditure of the revenue in useless and expensive works. They were opposed to raising money by taxing unnecessarily the many for the use of the few. In fact, their maxim was the old Democratic creed of equal and exact justice to every part of the nation; and they did not wish to take their neighbors' property illegally, nor invade his rights; nor were they willing to have their property illegally taken, nor their constitutional rights invaded.

Mr. P. said that he had endeavored, during the two last sessions of Congress, to adhere to and support the true Democratic principles. That, on a late occasion, his conduct had been canvassed before his constituents, and he felt proud of their verdict of approval of his political course. He had uniformly voted against all appropriations of the nature of those contained in the bill now before the committee. He should willingly vote for money to keep up as many vessels of war as the service of the country required, and for navy-yards and dry-docks enough for all the purposes of keeping our present navy in good repair.

Mr. P. said he was not a little amused to witness with what avidity and zeal members from a particular section, whose constituents were to receive the benefit of those appropriations, pressed the passage of bills to raise money for their own particular districts. They forget all their professions of Democracy, and their principles, whenever money was held up to their view, and they sprang at it like a mackerel at a red rag. Gentlemen might clamor and laugh at his language, but he would tell them that he spoke the language of sincerity and truth, as he had been taught to do from his cradle. He had always been taught to advocate his principles fearlessly, in all places, and on all occasions, and he would do so now in spite of the clamor of any man, or set of men. He was the representative of freemen, and, as such, would express, in his own language, and in his own way, the opinions of those who had elected him, caring not who approved or disapproved of what he said. He was accountable only to God and his constituents.

As for the proposed dry-dock at Pensacola, (Mr. P. said,) there appeared to be some plausibility in it from the geographical situation of that city. He had not seen any recommendation of it by the Department; but in the present state of the finances, he could not vote for any increase of expenditure that could possibly be avoided. He said that he felt much pleased with the disclosure made by the gentleman from Virginia, [Mr. Wise,] as to the manner in which most of those projects were gotten up. The gentleman had let the cat out of the bag, and the friends of the bill did not attempt to contradict it. The plan was, when a few designing men wished for a public work for their own interest, they would come on to Washington, and commence operations by teasing and importuning, night and day, officers of the engineer department and members of Congress for the furtherance of their views. They would intrigue at noonday and at night, when they ought to be in their beds, to gain their ends, and it was generally found that, by "hook or by crook," they succeeded. This was the way the public money got filched from the people.

Mr. P. said, that although he could easily account for some members of Congress from the northern and middle States voting for bills of the

character of the present one, yet he confessed himself totally at a loss how to account for the gentleman from South Carolina [Mr. PICKENS] advocating so useless and extravagant an appropriation, whose constituents were opposed to the whole system of legalized swindling that had been practiced by Congress for several years past. He thought the gentleman might see that a continuance of that course must eventuate in an increase of the tariff, or a national debt, which, like all other encroachments on the constitutional rights of the citizen, was odious in the sight of every Democrat.

Mr. P. said he would ask the attention of members to the millions that had been expended in and about New York within the last few years for the erection of forts, light-houses, navy-yards, &c. A custom-house is about being built in that city which will cost \$3,000,000 before it is finished, although the first estimated cost was not much over a fourth part of that sum. This building, he was told, will look more fit for the palace of an eastern Satrap than for store-houses of a plain Republican Government.

As to the statement made of the probable cost of the proposed dry-dock, Mr. P. said it was all fallacious; for, from his experience of estimates made for the erection of public works by engineers, there was no dependence to be placed on them, and all safe calculators would add fourfold to the estimated cost of the work as being much nearer the truth than the estimate made by the engineers. He said he would repeat that he opposed the passage of the bill because there was no necessity for the work, in his opinion, at any time, but especially at a time when he was told the Treasury was empty. He hoped every consistent Democrat would be found recording his name against not only this bill, but all of a like kind, during this session.

Mr. THOMPSON moved to amend the amendment by adding an appropriation of \$100,000 for a navy-yard at Pensacola.

Mr. ELMORE obtained the floor, but, on solicitation, yielded it to

Mr. HOFFMAN, who observed that a remark he had accidentally let fall when last up had excited the rebuke of some of the puritans of the House, who looked with maidenly abhorrence on everything like bargains and log-rolling in this House. He would remind his friends from Pennsylvania and Georgia [Mr. BIDDLE and Mr. DAWSON] that the companionship of which they complained had been no secret collusion, but a union in views proclaimed openly on that floor. Nor did he see how any principle was violated when a man who was a friend to two measures advised the friends of the latter one proposed that they had better take one at a time, lest they should lose both. If he had been opposed to the second measure, and, for the sake of carrying the first, had promised to compromise his views of propriety and vote for the second when it should come up, then there might be some room for the charge of bargaining and of sacrificing principle. He had professed himself friendly to a dry-dock at Philadelphia. He was friendly to it; and he did not see how he had been guilty of any least violation of the dignity of legislation, or of the purity of the House, by pledging himself to vote for it in a separate bill hereafter. But he had offended the honorable gentleman, his friend from Georgia, [Mr. DAWSON,] because that gentleman had not been successful in obtaining his favorite object for the benefit of the South. A part of the reasons, if it were so, might perhaps have been stated with some truth by the gentleman from Virginia, [Mr. WISE.] But was the fact really so? Had the South been thus neglected in favor of the North? He remembered a certain chart referred to on a former occasion by the venerable gentleman from Massachusetts, [Mr. ADAMS] in which he had undertaken to pursue the course of the public money, which was said to flow, like the Gulf stream, always towards the Northern and Eastern States, and, following it, he had found that in Georgia he was further North than when he had set out from Massachusetts; and when he got to New Orleans, he had found himself at the North Pole. Whence had the millions flowed that were spent in driving out the southern

Indians? and the millions more that had gone to consummate the Georgia lottery, and enable the gentleman's constituents to draw some of the highest prizes? His friend over the way [Mr. BIDDLE] was afraid that, after the bargain was made by which New York was to get her dry-dock, when it came to giving Philadelphia hers, the bargain would not be consummated, and the rights of Pennsylvania would be forgotten in the overweening jealousy of New York, and her fear of the aggrandizement of Philadelphia. Now, he would say to that honorable gentleman, that New York was proud of Pennsylvania for many things; she was proud of her on account of her talented delegation on this floor; she was proud of her for her noble projects of internal improvement; she had not been so proud of her on account of last winter's proceedings; but for New York, as a State, to be jealous of Pennsylvania, or for New York city to be afraid of the aggrandizement of Philadelphia, he could only say that New York felt herself too big to be jealous of anybody. He acknowledged that Philadelphia was one of the brightest jewels in the fair crown of this Confederacy; he admired the beauty and cleanliness of her streets; her abundance of fresh and wholesome water; and owned that New York could boast of nothing equal to her Fairmount. But New York never could be jealous of her. Philadelphia should have his aid, and he doubted not the aid of every New Yorker, when her project for a dry-dock came up as a distinct measure here. New York loved and respected her as a younger sister, and, he would add, a weaker sister; for, in point of natural advantages of situation, she was so.

Mr. H. concluded by saying that he had no personal interest in the present bill whatever; and his sole reason for opposing the amendment, was that it might lead to the defeat of both objects desired.

Mr. ELMORE said, that until within a few minutes past, he had not intended to say a word on this question. I seldom trouble this body with any remarks—on mere party questions, I might say never—believing its time would, generally, be far better employed in the business of the country. I rise now, sir, because in want of information on a measure of great importance, which I conceive that the part of the country which I in part represent, is much interested in. I have looked in vain for the information which was necessary to direct me in the discharge of my duty on this question. I find no report of the committee, nor of competent engineers, showing either that the dry-dock asked for is necessary, or what is the scale or plan of its construction, or what it will cost, or if it is necessary, whether there is not a location for it which will be more useful and proper. It was more with a view to inquire of the chairman of the Committee on Naval Affairs for information on these heads, than with any view of entering into the discussion, that I have taken the floor.

The first question presented, sir, to my mind by this bill was, is another dry-dock necessary to the navy? And if it be necessary, then the next questions are, what would be its best location? What will it cost? Where are the surveys and estimates? And when were they made? There are already two dry-docks, one at Charlestown, in Massachusetts, and one at Gosport, in Virginia. They cost, it is said, nearly \$1,000,000 a piece. Is another necessary? Most especially is it our duty to make that inquiry now, and before we go into this work, because our Treasury is well nigh beggared, and no works not absolutely necessary should be begun. There is no report of this committee accompanying the bill showing the necessity for this dock, no surveys, no estimates of cost, no plan of the works. Are we to go blindfold into this business? The bill asks for \$100,000; but who does not know that this is but a drop in the bucket? Two million dollars will more probably be expended before the work is completed; and if the amendment for the one at Philadelphia prevails, a like sum may be added for that.

If there be another dry-dock necessary for the security or efficiency of the navy and the honor and welfare of the country, which is intimately blended with it, I am ready and willing to go all lengths for it, even to the taxing my constituents

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to the division of their last dollar. But it is precisely because I cannot see either its necessity or what it is to cost, or that it is proposed to give it the most proper location, that I have risen to ask for information from the chairman of the committee, and I now hope the chairman will put me right before I proceed further in my remarks.

Mr. INGHAM (chairman of the Committee on Naval Affairs) stated that there were reports showing the necessity of another dry-dock, and read from the last report of the Secretary of the Navy in favor of one at New York. That the one at Charlestown, that at Gosport, and the one at Brooklyn, were all projected on the same plan, and estimates made for them, by an engineer of high reputation, (Mr. Baldwin,) in 1825. That he estimated they would cost each \$300,000, but the one at Charlestown cost \$677,089, and that at Gosport \$977,356, the average being about \$827,000, and he supposed the one at Brooklyn would cost about that sum. The committee had no other estimates.

Mr. ELMORE resumed. I have not had my doubts removed, Mr. Chairman, by the honorable gentleman's statements. The necessity of this additional dry-dock is not unquestionable—they are required only for repairs of a certain character. We never had one before those at Charlestown and Gosport were built, which has been but a very few years past. When, in 1824, Congress first entertained the scheme for making dry-docks, a call was made on the Commissioners of the Navy for information on the subject; that able, faithful, and gallant veteran, Commodore Rodgers, as their organ, replied, that during peace "a single dry-dock might be made to answer the wants of our present force; but under other circumstances, when the disposition of our vessels may be controlled by a variety of events, it will be found essentially necessary to have at least two of our yards provided with this accommodation—one upon the waters of the Chesapeake, and another upon the eastern coast."—[1st Sess. 19th Cong., Ex. Doc. No. 143.] Now, sir, those two here recommended have been constructed, and located, in my judgment, wisely—one at the eastern extremity of the Union, and one near the center of the Atlantic coast; and I now, sir, insist, that if a third be built, it should be beyond the dangerous capes of Florida, giving to each extremity, as well as the center of the coast, this necessary appendage to the navy. But, sir, has the chairman of the Naval Committee shown the necessity to exist for a third dry-dock, especially now? Has he shown the plans and estimates for its construction? what it is to cost? He tells us, sir, that the plan is the same as that at Gosport and that at Charlestown, and that the estimates for this at Brooklyn were made by the same engineer, at the same time, and that each of the three was to cost only \$300,000, while the two which have been constructed cost an average of \$820,000, nearly three times the estimate. And, sir, I am satisfied that before this work is finished, on the scale which will be insisted on by those who urge it, as required by the great commercial emporium it is intended to benefit, it will have cost nearer \$2,000,000 than \$1,000,000.

Sir, I must say with my friend from Georgia, [Mr. Dawson,] if another is necessary, that every principle of equity and sound policy dictates that it should be placed towards the other extremity of the Union. From Norfolk to Texas—more than two thirds of your coast—where is there any adequate means of building, repairing, or fitting out your ships? Why is it that all this section of country at the South, which contributes so much to your commerce and revenue, is to be overlooked and neglected? From it, sir, comes five sixths of all the domestic exports of your whole country, which are the main source and support of that stupendous commerce which you carry on with all the world, enriching every section, and filling the public coffers with its revenues; and yet, sir, you never think of establishing navy-yards along this coast, nor a dry-dock at any part of it.

Sir, I am glad that my friend and colleague has offered his amendment for Pensacola. It is the great harbor of the Gulf of Mexico, through which passes the immense commerce of the West and

Southwest. Every dictate of common prudence and common justice requires that the rich products poured out of the bosom of these immense countries upon that gulf should have full and adequate protection from your Navy. It is the scene of frequent piracy and shipwrecks innumerable. At this moment, sir, you have the highest admonitions of this, when France, by her fleets, is carrying on war with our neighbors in these very waters, winning strongholds, and making conquests upon our borders; while England, who never sleeps when the interests of the people are at stake, we are informed, has a strong fleet either there or on its way to the scene of operations. Has the House calculated the immense interests we have at stake there? And can any statesman who does estimate them properly, hesitate in supporting the establishment not only of an extensive navy-yard and depot there, but of a dry-dock also, if another is to be added to those we already have? In what, sir, are the local claims of Pensacola behind those of Brooklyn? Why crowd all the naval conveniences in one section, and in such contiguity? There is no dry-dock within a thousand miles of it, and there are two within one fourth of that from Brooklyn. Why should your ships, injured and disabled as they frequently must be, and requiring the repairs to be had in dry-docks, be forced to double the dangerous capes of Florida, and make a voyage to Gosport or Charleston for repairs—a voyage often dangerous in peace, and often impossible in war? The depth of its harbor, which is one of the most capacious and safe in the United States, is abundantly great for any ship. Its bar at low tides affords twenty-two feet water, which can easily be increased to thirty or forty if required. The tides rise but little; the water is quiescent; no rivers of any size empty into it; and there is no danger to be apprehended that the channel, which can be easily opened to any depth, will again fill up. The surveys made more than a hundred years ago by the French, those afterwards by the English, and still later by our own officers, show, sir, that the depth of water remains the same, wholly unchanged. It has a temperate and healthy climate, and abundance of pure water; and the live oak and other naval stores are the natural and abundant products of the surrounding country. By a safe inland navigation, which a trifling expense will make complete, as well as by its railroads now in progress, communications will be opened to all parts of that boundless country watered by the Mississippi, from whence can be poured down to it everything needed for subsistence or defense. I repeat, sir, that if another dry-dock is required, it is for this neglected portion of the country. Here, sir, it is needed; here it would be useful in peace, and in war indispensable; and here, sir, I will vote for it most cheerfully. You have wrung millions on millions from the South by your unequal and unjust taxation, and it is time, high time, she should begin to know this Government by its blessings rather than its oppressions.

I have, Mr. Chairman, a word to say upon the cost which it is proposed by this bill and the amendment of the gentleman from Pennsylvania [Mr. PAYNTER] to incur. The bill proposes \$100,000 for the dry-dock at Brooklyn; the amendment \$100,000 more for Philadelphia. But, sir, this is but the beginning; that at Brooklyn will not cost short of \$1,000,000, and will probably go considerably beyond it. We have estimates for that at Philadelphia, from the Department. They are as follows:

For a water-lock.....	\$824,071 00
For dry-dock.....	635,980 00
And if constructed on best plan add.....	150,000 00
	<u>\$1,610,051 00</u>

Three millions will, I am satisfied, be nearer the mark. Now, sir, is this committee prepared to pledge itself and the country to these works, unnecessary as they are in this section of the Union, where two already exist, in the present condition of your Treasury? Are you not now struggling with infinite difficulty to keep up the ordinary expenses of this Government? Are not your neces-

sary, indispensable expenditures constantly increasing? And does not your revenue decrease periodically, every two years, by the reduction in your tariff, fixed by law? How, sir, when your expenses rise above, and your revenue sinks below, the point of equality, will you have the means to continue useless and wasteful appropriations? Sir, I beg leave to say one word of warning to gentlemen before they plunge their hands into the public purse so freely, to seize on the treasures of the people, and scatter them abroad on unnecessary undertakings. If they expect to find the means of supplying waste and extravagance in the increase of the tariff, which is their only resource, they will be mistaken. The South has submitted its last; wronged and oppressed as it has been, it never will be again. Deeply has its dearest interests been wounded; and resolutely and determinedly will it oppose an unyielding resistance to every attempt for the renewal or enforcement of that system of unequal, unjust, and oppressive taxation, under which it was, for so long a time, plundered for the benefit of other sections.

Mr. C. SHEPARD, of North Carolina, said he had not expected to be dragged into this debate; but the remarks of the gentleman from Virginia [Mr. WISE] called for some notice on his part. That gentleman had said that it was owing to a want of industry and attention in a gentleman from North Carolina, representing the Newbern district, that had prevented the establishment of a navy-yard at the South. After this, he should be justified in troubling the House with some explanation. Fifteen months ago he had offered a resolution for an inquiry into the fitness of Beaufort for a naval station. Finding, on his return to Congress, that nothing had been done, he addressed a letter to the Secretary of the Navy, inquiring into the reason, and had been informed that the officer charged with the examination had been taken off to be united to the exploring expedition. He had inquired at the last session of the present Secretary whether such a survey would not be made during the summer, and he had been assured it should be done. Since then he had written another letter, informing him of the fact, and inquiring into the reason. He said this: that his constituents might be able to judge whether he had neglected his duty. Whatever the gentleman from Virginia might think, Mr. S. was not responsible for the failure.

Mr. WISE. The gentleman has gone off just as if I had made a personal attack upon him. I stated, and stated truly, that the Naval Committee had been waiting for a report, at the request of the gentleman, before they decided between Beaufort, Charleston, and Brunswick; that, in my opinion, some injustice had been done to Charleston by the delay.

Mr. SHEPARD resumed. The gentleman had said that the reason why more was not done for the southern States was, that their Representatives were not so active and diligent, and, in plain words, not so cunning at getting appropriations, as those from some other sections of the country.

Mr. WISE. The remark was general. I take a full share of it to myself. I am sorry I have not a little more of that cunning myself.

Mr. SHEPARD. As to the bill, the true question is this: whether an additional dry-dock is necessary for the service, and whether New York is the proper location for it. We had now one in New England, and one in Virginia; and where ought the other to be? The documents read declared that at least one more dock was required; if so, it ought to be in some section of the Union where a large and valuable commerce stood in need of protection. Was New York the proper place? He thought not. The gentleman from New York [Mr. HOFFMAN] had referred to the gentleman from Massachusetts [Mr. ADAMS] as having formerly shown that more money had been appropriated for the South than for the North; that when he got to Georgia he found himself further north than in Massachusetts; and when he came to Louisiana, he found himself at the north pole. Mr. S. well remembered the speech of the honorable gentleman; it was not in relation to appropriations, but to the money left on deposit

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with the State banks. It was in reference to this that the gentleman endeavored to show that the South was more favored than the North. He would leave it to the committee to say whether this was logic or sophistry. If any one wanted to know which got the most of the public money, let them look at the annual appropriation bills, and he would soon find that for every thousand dollars appropriated for objects at the South, one hundred thousand was appropriated for those at the North. He did not complain of this when it was really necessary; but could no more equal plan be pursued? As to the money given for the Florida war, he asked, was the money appropriated for the support of that war expended in Florida? No. Where were the supplies obtained? where were the contracts made? In Florida? No; the appropriations went somewhere else. North Carolina got nothing. But could it indeed be necessary that we should have a dry-dock at New York, and another at Philadelphia too? while we had a third so near as Norfolk? while there was none all the way from Norfolk to New Orleans?

There was one thing he had seen here long, and that was, that whenever an appropriation was asked for a particular region, all the Representatives from that quarter went for it in solid column, while at the same time they professed to care nothing about getting the public money; but this unity of action said more than many speeches. If we must have another dry-dock, let it be placed at some point near the mouth of the Mississippi. They of the South might, perhaps, not be so sedulous and importunate as northern gentlemen; but was that a good reason why the South should not get her full share? Because they were unwilling to come cringing and crawling and playing the sycophant. He thought it was a reason the other way; the Government ought rather to be magnanimous, and give more to those who ask less. The gentleman made another remark he would notice: he had said that the North, by being more industrious and persevering, would go on to take everything from their southern neighbors; they came and speculated on our lands under our very eyes, and were building up Yankee towns on southern soil. If the gentleman wished to lecture the South for its good by such remarks as these, the proper place to do it was at the South, not here; this was not a fitting place for southern men to tell the faults of their own parent.

But all this was out of the track. The question was whether the dock was needed, and whether New York was the proper place were both the proposed docks necessary? He thought neither was needed, but if any was built it ought to be at the South.

MR. PICKENS said that as, when up before, he sustained this appropriation in the original bill of \$100,000 for a dry-dock at New York, he now felt, from the range of discussion, disposed to make a few more remarks in addition to what he had already said. He would first notice what had fallen from the gentleman from Pennsylvania, [MR. PETRIKIN.] That gentleman had given us a very good lecture on economy and Democratic principles, and had thought proper to extend a portion of it to him, (MR. P.) He was surprised to find gentlemen from the South, who had heretofore been good economists, ranged in support of this appropriation! All this was good doctrine, and (MR. P.) only regretted that the gentleman's practice had not entirely corresponded with his precept. He (MR. P.) had taken that gentleman last session as his file leader on economy. The gentleman had even set his cue to the tune of economy, that we might follow in his wake; but, sir, when we came to voting appropriations for the Cumberland road, what was my astonishment when I found my file leader wheeling to the right about, and voting *ay*! And is this the gentleman to rise here now, and read me a lecture on economy, because I choose to support an appropriation of \$100,000 for a branch of your naval service, while he supported an appropriation of near a million for the Cumberland road?

I will not condescend to institute a comparison between the two objects. Sir, I glory in supporting liberal appropriations for everything connected with your navy. It is the only safe and efficient

arm of national defense in a free republic; and some of the very gentlemen who will now vote against this appropriation, you will find, at the close of the session, voting what they have thereby saved, and millions more, to dig out harbors upon your inland seas, where God and nature never intended that any should be. Many gentlemen who will now vote down such appropriations as the present, will combine hereafter in a scheme of legislation under appropriations for your Cumberland road, your light-house and harbor bills, and your other thousand miserable *local appropriations*, by which private speculators have been enabled to swindle the country out of millions, and yet all this is sound economy!

The true and only questions before the committee are, is a dry-dock needed at New York, and is this appropriation fit and proper? Upon these points there is a concurrence of sentiment in those who have considered the matter. Where can such an establishment with more propriety be located than in New York, the center of commerce and navigation, and, notwithstanding all her sins, in a commercial point of view, the pride of the Republic? We now lose more, for want of a dry-dock at that point, in two years, by the decay and injury of our vessels of war, than would be required to construct the dock. From the extreme northern point on the coast of Maine to Cape Cod, from Cape Cod to Cape Hatteras, and from Cape Hatteras to Cape Florida, and from thence to the Sabine, by examination of the map you will find between each of these prominent points great bays or indentures in the coast of the United States; and there ought to be in the center of each navy-yard on the most liberal and substantial basis—one at Boston, one at New York, one at Charleston, and one at Pensacola. With more than two thousand miles of sea-coast, and a comparatively sparse population, it is vain and idle to think of any other efficient system of fortification or national defense except by a navy. In the next great conflict, your land fortifications, which have been copied from the French system, will be as impotent and useless (except at isolated points) as are the castles in ruins that now frown over Europe, transmitting to us nothing but the recollection of the barbarian nobility who once inhabited them. No, sir; if war does come, (which may God in his mercy avert,) it will be upon water; the fate of empire will there be decided. Your armies upon land will be of little or no service. Under the great changes in modern times, the true system of defense and power is to take advantage of all the inventions and improvements (particularly in steam) of the day, and give such efficiency to your navy as will enable us to meet any contingency that may arise. I confess that I am proud of being the supporter of that glorious and noble arm of our national defense. It has borne our stars and our stripes in honor to the most distant seas of the habitable globe; and the votaries of freedom in every land have been cheered by the broad folds of our national banner, as it has swept along the remotest coasts of this earth.

But, sir, it has been said that appropriations on this subject have heretofore been sectional; that, while we have not received our share, others have received more than their share. Sir, to a certain extent this has been true; but I contend that expenditures on this branch, more than everything else connected with Government, have shed a common benefit and a common blessing upon our united country. What can protect the immense productions of the South, floating over every sea to foreign lands, as they do, but a vigilant and efficient navy? If the ships are made at the North, and if they are manned by northern men, (but we have our full proportion of officers,) yet if they protect and defend our rich productions from the plunder and oppression of foreign Powers, we have a deep stake in supporting them. It is the only branch of public defense and public expenditure in which we have a peculiar and deep interest. And allow me to say, that this is no time for a Representative from an Atlantic or Gulf State to hesitate in voting appropriations that may be proper to put our navy in spanning order. Look at the movements of the French in the Gulf and on the coast

of Mexico. Without pretending to censure them, or at present to question their rights, yet I will say that their position upon a defenseless coast, and amongst rich and defenseless islands, is tempting to their power; and if they withstand it they have less ambition than the world attributes to them. Sir, what I mean to insinuate is, that in the progress of events such a point may be occupied, and such a position assumed, that the independence of our commerce from the Mississippi valley and through the Gulf may be rendered doubtful in the future. And if such should be the case, I do not hesitate to say it might raise the question of peace or war.

The independence of ten of the richest States of this Union rests upon the freedom of the Gulf commerce being placed beyond the possible reach of any foreign Power. Is this the time for us to stint appropriations for anything connected with your navy? Sir, I abhor that *cruel economy*, which, to save a few thousand dollars now, would sacrifice the blood of freemen hereafter.

I am in favor of the appropriation for Pensacola, too, because I believe efficient protection and support to our navy on that extensive coast, its remote position, and the sparse population bordering upon the Gulf of Mexico, all demand from this Government its guardian care and military protection. I believe, also, that all the States in the valley of the Mississippi and the Ohio are deeply interested in sustaining the power and efficiency of our navy in the Gulf, particularly at this juncture of affairs in that quarter. I go for appropriations of this kind, not because they may be of local benefit to this section or that section, but because of their common benefit to my common country. True, our finances may be low, and let us go for an enlightened retrenchment and economy. Yes, sir, strike at your light-houses and harbor bills—your Cumberland road bill—your new fortification bills—and all such like loose and unnecessary appropriations. But, in God's name, do not strike at the navy, the pride and the ornament of the country; and particularly at this period of the world, when every other maritime Power seems to be concentrating their national energies upon that arm of defense.

Mark the progress of these things, and I predict, when you refuse such appropriations as this, that in the last three days of this very session, the 16th joint rule of this House will be suspended, in order to let in bills embracing all kinds of appropriations, which singly and alone, upon their own independent merits, could never receive the sanction of the majority of this House, upon full or fair discussion.

I will here say that I cannot agree to the proposition, or, as it has been called, a bargain, proposed by the gentleman from New York, [MR. HOFFMAN,] in relation to the Philadelphia dock. It is due to candor to say that I am opposed to that amendment. I do not think it at all needed, if the one at New York is established. The sentiments I have now avowed are the same I have uttered here before, four years since. I am opposed, generally, to appropriations upon land, or for land service, but in favor of strengthening our national defense upon water.

MR. PETRIKIN rose amidst cries of "Question!" "Question!" The gentleman from South Carolina [MR. PICKENS] said he had voted for the Cumberland road. It was true that he had; and he believed, at the time, it was right, and that he was voting for the general good. He had done it partly on grounds of expediency, because the Government was under a pledge; but he found he had been deceived. He had been in the wrong; he had found this out in a very few days after his vote had been given; but if God and his constituents would forgive him for this once, he never would vote another dollar in the same way as long as he lived.

MR. STANLY. I do not rise, Mr. Chairman, to enter into this discussion. Although I feel some interest that the amendment offered should meet with favorable consideration, I have waited for my colleague, who is more immediately interested in the establishment of a navy-yard at the place alluded to by the gentleman from Virginia, [MR. WISE.] If it should be in order, during this

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debate, and if there is the slightest ground for hope that the proposition can succeed, I shall move to amend the bill by making an appropriation for a navy-yard at Beaufort, North Carolina.

My principal object is to call attention to the confessions of my colleague, [Mr. C. SHEPARD,] who is now emphatically "on the other side." He said, sir, among other things, that when appropriations were made for the North, all parties went "in mass, in solid column." Now, sir, the politicians in my part of the world, who belong to the Administration, charge the Whigs with all the extravagant expenditures. I hope that charge will no longer be made, as one of their own party now confesses the contrary.

I regret, Mr. Chairman, that I heard other remarks from my colleague, which I must be allowed to say, are in bad taste from a member of Congress from North Carolina. They sound strangely in my ears, coming from my colleague, who has heretofore, I thought, entertained more liberal views. I disapprove of this eternal thundering, on this floor, from certain southern members, against what they are pleased to call the "miserable local appropriations" of one section. We have other causes which, if not removed, must inevitably tend to array one portion of the Confederacy against the other. It may be, and probably is, true that our northern brethren are more attentive to their interests than we are; that they understand better than we what Sam Slick calls "ciphering;" but, sir, let us do them justice upon this subject of appropriating money. As far as my experience goes, I have never known any northern man oppose an appropriation for the southern country, because it was the southern country. Unquestionably, too, millions of public money may have been wasted in building harbors, clearing out creeks, and improving streams, which nature never intended to be navigable. Much of this has been done in the last eight years. A large portion of this may have been spent at the North; but why was it spent there? Why have we of the South had so little public money expended for our advantage? My colleague knows the reason. It has been the policy of many of our "economical Democrats," as they call themselves, not only to refuse to ask for, to demand, any appropriations, but to refuse to take them when they were offered. If we please, we can admire the consistency of this class of politicians, who, no doubt, were honest in the constitutional opinions they entertained in declining to allow the General Government to make improvements within their States. But then it comes with an ill grace from us to censure others for the consequences of our own conduct.

Mr. Chairman, I am a southern man. I thank my God that I am. Next to learning the Lord's Prayer and the Ten Commandments, I was taught to venerate the character, protect the interests, and defend the honor of North Carolina. I still cherish the recollections of these early lessons. They "grow with my growth, and strengthen with my strength." And, sir, I regard it as a duty I owe to my State and my country to avoid creating sectional feelings. In doing so, we forget the advice of the Father of his Country, and the dignity which becomes the representatives of sovereign States.

The gentleman from South Carolina, [Mr. PICKENS,] who has just taken his seat, habitually indulges in declamation of this kind. He has just put forth a shower of denunciatory epithets against what he calls "miserable local appropriations." I would ask the gentleman what kind of appropriations he sanctions. If I am not mistaken, we made an appropriation last session for some work near Charleston. This was sustained, and properly, by the arguments of gentlemen from that State. Does he call this "local appropriation?" And what appropriations will that gentleman approve of if he objects to local appropriations?

I regret, sir, to have been forced to object to the opinions of my colleague. But I have been unaccustomed to hearing from North Carolina the avowal of feelings and opinions which inevitably tend to alienate one portion of our country from the other.

Mr. THOMPSON said that there could be no more just exponent of the times we live in, and the mode of doing business in this body, than the extreme anxiety of gentlemen to rush this bill through the House after an hour's discussion, and with an almost total ignorance of every important fact involved. We are asked to make a beginning in an appropriation which will require two millions to complete the work, without estimates of any sort, without any reasons showing its necessity, or, if necessary at all, that the points proposed are the most advantageous. Why this "indecent haste" to expend millions, and what makes it worse, with a bankrupt Treasury? He had not offered his amendment for the paltry purpose of defeating the measure. He disdained to resort to such tricks. But he believed, nay, he did not hesitate to say that he would prove, beyond the possibility of refutation, that the interests of the country demanded a dry-dock at Pensacola more than at New York and Philadelphia both put together. What, sir, is the chief use of a dry-dock? Not for building, but for repairing vessels. We have now a dry-dock at Norfolk and one at Boston, and it is proposed to have another at New York, to which he did not object. But what earthly use can there be for another at Philadelphia, when there is one on either side of that place within one hundred miles? Is not that enough, in all conscience, and more especially when there is not, from the capes of the Chesapeake to the Sabine, a single point at which even a long-boat can be repaired? As to building ships, the gentleman from Pennsylvania [Mr. SERGEANT] tells you that the largest ship ever built in America, the Pennsylvania, was built at Philadelphia, as a proof of the ship-building capabilities of that place, and as an argument for the establishment of a dry-dock there. To his mind (Mr. T. said) it proved precisely the reverse of the latter proposition. If such a ship as the Pennsylvania was built without a dry-dock, it was the most conclusive proof that one was not necessary for the employment of the ship-building talents of Philadelphia. A dry-dock is not needed for building ships; and surely, when there are two within a hundred miles of Philadelphia, another is not needed for repairing them. But at Pensacola the case is different, for the slightest injury to a ship on the southern Atlantic coast, or on the Gulf, cannot be repaired nearer than Norfolk. This in time of peace; but, in the event of war, what would be our condition? Why, sir, that, at the very point which must inevitably be the seat of that war, and where our ships must be required, there is no place to repair them in fifteen hundred miles. Naval stations for repairing vessels should be located where they are most likely to be required. Where, for example, are the dry-docks of France? Not at Bordeaux, the great commercial metropolis, but at Brest, Toulon, and Cherbourg. Where are those of England? Not at Liverpool or London, but at Portsmouth and Chatham.

At what point would an enemy be most apt to strike? Most certainly at the Gulf of Mexico. If for no other reason, because the possession of the debouch of the Mississippi would give the command of the commerce of five sixths of the Union—more important than the possession of New York and Philadelphia both. And where else but in the West Indies (in that immediate neighborhood) can any foreign nation congregate their fleets previous to an attack? Besides, the immense value of the commerce of those islands makes that the most important theater of naval conflicts. With a view to these most important considerations he would say that, cost what it might, Pensacola, or some other point on the gulf, should be made an important naval station. If nature had not done all that was necessary, let art assist at whatever cost. But is such the case? No, sir; far from it. He did not hesitate to say that no place on our whole coast presented such advantages; and that in favor of no single point was there such an accumulation of testimony as that which exists as to Pensacola. A late Secretary of the Navy, Mr. Southard, with that enlarged and enlightened patriotism which has illustrated his whole public life, long since urged this subject upon Congress. He says in a report

to Congress: "The whole country from the Alleghany to the Gulf, is interested in the establishment of a naval station at Pensacola. With whatever nation we may be at war, the principal theater will be the Gulf of Mexico, and the object of attack the commerce of the Mississippi."

The board of engineers, with the undivided authority of that body, say, "situated as Pensacola is, with respect to the country on either hand, the immense regions behind it, its rare properties as a harbor become of inappreciable value. First. It is accessible to the largest class of sloops and frigates. Second. Its bar is near the coast. Third. It is perfectly land locked. Fourth. It has excellent facilities for building, repairing, and launching, and for docks and dock-yards. Fifth. Abundance of good water. Sixth. It is perfectly defensible." Commodore Dallas says: "The bar is twenty-three feet at low water, and only twenty-seven is required for the largest ships. There will be no difficulty in deepening to any required extent. But to the seven depth of feet nothing can be more practicable." Commodore Ridgely uses almost the very same language, to which is added the testimony of Rogers, Bainbridge, Warrington, Kearney, Biddle, Woolsey, Ballard, Clarkson, Slidell—of almost every officer who has given glory to our Navy, and of one of a very different sort, the illustrious hero of Charleston harbor. Every officer of both the land and the naval service, without one exception, concurs in its importance as a station, as well as the perfect practicability of making it one. Why will gentlemen then continue to say, give us information and we will vote the appropriation? What do they want? What can be added to what we already have? What else can be furnished? Do gentlemen, not relying upon the opinion of these able men, skilled in this department, desire the data upon which to judge themselves? Let them look into the reports of the late Secretary Southard, and of the various naval officers who have been on that station, and they will find them. They will find a bar now twenty-three feet deep, at low water, and, what is of more consequence, a bar that has not changed half an inch in one hundred and twenty years. By a survey made by the French Government in 1720, the depth is precisely what it now is. A cannon sunk on the bar thirty years ago has been recently found not in the slightest degree imbedded. The bar is now deep enough for all vessels except of the very largest size, and may be, with perfect ease, dredged to any required depth—to sixty feet, if needed.

The valley of the Mississippi, too, furnishes every single article that is needed in ship-building, iron, copper, lead, zinc, hemp, live-oak, everything necessary in ship-building—and, I might add, everything (in the remarkable language of Talleyrand to Bonaparte, when remonstrating against the cession of Louisiana) that is needed by civilized man. And are we to be told that these materials for ship-building must all be sent round to northern navy-yards, to be worked up by northern mechanics, and not only that, but we are to have no naval station on our whole extended southern and Gulf coast, no place in time of war for a naval station; none in less than fifteen hundred miles, where the ships, so absolutely necessary for our protection, may be repaired? And this, too, is refused us at the very moment that gentlemen ask us to add two more to the dry-docks already accessible in the North. That Philadelphia, with two already within a hundred miles, is too remote; but that fifteen hundred miles is not too far for southern fleets to be taken for repairs? In 1825, the President was directed to purchase a site, erect buildings, and establish a naval station at Pensacola. Has anything effectual, as yet, been done? In 1836, by collecting together a set of the most revolting facts, showing the grossest neglect, not only of southern, but of national interests, I wrung from the House a small appropriation for these great objects; yet scarcely any of that small appropriation has, as yet, been expended. Am I, sir, (said Mr. T.,) are the people of the South, to be silenced by the miserable excuse that there was some dispute about the title to the ground owned by the Government? Why

has not that title been quieted by compromise or otherwise? Or why has not some new site been selected? If the people of the South and West submit to these things, they deserve no better. Mr. T. did not hold the present head of the Navy Department responsible for those things. It would be unjust to charge that gentleman with any want of a just regard to the interests of the South. And, sir, am I to be taken up and lectured here, not only by northern but by southern men, too, as involving improperly sectional topics, because I allude to these things? I should be recreant to the South and its interests if I forbore to do so from any sickly and mawkish sentimentality, or the poor vanity of making fine sentences about our glorious Union, and that broad patriotism that looks to the interest of the whole country, disregarding all sectional injustice, however gross. If this be narrow and sectional, be it so. Let gentlemen make the most of it, and pursue, if they choose, a different course. That they will gain much reputation for a large and enlightened patriotism elsewhere than at home, I do not doubt. Whether they will promote the interests of their constituents or the country is another question. I know the generous and confiding nature of my friend from North Carolina, [Mr. STANLY.] Conscious of a superiority to all narrow feelings, he suspects none in others. Let him stay here as long as I have, and I rather think he will find these notions going out at the palms of his hands.

But my friend from New York [Mr. HOFFMAN] has first brought up this topic, and repeats indorsing some remarks at the last session by the gentleman from Massachusetts [Mr. ADAMS.] That distinguished gentleman, in reply to some remarks of mine made two years before as to the inequality of disbursements, with the trick, or rather I should say the skill (as that is more respectful) of a practiced dialectician, relied upon the fact that the largest amount of the public money on deposit was in the southern States. There was much more of wit than truth in the views which he presented. What was my position? That much the largest amount of appropriations went North. How does he reply to it? Why, by showing that whilst on deposit, between the time of collection and disbursement, large sums were found in the South. For example, Alabama paid to the Government, in 1834, about \$1,250,000, and received back in appropriations \$250,000; whilst Vermont, which paid \$179, received \$185,000; Mississippi and Louisiana paid \$1,000,000 each, and each received in appropriations less than \$250,000; whilst New Hampshire paid \$16,000, and received \$334,000. But while this money was in transit from these southern States, which it depleted to skeletons, to these northern States, which it fed to repletion and plethora, it did stop a little while in southern banks until it could be removed to its ultimate and legitimate home in the North. Our own money abided with us three months, "three little months," and that is made an item of charge against us.

But, says the gentleman from New York, [Mr. HOFFMAN,] there is the Florida war, and its large appropriations. Indeed, and has it come to that? Are we to be charged, as for a sectional purpose, with money expended in defending our wives and children from the savage tomahawk? Most beneficent Government! most generous and magnanimous people! who are capable of the unexampled generosity of appropriating money for these purposes! Why, sir, that is the single benefit that we of the South receive from this connection—and that is enjoyed in at least an equal degree by the North—united strength and mutual aid in war; a great matter, it is true, but not to be put down as of a sectional character. But, sir, if the gentleman's constituents have given us money to carry on this war, I believe it is all they have given. I have heard of no volunteers from that quarter. I wonder what has become of that gallant regiment of New York, which, on a late memorable occasion, tendered its services to General Jackson to go and cut the throats of the Nullifiers! I remember it well, for I was alarmed no little. It was a great crisis everywhere, but especially with us; and when every heart, rightly

attuned, beat fervently for the peace of the country, and prayed that the bitter cup might pass from us; when good men and patriots sought more the olive branch than the bayonet; when that olive branch was magnanimously and generously tendered, and in the same spirit received, this gallant regiment thought only of the spirit-stirring drum and the strife of battle. What has become of those gallant fellows? Dead, I suppose, sir, all dead, or surely their trenchant blades would have leaped from their scabbards at the first note of this Florida war; all dead, I suppose—killed in foreign wars, no doubt, in Texas, or perhaps in the civil wars of Spain, as it seems to be a civil broil for which they have a special fancy.

On motion of Mr. EVANS, the committee then rose, reported progress, and the House adjourned.

#### GRADUATION BILL.

#### DEBATE IN THE SENATE.

January 2, 1839.

The Senate took up for consideration, as in Committee of the Whole, the bill to provide for the reduction and graduation of the price of the Public Lands.

Mr. CLAY, of Kentucky, had offered a resolution to refer the bill back to the Committee on the Public Lands, with instructions to that committee so to amend it as to restrict its benefits to actual settlers.

Mr. CLAY, of Alabama, deemed it only necessary to remark, on this occasion, that the bill was now in the same shape as that in which it passed the Senate at the last session. The bill had, in its original shape, provided for a further reduction to fifty cents per acre, but that clause having been stricken out, the lowest reduction was now seventy-five cents, extending to lands that had been offered for fifteen years and upwards. The bill contained no new principle—it was well understood; and was regarded as a measure of justice by the new States, who asked it of the National Legislature, principally, on that ground. With these observations, he would content himself with submitting the measure to the judgment of the Senate.

Mr. NILES offered an amendment to strike out all after the proviso in the 12th line; which was agreed to.

Mr. CLAY, of Kentucky, was sure that the Senate would agree with him in thinking that this bill was one of great importance, and that the most deliberate consideration should be bestowed on it before taking the vote. He was aware that the Senate, at the last session, passed a bill somewhat like this, containing its essential provisions. But the Senate was then constituted somewhat differently from what it now was. Many members might have changed their opinions; and the country itself, judging from an expression of opinion by a large and respectable portion of it in one of the southern States, was getting more alive to the importance of this great portion of our national wealth. He did hope, therefore, that this important question would not be hurried through without a thorough discussion. He had so recently addressed the Senate on this subject, that he should, with extreme reluctance, again engage in the discussion; but the magnitude of the interests involved would not permit him to continue silent. The bill, as it now stands, operated on seventy-one millions of acres of public land, as large as two of the States of this Union, and which, under its provisions, were almost instantaneously to be reduced in price from \$1 25 to 75 cents. The difference in point of value of these lands, between the prices under the existing law and those they would be reduced to under the operations of this bill, was \$35,000,000. Now, a sum of this magnitude, at any time, and especially at a moment when the Government was pressed for want of revenue—when gentlemen on all sides of the House seemed to think it their duty to retrench—ought not to be voted away without the most imperative considerations. It was not his purpose at this moment to offer all the considerations which

pressed upon him; he had risen only for the purpose of making a motion, to which he invited the serious attention of the Senate. It was not necessary for him to repeat that he was radically opposed to any change of the land system, and the motion he was compelled to make was to limit the waste of this public treasure. The motion was to confer the right to purchase public lands at a reduced price upon actual settlers, to exclude speculation, which he believed would be the inevitable consequence of this immense reduction. At the very moment (said Mr. C.) that we are casting from us this valuable treasure, immense fortunes are making by individuals, who are purchasing these lands at the minimum price, and selling them at a large profit to actual settlers. He believed that if the sales had been confined to actual settlers, the population of the new States would have increased much more rapidly than it had done. His object was to confine the boon to actual settlers only; and with this view he offered his present motion, and asked for the yeas and nays on it.

Mr. C. then moved that the bill be recommitted to the Committee on the Public Lands, with instructions to amend it so as to restrict the sales at a reduced price to actual settlers only, and to limit each sale in quantity to one hundred and sixty acres.

Mr. WALKER said the Senator from Kentucky [Mr. CLAY] has given us no reason to suppose that if the bill were recommitted and amended, as he proposes, by limiting the sales to actual settlers at the reduced prices, he would then support the measure. Mr. W. would now inquire, would the Senator from Kentucky support the bill if his amendment were adopted? The Senator from Kentucky would not and could not answer in the affirmative; he had always opposed graduation in every form, and he (Mr. W.) had no doubt would continue to oppose it. The amendment, then, was not offered to aid the passage of the bill, but by one who would oppose the measure, however amended or modified. And, now, is it not most extraordinary that the Senator from Kentucky should be found proposing this limitation of the sales at the reduced prices to actual settlers—a measure which he had denounced as odious, unjust, and unconstitutional. Had the Senator forgotten his course on this subject in 1836, 1837, and 1838? He had forgotten that when, in the spring of 1836, he (Mr. W.) had first introduced a bill confining the sales of the public lands to actual settlers, he [Mr. CLAY] had risen to prevent even the second reading of the bill. He denounced the limitation of the sales to actual settlers as a gross violation of the Constitution, and declared that the bill ought to be instantly rejected. At that session (Mr. W. said) he had been defeated, but the next year (1837) he brought forward the same measure. Again the Senator from Kentucky was its ardent and persevering opponent; but, nevertheless, the measure passed the Senate, but failed in the House. And now, is it not surprising, is not the Senator himself astonished, is not the Senate and country astounded to hear the Senator from Kentucky proposing to incorporate into this bill a principle which he has so recently and repeatedly denounced as unjust and unconstitutional? Ought not the Senator to have permitted a little more time to have elapsed before he astonished his friends and the country by this most extraordinary change of position. But, sir, it is a change of position only, not of principle. The Senator from Kentucky has not changed his principles; he is still the uncompromising opponent of the actual settler; he is only assailing from behind a breastwork the interest of the new States, and he will vote against the bill, whether his amendment is adopted or rejected. If it is otherwise, let the Senator from Kentucky now say, that with the amendment he will support the bill, and thus insure its passage in both Houses, and he (Mr. W.) would support the amendment. The bill, as it now stands, limits the right of entry at the reduced price to one section, thus preventing all danger of monopoly or speculation. The bill was confined to the lands that had been long in market, and which your official reports demonstrate, will not sell within any reasonable time, if ever, at the present price.

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## Graduation Bill—Mr. Clay, of Alabama.

SENATE

Many of these lands have been in market nearly half a century, and no one would give for them the minimum price per acre. Do you intend to hold on to them another half century, by demanding prices they will never bring, or do you intend never to change the price of these lands? Do you intend thus to condemn to perpetual desolation vast regions of the valley of the West, because, in the opinion of the Senator from Kentucky, as exhibited in his table, some portions of this great valley may be too rapidly augmenting in population. It has heretofore been considered by political economists, that that statesman was most wise, useful, and patriotic, who encouraged the cultivation of the soil of the country; but now this maxim seems to be reversed, and he is to be regarded as the most useful individual who will withhold from cultivation the largest portion of the soil of the country, by demanding prices for it which it will never bring—by holding on to it from century to century; losing by this wise scheme of finance, by interest alone, in every sixteen years, one half the limited price. But why move to recommit the bill? The bill was open to amendment without recommitment, and the Senator from Kentucky could now move his proposition, and take the sense of the Senate upon it, without sending the bill back to the committee. A recommitment could produce no other effect than to endanger the passage of the bill by the delay which it would occasion, one-third of the short session having already passed; and Mr. W. hoped that no friend of the bill, in any shape, would vote for the recommitment.

Mr. CLAY, of Alabama, expressed his surprise that this motion for recommitment, made by the Senator from Kentucky, [Mr. CLAY,] had not been made at an earlier day. The bill under consideration, he said, as its number indicated, was the first one introduced at the present session. It had been introduced on his (Mr. C.'s) motion at the earliest possible moment. After having been twice read, it had been, in the usual course, referred to the Committee on the Public Lands, by whom it had been reported, without the least delay, in form and substance, as it had passed the Senate at the last session. When the bill first came up for consideration, the honorable Senator from Kentucky rose, and said he had not expected it to come up at that time, and that, consequently, he was not then prepared for its discussion. He moved the postponement of its consideration till the following Monday, and his motion was sustained. In the mean time, the Senator from Missouri, [Mr. BENTON,] availing himself of this delay, moved its reference to the Committee on Finance, with a view to have it considered, and reported upon in reference to the probable effect of its passage upon the revenue. That committee reported it back on the day appointed for its consideration, but other business occupied the attention of the Senate that day, and for several days afterwards, and, in the mean time, the report of the Committee on Finance was printed. The bill came up again a week ago; and what course did the Senator from Kentucky then think proper to pursue? He seemed to be then as much taken at surprise as in the first instance; he was not still ready for its discussion, and again moved its postponement, and it was further postponed till Monday last. The attention of the Senate was, however, occupied throughout that day with other subjects, and it had not come up until now.

Now, (said Mr. C.,) why did not the Senator from Kentucky offer his proposition for recommitment at one of those periods? He said all knew this was the short session, limited by the Constitution to the 3d day of March; and one third of the period allotted to it had elapsed. He asked, did not the course pursued have the appearance of a wish to defeat the bill, by procrastinating its passage to so late a period of the session that there would not be time left sufficient for the consideration and action of the other House? Could it be considered fair and honorable, in the enemies of the measure, thus to attempt to defeat it by indirection? Mr. C. said he would not charge this to be the intention of the Senator from Kentucky, but certainly that would be the effect, whatever might be the motive. The friends of the measure had full confidence in its merits, in

its justice and its expediency; all they desired was that its opponents should meet it fairly. Let them bring forward whatever objections they believed to exist, and urge all their arguments against its principle or its policy; and its friends would undertake to meet all those objections and arguments. We only ask (said Mr. C.) time for investigation, and time for action; a dispassionate consideration, and a calm decision.

Sir, (said Mr. C.,) if there were anything novel in the measure before us, there would be some plausibility, and, perhaps, propriety, in seeking to delay its progress; but there is no new feature in it. As the bill now stands, it was not only fully debated, but passed the Senate by a decided majority at the last session, and within the last seven or eight months. Nor, indeed, (said Mr. C.,) was it then new. It had been a subject of deep and exciting interest, not only in the new States, where the lands embraced by its provisions lie, but throughout the Union, for the last twelve or fifteen years, but more especially during the last six or seven. Within the latter period, he said, it would be recollected, the bill for the distribution of the net proceeds of the public lands, amongst the several States, had been repeatedly agitated in both Houses of Congress. That measure had been just cause of alarm amongst the people of the new States, and had attracted the attention of all. It had been freely discussed everywhere; not only here, but in most of the State Legislatures, and in primary assemblies of the people. Then why recommit the bill, which must result in inevitable delay? Why not meet the question at once, and determine its fate in one way or the other—either favorably or adversely?

But, sir, for what purpose are we called upon to recommit the bill? For the purpose of so amending it as to restrict the sales to actual settlers, and in quantities not exceeding one quarter section; and this motion comes from the Senator from Kentucky. I confess, I heard his proposition with astonishment! It is surely a novel movement on his part. It is the first time we have ever heard his voice raised in favor of the occupant or pioneer. Why, sir, have we not, within less than twelve months, within these same walls, heard the Senator from Kentucky denouncing this worthy class of citizens as lawless intruders, trespassers, and violators of the law, utterly unworthy of any favor from the Government? What strange magic has wrought this change in that Senator's feelings towards those who were so recently destitute, in his opinion, of all meritorious claims? He asked for the evidence of the sincerity of the Senator from Kentucky in this extraordinary, unexpected, and questionable movement in their favor. His apparent zeal in behalf of the settlers might well be questioned, when his whole course, heretofore, had been that of unyielding opposition and unsparring denunciation.

Sir, I am not opposed, on this, or any other occasion, to giving the right of preemption to the occupant of this, or any other class of the public lands. It is true there is not the same inducement to extend such protection in reference to the lands embraced by this bill, as in the case of lands subject to sale at auction. The right of preemption was mainly intended to protect the humble settler against the overwhelming power of capitalists and speculators at public sales. At those sales the price was not limited, the highest bidder became the purchaser, and any man whose purse contained a few more dollars than that of the occupant, might oust him and his family from the possession and enjoyment of a tract made desirable and valuable by his labor and industry. The lands embraced by this bill are not subject to be sold at auction, but they are to be open to private entry, at fixed prices; and, however poor a man may be, if he can command one dollar or seventy-five cents per acre, he can compete with the most wealthy purchaser. Diligence and promptitude in his application will give the poorest man who can command the reduced price, the preference over the richest, who may be more tardy.

But, sir, there is no need of the proposed amendment to protect the occupants of these inferior lands; they are already entitled to the right of preemption till the 22d of June, 1840, under the provision of the preemption-law passed at the last

session, and which the Senator from Kentucky opposed, in every stage, so vehemently. Every settler on public land subject to private entry, knows that, under the preemption law referred to, and the construction placed upon it by the Secretary of the Treasury, he has the undisputed right to enter it, in preference to all others, for the period of two years, from and after the passage of that act. The reduction of the price cannot affect this right. If a law were to pass reducing the price of all lands, whether subject to sale at auction or by private entry, every occupant would still retain his right of preemption at the reduced price. It is not, then, the preference proposed by the instructions, to be given to actual settlers, that constitutes the objection we entertain; it is the restriction of sales to settlers alone, and suffering no one who is not an occupant, though he may own adjoining lands, to which portions of these refuse lands may be a desirable addition on account of timber or pasture, or though he may be entirely destitute of a home for his family, to become a purchaser at the prices fixed by the bill.

Still, however, (said Mr. C.,) the recommitment of the bill is not necessary to the attainment of the object in view, even if a majority of the Senate should concur in the views of the Senator from Kentucky. Why not move the amendment here? The bill is before the Senate, as in Committee of the Whole, and open to any amendment or modification, which may meet the views of a majority. Such an amendment can easily be drawn up, and now submitted, and decided. We are ready to meet the question; it is the delay, and the consequences of delay, to which we object. Our enemies may attain one object, by the defeat of the bill under consideration. It may continue to retard the growth and prosperity of the States west of the Alleghany Mountains, and, consequently, lessen their political importance. He said, keeping up the prices of those inferior lands would compel thousands of the humble class to remain in the older States, either in your crowded cities, or force them to go into your great manufacturing establishments, to obtain the means of a scanty subsistence. Mr. C. alluded to the view heretofore urged by him, and maintained that the laboring poor, on this side of the mountains, as well as on the other, were interested alike in the success of this measure. He urged, in substance, that, by reducing the price of these refuse lands to their fair relative value, it would be placed in the power of the humble cultivator of the old States, to obtain a home which he could call his own, and, by honest industry, rear his family in comfort and independence. The bill, he said, was not confined in its operation to special localities; but, if passed, its benefits would be diffused throughout our country.

But, sir, the Senator from Kentucky denounces the bill as tending to encourage monopoly. And what is this frightful monopoly, against which the Senator, for the first time, raises his warning voice? Under its provisions, no one individual can enter a quantity exceeding six hundred and forty acres; yet the Senator would alarm us by the portentous cry of monopoly—a monopoly of six hundred and forty acres of refuse land—of land, much of which has been twenty years, or upwards, in market, and cannot be sold for the minimum price of one dollar and twenty-five cents per acre! Much of this land was of the third, fourth, or even fifth quality, situated in the oldest parts of the new States, and interspersed through the most dense and populous districts, attended by every facility for knowing its value, or making settlements upon it; yet it would not command, because nobody thought it worth, the minimum price. Is the purchase of a section of such land as this a monopoly, with which we, or the people of this country can be frightened? Mr. C. said he would be rejoiced to hear the honorable Senator's distinguished eloquence employed in denouncing other monopolies which, in his opinion, ought to be regarded as really enormous, and dangerous to the liberties of the country. He said it was under the auction system, assisted by our expanded bank-paper system, that the public lands had been monopolized. It was not the object of the friends of the bill to encourage speculation in any part of the public domain. Our object, said he, is to bring these

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Graduation Bill—Mr. Benton.

SENATE.

lands into market at a price proportionate to their value—at a price which will induce purchasers to enter them for cultivation—to fill up the population of the new States—to develop their resources, and mature their strength.

Would the Senator from Kentucky (asked Mr. C.) cut off those who may own adjoining lands, from the privilege of entering a limited quantity to complete their settlements? He said many individuals, poor, as well as rich, had purchased and settled on tracts not more than sufficient for cultivation; would it be fair or just to deny them the privilege of extending those tracts, by adding others at the graduated prices, to supply them with timber and pasture lands? This class would not purchase for speculation, yet they would be wholly denied the benefits of the act, if the amendment of the Senator from Kentucky prevailed.

Sir, we learn from the documents on our tables, that there were about *seventy-one millions of acres*, which have been subject to entry five years, and upwards, on the 30th September, 1837; and the Senator from Kentucky exclaims, in reference to this quantity, that the bill will operate on land enough to make two large States; and that it will make a difference of \$35,000,000, in the amount of money to be obtained for it! Now, sir, is this a fair mode of treating the subject? Why, sir, we all know, or ought to know, that it is shown by the report of the Commissioner of the General Land Office, made in January last, in obedience to a resolution of the Senate, that the general average price, under the entire cash system, (which began in July, 1820,) was only \$1 27 4-5 cents per acre. The same document tells us that the average price of all the land, sold in 1828 and 1829, each, was only \$1 26 per acre—one cent gross above the minimum. We all know, too, that the much-abused preemption laws had nothing to do with producing this result. No general preemption law was then in existence, or ever had existed before; the first general preemption law having passed on the 29th May, 1830. Such are the facts in regard to the prices obtained for your most fertile and valuable lands, as shown by undeniable evidence derived from the most authentic source. Yet the Senator from Kentucky declares that the bill, which only proposes a reduction to seventy-five cents per acre, will make a difference in the receipts from these refuse lands, equal to \$35,000,000.

Sir, here is an assumption that the lands embraced by the bill would command as much as the best lands which have been sold by the Government under the cash system. Can any one seriously entertain this opinion? Why, sir, 14,276,156 acres of this land had been in market, and subject to private entry, at the minimum price of \$1 25, for twenty years and upwards; on the 30th of September last, 21,929,673 acres of it had then been in market from fifteen years to twenty years, and remained unsold at the minimum; 16,280,673 acres had then been in market from ten to fifteen years, and remained unsold, at the minimum; and 18,517,802 acres had then been in market from five to ten years, and remained unsold at the minimum. Is it fair, then, to assume that this immense quantity of refuse land, embracing barren mountains and sterile pine barrens, will ever command the Government price? No, sir; much of it never will command any price, and the one half, nay the one third, would not sell at the present minimum in twenty years. If it would, it is better for the Government to receive seventy-five cents per acre now. If we compute the interest on that price, even for twelve years, we shall find it equal to the reduction of fifty cents per acre, the lowest contemplated by this bill.

Sir, it is due to the future strength, resources, and prosperity of the new States that these lands should become the property of individuals. The law does not prevent the use of the timber which is upon them; it may be cut down and carried off with impunity. Transient settlers may go upon them, cultivate them for a season, and remove to others. Having no permanent interest in the soil, they will cultivate it without regard to its preservation. In this manner it will be stripped of timber, worn out, and exhausted, and deprived of all its value to this Government or to the States. The new States will thus be denied the benefit of the increase of population to which they are entitled,

and have their resources and productions diminished and crippled. Even now, much of this refuse land is daily deteriorating in value. It is our interest that every stick of timber not absolutely necessary for present use should be preserved, and that every acre of land should be profitably and judiciously cultivated.

But, sir, as I have heretofore contended, the United States are bound, in good faith, to reduce the price of inferior lands till they will sell. Can it be regarded within the terms of the compact under which the new States were admitted, that those lands are never to be sold, unless they will command \$1 25 per acre, or any other given price? By no means, according to his understanding. The new States were required to disclaim all right and title to the waste and unappropriated lands within their limits, and that the same should remain at the sole and entire disposition of the United States; and, moreover, that every tract of land sold by the United States, after the admission of such new States, should be exempt from taxation of every sort for the term of five years from the date of such sale. These, with the right to tax the lands of the United States within their limits, and various other rights of sovereignty, were required to be surrendered; but the terms speak of, and contemplate a sale by, the United States; they clearly imply an obligation to sell. Then, is it a fulfillment of that obligation to refuse to sell those lands for a price equal to their value—to refuse to sell them for what they are worth? Certainly not. If the obligation could be discharged by fixing a price, it might be done by establishing five or ten dollars as the minimum. This could not be regarded, however, as a performance of the compact in good faith, for the lands would not sell at all; it would be tantamount to declaring that none of this land should thereafter be sold, which all would pronounce a palpable and flagrant breach of faith. Sir, the only way for this Government to perform its obligation in good faith is, to offer those lands at their fair relative value; such as are of any value will then sell; but to hold all the different qualities at one fixed price is just as absurd as to require the same price for all domestic animals of the same species, or to hold all fabrics, manufactured of the same material, whether fine or coarse, to be of equal value.

Mr. C. said, as a financial measure, also, the bill was now entitled to the favorable consideration of the Senate. It would be recollected (he said) that the bill had been, on the motion of his honorable friend from Missouri, [Mr. BENTON,] referred to the Committee on Finance, to consider and report upon its probable effects upon the receipts of the Treasury. The result (he said) was known; the report of that committee, sustained by the opinion of the Secretary of the Treasury, was upon our tables, and established that its operation would be altogether favorable. It would enhance the receipts of the Treasury, when those derived from other sources were not only limited at present, but diminishing every year, under the operation of the compromise tariff law. Without the aid of this measure, it was apparent (he said) that we should be compelled to resort to other loans to sustain the Government. He asked, could it be sound policy to borrow money at any rate of interest, rather than supply the wants of the Treasury by a sale of these inferior lands at a fair price?

Taking the measure in every point of view, under the provisions of the several compacts, in reference to the claims of the new States, or the obligations of this Government in reference to the interests of the new States, or those of the Union, it was of beneficial tendency. He did not desire to consume more of the time of the Senate; indeed, he had not intended to consume any portion of it on this occasion, as the bill had not changed in its provision since the last session, when it had undergone a thorough discussion, and was passed by a decided majority. He had hoped, and somewhat expected, it would have passed at the present session by a silent vote. Nor could he now suppose—as no new objection had been stated, and no new argument against its justice or expediency had been presented, which had not before been considered—that the vote of any honorable

Senator would be changed. Mr. C. confidently anticipated its passage now, by a majority as large as that by which it had passed at the last session.

Mr. BENTON was glad that the motion had been made—that was to say, coming from the quarter it did; and the yeas and nays having been ordered on it, would, after having been taken, do away every objection to the new preemption law which would be brought forward at the next session. It would do away all objections as to the constitutionality and justice of the measure, in giving a preference to one class of citizens over another, while it would also be an abandonment of all objections that had been taken to the character of the settlers. And again: he would say with a great deal of sincerity, that he rejoiced at the motion having been made, coming from the quarter it did, and that the yeas and nays had been ordered on it, as he should expect at the next session every year recorded in favor of this motion to be recorded also in favor of a preemption law. So much for the good of this motion; now for the evil of it. The farmers who are cultivating their farms in all the new States, from the borders of the northern lakes to the Gulf of Mexico, would be cut off by this amendment from the right of acquiring from the refuse lands at the reduced prices, which lie contiguous to their farms, such additions to them as they need, for the various supplies of wood, water, quarries of stone, pasturage, outlet for stock, &c., as well as for making a provision for their children. Now, how many of this class of persons were to be cut off? The old settlers who had been in the new States these ten and twenty years, who had made roads and built mills and churches, and had, by these means, made these refuse lands of some value, were to be cut off from the benefits of this bill. Yes, sir, by these means the entire population of the new States were to be cut off—to be outlawed, so far as the acquisition of the public domain is concerned—cut off from the rights which they now enjoy by the laws of the land, of acquiring a small portion of the refuse land contiguous to their farms, and which may be essential for the perfection of their improvements. Are we asked to inflict this injury on four or five millions of people? Were they not even to be allowed to acquire the waste land contiguous to them, even to keep off a bad neighbor? No, he felt the utmost confidence in referring this matter to the Senate, that no such species of outlawry would be enacted against half a million of heads of families in the West. What argument was offered in favor of it? Why, forsooth, to prevent speculations, as if the bill, as it now stood, did not limit the acquisition at the graduated price to six hundred and forty acres, and that, too, to be gathered up in different parcels? If six hundred and forty acres of land, which has been left without a purchaser for five or ten or fifteen or twenty years, and which would not be accepted as a gift from the sovereignties from whom we acquired this territory, are to be regarded as a speculation, and the people are to rush upon it, he apprehended that such a man as John Jacob Astor had proved himself to be by his conduct in business was not the man to engage in such speculations. He apprehended that the fifty years Mr. Astor had been engaged successfully in business, gave a sufficient contradiction to any such idea. The fears of the Senator from Kentucky were vain. Show me (said Mr. B.) the exception in the West where the man who extensively speculated in these lands did not become bankrupt; where even his own hereditary fortune was not eaten up by the continued losses, by taxes, by the infidelity of agents, and by a thousand other drawbacks to which such large speculators are inevitably subjected. Six hundred and forty acres to each purchaser was the quantity to which the bill now limited the sales, and we hear the loud appeal—the appeal forever made against touching the land system whenever any measure of the kind is brought forward to encourage the agricultural industry of the new States.

I utterly deny (said Mr. B.) that we are touching the land system. I utterly deny that we are touching any part of the system of surveying, or of giving title to the public lands. It is the price alone that is to be touched, and that has been oper-

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ated on from the commencement of the Government to this time. The system was to continue the same, and the price of the refused lands alone was to be affected. Speculation! speculation! This is the raw-head and bloody-bones forever held up. Happily, we have got some examples to give, and happily the system of graduation has been tried—tried in the most delightful part of the United States—tried on an extensive scale, and with the most happy results. In all that part of the State of Mississippi acquired by treaty from the Chickasaw Indians, the system was established by the Indians themselves, and experience had shown that it had operated in the most beneficial manner, both for the Indians and for the State. These lands were to be sold by the Indians for their own benefit.

Mr. B. here read from the treaty of 1831 with the Choctaws, the scale of graduation, as follows: "The lands, as surveyed, shall be offered at public sale, at a price not less than one dollar and twenty-five cents per acre; and thereafter for one year, those which are unsold, and which shall have been previously offered at public sale, shall be liable to private entry and sale at that price. Thereafter, and for one year longer, they shall be subject to entry and private sale at one dollar per acre. Thereafter, and during the third year, they shall be subject to sale and entry at fifty cents per acre. Thereafter, and during the fourth year, at twenty-five cents per acre; and afterwards at twelve and a half cents per acre."

And moreover these Indians had provided for the abandonment of their refuse lands after four years, while the United States have been hanging on to these lands, which were subject to gratuitous gift by the Spanish Government. And now what was the effect of this system? The objection made to this bill is that nobody will buy the lands at the present minimum price because they will prefer to wait until the next year, when they will come down to the first graduation of one dollar, and then that nobody will buy at the graduated price of one dollar, because they will prefer waiting another year for them to come down to the lowest price of seventy-five cents. By this argument, futile and weak as it was, and which no one ever gave a moment's consideration to, nobody would buy the Chickasaw lands till they fell to twelve and a half cents. Such an argument was contradicted by reason and experience. Who ever believed that a man would risk the loss of the lands he wanted by waiting a whole year for the sake of saving twenty-five or fifty cents an acre? Mr. B. then went on to show the progress of the sales made of the Chickasaw lands, by which it appeared that at three different prices they sold much faster than the lands of the United States. The sales were now going on rapidly at fifty cents, without waiting till the next year, when they would be at twenty-five cents. In short (said Mr. B.) all the land that was worth \$1 25 sold at that price, without the purchasers waiting another year for it to fall. All the land that was worth one dollar, also sold at that price, without waiting for it to fall to fifty cents; and so, also, was the case with the land that was worth fifty and twenty-five cents. Now did not this show the wisdom of these Chickasaws? and ought we not to profit by their example and experience? Are we not daily taunted with the wants of the Treasury? Have we not been compelled to issue Treasury notes, which are, so far as creditors are concerned, nothing but a forced loan? Can we not (said he) avail ourselves of the wisdom of these Chickasaws, and sell our refuse lands for what they are worth, and by this means replenish our exhausted Treasury? It was in this view that the Committee on Finance had made a report, recommending the passage of this bill as a revenue measure, and he deemed it fortunate for the country that they had these refuse lands. Mr. B. referred to the operations of the compromise bill, and the rate at which it was bringing down the receipts from the customs. And what, he asked, had the scheme for preventing the sales of the refuse lands for its object? It was to cripple the Treasury, so that by the year 1842, when the compromise bill had been worked out, there would be a triumphant argument in favor of an increase of the tariff. We are for supplying the wants of the Treasury from the proceeds of

these waste lands, thereby preventing the necessity of recurring again to a high tariff. What did the gentlemen propose, who wish to prevent us from selling these lands? Did they mean that the Treasury shall go down to ten or twelve millions, and make this the first step in the march in the return to the old tariff? He considered this movement as step number one, in the system heretofore to be developed for the revival of the tariff, and he wished all those gentlemen who come from that quarter of the Union, which for all the purposes of exaction, is the Asia of America, and where the great land holders are not nabobs, but the Zemindars, who merely hold the title to the land, but yield up the proceeds to lords paramount. Upon our conduct with regard to these lands depends what will be their conduct with regard to the unjust duties. The Treasury will be thrown upon the cotton, the rice, and the tobacco of the South; and he asked the gentlemen who came from that portion of the country which grows these products, to consider well what they do, when they come to record their votes.

This question presented itself in several aspects, several of which he had briefly touched on; another view of the subject was, that it was but an act of mere justice to the new States that the refuse lands lying in them should be converted into private property, that they may be subject to taxation, and thus contribute to the support of the State governments, instead of their being, as now, under the barren scepter of the Federal Government. Here were seventy-one millions of acres, enough, if united, to form two new States, and yet the States, in which it is dispersed, are not allowed to tax them. Was not this an act of injustice to the new States, and in violation of the compact entered into with them? Was it not plainly, in the fair construction of the compact, that these lands were to be sold, and not held up by keeping on them an arbitrary price, for all of them, good, bad, and indifferent? Was it not, in the fair construction of the compact, that the Federal Government shall sell these lands, and, in order to sell them, must they not offer them at a price at which they will sell? The new States were unjustly treated, in being obliged to lose the amount they ought to be receiving from the taxation of them, without taking into consideration the great loss to their agricultural industry, by keeping them waste and unproductive.

Mr. B. referred to the emigration to Missouri. The largest emigration that had ever taken place to his State, was that of the last year; and all the emigrants went on to the new lands, where they could get first choices at \$1 25 per acre, because they could not give that sum for picked-over lands in the old counties.

Mr. B., after describing the manner in which very small portions of good land is mixed up with large portions of indifferent land in the old counties, recapitulated his argument in favor of selling these waste lands for the supply of the Treasury, in order to avoid a recurrence to a high tariff, loans, or, what was worse, to a new issue of Treasury notes.

Mr. CLAY, of Kentucky, would make a few remarks in reply to the Senators from Mississippi [Mr. WALKER] and from Alabama, [Mr. CLAY.] From the course of the Senator from Alabama, in directing remarks against him personally, rather than to the subject before the Senate, it might be thought that he was actuated by some secret grief, some private animosity. He asks, why was this amendment not proposed at an earlier stage of this bill? Did it not occur to that Senator that this was the first opportunity that he (Mr. C.) had of presenting it? This bill was brought up suddenly and unexpectedly to him at the beginning of the session, and the Senate agreed to postpone it at his request. It again came up during the Christmas holidays, and was postponed until Monday last. At some personal inconvenience to myself I attended the Senate on that day, prepared to discuss the measure, but it was not called up by its friends; so that the Senate will see that this is the first opportunity which has been presented of offering the amendment. But the Senator from Alabama, not content with the charge of endeavoring to defeat the bill by procrastination, says I have always shown myself the enemy of the new

States. The Senator is more anxious to impress this idea on the new States, than he is convinced of the truth of it. The charge is not only wholly unfounded in reference to myself, but is also so in respect to the action of this Government, which, so far as regards the new States, has been eminently paternal. Look at the munificent grants to several of these States, and to Alabama—one thirty-sixth of the public lands granted for the purposes of education, and other large and liberal grants for roads and other purposes; and yet we are to be taunted with the illiberality of our policy towards the new States.

Mr. C. said his language respecting the pre-emptioners had been distorted or misrepresented. He had been charged with having indulged in opprobrious terms towards this class, which he had never used. He was opposed now as then to the pre-emption law, not because he was opposed to the settlement and occupancy of the public domain, but because it was an appropriation to these individuals of a public and general property.

The Senator from Mississippi proposes a compromise; he asks me, will I vote in favor of the bill in case the amendment I propose will be adopted. The Senator has no right to ask this question. The bill is open to amendment by any Senator; and I will only say that if compelled to take the bill as offered by the committee, on the bill with the proposed amendment, I would infinitely prefer the amended bill. The Senator says there will be no necessity for this restriction, that the bill already limits the amount to one section for each applicant. Why, sir, there are forty land offices; a man has twelve children or twenty friends, and he can enter a section for each of them. It is also said that the restriction is oppressive and unjust; that the owner of contiguous lands who may want more land for timber or for stone, cannot acquire it. Not so; he can purchase it, but not at the reduced price—he can get it for \$1 25 per acre. We are told that it is necessary these lands should be forced into market to supply the wants of the Government. He thought it surprising that gentlemen friendly to the Administration should place the Government in the position of a spendthrift or prodigal heir, who, after having squandered away all his ready means, was forced to dissipate his patrimony to supply his wants or his extravagance.

But we have a document on our table which has been quoted to prove the propriety of this measure; but really he could not see anything in it which was of much consequence, for there was about as much against the measure as in favor of it. But he would call the attention of the Senate to the manner in which this document was placed before us. A Senator goes to a clerk in the Treasury Department, and makes a verbal requisition for so much information, to be furnished at a certain hour; and when the information is ready, he desires it may be sent to another Senator. Well, the result is the document before us, which partakes of the perspicuity and lucidness which characterizes all the papers that proceed from the department of the modern Turge. How different is this procedure from the course which the Senate formerly took, when they were governed by considerations of correctness, order, and, he would add, if he thought it was properly appreciated, of dignity.

We have also held up to us for imitation a graduation scheme in operation in Mississippi, which somebody, three or four years ago, introduced into an Indian treaty for the purpose, he supposed, of making an "experiment," and probably as a precursor to the plan, on a grander scale, which we have now before us. [Mr. C. here went into an examination of the results of the sales of lands under the treaty with the Chickasaws, and contended that they were unfavorable.] It will be seen that these lands are liable to be graduated down to twelve and a half cents per acre; and there is no doubt, if the bill before us—this entering wedge—is successful, that the public lands of the United States will be eventually reduced to the same price.

In conclusion, Mr. C. would again say, that if compelled to vote for a bill unrestricted or one restricted in its provisions, he would infinitely prefer the latter. He had already disclaimed

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any intention of defeating the bill by delay, and this ought to be deemed sufficient among men of honor.

Now we see (continued Mr. B.) that the graduation system has been put in full force, with regard to the Chickasaw lands, and that in the space of five years it descended from one dollar and twenty-five cents per acre, even down as low as twelve and a half cents.

Mr. CLAY, of Alabama, said, that although he felt reluctant to consume any portion of the time of the Senate at this late period of the day, yet the course of the remarks of the Senator from Kentucky [Mr. CLAY] rendered it incumbent on him to say a few words in reply. The Senator set out by charging him (Mr. C.) with having directed his remarks against him personally, rather than to the subject. Now, he was unconscious of having indulged in any personality incompatible with parliamentary usage, and did not believe he had said anything that would justify that imputation. True it was, (he said,) that he had complained of the unfairness of the time and manner in which the Senator from Kentucky had moved the recommitment of the bill; and, in relation to that view of the subject, he would take issue with the Senator as to the facts. The Senator from Kentucky undertook now to say that this bill had not before come up for consideration. What did the Senator mean by such an assertion? Did he really mean to say that the bill had not before been presented, so as to authorize the present motion for recommitment, or any motion to amend or modify it? If he did so intend, his assertion was wholly founded in error, and at variance with the facts. This bill, as he had before stated, was the first one introduced at the present session—it was brought in at the earliest moment consistent with the practice of the Senate—it had been twice read, and referred to the Committee on the Public Lands, by whom it was reported back at their first meeting. A few days afterwards it came up in its order upon the Calendar, and was announced as the order of the day from the Chair, and was then open for discussion, or for any proposition for amendment or recommitment. Did the Senator then think proper to make any motion for amendment or recommitment? No: on the contrary, instead of moving to recommit, or amend, the Senator from Kentucky thought proper to move to postpone its consideration to a further day; and it was postponed. When it again came up, the Senator still withheld his motion for recommitment, and again moved its postponement for one week; but, finally, upon my suggestion, he agreed, and it was postponed till last Monday. It was not called up on that day, because another subject was before the Senate, occupying the whole day, and no friend of the bill, while that subject was pending, had a right to call it up. Mr. C. said the bill had now come up for the third time, and after all the previous delay which had taken place at his instance, the Senator made his motion for recommitment. Now it did seem to him that it would have been easy for the Senator to have drawn up his proposition, and to have moved the recommitment of the bill, on either of those occasions, instead of its postponement. If he had done so, the motion, even had it prevailed, would have occasioned no loss of time, as the committee could have made up their report in less time than had been consumed by either postponement. But the Senator from Kentucky thought proper to pursue a different course; one only calculated to produce delay after delay, and, in the end, to defeat the bill, as he had before said, by indirection. He said he did complain, as he had a right to do, of this kind of opposition to a measure he had so much at heart, and which was so closely connected with the best interests of his State and his constituents.

But the Senator from Kentucky, in alluding to his alleged hostility to the interests of the new States, intimates that it is rather my desire that he should seem to occupy that position than the necessary result of his conduct towards them. Sir, whilst I deem it unnecessary to reply to such an insinuation, I will take occasion to say that no wish or effort of mine is necessary to exhibit the Senator from Kentucky to the people of the new States in an attitude of hostility to all their most valued interests and most cherished rights. The

record of his own votes in this body, the Journals of our debates, and his own political history, will be sufficient to give him his true position. Yes, sir, through those mediums they may find his hostility manifested by his opposition to every measure most closely identified with their prosperity and welfare. The people of the new States have seen his hostility in a continued and persevering opposition to every bill intended to give them the right of preemption; to secure them in the privilege of buying, at the same price which is received from others, the small tracts of land improved and made valuable by their own labor, and to protect and place them above the power of heartless speculators. They have seen his hostility manifested by the same persevering and determined opposition to every bill, like the one now under consideration, to reduce and graduate the price of the inferior and refuse lands within their limits—a measure no less just than eminently calculated to subserve their interests. Yes, sir, the people of the new States have not only witnessed and felt the hostility of the Senator from Kentucky, in his opposition to measures whose success was identified with their highest interests, but they have also seen his hostility evinced in his continued and persevering advocacy of a course of measures here which were at war with the best interests of the South and West. Mr. C. said he alluded more especially to the protective tariff and its kindred measures, misnamed the American system, the effect of which had been to take money out of their pockets and put it into those of other people. It would be necessary for the Senator to give other and better evidence of his friendly feelings toward them than was to be found in his asseverations here, before he could remove impressions resulting from his long course of opposition to the interests and feelings of the new States.

The Senator from Kentucky had taken occasion to speak of other charges, imputing to him unfriendly feelings towards the settlers; and he understood him to complain that epithets had been ascribed to him, which he had never used. Now, sir, I do not understand to what particular epithets the Senator refers; he has not thought proper to name them. But does he now undertake to say he did not denounce the settlers? He certainly cannot. It must be recollected by all that he spoke of them during the debate on the preemption bill, at the last session, with the utmost scorn and contempt; that he sneeringly denounced them as "squatters," as lawless depredators on the public property, as trespassers on the public domain; and alleged that they might as well seize upon the public treasure, or upon our vessels of war, or our forts and arsenals. Such were the denunciations uttered by the Senator from Kentucky against the settlers on the public lands, those hardy and industrious pioneers, whose labor and enterprise had contributed so largely to the growth, prosperity, and respectability of the West. Standing in the relation he did to the people of the new States, Mr. C. could not forget such denunciations. He had been willing to rest these charges, with the reports that had been made of the Senator's speeches, in the Journals, which were favorable as well as unfavorable to him. Mr. C. recollected some correction attempted to be made by the Senator from Kentucky, during the remarks of the Senator from Indiana, but it was not, in his opinion, of a character to render his imputations less offensive than he (Mr. C.) now represented them. He assured the Senator from Kentucky that his own acts, long continued and persevered in, his own language used on this floor, had created impressions towards him in the West and Southwest not easily to be eradicated.

Mr. C. said he always stood ready to vindicate the rights and honor of the people he represented; and to defend them here or elsewhere, against all aspersions upon their intelligence or their moral worth. If he did not, he said, he would be unworthy of the station he occupied. He never should forget what he owed to those people. He went among them, he said, when a very young man, without the adventitious aids of fortune or friends—relying upon his integrity and his industry for success. He had found them intelligent, hospitable, and generous. They had stood by

him, and sustained him, when he most needed friends. They had honored him with their confidence, and conferred upon him more favors, doubtless, than he merited. This generous confidence had inspired him with feelings of gratitude toward them, never to be effaced. He would never be recreant to his duty, nor desert their interests, nor be unmindful of their honor. Mr. C. believed the Senator from Kentucky, too, had gone amongst the people of the West a youthful stranger; and "as a stranger, they bade him welcome." They had extended toward him, too, the hand of friendship, and had bestowed upon him all the manifestations of kindness and confidence. If the honorable Senator should think proper to pursue a different course toward the people of the great West, from that which he (Mr. C.) had indicated for himself, it was for that Senator to judge.

Mr. C. had said before, that the course pursued by the gentleman, was not only immediately injurious to the new States, in the present instance, but calculated to restrain the current of emigration, to fill up their population, and develop their resources. Every measure like the one taken by him on the present occasion, must be regarded by them as unfriendly to their welfare, so long as they retain their present intelligence. They knew that there were vast bodies of waste lands within their several limits, which their Legislatures were prevented from taxing, and thereby were compelled to lay heavier burdens on themselves. Must they not, therefore, view as hostile to their interests any opposition to a measure which would bring these lands into the market, at a price at which they might reasonably be expected to be sold? In conclusion, Mr. C. trusted the Senate would consider the delay already unnecessarily occasioned to this bill, and not by a recommitment risk the total loss of it at this session—especially as they had heard no new argument, no new objections that had not been fully and forcibly urged in a previous and ample discussion of it.

Mr. WALKER said he was not desirous that the Senator from Kentucky should be regarded in the West as an enemy of their interests. He had no feelings of personal animosity to gratify, and he could sincerely say, that regarding in this matter the interest of his State as paramount to all other considerations, he would rejoice if the Senator from Kentucky would lay down his opposition to this bill, if he would give it the sanction of his vote, and thus permit it to pass triumphantly through both Houses of Congress, which we all know it would do, but for the opposition of that Senator. The Senator from Kentucky had spoken of demagogues as connected with the support of this bill; but might there not be demagogues who opposed this bill, who addressed themselves to the supposed avarice of the old States, by proposing to distribute money among them? Who are the demagogues? Did the Senator mean to apply the epithet to the supporters of this bill upon this floor? [Here Mr. CLAY said, certainly not, he had expressly disclaimed any such allusion.] Then who are the demagogues supporting this measure? Are they the Legislative Assemblies of eight of the new States who have asked Congress to adopt the measure, or are they the people of the new States, who so anxiously desire its adoption? The Senator from Kentucky has again read, as he always does in the debate upon this bill, his tables of the comparative advance of population of the old and new States from 1820 to 1830. Why was this done? Was not its evident tendency to produce jealousy and animosity on the part of the old to the new States? But ought it not to be a subject of exultation to every American patriot that the mighty West is filling up with population; that within fifty years, a region of vast extent has been reclaimed from the wilderness; that State after State has been added to this great Confederacy; that star after star has been planted in our glorious banner, and the greatness and glory of our whole country almost immeasurably increased? But the Senator from Kentucky seems to think that the new States are increasing too rapidly, else why this invidious comparison between the relative growth of the old and the new States?

But the Senator tells us of the great results which would have followed from the passage of

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Graduation Bill—Mr. Clay, of Alabama, Mr. Clay, of Kentucky.

SENATE.

the distribution land bill. Sir, our truest glory will be, not in distributing money, but in augmenting our population, in filling up our whole country with a hardy and industrious people; not in restraining, but in encouraging emigration; not in keeping States out of the Union, but in bringing them into it; not in retarding, but in increasing our agricultural products; and he whose course here shall cause the settlement of a single State, nay, of a single county, will acquire more glory, and confer more lasting benefits upon his country, than he who shall extract for distribution millions of dollars, extorted by a heartless, speculating policy from the pockets of a suffering and impoverished people. But the Senator from Kentucky asks, why was not the graduation principle of this bill founded upon an actual valuation? Does not the Senator remember that this principle was incorporated in the bill reported by the committee at the last session; that it was then stricken out by the almost unanimous vote of the Senate? But the Senator from Kentucky desires us to wait until 1841; and why? That he may then have the census of 1840, from which to draw new discriminations and excite new jealousies between the old and the new States. No, sir; now is the proper time to act upon this bill, not only for the benefit of the new States, but to supply the wants of the Treasury.

Mr. BENTON said that the Senator from Kentucky, in examining the report made of the return of sales, had overlooked a portion of the document. Had he examined that part of it, he would have found the information, the absence of which is so much complained of. This answer, which is the subject of so much animadversion, was made out at my request. As a member of the Committee on Finance, I called at the Department, and requested the clerk to furnish these details, and to send them to me the next morning, when the bill was to be taken up. The clerk was requested to give the amounts, excluding fractions, which are not necessary for purposes of legislation. He thought that this course was equally dignified as the reading of newspaper paragraphs and letters, and making them the foundation for charges in that Chamber, or a Senator getting up and stating things as facts which he did not know of his own knowledge. If any Senator desired this information, which is now said to be important for correct legislation on this subject, why did he not call for it? He could have got it without any difficulty many days ago. The Secretary of the Treasury was arraigned—and he had been the subject of many arraignments lately—for not furnishing the detailed statements and tables on which his opinion was formed—he was blamed for not putting on one page of this document, what the Committee on Finance had already placed on the other. Now, sir, we all know the Secretary is a hard-working man; but I hope the Senate will excuse him for not performing this unnecessary labor. Mr. President, you have been in Congress a quarter of a century, and I would ask you is there any subject upon which we have more printed information than this subject of the public lands? Why, sir, we have entire volumes of figures on the subject. The Finance Committee had all the desired information before them, without calling on the Secretary for a single item of information. We had it all before us.

Mr. B. here read details of amount of lands in the States subject to be operated upon by the bill. He went over the new States, one by one, and showed that all the information was before the Senate which the subject required, and far more than was used by those who were calling out for more, without seeming to know how much was already on hand. He was certain that there was full information before the Senate, and that there had been no compromise of senatorial dignity in the manner of obtaining it.

After some remarks from Mr. MERRICK, Mr. WALKER observed that the Senator from Maryland [Mr. MERRICK] had offered a resolution to call for the quantity of land sold since the 30th of September, 1837, which had, in January last, been returned by the Secretary of the Treasury as having been in market five, ten, fifteen, and twenty years prior to the 1st of January, 1833. Mr. W. regretted that this information was not

now before the Senate, for he was convinced that the returns of sale would show that in very many of the land districts these lands, if sold in the time to come, at the same rate at which they had been disposed of during the last year, would not be sold at the present minimum price in a period exceeding that which had elapsed since the formation of the world. And in relation to the entire aggregate of these lands, Mr. W. was persuaded that the returns would show that a present sale of all these lands, even at twenty-five cents per acre, would be a better financial operation than to sell them within the time designated by these returns, (calculating the loss of interest,) at \$1 25 per acre. Unless the Senator from Maryland can produce some document which will show that these lands will sell in sixteen years at the present price, he ought not, as a financier, to oppose this measure.

January 3, 1839.

The Senate resumed the consideration of the bill.

Mr. CLAY, of Alabama, observed that the proposition of the Senator from Kentucky was the first that he had ever made in favor of actual settlers on the public lands. It came unfortunately, however, at the present moment, as the existing laws gave the preemption right to the actual settler till the 22d June, 1840. This fact would be ascertained by looking at the act itself, which was approved 22d June, 1838, declaring in the very first clause, "That every actual settler of the public lands, being the head of a family, or over twenty-one years of age, who was in possession and a housekeeper, by personal residence thereon, at the time of the passage of the act, and for four months next preceding, shall be entitled to all the benefits and privileges of an act entitled 'An act to grant preemption rights to settlers on the public lands,' approved 29th May, 1830."

But, as he said yesterday, where was the necessity for recommitting this bill, when it was open for amendment? Would this recommitment have any other effect than that of defeating the bill by delay? The gentleman had spoken of the immense quantities of public lands subject to the operations of this bill. But the gentleman omitted to mention the length of time that a vast portion of them had been in the market without finding purchasers.

Mr. C. thought the provisions of the bill, in all its bearings, were well understood, and, therefore, it would be much better to amend it in the Senate than to send it back to the committee. As, he presumed, the question on the gentleman's motion was divisible, he moved that the question on the several branches of recommitment, and of instructing the committee, be taken separately, and that they be taken by yeas and nays.

The yeas and nays were accordingly ordered.

Mr. CLAY, of Kentucky, asked if the Senator from Alabama intended to say that the preemption law of last session gave the actual settler the right of entry at one dollar, or at seventy-five cents per acre, as his remarks would bear that construction. If so, the Senator was certainly mistaken. Mr. C. said he thought it much better to recommit the bill with instructions; as the committee-room was much the best place for remodeling it so as to make its details conform to the principle contained in the instructions.

Mr. CLAY, of Alabama, said he did not wish to be misunderstood. He certainly agreed with the Senator from Kentucky, that the preemption act did not, without a further provision, give to the settlers the right to purchase, at the reduced prices; but what he meant to be understood as saying was this: the law of the last session did give the right of preemption to every settler on the public lands, whether the lands occupied by him had been offered at public auction or not; and if, said he, we reduce the price of the public lands by this bill, the individual occupant would have the right to purchase at such reduced price. This law, then, would operate to give the settler not only the right of preemption but that right at the reduced price. He had no objection to limit the right of preemption at periods after the reduction. But he wished that, for a certain number of months after the reduction, the occupant should have the right of preemption. His object was to protect

the occupants, but not to limit the right of purchasing these inferior lands to occupants alone. His object was to let all the lands embraced by the bill be subject to sale at the reduced prices, whether occupied or not; always, however, giving the right of preemption to the occupant for a time.

Mr. WILLIAMS, of Mississippi, said that he did not wish to enter at large into the discussion of this subject, already so ably elucidated by Senators in favor of the passage of the bill, but merely to reply to that portion of the speech of the honorable Senator from Kentucky, based on the report of the Secretary of the Treasury, exhibiting the sales of land under a treaty made with the Chickasaw Indians in 1832, which treaty contains a provision for the graduation of the price of the land on principles precisely similar to the provisions of the bill now under discussion; but much more rapidly than the provisions of the present bill. Sir, (said Mr. W.,) the provisions of that treaty are, that all lands offered for sale, and not sold, shall be subject to private sale or entry for one year thereafter, at \$1 25 per acre; after which time the balance remaining unsold shall be subject to sale or entry at one dollar per acre for the space of one year, and that for and during the third year, the remainder shall be subject to sale or entry at fifty cents per acre.

By this treaty the Chickasaw Indians ceded a country containing a fraction less than six millions of acres; the treaty also contained a provision for allowing the Indians liberal reserves, which were settled by the constituted authorities at about three thousand three hundred sections, equal to two millions one hundred and twelve thousand acres, (he spoke from memory,) being more than one third part of the whole territory ceded by the Indians to the Government. The country was then, for all practical purposes, a country of refuse land at the date of the President's first proclamation of a sale. But the honorable Senator, finding from the report of the Secretary of the Treasury that less land had been sold on the third year, when offered at fifty cents, than was sold either of the two preceding years at higher prices, assumed the position that the sale of the whole public domain was limited to a demand of about three and a half millions annually, and came to the sage conclusion that the sale would not be at all promoted by a reduction of price; and as evidence of the correctness of this position, he maintained the more the price was reduced by the operation of the Chickasaw treaty, less land was sold. Mr. President, (said Mr. W.,) the Senator held up this report of the Secretary of the Treasury, and exultingly proclaimed it to be a refutation of the graduation principle. Mr. W. would call the particular attention of the honorable Senator to the subject. On the correctness of this position he would fearlessly risk the fate of the bill now under consideration. It appears by this same report of the Secretary of the Treasury from which the gentleman read, that the first sale of the Chickasaw land in Mississippi was commenced on the 4th day of January, 1836, at which sale 960,023 acres were offered, and at the close of the sale there remained unsold and subject to sale at private entry 576,892 acres at \$1 25 per acre for twelve months thereafter, during which time 207,545 acres were sold; and that during the second year, when the land was subject to entry at \$1 per acre, 37,016 acres were sold; amounting to an average sale of 101 acres per day; after which time the land remaining unsold was subject to sale or entry at fifty cents per acre, and so continued to the date of this report, the 30th of September, 1838, embracing a period of near ten months, during which time 58,565 acres were sold, being at the average rate of 197 acres per day, nearly doubling the sale of the previous year.

And now, Mr. President, (said Mr. W.,) let us examine the second sale began on the 5th September, 1836; there was then offered 2,601,130 acres, and at the close of the sale there remained of the land then offered and unsold 2,026,127 acres; subject to private sale for one year thereafter, during which time 189,500 acres were sold at \$1 25 per acre, being at the average rate of 519 acres per day, and that of the balance remaining unsold, and subject to entry during the second year, at

\$1 per acre, 37,280 acres were sold, being at the average rate of 102 acres per day; and thereafter the land remaining unsold was subject to sale at fifty cents per acre; but the report of the Secretary of the Treasury covers only a period of twenty-five days, from the 5th to the 30th September, 1838, during which time 26,080 acres were sold, being at the average rate of 1,049 acres per day, and yielding \$524 50 per day, while during the preceding year only \$1 02 per day was received when the land was sold at \$1 per acre. Here, then, is an exemplification of the operation of the graduation system, producing just the result the friends of the measure have always contended it would produce—enrich your Treasury, and promote the sale of refused land. Mr. W. trusted the opinion of the Secretary of the Treasury, and of the Committee on Finance, so lightly treated on yesterday, are fully sustained by the practical operation of this great measure in one of the States.

Mr. CLAY, of Kentucky, thought that the data given by the Senator from Mississippi did not controvert the proposition he had heretofore suggested, and he thought that his views were sustained by the returns embraced in the report, that the sales of the land were limited to the demand, and were not increased by the reduction of the price.

Mr. WALKER regretted that the Senator from Kentucky, [Mr. CLAY,] whose position ought to identify him in feeling and interest with the people of the West, should persevere in his hostility to this great measure, when other statesmen, even of his own party from the far distant East, were found to be our friends and advocates. Mr. W. regretted that the distinguished Senator from Massachusetts [Mr. WEBSTER] was not here to speak his own sentiments on the subject of graduation; but as he was absent, Mr. W. would read an extract from the speech of that Senator, delivered at Niblo's Saloon, in the city of New York, on the 15th of April, 1837.

"The main object in regard to the public lands is, undoubtedly, to settle them as fast as the growth of our population, and its augmentation by emigration, may enable us to settle them. The lands, therefore, should be sold at a low price; and, for one, I have never doubted the right or expediency of granting portions of the lands themselves, or of making grants of money for objects of internal improvements connected with them. I have always supported liberal appropriations for the purpose of opening communications to and through these lands by common roads, canals, and railroads; and when lands of little value have been long in market, and, on account of their indifferent quality, are not likely to command the common price, I know no objection to a reduction of price as to such lands, so that they may pass into private ownership."

These (said Mr. W.) were the expanded, liberal, and patriotic views of the great statesman of the East in regard to the reduction of the price of the public lands. These were the opinions of a Senator remote from us in position; and how did they contrast with the narrow, anti-western policy of the Senator from Kentucky. Nor was the Senator from Massachusetts unsupported by other distinguished citizens of the northern States. The President of the United States [Mr. Van Buren] had distinctly recommended graduation.

[Here Mr. W. quoted from the last message of President Van Buren, as follows:]

"Our experience under the act passed at the last session, to grant preemption rights to settlers on the public lands, has as yet been too limited to enable us to pronounce with safety upon the efficacy of its provisions to carry out the wise and liberal policy of the Government in that respect. There is, however, the best reason to anticipate favorable results from its operation. The recommendations formerly submitted to you in respect to a graduation of the price of the public lands, remain to be finally acted upon. Having found no reason to change the views then expressed, your attention to them is again respectfully requested."

This, then, (said Mr. W.,) is not merely a policy advocated by the new States and their citizens,

but by statesmen of liberal and expanded views, remote from us in position. Whilst, then, the two great statesmen of both parties from the North were thus friendly to the policy of reduction, was it not extraordinary that a western man should be found opposing the interest of the whole West on this great question? Mr. W. said, not only was the Senator from Kentucky the ardent and untiring opponent of this great measure, but he felt bound to declare that the opposition of that Senator constituted the sole obstacle to triumphant passage of this bill through both Houses of Congress, and that, if the bill were defeated, that defeat must be justly attributed to the course pursued by the Senator from Kentucky. Whilst, then, the note of praise was heard in favor of that honorable Senator in those sections of the Union that desire to restrain emigration to the West, let the new States hear what he (Mr. W.) and the whole Senate well knew to be the fact, that, if this measure, so important to the West, was defeated, in looking for him who struck the fatal blow, we might all point to the Senator from Kentucky and exclaim, "thou art the man."

Mr. MORRIS rose to make a single remark. He would not have done so but for the allusion of the Senator from Mississippi [Mr. WALKER] to himself. He had always been the friend of a graduation of the price of the public lands. The first act of his, after entering into this body, was to bring in a bill to graduate the price of the public lands to the actual settlers. He thought that, to be consistent with his whole course heretofore on this subject, he ought to sustain the proposition of the Senator from Kentucky. The Senator from Missouri [Mr. BENTON] says that the owner of a contiguous farm may wish, among other reasons, to enter a portion of these lands for the purpose of keeping off a bad neighbor. Mr. M. feared that the operations of this bill, if it should pass, would enable the rich man, who had selected a fertile spot in the midst of comparatively a dreary waste, but not so dreary but what a poor man might find a home on it, to drive off and preclude the poor man from his settlement, because he might choose to deem him a bad neighbor. Mr. M. would give the privilege of entry at the reduced price to no man who was not on the land at the present time, or who would not go on it and settle it.

The Senator from Mississippi [Mr. WALKER] says the Senator from Kentucky will not vote for this bill, even if amended in accordance with his instructions. Sir, (said Mr. M.,) is it not the right, nay, the bounden duty of the Senator from Kentucky to make a proposition, even if opposed to it, as little objectionable as possible? It was his duty, and he thought it very strange that he should be censured for doing so. For his own part, if a proposition met the approval of his judgment, he should not look at the quarter it came from, nor what political party sustained it; it should have his support.

Mr. CLAY, of Kentucky, observed that the Senator from Mississippi, by way of sustaining his views on this occasion, had thought proper to state opinions of two distinguished citizens from different parts of the country. The opinions of the Senator from Massachusetts had been referred to, and with regard to his opinions he had nothing to say; they were well known to the Senator not to be the sentiments that he (Mr. C.) entertained; but he rose to do justice to another individual, the present Chief Magistrate of the United States; and if the gentlemen would content themselves with acting in conformity to his recommendations, the bill would not be so objectionable. The gentleman referred to the message at the opening of the present session; but he ought to have referred to the message of the previous one, which was referred to in the last message. Now he (Mr. C.) thought that the message to which he alluded, contained a decided reprobation of this bill.

[Here Mr. C. read some extracts from the President's message.]

Mr. C. continued. So that it would be seen that it was actual valuation, and not conjectural valuation, founded on the lapse of time, was the principle on which the President recommended a reduction of the price of the public lands. The principle in this bill was the one that the Presi-

dent decidedly condemned. Mr. C. said it was well known to be one of the established laws of political economy, that if the market was glutted, there would be a languor in the sales, whereas, if the supply was limited, prices would advance to a ruinous extent. The President had seen this, and the conclusion to which he had reached, was that the mere efflux of time afforded no criterion by which we can measure value.

Mr. C. felt very reluctant to legislate on this important subject at the present session. He felt most anxious that it should be left to the ensuing Congress; that they should remit it to their successors, and not settle it now. Were there not profound considerations which should induce them to refer it to the next Congress? In the first place, the President had recommended to them to provide at this session for taking the enumeration of the population and resources of the country, as required by the Constitution. The results of this census would show the amount of increase in the population and wealth of the new States, and whether a measure of the kind was needed for their further advancement. As to the proposition to increase the population of the new States by the settlement of their lands, there was no necessity for the passing of this bill. These new members of the Confederacy had already increased in population and wealth with a celerity unexampled in the history of the world. But there was another consideration. Great as was the quantity of the public domain in any one of the new States, it was not worth a baubee in comparison with the seven hundred and fifty millions of acres exterior to their limits, and to the millions yet to be brought into the market. Would it be right, in consequence of any presumed financial difficulties, to throw away this domain, which we should transmit to our posterity for ages to come, to supply the present exigencies of the exchequer? There was another reason why they should not act on this matter at this session. He did not believe that either of the two Houses of Congress reflected the genuine sentiments of the American people. It was known that the elections which had taken place had very much changed the complexion of the two bodies, and that in one of them the changes that had taken place would reverse the majority on the present question. Convulsed as the country was by experiments and financial projects, was it right, in advance of that enumeration of the population it was recommended by the President now to provide for—was it right, in the view of the charges made by the recent elections, and, in short, under all the circumstances to which he had adverted, to make this great radical change in the disposition of the public lands which was not limited to the new States only, but extended to the shores which were washed by the ocean at the extremities of this continent?

Mr. BENTON rose in consequence of the endless attacks made upon an eminent citizen now retired from public life, and seeking repose under his own vine, and by the side of his own fire, but for whom, it would seem, there was to be no peace on this side of the grave. He alluded to the late President of the United States, General Jackson, and to the repeated instances in which his name had been dragged into this debate, and tyranny and mischief attributed to him for his conduct in relation to the act for the distribution of the proceeds of the public lands. That conduct had been denounced as tyrannical and unconstitutional, and to it had been attributed all the late moneyed embarrassments of the country. The Senator from Kentucky [Mr. CLAY] is the author of these denunciations, and also the author of the bills—for there were two of them—the loss of which he so much deplores, and for the want of which he has seen so much evil arise. I (said Mr. B.) was the cotemporary of these bills. I knew their character and their fate; I saw their birth and their death, and great and numerous as are the acts which stamp the character of a hero-statesman on General Jackson, there are none which exalt him more than his conduct in relation to these very bills. It was wise, patriotic, constitutional, and heroic conduct. He had the wisdom to see the pernicious nature of these bills; he had the constitutional right to arrest them; and he had the heroism to exercise that right. The bills were of



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Graduation Bill—Mr. Benton.

SENATE.

This table exhibits the detail and the gross of the amounts which would have been taken from the Treasury in eighteen months, if the land bill of 1836 had passed, with the detail and the gross also of what was actually required for the service of the Government for the same time. They amount, in round numbers, to \$55,000,000 for distribution, and \$55,000,000 for the support of Government; in all \$110,000,000! Now, sir, how was the Treasury to stand this enormous call? It could not have stood it all! It could not have stood the first pull, the first seventeen and a quarter millions for distribution, and seven and three quarters for the public service, which would have been required on the 1st day of July, 1836. It would have failed at that payment; and so I declared, and in my own opinion, demonstrated at that time; and so the event proved, when the deposit act passed, and substituted a smaller and later distribution. This deposit act passed in June of 1836; it began to take effect in January, 1837; it proposed to divide out but \$36,000,000, and that by \$9,000,000 at a time, and to commence the distribution six months later than the land bill proposed; and yet what was the result? The result was the stoppage of the principal deposit banks, and all the rest of the banks within five months after the distribution began to take effect! The deposit banks made the first distribution in January; they nearly sunk under the second installment in April; they were unable to meet the third one in July, and closed their doors in May; and, while several causes contributed to the result, yet it must never be forgotten that the committee of the New York banks, where the stoppage began, in enumerating the four principal causes for that event, placed at the head of those causes, the operation of the DEPOSIT OR DISTRIBUTION act of June, 1836? Thus experience proved that the deposit banks could not stand a distribution of thirty-six millions, commencing six months later than the proposed land bill distribution, and made in quarterly installments of only nine millions at a time. How, then, could they have stood a distribution of fifty-five millions, commencing six months earlier, and the first installment amounting to seventeen and a quarter millions? The thing was impossible; it could not be done; and that was so evident to me that I proclaimed it, and reiterated my opinion on this floor in language too strong, in the judgment of some of my friends, to be allowed to go to the country; and what was that opinion bottomed upon? Upon the fact known to us all, and by me repeated a thousand times, that what was called a surplus of forty millions in the Treasury, was a mere DELUSION; that the money, in point of fact, was NOT in the deposit banks; that it had been LENT out; that Congress had sanctioned and instigated the LENDING, by requiring interest from the banks for its use; that, instead of being in the banks it was in the hands of merchants, traders, dealers, manufacturers, mechanics, speculators, and others; that the banks had used it with the knowledge of Congress, and with the implied contract and fair understanding of having the use of it till gradually called for on account of the public service; and that to call for all this money in masses, and almost without notice (for the first payment would have begun as soon as the bill could have been passed) was to COMPEL THE LARGE DEPOSIT BANKS TO CHOOSE BETWEEN STOPPING PAYMENT THEMSELVES, OR DESTROYING THEIR DEBTORS. All this was so plain to me that it was amazing, incomprehensible, and almost incredible that any person could avoid seeing the same. Yet this is the measure, the loss of which we are called upon to deplore! This is the measure, the patriotic resistance of which, by General Jackson, is denounced as an act of tyranny! This is the measure, then believed to be irresistibly popular, now known to be heartily condemned by every considerate man! This is the measure before which General Jackson, and all its opponents were expected to be prostrated; (and before which they were willing to have been prostrated if such had been the penalty of adherence to their principles;) this is the measure which, like the consular distributions of grain, and money, and public lands, among the voters in the degenerate days of the Roman Republic, was expected to purchase the suffrages of all the people? General Jackson and his friends, myself one of them,

did what they believed was right in resisting this measure, without regard to consequences personal to themselves. They resisted the colossal distribution of fifty-five millions of money. They threw themselves upon the intelligence, the patriotism, and the candor of their fellow-countrymen; and the event has proved that they were not mistaken in their estimate of that candor, that intelligence, and that patriotism! It has proved that the American people are not yet ready to be seduced and debauched with the spoils and pillage of their own country.

Sir, (said Mr. B.) I pursue this bill of May, 1836, one step further; I pursue it into the fourth section, and see that nothing but a WAR with a FOREIGN POWER could have arrested the distribution of the \$55,000,000, and given the Treasury a right to retain the \$24,877,179 received from the public lands in 1836, and the 6,776,236 received from them in 1837. By the terms of the act, the distribution was to go on without regard to anything but a foreign war, and the \$32,000,000 received from the lands in 1836 and '37 were to belong to the States, and to be paid to them, without the least regard to the condition of the public Treasury. It was a specific appropriation of the proceeds of the lands, and as such would have been paid over to the States on the days named in the act. The "shutting up" of the Treasury would have made no difference; the stoppage of the banks would have made no difference; there was no foreign war—the appropriation was specific and absolute—and the delivery of the money to the States would have been compulsory and inevitable. What then? Why, that notwithstanding the retroactive disbursements from the Treasury of the before received revenues from the lands of 1833, '34, and '35—notwithstanding the attempt to disburse these old expended revenues might have bankrupted the deposit banks—yet the current receipts from the lands for 1836 and '37 would have been turned over to the States as they came in! The \$25,000,000 (nearly) of 1836 would have gone to the States; the \$7,000,000 (nearly) of 1837 would have gone to them also! and thus, with the banks all stopped; with the Treasury shut up, with Congress called together to provide the ways and means of keeping the Government in motion; with the duties from customs sinking down to nothing; merchants' duty-bonds postponed; balances from banks delayed for many months; with all this we should have been paying out to the States the \$7,000,000 of hard money received from the lands in 1837, and which \$7,000,000 in specie was the sheet-anchor of the Government in that disastrous year, and the only thing which saved it from the degradation and ruin of using depreciated paper money and shipmasters!

Mr. President, we hear much of the incapacity, the ignorance, the incompetency, and the recklessness of the Jackson administration; we hear much of all this from the Opposition, without their being able to specify a measure to which these epithets will apply; but here is an act of the Opposition itself, which places the leaders in a position to choose between a confession of absolute incapacity to manage the public affairs, or of a deliberate design to bankrupt the Treasury and the banks. No, Mr. President, the Jackson Administration was not ignorant, was not reckless, was not incompetent; and to hurl such epithets at that Administration, is to hurl them at the people, by whom that Administration was created and has been sustained. To attack that Administration, approved as it was in the triumphant second election of General Jackson, and in the triumphant election of his successor, is to attack the capacity of the people for self-government! It is to attack the elective principle of our Constitution, and to say that that principle ought to be abolished, and an hereditary ruler given as a guardian to those who were so incompetent to choose their own Chief Magistrate. No, sir! Great are the services which General Jackson has rendered to his country—great in the field—still greater in the Cabinet. His civil administration was a continued series of patriotic exertions, the emanation no less of a heroic soul, than of a sagacious head, and a patriot heart. None but a hero could have acted the part, in civil affairs, which he did. Above all men who have lived in our eventful

times, a single individual, perhaps, alone excepted, he will be stamped the hero-statesman of the age. I have heretofore endeavored to do some justice to his various, transcendent, and victorious policy. I have endeavored to present some views of his numerous, brilliant, and successful ameliorations at home, and negotiations abroad. I have endeavored to present him as posterity will view him, covered, illustrated, irradiated with every species of glory, and above all with the glory of usefulness—with the glory of having improved the condition, bettered the circumstances, advanced the fortune, and personally benefited every industrious inhabitant which the country contains. I have endeavored to do this; and I appeal to the present unparalleled, unrivaled, unprecedented, unexampled, universal, pervading, and exulting prosperity of the country for the truth and fidelity of the pictures which I have endeavored to draw.

It is not my intention to repeat, on the present occasion, what I have heretofore delivered on this subject; but there is one point which, though heretofore mentioned, has never been presented with the fulness, individuality, and development which its importance and magnitude deserves. I allude to our cotton production and its influence upon the wealth and industry of every portion of this extended Union, and the part which General Jackson has acted in bringing that production to what it now is, and to what it must be. What was the extent of our cotton-growing territory before the victorious arms of General Jackson acquired for us the vast region of the South and Southwest? It was a part of South Carolina, a part of Georgia, some slips in North Carolina, Tennessee, Mississippi, and Louisiana. What is it now? It is all Florida, all Georgia, all Alabama, all Mississippi, all Louisiana, all Arkansas, South Carolina, a part of North Carolina, a third of Tennessee, and a slip in Missouri. In territorial extent our cotton-growing region has been increased more than tenfold by the victorious arms of General Jackson over the southern Indians, and by his still more victorious policy over the political allies of those Indians, their federal allies, whose struggle it was to retain them in the southern States to diminish their political importance and to cripple their advance. What was the value of our cotton export before these great operations of General Jackson began? It was \$14,000,000. What is it now? It is \$80,000,000. And what is its capacity of augmentation? Almost limitless and boundless, or only limited by the wants of Europe, Asia, Africa, and the two Americas; for to all these countries, even to the Ganges and the Black Sea, to the Cape of Good Hope, and to Terra-del-Fuego do our American cottons now go. And what is the influence of this vast production, so amazingly augmented under the victorious arms, and still more victorious policy, of ONE MAN—what is its influence upon the industry, the pursuits, and the wealth of every part of this extended Confederacy? To answer this question, let the mind's eye figure to itself a map of this Union, and then contemplate every species of industry which is carried on upon the vast diversified domain which it represents. Let him look at our shipping interest from the Chesapeake to Passamaquoddy bay, all finding its greatest and richest employment in carrying our cotton abroad, and bringing back the productions of so many nations received in exchange for it. Let him see our most opulent merchants, throughout the whole extent of our coast, from New Orleans to New York, all bottoming their largest operations upon the cotton of the South. Look to the manufacturing industry of the whole northeast, of which Massachusetts may be taken as an example, and as the highest pattern; manufactures of leather, cotton, wool, iron, brass, tin, wood, glass, stone, &c., the grand aggregate of which, in all the northeast, may be judged of from the annual product of near ninety millions of dollars for Massachusetts alone; and a goodly proportion of the whole of which finds its market in the same cotton-growing region. Crossing the Alleghany mountains, and descending upon the western waters, see twelve millions of manufactured articles, the product of the industry of three or four miles square at the confluence of the Alleghany and Monongahela; see these twelve

millions annually going off from Pittsburg, and the largest part going to the cotton planters of the South; while many other towns and villages of the West, on a smaller scale, emulate the meritorious example of "the Birmingham of the West." Then see the agricultural States of the Great Valley. See Kentucky, Ohio, Indiana, Illinois, Missouri, with their vast productions of grain, and their innumerable herds and flock, all finding their richest market in the same region. Turning to the Middle States, where the value of labor, for a long time, has been so much reduced, we see that value in Virginia, Maryland, North Carolina, and Tennessee, has found a vast augmentation from the cultivation of cotton. So that in every part of this extended Confederacy, and over every species of creative industry, the augmented cultivation of cotton, the fruit of General Jackson's military achievements and civil policy has extended its benefits and shed its benign influences. The North, the East, the West, and the middle States—the cities and the country—agriculture, manufactures, and commerce—all, all find employment for their industry, and rich rewards for their skill and labor in that perennial fountain of national wealth—the cotton-growing region of the South—which, while it showers gold upon all others, is itself largely deprived of its own advantages by illusive systems of political economy—a system which leads it to purchase everything by the paper-money standard of the United States, while it sells the only article it produces by the hard-money standard of Europe! Every part of this Union feels the beneficent effects of the cotton crops; and no part feels it more than the agricultural region of Kentucky, and the manufacturing districts of Massachusetts. I have lately traveled in Kentucky, and speak from the knowledge of my own senses. I have lately received an authentic return of the annual manufactures of Massachusetts, and speak upon unimpeachable authority. Kentucky and Massachusetts are the two States of this Union which have profited most by the military victories and the civil administration of General Jackson; they are the two States of this Union which owe most to his arms and to his policy; they are the two States of this Union which should be bound to him by the strongest ties of gratitude and affection. The agriculturist of Kentucky is now on the high road to wealth; his prosperity reposes upon a solid and imperishable basis. His cattle, his mules, his horses, his hemp, all wanted in the South, command the highest price, fill his coffers with vast sums of money, and reflect upon his lands an unprecedented value. It is no longer the illusions of the high tariff—it is no longer the illusions of the "golden fleece," two thousand dollars for a sheep intrinsically worth twenty shillings, and now sunk to that price—it is no longer the deceptive dream of these ephemeral illusions which tickled and beguiled the Kentuckian before Jackson's administration, but it is now the solid basis of the cotton cultivation in the South, and free trade in Europe, upon which his prosperity reposes. Let him cultivate the cotton-grower, and cherish free trade abroad, and never again fall into the illusions of high tariff and national bank, and never again will he see his crops rotting on his hands, his property sinking to no price, his currency depreciated one half, and piles of property laws, tender laws, relief laws, and stay laws, interposed between the hapless debtor and the merciless creditor. So much for Kentucky; and equal with hers, and resting in good part upon the same basis, is the prosperity of Massachusetts. The cotton grower of the South takes a part of all that she has to spare. From "brushes, brooms, and baskets, and buttons of all kinds," up to her eighteen millions of dollars' worth of manufactures in shoes, boots, and leather; her seventeen millions of manufactures of cotton; her ten millions of manufactures of wool; her nine millions and a half of fish and oil; her two millions of ready-made clothing, stocks, and suspenders; her two millions and a half of nails, brads, and tacks; her million and a half of soap and candles, her million and a half of paper; her million and a quarter of rum; her million of refined sugar; her two millions of straw bonnets and palm leaf hats—and many other articles "too tedious to enumerate," but amounting,

in conjunction with those enumerated, to eighty-six millions of dollars per annum. From all these she sends a part to the cotton grower, and doubtless gets a better part of the crop than the grower himself receives; an advantage which is the fair and legitimate fruit of industry, conducted by skill, guarded by economy, and diversified by enterprise. It was the last year of President Jackson's administration—the year ending the 31st day of March, 1837—which presented this magnificent result of Massachusetts manufacturing industry. I say manufacturing—for the proceeds of her commerce and agriculture are not included—and this grand result will forever stand as a proof of the prosperity of the country under the sagacious policy of that illustrious statesman.

Sir, it was no part of my intention to make a eulogy upon General Jackson. The time is coming when history, and poetry, and sculpture, and painting, and the living voices of endless generations will do him that service. I make no general eulogy. I have spoken to a single point, to show from one example, the beneficent nature of his policy, and the universality of its happy influence upon all parts of our country, and upon all the pursuits of its industry. I have spoken to a single point, and have not exhausted that one, for to this same cotton region we are indebted for the hundred millions of gold and silver which has sustained the country and the Government in the late shock, and which hereafter are to render the people independent of the rise and fall of banks, and safe from the shocks and explosions of the paper system. What I have said has been forced out of me by attacks, as wanton as they are incessant, upon the hero-patriot who is entitled to repose, now that he has withdrawn from the world and given an example of the manner in which an ex-President of the United States should spend the evening of his days, and close up the career of his life.

On motion of Mr. CLAY, of Alabama, the question on Mr. CLAY's proposition was divided, so as to take it first on the recommitment, and secondly on the instructions.

On the question of recommitment, the yeas and nays were as follows:

YEAS—Messrs. Buchanan, Calhoun, Clay, of Kentucky, Clayton, Crittenden, Davis, Foster, Knight, McKean, Merrick, Morris, Niles, Pierce, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Smith of Indiana, Strange, Swift, and Williams of Maine—23.

NAYS—Messrs. Allen, Benton, Brown, Clay of Alabama, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Norvell, Robinson, Smith of Connecticut, Tipton, Walker, Williams of Mississippi, Wright, and Young—20.

Previous to the vote being taken on the question of instruction,

On motion of Mr. CLAY, of Alabama, and by general consent, the number of acres to be granted to each actual settler was left blank in the instructions.

The question was then taken on the instructions thus modified, and was carried by the following vote:

YEAS—Messrs. Buchanan, Clay of Kentucky, Clayton, Crittenden, Davis, Foster, Hubbard, Knight, Lyon, McKean, Merrick, Morris, Nicholas, Niles, Pierce, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Smith of Indiana, Strange, Swift, Walker, and Williams of Maine—26.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Fulton, King, Linn, Lumpkin, Mouton, Norvell, Robinson, Smith of Connecticut, Tipton, Williams of Mississippi, Wright, and Young—17.

And the Senate adjourned.

MONDAY, January 6, 1839.

The Senate resumed, as the special order of the day, the consideration of the bill to provide for the reduction and graduation of the price of the public lands.

The question being on the following amendment, reported by the Committee on the Public Lands, in conformity with the instructions of the Senate, when the bill was recommitted:

"Sec. 2. And be it further enacted, That the right of entry at the prices reduced by the foregoing section, shall be limited to those who are now, or who may hereafter become, actual settlers; and the person applying to make any such entry, under this act, shall file an affidavit, under such regulations as the Secretary of the Treasury may prescribe, that such applicant is, at the time, or intends, in good faith, to become, an actual settler on the land proposed to be entered, or some part thereof, for that he owns and cultivates adjoining lands; and that such applicant makes the entry in his own name, for his own benefit, and not in trust for another."

Mr. CLAY, of Alabama, moved to amend the amendment, by inserting the words or "who may own contiguous adjoining land;" so as to extend the benefits of the bill to persons who are now settled on and are cultivating farms of their own.

Mr. C. said that the object of this amendment was so apparent that he would not occupy any more of the time of the Senate in explaining it. The amendment reported by the committee, under the instruction of the Senate, went to limit the operations of the act to actual settlers, only, or those who might give evidence of their intention to become so. The committee thought it proper that the benefits of it should be extended to those who are cultivating farms of their own, and who might wish to purchase tracts adjoining to them. It was well known to all the gentlemen of the new States that, in a variety of instances, there were settlers who had entered not more land than was barely sufficient for their cultivation, intending at a future period to purchase more for the various uses of a farm, such as timber, pasturage, &c. Now the question was, shall persons thus situated be cut off from the benefits of this bill, even where they owned so small a quantity of land as forty acres, while every individual in the old States had the privilege of purchasing at the reduced price six hundred and forty acres, with the condition only of settling on it. And inasmuch as the provisions of this bill limited the quantity to be entered, the committee could see no such danger from monopoly or speculation as had been intimated on that floor.

Mr. CLAY, of Kentucky, without intending any disrespect to the committee, thought their report was not in conformity with the instructions of the Senate. The instructions contained two specific restrictions: the first was to limit the provisions of the bill to the actual settler, and the second was to limit the quantity. Though the number of acres was left blank in the instructions, he expected that the committee would have filled it. Now, when a bill is sent to a committee with specific instructions, he thought they were bound to conform strictly to them, and so to remodel the bill as that the intention of the instructions shall be fulfilled; but, in the present instance, the committee have not confined themselves to this duty, but have recommended an extension of the benefits to another class. Now he had no objection to any individual member of the committee offering this amendment, but he did object to its being brought before the body with the official weight and sanction of the committee in favor of its adoption. He said that much as to the manner in which the proposition was brought forward, and he would now say a few words in relation to its merits.

Mr. C. thought there was no difficulty to prevent the owner of a farm to purchase the waste lands contiguous to it at \$1 25 per acre; and he thought if any rich landed proprietors wished to add section after section to their almost unbounded possessions, let them do it, but let it be at the Government price. Now what is to be the effect of the amendment proposed by the committee? It is that any farmer or planter in the new States will be enabled to purchase land at the reduced prices, while the citizens of the old States would be precluded from doing so. How can the Senators from the old States support this invidious discrimination? How can the Senators from Pennsylvania and Virginia do so—he alluded more particularly to Virginia, as she had bestowed the most princely gift that was ever bestowed by one Government upon another. Where is the authority in law, constitution, justice, or

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Graduation Bill—Mr. Smith, of Ia., Mr. Clay, of Ky., Mr. Roane, etc.

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equity, to make this distinction between the citizens of the old and new States? He could see none, and he thought that none existed.

Mr. C. said if we were compelled to act on this subject at the present time, he was for restricting the operations of the bill as much as possible. But he thought it very unwise at this session to legislate at all upon this subject, for reasons he had given at a former day; but if we are to act, let us conform to the sense of the Senate as expressed in their instructions. The Senate, by their vote on that question, declared its intention to be to limit the advantages of the bill to actual settlers. He was for sustaining that declaration, and trusted there would be no enlargement of its provisions.

After the question was taken on the recommitment, and decided in the affirmative, an appeal was made by different Senators to the mover [Mr. CLAY, of Kentucky] to withdraw the call for the yeas and nays on the instructions to confine the provisions of the bill to actual settlers, to which he assented.

Mr. SMITH, of Indiana, objected; he said he had voted to recommit the bill, but it was with a knowledge that the question upon the instructions was still pending; without the instructions he could not have given that vote. He now required that the yeas and nays shall be put upon the Journals that it may be seen who are the friends of the actual settler in preference to the speculator. His previous vote would then be fully explained. He went for graduation; but he wished the benefit of the reduced price to inure to the actual settler.

Mr. CLAY, of Kentucky, was not aware that he exhibited this morning anything like the boldness which had been attributed to him by the Senator from Mississippi. It was a quality of which he never boasted, and of which he did not believe he was particularly deficient. The boldness which he exhibited, according to the Senator from Mississippi, was an attempt to array the old States against the new, and to contrast their population. Now, if there had been an attempt to discriminate between the old and new States, it was the amendment brought in by the Senator from Mississippi and his colleague on the committee; and even admitting that there had been an extraordinary degree of boldness, it was not exhibited till it was necessary to speak the truth. What was the proposition of the Senator from Mississippi? It was to disfranchise the old States; to cut off from the privileges of this bill the thirteen old States who established our independence, in favor of the occupants in the new States. The object of the Senate, on a former occasion, was to restrict the settlements to emigrants from all the States; but, not content with that restriction, it was proposed to extend the privilege to owners of lands in the large States, who have been settled for years; to make grants to them at the expense of the freeholders of Virginia, Pennsylvania, and the other old States.

Mr. C. denied that he had attempted to array the old States against the new. It was the gentlemen who repelled every attempt to make this common property conducive to the common benefit—who seek, in the way of graduation and preemption laws, to secure exclusive privileges for their own States; and the moment a proposition was made to render the benefits from this common property common, the answer was: "Oh, no! that is injurious to the new States." Mr. C. said that no part of his policy ever looked to a single section. His object had been to seek the good of the whole.

But the Senator from Mississippi tells us that if there has been a discrimination, it was made by me in the proposition to limit the right to purchase to actual settlers, at the reduced price. This he denied. His proposition applied to all the inhabitants of all the States who chose to emigrate and settle down on the public lands. His proposition was not limited to any part of the Union. It was offered to all the poor and indigent in all quarters of the Union. In regard to the resident proprietors in the new States, in ninety-nine cases out of a hundred, they had made enough out of the Government. In Illinois, Indiana, and Ohio, immense fortunes had been made by the entry of lands after they had been five years in the market, and their subsequent sale.

Mr. C. concluded with some remarks in reply to the argument of Mr. SMITH, of Indiana, that the settlement enhanced the value of the remaining lands.

Mr. ROANE said, that throughout the whole discussion of this interesting subject, during the last session of Congress, he had contented himself with giving a silent vote against a bill similar to that now under consideration. He should have pursued the same course on the present occasion, but for the remarks which have fallen from the honorable Senator from Mississippi, [Mr. WALKER.] He rose to repel the idea that Virginia, in any part of her conduct, past or present, has ever manifested the slightest jealousy towards the new States, or the possibility that such a feeling can exist. He would furthermore inform that Senator, that whatever he might think of the desire of the Senator from Kentucky [Mr. CLAY] to excite the jealousy of the old States, especially Virginia, against the new ones, that it is far above the power of that eloquent Senator, even if he desired so to do, (which I am sure he does not,) or of any mortal man, to excite such a feeling. Virginia jealous of the new States! Why, sir, they are the flesh of her flesh, and blood of her blood. There has been no earthly cause for jealousy; there never can be any. It has always been her high pride to have contributed as much as she has done towards their birth and their growth. As long as the hardy and enterprising sons of Virginia left her barren or her exhausted soil, and for a moderate price purchased public land as rich as the banks of the Nile, their mother State had no other feeling than that of the gratification and pleasure at knowing, that whilst in the far West they had greatly bettered their own condition, they had, at the same time, contributed largely to the productive labor of the nation, and the best interests of all the States, for which she had made so many generous sacrifices, and for which only was the land ceded by her to the United States. She has had cause, sir, to enjoy more than this ordinary share of parental pleasure. Whilst looking through your legislative, executive, and judicial halls, in all time past and present, she has felt her bosom throb with pride and joy, at seeing her enterprising sons, from all the States and Territories to which they had migrated, sitting on their benches, and distinguished for their talents and their patriotism. Away, then, with the idea of the jealousy of Virginia of the growth and prosperity of her daughters and sisters of the West. As well might you talk about the jealousy of the home bee, of the sedulous laborers who range abroad, and return loaded with honey extracted from every flower of the forest, for the common benefit of the whole hive. As well might you talk of a jealousy of our hardy tars, who drive our noble merchantmen into every sea, and return to our ports freighted with the rich products of every clime. Sir, I oppose this bill, not from any feeling of jealousy, but because I do most conscientiously think it illegal and unjust. The land to which it relates was ceded for the common benefit of all the States. Here, sir, are the very words of the grant made by Virginia; and if the draughtsman of those articles of cession could have foreseen a purpose to divert these lands from the objects in contemplation, he could not have used stronger language. After making certain reservations, the articles of cession say, that all the remaining land "shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the Confederation or Federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose; and for no other use or purpose whatsoever." These, sir, are the terms of the cession. Can words be stronger?—can language be plainer than this? But, sir, how has this "common fund" been disposed of? I will not now dwell upon the millions of acres which have been diverted from it to private and local purposes. As long, sir, as people would cross the Atlantic ocean, and buy the public lands at the very low price always demanded for them, the public good was greatly advanced, because we were, by that process, supplied with one of our greatest wants—

population. As long as fertile public lands could be purchased at the Government price by our poor and enterprising citizens of the old States, the public interest was greatly promoted by improving the industry and increasing the wealth of the nation at large. But, sir, whenever the intention or the effect of any measure in regard to the public lands is to divert them from the purposes for which they were so obviously, and, in my opinion, so justly designed, or without adding one soul to the population of the United States, or one iota to their wealth, the effect is merely and only to transport people from the East to the West—yes, sir, to induce them to leave good lands and comfortable hearths, to settle on the "refuse lands" in the new States, merely to swell their population, for one will enter my dissent.

Mr. President, Virginia has been drained of much of her wealth and her population, and with it has gone many, very many of her men of enterprise, genius, and talent; but, sir, of this we have never complained, because, although it might be a local loss, it nevertheless contributed to the general good of the whole Union; and, sir, should that free and voluntary emigration to the fertile lands of the West continue till Virginia should become a deserted wilderness, there could be no just cause of complaint. What I do complain of is this, that a sponge should be applied to her surface, to take up from it every remaining soul, and to squeeze them out upon the "refuse lands," the pine barrens, and sand hills of the new States. That when there is no more public land worth cultivating left in the new States, a bounty should be offered to the inhabitants of the old ones to come and settle on their "refuse lands." But, Mr. President, I see that this bill takes care to permit all persons owning lands adjacent to the public lands, as well as the actual settler, to purchase a section (six hundred and forty acres) at the reduced price of seventy-five cents an acre, and goes on most carefully to provide, that after having purchased those six hundred and forty acres at that price, they may be at liberty to purchase as much more as they may choose; at the present Government price of \$1 25 per acre; and, sir, it is not hazarding much to say that land that is not worth \$1 25, is not worth seventy-five cents. The effect of this bill, if it passes, will be to enable the landholders contiguous to the public lands, to enlarge greatly their domains, at a very reduced price. It is an old saying, that poor land is not a safe friend, but an excellent neighbor. Sir, who that has a fertile tract of land which he wishes to bring into full cultivation, does not know the value of poor contiguous lands? He can well afford to pay a good price for them, whether his object be to keep off bad neighbors, to obtain water, fuel, timber, range, minerals, or anything else; even, sir, to swell his acres, and gratify his pride by enlarging his domain. In every possible view which I can take of this subject, not omitting that contained in the report of the Committee on Finance, and the accompanying letter of the Secretary of the Treasury, which I have carefully read, I am constrained to vote against the amendment, and against the bill; and in so doing, I declare again, that I have no other interest or feeling than a settled conviction that they are in violation of law, justice, and equity.

Mr. President, I cannot resume my seat without expressing my sincere wish that this whole subject could, in some manner satisfactory and just to all, be withdrawn from the scope of our legislation. It is a delicate, intricate, and important subject. It is every day becoming more and more unpleasant; and sooner than that, which was intended by our forefathers as a bond of cement, and a fund of wealth to us all, should become a bitter apple of discord among friends and brethren, I for one am willing to vote for any measure which the united wisdom, justice, and patriotism of Congress may devise, to dispose, finally and forever of this subject, as one of national legislation. I would do this not because I have any material objection to our land system, but, sir, I would do it for peace, harmony, and friendship. But, Mr. President, until some such measure shall be adopted, I never will, whilst I retain a seat here, vote for laws in regard to this subject which neither my understanding nor my conscience can sanction.

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Graduation Bill—Mr. Crittenden, Mr. Young, of Illinois.

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On motion of Mr. CRITTENDEN, the Senate then adjourned.

TUESDAY, January 8, 1839.

The bill for the graduation and reduction of the price of the public lands came up as the special order, the question being on the amendment of Mr. CLAY, of Alabama; proposing to extend the privilege of purchasing at the reduced prices to contiguous landholders, to the amendment proposed by the Committee on the Public Lands, under the instructions of the Senate when the recommitment was ordered.

Mr. CRITTENDEN, who was entitled to the floor, addressed the Senate at length in opposition to the bill. He thought that it was a premature measure. It proposed to reduce the price of refuse lands, but it would operate on all the public lands in market. There are upwards of seventy-one millions of acres now in market, and it is computed that not more than three millions of acres are annually required for settlement. How can these be called refuse lands, when there is twenty times the quantity brought into market than there is a demand for. He thought that its principal tendency would be to excite speculation in the public lands. A few years since, there were \$20,000,000 invested, when the lands were held at \$1 25 per acre, and this amount would be greatly exceeded were they reduced to seventy-five cents. By the provisions of the bill, the richest landholder would be placed upon an equal footing with the poorest occupant, which he could not assent to. He was also opposed to the bill on account of the discrimination made between citizens of the different States; he thought it invidious and unjust. The public lands are as much the property of Kentucky or Massachusetts as of the States in which they are situated. They are the common property of all the States of this Union, and we are merely trustees to manage it for the public benefit. He knew of no reason why a landholder in Alabama or Arkansas should have an exclusive privilege of purchasing at a reduced rate more than a landholder in Kentucky or Virginia. Mr. C. went into an elaborate argument to prove that his colleague [Mr. CLAY] was not an enemy of the new States, and referred to the whole course of his life to contradict the assertion. On the contrary, he had been denounced, in another section of the Union, as an enemy of the old States, and he supposed he was considered as *hostis humani generis*; but he was of opinion that some of the advocates of the measure were more anxious to fix this charge of enmity to the new States on his colleague than they were convinced of its truth, and he thought that the propriety or impropriety of passing the bill was not determined by the fact that his colleague was hostile or otherwise to the interests of the West. It was natural enough that Senators who represent those States that are seeking these exclusive privileges should, in their zeal, denounce those who may think it their duty to oppose them as enemies to the new States; but was it fair, was it generous? Suppose the old States should ask Congress for a donation of five millions of acres for the purposes of education or internal improvement, and that a bill for that purpose was brought forward in this body, their Senators would tell us that it was of great importance to their States that this bill should pass, and enlarge on the many advantages that would accrue to their States by its operation. What would Senators say if every one opposed to the passage of such a bill should be denounced as an enemy of the old States? yet it would be equally generous and just with the course pursued by the advocates of the measure before the Senate. We have already dealt liberally, very liberally, with the new States, and have made large donations to them for educational and other purposes. He trusted that the proposition of giving these lands away to citizens of the new States at twenty-five or fifty cents per acre less than to citizens of other portions of the Union would not be acceded to.

Mr. YOUNG, of Illinois, said, (in reply to Mr. CRITTENDEN, of Kentucky:) I rise not, Mr. President, for any purpose of crimination or recrim-

ination, or to impugn the motives of any, on this or the other side of the Chamber, much less intentionally to misrepresent what may have been said by honorable Senators here, in relation to this all-absorbing subject of the public lands, of which we have heard so much at the past and present session of Congress. I have no feelings of ill will to gratify—no personal dislikes to induce an unkind expression towards any Senator who may have taken part in these discussions; but I desire, as a duty I owe to the people I represent, to defend them against unjust animadversion, and to put some things right in relation to the debate of the last and the present session, that they may know and judge for themselves who has, and who has not been misrepresented in respect to these debates, and the course which has been adopted and acted upon by honorable Senators here in opposition to the leading measures, which, whether well or ill directed, have from time to time been brought forward to facilitate the settlement, and expedite the growth of that interesting section of the country which stretches along the immense valley of the West. Much has been said, Mr. President, in the progress of the debate now going on, relative to the attitude assumed by the able Senator from Kentucky, [Mr. CLAY,] in reference to the inhabitants of the new States, who have settled upon the public lands; and as his honorable colleague [Mr. CRITTENDEN] has undertaken his defence against the charge of hostility to the West, denies that there is proof to sustain the accusation, and says that his colleague has been misrepresented by those who are determined to have him, *noletis volens*, an enemy to the new States, I will attempt to show, that although language may have been attributed to him which he did not use, some of which I have myself seen in the public prints, that still enough and more than enough remains to sustain all the material allegations that have been urged against him.

The Senator [Mr. CRITTENDEN] asks, why it is that his colleague [Mr. CLAY] has, alone of all others, been singled out as the object of vituperation by the friends of this measure; why the whole fountain of bitter waters has been poured out upon his devoted head; and why it is that he alone is to be offered up as a sacrifice upon the altar of western interests, for having done what he conceived to be his duty in respect to the greater interests of the whole Union. Sir, if the Senator from Kentucky [Mr. CLAY] stands conspicuous as the object of attack in this debate, I would ask his honorable colleague, [Mr. CRITTENDEN,] who placed him in that condition? Has he not, above all others, at all times, and upon all occasions, when the subject of the public lands has been the topic of discussion, taken the lead in denouncing these *lawless intrusions* upon the public domain, as he is pleased to term them? Has he not, in fact, to use his own expression, battled it for days together, "solitary" if not "alone," against our preemption and graduation bills, when scarcely a man of his party would venture to the rescue? These things considered, Mr. President, and how can it be matter of wonder or surprise to the Senator [Mr. CRITTENDEN] that his colleague should be met by the Senators from the new States, upon the ground he himself has seen fit to occupy, so far in advance of his associates, as to have left them almost entirely out of sight behind him. Mr. President, during the progress of the debate on the preemption bill at the last session of Congress, the honorable Senator from Kentucky [Mr. CLAY] indulged in expressions towards the settlers of the new States who had gone upon the public lands for the purpose of procuring homes for themselves and families, which, in my opinion, they did not deserve; and as they were repeated on more than one occasion during the course of that protracted debate with the utmost deliberation, I took note of some of them at the time that they were uttered, in the precise terms employed by the speaker as I understood him; and as I wish to recur to these expressions, for the purpose of showing how far, in this respect, the honorable Senator [Mr. CLAY] may or may not have been misrepresented, as is supposed by his honorable colleague, [Mr. CRITTENDEN,] I will refer to them as I took them down, and leave the Senate to

judge whether we of the new States, or the honorable Senator's colleague, has had the most cause to complain of misrepresentation. The honorable Senator [Mr. CLAY] said, when discussing the merits of the preemption bill, and of those who were to be benefited by its provisions, in the debate of the 27th of January last, according to my memorandum, that he knew of no law or principle of propriety, which authorized us to give away the public lands as a bounty to the poor; as a bounty for a violation of the law; that he viewed it (the preemption bill) as a license to a set of lawless intruders to go upon the public domain, and prevent its sale in the manner prescribed by law; that he looked upon the whole system of preemptions as a system of boundless, heartless, scandalous, fraudulent speculation; that it was full of fraud, abominable, execrable fraud; a system that tainted, corrupted, and putrified every one who touched it; that these men (the settlers upon the public lands) might, with equal propriety, seize upon our forts and arsenals, our ships upon the ocean, or plunder the public money in the Treasury, and appropriate the spoils among them, as thus to seize upon the public domain, and hold it against the just demand of the Government.

Such, Mr. President, are some of the expressions in which the Senator from Kentucky [Mr. CLAY] indulged at the late session of Congress towards the settlers of the West.

But it is said that the Senator from Kentucky [Mr. CLAY] has been misrepresented, intentionally misrepresented; and that language has been attributed to him on the occasion referred to which he never uttered. This, sir, to some extent, may be true. I have seen some newspaper reports of that debate which contained expressions which I do not remember to have heard in the terms supposed to have been employed; but the inferences drawn were, nevertheless, in most instances, correct logical deductions from the premises, as admitted to have been stated in the debate. As, for example, the Senator did not say in so many words that the settlers upon the public lands were *pirates*, but he did say that they might, with equal propriety, have seized upon our ships upon the ocean, and hold them against the lawful right of the nation, as thus to seize upon the public lands, and defeat, by unlawful combinations, a just competition at the public sales in the manner prescribed by law. And what is this but a charge of *piracy*? And what else is a man who commits an overt act of *piracy*, such as the Senator has described, but a *pirate*? He did not say that they were *robbers*, but he characterized them as *robbers*, by assimilating their supposed offenses to a seizure of the public forts and arsenals—to a plundering of the public Treasury; and what is this but robbery or larceny, according to the circumstance of force or no force, in despoiling the Government of its property?

Mr. President, we have a class of speculators I could mention, who are well known in the new States, who are, perhaps, justly obnoxious to the Senator's charge of *piracy*; but they are not the preemptioners, or the squatters on the public lands, who have gone there without injury to any one, for the purpose of providing homes for themselves and children, and who expect to pay a reasonable price for them as soon as they are brought into the market. No, sir, it is an antagonist interest. The land pirates I speak of are certain gentlemen who make it their trade to go about the country seeking whom they may devour—who visit this city, and the other cities of the Union, purchasing up adverse claims to land at a cheap rate, long since abandoned, and supposed to be worthless by their holders—buying up old musty patents, for ten or twenty dollars each, to lands that have been sold for taxes many years ago, and long since passed redemption; ay, dealing in all sorts of claims, which have color enough to alarm the fears of the *bona fide* settler, and force him, however reluctantly, to the alternative of an unjust compromise, or that which is infinitely worse, a course of ruinous litigation. Yes, Mr. President, in this way stripping the honest settler of his hard earnings, and exposing

him anew to all the hardships and privations incident to the life of a squatter when he first enters upon the wilderness, and scarcely knows to-day on what he is to subsist to-morrow. Sir, so much was said to the disparagement of these settlers upon the public lands, that the honorable Senator from Massachusetts, [Mr. WEBSTER,] not now in his place, who had just before that time returned from an excursion to the West—who had seen them at their humble homes, and partaken of their hospitality, rude though it may have been, felt himself constrained to stand forward in their defense. He did defend them; and in the account he gave of them here in his place, he did them simple justice. Sir, I will say no more on this branch of the subject, except to add, without intending any disparagement by the comparison, that so far as intelligence, industry, and enterprise are concerned, that the people of Illinois possess these attributes in as high a degree as the people of Kentucky, or any of the old States; and that they would as long forbear from knowingly committing an offense against the laws of the Union as the Senator's constituents, or the constituents of any other gentleman upon this floor. No, sir; they never have believed that in going upon the public lands they thereby became lawless intruders, and despoilers of the public property; and our whole course of legislation, in reference to the settlements upon the public lands, since the year 1813, justifies them in this position.

I will now proceed to quote some passages from the Senate Journal of the last session in relation to the preemption bill, and see how far the honorable Senator's course is reconcilable with western interests, in proposing and voting for amendments which were evidently intended to embarrass the progress of the bill, and ultimately, if carried, to defeat its passage. There is something more in these amendments, Mr. President, than mere opposition to a measure of preemption, such as was proposed by the bill of the last session—some principles involved which I cannot subscribe to; an import and tendency on their face fraught with much mischief if they had been adopted. Hence I desire to speak of them, and expose, if I can, their deformities to the Senate and the people. On the 27th of January, 1838, the Senate resumed, as in Committee of the Whole, the bill to grant preemption rights to settlers on the public lands. The honorable Senator from Maryland [Mr. MERRICK] proposed, as an amendment to the bill, the following proviso: "Provided, That the right of preemption granted by this act, or the act hereby revived, shall not accrue to any other persons than those who were, on the 1st day of December, 1837, citizens of the United States; and such citizenship shall in all cases be established by legal and competent testimony, to the satisfaction of the register and receiver of the land district in which the lands may lie, prior to any entry thereof by virtue of the provisions of this act."

On the yeas and nays being demanded by the Senator from Missouri, [Mr. BENSON,] the following was the vote:

"For the amendment: Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Knight, Merrick, Prentiss, Preston, Rives, Robbins, Smith of Indiana, Southard, Spence, Tallmadge, and Tipton—15.

"Against it: Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Walker, Webster, White, Williams, Wright, and Young—28."

Here, Mr. President, was a proposition to limit the benefits of the bill to native and naturalized citizens, to the exclusion of those who were foreigners but not naturalized; an attempt at a limitation on our land sales hitherto unknown under the different preemption laws passed for the benefit of the citizens of the new States, which, in my judgment, was both invidious and unjust. And for this the Senator from Kentucky [Mr. CLAY] voted. Is this not hostility to the West? I, sir, will never consent to this distinction. Foreigners, Mr. President, are required by the constitution

and laws of Illinois to work on the public highways, to perform militia duty, and to pay taxes for the support of the government; and they are permitted, in return, by the same constitution and laws, to purchase, hold, and enjoy real and other property; and afterwards transmit the same to heirs or assignees, by will or otherwise; and, after six months residence, (having become inhabitants of the State,) to vote at all elections; and this, sir, before naturalization. The discrimination attempted, so far, at least, as Illinois is concerned, was odious and unjust; and being unjust, I, as an Illinoisian, could not have done otherwise than to have opposed it as I did. And, sir, it met with a signal rebuke in the *final*, in the heavy vote that was cast against it.

The Senator from Kentucky [Mr. CLAY] then proposed himself to amend the bill, by adding thereto the following section:

"SEC. 2. And be it further enacted, That all settlements upon the public lands subsequent to the 1st day of December, 1837, shall be, and are hereby, strictly prohibited; and the President shall be, and hereby is, authorized and required to cause all persons who may settle on the public lands subsequent to the day aforesaid to be removed therefrom."

On the yeas and nays being ordered on the demand of the Senator from Kentucky, [Mr. CLAY,] the following was the vote:

"For the honorable Senator's amendment: Messrs. Bayard, Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, Knight, Merrick, Prentiss, Preston, Rives, Roane, Robbins, Rugles, Smith of Indiana, Southard, Spence, Tallmadge, Tipton, Webster, and White—21.

"Against it: Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Walker, Williams, Wright, and Young—23."

Here, sir, was a distinct proposition, not only strictly prohibiting all settlements upon the public lands after the 1st day of December, 1837, but requiring the President to cause such persons as might go upon them, to be forthwith removed, by a military force, I presume, if necessary. Is this not hostility to the West? Sir, shall it be said to the new States, now nine in number, in this great Confederacy of twenty-six independent sovereignties, that the lands within their limits shall not be settled until the pleasure of the old States, however long withheld; and that if our citizens should chance to go upon them, they are to be seized upon and removed by the strong arm of the Federal Government? No, sir; I deny this right of making the public domain, as it is called, subject-matter of revenue, to the prejudice of the settlement of the States in which it may be situated.

And here, sir, permit me to avail myself of the authority of an extract from the able and conclusive speech, delivered before the General Assembly of Virginia, by the honorable Senator, [Mr. CLAY,] on opening the Kentucky mission on the 14th of February, 1822, in a case in point. The extract is taken from the Richmond Enquirer, and relates to a difficulty at that time existing between the States of Virginia and Kentucky, growing out of the early settlements in Kentucky, in which many of the citizens of the latter State had, either through mistake or defect of title, settled upon lands, which afterwards, on investigation, turned out to belong to citizens of Virginia, and from which suits had been instituted in many instances to eject them. In relation to the right and duty of a State not to permit large tracts of land to lie waste and uncultivated within its limits, the honorable Senator [Mr. CLAY] said, that "of all the attributes of sovereignty, scarcely any can be deemed more essential than that of adopting a policy to redeem a wilderness and render it productive. That it was not merely the right but the duty of a State to advance its own prosperity by the enactment of wholesome and equitable laws, demanded by its peculiar condition." Had it not been for the settlement and improvement of the country, he contended "that the lands which composed the rich virgin earth of Ken-

tucky would have been untended, her fields unplowed, the theater of a yet doubtful and dreadful war, waged between civilized and savage man; the silence of her luxuriant forests disturbed by no other sound than the horrible war-whoop, and the shriek of innocent females, and the cries of helpless children, expiring under the agonies of the tomahawk and the scalping-knife."

Such, sir, was the eloquent appeal of the honorable Senator [Mr. CLAY] in behalf of the suffering squatters of Kentucky, in that day of trial and tribulation which, in the course of unforeseen events, had come upon them. I wish, Mr. President, that we of the "far West" had such an advocate at this time upon this floor. What might we not anticipate from the energy and eloquence of one who could thus enter into all the feelings, the sympathies, the privations, and the sufferings of the early adventurers to the West?

The Senator from Maryland [Mr. MERRICK] has said that, in his judgment, it was unwise policy in the General Government to bring these lands into market faster than they could be disposed of and settled; that emigrants ought not to be permitted to run over large tracts of unappropriated land in pursuit of lands more distant, so long as any of that already offered, or any considerable portion of it, should remain the property of the Government. Sir, this is making this great question one solely of revenue, a question of dollars and cents to the old States, regardless of the rights of the new. Suppose, Mr. President, the policy suggested and advocated by the honorable Senator from Maryland [Mr. MERRICK] had been adopted at the early settlement of the State of Ohio, where now would be the flourishing States of Indiana, Illinois, Missouri, and the more distant Arkansas? What, sir, would the Delegates from Wisconsin and Iowa, in the other wing of this Capitol, say to such a system of policy? Ay, sir, what would the people who sent them here say? Territories, Mr. President, whose population and improvement have advanced with a rapidity altogether beyond the most extravagant computation, and which will, in a very short time, if suffered to pursue untrammelled the high road which is opening up before them to wealth and political distinction, have a just right to demand admittance into the Union upon a footing in all respects equal to the other States of the Confederacy. No, sir, it is not merely the right, but it is the duty of the new States to see that such a system of restrictive policy is not fastened upon them, under any pretext, by the old States; to see that the settlement and improvement of the lands within their limits enter into the consideration of adjustment, as well as the matter of revenue, whether collected for the ordinary purposes of the Government, or distribution among the States, as proposed by the Senator from Kentucky. Mr. President, the reasons why the people of the West object to the proposed plan of distribution, so far as I know them, are, because it creates an invidious distinction between the old and the new States; they are unwilling that the new States should become as so many plantations to the old States, rendering an annual rent or other periodical return of the money arising from the sales of the lands within their limits, and which is taken from their pockets for purposes not contemplated in the cessions of these lands to the General Government; and lastly for the stronger and more important consideration, that they do not desire to see a separate moneyed interest in this way, created for the benefit of the old States, having no public lands within their limits, which must inevitably tend to excite the cupidity of their citizens, and make this great question as to the proper disposition of the public domain, a question purely of revenue, and of increased prices, for the purposes of distribution, so long as an acre shall remain in the market unsold. In opposition to the higher interest of the new States, in reference to the settlement and improvement of the country by making donations, when proper, in aid of great works of internal improvement; such as the improvement of our navigable rivers; the construction of roads and canals; the draining of swamp lands, so as to render them healthy and fit for settlement and

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cultivation; the erection of colleges and other institutions of learning for the education of our youth; by giving the right of preemption to actual settlers; by reducing the price from time to time, as the best lands are taken up; and in the end, and in a reasonable time, by a surrender of the unsalable lands unconditionally to the States in which they lie.

These, Mr. President, are some of the reasons, apart from the power to tax these lands, which induce most of us from the West to oppose the gilded scheme of distributions among the States, which has been presented to the Senate under such an alluring aspect, that scarcely the new States themselves could resist the temptation. In my judgment, sir, it is far better for the new States that the avails of the public lands should come into the common fund, and be applied to the common purposes of the whole Union; and if we must continue to beg for favors and indulgences to our citizens, let us rather apply to Congress, as we have done, than be thrown upon either the charity or liberality of the Legislatures of the States.

But, sir, I have one more matter in relation to the preemption bill of the last session, of which I intended to speak, and I shall be done with that part of the subject. Towards the close of the debate, and just before the vote upon the engrossment for the third and last reading was taken, the honorable Senator from Vermont [Mr. PRENTISS] proposed the following amendment by way of addition to the bill:

"Nor shall any person have any right, or be entitled to a patent, under, or by virtue of this act, without paying, in addition to the statute minimum price, at least one half of the real value of the land above that price, not including improvements, to be ascertained by three judicious and disinterested appraisers, under oath, to be appointed by the register of the land office in the district where the land is situated."

On the yeas and nays being demanded, the following was the vote:

"For the amendment: Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, Merrick, Prentiss, Preston, Roane, Southard, and Spence—10.

"Against it: Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith of Indiana, Tipton, Walker, Webster, White, Williams, Wright, and Young—27."

Here, Mr. President, was a direct proposition to compel the settler to pay an increased price over and above the price of \$1 25 per acre as the price of his preemption, according to a value to be assessed at the time of entry, or to submit to the alternative of being turned away from his home, for the benefit of some fortunate speculator who might be willing to pay an increased price for his improvement; and for this proposition, also, the honorable Senator from Kentucky [Mr. CLAY] voted. Is this not hostility to western interests? I would ask the honorable Senator from Kentucky, and the honorable Senator from Vermont, [Mr. PRENTISS,] who brought it forward, as well as those by whom it was advocated, if these lands are valuable, who made them so? Were they thus valuable in their wild uncultivated state, or have they been made so by the labor and enterprise of those who went upon them and incorporated their labor with the soil? And, sir, upon this subject, again allow me to recur to the honorable Senator's Richmond speech, for arguments much better, and conveyed in language far more eloquent and convincing than any at my command. The honorable Senator, [Mr. CLAY,] when speaking of the difference between land in its wild and improved state, said:

"Land, before it is improved, may be compared to the raw material, with its improvements, to a fabricated article. A farm with all its fields, its houses, orchards, gardens, lawns, and shrubberies, no more resembles the same land in its native state, before these various improvements are put upon it, than a piece of Brussels lace does the flax out of which it is wrought. And

would it not be monstrous to say to the innocent possessor and manufacturer of a raw material, that he should surrender the article, uncompensated for his labor and expense?"

In respect to the rule which he contended should prevail as to the value of the land, he further said: "Not to go into other codes, what is the provision made by the laws of our common ancestors in the Colony of Virginia, when its condition bore a faint resemblance to that of Kentucky?" Here Mr. CLAY quoted several laws of the Colony of Virginia, passed nearly two centuries ago, providing that the true owner should compensate the settler of land. He contended that they were more unfavorable to the true owner than the laws of Kentucky, because the first of them compensated even the squatter; none of them gave rents; and, although all of them secured to the true owner the election to take the land and improvements, upon paying the value of seating, to be assessed by a jury, or the value of the land without the improvements, the land to be valued at the time of seating, not that of assessment.

Here, then, Mr. President, we have a practical illustration of the true rule of assessment, furnished by the experience of the honorable Senator from Kentucky, and backed by the high authority of the colonial laws of Virginia, from whom we derive the greater part of this vast public domain, some of which were passed near two centuries ago. And yet the Senator votes for the proposition to compel the settlers of the new States to pay according to an assessment to be made at the time of the entry, and not according to the value at the time they first went upon the land. So much, sir, for the preemption bill of the last session, and of the misrepresentation of the honorable Senator's course in regard to it, and other kindred measures.

I come now, sir, to submit a few remarks in reference to the bill under discussion. It has been said that the provisions of the bill propose to unsettle our whole land system. What does it propose, sir? Simply to reduce the price of such lands as have been in market at private entry for five years, and remain unsold, to one dollar per acre; and such as have been in market for ten years and upwards, under the like circumstances, to seventy-five cents per acre; and the operation of the bill limited to five years. How does this unsettle the land system? Was not the price of the public lands reduced from two dollars to one dollar and twenty-five cents, the present minimum price of the Government in 1820; and has this reduction tended to weaken and destroy the system? Surely not. On the contrary, it has been found, upon experience, beneficial, in a high degree, to all the parties concerned—both the Government here, and the people who have purchased at the reduced price. How, then, does the proposition now submitted, for a still further reduction, differ in principle from the reduction which took place at the time that I have mentioned? Sir, such has been the policy of all the States, as far as I have understood, having waste lands within their limits, and such, in my opinion, is the just policy of the General Government towards the new States. As, for example, in the State of Illinois, a large tract of land, known as the "Gallatin county Saline Reserve," was ceded to the State for the purpose of encouraging the manufacture of salt. In process of time many of the works were abandoned by the lessees of the State as unprofitable, and much of the land became unnecessary for the purpose of the grant. In this condition of things the Legislature of the State applied to Congress for its assent to the sale of a large portion of these lands, (fifty thousand acres,) and consent was given without any restriction as to the price for which they should be sold. Some of them were good, none I believe first rate, but by far the greater proportion was of inferior quality. Well, sir, what is the result? It was in the first instance, I believe, offered at a dollar per acre, and a part of it went off; then at seventy-five cents, when the next best portions were sold, and the residue again became unsalable; and now by the law of 1833 the price is reduced to fifty cents per acre, and still a considerable part remains undisposed of, and must await another reduction. How is it in Kentucky, the

Senator's [Mr. CRITTENDEN's] own State? Some years ago, Mr. President, I had occasion to visit that part of Kentucky which lies south of the Tennessee river, where the State at that time owned a considerable quantity of the unsalable lands, which were then in market, as I was informed, at fifty cents per acre, and that in Commonwealth paper, which was depreciated so as only to be worth about two for one; making the cash value of the land but twenty-five cents per acre; and to-day I was informed by a gentleman from that part of the country that the present minimum price was but twelve and a half cents per acre—reduced in a few years, Mr. President, from fifty cents to but one fourth of that sum. I mention these cases to show, sir, what the policy of the States has been in respect to their waste lands that have been some time in market. Sir, it is their policy to sell them that they may be settled; that they may be taxed to support the Government; and that the country may be cultivated and improved; for, in proportion to private wealth is the wealth of a State, and its condition as to revenue improved and benefited. Of all the attributes of sovereignty, Mr. President, none is so essential to the well-being of a State as the taxing power; for, without money, sir, the wheels of Government must stop; the Government itself would stop and come to an end. Is it right, therefore, that large tracts of land in the new States should be either kept out of market or held up at prices which they could not command, in a reasonable time, purely as a matter of revenue? No, sir, it is the right of the new States; and the duty of the old, to see that these lands are settled, to see that no impediment is thrown in the way of their prosperity, if that be the tendency, under any pretext whatever.

Sir, much has been said of the parental care of the old States in providing and maintaining this excellent land system for the benefit of the new States, and of the immense emigration to the West, within a recent period, under its benign influence. Sir, I have nothing to object to the system; I agree that it is a very good one; as good a one, perhaps, as could have been devised; but that was not all that created this immense rush to our borders. No, sir, the panics have done much within a few years past to add to that emigration. What was the process, sir? Why, Mr. President, I have either read it in the newspapers, or have been informed in some other way, that during some of these panics at the East and North, thousands of laborers have been dismissed from employment by the wealthy manufacturers in a week, sometimes in a day—turned out of house and home to beg for bread for themselves and their suffering families. Yes, sir, hardy, industrious laborers, who were in the habit of working day by day for their bread, were in this way suddenly made beggars. Well, Mr. President, they must do something; they turn their eyes to the West; the next you hear of them is at Buffalo, crowding your steamboats to overflowing, and bound for Detroit, and from thence many of them to Chicago, in Illinois. Yes, sir, in this way thousands find their way to our borders, and the next thing you hear of your manufacturer of the East, he is an independent squatter of the West, comfortably settled down upon the public lands, and talking about preemptions.

It has been said, Mr. President, that the quantity of refuse and unsalable lands in the new States has been greatly exaggerated. It may be so, sir. I will only speak for Illinois what I know, Mr. President, from long experience and personal observation. Many of the lands intended to be embraced by this bill, Mr. President, (I admit there are exceptions,) are either too poor and unproductive to be desirable for cultivation, or are, from other causes, unfit for present use, and therefore unsalable at the present minimum price of the Government. Such, sir, are large waste tracts of prairie land, remote from timber, and lands that are subject to occasional inundations, or are otherwise too wet for successful cultivation. I will give you an instance, sir. One of my colleagues of the other House [Mr. CASEY] told me this morning that a case had been brought before the Illinois Assembly, now sitting, to induce action here, for sectionizing a township of land on the

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Embarrass rivers, around which the exterior town-ship lines only had been run by the Government surveyor, and the land returned as subject to inundation, and consequently unfit for cultivation, so that it might be occupied, and in some way rendered productive. Now, sir, will any man say, although this may be rich bottom land, that it is worth the price for which the public lands are ordinarily sold? Surely not, sir; for although it may be reclaimed to a considerable extent for a variety of purposes, still money and labor must be expended to render it thus valuable for any purpose whatever. So it is with prairie lands in general: that are distant from timber. If you expect to sell them, you must reduce the price, so as to afford the inducement to purchase to such as are not able to buy the better lands, and would be willing to encounter the inconveniences attending these remote situations on account of the difference in the price. And, sir, one reduction should follow another within reasonable periods until the whole is disposed of.

But we are told, Mr. President, that we have had ample donations for the establishment and maintenance of institutions of learning, colleges, seminaries, and common schools, for the purpose of constructing roads and canals, for our seats of government, and many other purposes; and we are emphatically asked what we have given in return for all these advantages. I will answer, Mr. President, as to some things, that Illinois, at least, has given in return. In the first place she exempted from taxation, for three years, several millions of acres which had been patented as bounties to the soldiers of the late war; and in the second all the lands for five years, amounting to many millions more than have been sold since the 1st day of January, 1819. Our tax on a quarter section of land, in Illinois, Mr. President, is two dollars and forty cents for ordinary purposes; and one dollar and twenty cents for the opening and repairing of roads, making three dollars and sixty cents in the whole, on each one hundred and sixty acres of land. Now, sir, let any man make the calculation, and he will find that this would amount to no inconsiderable sum. But, sir, appeals have been made to the old States, to the Senators from Virginia and Pennsylvania, here in their places, to resist the monstrous pretensions of the new States, that "we of the old States are required to submit to." Sir, I trust that these appeals will not have the effect of arraying the old States against us; but that they will agree with us, that it is the right of the new States, as well as it is the duty of the old, to see that these lands are disposed of, and settled in a reasonable time, and that no impediment is thrown in the way of the occupation of the lands within our limits, and the cultivation and improvement, by our hardy and enterprising citizens, of the whole country, good, bad, and indifferent, upon such terms as shall be just, liberal, and equitable, to all the parties concerned.

Still, Mr. President, I am willing to do the Senator from Kentucky [Mr. CLAY] the justice to say, that with all his opposition to our land measures, and harsh expressions towards our citizens, to say the least of them, that he has rendered important services to the West. Yes, sir, he has for many years stood forward a prominent advocate for that great western measure, (the Cumberland road,) in which we of the West are so much interested, and I give him full credit for it. I have seen the monument on this side of Wheeling, said to have been erected in commemoration of these services, and I hope it may long stand there. I, at least, will not be among those to pull it down. I only regret, sir, that some of our southern friends, agreeing with us on most other questions of national policy, cannot find it within their constitutional competency so to act on this all-important question to many of the States, as to build up similar monuments to their memory and their fame, that should endure as long as this "GREAT HIGHWAY OF THE WEST," which was commenced under the auspices of Mr. Jefferson, and continued down to the present day, under the successive administrations of Madison, Monroe, Adams, Jackson, and the present incumbent, Mr. Van Buren, shall stand itself as a monument, in the estimation of the admiring beholder, to the

memory of those distinguished personages I have mentioned, and all those who shall stand firmly by it to the end, in the day of its trial and its difficulty.

These, Mr. President, are my views in regard to the feelings and interests of the people I represent, in respect to this important measure of the reduction of the price of the public lands. And as to their patriotism under all circumstances, whether we shall succeed or not, I will only add, in the language of a worthy predecessor, who once occupied this seat, [the lamented Kane,] that "if that time shall ever come, which God forbid, when the sun of your liberty must set, it will set in the West, unsullied by a single act upon your borders to sever this great and happy Confederacy."

Mr. CLAY, of Alabama, said he must beg the indulgence of the Senate to enable him to place himself *rectus in curia*. The Senator from Kentucky who last addressed us, [Mr. CRITTENDEN,] (he said,) had entirely misconceived him, as he seemed to suppose that he (Mr. C.) had imputed hostility on the part of the people of Kentucky towards those of the new States. Nothing could be further from him. He said he had never imputed, nor intended to be understood as imputing, any unkind feeling whatever on the part of the Senator's constituents towards his own, or the inhabitants of any of the other States interested in the passage of this bill. On the contrary, (Mr. C. said,) he had the best feelings towards the mass of the people of Kentucky, whom he had ever regarded as distinguished for their intelligence, patriotism, courage, and liberality. Nor have I imputed hostility to the Senator from Kentucky [Mr. CRITTENDEN] who last addressed us, nor to any other Senator, merely because he may have opposed or voted against this and other measures of interest to the new States. No, sir, far be it from me to regard as an enemy any honorable member of either House, merely because he may differ in opinion with me on any subject, or vote against and oppose, by any fair and ordinary means, such measures as I may approve and support. Nor do I regard the honorable Senator's colleague [Mr. CLAY, of Kentucky] as "*hostis humani generis*." I know his colleague is not an enemy of the whole human race. I know full well he is friendly to some classes of men, and that however unfriendly he may be to the settlers on the public land, or to the humble cultivator of the soil; however opposed to this measure, and so far as I am able to judge, to all other measures favorable to the new States, he is, nevertheless, the friend of certain privileged classes, the friend of banks and banking corporations, and the friend of manufacturers, monopolists, and speculators. While other Senators had opposed this and some other measures interesting to the new States, the honorable Senator's colleague, [Mr. CLAY, of Kentucky,] so far as he recollected, had opposed all such measures indiscriminately. His opposition had been universal, active, persevering, and untiring. He knew no measure desirable to the new States which he had not opposed.

But, sir, (said Mr. C.) let us go back to the real question involved in the motion to amend—it is simply whether you will permit the settler now in the new States, who owns and cultivates adjoining lands, to enter the inferior lands embraced by the bill, at the reduced prices? In reference to this question, the honorable Senator [Mr. CRITTENDEN] says, as did his honorable colleague yesterday, that he can see no reason for giving such a preference to a man living in the new States, any more than to those in the old States, and that he will never agree to it. And, pray, Mr. President, whose fault is it that any such discrimination whatever is to be made? There was no such feature in the original bill. Under its provisions, the right of entry at the reduced prices was open to all the citizens of the United States; nay, sir, open to all the world. As we have stated, over and over again, the friends of the bill sought not only to give homes on reasonable terms to all who stood in need of them, but to fill up the new States with an honest, hardy, and industrious population. The provisions of the bill, as originally brought forward, were calculated to effectuate

both these objects. But, sir, the Senator's colleague, [Mr. CLAY, of Kentucky,] not content with these broad and liberal provisions, moved its recommitment, with instructions to confine the privilege of purchasing at the reduced prices to actual settlers, as well as to limit the quantity, agreeing, however, finally to leave the restriction as to quantity blank. Well, sir, the committee, in strict conformity with the instructions, reported the bill with such limitations, but thought proper to propose to amend the report, by extending the privilege also to the owners and cultivators of adjoining lands. The Senator was for confining the privilege to actual settlers alone, which was certainly a discrimination in favor of that class; but the moment the committee propose to extend the privilege to another class—owners and cultivators of adjoining lands—he cries out against the discrimination as odious and unjust, and appeals to the Senators from Virginia and Pennsylvania by name, and to those of the old States generally, to join him in resisting and defeating the proposition! It will do very well for that Senator to propose and urge a distinction in favor of one class, but it is monstrous for the committee to move to embrace another class!

Sir, is there no reason for giving the proposed privilege of entry, at the reduced prices, to those who are now settled in the new States, and owning and cultivating lands adjoining? He thought there was. He asked, were not this class pioneers in the settlement and improvement of the country? Had they not gone into the wilderness, and encountered all the hardships and privations invariably incident to such enterprises? Had they not, he asked, in many instances, also encountered the dangers of the savage tomahawk and scalping knife? Yes, (he said,) they had done all this, and they had opened roads, built bridges, erected churches, and school-houses, and had thus facilitated and accelerated the sales of the public domain; and could the gentleman see no merit in these services, and no reason to extend the privilege of entering a limited quantity of the refuse lands to complete the settlements they had begun? But, sir, the Senator says it will be extending a privilege to the wealthy planter of the southwest—the man of large possessions. Although, in some instances, men of this description might profit under the provision, he would beg the gentleman to recollect that it was not the good fortune of all to be wealthy in that quarter. There were poor men, and those of moderate property there, as well as elsewhere. He wished it were otherwise, and that every one of his constituents possessed, at least, a competency. He said there were many men in the new States whose means had been too limited to purchase more than a quarter section, or in some instances eighty acres; that the families of such settlers had increased in numbers and wants, and now it was necessary to cultivate the whole of the original purchase. Would Senators refuse to such an individual the privilege of extending his possessions, at the reduced prices, when neither the settler, nor any one else, had considered the adjoining land worth \$1 25, though it had been subject to entry at that price for five, or, perhaps, for ten, fifteen, or twenty years? He could not think so till the vote was given.

But, sir, (said Mr. C.) the Senator from Kentucky farthest from me, [Mr. CLAY,] complains that the committee did not conform to the instructions, by reporting a limit to the quantity to be entered under the bill. This, sir, is a strange objection. Although the Senator proposed a limitation, in the first instance, did he not agree to strike it out, and leave a blank? And is there not a restriction in the original bill to one section? Certainly there is; and the committee, deeming that the proper limitation, reported the bill back without changing it. Would the Senator have had the committee to perpetrate a tautology, by repeating, in the amendment reported, the precise limitation which was already in the bill? If he would, he was certainly very unreasonable. Then, sir, after all, there is nothing so monstrous or inconsistent in the report of the committee. The amendment they propose is a fair subject for the deliberation of the Senate. If they approve it, as we hope and believe they will, they will give it

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the sanction of their votes; if they disapprove it, they can but reject it, and we must submit.

But, sir, the Senator from Kentucky [Mr. CLAY] has referred us triumphantly to his bill, introduced some years ago, "to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States"—more familiarly called his distribution bill—as conclusive evidence of his friendly regard for the interest and prosperity of the new States. The Senator seems to deplore the failure of that measure, and to feel no little astonishment that it did not conciliate our approbation.

Sir, I can assure the honorable Senator that, so far as I have the means of judging, it was more universally condemned by the citizens of the States in which the public lands lie, than any other measure affecting their interest which was ever proposed. He said some opinion of the estimation in which it was held, might be formed when the fact was known, (as he believed it to exist,) that on the passage of that bill through the House of Representatives, in March, 1833, there were but three votes given in its favor from all the new States. It must be presumed (he said) that the immediate representatives of the people of those States knew public sentiment in their respective districts; and that they voted in accordance with it generally; and, if so, how strong was this evidence of their reprobation! Yet the Senator from Kentucky [Mr. CLAY] not only persisted in maintaining that that measure was favorable to their interest and welfare, but pertinaciously endeavored, session after session, to force it upon them by the votes of the representatives of the old States. The mass of every intelligent community is generally competent to form a correct opinion upon matters which concern their own interests; but the Senator from Kentucky would not admit the capacity of the citizens of the new States to judge of the probable effects of the measure he proposed, but assumed the right to judge for them.

Sir, regarding the probable effects of that measure; it might have been much more properly given the title of "a bill to divide out the new States amongst the old ones," than that which was given it by its author. The bill was reported by the Senator from Kentucky, [Mr. CLAY] not from the Committee on the Public Lands, but from the Committee on Manufactures; and it was much better adapted to the interest of manufacturers than that of agriculturists. Its tendency was to render the acquisition of land by the laboring classes more difficult, and consequently to force them into other employment than agriculture—into the manufacturing establishments of large capitalists in the States east of the Alleghany mountains, to obtain the slender means of subsisting their families. Yes, sir, its tendency was to enhance the price of the public lands, and to keep it up, so that they would have been attainable only by the rich, to whom the poor would necessarily have become an humble and dependent tenantry.

Why, sir, instead of a common interest in a common fund to be derived from the sale of the public lands, and paid into the general treasury, to be disbursed for the general benefit, each State was to be allotted a separate and distinct share and interest. To render the plan more imposing and seductive, a table was appended to the report with this caption: "Statement showing the dividend of each State (according to its Federal population) in the proceeds of the public lands, after deducting therefrom fifteen per cent. as an additional dividend for the several States in which the public land is situated." As the basis of the calculation, the proceeds were estimated at \$3,000,000 annually—then about the highest amount that had ever been received in any one year. This table exhibited, to each State, at a glance, the amount she was to receive from this source annually. For example, (omitting fractions,) it showed to New York that she would be entitled to \$410,000; to Pennsylvania, that she would be entitled to \$288,000; to Virginia that she would be entitled to \$218,000; to North Carolina, that she would receive \$136,000; to Massachusetts, that she would receive \$130,000, &c., &c. Sir,

this exhibition was very alluring to State cupidity; too much so to be resisted by some of them, at least. Why, sir, if I am not very much mistaken, the dividend which would have fallen to several of the States, would have amounted to as much, or more than the total amount of their expenditures for the support of their respective State governments. They would have had no need of taxation for any State purpose, if left to the free appropriation of the money. How naturally would they have learned to rely on this Government for the means of support; and, having become accustomed to it, how unwilling would they have been ever to part with such a reliance. And, sir, the necessary result of this separate interest would have been to induce the older States to resist every attempt to reduce the price of the public lands, however inferior in quality—ay, and to stimulate them, extort from the inhabitants of the new ones the highest possible prices, and every dollar they could raise. Would the older States have been willing to have extended any liberality to the new ones, under such circumstances? Would they have been willing to grant the right of preemption to settlers, who had improved the value of new lands? Or, would they not rather have raised the price, in order to increase the amount of their dividends? For the answers to these questions, I need only refer you to the ordinary impulses of human nature. No, sir, so far from reducing the price of inferior lands, we should, more probably, have had the price of unimproved lands increased by graduation to higher rates than the existing minimum; we should, perhaps, have first had it offered at five or ten dollars, as the minimum, for those of the best quality, and at corresponding rates for those of the second or third quality. The population of the new States would thus have been retarded, and when their numbers had increased beyond the capacity of the lands owned by individuals to support them, they would have been compelled to purchase at the increased and exorbitant prices, or driven to seek new homes in other regions.

Sir, we have heard something said recently about subsidizing the States, and bringing them to the footstool of Federal power. What more effectual mode of bringing about this result, than to have accustomed the States to look to the Federal Treasury for money to supply their wants? Would not the tendency have been inevitably to make the General Government the tax-gatherer for those of the State? Would not the State governments have leaned insensibly upon this to fill their treasuries? And would not such a system, beyond any other that could be devised, have led to render the States insignificant, and to concentrate all power in this Government? Yes, sir, in my opinion, no other plan of consolidation, which has ever been suggested, or deprecated, would be more insidious, more dangerous, or ultimately more fatal to our free institutions, than for this Government to be allowed to collect and distribute revenue amongst the States. If the States could be induced to become dependent on the General Government, by any system of policy, this would most assuredly have brought it about.

But, sir, this is not all. The distribution bill of the Senator from Kentucky [Mr. CLAY] involved a violation of the compacts under which the public domain was ceded by the States to the General Government. Congress had repeatedly urged upon the States having western territory to cede it to the General Government, as well to promote the harmony of the Union, as to aid in the payment of the national debt which had grown out of the war of the Revolution. The several States having western lands finally yielded to these appeals; but upon express conditions, which were assented to by the General Government. No State ceded so large a territory as Virginia; and she expressly stipulated that the proceeds should be "a common fund for the use and benefit of such of the States as had become, or should become, members of the Confederation," &c. Georgia used substantially the same language; and a clause followed, in each act of cession, that the lands ceded should be "faithfully disposed of for that purpose, and for no other use or purpose whatever." These are the terms of the compacts, for the performance of

which the faith of this Government is pledged. The proceeds are to be a "common fund," for the use and benefit of the whole Union—not for each, nor any of the States separately. Nor could this fund be legitimately expended, except upon objects within the constitutional power of this Government.

Now, sir, where do you find in the Constitution the power of Congress to appropriate money from the common Treasury to such objects as were contemplated by the Senator's distribution bill? It provided that the distributive shares of the several States should be applied, by their respective Legislatures, to "objects of education, internal improvement, colonization of free persons of color, or the reimbursement of any existing debt contracted for internal improvement" before the passage of the bill.

The question arises, could Congress make appropriations for such objects directly out of the Treasury? Where will you find the power to appropriate money for purposes of education? Where is the power of Congress to appropriate money to build a national university, or colleges, or academies? If any opinion in favor of the exercise of such a power was ever entertained, it has been long since abandoned. The only clause in the Constitution that has the remotest relation to the subject is that "To promote the progress of science and useful arts by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries." And here the manner of promoting the progress of science and useful arts is specifically laid down, not by appropriating or granting money, but by giving to authors and inventors, for limited times, the exclusive benefit of their labors. It cannot be pretended, even with plausibility, that Congress can constitutionally make a direct appropriation out of the Treasury of the United States for the purposes of education. Is there any distinction to be found in the Constitution between that portion of the treasure of the nation derived from taxes or customs, and that derived from the public lands as to the power of appropriation? Is it not all one common fund, intended for common and general purposes? On what ground can it be denied?

In regard to internal improvement, the provision of the bill introduced by the Senator from Kentucky, was without restriction or limitation. It did not limit the power of the several Legislatures even to the debatable class of national improvements, or those which would facilitate the national defense, or advance the general interests of the nation. The whole fund might have been applied to objects of a character strictly local. Then, waiving the question for the present, whether improvements of a national character be within the competency of the General Government, it cannot be maintained that the provision under consideration was constitutional in this point of view. But to make the objection still more conclusive, the latter part of the clause authorized the application of the money by the State Legislatures to the "reimbursement of any existing debt contracted for internal improvement." What kind of internal improvement? Any kind; that which was merely local, as well as any other.

But, sir, the most objectionable of all the objects contemplated for the application of the funds to be distributed remains to be noticed: it was for the "colonization of free persons of color." This clause of the provision involved consequences more serious and alarming than all the others. It was but the first step towards the assumption of a power in this Government, of all others the most dangerous to the interest, peace, and stability of the Union. Where in the Constitution is to be found the power of Congress to appropriate money for the colonization of free persons of color? Would it not be as easy to find a power to legislate in reference to another class of our colored population? Yes, sir; and whenever Congress shall undertake to legislate in behalf of free persons of color, it will be but the first step, the entering wedge, towards rendering this Union asunder.

Well, sir, it cannot be pretended that Congress could make a direct appropriation of money out of the Treasury for any of the objects specified in the bill which was introduced by the Senator

from Kentucky. Could they do it indirectly with any more propriety? Would it be more allowable or excusable for Congress to cause the money to be handed over to the State authorities, under an express injunction to apply it to the same unconstitutional objects? or would it alter the case to anticipate or intercept the receipt of the money into the Treasury of the United States, by a law for its transfer to the States in advance? No, sir; certainly no man will be so disingenuous as to attempt to escape or evade the restraints of the Constitution by any such quibble. If Congress could not appropriate the money directly to the purposes of education, of internal improvement, or the colonization of free persons of color, they could not do it indirectly, through the agency of the States; the one would be an infraction of the Constitution as palpable as the other. Nor does the Constitution make any distinction between the revenue derived from the sale of the public lands and that derived from other sources. It is all a common fund, a common treasure, for national and general purposes, and for State and local purposes.

I will here take occasion to say, (said Mr. C.,) that I am opposed to a distribution of the funds of the nation amongst the States in every form yet proposed, or of which I can conceive. Hence, (he said,) he would be opposed to a distribution of the proceeds of the public lands amongst the States, with or without the specification of the objects to which they were to be applied, because he believed Congress possessed no power to make such a distribution, and because the tendency of such a policy would be to destroy the independent character of the States, and to concentrate all power in this Government.

Under such views as he had expressed, Mr. C. said he could never agree that the bill, which was intended to distribute the net proceeds of the public land amongst the several States, was favorable in its bearings upon the interests of the new States or in its probable effects upon the Government of the Union. Whilst it would have been most highly injurious to the peculiar interests of the new States, its inevitable tendency was to corrupt and degrade all the States, and through the unrestrained distribution of money amongst them, by this Government, to augment its already great powers to an illimitable and ruinous extent.

Mr. TIPTON observed that he did not rise to prolong the debate; but as his position on a former occasion did not seem to be understood, he thought it right to make a brief explanation. He would just state how it happened that he made any remarks with regard to the speech of the Senator from Kentucky, which he did not hear. When the preemption bill was under discussion at the last session, he was absent for a short time in a committee room, preparing a bill, and when he returned to his seat in the Senate, the Senator from Kentucky was reading from a newspaper. He (Mr. T.) inquired of a friend what was going on, and was told the Senator from Kentucky was reading a newspaper published in Indiana, and he has been saying harsh things of your constituents. The next day he took an opportunity to reply to the remarks made by the Senator from Kentucky; defending the squatters on the public lands, and quoted the words which he was informed the Senator from Kentucky had used. A few days after this the Senator from Kentucky called his attention to a report of his (Mr. T.'s) speech, as published in the newspapers, and stated that he did not use the words there attributed to him. He repeated words which he said he used on the occasion referred to. I adopted his own words, and they were published in the pamphlet copy of my speech. If these are the words now quoted by the Senator from Illinois—and I believe they are—they are the very words furnished by the member from Kentucky. He surely has no just grounds to complain of these words being now repeated. Now, from what had been said to-day, it might be inferred that I used words in my speech which I retracted next day; but the fact is, that I had nothing to do with the correction, but to tell the truth. When a thing was said or done here, I have no other object than to let the truth go to the people concerning it.

## GRADUATION BILL.

REMARKS OF HON. JAMES BUCHANAN,  
OF PENNSYLVANIA,

IN SENATE, January 17, 1839.

On the amendment proposed by Mr. CLAY, of Kentucky, to reduce the price of the Public Lands which had been subject to private entry for fifteen years, in favor of actual settlers, in limited quantities, at fifty, seventy-five, and one hundred cents per acre; and to distribute the proceeds of all the Public Lands among the several States, after the 1st day of July, 1840.

Mr. BUCHANAN said it was very far from his intention, on the present occasion, to follow the Senator from Kentucky [Mr. CLAY] throughout the whole course of his argument. He had risen more for the purpose of defining his own position in relation to this question, than of attempting to enlighten the opinions of other Senators.

He could not help congratulating the country and the Senate that the Senator from Kentucky had just expressed his concurrence in opinion with the illustrious individual at the Hermitage, in regard to the propriety of selling small tracts of the public lands to actual settlers at reduced prices. When two such high authorities united, he supposed the question might almost be considered as settled. The extremes had met in favor of this principle; and, in his opinion, a wiser, more just, or more politic principle in regard to the disposition of the public lands could not be established, provided it were confined within safe and proper limits. From his very first entrance into public life up till the present moment, he had ever entertained the opinion, that the man who first went into the wilderness and felled the forest ought to be regarded with peculiar favor. Such a man, who, by the sweat of his brow, had provided a home for himself and his family, would rear up children endowed with the frank and manly virtues which were the firmest support of republican institutions. Whilst encouraging such actual settlers, we were acting in the best manner to promote our interests as proprietors of the public land. Every improvement made by an actual settler added value to all the surrounding lands, and enabled the Government to sell them the more speedily at the standard price.

Peculiar reasons now existed why we should encourage the settlement of the country on the extreme western limits of the States and Territory beyond the Mississippi. It had been our policy to remove all the Indians from the States, and settle them immediately beyond our extreme western frontier. There these warlike, restless, and discontented savages were brought together in great numbers. Now what stronger barrier could we raise against their hostile incursions, than to people this frontier with a bold and hardy race of actual settlers, accustomed to the toils and perils of the remote wilderness? Such a population might prevent war, and if war should come, would save us the effusion of much human blood, and millions of money, in conducting it. The wisest nations of antiquity had always acted upon the same principle. It was the policy of the Romans to send military colonies to their frontiers, to be a barrier against the incursions of the barbarians.

Whilst these were his fixed convictions, he could not forget the interest of his own immediate constituents in the public lands; and if this bill proposed, as the bill of the last session had done, to graduate the price of the public lands in favor of all persons, it should again have encountered his opposition. But it was now strictly confined to actual settlers; and no actual settler could acquire a patent under it to more than half a section of land, and not even to that, until he had established, by clear proof, that he had settled, improved, and cultivated it, according to the terms and spirit of the law, although he was obliged to pay the purchase-money in advance. In favor of such a settler, the bill reduced the price of that portion of the public land which had been in the market and remained unsold for more than five years, from \$1 25 to \$1 per acre; and such of this land as had remained unsold for more than ten years, to seventy-five cents per acre. In order that we might fairly test

the practical operation of this measure before we made it a permanent law of the land, the bill had been amended, on his motion, so as to limit it to the period of five years. Before the expiration of this term the subject would again be brought before Congress, and we could then act with all the lights of experience. He could not vote for the amendment proposed by the Senator from Kentucky, because he thought that it went too far in reducing the price of any portion of the public lands to fifty cents per acre, although it might have been fifteen years in market without finding a purchaser. It was too long a stride to go down at once from \$1 25 to fifty cents per acre.

The bill, amended as it has been, will prevent fraud in the most effectual manner, because self-interest will present no temptation to the commission of fraud. It had often been urged, as an argument against the preemption system, that speculators under it hired individuals to become settlers upon lands before they were offered at public sale; that the choicest and most valuable tracts were granted to those individuals as actual settlers at the minimum price, instead of being exposed to public sale, and were then immediately conveyed to the speculators. He did not doubt that, in some cases, such had been the fact. In regard to the actual settlers for whom this bill provides, no such objection could exist. No speculator would be such a fool as to incur the expense of employing an individual to make an actual settlement on a tract of three hundred and twenty acres of land, for the purpose of procuring it at one dollar per acre, and then wait for the title until the settlement had actually been made, when he could go at any moment to the land office, and obtain a title for it immediately at \$1 25 per acre. The difference of price would only be \$80 on a half section which had remained unsold for five years, and \$160 if it had remained unsold for ten years. The cost of employing an individual to make a settlement would be greater, in either case, than the reduction of price. Besides, the speculator always pounces upon the best portions of the land immediately after it is brought into market. He seeks not the lands for whom no person was found as a purchaser during periods of five and ten years. This provision, then, will be almost exclusively confined to poor men, who are not able to pay the present prices for a quarter or a half quarter section of land, and who are willing to provide themselves a home upon the less valuable public lands, at a small reduction from the present prices. It opens no door for speculation and fraud.

Now, sir, if we were to judge from the discussion upon this question, we might consider it one of vast importance, calculated in its consequences to shake the whole land system of the country; but view it as truth presents it, and we find it to be a very small affair. What is this land system as it at present exists? The public lands are surveyed, and are then exposed to public sale; but these sales have ever been so managed that they have brought but a fraction more than the minimum price of \$1 25 per acre. After these public sales, all the residue of the land is subject to be entered at any time, by any individual, at \$1 25 per acre; and there are now more than seventy millions of acres in this condition. The best lands are always the first selected; whilst their settlement and improvement give additional value to those which remain of an inferior quality. These inferior lands in succession come into demand, and are sold at the same rate. This progress, however, has been so slow, that, notwithstanding the rage for speculation which existed for some years previous to the late suspension of specie payments, we still have on hand more than seventy millions of acres subject to private entry. This bill will only operate upon such of these lands as have been in market for five or for ten years, without finding a purchaser; and, in its present form, can produce but little effect, one way or the other, upon the public revenue.

On this land system, for a number of years past, the principle of preemption has been ingrafted, which means nothing more than that the pioneers of civilization, who go into the wilderness in advance of the public sales, shall be per-

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mitted to purchase, in exclusion of all other people, the small tracts of land on which they have settled, at \$1 25 per acre. In other words, that the speculators who attend the public sales shall not be permitted to purchase these poor men out of house and home, and thus convert to their own benefit the toil and the danger which they have endured, in erecting cabins and cultivating spots of ground beyond the limits of civilization, to shelter and support themselves and their families. This bill proposes to ingraft another, though a similar, principle upon the land system. It proposes to sell to the poor settler, in small quantities, such of the public lands as have remained unsold for more than five or ten years, at a reduction of price, in the first case, of twenty-five cents, and, in the last, of fifty cents per acre. This trifling boon, if such it may be considered, will not affect the general system. It is a small departure from it, in favor of a meritorious class, which time and circumstances, and the condition of the new States, have rendered necessary. It is one which we should most cheerfully grant; and he felt perfectly convinced that his constituents would never condemn him for giving such a vote. Whilst these were his sentiments in regard to this particular matter, he was by no means prepared at the present moment to unsettle the settled policy of the Government in regard to the general disposition and sale of the public lands.

Mr. B. should now proceed to make some remarks in regard to that portion of the Senator's amendment which proposed to distribute the proceeds of the public lands, after the 1st day of July, 1840, among the several States. At an early period of his congressional career, he had been friendly to a similar measure. When the Senator had last brought forward his distribution bill, he (Mr. B.) had voted for it, though he was then acting under instructions from the Legislature of Pennsylvania. It was, however, proper, to say that he never would have been the agent in giving such a vote, had he deemed the measure to be unconstitutional. Such had not then been his opinion, nor was it so now. Should this measure hereafter be pressed, at a period when our finances were in a condition to render the revenue derived from the public lands unnecessary for the support of the Government, he would decide upon the question, as it might then be presented, under all the existing circumstances. At the present moment, he was decidedly opposed to the Senator's amendment. Our revenue was now scarcely sufficient, with the utmost economy, to meet our expenditures. There were still eight millions of outstanding Treasury notes, which must shortly be redeemed. The Florida war, which was such a fruitful source of expenditure, had not yet been terminated. He might enumerate other causes of extraordinary expenditure. He asked, was this a moment to pass a bill which would deprive the Government of the revenue derived from the public lands? He would never consent to place the Administration and the country in such a dilemma. The Senator seemed to be aware of this difficulty; and, in order to overcome it, had expressed the opinion that before July, 1840, the revenue derived from customs would be sufficient of itself for our expenditures, without the aid of the public lands. He was sorry that he could not entertain the same opinion. We all know that, under the compromise act, the rate of duties imposed on foreign imports was sinking every two years. Was this a moment, then, when our expenses must be necessarily great, to lop off the revenue derived from the public lands, and give it away to the States? He thought not. He firmly believed that, if this measure should be adopted, we must either create a national debt or increase the tariff. But the Senator says, let us pass the bill now, and if, at the first session of the next Congress, it should be found necessary, we can then suspend or repeal the act. Now, for himself, he believed it to be the part of wisdom to wait until the finances of the country were in such a condition as to justify the withdrawal of the proceeds of the public lands from the public Treasury, before we should take the question into serious consideration. It would be miserable policy to spend time in enacting a law at this session, which we had reason to believe we might be com-

pelled to repeal at the very next session; and that, more especially, as the Senator did not propose that his distribution should take effect until the 1st day of July, 1840. In any view of the case, there was no propriety in acting upon the subject at the present session of Congress; and if the attempt were persisted in, it would only consume important time, and prevent us from passing other laws of pressing necessity.

The Senator says that the expenditures of this Government have increased enormously, and unless the Administration should use more economy, an increase of the tariff would be inevitable. He had heard the same declaration over and over again on this floor, from Opposition Senators, since the commencement of the present session. It was the easiest thing in the world to make general charges of wasteful expenditure, and by comparing the aggregate amount of expenditures for the last few years with that of former times, to present a plausible statement for the purpose of alarming the fears of the people. But, do we not all know the causes of this increased expenditure? We have had to prosecute a most expensive war in Florida; and is there any man in the country who would say that this war ought to be arrested; that the United States ought to cower before the prowess of the Seminole Indians, and that the frontier should be exposed to their merciless depredations for the sake of saving money? This war, then, has been one source of increased expense. Another cause which greatly increased the aggregate amount of our expenditure for the last few years was the vast sums of money which, in our liberal policy, we had paid for the extinguishment of the Indian title to lands within the different States. Who regrets this? Who would not now pursue the same course under the same circumstances? And yet all this expenditure has been charged to the extravagance of the present Administration. He had seen estimates of the gross amount annually expended by this Administration, which, strange as it may seem, actually included as an item of their extravagance the millions of indemnities which the late Administration had procured from foreign nations for American merchants. These had first been paid into the Treasury, and were afterwards paid out to those entitled to receive them under the different treaties; and these very disbursements were one item to swell the apparent aggregate of the account current against the Administration, and to prove that it was a most extravagant Administration. The money collected from foreign Governments, by the vigorous and successful diplomacy of General Jackson, was thus used for the purpose of proving a charge of profligate extravagance against his successor.

If the Senator desires to test the question whether he or I are the most economical, I am ready for the trial. Let him point to any single expenditure which can, with justice to the country, be reduced; and if I shall not go as far as he will, then he may brand me with the charge of wasteful extravagance. Will he reduce the Army? Are twelve thousand men too great an army for a nation of fifteen millions of people?

[Here Mr. CLAY said it was, and that he would reduce it.]

Mr. B. resumed. Twelve thousand men too numerous, with a sea-coast stretching from Canada to the Gulf of Mexico, and thence to the Sabine, with the Florida war on hand to the South, and Indian hostilities threatened along our whole western border, and with the task of preserving our neutral relations throughout the whole extent of our Canada frontier! Reduce the Army, with an inland boundary of thousands and thousands of miles, and without any certainty that war may not rage along its whole extent before the end of another year! Why, sir, a sufficient number of men are scarcely left on the sea-board, I will not say to garrison our fortifications, but merely to take care of them, and keep up the police necessary for their preservation. Why, it is a subject of astonishment for the whole world that our Army is so small. Now, sir, I do not believe that the Senator himself, after a moment's reflection, would reduce the Army below twelve thousand men; and if he did, I feel confident that, great as is his influence here, he could not find four Senators of the

whole body to sustain him in the attempt. Then, if the expenditures for the Army cannot be lessened, would the Senator wish to reduce the Navy, which is the pride and the best defense of the nation from foreign aggression? Have we too many vessels of war, or are there too many of them in commission for the protection of our commerce? I think the Senator will not answer in the affirmative. The Army and Navy are notoriously the chief causes of our permanent expenditure; and if they cannot be reduced, is it not unjust to charge the Administration with extravagance in maintaining them? But the Senator complains that the expenses of our civil list at the origin of the Government did not exceed \$600,000; and now they have greatly increased. He might as well complain that the coat, which was sufficient to cover a child in its infancy, was not large enough for the same purpose after it had grown to the dimensions of a giant. Since then we have doubled the number of States of the Union, and quadrupled our population, and extended in every form our foreign and domestic relations; and yet the Senator would have us expend no more money on the civil list than in the days of our infancy. Now, economy was a homely virtue. It did not deal in generals, but in particulars. It saved wherever it could. One of the most extravagant men he had ever known was one of the most powerful preachers of economy in the general. If the Senator can neither reduce the Army, nor the Navy, nor the number of those employed in civil service, then I would ask him to lay his hand upon any abuses which may exist in either service. Let him (said Mr. B.) descend from generals to particulars, and I shall go with him. Let him point to any individual instance of extravagance, with which the Administration is fairly chargeable, and I will unite with him in condemning and correcting it. Till this shall be done, these general charges amount to nothing.

Mr. B. said that in regard to the allowance of private claims, he was one of those who had subjected himself to the charge of illiberality for having scrutinized them with too much severity. As an individual, he might be, and he trusted he was, sufficiently liberal with his own money; but he did not feel that he had a right to give away that of the people. He was, therefore, prepared to unite with the Senator in exposing and correcting every extravagance in the administration of the Government. All he wanted was the ability to discover this extravagance.

To return to the subject, he did not think this was a propitious moment to make any general and radical change in our land system, such as the Senator proposed. We were now approaching the close of the last session of a long and stormy Congress; and its few remaining weeks could be better, much better, employed than in discussing the amendment, which it was morally certain could not become a law before its termination. The bill proposed no change in the system, but merely that of giving to actual settlers the right of purchasing, in limited quantities, at a small reduction of price, lands which had been refused by other purchasers for periods of five and ten years; and to the resident owners of lands in the new States, the same limited right of purchasing such vacant lands, provided any such adjoining their present tracts. Whilst he should cheerfully vote for the bill, he would vote with equal cheerfulness against the Senator's amendment.

## GRADUATION BILL.

## REMARKS OF HON. W. S. FULTON,

OF ARKANSAS,

IN SENATE, January 9, 1839,

On the bill to reduce and graduate the price of the Public Lands, the question being on the amendment proposed by the Committee on the Public Lands, granting the right of purchase at the reduced prices to owners of contiguous lands.

Mr. FULTON observed that the discussion which the bill had undergone, had been a matter of great surprise to him, particularly as a graduation bill had passed this body at the last session,

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after the most ample examination and consideration. It was not to have been anticipated by those who then so ardently and feelingly supported the rights and interests of the settlers in the new States, that they should again, at this session, have to encounter such determined opposition. This discussion had shed much light upon the subject, but he thought, instead of proving that the measure was inexpedient, it had proved it to be one of great national importance. He did not, however, pretend to blame Senators for the course which they felt it to be their duty to pursue. He feared that many Senators believed that those who represented the new States on that floor, were constantly endeavoring to impose upon Congress, and to get hold of the public lands, without being willing to pay a just and adequate consideration for them. The violent opposition which all measures having for their object a relaxation of the rigid terms imposed by existing laws upon the enterprising portion of our population, who are seeking homes in the new States, and which had greatly retarded the sale and settlement of the public lands, had convinced him that the true situation of those lands which have been offered for sale is not understood by the people of the old States, and that the Senators from the new States are suspected of attempting to practice deception upon Congress in all the measures which it is their duty to bring forward upon this subject.

Mr. F. did not believe that a single Senator could be found who would be willing to oppose the bill under consideration, if he really believed that its provisions would operate exclusively upon refuse lands, such lands as were in reality not worth, in their wild state, the minimum price of the public lands; and yet such was the true state of the case, at least in the southwest, in regard to lands which had been for some years in the market. He would not deny that millions of acres of lands, which had been offered for sale for a number of years, had sold within the last three years at the minimum price. The document, so conclusive as it was thought to be in refutation of the argument that the lands in market ought to be reduced in price, after having failed to find a purchaser for a number of years, presented this morning by the Senator from Maryland, and which went to prove that, even within the last year, three fourths of the land that had been sold was land which had been some time in market could, as he thought, be very easily explained. It was the result of the land mania of 1835-'36. During those years, such was the spirit of speculation in the public lands that all the new States were thoroughly explored and examined; individuals were employed, who went in companies through all the public lands that were open to entry; and every foot of land of any value was marked and noted, and scarcely an acre which the speculators supposed would, even in some years to come, bring over \$1 25, was permitted to remain unentered. So generally was this the case throughout the southwest, and particularly in the cotton region, that he felt confident that of the lands already in the market in all that region, a very few hundred acres indeed could now be found that would be considered worth \$1 25 per acre. This universal sweep of all the valuable lands in the southwestern States had extended (he said) also over the northwestern States; and the only difference was, that the remaining lands in those States were, perhaps, not so entirely sterile and valueless as those remaining in the southwestern States. All our valuable cotton lands have been taken up, and all that now remained were such lands as would be valuable only for timber or fuel, or for range. The provision of the bill then under consideration, and which was intended to authorize the present landholders of the new States to enter lands adjoining their plantations, would be highly valuable to the citizens of the State from which he came. There were vast prairies, fit only for grazing purposes, and uplands covered with timber, but without fertility, with here and there a few acres of second or third-rate soil; and then, again, extensive sandy pine barrens, or impenetrable swamps, all of them covered a portion of the year, and many of them

throughout the year, with water. These lands could never be settled; they would never sell at any price, at least the great body of them. When, however, they adjoined good lands, as was in some instances the case, the owners of improvements would be willing to purchase, at a reduced price, such portions of them as they might find useful for various purposes connected with their agricultural pursuits.

It was from a hope of making a portion of these lands subject to taxation, and in that way aid in the support of our State government, that he was anxious to have the inducement held out to the citizens of his State to become the owners of a portion of such lands as he had described. He felt convinced that in the State of Arkansas, of the lands that had been for a time in market, all the cotton lands had been appropriated. Indeed, he knew that many of the speculators in land had purchased up, in their eagerness to appropriate all the good lands, hundreds of sections of very inferior quality; and he had heard that many of them were now anxious to sell, even for less than they had themselves paid for the land. He was sure that those speculators who had purchased hundreds of thousands of acres—as many had done since 1834, and who, in some instances, entered many sections lying together—must have bought a fair proportion of inferior lands; at least such, he thought, could not fail to be the case in Alabama, Mississippi, Louisiana, Missouri, and Arkansas. This attempt of the land speculators to purchase up all the valuable public lands in the market, is what has caused so many millions of acres of lands that were subject to sale to be purchased; and it is owing to the same circumstance that, even during the last year, a larger proportion of the public lands already in market were sold, than of those then just offered for sale. He honestly believed that throughout the southwest nearly every acre of good land had been purchased up, and was now in the hands of speculators. He thought he had fairly accounted, and in a way, too, which was calculated to satisfy the Senate, that of the lands now in market, nearly all must be really and truly refuse lands; for the apparently strange circumstance which the document exhibited that morning had presented, namely, that a greater portion of lands which had remained unnotified for years, had been recently sold, than of those lands which had just come into market. He would add another view. The speculators and their explorers were the only persons who had a knowledge of the whole country; and they cared not to make their purchases when the lands were first offered for sale, unless, indeed, they were then filling up and settling. It was only when they began to settle rapidly that the speculators came forward and make their entries; founded upon the knowledge they obtained of the quality of whole tracts of country. In this way, sometimes, valuable lands were permitted to remain unentered for a few years. This, however, was not the case to any extent in the cotton region. Their good lands were so much sought for, and there was so large a proportion of the lands that were unfit for cultivation, that nearly every acre of good land was bought when first brought into market. He admitted that this might not be the case to the same extent in the northwestern States and Territories; but if it were true that some good lands already in market in that quarter yet remained unsold, was that a reason why the southwestern States should be doomed to suffer, or be deprived of a population who might be induced to remain or remove into those States, if their inferior or refuse lands could be purchased at a reduced and proper price? He, therefore, thought that time was now a fair test of the value of the lands in market.

The limitation as to quantity proposed by the bill, completely cut off all inducement to speculation. No man would avail himself of the provisions of this act as a means of investing his capital. It will be confined in its operation almost exclusively to individuals who are making new settlements for themselves, or who wish to acquire a title to lands adjoining their present possessions. It is argued that a portion of the wild lands now considered of little value, will be, in time, from the progress of improvement, worth at least the

minimum price. Admit this may be true to some extent, yet is it fair for this Government to keep down the prosperity of the new States, by holding up her public lands until the citizens of the new States, by their labor and expenditures, have added to their value, so as to bring up to them the price at which alone she is willing to sell them? Why will this policy be persisted in, when, if these very lands were now sold at reduced prices, the interest on the amount obtained for them would bring them up nearly to the minimum price, provided they were not sold in ten or fifteen years?

He said that without great expense, and the employment of a host of agents, it would be difficult to ascertain the true value of each tract of the public lands; and although the length of time that a tract had been in market might not be in all instances a certain test of its value, yet he thought it as fair a one as a just Government, anxious for the welfare of her people, ought to desire. If it failed in some instances, it would prove correct in hundreds of others; and, considering the serious objections which existed to the establishment of any other criterion, he could not but think that it was as satisfactory as we ought to desire.

It was said that not more than two or three millions of acres were required annually for agricultural purposes; that we have seventy millions already in market, and over two hundred millions yet to come into market within our organized States and Territories; and that the reason why the lands offered have not been sold, is because they are not needed by our population. This argument is altogether delusive. If the valuable lands in the new States could have been acquired upon the same terms as they are obtained for in other countries, the present population of the new States would have been doubled at least. Who (he asked) would be willing to remain upon worn-out lands, if he could possess himself of fresh land, at such a rate as to justify the expense of removing some hundreds of miles to a new country? The flourishing republic now springing up upon the southern border of Arkansas would not have drawn off such a population of native Americans, if the public lands could have been obtained upon the same terms in their own country. The very fact that so many American citizens had sought a home in that country, proved that the policy maintained so rigidly by this Government had prevented the settlement of an equal number of acres within the States of the Confederacy. It had forced thousands of valuable citizens to expatriate themselves. At least as much more land as those citizens required, and are now the owners of in Texas, could have been disposed of, if the terms of sale had been such as to have induced them to settle in their own country, instead of seeking a home in a foreign land. The population to the south and southwest had reached their limits; and, unless some inducement is held out to American citizens, who find it necessary to leave their old homes to settle in those States, they will continue to seek homes in foreign countries. So long, also, as the best lands are to be purchased at \$1 25 per acre, the inferior lands will not sell at all at that price. The effect, therefore, of holding them up at the same price is, in fact, to prevent their being sold, and made subject to taxation; it prevents them from being settled upon at all; deprives the new States of a population which they would otherwise obtain, calculated to aid in advancing their prosperity, adding to their resources, and increasing their means of carrying on improvements, and leading directly to the development of their riches and glory.

From the strenuous opposition which has been made to this bill, it would be considered by most persons who were unacquainted with the subject, that the object of the Senators from the new States was to obtain the public lands for nothing; whereas the ultimate reduction to seventy-five cents per acre was not so great as that made upon the sales of all the public lands when the minimum price was fixed at two dollars. What is the present criterion by which all the public lands are set down to be worth only \$1 25 per acre? Simply the fact of their failing to sell for more than that sum at public auction. May not all the arguments used against the graduation of the price of the refuse

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lands be urged with equal force against this criterion of value now fixed as the minimum? The truth is, if the Government is willing to let the refuse lands become private property upon any terms, the only means by which it can ever be accomplished is to sell them, after having remained so many years unsold, as to prove that they will not command the present minimum at lower prices than those at which the good lands are sold. This has been the policy pursued by the States owning public lands, and ought to be adopted by the United States. It is the only way to dispose of refuse lands.

This bill was emphatically the poor man's bill; and although the individual who now owned lands would be enabled to add to them a half section at the reduced prices if the provision then under consideration was adopted, yet the great object and purpose of the bill was to enable those who could not afford to purchase the public land at the present minimum, to buy a home at such a price, or upon such terms, as their limited means justified. The members of the Committee on the Public Lands who supported this bill, had been extremely anxious to bring down the lands which had been fifteen years in the market to fifty cents per acre. He had desired the adoption of this provision more than any other. But the Senators from the old States, who were willing to reduce the price of the public lands gradually, had objected most positively to a reduction below seventy-five cents at this time; and although these Senators would go with the Senators from the new States to that point, they were prepared to vote against the whole bill if this reduction was at this time insisted on. He had, therefore, with the other Senators from the new States, consented to give up that provision of the bill, hoping, however, that when the effect of the present bill was ascertained, and, as he believed it would be found to do, to enable the Government to sell much of the public lands that could not otherwise be sold, that then he hoped Congress would consent to reduce the price still further, and would be willing to bring down the lands remaining unsold for a number of years, to fifty, twenty-five, and even twelve and a half cents per acre.

It is objected that this measure will unsettle the price of land throughout the country. This was a great mistake. The first cost of wild lands had no influence upon the price of improved lands or of lands in a settled country. It has been said here, that all the public lands, after they are improved, run up to ten, fifteen, and twenty dollars an acre. If this is true, what effect, he would ask, would a reduction of twenty-five or fifty cents in first cost of the land, have upon lands selling at those prices? None whatever. The Government has no desire to speculate in lands, and ought not to wish to avail itself of the proceeds of the labor and expenditures of her citizens, after they have done so much towards clearing and cultivating their lands, and opening the country. It should have a fixed price for wild land of first quality, and lower prices for her second, third, and fourth-rate lands. No better plan than that now proposed can be adopted for attaining this object. This principle should be ingrafted upon our system; and now that our population had extended nearly in all directions to our limits, (for he did not take into view the unoccupied country towards and beyond the Rocky mountains, at present given up to the Indian tribes,) he thought this was the proper time to make this change in the land system, unless, indeed, we wish to drive the people to seek homes in foreign countries. The objections to the bill had been already so ably answered, and its details so fully discussed, that he would not go into the subject further. He hoped that as this was a measure of vital importance to the new States, and was at the same time so just and reasonable, it would meet the sanction of the Senate.

## WISCONSIN CONTESTED ELECTION.

## DEBATE IN THE HOUSE.

January 5, 1839.

Mr. MASON, of Ohio, asked leave to present a resolution, which was read as follows:

"Resolved, That the Hon. GEORGE W. JONES,

late Delegate from the Territory of Wisconsin, is not entitled to his mileage and per diem allowance for his attendance at the present session.

Mr. WISE objected; whereupon

Mr. MASON said as it was a matter of some importance, he would move that the rules be suspended; and upon which motion, he called for the yeas and nays.

The SPEAKER stated that he had received a communication upon the subject from Mr. Jones, and would prefer that the House would come to some decision upon it. He then laid before the House the following letters, which were read:

HOUSE OF REPRESENTATIVES,  
January 4, 1839.

SIR: I take this mode of informing you that a resolution will, at the earliest opportunity, be introduced to this House, denying your right to receive any compensation as Delegate to the present session of Congress.

I am, sir, with respect, your obedient servant,  
J. R. GIDDINGS.

HON. GEORGE W. JONES, Washington City.

WASHINGTON CITY, D. C.,  
January 5, 1839.

SIR: Considering myself entitled, under the usages of the House, and the laws of the United States, to receive my mileage and per diem compensation as the sitting Delegate from the Territory of Wisconsin, I received from the Sergeant-at-Arms, on the 20th ultimo, a check on the Bank of Washington for my mileage and per diem allowance up to that date.

Having received last evening the accompanying communication from a member of the House, Hon. J. R. GIDDINGS, of Ohio, and not feeling willing to retain in my hands the compensation alluded to unless most clearly so entitled, I respectfully return to the House, through you, the original check, to be canceled by the House, if in their judgment I am not entitled to it.

I came here under the solemn conviction that I was the rightful Delegate of the people of Wisconsin, to serve them here as such until the 4th of March next. This opinion was strengthened by the advice of able counsel, before and since my arrival here. I entertain the same opinion still, but will submit to the decision of the House in both cases without a murmur.

Very respectfully, your obedient servant,  
GEO. W. JONES.

HON. JAMES K. POLK,  
Speaker of the House of Representatives.

The SPEAKER, with the permission of the House, made a brief explanation of the course of the Sergeant-at-Arms and the Presiding Officer of the House.

By the Journal of the extra session, at the opening of the present Congress, in September, 1837, it appeared that "George Wallace Jones appeared as the Delegate from the Territory of Wisconsin, was sworn to support the Constitution of the United States, and took a seat in the House." No certificates of election of members or Delegates were presented at the time of qualification, and the Speaker could not know under what authority they took their seats. Mr. Jones was sworn, and took a seat.

At the commencement of the present session, Mr. Jones appeared in his seat, claiming to be the rightful sitting Delegate from Wisconsin. When the claim of Mr. Doty was presented, Mr. Jones rose in his place and asserted his right. The House by its acquiescence, recognized him as the sitting Delegate, and took order in the case, by referring the claim to a seat as the Delegate from Wisconsin to the Committee of Elections. Mr. Jones continued in his seat as the sitting Delegate. He, at various times, as the Journal shows, presented petitions and resolutions, and participated in the business of the House as the sitting Delegate. This was permitted by the acquiescence of the House, until the right to the seat was decided by the House. Whilst Mr. Jones was thus the sitting Delegate, in his seat, in discharge of his duties as such, the Sergeant-at-Arms or the Presiding Officer had no right or power to inquire whether he was rightfully there. That was a question which the House alone could decide. The law regulat-

ing the pay of members and Delegates, for aught that appeared on the record, entitled him to his compensation until the time he was ousted by a vote of the House. He called for his compensation, and neither the Sergeant-at-Arms nor the Speaker had any discretion to refuse it under the law. The check for his compensation was made out in the usual way, by the Sergeant-at-Arms, and signed under the law. Since taking the chair this morning, the letter from Mr. Jones had been laid on his table. And now the question of compensation, under the resolution before the House, was an open one. The House alone can, by its order, refuse the compensation. Under the law, the Sergeant-at-Arms and Speaker cannot. The Speaker expressed the hope that the House would decide the question, and thus relieve the subject from all doubt and embarrassment.

Mr. MASON, after some introductory remarks, proceeded to review the circumstances under which Mr. Jones claimed his compensation. He stated that Mr. J. had returned to Wisconsin, and had thrown himself upon the suffrages of the people at the late election, when he was defeated by the election of Mr. Doty; who, as a matter of course, came on and claimed his seat. But, notwithstanding that, Mr. Jones had also come on, claiming to serve for the present session; although he knew that Mr. Doty had the certificate of election from the Governor of the Territory.

Mr. M. then referred to former cases of contested elections, and more particularly to those of Moore and Newland, to show that the compensation to unsuccessful claimants had been allowed on entirely different grounds; there being, in those instances, a dispute as to who had been legally elected; whereas, in the present case, there was no demur to the fact of Mr. Doty having been elected by the people of Wisconsin at the recent election. He contended that Mr. Jones had not the slightest ground to claim a seat for a third session; and that to allow him his mileage and per diem allowance would be establishing a bad precedent. He hoped the House would not allow the claim, especially as the sitting Delegate must be allowed the same. He maintained that there was no more ground for Mr. Jones to claim the compensation than there would be for ex-members of Congress to demand pay for the ensuing session after their term of service had expired.

After some remarks from Mr. BOULDIN against the resolution,

Mr. BRONSON said he believed it had been the invariable practice of the House, in all cases of contested elections, to pay the expenses of both claimants. He asked the House to consider the effect of disallowing such claims, until the question was settled as to which was legally entitled to the seat. Mr. Jones had come on under an honest conviction, supported by high legal advice, that he had a right to sit during the present session; the House had received and recognized him as such; and until it was decided otherwise, he was constitutionally entitled to his compensation as such, the Presiding Officer having no right to call in question the claim. He (Mr. B.) denied that this was a clear case, and that Mr. Jones had no right to come. The case was far from being clear, so much so that for some time the committee was much perplexed about the proper construction of the law relating to the elections of Wisconsin. He considered that, under the circumstances, Mr. Jones, or any other gentleman, was perfectly justifiable in asserting his claim to a seat for the present session. He was sure that no good lawyer could be found who would say that it was a clear case; and, as in his opinion, Mr. Jones had strong grounds for making this claim, he felt bound to vote for his compensation.

Mr. WISE said he should vote in favor of allowing to Mr. Jones his pay, as it was the duty of the House so to do. That gentleman was the *prima facie* Delegate from Wisconsin; and, under those circumstances, neither the Sergeant-at-Arms, the Speaker, nor any one else, had a right to deny that Mr. Jones was entitled to his money. Until the House decided otherwise, he was the constitutional representative of that Territory, and as such entitled to the usual remuneration for his services. The Speaker and Sergeant-at-Arms had properly

performed their duty, under the circumstances, in granting to Mr. Jones the check for his per diem and mileage. He (Mr. W.) was sure that all parties would be gratified at the very honorable manner in which Mr. Jones had acted on the occasion. Had he chosen to retain the money, there was no law by which the House could compel him to return it; but Mr. Jones, actuated by that honorable feeling which influenced his other actions, promptly returned the check on the first intimation that his right to it would be questioned, and submitted his claim to the decision of the House. It was impossible for the House to refuse the money without a violation of former precedents, and deciding, also, that Mr. Jones had made a wanton claim, without color or reason. And should it decide that Mr. Jones had made a wanton claim, in what condition would it place the twenty-five honorable members, who voted in favor of the claim of Mr. Jones to his seat? Mr. W. then went on to show that, so far from the claim being wanton, it was founded upon a strong case; so much so, that previous to the remarks from the chairman of the Judiciary Committee, [Mr. THOMAS], he himself had been in doubt as to whether Mr. Jones was not legally and constitutionally entitled to a seat for the present session. He adverted to former cases of contested elections, and especially the case of Messrs. Prentiss and Word, at the late session, to show that it had been the invariable rule to allow the unsuccessful claimants their mileage and per diem allowance up to the time the decision of the House was given. He drew a glowing picture of the public abuses which would be the result of a refusal of the House to pay the expenses of unsuccessful competitors for seats, and showed, in that case, how very easy it would be for a rich nabob to triumph over a poor but legally elected member, as few men of the latter class would venture to press even a rightful claim, if they knew that, in case they were ousted by the House, they would have to bear their own expenses. Mr. W. concluded by again urging, that as the House had received and recognized Mr. Jones as the sitting Delegate, until its recent decision, he had a right to demand and receive his mileage and per diem allowance, and that no officer of the House had any right to withhold it from him, or to question his right to receive it.

Mr. THOMAS was sure the House would decide that Mr. Jones was entitled to the money, if they would but reflect on the circumstances under which that gentleman claimed his seat. Mr. T. then recapitulated the reasons which had, on a former day, induced him to support a claim of Mr. Jones to his seat, and maintained that, in every view of the case, the House was bound to remunerate him for the time of his service at the past session.

Mr. GIDDINGS said that as his name had been mentioned in the communication read by the Clerk, he would explain the manner in which he became connected with the subject now under discussion. After the vote of the House on the right of Mr. Jones to a seat, made upon a former day, I felt it important that a precedent should not be set of allowing any gentleman for travel and per diem compensation, who should attempt to hold an office beyond the term allowed by the Constitution and laws. It was rumored that Mr. Jones had drawn his pay, and I conversed with older and more experienced members upon the subject of introducing a resolution declarative of the views which the House entertains. All felt delicate, and each appeared willing to be excused. I felt unwilling that Mr. Jones should take nearly two thousand dollars from the Treasury without the color of claim, as I believed; and I then concluded to bring in a resolution myself. I felt it was due to General Jones that he should be informed in regard to my determination, and therefore sent him the note which has produced the response just read from the Speaker's table. I am, however, happy to find the subject in abler hands—in the care of one who will do it justice. [Mr. MASON had introduced the resolution.]

The overwhelming vote given by the House on the right of Mr. Jones to hold his seat, will save me the trouble of going into the merits of the question then pending. It is sufficient to say that that decision was on solemn argument, with a full

House; and that a decision thus made ought to set at rest the subject of right between Messrs. Jones and Doty. This principle, if admitted, disposes also of the principal portion of the argument of the chairman of the Judiciary Committee, [Mr. THOMAS]. Mr. Jones, then, must rest his claim for compensation, either upon legal right, or some equitable and meritorious consideration. As to his legal right, we have passed upon that question, and have solemnly decided that he had none. But before I go further, I ought perhaps to answer the arguments of the gentleman from Virginia, who sits in front of me, [Mr. BOULDIN]. He as well as his colleague over the way, [Mr. WISE], and the gentleman from Maryland, [Mr. THOMAS], all rely upon precedent. They say we have practiced paying gentlemen who have appeared here and contested seats upon this floor. I know not how far gentlemen would carry this idea of precedent. Suppose a man came here who had never been a candidate, and claimed that he was entitled to a seat, would gentlemen urge that precedent would compel us to pay him for thus insulting our common sense?

Mr. BOULDIN requested the floor for the purpose of explanation, Mr. GIDDINGS yielded.

Mr. GIDDINGS resumed. I will suppose, sir, that the man who comes to contest the seat urges that he is an older man, that he is, if you please, a better Democrat than the one who holds the seat. Will the gentleman urge that we should pay him for thus intruding himself upon the business of the House? Yet he urges a reason.

Mr. THOMAS desired the floor for explanation, which was yielded to him by Mr. GIDDINGS. Mr. T. said that in the cases from Mississippi, the House granted compensation to all the claimants, for the reason that they all had color of right.

Mr. GIDDINGS. I understand the gentleman from Maryland, and will touch upon this color of right; as applied to Mr. Jones. I was, sir, speaking of precedent, when I yielded the floor. A precedent, in order to be binding, must be in a parallel case. I have looked into the case, and I say, without hesitation, that I believe it out of the power of gentlemen to point me to a single case, in the history of this House, analogous to the one under consideration.

Mr. WISE said he would call the attention of the gentleman to the Mississippi case.

Mr. GIDDINGS said he intended to notice that case as soon as he could get to it. I say, sir, this case is distinguishable from all other cases that have occurred since the formation of the Government, in this respect. That General Jones, under his election in 1836, had served two full years, prior to the present session, and was now endeavoring to hold the office three years under one election. There is not a case of this description on record. They all occurred at the beginning of the service, when different persons claimed to have been elected, except the one from Mississippi; and then the question was whether the sitting members could hold for the full term of two years, or for the special session only. But here Mr. Jones had served his full term of two years, and attempts to hold over one year longer. No one contested his right for the whole time provided by the Constitution and law under which he was elected. That time having fully expired, he presents himself here, in my opinion, as destitute of right, or of color of right, as though he had never been here; nor do the precedents apply to his case with any more power, in my opinion, than they would if he had never been elected, or held a seat here.

Mr. BOULDIN and Mr. WISE both rose to explain; and Mr. GIDDINGS yielded the floor for some time.

When Mr. GIDDINGS resumed, he said, Mr. Speaker, I protest against these frequent interruptions. They derange my course of argument, and I shall surely charge it all to the gentlemen from Virginia.

I think no one will urge that there has been a parallel case in this House, and of course we are not bound to grant to Mr. Jones \$1,900 from any precedent established by this House. But I object to it on the important principle, that by giving him a compensation we shall establish a precedent in this case—a precedent by which any of us, after one term of service shall expire, may return here,

claim a seat, and if ousted, call on the Government for our travel fees and per diem. Such a precedent I protest against.

I will now return to the point respecting the merits of Mr. Jones's claims. In 1836, while Mr. Jones was a Delegate from Michigan, that Territory was admitted into the Union, and Wisconsin created a Territory. By the organic law, the Territory of Wisconsin was authorized to elect a Delegate to Congress. Orders for an election were issued. At that election Mr. Jones was a candidate. He solicited the suffrages of the people; was elected; received a certificate of his election; came here, and presented his credentials as a Delegate from Wisconsin; was sworn as such, and served as such for two full years. But the two gentlemen from Virginia and the gentleman from Maryland insist that he continued as the Delegate from Michigan through the whole of the Twenty-Fourth Congress. Yes, sir; after being elected, sworn, and serving as a Delegate for the full term of two years, and enjoying all the privileges of the office, receiving the pay as such, we are now told that he did it in his own wrong; that he mistook the law; that, although he was sworn, and served, and received pay as a Delegate from Wisconsin, yet he was, in fact and in law, a Delegate from Michigan.

Mr. WISE desired the floor to explain. Mr. G. yielded, and Mr. W. explained.

Mr. GIDDINGS proceeded. I say that Mr. Jones, then, by his words, his acts, his oath, declared to this House, to the nation, and to the world, that he was then, in December, 1836, a Delegate from Wisconsin. This House, in solemn argument and full deliberation, here said, by a majority of more than five to one, that he was right. Suppose he now says he was wrong, and that his time did not commence till December, 1837, ought we to pay him for thus stultifying himself; for contradicting his former acts, words, and oath of office? Having served the full term, and received full pay, if he now seeks to make a speculation by coming here, he ought not to do it at the expense of the people. But I ask the gentleman to point out the meritorious or equitable consideration for which we are to allow him nearly two thousand dollars of the public treasure. Will gentlemen say that he has promoted the business of the House? I answer, he has detained the House, and occupied the time of two hundred and forty members, with our clerks, officers, and attendants, more than one entire day! Does this entitle him to compensation? Will gentlemen say that he has saved the funds of the nation? I answer, his appearance here and claim have lost the nation from \$5,000 to \$8,000. And would the gentleman from Maryland, or either of the gentlemen from Virginia, pay him \$2,000 more as a compensation for doing so? Is this meritorious? Do we bid up such honesty for wasting the national treasure? Will gentlemen say that he has here represented the people or the interests of Wisconsin? I answer, he has set himself in opposition to their views, kept out of this hall their rightful Delegate, and delayed their business for four weeks; and now claims at our hands a bonus of near \$2,000 for doing it. And now, if there is any just, any equitable claim that he has upon the national funds, I hope gentlemen will point it out, for the obliquity of my vision prevents my seeing it. Had Mr. Jones come to this city and taken a seat in the gallery as a spectator, no one would have thought of paying him. In that case, had he asked for his mileage and per diem, all would have considered it an insult. I ask, does he come now with stronger claims than he would in the case supposed? He has retarded the business of the House, increased the national expenditure, kept the rightful Delegate of his Territory from his seat here, disappointed the expectations of his people, opposed their wishes and retarded their business. But do these circumstances add to the real merits of his claim? If there be equity, if there be justice in the claim, surely the able chairman of the Judiciary Committee, [Mr. THOMAS], with his legal acumen, is able to point it out, and demonstrate the principle on which it rests. I desire to hear which act, or which acts of Mr. Jones entitles him to the compensation? On what particular principles of equity or common justice

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Wisconsin Contested Election—Mr. Biddle.

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does this claim rest? I dislike this keeping at a distance from the subject, this firing at long shots, this dealing in *generals*. It was the saying of a very eminent jurist that "*fraud lurks in generalities*." When our public treasure is to be dealt out, I desire to see some *definite*, some *obvious* reason assigned for it.

But, if I understood the Speaker at the commencement of this debate, he thought that the "House had recognized Mr. Jones as the sitting member." If this be fact, we ought not now to refuse compensation to him. We should be *estopped* now from denying that which we admitted at the commencement of the session. In other words, we are bound by the same principles by which Mr. Jones is bound—the principle alluded to some time since, in which I stated that Mr. Jones, having asserted himself to be the Delegate in 1836, should not, in 1838, say he was not a Delegate in 1836. I would apply the same rule to ourselves. It is not merely a rule of law, but it is a rule of *consistency*, of common justice, and common sense. If we have expressly recognized Mr. Jones as the Delegate, by such recognition we must have induced him to remain here and spend his time, and we ought not now to turn round and say he is not entitled to compensation for his time. If this House have, in fact, led Mr. Jones into error, the loss ought not to fall on him. If the nation induced him to come here and spend his time, nothing can be more plain than that dictate of justice which says the nation shall pay him. But how stands the case? Mr. Jones's time had *fully expired*. The office was vacant. Mr. Doty was here, had selected his seat, and at the proper time presented his credentials for the purpose of taking the oath as the Delegate from Wisconsin. To this Mr. Jones objected, denying the right of Mr. Doty. On this objection the administration of the oath was delayed. The objection was the act of Mr. Jones; by it he gained nothing. The delay in receiving Mr. Doty was the act of the House, in courtesy to Mr. Jones's objection. But it is difficult for me to see how we recognized Mr. Jones by delaying the reception of Mr. Doty. I think no one will say that thus far we had recognized Mr. Jones. By what act, then, did he become the sitting member? Was it by sitting in the hall instead of the gallery? He had been a member here, and by the rules of the House had the privilege of the Hall. Then he gained nothing by his seat. But I apprehend that no gentleman will claim any recognition by this House except by the vote of the House. A legislative body can only *speak*, can only *act* by their vote. The rule is too plain to be misunderstood. It requires a *majority* of the House to do any act. That majority is ascertained by vote. Hence arises the rule that "a legislative body can only act or speak by vote." Having laid down the rules by which we could have recognized Mr. Jones as the Delegate, we will proceed to inquire whether we have, by vote of the House, thus recognized him as the Delegate. The first vote of the House was to refer Mr. Doty's right to a seat here to the Committee of Elections. This, I think, will not be urged as a recognition of Mr. Jones. The next vote of the House declared that Mr. Doty had the right to a seat as Delegate, and that Mr. Jones had no such right. This, then, is the only recognition of Mr. Jones by the House. It is an *express denial*. The only vote on the subject given by the House, in words as plain as language permits, denies his *right* here; and yet it is urged that we have recognized him as the sitting Delegate. I ask gentlemen to point us to the vote, to the act of this House, by which we recognized him as a Delegate. Let them no longer keep at a distance, but let them refer the House to the *specific*, the *particular* recognition. Let them give time, place, and circumstances. And now, Mr. Speaker, I will only add that having assigned the views which will govern me in my vote, I rest the subject with the House. In doing this, I have spoken freely and unreservedly. Of Mr. Jones, as a man and a gentleman, I know nothing except what appears from the case before us. From that I speak, and on that I must act. I know that it is a delicate subject to combat the granting of money to one who has mingled with members in this Hall—one who

has long associated with them as a fellow-member. But, sir, I was not sent here to indulge in delicacy of feeling, where the public treasure is concerned. My *generosity* may be displayed in my *private* concerns, but not with the *public* funds. I have no right to give away that which belongs to the nation. It is a fact, so far as my experience has extended, that claims urged upon this House meet with little favor, unless based upon principles of obvious justice and policy. Such I know to be the case so far as they come through the committee over which the gentleman from Kentucky [Mr. CHAMBERS] presides with so much zeal and devotion to the national interests. Sir, the widow and the orphan, rendered destitute and penniless by Indian barbarities, are denied, sternly denied, indemnity for their loss of houses, furniture, and property, sustained by conflagrations kindled with savage hands; and shall we bestow the money withheld from them on claims like the one under consideration? Shall we, sir, guard and defend the public treasure with *one hand*, while with the other we scatter it to the four winds of heaven?

Mr. CALHOUN considered that Mr. Jones had been elected for the whole Congress, and not for a fraction only. He considered him entitled to the money, as he had come on with a strong case. Mr. Jones had now been here six weeks, awaiting the decision of the House; and if he was not entitled to any remuneration for such time, why had not the House taken the matter up and decided it at once?

Mr. POPE advocated the claim, on the ground that there were good and substantial reasons for disputing the seat. Had Mr. Doty been the unsuccessful competitor, he would have voted for the payment of his expenses on the same ground. He hoped the resolution would not be adopted.

Mr. BIDDLE said that he had been deprived, by accident, of the opportunity of voting on the original question; and he felt, therefore, the more earnest in resisting the present motion. The practice of the House was admitted to be, in the exercise of a sound discretion, to make the allowance when satisfied that the contest had not been idly raised, but that the question presented was one fit to invoke its grave and deliberate judgment.

The practice was a salutary one. The House had never stultified itself by holding that it was incompetent to discriminate, and to guard against abuses. It was calculated to place all candidates and all classes of voters on a footing. If a candidate, in case of contest, could not come on to urge his claim (and we all know that, in practice, his presence is indispensable) without danger of pecuniary sacrifice in the event of a failure, only the man of ample means will venture on the experiment. In the poorer agricultural districts, voters will not be inclined, or able, to raise a purse by individual contribution to send on their champion, and the result would be an incalculable advantage to the man of affluence, or to him who had wealthy backers.

The position in which Mr. Jones stood claimed for his case the most candid consideration. He had received the money from the Speaker; it was beyond recall; but on an intimation from a single member that a question would be raised, he instantly places it at our disposal, with an expression of his cheerful acquiescence in whatever decision we may make. Mr. B. would not say of our departing associate, "nothing in life became him like the leaving of it," but he would say that his course conformed to the frank, ingenuous, and honorable spirit by which that gentleman had ever been characterized. Mr. B. said it was not his intention to go at large into the argument as to Mr. Jones's right to the seat. Yet an outline would not be misplaced.

The earliest act which had a distinct bearing on the question was that of March 3, 1817, entitled "An act further to regulate the Territories of the United States, and their electing Delegates to Congress."

This act is not of a temporary, occasional character; it is a well-matured and far-sighted supplement to the great ordinance of 1787; calculated to meet a new aspect in the affairs of the Territories. It provides as follows:

"In every Territory of the United States in

"which a temporary government has been, or hereafter shall be established, and which, by virtue of the ordinance of 1787, or of any subsequent act of Congress passed or to be passed, now hath, or hereafter shall have the right to send a Delegate to Congress, such Delegate shall be elected every second year, for the same term of two years for which members of the House of Representatives of the United States are entitled."

No one can well doubt the object or the wisdom of this provision. It draws the political action of the Territory, as promptly as possible, into exact coincidence with that of the States; so that the people shall become familiarized to the usages which are finally to prevail; that its *habits* shall become fixed in harmony with those of the Union.

It must be apparent to every one how widely the decision which has been made by the House, in reference to Wisconsin, violates this policy. The Delegate is to serve a moiety of his term in the present Congress, and a moiety in the next.

Instead of duly attaching the Territory to the train of cars which has preceded her, she is placed with one wheel in the middle of the track and the other outside of it, and; in the end, we shall be obliged to lift her, by main bodily force, from this false and awkward position, in order to place her upon the track into which she ought to have been wheeled at the outset. See another strange result! The validity of each election has to be passed upon by two distinct and independent bodies. We decide as to that portion which falls within our political existence; and the remainder is in abeyance until our successors shall assemble a year hence!

The necessity for this course, on our part, is thus made out by those who insist on it. An act of Congress of the third of February, 1819, in relation to the Territory of Michigan, provides that "the citizens of Michigan Territory be, and they are hereby, authorized to elect one Delegate to the Congress of the United States;" and the person thus elected "shall be furnished, by the Governor of said Territory, with a certificate, under his official seal, setting forth that he is duly elected, by the qualified electors, the Delegate from said Territory to the Congress of the United States, for the term of two years from the date of said certificate."

Doubtless this is explicit, and overrules the act of 1817. Not only does it violate the policy of that act, but it contains, moreover, a most anomalous and alarming provision. The Governor of a Territory is the creature of the President of the United States. Yet his will shall determine the term of office of a Representative in the popular branch of Congress! No time is provided within which he shall give the certificate. He may postpone it if he desire that a political favorite shall reach an anticipated crisis in the affairs of the country, or he may antedate it, or give to it the earliest possible date, in order that a political adversary may be cut short of reaching the same crisis.

The question is whether these extraordinary provisions have passed into the act of 1836, "establishing the territorial government of Wisconsin." That act bears date 20th April, 1836, and provides that "a Delegate to the House of Representatives of the United States, to serve for the term of two years, may be elected." It provides further, that "the person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given to the person so elected."

Thus it will be seen that whilst the provisions, of the two acts are, to a certain degree, coincident, the act of 1836 omits the very words which, in relation to the act of 1819, compels us reluctantly to give a construction at variance with obvious policy, and rendering the term of office of a member of this House contingent on the accidental date of the Governor's certificate. How, then, are we to render definite what is thus left open in the act of 1836? Shall we, with a sort of mother's fondness for the most deformed and perverse of our offspring, reinstate the obnoxious words thus discarded, with all their attendant mischief and inconvenience? Shall we do this, or shall we rather presume that Congress, in the striking difference of phraseology, and in apparently abandoning the commencement of the term of service, so expressly

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Defalcation of Samuel Swartwout—Mr. Taylor.

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insisted on by the act of 1819, meant to leave its commencement and duration to the quiet operation of the standing law of 1817? Can any one doubt that the established rules of construction, as well as common sense, call for the latter interpretation?

It is true, the act of 1836 declares that "the existing laws of the Territory of Michigan shall be extended over said Territory, so far as the same shall not be incompatible with the provisions of this act; subject, nevertheless, to be altered, modified, or repealed, by the Governor and Legislative Assembly of the said Territory of Wisconsin."

But, aside from many other considerations, is it not plain, from the very terms of this clause, that it applies to the details of jurisprudence, and not to points of organic political structure, which are, of course, beyond the reach of territorial legislation? The act of 1836 says, too, "the laws of the United States are hereby extended over, and shall be in force in said Territory, so far as the same, or any provisions thereof, may be applicable." If any bearing can be ascribed to this provision on the present question, it is in bringing into direct application the fundamental act of 1817 and not the act of 1819, which, on its face, is special to Michigan, and was exhausted in that function.

It is asserted, however, that Mr. Jones has himself put a construction on the act of 1836, by taking his seat a session in advance of that which would be the first under the interpretation now contended for. In point of fact he denies this, alleging that he relied on his antecedent election as a Delegate from the Territory of Michigan, and that, in any event, he is curtailed of the full benefit of the popular favor extended to him. But I will not confuse the subject by any such inquiry; we have nothing to do with it. This is not a case in which to talk of *estoppel*, or of the *argumentum ad hominem*. The only question before us is as to the efficacy of the popular action of Wisconsin in 1836. We are to look to the rights of the people of that Territory, and not of the individual who chances to be the instrument through whom they are enjoyed. This would be so even in private transactions where the rights of the people are not concerned. Suppose a power of attorney given to act for two years, but the power not to be exercised until a year from the date of the instrument; the agent enters at once upon his attorneyship, and people deal with him accordingly, not looking beyond the seal and the accustomed forms of authentication. Will it be pretended that this premature action is to abridge the term fixed in the power? Would a judge say that the term must be narrowed to one year, because the agent commenced a twelvemonth too soon? Surely such a notion would be scouted; and yet the cry might well be raised that here was a man acting, in fact, for three years, under a power limited to two. No, sir; it is our business, in the exercise of a high judicial function, to ascertain which are the "two years" meant by the act of 1836. We are not to hunt up and adopt the misconstruction or blunders of others, but to be right ourselves. Fix truly the construction of the power asserted by the people of Wisconsin in 1836, and then give it effect as a high duty to that people.

Mr. B. said he would not pursue the subject further; and very far was he from asserting, in the face of the recent vote, that the positions he had hastily taken were impregnable. But he did feel that the question was a grave and arduous one, that had properly been raised for decision. It was a case touching the rights of Wisconsin, and the regular course of her political action, in which judgment ought not to have been suffered to go by default from the omission of the only individual who could present the case for adjudication. On the whole, he believed that no occasion had occurred in which the practice of the House in making this allowance could with greater propriety be followed.

The question being upon the adoption of the resolution, Mr. GRIFFIN demanded the yeas and nays; which were ordered.

Mr. THOMAS inquired of the Speaker whether in case the resolution should be rejected, he would consider it as authority to pay Mr. Jones his per diem and mileage.

The SPEAKER said he should so consider it. The question was then put on the adoption of the resolution; and decided in the negative—yeas 89, nays 96; as follows:

## YEAS.

Alexander,	Gallup,	Parker,
Allen, Heman,	Giddings,	Peck,
Banks,	Goode,	Petruken,
Bell,	Griffin,	Phelps,
Bicknell,	Hall,	Potts,
Birdsall,	Halsted,	Pratt,
Bond,	Hawkins,	Prentiss, J. H.,
Boon,	Haynes,	Rariden,
Borden,	Henry,	Reed,
Buchanan,	Herod,	Rencher,
Calhoun, W. B.	Hoffman,	Ridgway,
Campbell,	Jackson, T. B.,	Rives,
Chaney,	Johnson, J.,	Robinson, E.,
Cheatham,	Kennedy,	Russell,
Clooney,	Lewis,	Saltonstall,
Connor,	Loomis,	Sheffer,
Corwin,	Marvin,	Shepherd, A. H.,
Craig,	Mason, S.,	Shepard, Chas.,
Crary,	May,	Sibley,
Cranston,	Maxwell,	Stanly,
Curtis,	McClellan, R.,	Swearigen,
Cushman,	McClellan, A.,	Taliaferro,
Darlington,	Mitchell,	Toland,
Dawson,	Morris, S. W.,	Underwood,
Davee,	Morris, C.,	Vanderveer,
Davies,	Naylor,	White, A. S.,
Dunn,	Noble,	Whittlesey, T. T.
Elmore,	Noyes,	Williams, L.,
Evans,	Ogle,	Williams, S.,
Fletcher, R.,	Owens,	Williams, J. W.
Fry,		

## NAYS.

Adams,	Haley,	Paynter,
Andrews,	Hammond,	Pearce,
Atherton,	Hammer,	Pickens,
Beatty,	Harrison,	Plumer,
Beirne,	Hastings,	Pope,
Biddle,	Hawes,	Potter,
Bouldin,	Holsey,	Putnam,
Briggs,	Holt,	Randolph,
Bronson,	Hubley,	Robertson, J.,
Calhoun, John,	Hunter,	Rumsey,
Cambreleng,	Jenifer,	Shields,
Campbell, J.,	Johnson, H.,	Shepler,
Carter,	Johnson, W. C.,	Slade,
Casey,	Jones, N.,	Snyder,
Chambers,	Keim,	Southgate,
Cleveland,	Kemble,	Spencer,
Coles,	Klingensmith,	Stuart,
Crabb,	Leadbetter,	Stone,
Crockett,	Logan,	Thomas,
Cushing,	Lyon,	Toucey,
Deberry,	Mason, J. M.,	Towns,
DeGraft,	Martin,	Vail,
Dromgoole,	Maury,	Wagener,
Edwards,	McClure,	Webster,
Everett,	McKenna,	Weeks,
Ewing,	Mercer,	White, J.,
Farrington,	Milligan,	Williams, J. L.,
Fletcher, Isaac,	Miller,	Williams, C. H.,
Garland, J.,	Moore,	Wise,
Graham, W.,	Morgan,	Word,
Grantland,	Parmenter,	Yell,
Gray,	Parris,	Yorke.

## SWARTWOUT'S DEFALCATION.

## REMARKS OF HON. W. TAYLOR.

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

January 9, 1839,

On the Resolution to appoint a Committee to investigate the Swartwout Defalcation.

The question being on the motion to appoint a committee by ballot,

Mr. TAYLOR rose and said:

Mr. SPEAKER: I shall not attempt to follow the gentleman from Ohio, [Mr. BOND], in his comments upon the enormous fraud upon the Treasury, in the case of the late collector of the port of New York, for the reason that we are about to appoint a committee to investigate that case, and I prefer waiting for the action of the committee,

and such additional information as the investigation may furnish; and on this point I will at present only say that I must wait for further developments, and have other and better reasons, before I can see any justification whatever in the course gentlemen have pursued in their invectives against the Secretary of the Treasury, and censure of the Administration. I am not aware of any objections to the appointment of the committee, and hope and trust that, when appointed, they will perform their duty with a most rigid scrutiny, that all the facts and circumstances in the case may be exposed, so that we may fully understand how this fraud has been committed, whether others are implicated, and to what extent; and whether there has been any want of faithfulness in any public officer intrusted with the management of any part of the financial operations of the Government; and then, sir, let the blame rest where it justly belongs.

The gentleman from Massachusetts [Mr. CUSHING] charges upon the friends of the Administration a change of conduct, from that which they exhibited two years since when it was proposed to appoint a committee to investigate abuses, and says they are now forced to come out in favor of a committee of investigation. The gentleman is mistaken if he imagines there is any change in this respect. What was the proposition at the time alluded to? After gentlemen, as usual, had freely indulged in broad and general charges of corruption on the part of the Administration, a resolution was offered to appoint a select committee, without any definite or specific object, but for the general purpose of endeavoring to hunt up something, somewhere and somehow, to justify the charge. The committee was not to be confined even to public officers, but to extend their inquiries to any one "directly or indirectly connected with them in any manner, officially or unofficially." It was to be a sort of general "corruption" hunting committee. To the appointment of a committee for such general and indefinite objects, and with such unlimited powers, there were objections, and those objections were urged upon this floor.

And, sir, we saw enough on that occasion connected with sending committees in search of undefined abuses, whether official or unofficial, resulting in no public good, to strengthen all objections to such a measure. But, even then, the resolution was sustained by the vote of almost every friend of the Administration; and I would ask when, on what occasion have they manifested any unwillingness to investigate any and every alleged case of fraud or defalcation, any specific charge against any public officer? Never, since I have been honored with a seat in this House.

I am opposed, sir, to the amendment which proposes to appoint the committee by ballot, and if there was no other reasons than those which have been assigned in favor of the proposition, these would be, to my mind, conclusive against it. The rule requires the Speaker to appoint all committees, "unless otherwise specially directed by the House." This rule has seldom been departed from, and in no instance, to my recollection, within the last six years. Why, then, is it proposed to change the mode on this occasion? The gentleman from Virginia [Mr. MASON] tells us that the Speaker will be subject to the charge of unfairness, of partiality, of having selected a packed committee, and he desires to relieve him from the responsibility. And because the Opposition may cast upon the Speaker unjust and unworthy imputations, is that any reason why we should take from him any of his ordinary official duties, and relieve him from responsibility?

When, sir, has the time been, since the present incumbent has occupied that chair, that these charges have not been made? And I have yet to learn that the duties have not been well performed, or that the Speaker shrinks from the responsibilities of his station, and desires us to relieve him. But another gentleman from Virginia [Mr. WISE] comes more boldly to the point, and assigns another and a very different reason. He tells us plainly that he wishes to avoid the Speaker; he is unwilling to trust him. He doubtless has his object in view, and while gentlemen talk about a whitewashing committee, we may with not less

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propriety suppose they desire to elect a blacking committee, to subvert party purposes. They will not, of course, expect my vote for any such object, and neither shall I sanction the unjust imputations cast upon the Speaker, by voting with them to take from him, on this occasion, the appointing power. I have no want of confidence in the Speaker, believing that a committee selected in the usual mode will be composed of men who will faithfully and impartially investigate the subject referred to them, having in view the protection of the public interest and the promotion of the public good.

But, sir, investigation of particular frauds upon the Treasury will avail but little, unless we turn our attention to the remedy for these evils.

The gentleman from Virginia [Mr. Wise] tells us there is no remedy but in a change of the Administration; turn out the present incumbents of office, and put in a new set. Why, sir, this has been the object and unremitting effort of the party to which that gentleman belongs, for these many years. It is to get into power by any available means; and they would fain make the people believe that if the pure, immaculate Whig party should succeed, then all would be right. But I can tell gentlemen you may turn out, and put in, until doomsday, and unless you change the system of collecting and keeping the public money, and remedy the defects of law, defalcations will happen, so long as man is depraved, and subject to temptation. And, in the language of the message of the President, the recent defalcations "furnish 'the strongest motive for the establishment of a 'more severe and secure system for the safekeeping 'and disbursement of the public moneys than any 'that has heretofore existed.'" Sir, it seems to be a prominent part of the policy of the Whig party to charge upon the administration of General Jackson and Mr. Van Buren, all the defalcations that have happened since the organization of the Government. And I was somewhat surprised to hear the gentleman from Virginia [Mr. Mason] speak of the alarming defalcations of the last nine years, confining himself to that period, as though little or nothing of the kind had occurred before. Sir, I have turned my attention to the celebrated document (No. 111) which has been so freely, and I may say unfairly, used to convey this impression, and it is from this that I will show how unfounded and unjust is the charge. This document contains a statement of amounts due from collectors of customs and receivers of public moneys, who were out of office on the 12th October, 1837. None of these, therefore, are chargeable to the present Administration. The aggregate amount due from collectors of the customs, since the organization of the Government to the 12th October, 1837, as appears by this document, is about \$1,445,000. Of this amount, I find about \$211,324 standing against dates within the period of General Jackson's administration, excluding those cases ascertained to be defaulters within the month of his first inauguration, and therefore not justly chargeable to his Administration. Of this amount, the indebtedness of Mr. Ingersoll, the district attorney of the eastern district of Pennsylvania, and that of Mr. McCulloch, collector of Baltimore, known to be balanced, make in the aggregate \$91,244; and should therefore be deducted, leaving \$120,080. Indeed, it appears, from this same document, that a suit was ordered against Mr. Ingersoll for the amount stated in the table, but that judgment was obtained for only \$3,985 78, which has been paid; and Mr. McCulloch never was a defaulter to any amount. There are several others of this class whose indebtedness has been reduced in whole or in part, or have offsets to the claims against them and others, against whom the security is considered ample. We have not, at present, the means of knowing precisely the amount paid and secured, but it would not be too high an estimate to rate it at fifty or sixty thousand dollars, leaving the estimate of loss by collectors, during the eight years of General Jackson's administration, at sixty or seventy thousand dollars. It is to be presumed that the balances which have stood on the books of the Department, uncanceled for the past ten years, (from the time General Jackson came into office,) constituting an aggregate of about \$1,233,000, are not, to any considerable amount,

secured, and therefore a large proportion may be considered as lost. In making an estimate of the relative amount of defalcation and loss sustained under different administrations, it is proper to take into account the amount of money collected; and we find the aggregate of receipts from customs, during the first four years of General Jackson's administration, was about eleven millions more than during the term of his immediate predecessor. It then, sir, appears by this celebrated document, when carefully examined, that the amount of loss from collectors of customs, during the eight years when General Jackson administered the Government, will not much exceed one third of the average amount for the same number of years in all the preceding Administrations since the organization of the Government! And it may not be unworthy of remark that, as I understand, not more than two or three of these collectors who are defaulters were originally appointed by him, and the balances against them are small.

As to the balances which appear in this document against public receivers, the same remark will apply as to such as have remained uncanceled for nine or ten years. Most of these may be considered lost, while of those that have occurred since that time, a large proportion have been paid or secured; so that it is believed not more than two hundred thousand dollars may be considered doubtful, being much less in amount than the loss sustained under previous administrations. The whole amount of receipts from the sale of lands since they were first brought into market, is \$94,737,943; of this sum about sixty millions were sold under General Jackson's administration, and in one year a larger amount than the aggregate of any twelve years preceding. Here, then, the comparison again results most decidedly in favor of General Jackson's administration; and if defalcations are to be considered as authorizing the charge of "corruption," gentlemen would do well to consider on whose head the charge might fall with greatest weight. Certainly not upon the head of the venerable Jackson.

So much, sir, for this celebrated document, which the gentleman from Virginia [Mr. Wise] moved to have reprinted in an extra number, to be again sent out to the public; a document which, all now admit, does great injustice to many worthy and honorable men, who never have been in reality defaulters to the Government, but whose accounts, not having yet been balanced at the Department, they were reported as they stood upon the books, in conformity to a call of this House. And, sir, this list of defaulters, without any dates showing when the defalcations occurred—calculated, nay, designed, to give a false impression—was, during the late political contest in the State of New York paraded in every Whig newspaper throughout the State, and posted up in every bar-room in the country, under the head "sub-treasurers." Mr. Speaker, if these are sub-treasurers, I would ask, to what system is the term applicable by way of reproach? Why, sir, they belong exclusively to your bank-deposit system; for these defalcations are all connected with that system, have all occurred under it, and I had almost said grown out of it; they have all happened while the public deposits were made either in the Bank of the United States or the State banks, and under those laws and regulations for collecting and keeping the public money which have long existed. And it is a question of the highest moment, and worthy the deepest consideration, whether the bank-deposit system, and present defects of law, have not essentially contributed to a deterioration of public morals, in the strong inducements which are offered to speculation, and the temptations which are presented to the eye of avarice, without any adequate counteracting influence; and it is a question of no less importance to determine, whether the indulgence heretofore given to any of the depositories of the public money, to use it for banking or any other purpose, is not a violation of that article of the Constitution which declares that "no money shall be drawn from the Treasury except in consequence of appropriations by law."

The suspension of specie payments by the banks, their refusal or inability to pay over the vast amount of public deposits which they held, and

the consequent financial embarrassments of the Government, producing a necessity for convening Congress to provide the means of carrying on the ordinary operations of the Government, induced the President carefully to examine this subject, and to recommend a radical change in the system of keeping the public moneys. And one of the most important features in the system proposed, was the prevention of the use of the public money for any purpose whatever, except those objects for which it had been collected from the people, and appropriated by law. This great constitutional measure forms one of the prominent, and I may say, most important points at issue, between the friends of the Administration and its opponents. So long have the banks been profited by the use of the public money, that they have come almost to claim it as a right; and to propose to deprive them of this source of profit and speculation, and to leave them, as you leave other interests, to stand upon their own foundation, you are told at once that you are "making war upon the banks," and the Opposition are found rallying to a man against the measure! At the last session of Congress, when a bill from the Senate, entitled "An act to modify the last clause of the fifth section of the deposit act of June 23, 1836, and for other purposes," was under consideration, a member from South Carolina [Mr. CAMPBELL] moved an amendment in these words: "And provided, also, 'That nothing in this act shall be so construed as 'to authorize the use of the Government deposits for 'banking purposes.'" Upon this question every Whig member present voted against the proposition, and every Democratic member in its favor; and I remember well, sir, that you had the honor of giving the casting vote in favor of the amendment.

Here, sir, was presented the naked question, whether the banks should use the money collected from the people as capital for banking, to be loaned out to merchants, speculators, and favorites, or whether it should be regarded as a fund belonging to the people, and to be used only for those purposes for which it had been collected and appropriated by law. The position of parties on this question made it quite evident on which side that power, which consults chiefly its own pecuniary advantages, would throw, in the main, the weight of its influence. It was not expected that the class of men who are most benefited by the use of the public money, would yield to a principle which was to deprive them of so great an advantage, without a desperate effort. And, accordingly, we have witnessed one of the most violent and bitter political contests which this country has ever experienced; a contest in which the power of money, the influence of associated wealth, and the combined efforts of that class of men whose selfish and exclusive interests were to be subserved in this matter by the success of the Whig party, operating with acknowledged ingenuity and skill upon all the elements of opposition, were too apparent to escape the notice of the most careless and indifferent observer. Doubtless, sir, it may have been good party policy to keep out of view as much as possible this important question, and to thrust forward other topics more available for electioneering purposes; such as "the dangers of the purse and the sword in the hands of one man," "the alarming increase of executive patronage and power;" terms that may do very well as catchwords to be played upon at an election, but which, in reality, have no meaning whatever when applied to the system proposed for collecting and keeping the public money. Let this question be well understood, divested of the rubbish thrown around it to keep out of view the true point at issue; let the people see what motive could have moved to such an unwonted zeal a certain class in the present political contest—what could have induced that extraordinary and profuse liberality which has poured its thousand and tens of thousands into the party treasury, constituting what has been most aptly termed "a corruption fund," to carry an election; and let gentlemen meet this question fairly upon its true merits, upon the broad question whether the use of the public money, by corporations or individuals, for any purpose whatever except as it shall be appropriated by law, can be longer permitted without endangering the public

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interest, inducing a laxity of public morals, and violating at least the spirit of a constitutional prohibition; let this leading point at issue between the parties be fairly met, and the result is not, and cannot, be doubtful.

Do gentlemen expect to subserve party purposes by this onset, this effort to charge upon the present Administration all defalcations that have ever happened under our Government, and by a display of declamatory invective and wholesale charges of "corruption," to divert public attention from the true issue? There may be in all this some political skill, some party tact, but I can tell gentlemen that the plan will not succeed, either in battering down the Administration, or in diverting public attention from those reform measures recommended in the message, and necessary to prevent those evils which belong to the system to which the gentlemen adhere. They cannot, by playing the old game of proposing nothing and endeavoring to defeat everything, avoid responsibility to the people, or prevent them from perceiving the obvious and palpable necessity of "an early enactment, similar to that of other countries, by which the application of public money by an officer of the Government to private uses, should be made a felony and visited with severe and ignominious punishment," as recommended by the President. This measure they will not, they dare not, directly oppose. And, sir, this point gained, this principle established, and gentlemen will find it extremely difficult to convince the people, the farmers, the laboring class, those who have no selfish purpose to subserve in this matter, but look only to the general good, that the same rule in this respect should not apply to banks that you apply to individuals; that these should be the special favorites of Government, privileged more than others, and especially after the lamentable consequences so recently experienced by employing them as depositories, and giving them for banking purposes, the use and control of the public money. It will be difficult to persuade the honest, intelligent yeomanry of the country why corporations should be privileged to do that, for their own profit and advantage, which you declare to be a felony if done by an individual, subjecting him to a severe and ignominious punishment.

To prevent banks as well as individuals from using the public money for their own benefit, is, then, but the second step which naturally and necessarily follows in this financial reform, a reform which distinguishes the policy of the present Administration. And this principle, carried out and made applicable alike to all who may be intrusted with the keeping of the public money, as it must and will be, and you have but one step further in the process of restoring the financial system of the Government to its original constitutional track; you have but to confine the custody of the public money to such officers of the Government as shall be constitutionally appointed and responsible to the people. And, to settle this latter point, I apprehend there would be less difficulty, because patriotism would occupy the place of self-interest, which would be excluded, and it would be chiefly a question of safety and constitutional principle.

Mr. Speaker, notwithstanding what may have been said in favor of the superior advantages, in point of safety, of employing banks as depositories of the public money, I believe it is susceptible of the clearest proof that the public loss has been far greater from this source than from individual defalcations. At the last session of Congress we had a statement from the Secretary of the Treasury, giving a comparative estimate, by which it appears that the loss sustained by bank failures exceeded \$1,000,000, while that from individuals fell short of that amount, and this without any of those safeguards and securities which it is now proposed to supply; and let it be remembered that this estimate was independent of the loss of \$5,580,000, by taking depreciated bank paper in the years 1814, 1815, 1816, and 1817. What amount, if any, will be finally lost of the deposits in the banks at the time of the suspension of specie payments remains to be seen. But independent of that, when you take into account the expense incurred by the necessity of an extra session of Congress, and the interest to be paid on Treasury notes, the issue of which was rendered

necessary by the failure of the banks to fulfill their obligations to the Government, and the amount will swell to a vast sum chargeable to the loss account, by the use of banks as depositories of the public moneys. Why, sir, I would inquire, are gentlemen so silent upon bank defaulters, which have inflicted so great evils upon the country, while they are so loud and eloquent in their denunciation of individual defalcations? How long is it, sir, since the deposit banks, "pet banks," the "corrupt and corrupting system," was the theme of eloquent and bitter invective and denunciation? But now, since the system has exploded, and inflicted the most severe injuries upon the Government and the people, when there is something tangible of which we may justly complain, all with them is silent; not a word of complaint is uttered. Why is this, sir? Is it because the "pet banks" have taken refuge in the ranks of their pursuers? Is it because they are found, in the main, efficient auxiliaries in the war upon the Administration? Is it because the system is found a pretty good half-way house, in which they hope to recruit their strength for their final destination—the marble palace?

But, Mr. Speaker, the question of loss sustained by the bank deposit system dwindles into comparative insignificance when compared with its evils in other respects. The influence it has in deranging the currency, by contributing to excessive bank issues and sudden contractions, the stimulus it gives to speculation and extravagance, with all their demoralizing influences, its effects upon legislation, encouraging high duties and extravagant appropriations, and the natural consequence of bringing the money power into our political contests, and to bear upon the purity of our elections, with all its corrupting tendencies. These, sir, are evils of a character that admit of no estimate by mere dollars and cents, and should awaken the attention of every friend to the permanent prosperity of the country, and the purity of its institutions.

The defalcations and frauds upon the Treasury, now so justly complained of, have doubtless, some of them at least, had their origin in the speculating mania, encouraged to its wildest extent by the bank-deposit system. Look at the Swartwout case, and at what period do you find his indebtedness to the Government swelling with the greatest rapidity to the largest amount? Why, sir, it was in those years when your surplus money in the banks was increasing to some thirty or forty millions of dollars, ministering to and urging on the speculating mania, which swept over the land with the contagion of a desolating pestilence. Perhaps nothing can more forcibly exhibit the extent to which this excitement was carried than the astonishing fact that, during the years 1835 and 1836, there were sold of your public lands more than two fifths of the entire amount of sales since the organization of the Government. From a report of the Commissioner of the General Land Office, it appears that the whole amount paid into the Treasury from sales of the public lands, since the land sales first commenced to the 30th September, 1837, was \$94,496,543; and of this amount there was paid in the years 1835 and 1836, \$39,399,580; whereas, previous to that time, the amount seldom exceeded \$2,000,000 a year, and generally fell much short of that sum. That the use made of the public money by the banks was mainly instrumental in producing these results, was charged upon this floor by those gentlemen who are now in favor of continuing to the banks this privilege. It was justly complained that the money was loaned out to speculators to buy up the public domain, and thus returned into the Treasury again, to perform the same office; and to prevent this, the Secretary of the Treasury issued the much-abused specie circular.

Mr. BOND here called the attention of Mr. T. to a letter of the Secretary of the Treasury [Mr. Taney] advising the deposit banks to discount upon the public money.

Mr. TAYLOR continued. Sir, I well remember that letter, and the circumstances under which it was written, for it is a period in the history of this country not soon to be forgotten. It was after the deposits were removed from the Bank of the United States, and when the effort was

making to produce a panic and pressure in the money market, when the bank commenced the curtailment of its discounts, and predictions of distress and ruin, from the scarcity of money, was heard from the Opposition in every quarter, that the Secretary, to prevent, as far as possible, the fulfillment of these predictions, and the designs of the bank party, encouraged the banks to more liberal discounts upon the public deposits; and surely, if anything could justify such a course, it was the circumstances under which the advice was issued. But, sir, I was about to show how the Swartwout defalcation appeared connected with the speculating excitement, and progressed with it. From a report laid upon our table, it appears that this defalcation commenced from a small beginning in 1830, and gradually increased until, in 1834, it had reached the amount of \$50,370; in 1835, when your surplus deposits in the banks were essentially aiding and contributing to the excessive expansion of bank circulation, and kindling up the wild spirit of speculation, it increased to \$86,000; in 1836, about \$200,000, and in 1837 more than \$680,000! thus keeping pace with the speculations and extravagance of the times. Perhaps this case, like many others, in its incipient stage, might plead the excuse of honest intention, the design of replacing what had been withdrawn; but as it advanced, and the golden harvest from imagined profitable investment dazzled before the eye of the collector, recourse was had to artfully-contrived deception and fraudulent concealment, and he was swept along in the broad current of extravagance and speculation which was bearing rapidly along its thousands to misery and ruin. He may, perhaps, have consoled himself under the turpitude of his official perjury by the reflection that he was violating no law that regarded his offense as a crime, subjecting him to an ignominious punishment; that, at most, it was *legally* but an indebtedness to the Government; and that, in using some portion of the public money for the benefit of himself and friends, he was but doing that which was permitted the banks to do, if paid over to them.

But, Mr. Speaker, however defective the system may be under which this defalcation has happened, nothing can excuse or palliate the moral turpitude of so gross a fraud upon the Treasury, and so base and ungrateful abuse of public trust and confidence. And while I will raise my voice as loud as the loudest in condemning this and all similar cases, and give my aid to raise a committee for a thorough investigation, I should deem myself unfaithful to the trust reposed in me, if I did not turn my attention to some remedy for those defects of law, which have enabled public agents to perpetrate these frauds with impunity, and lend my feeble efforts to change a system which has inflicted upon the country evils of a far more aggravated character, and resulted, not only in direct heavy losses by bank defaulters, but in one grand explosion, involving both Government and people in the most serious embarrassment and difficulty; and to my mind the remedy is plain and simple. Apply the knife to the root of the disease, to that cancer which is poisoning the body-politic; cut entirely the connection between the banks and the financial operations of the Government, so as to remove all necessity for any dependence upon them on the part of the Government, and all inducement to political influence on their part; take away the temptation for honest men to become rogues, and put it out of the power of rogues to cheat the public, and escape unwhipped of justice; make it a penal offense, criminal legally as it is morally, for any one to convert the public money to his own use for any purpose whatever, and establish such guards and checks as shall make it secure, and frauds of easy detection, and you will have discharged an important duty and rendered the country an essential service. These are measures that are identified with the policy of the present Administration, and which recommend themselves to our immediate action from the highest consideration of public duty. But if gentlemen of the Opposition, who appear to have in this House a majority, at least upon some of the most important questions connected with the finances, shall refuse their aid in the establishment of a more safe and secure system for the collection and

keeping the public money, and in remedying the palpable defects of law, and prefer to leave things as they are, and to endeavor, by the indulgence of unjust and unfounded charges upon the Administration, to convert every public calamity into political capital for party purposes, an intelligent community will know on whom the responsibility should rest, and will hold them to a just and rigid accountability.

## THE PRESIDENT'S ANNUAL MESSAGE.

## SPEECH OF HON. SAM. CUSHMAN,

OF NEW HAMPSHIRE,

IN THE HOUSE OF REPRESENTATIVES,

January 2, 1839.

The House being in the Committee of the Whole on the state of the Union, on the motion to refer the various topics embraced in the annual message of the President—

Mr. CUSHMAN addressed the committee as follows:

Mr. CHAIRMAN: It is with extreme regret that I take the floor to address the House upon the subject now under consideration. When I call to mind the shortness of the session, together with the great amount of public business now on the Calendar of this House, which ought to receive the immediate action of Congress, nothing, sir, but the harsh and unjust attack which has been made upon the Administration, and particularly upon the character of the Secretary of the Treasury, could induce me to trespass upon the time of the House for a single moment. Mr. Woodbury is my neighbor, my townsman, my personal and political friend, and one of the favorite sons of the State of New Hampshire. Being thus connected with that gentleman, and knowing, as I do, the purity of his character, and how highly he is esteemed by the people of his native State, whom I have the honor, in part, to represent, I should be faithless to my duty did I not repel the charges which have so wantonly been made against that distinguished public officer.

The very extraordinary attempt which has recently been made to injure the character of Mr. Woodbury, will, I presume, prove wholly abortive. I cannot believe that the reputation of any man, whose whole course of life has been one of uninterrupted brilliancy, is to be destroyed by a single breath of air. For a long series of years his works have stood forth in bold relief, to testify to the world that Mr. Woodbury is a man of untiring industry, of distinguished talents, and of incorruptible integrity; that fidelity hath marked his footsteps in every situation of life. The high intellectual and moral qualities of this gentleman have spoken in tones of eloquence, far more impressive than anything which I, or any other man, can utter. During the time he was engaged in his profession, as a lawyer in the New Hampshire courts, he very soon acquired a reputation which gave him a rank among the first of the many eminent men then at the bar in that State. For industry, ability, and fidelity, he was second to no one. And in consequence of the high reputation which he had so readily acquired in that learned profession, he was honored with the appointment of an associate justice of the highest court of judicature in that State, and this, too, before he had reached the age of thirty years.

For several years he continued to discharge the duties of that highly important and responsible trust with great ability and fidelity, by which he acquired for himself a reputation which will remain among those things which never perish—a reputation which his assailants may envy, but can never equal. Since Mr. Woodbury left the bench of the superior court, he has been principally engaged in political life. His term of service as Chief Magistrate of his native State was short; but soon after leaving that elevated situation, he was elected by the Legislature of that State to a seat in the north wing of this Capitol, where for six years, he sustained a very prominent rank among the most distinguished and patriotic statesmen of the country. Soon after his term of service expired in the Senate of the United States, he was appointed Secretary of the Navy, in which

position, for several years, he not only sustained the high reputation he had previously acquired, but increased it with the increase of his sphere of usefulness.

It was in consequence of these developments of character for extraordinary industry, ability, and sterling integrity, that General Jackson was induced to place Mr. Woodbury at the head of the Treasury Department. And here, sir, that gentleman has overcome obstacle after obstacle, which has been thrown in his way by the Opposition, and has managed the financial affairs of the Government, as I think, with great skill, prudence, and fidelity; yet those who are opposed to Mr. Woodbury in political opinion may think otherwise; and judging from the declamation which we have recently heard upon this floor, for a few days past, we must know that there is an attempt, at least, to create an impression upon the public mind that Mr. Woodbury has not managed the affairs of the Treasury Department with fidelity, but, on the contrary, that he has not only been grossly negligent in the discharge of his official duties, but that he has connived at the frauds which have been committed by other officers of the Government. From such charges his previous life, however pure and spotless, cannot shield him; provided they are founded in truth. For this I do not contend; but I do contend that the good name which he had previously acquired ought to shield him from all such aspersions, until they are proved by the most clear and unequivocal testimony.

Now, sir, permit me to ask, whether any such evidence has been produced? In reply to this inquiry, the gentleman from Virginia, [Mr. Wise,] as well as the gentleman from Mississippi, [Mr. PRENTISS,] and others, would refer me to the report of the Secretary of the Treasury, made to this House in March last, "relative to defaulting collectors," &c., and say, there is the evidence which induced them to prefer these charges against that distinguished officer of the Government. These gentlemen have declared, in the hearing of this House, and of the country, that that document contains evidence to prove that Mr. Woodbury has, in divers instances, neglected not only to enforce the payment of moneys due the Government from receivers and disbursers of the public revenue, but that he has actually connived at their frauds and peculations upon the revenue of the Government. And to prove these facts, those gentlemen have called the attention of the House to the case of John Spencer, a receiver of public moneys at Fort Wayne, in Indiana; William Linn, of Illinois; W. P. Harris and G. S. Boyd, both of Mississippi; and Mr. Reckless, a late collector of the revenue at Perth Amboy, New Jersey; Samuel Swartwout, late collector of the customs at New York; and to General Gratiot, the chief engineer. All these cases, except the last two, are mentioned in the above-mentioned document, and to those cases I will now ask the attention of the House.

The first case which is offered in evidence, on which the Secretary of the Treasury is to be impeached, is that of Mr. Spencer. This gentleman is still in office, and the only one among those that have been named by the gentleman from Virginia [Mr. Wise] as defaulters, who is in the service of the Government. But this gentleman has been very much misrepresented. Mr. Spencer has not been a public defaulter. He has always, fairly and honestly, paid into the Treasury of the United States all moneys which have come into his hands, and the Government never has, by any default on the part of Mr. Spencer, lost one dollar. Mr. Woodbury cannot, therefore, have connived at any fraud or peculation in this case, because no fraud has ever been committed. It is true that, on one or two occasions, the Secretary of the Treasury wrote to Mr. Spencer requesting him to inform that Department why it was that he had not deposited the whole of the money which he had received. To these inquiries satisfactory answers were received. And, if I am correctly informed, Mr. Spencer always has been, and now is, esteemed in Indiana, his native State, as a gentleman of unimpeachable integrity.

The next case to which I will ask the attention of the House is that of Mr. Reckless, the late collector of the customs at Perth Amboy, New Jersey.

This case, like the former, is peculiarly unfortunate for the gentlemen who are so very anxious to impeach the character of the Secretary of the Treasury. During the eight years in which Mr. Reckless was collector of the customs, he was in three or four instances requested by the Secretary of the Treasury to make further deposits, unless the sum retained in his hands was required to discharge debenture certificates. To these communications replies were returned by Mr. Reckless; and, sir, had the Secretary of the Treasury been permitted to have furnished this House with those replies, they would have satisfied every candid mind of the entire emptiness of all this vituperation against all those who were connected with these transactions. But such was the peculiar phraseology of the resolution upon which this report was founded, that the Secretary was denied the opportunity to give the answers made to his inquiries by any of the public officers whose names are mentioned in that report. Mr. Reckless, however, never was a defaulter—never had any intention of defrauding the Government; neither does the Government pretend to have any claim upon that gentleman, either in law or equity, for one cent. So far, therefore, the allegations made against the Secretary of the Treasury are wholly unfounded. As to the charge made by Mr. Reckless for boat hire, although it was not conformable to law, yet it is very clear that he had no wish or intent to defraud the Government; and, on being informed by the Department that such charges could not be allowed, the money was paid into the Treasury. As I before stated, therefore, the Government has not suffered a loss of one cent by Mr. Reckless.

Let us, in the next place, examine the defalcations of the Chief Engineer, General Gratiot. I admit that this public functionary has committed a fraud upon the Government, and for which he has been promptly dismissed from office by the Chief Magistrate of the United States. The most prompt and efficient measures have been adopted, also, to save the Government from suffering any loss in consequence of the unfaithfulness of that officer. But for the purpose of establishing the position which Mr. Woodbury's accusers have assumed, the case of General Gratiot is quite as unfortunate as those which have already been mentioned. The House will please to recollect that the above-named defaulter belonged to the War Department, and was wholly accountable to that Department for any misdemeanors which he may have committed. The Secretary of the Treasury cannot be held responsible for the conduct of that officer with any more propriety than he can for the conduct of every military officer of the Army of the United States. It would be extremely ridiculous, therefore, for any one to pretend that there has been any neglect or connivance on the part of Mr. Woodbury relative to the defalcation of General Gratiot.

This brings me to the consideration of the receivers of public moneys in Illinois and Mississippi. No one will pretend to deny that Mr. Linn, Mr. Boyd, and Mr. Harris are defaulters, and that, in consequence, they have long since left the public service. But, for one, I do deny that either of those cases furnishes any evidence which can, in the slightest degree, implicate the character of the Secretary of the Treasury. These gentlemen were recommended to the Executive of the United States as men of punctuality, honesty, and fidelity, and upon these testimonials, General Jackson gave them the appointments which they and their friends solicited; and even now, although these men are in default to the Government, there is no one who will pretend that either of these men would, with a corrupt intent, defraud the Government. During the years of 1835 and '36, thousands broke away from the sober, every-day business of life, and went headlong into the most wild and hazardous speculations. These three individuals were swept along with this strong and impetuous current, until they, as well as thousands of others as heedless as themselves, were overwhelmed in debts which they could not discharge.

The sin that lies at the door of these three officers of the Government, is, in entering lands for themselves, for which they had no means of making payment. In my opinion, to this may be

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traced all their delinquencies to the Government, and it is in that way that they now are indebted to the United States. But, sir, there is not the least particle of evidence to show that the Secretary of the Treasury had any reason to suspect that these men were engaged in hazardous speculations. He very well knew that they were at times delinquent in making the public deposits, and for this neglect they as often received from him the most unqualified disapprobation and reproof. As evidence of Mr. Woodbury's vigilance, perseverance, and fidelity in the discharge of his duty in relation to this branch of the public service, I will call the attention of the House to some extracts of letters written by that gentleman to the above-named delinquents. In a letter to Mr. Linn of 1834, Mr. Woodbury says, that, unless he should exhibit to the Department satisfactory evidence of his having made the deposits prior to the first day of December following, accompanied by a statement showing his receipts and disbursements, and the balance with which he was chargeable at the time of such deposit, "*it will be my painful duty to submit the case for the action of the Executive, and to recommend the appointment of another person as your successor.*"

Again, in the year 1835, the Secretary of the Treasury writes to Mr. Harris as follows: "I regret that there should be occasion to call your attention to the omission to render your monthly duplicate returns to this office, for the months of November and December, and to remind you that punctuality in this respect is indispensable." Again, in the year 1837, the Secretary writes to Mr. Boyd in the following language: "I have to inform you that your resignation is accepted, to take effect on the first day of the present month, and a successor will be appointed. The district attorney will be instructed to exercise as much indulgence as the public interest will permit, in relation to the adjustment of your concerns." Here we see the language of a man, who has, himself, during the whole course of his life, been remarkable for punctuality and close attention to business, offering advice, admonition, and reproof to those who had disregarded these estimable qualifications. There we find no neglect on the part of the Secretary—no conniving or winking at fraud or corruption in any officer of the Government; but a firm determination that those defaulters should either be faithful in the performance of their duties to the Government, or leave the public service.

The public service they have left, but not without being required to settle the claims which the United States had against them, and to give that security which, it is hoped, will insure the ultimate payment of those claims. But whether this will be the case or not, there may be an honest difference of opinion. It has been said by some gentlemen, not, however, in public debate, that as fast as men became defaulters and are dismissed from office, they join the Federal party. If this be the fact with the above-mentioned cases, I should think that it might be somewhat doubtful whether those debts would be paid; but if these men still hold to their political integrity, that fact would go very far towards convincing me that those claims would finally be extinguished by an honest payment. But whether these debts shall ever be paid to the Government, is immaterial as to the issue which is now before the country. That is, whether the Secretary of the Treasury was, in any way or manner, instrumental in producing the results which have been mentioned? This is the question, and I am fully persuaded that any man who knows Mr. Woodbury will answer in the negative.

I am confirmed in this opinion by a recent expression of a portion of the people of New Hampshire, relative to this distinguished statesman. More than eight months after this document relative to defaulting collectors, &c., was published to the world, and after the sovereign people had had time to "read and reflect" upon the subject, at a large Democratic convention, held in the county of Strafford, a county containing a population of nearly sixty thousand inhabitants, on the 19th December last, the following resolution was adopted: "That the Hon. Levi Woodbury, the public financier and statesman, merits the warmest

approval of his countrymen, especially those of his native State, for the distinguished, unflinching, and efficient aid he has rendered the national Executive in those trying exigencies which have occurred during the preceding and present Administration." Here, sir, is a testimonial from a portion of the intelligent and virtuous yeomanry of New Hampshire, who are as competent to decide upon a question of this sort as ourselves, approving of the conduct of Mr. Woodbury in the strongest and most comprehensive manner. Against testimony like this, a few unsupported denunciations can have no influence. Such a course must injure the assailant more than him who is assailed.

Sir, I ask those gentlemen who have conducted this assault upon the Administration, why it is that they make at this time such a boisterous outcry against Mr. Woodbury, for giving a little indulgence to a few receivers of money for the sales of public lands? Let me remind those gentlemen, as well as this House and the country, of what took place in 1837. I ask those gentlemen to reconcile, if they can, their conduct on that occasion with the course they have thought proper to pursue at the present time. Beside the indulgence then given before suit, to near eighty banks, as deposit agents, from May to October of the year above mentioned, for twenty millions of dollars at first, and then for five or six millions, the Treasury Department gave time and indulgence to numerous merchants, on duty bonds, during the same period, for nearly five millions more, THOUGH ALL WERE IN DEFAULT TO THE GOVERNMENT. This was the exercise of a sound and legal discretion, and proved, in the end, beneficial to the United States. Congress sanctioned all this in September of the same year, and extended the indulgence still further. Both of these happened, also, after real defaults had been ascertained, and were not previously, like the short time taken by the Department and the President, exercising the same sound and legal discretion, in the case of the receivers, to inquire if a real default had occurred, and the money would not, without suit, be deposited as ordered. Yet the hue and cry is, that the last is impeachable, but the first was right! What glaring inconsistency and miserable caviling!

Mr. Chairman, it has been said, also, that this same document proves forty other cases of default, as gross as those which have been named. This, I presume, must have been intended as a mere figure of speech, for I can find nothing in that document to warrant me in coming to any such conclusion. My impression is, that the great body of evidence is the other way. If gentlemen will examine the reports made to the Department by Mr. West and Mr. Ganesche, they will be satisfied that there are but few other cases of neglect on the part of receivers of public moneys, and that most of the land offices were extremely well conducted. In proof of this fact, I will refer the House to the following extracts from the reports of those gentlemen, merely as a sample. Mr. Ganesche, in speaking of the officers in Louisiana, says: "*The two officers bear very good characters. They are both intelligent and, as far as I could judge, disposed to do justice, and to accommodate every one.*" Mr. West, in his report upon the office at Mineral Point, Wisconsin, says: "*As to the state of the office, it is now, upon the whole, satisfactory, and all the books appear to be well kept.*" The receiver states the reason why he did not take to St. Louis, in December, 1835, all the money to deposit, was that the bank would not receive some of the New England paper which he had taken for land, and which would be received at Detroit, when he should make a deposit there. I could continue my quotations to a much greater extent, to show that the land offices in other States are kept to the entire satisfaction, both of the Government and the people, but I think it wholly unnecessary. Enough has been adduced, I trust, to prove that the above document is not what it has been represented to be by the enemies of the Administration.

The last case which has been produced, for the purpose of following up the attack upon Mr. Woodbury, and, through him, upon the Administration and its friends, is that of Samuel Swartwout, the late collector of New York. It is true

that soon after General Jackson came into office, he appointed the above-named individual collector of the customs at the great commercial emporium of the country. This was done, however, contrary to the wishes of many distinguished members of the Democratic party, who were better acquainted with that individual than that enlightened, upright, honest, and single-minded statesman. But so strongly were his pretensions urged upon the consideration of the Executive, that the appointment was given to him. It seems, from what has been said here, as well as elsewhere, that Mr. Swartwout rendered himself so acceptable to the merchants of New York during the first four years that he filled that station, that they, with one accord, recommended his reappointment to that office; and, as extraordinary as may be the fact, from the time of his appointment to November last, there was nothing known, or overt, upon which to rest a suspicion against the fidelity of Mr. Swartwout. At this time, a report was made to the Treasury Department that Mr. Swartwout had defrauded the Government out of one million and a quarter of the public revenues of the country.

The gentleman from Virginia [Mr. Wise] and the gentleman from Mississippi, [Mr. PRENTISS,] and other leaders of the Opposition in this House, have commented upon this case with great severity, but I think with very trifling effect. They say that, admitting that no peculations upon the Government funds were discovered while Mr. Swartwout continued in office, yet he left the office on the 28th day of March last, and of course that this enormous fraud must have been discovered prior to November, the time mentioned in the report of the Secretary of the Treasury. This at first view may seem to be plausible; but when we come to take into consideration the requirements of law, and the magnitude of the business which comes from this one office, it might be quite as surprising that the defalcation was detected so soon as it was. I admit that Mr. Swartwout went out of office on the 28th day of March last. But the law gave him three months to make out and transmit his quarterly accounts to the Department; and, as heretofore observed, such has been the magnitude of business at that office, that the collector has generally been indulged with some weeks, and occasionally with a month of time, more than that allowed by law; all of which was taken in the present instance, so that these accounts were not received at the First Comptroller's office until the middle of July or the first of August last.

Well, sir, before Mr. Woodbury could know anything relative to the accounts between Mr. Swartwout and the Government, they must be examined by the proper accounting officer of the Treasury. Will any gentleman pretend that the quarterly accounts of the collector of New York—a place where three fourths of the revenue of the country, on imports, is collected—can be examined, audited, or settled, in a day, a week, or a month? No, sir, there is not a gentleman here, or elsewhere, whose mind can embrace the magnitude of the business of that office, who will not willingly allow to any accounting officer three months, at least, to accomplish such a Herculean task. Well, sir, grant this fact, which is one that must, as I think, be granted by every candid man, I then ask how was Mr. Woodbury to be apprised of the defalcation of Mr. Swartwout on the first of August, not more than fifteen days, at most, after the accounts reached the First Comptroller's office, so as to have prevented his escape to England in the Great Western? This was impossible. On the first of August, when Mr. Swartwout left the country, the First Auditor of the Treasury could not have given to those accounts even a cursory reading. Much less could he have audited the accounts, so that a statement could have been reported to the Secretary of the Treasury; and until such a report is made, no orders whatever can issue from that Department. If I am right, sir, in this estimate, as I most truly believe that I am, then the charge of negligence in duty, and connivance at fraud, falls to the ground in this case, as well as in all those which have been previously disposed of. Yes, sir, truly may it be said that Mr. Woodbury hath come out of this war of words and of calumny without receiving the least possible injury.

Mr. Chairman, the gentlemen from Virginia and Mississippi, [Mr. WISE and Mr. PRENTISS,] as well as others, have made the report, which we have just been considering, the foundation of much invective against the Executive of the United States, as well as the whole Democratic party. Sir, it may be that the Chief Magistrate of the United States is often maltreated by this department of the Government from the want of consideration. It would be well for us, probably, to be more often reminded, that our Government is divided into three important branches, the Legislative, the Executive, and the Judicial, and that these several branches of the Government are entitled to great respect and decorum, one from the other. We ought to remember that the President of the United States stands in as near a relation to the people as ourselves, save that he is elected for four years, and we for two years only. But while each of us stand here as the representative of fifty thousand inhabitants, the Chief Magistrate is the representative of more than fifteen millions. Although this House is the grand inquest of the nation, and as such, is bound to inquire into the misconduct of public officers, yet I think we ought not to be reduced to such a state of degradation as to mouse about the Executive Departments, to see whether there be anything or not worthy of reprehension. In a community like ours, so intelligent and watchful, and at the same time possessed of so many sources of information, fraud, in a public servant, cannot, for any great length of time, lie concealed. And although I will not yield up my right as a Representative, to ferret out fraud wherever and whenever it may exist, yet I will never degrade myself by bestowing unmerited abuse upon a coordinate branch of the Government.

Sir, the same principles and the same motives which elevated a Jefferson, a Madison, and a Monroe to the Chief Magistracy, raised up the present enlightened and distinguished Chief Magistrate of the United States, as well as his illustrious predecessor. And, sir, although honest principles are an indispensable requisite for men who fill this exalted station, yet this is not enough. We must have men of talents, men of uncompromising integrity, men of high intellectual and moral culture. Such must be the qualifications of those who would wish to preside over the destinies of the American people. In my humble judgment, such are the men who have, for the last ten years, and who do now, compose the American Cabinet. Men who have been so educated that they would not, for a moment, tolerate anything which was wrong, either in themselves or in others over whom they possessed control. Men whose feelings, motives, and conduct, are in perfect accordance with the pure principles of the whole Democratic party, of which they are members; that everything appertaining to the affairs of the people, should be done openly, as in the clear light of the meridian sun. I will sustain no man, or body of men, who would conceal a single act in the administration of the Government, from the sovereignty of the nation—the people.

That was the character of the past, and is the character of the present Administration. Their desire is that every public act should be proclaimed, as it were, upon the house top, so as to keep themselves continually before the tribunal of an enlightened, virtuous, and magnanimous people. When I utter these sentiments, I feel well persuaded that I utter the sentiments of the whole Democratic party of the country. And, sir, could the voice of the people of this wide-spread country be united as the voice of one man, and as it will be united in the year eighteen hundred and forty, in the reflection of the present enlightened and patriotic statesman who is now so ably, wisely, and judiciously administering the Government, that voice would utter, in the honest pride of a grateful people, that the Executive of the United States, for talents, for fidelity, and for high moral and intellectual culture, is not surpassed by any cabinet council upon the face of the earth. Can any one believe, for a moment, that such men can themselves practice fraud, or tolerate such a base and infamous crime in others? No, sir; such a thing is impossible. Every act of the Administration has repelled, and is continuing to repel, every supposition of that character.

Sir, notwithstanding the purity of intention in which the Government is administered, we are, at times, obliged to sit here, day after day, and hear the character of those public servants, who have been elevated to office, in part, through the instrumentality of my constituents, assailed in language highly unbecoming, as I think, to any gentleman who has been honored with a seat in an American Congress. A day or two since, the gentleman from Mississippi [Mr. PRENTISS] observed, "that the two last Administrations were conceived in sin, and brought forth in iniquity." That their whole course "had been marked by corruption, extravagance, and profligacy." These are bold charges upon the people who elect, as well as upon those who are elected to office. Sir, I repel those charges. They are unfounded. Extravagance or profligacy is an unnecessary expenditure of money. Neither the Administration of General Jackson, or Mr. Van Buren, can with any propriety be charged with such expenditures. It is very true, that the question has repeatedly been asked by gentlemen upon this floor, why it was that the expenditures of the Government should have increased from \$13,000,000, as they were under Mr. Adams's administration, up to \$35,000,000 or \$40,000,000.

I well remember that a question of this kind was asked at the early part of the last session of Congress, by a gentleman from Massachusetts, [Mr. CUSHING.] I remember, too, that that question was published in all the Federal papers in New Hampshire, previous to the last annual election, in glaring capitals, so that the wayfaring man might read and understand. Read and understand what, sir! The truth? No, sir; but read and understand that which would best subserve the interests of the demagogue. This is deception, for a more unfounded insinuation was never made. There was no year of Mr. Adams's administration in which the whole expenditures did not exceed \$22,000,000, instead of only \$13,000,000, as was asserted by implication, or directly, by that gentleman. And, sir, in order to place this subject in its true light before the people, that they may have the whole truth, and nothing but the truth, I have prepared the following table, taking the first four years of Mr. Monroe's administration, the four years of Mr. Adams's administration, and the first four years of General Jackson's administration, by which it appears that, in

1817	Whole expenditures were	\$39,900,585 58
	Of which there was paid on	
	the public debt.....	25,423,036 12
	Leaving for ordinary expenditures.....	\$14,477,549 46
1818	Whole expenditures.....	\$37,148,725 72
	Paid on the public debt....	21,296,201 62
	Ordinary expenditures.....	\$15,852,524 10
1819	Whole expenditures.....	\$23,818,004 13
	Paid on the public debt....	7,703,926 29
	Ordinary expenditures.....	\$16,114,077 84
1820	Whole expenditures.....	\$22,332,739 83
	Paid on the public debt....	8,628,494 28
	Ordinary expenditures.....	\$13,714,245 55
1825	Whole expenditures.....	\$23,535,804 72
	Paid on the public debt....	12,095,344 78
	Ordinary expenditures.....	\$11,490,459 94
1826	Whole expenditures.....	\$24,103,308 46
	Paid on the public debt....	11,041,082 19
	Ordinary expenditures.....	\$13,062,226 27
1827	Whole expenditures.....	\$22,636,764 04
	Paid on the public debt....	10,003,668 39
	Ordinary expenditures.....	\$12,633,095 65
1828	Whole expenditures.....	\$25,459,479 52
	Paid on the public debt....	12,163,438 07
	Ordinary expenditures.....	\$13,296,041 45

1829	Whole expenditures.....	\$25,109,271 33
	Paid on the public debt....	12,382,867 78
	Ordinary expenditures.....	\$12,726,403 55
1830	Whole expenditures.....	\$24,594,707 21
	Paid on the public debt....	11,355,748 22
	Ordinary expenditures.....	\$13,238,958 99
1831	Whole expenditures.....	\$30,182,424 23
	Paid on the public debt....	16,174,378 22
	Ordinary expenditures.....	\$14,008,046 01
1832	Whole expenditures.....	\$34,357,689 46
	Paid on the public debt....	17,840,309 29
	Ordinary expenditures.....	\$16,517,380 17

Since the period last mentioned, the ordinary expenses of the Government have been increased, and, together with the extraordinary expenditures, have made the whole amount of the disbursements of the Government, for a few years past, what they were in 1817, nearly forty millions. But in all this there is no mystery, excepting to him who has no desire to understand the truth. Let us take into consideration the permanent increase which has been made to the army of the United States—the extraordinary increase of the pension roll—the building of light-houses, custom-houses, and improvement of harbors—the rebuilding of the Treasury Department and the Patent Office—the payment of Indian annuities, and the extinguishment of titles to Indian lands—the removal of the Indians west of the Mississippi—to all which are to be added the large appropriations which have been made in consequence of the Black Hawk war, the Seminole, and other Indian hostilities. Here is the plain and incontrovertible answer to the question, not why the whole expenditures of the Government have increased from thirteen millions to thirty-five millions or forty millions, but why they have been increased from twenty-four millions, as they were under Mr. Adams's administration, to thirty-nine millions, as they were under Mr. Monroe's administration.

The Federalists have seized upon the great amount of the public expenditures as a fruitful theme of detraction, and of wanton attack upon the whole Democratic party. We often hear it said that we came into power in 1829, bearing upon our lips the promise of retrenchment and reform, but that we have been entirely faithless to that promise. But bold assertions can deceive no one, unless he is very much predisposed to self-deception. I could show, had I time so to do, that the above-mentioned promise has been kept, so far as the Executive of the United States or its friends had the power, to the very letter. I shall stop here, however, to give only one illustration of this truth; that is, the reform which ought never to be forgotten, a reform in the system of internal improvements by the General Government, whereby more than one hundred and sixty millions of the people's money has been saved by a timely and judicious interposition of the veto power. Other reforms could be mentioned, but that is enough to answer for all the clamor upon that subject. The causes of the extraordinary expenditures of the Government have all been spread before the American people; and they have seen, with deep regret, the large but unavoidable appropriations which have been made to meet the expenses of the Indian wars. But these expenditures have been, and will continue to be, met by the Democracy of the country with as much cheerfulness as were the expenses of the war by which our independence was achieved, or those attendant upon the war of 1812, to preserve and perpetuate that independence.

The residue of these extraordinary expenditures have been for objects in which the people have felt a very deep interest. Therefore, all the appropriations for those objects have met with their cordial approbation. We have, to be sure, paid out large sums of money for the extinguishment of titles to Indian lands, but that money is not lost. There we have our money's worth in lands. And I feel perfectly persuaded that all the expenses which have heretofore attended, or which may hereafter

attend, the colonization of the Indians will be met without a murmur. That heaven-inspired benevolence which projected and executed the removal of the red man to the west side of the Mississippi, will reflect a glory upon the administrations of Andrew Jackson and Martin Van Buren, the effluence of which will continue to increase so long as true wisdom and philanthropy shall be held in esteem among men. This is a measure to which all the true friends of the red man have looked forward with great solicitude. This was their last fond hope for the preservation of those native sons of the forest. But, sir, when the extinguishment of Indian titles shall have been completed, and the sword shall again return to its scabbard, or be beaten into the plowshare, our annual expenditures will at once come down to sixteen or seventeen millions.

Mr. Chairman, during the debate upon the subject now before the House, the old tune of proscription has been again revived. But, sir, upon this subject, I would not utter one word, were it not for the mean and contemptible hypocrisy of the Opposition upon this subject. It reminds me of the cry of fire from the incendiary, or the cry of thief from the midnight robber—first commit the offense, and then give the alarm with the hope of escaping detection. One article in the Democratic creed is that, under a Government like ours, there is no such thing as a vested right to an office. That occasional changes are productive of great good to the country, and that whether the "spoils belong to the victors" or not, it is the imperious duty of every administration to surround itself with trustworthy and confidential political friends. This the Democratic party openly avow to be just and right, and not only just and proper, but just as natural as it is for the householder to bring into his family circle his personal friends, and his personal friends only, those who will render the most efficient aid in the preservation of peace and harmony around the domestic fireside. For all this the master of the house is held responsible. In like manner the President of the United States is held responsible for the efficient and faithful manner in which all the affairs of his administration are to be executed. Who are the most likely to conduct the subordinate affairs of the Government with the most efficiency and fidelity, his friends or his foes? His reliance must be upon his political friends, and not his political enemies. The interest, happiness, prosperity, honor, and glory of the country will, in that case, be identified with the Chief Magistrate and his political friends. On the other hand, his political enemies, should they be continued in office, might be *faithless* for the sole purpose of bringing him and the administration into disrepute or disgrace.

Notwithstanding we avow this to be a sound Democratic principle, yet we are not disposed to carry it so fully into practice as the Federalists, who pretend to deny any such right. In proof of this fact, I will call the attention of the House to the present state of things in this District. It is believed that three fourths of the subaltern officers and clerks in the public offices in this city are Federalists. Look, sir, through the civil list throughout the country; many who are opposed to the Administration will be found holding office under the Government. This was the case with the late collector at New York, as well as his cashier and his assistant cashier. Other cases might be adduced to show, even in that Department, that many are holding offices who are opposed to the Administration. Cast your eye, sir, through the Army and the Navy of the United States. There it will be found that a large majority of the officers are Federalists; against this influence, as well as against the combined influence of all the corporate power in the several States, the Democracy of the country has been compelled to contend. And, sir, let gentlemen say what they please relative to executive patronage, and executive influence, through the medium of Democratic office-holders of the General Government, excepting so far as that influence is connected with truth, it has not the weight of a feather, when compared to the all-pervading influence of the corporate money power of the country, wielded generally by a vindictive Opposition.

But, sir, for the Federalists to talk about pro-

scription, or removal from office for opinions' sake, is to charge themselves with the basest hypocrisy. Although they pretend to deny the propriety of such a course, and to impugn the motives of others for carrying such a principle into practice, yet, sir, when they happen to rise into power, upon a delusive panic of their own creation, not a single Democrat is permitted to remain in office so long as that dynasty continues. In proof of this fact, I need only refer the House to the clean sweep which was made in the State of Maine during the past year. There every Democrat who could be reached by executive power was at once removed from office; and it is a well known fact that such is their practice whenever and wherever they have the ascendancy; and their moral sensibilities must be greatly blunted for them to talk about proscription on our part, without suffusing their cheeks with a crimson blush.

Mr. Chairman, the American people are too enlightened to receive declamation for argument, or harsh epithets as evidence of unworthiness of character. Arraign any man who has uniformly sustained a good character before the great tribunal of public opinion, he may be as sure of an honorable acquittal as that the light of day will succeed the darkness of night, unless the allegations are supported by conclusive testimony. It is upon this ground that I support the men now in power. I have heard them charged with high crimes and misdemeanors, but no proof has been exhibited to substantiate those charges; and as they agree with the great body of the American people in the true principles of self-government, I ought to render them my cordial support; and the present Executive of the United States, as well as all future Executives of like principles, and of like character, will be cordially, zealously, and perseveringly sustained by the whole Democracy of the country. Neither they, nor their successors, have anything to fear so long as they continue as they have in good works.

It must be admitted by every American citizen whose mind is not perverted by prejudice, that more has been done during the last ten years to promote the great mercantile interests of the country, than has been done in any other like period since the establishment of the Government. Divers compacts and arrangements, during the above-mentioned period, have been made, which have opened new channels of commercial enterprise and national prosperity. During the same period, also, the Government has demanded, and in pursuance of such demand, has received more than ten millions of money as indemnities for depredations upon our commerce by foreign nations. This sum has not only been received, but has also been paid out by the Government, to the several claimants, without the loss of a single dollar. This shows a care and fidelity, in conducting the financial affairs of the Government, which is worthy of all praise. Furthermore, the people of the United States may rest assured that, since the Independent Treasury system has been in operation, the Government has not suffered loss to the amount of one dollar, excepting by the defalcation of Samuel Swartwout, a fraud which that man has been perpetrating for the last seven or eight years.

If the Executive of the United States has been able to accomplish such wonders without legislative aid, what may it not accomplish when that important system shall be regulated by law. Then may we have a reasonable expectation that losses will not occur for the future; but we may also expect to witness greater stability in all our commercial operations, and consequently experience a much greater degree of national prosperity and happiness than we hitherto have done.

#### DEFALCATION OF SAMUEL SWARTWOUT.

REMARKS OF HON. ELI MOORE,  
OF NEW YORK,  
IN THE HOUSE OF REPRESENTATIVES,  
January 19, 1839,

On the Resolution to appoint a Committee to investigate the Swartwout Defalcation.

Mr. MOORE rose, and remarked that this was a strange state of things. Gentlemen on the other side (said he) have suddenly assumed a new and

strange position in regard to this matter. But a few days ago they told us that there could be no satisfactory investigation without a fair and impartial committee. A committee in which the parties stood six to three would neither act impartially according to their declaration, nor secure the confidence of the public. They must, they said, wrest from the Chair the power of choosing the committee, for the reason that he would pack a committee so as to suit the purposes of his friends. They desired no unfair advantage for themselves. Oh! no; all they wanted was an impartial committee. They wanted fair play, and nothing more. Well, sir, we assured them that they should have what they asked for, and that we were as desirous as they could be of a satisfactory investigation. How have they carried out their professions by their acts? In the first place, we agreed that the committee should be chosen by the House; and, in order that the whole country might see and know how and by whom they were chosen, we proposed to choose them openly, and *viva voce*. In this way, everything would be done fairly, openly, and in the face of the country. But, no; gentlemen would not assent to this. They insisted that the committee must be chosen by a *secret ballot*. They must be sheltered, sequestered, hidden, or they could not give an honest vote or make a fair choice. Well, sir, they got their *secret ballot*, and, according to their professions, they were then ready and enabled to select a fair committee. But what have they done? Why, sir, they have been guilty of the very unfairness which they apprehended from the Chair, if the choice were left to him. They have packed a committee upon us. They will not even allow us the three to six, which they complained was the proportion that the Speaker allowed to them. Have they given us three members of our own choice; men whom we would select to represent the character and interests of the Administration? No, sir. The Speaker, upon whom they charged such gross partiality, allowed them three members, who, of all others, were most acceptable to the Opposition, and would have been selected by the Opposition. But the gentlemen, in packing their committee, manifest an unwillingness to allow a single Democratic member of our own choice to serve upon it. Not one of the members whom they have chosen for us was voted for by a single Democratic member on this floor. In a word, the committee is, out and out, one of their own choice, and we have no part in it.

In order, sir, to bring this matter to a close, and to prevent any misunderstanding, I deem it my duty to announce in my place that no Democrat, who is elected in opposition to the wishes of the Democratic party on this floor, will consent to serve on the committee, unless compelled by a vote of the House; and, sir, any one who will voluntarily serve on the committee, under such circumstances, I denounce as a traitor to the party, and a conspirator with the Opposition. Now, sir, I propose to the House, in order to save time, and bring this matter to a close, that gentlemen carry their plan a little further. I propose that they select a Whig committee, out and out. Let them do that, and we shall be satisfied. We are willing that they should take their own men, and make their own report: we will be perfectly well satisfied with such a committee and such a report: we court investigation, and an investigation made by Whig members. But gentlemen will not accede to this; and why? Why will they not take the whole charge and responsibility of the investigation? Why should they wish to give us a nominal part in it? Is it because they apprehend that their Whig report will be distrusted by the country? Is it so, sir? Do they, indeed, entertain such an opinion of their own integrity and fairness, as to doubt whether their statements will obtain credence with the American people? Are they convinced, from their own knowledge of the estimation in which their frankness and magnanimity is held, that their report, as a Whig report, will be received with distrust and suspicion? What, sir? Shall this party, that lays claim to so much ability and integrity, ay, and exclusive piety, and which is "manifested daily in their lives and conversation," shall this party have doubts whether their report will be believed? Yes, sir, that is the case; that is the secret of the operations going on around us;

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Salt Duties, Fishing Bounties, and Allowances—Mr. Williams.

SENATE.

this accounts for the strange state of things that we now witness. How have gentlemen arrived at this result? Not by reasoning, for that is not their habit, but by instinct. They know instinctively, sir, that the stomach of the public sense will revolt at any report coming from such a source; and hence their anxiety to have some Democrats of their own election on the committee, to indorse their statements on this floor, and thereby give them credence with the public.

I warn gentlemen that they cannot pack this committee so as to deceive the people. We have shown them our ticket. They know the names of the three out of nine whom the friends of the Administration on this floor wish to choose. They have refused to select these men. It is not my intention to impugn the character of the Democratic gentlemen who have been elected. I know them to be capable and honest; and I further know, sir, that they will not serve unless compelled by a vote of the House.

Mr. PRENTISS here rose, and interrupted the gentleman from New York.

Mr. MOORE refused to yield the floor.

Mr. PRENTISS said he wished to make a point of order.

Mr. MOORE. I debate no questions of order; it is not my habit. Gentlemen are welcome to the floor.

#### SALT DUTIES, FISHING BOUNTIES AND ALLOWANCES.

#### SPEECH OF HON. R. WILLIAMS,

OF MAINE,

IN SENATE, January 29, 1839,

On the motion of Mr. BENTON for leave to introduce a bill for the repeal of the Salt duty and Fishing bounties.

Mr. WILLIAMS said:

Mr. PRESIDENT: The bill which the Senator from Missouri proposes to introduce, has for its object the repeal of the duty now imposed upon salt, and the abolition of the bounty granted to vessels employed in the cod and mackerel fishery; and I regret that the Senator has desired that the vote upon granting leave to bring in this bill shall be considered as a test vote; that those voting for granting the leave shall be considered as friendly to the passage of the bill, when introduced, and that those voting against it shall be considered as opposed to its passage. By this course the Senator has the advantage of appearing before the nation as the mover and advocate of a proposition to relieve the people from a tax upon salt, while others, willing to go further than this bill proposes to go, may be represented as unwilling to do anything toward removing any of the burdens imposed upon the community. For myself, I would gladly vote to grant the leave to bring in this bill, in the hope that, in its progress, other articles might be included, the tax upon which is more oppressive, and more unequal in its operation upon the different portions of the Union, than is the tax proposed to be repealed by this bill. If the honorable Senator had included in his bill the articles of coal, breadstuff, beef and pork, iron, sugar, molasses, and lead, and proposed to repeal or modify the duties upon them as well as upon salt, he should have my vote; but as he chooses to confine his bill to one article, viz: salt, and has coupled the repeal of the fishing bounty with the repeal of the duty upon salt, I must vote against it for reasons which I intend briefly to state.

And here let me ask, Mr. President, why it is that, at this short session, and at this advanced stage of it, we should be presented with a bill to repeal the duty on the single article of salt, and leave the duty upon all other articles untouched? and why the Senator from Missouri should feel himself called upon, not only to introduce the bill now, but to announce his determination to devote himself, from this time forth, to the abolition of this execrable tax, as he calls it? Have we heard from the people any complaints of the tax upon salt? Are there any petitions asking for its repeal? Have the Legislatures of any of the States asked for its abolition? Not one. Does this tax operate more severely upon the State which the

honorable Senator so ably represents, or upon the entire West, than upon other portions of the Union? So far from this being the fact, the reverse of it is true; and why? Because the western country is blessed with salt springs, from which most of the salt consumed in that portion of the Union is manufactured at home, and the domestic article is cheaper than the foreign salt can be transported to them, even if there was no duty upon the article, and probably cheaper than the cost of transportation from New Orleans, if salt could be had there for nothing. It may be, and probably is, true that foreign salt is required and used in the West to cure their beef and pork intended for exportation, but this constitutes but a very small part of the whole consumption of the vast West. It is not so with the Atlantic States; they have no salt springs near the sea-board, and, although they manufacture some salt, it is still true that most of the salt imported from abroad is consumed in the Atlantic States and in the fisheries. If this be so, and I submit to the Senate if it be not so, why, I ask, should the West be first to move in the business of abolishing the duty upon salt? If they regard the duty upon salt as a burden upon them, should they not be willing to consider that other portions of the Union bear equal and greater burdens? Nay, more; should they not remember that they have an equivalent, and more than an equivalent, in the tax upon breadstuffs, upon beef and pork, and upon lead, all which articles they produce in abundance, and sell to other portions of the Union at an enhanced price in consequence of the duty upon them? If they wish to have their salt free of duty, let us, who are obliged to purchase breadstuffs, and beef and pork, have these articles free of duty, also, or at such prices as those articles would be sold at if they were free. Why should the surplus produce of the West be protected by heavy duties, and thus enhanced in price to the consumers in other States? There can be no reason for it unless it be that in the general arrangement of the tariff other portions of the Union have an equivalent in being favored in their productions. But would the removal of the duty on salt be felt at all by the western States? Not unless the price of salt would fall in consequence of taking off the duty; and that such would not be the fact is fairly to be inferred from the experience which has already been had by the country while the tax has been in the process of reduction, and the prices of the article not affected by it, as has been shown by the honorable Senator from Massachusetts. If, then, the West have no burdens to complain of, and in fact do not complain of the duty upon salt, so far as Congress are informed, by petition or otherwise, I ask again, why it is that the Senator from Missouri should bring his great power and talents to bear upon the small remnant of tax, now less than six cents per bushel, upon salt? The Senator says it is an execrable tax—a curse and an abomination—a tax upon the beneficence of God. It is true that salt is an article of necessity, and used as much by the poor as by the rich, and hence should be afforded at the least possible cost; but how it is that the Senator should put all the horror and detestation which he manifests and expresses on this occasion at the small remnant of tax upon salt, and at the same time forgets or omits to mention other articles of equal necessity to the poor and to the rich, and much more important in respect of the duty or tax upon them—I mean breadstuffs, beef, pork, sugar, iron, coal, &c., I am at a loss to understand. It cannot be that he does not esteem them of equal necessity and general use, or that the tax upon them is not greater than the tax upon salt. Why are not the duties upon all and upon each of these articles execrable, a curse, and an abomination, a tax upon the beneficence of God? The Senator does not, and I think cannot tell us, and yet in his bill he does not name one of them, nor in his able speech does he intimate an intention of relieving the people from any portion of the existing duties upon them. If these articles, or even a part of them, were included in his bill, I would rejoice to see it introduced and acted upon. Then my constituents, as well as the Senator's, would share in the benefits of passing such a bill. But his bill

proposes no such thing; it provides simply for the repeal of the salt duty and fishing bounty, for the benefit of his constituents, and thereby taking from mine the only item in your whole legislation which goes, in any degree, to compensate my section of country for the most grievous and unequal operation of the present tariff; and here, as in the declaration of the honorable Senator, that the fishing bounty went to the benefit of a particular section, and that he looked for opposition to his bill from that section, must be found the motive for bringing forward this bill at this time, and pressing it with so much power and perseverance. With this impression, it becomes my duty to resist the attempt to produce such great injustice to my constituents as would follow from the passage of the bill now proposed. In a country so extended as is ours, embracing almost every climate, and engaged in such a variety of pursuits, it is not to be expected that duties upon articles will operate equally upon the pursuits and business of our citizens in different sections of the Union; and while a tax upon one article may, as it often does, be borne principally by the men and business of the East, and have little or no practical operation in the West, a tax upon some other article may be borne principally by the West, and have very little influence on the business and prosperity of the East. Hence it is that the business of forming a tariff is and ought to be the result of comparison, equalization, and compromise, in which the various interests and pursuits of all parts of the Union shall be duly respected, and the necessary burdens for the support of the General Government be so distributed upon the various sections of the country, as to come as near as possible to equality as a whole. We now have a tariff of duties which, I admit, is very far from being just or equal in its exactions and impositions upon the several sections of the Union, and bears most oppressively and injuriously upon the business and pursuits of those whom I have the honor, in part, to represent. Still as the bounty to fishing vessels is the only equivalent, and that a very imperfect one, for the severe and ruinous taxes upon our most important branch of business, it must be apparent to every liberal mind, that, if this boon be taken away, some of the burdens bearing peculiarly hard upon the people and business of my State should fall with it. By the compromise act, as it is called, the duties upon all articles are in process of gradual and rapid reduction, and in 1842 the tax upon salt will have come down to two cents per bushel, or thereabouts; and it seems admitted on all hands, that the time is near when the whole subject of the tariff must be considered and adjusted. The sooner the better for my State; and I will go with the honorable Senator from Missouri, at any time, for a general revision and modification of the tariff, for the purpose of equalizing the public burdens upon all the States; but not now, or at any other time, for taking any one article separately, whereby the burden upon an oppressed portion of the country should be made more ruinous. Then, again I ask, why not suffer the tax on salt and the fishing bounty to remain until a general revision of the tariff?

The honorable Senator says that the bounty to fishing vessels is an unconstitutional use of the public money. My answer to that objection is, that it was granted under Washington's administration, and has been continued under every succeeding Administration to this day, with a short interruption under that of Mr. Jefferson; and it is reasonable to suppose that the framers of the Constitution, and the wise men in the Government from the adoption of the Constitution to this time, understood what was and what was not constitutional, as well as the honorable Senator; and I am content to put their opinions and their acts against the opinion of the Senator from Missouri. But to test this objection by the acts of the honorable Senator, I would ask how he can contend that the bounty to fishing vessels is unconstitutional when he advocates and votes for bills to grant lands in aid of the construction of canals and railroads; to authorize States and incorporated companies to import railroad iron free of duty; and to authorize a drawback of duties upon such iron upon proof that it has been used in construction of railroads? Is there any principle upon which such gratuities

to States and incorporated companies can be defended, which would not apply with more justice and propriety to the bounty to poor fishermen? The Senator surely will not be willing to be represented as advocating and voting gratuities to incorporated companies which he would deny to poor individuals.

Again: we have had repeated applications from persons on the southern and western waters, for authority to import free of duty the manufactured material for iron steamboats; and did the honorable Senator from Missouri ever raise his voice or influence against bills of that description? Is his opposition to the fishing bounty the result of principle against such grants, or must it be ascribed to the fact, that the fishing bounty is for the benefit of the East, and the exemption from duty on iron steamboats for the benefit of the West? Or that, in the former case, the bounty of the Government goes in aid of the poor and meritorious individuals, and in the latter to rich corporations? Again: the Senator from Missouri contends that the bounty to fishing vessels and their crews is unnecessary, because the fishing business is prosperous, and does not require this bounty either in the way of profit to the fishermen, or as encouraging the creation of seamen. I would be happy if the Senator were right in this view; but I regret to say that, so far as I am informed, and have reasons to believe, he labors under great misapprehension upon both points; and it is easy to see how the honorable Senator has fallen into error as to the prosperity of our fisheries. In the tables cited by him, he makes the exports from our fisheries for the year ending 30th of September, 1837, to be \$2,600,000, and says that exports of the same article in 1790 were only \$1,194,000, intending thereby to show an increase of export in the article of fish of about \$1,400,000 in less than fifty years! But what is the fact, as shown by the tables on which the Senator relies? It is this, that of the \$2,600,000 exports from the fisheries, only \$770,000 proceed from the cod and mackerel fisheries to which alone the bounty to fishing vessels and their crews is extended; and the residue, \$1,930,000, are the product of the whale fishery, which has no connection with the fishing bounty. Then, how does the account of prosperity of the cod and mackerel fishery stand? In 1790, the exports of the fisheries (possibly including some oil) were \$1,194,000; and in 1837 they were \$770,000, showing an actual diminution of exports from our home fisheries of more than \$400,000 in a period of nearly fifty years, while the West has been transformed from a wilderness to a galaxy of most prosperous and productive States, with a population of at least five millions. And this is what the honorable Senator from Missouri calls prosperity in an important branch of business in the East. If he can contemplate such a state of business in any section of the Union with pleasure, I am sorry for it.

But aside from the tables adduced by the honorable Senator from Missouri, we have the fact, stated by the honorable Senator from Massachusetts, [Mr. Davis,] that within a few years past the tonnage employed in the cod and mackerel fisheries, was one hundred and sixty thousand; and the tables show that for the year ending September, 1837, that tonnage was less than one hundred and thirty thousand. Besides, sir, living, as I do, in a State where these fisheries are carried on to some extent, I may be permitted to say, that the business of the cod and mackerel fisheries could not be carried on to any advantage, if prosecuted as other branches of business are usually conducted.

And now, it may be asked, why do we pursue it under such circumstances? I will tell you, Mr. President, why and how it is done. Our soil on the sea-board is rocky and sterile; our winters are long and our summers are short; our shores are inhabited by a hardy, industrious, and adventurous population, who, being unable to raise their bread upon the land, resort to that grand bank which never stops payment, and never refuses to discount to the enterprising fisherman sufficient for his subsistence.

And now the honorable Senator from Missouri will probably ask, why do these hardy and enterprising men abandon such a place, and go to the enchanting West, the Garden of Eden? I

answer, because they have a home, a family, or friends whom they love, schools for their children, and the means of religious instruction and improvement, which they prize above all the allurements which the rich soil, the mild climate, the abundant productions, and rapid growth of the West, with some apprehension of fever and ague, and other ills can inspire. This may be very wrong in the estimation of some; but so long as these poor men can, by their industry, prudence, and great economy, provide for themselves and families, and keep out of debt, they are happy and contented, good citizens, and well qualified and well disposed to fight the battles of their country when occasion calls for their services. Such are the fishermen who participate in the bounty granted by this Government to fishing vessels; and if the Senator could visit them, see and know their republican habits and feelings, and how hard it is for them to get a living by fishing, I am sure he could not, and would not, desire to take from them the little, and the only favor which has ever been granted to them.

And now, sir, how is the fishing business, under all its embarrassments, carried on? Not by the owners of the vessels, not by employing a master and crew, and providing for their subsistence, as is done in other branches of commerce. No, sir; such a course would be ruinous. Such a course would not command that constant, persevering, and untiring effort, and that rigid economy and self-denial which are indispensable to the success of the cruise, and to avoid a ruinous issue to the enterprise. But, so far as I know, the universal, certainly, the general practice is, that a few hardy, smart, and enterprising fellows club together, who are willing to work hard and live poor, and they find some friend who owns a vessel suitable for the fishing business. They take the vessel upon shares, obtain their salt and the necessary stores for the cruise, to wit: hard bread, pork, tea, molasses, and fishing apparatus, upon credit, to be paid for out of the fish to be caught, and off they go upon a voyage of four months and more, living upon these stinted means, encountering storms and hardships, and often toiling all day and catching no fish, until they have completed their fare, or are compelled to return without it, from stress of weather or the failure of stores; and upon their return they are fortunate if their fare shall sell for enough, with the bounty, to pay their outfits and to procure subsistence for themselves and families until they can make up another voyage.

Thus I have endeavored to represent truly the fishing business as carried on in my own State; and, so far from it being a profitable or prosperous business to those employed in it, it barely gives a living, and that a very poor one, to the hardy, industrious, and persevering men who carry it on in the manner I have stated. Still it is true that, by the labors and privations of our fishermen, a vast quantity of food, and that which is wholesome and cheap, is procured from this source, and has become an article of *prime necessity to the poor*, and is the cheapest food they can obtain, together with an export to foreign countries of more than \$700,000 annually. It should be recollected that all these results proceed from labor, requiring no capital, and impoverishing no man, unless it be those employed in the business. Such an amount of export is not to be disregarded in a national point of view, and but for this source many of our poor citizens would find it impossible to pay for the bread and pork which are sent to them from the West.

But again, the Senator from Missouri contends with great earnestness that the bounty to fishing vessels and crews is *unjust*, and therefore must be abolished. This, Mr. President, depends upon circumstances. If a bounty were paid from the National Treasury to a particular branch of business, and to a particular section of country, without affording any national benefit, or constituting some equivalent for unequal burdens upon the people or business of that section, then there would be weight in this objection. But how is the fact in this particular? In the first place, I maintain, and the Senator from Massachusetts has demonstrated, that an ample equivalent for the fishing bounty is secured to the Government by the num-

ber and goodness of the seamen, which this branch of business furnishes for the navy and commerce of the country; that this benefit was realized in the last war, and will be again whenever this nation shall be engaged in war with any maritime nation. I could not add to the ability and power with which this argument was pressed by the honorable Senator from Massachusetts, and will therefore abstain from attempting it. But upon the other branch of the question, I must say that the portion of this bounty which goes to the fishing vessels and crews of Maine, is nothing like the amount of burdens imposed upon the business of that State, beyond what is borne by any other section or portion of the Union. No other State has so much cause to complain of the existing tariff as Maine has, and no State will be so much benefited as Maine will be by an equitable revision and modification of it. And how is this? It arises from the exorbitant and unreasonable duties levied upon the articles consumed by the people and business of that State. Maine consumes breadstuffs, beef and pork, hams and lead, the produce of the western States, the price of which is enhanced by a protecting duty, but exports none of them. An important item in the business of the East, is ship-building, which necessarily includes the use of large quantities of copper, iron, duck, and cordage, all charged with heavy protecting duties. Maine, with a population of about half a million, owns near one seventh of the whole tonnage of the Union. During the year ending September, 1837, there were built in Maine eighteen ships, forty-five brigs, eighty-two schooners, and four sloops; in all, twenty-three thousand four hundred and seventy-five tons; and, during the same time, ten States, with a population of at least five millions, viz: Ohio, Kentucky, Tennessee, Illinois, Missouri, Indiana, Alabama, Mississippi, Arkansas, and Michigan, built one brig, twenty schooners, and forty-five steamboats; in all, twelve thousand three hundred and fifty-one tons. It is estimated that the duty upon the copper and iron used in building vessels and boats is equal to \$3 50 to each ton of vessel or boat. The whole tonnage of Maine, in September, 1837, was two hundred and fifty-one thousand five hundred and fifty-nine tons; and, at the same time, the whole tonnage of the ten States before named, was, forty-eight thousand and ninety tons. It is thus seen that this single branch of business has contributed, for duties on copper and iron used in building vessels and boats, as follows:

Maine, with five hundred thousand inhabitants.....	\$880,491
Ten western States, with five millions	

of inhabitants.....	168,715
being a tax of \$1 76 upon each inhabitant of Maine, and only three and one third cents upon each inhabitant of the ten western States. Add to this the further tax upon duck and cordage, and the inequality of burden is enormous and oppressive. In one year, ending September, 1837, Maine paid \$82,162 for duty upon copper and iron, used in building twenty-three thousand four hundred and seventy-five tons of vessels, being somewhat over sixteen cents upon each inhabitant; and five millions of persons, in the ten States before named, paid in that year, upon the same articles, only \$42,228—less than one cent upon each inhabitant.	

Again: it appears from a document obtained from the Register of the Treasury that for the year ending September, 1837, the fishing business of Maine was as follows:

Number of vessels.....	634
Tonnage.....	20,065
Crews.....	2,831
Allowance or bounty.....	\$76,175 25

And from all this it is evident that in the year referred to (being the only one for which I have yet obtained the necessary statements) the people of Maine paid, in duties on a single branch of their business, more than the whole amount of fishing bounty obtained by them; and after deducting that bounty from the tax on copper and iron used by them, they still paid a higher tax, in proportion to their population, than the people of the States before named paid in this branch of business.

Is it possible that, upon such a view of the case, Congress will add to the unequal burdens of Maine by repealing the only provision made for

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SENATE.

their relief? I trust not. If anything be done, open the door, and equalize benefits and burdens to all classes and sections of the whole country. Do something for the relief and encouragement of the commerce and navigation of the country, which are already declining under your unequal and oppressive laws and regulations. Look at the fact that foreign tonnage is fast gaining upon our own; and that, without some modification of your laws, the time is at hand when foreigners will have more of our own trade than our own citizens will enjoy. In 1826 the proportion of foreign tonnage to American tonnage which entered our ports was as one to eight; in 1837 it was as seven to twelve; and in 1837 the entrances and clearances in our ports were as follows:

	Entrances.	Clearances.	Tonnage.	Crews.
American....	6,024	5,942	1,299,720	64,200
Foreign.....	4,632	4,551	765,703	43,073

With such facts before us, is it not our duty to adopt measures to restore American business to American bottoms? to encourage our navigation, and thereby increase our seamen? Then I pray you do not repeal the bounty to fishing vessels, and thus cut off your best nursery for seamen; but rather take off the duty upon copper, iron, duck, and cordage; or, if that cannot be done without injury to other interests, allow a drawback of the duty upon these articles when used in building ships and other vessels. In that way you will encourage American industry and American enterprise, while the effect of passing the proposed bill will be to paralyze both.

## SALT DUTY, ETC.

## REMARKS OF MR. BUCHANAN,

OF PENNSYLVANIA,

IN SENATE, January 29, 1839,

On the motion of Mr. BENTON for leave to introduce a bill to repeal the duty on Salt and the Fishing bounties.

Mr. BUCHANAN said that if the Senator from Missouri had not himself made a special request that the usual courtesy might be waived which required Senators not to oppose the introduction and reference of any bill which a Senator might present, he should not have said one word on the present occasion. There certainly was no gentleman in the Senate to whom he should more cheerfully have extended this courtesy than to the Senator from Missouri. The Senator, however, had called the yeas and nays, and desired to make the introduction of his bill a test question, and to this he could have no objection. He was willing to consider it as such; and briefly to assign the reasons why he should vote against granting him leave to bring in the bill.

I have read (said Mr. B.) with great pleasure and instruction the remarks of the Senator, published in the Globe of last evening, in favor of repealing the duty on the importation of salt, and the fishing bounties and allowances. If this were the session of 1841 or 1842, instead of 1839, I should feel disposed to give great weight to his argument. On one point I consider it conclusive. I think he has demonstrated that the bounty to our fisheries originated exclusively in a drawback of the duties on imported salt in their favor; and that this bounty ought to fall with the repeal of these salt duties, unless it can be sustained on some other principle.

My objection to this bill is, therefore, chiefly founded on the famous compromise act of March, 1833; to the leading provisions of which I desire to call the attention of the Senate. By its terms, all duties on all imported articles, which had, under previous laws, been subject to a duty exceeding twenty per cent. on their value, were to be gradually reduced to this standard. One tenth of the excess of duty above twenty per cent. was to be deducted after the last day of December, 1833; a second tenth after the last day of December, 1835; a third tenth after the last day of December, 1837; a fourth tenth after the last day of December, 1839; three of the remaining tenths after the last day of December, 1841; and the other three remaining tenths after the last day of

June, 1842. After that day, as some sort of compensation to the domestic manufacturers of the country, the present system of credits is to be abolished, and this duty of twenty per cent. is to be paid by the importer in ready money, and that, too, according to a valuation of the articles made at the port of entry, and not at the foreign port from which they have been exported. In addition to this, the act contains a long list of articles, useful and necessary to our manufactures, which are, after June, 1842, to be admitted free of duty. It is also provided that, after that date, "duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of the Government."

Under the operation of this act, the duties will have gradually reached the final point of depression on the 30th June, 1842, and will then stand at twenty per cent. Now, it does appear to me to be a palpable violation both of the spirit and letter of this law, to which I intend to adhere in good faith, to except the article of salt from its provisions. Salt is extensively manufactured in a portion of the State which I have in part the honor to represent. The Senator from Missouri states the foreign salt imported to be annually about six million three hundred thousand bushels; and he estimates the domestic production to be about the same quantity. Although I do not speak from data on which I can rely, I believe the quantity of domestic salt is considerably greater than the foreign importation. But be this as it may, it appears, from the Senator's own showing, that the domestic manufactured article, protected in some degree by the existing duty, exceeds six millions of bushels per annum. The domestic manufacturers of salt, however much they may have been dissatisfied with the compromise act, had at least a right to expect that this article would not be made the solitary exception and be admitted free of duty against its provisions. They had a right to rely upon the protection which this act affords; and the introduction of the present bill to make salt a free article, will take them by surprise. Is not this attempt a manifest violation of the compromise?

In the session of 1841-'42, at the latest, it will become the duty of Congress seriously to consider the subject of duties on imports generally, and adjust it in that spirit of compromise which gave birth to the Constitution itself. I hope and believe that southern gentlemen will, at that period, whilst they have a right to insist that the revenue shall be reduced to the standard of an economical administration of the Government, act in a liberal spirit towards the manufactures of the country. A duty granted merely and solely for protection, we cannot ask under the compromise; but we shall expect that, whilst imposing duties for revenue, such incidental discrimination may be made in favor of our most important and necessary manufactures as will assist American industry in struggling against foreign competition. This principle of incidental protection, within these limits, is as old as the Government; and I have never understood that it was objected to by gentlemen of the South. If I should live until that day, and be then a member of the Senate, I shall enter upon the task of adjusting the tariff with every disposition not exclusively to regard the interest of any particular portion of the Union, but to act with liberality and do justice to all the great interests involved. I know that at that time many considerations may be urged in favor of a repeal of all the duties on foreign salt. Such a measure would operate beneficially upon the great agricultural interest which I have ever regarded with peculiar favor. But, at the present moment, this duty rests upon the compromise act, and representing, as I do, a considerable salt manufacturing interest, I am not disposed now to disturb it. At the time of the general revision of the tariff the duty on this article can be considered in connection with all the rest; and then a wiser and better disposition may be made of it, than if we were now to act upon it alone, and without reference to its bearing upon the whole subject.

Mr. B. said that the question of courtesy being as it was out of view, he did not understand how Senators, who had offered able arguments against

this bill, could notwithstanding conclude by declaring that they would vote for its introduction.

Mr. BENTON having made some remarks which will be found on another page—

Mr. BUCHANAN said, (in reply to Mr. BENTON,) as to the compromise act I shall say but little. Its reputed authors are here present and are very able to defend themselves. As to myself I was in a far distant land at the time of its passage, and shall never forget my own feelings when I first received information of this event.

The enemies of liberty in every country of the Old World were rejoicing in the prospect that this glorious Union—the last hope of republican institutions—was about to expire. The advocates of despotism were everywhere gloating over the prospect. It was impossible for any person placed in my situation not to see, and to feel, and to know, that this was the cherished hope of the enemies of liberal institutions throughout Europe. It was a subject of conversation in every society which I frequented in the great northern capital, where I then resided. Although I did not myself personally indulge in gloomy forebodings, yet I hailed the news of the passage of the compromise act as the harbinger of peace and tranquillity at home, with more joy than I have ever felt upon the announcement of any political event. It was then sufficient for me to know that the question which had threatened the peace of my native land was settled; and that, too, by the passage of a bill which had received the approbation of General Jackson. His sanction of it was, to me at least, the strongest evidence that it was not "a mere humbug." I felt the fullest confidence that his signature could never have been affixed to any bill which would sacrifice, or seriously injure, any of the great interests of the country.

Whether, under all the circumstances, I should have voted for this bill or not, had I then been a Senator, or whether it settled our difficulties wisely or unwisely, is not now the question. Be this as it may, it has stood the test of time during a period of six years, and it has not yet been changed by Congress in a single particular. The people of the State which I, in part, represent, have, at least, acquiesced in its provisions; and they are looking forward to the year 1841 or 1842 for a general settlement of the whole question.

Now, sir, what is my position? I am called upon to except from this compromise a single article of domestic manufacture, in which several counties of Pennsylvania are deeply interested. Would I not be faithless to my trust, if I should agree that this article, protected as it now is by the existing tariff, should be made the solitary exception; and that, too, at a moment when the manufacturers of it are reposing with perfect security on the faith of a law adhered to, as it has been by Congress, ever since its passage? It is not sufficient for me to know that we possess the unquestionable power to violate it. The true question is, would it be wise, or politic, or just, at the present advanced stage of its progress, to disregard its provisions?

And, after all, what mighty matter is to be effected by this bill? Under this very compromise, the duty on salt has already been reduced to about six cents per bushel. After the last day of the present year, it will sink still lower; and after the last day of June, 1842, it will be reduced to about two cents per bushel. Within two, or at the latest three, years after the close of the present session, there must be a general revision of the tariff; and I would ask, what interest, in the mean time, can suffer by paying the small duty of six, and afterwards of four or two cents per bushel on the importation of foreign salt? Is this a cause sufficient to justify the mighty efforts which have been made to repeal the duty? When I observed these efforts of the Senator's great mind to accomplish an object so trifling and inconsiderable, they forcibly reminded me of the simile of the English poet. They resemble

"Ocean into tempest tost,

To waft a feather, or to drown a fly."

Let us wait for two or three years, and then settle this little matter in conjunction with the great questions which must then arise. It is not an object which could excuse, much less justify a departure from the compromise.

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Salt Duties, Fishing Bounties, and Allowances—Mr. J. C. Calhoun.

SENATE.

## THE SALT DUTY.

REMARKS OF HON. JOHN C. CALHOUN,  
OF SOUTH CAROLINA,

IN SENATE, January 30, 1839.

On Mr. BENTON's motion for leave to introduce a bill for the repeal of the Salt duty and the Fishing bounties.

Mr. CALHOUN said he felt perfectly indifferent as to the fate of this motion. It was impossible for the proposed measure to pass at this time; and the only question was, whether it should be voted down at this incipient stage, or at some subsequent one, after it had assumed the form of a bill. The only difference was this: if it was rejected now, the further consumption of the time of the Senate would be saved; but, on the contrary, if leave was granted, two or three days more would be spent in discussion, when it would be rejected by a large majority. There were at all times many who, from courtesy or other motives, would vote for leave to introduce, but who were at the same time opposed to the measure. He had at one time intended to vote for leave himself, but as the Senator from Maine, [Mr. WILLIAMS,] who had taken the lead against the measure, had indicated his intention to vote against the motion, he would follow him as his leader on this occasion.

He had asserted that the measure could not succeed, on the ground that the objections to acting on the subject at this time were overwhelming. If there was no other, it was all sufficient that the duty on salt, under the compromise act, was going off as fast as the wants of the Treasury and the interests of commerce would permit. It is already reduced to about six or seven cents the bushel, and would be reduced the next three years to about two cents. In the mean time, the Treasury will need all its means to meet its engagements, and the interests of commerce would be injuriously affected to make the reduction more rapid than it will be. All changes in the rates of duties ought to be made gradually, even when it tended to lighten the burden.

Mr. C. said that he was far from thinking that the time already spent in the discussion of this motion was lost. It had made developments important to be known by those whom he represented, some of which were highly favorable to their future prosperity and quiet, and others of an opposite character. Of the former, he heard with pleasure the very sensible and manly remarks of the Senator from Maine nearest to him, [Mr. WILLIAMS.] He took the true ground. He asked no protection for the great interest of navigation, in which his constituents are so vitally interested, and, he would add, the whole Union. All he wanted was fair play. Take off your protection on iron, on hemp, on salt beef and pork, and other oppressive duties, which bear down our navigation, and you may take off your bounties, was his manly language to the mover of this resolution; and he clearly showed that the great interest which he defended would be the gainer by the change. Mr. C. said, I will uphold him in a provision so perfectly reasonable and just, and, for one, will not assent that the bounties shall be repealed, whatever my opinion may be in the abstract as to their propriety, till the burden is removed. The same principle by which he was impelled to resist oppression, impelled him, with equal force, to uphold what is just and reasonable; and here we have a striking illustration of the great impropriety of acting on the tariff by separate and detached items, as is proposed on this occasion. It is almost the inevitable consequence of such a course, that, while one interest is benefited, another is oppressed. On this account, he was adverse to touching the subject till the whole system of duties was brought regularly under review, as it must be at the next, or the succeeding session, under the compromise act. In the mean time, he considered the great navigating interest of the country, which was so essential to the prosperity and defense of all others, among the most depressed at present. He was startled in looking over an able document from the chair-

man of the Committee of Ways and Means, of the other House, just laid on our table, at the rapid encroachment of foreign navigation on our own. In 1826 the domestic stood to the foreign tonnage as 942,206 to 105,654; and in 1837 (the short space of ten or eleven years) they stood as 1,299,720 to 765,703. At this rate, the foreign will soon exceed our own tonnage in our own ports. This relative falling off claimed immediate and serious investigation, and the application of some efficient remedy. Without pretending to any particular knowledge of the subject, he did not doubt that one of the most powerful causes in producing this unfavorable result, was the expanded —no, that was not strong enough—the bloated state of our currency, which, by raising prices far beyond what they ought to be, was weighing so heavily on the prostrate energy of the country, and especially on all those branches of industry which, like navigation, had to compete abroad with nations that had a less expanded and a sounder currency. This he believed to be the main cause; and next to it he placed the oppressive protective duties, now fortunately going off under the compromise act, which so greatly enhanced the price of ship-building, the rigging, and supplying vessels, as well as the wages of seamen. Against this oppressive load our foreign navigation had no competition. It had to meet the competition of other nations on the broad ocean, weighed down with the enormous duties on iron, hemp, cordage, and almost every other article that entered into the construction, the rigging, and supply of vessels, without a particle of protection to lighten the burden, just as our great staple interest, the cotton, rice, and tobacco, had to meet the competition of all the world in the foreign markets with the like burden, without protection, or the probability of protection. And for what was this oppressive load laid on these, the great sources of national opulence and prosperity? To protect certain branches of industry, which were dignified with the name of home industry, against foreign competition—not on the broad ocean, not abroad in foreign markets, but at home, and at their own doors. We who had to go abroad and contend with all the world, were weighed down with an oppressive bond, that other branches should have a monopoly at home! And yet there are those, if we may judge from what we have heard in this discussion, who not only denounce the act by which this load is going off, but are ready to renew the protective system with all its injustice and oppression.

But against the voice of such he (Mr. C.) was happy to hear that of the Senator from Pennsylvania furthest from him, [Mr. BUCHANAN.] He took high and correct ground. He opposed this motion because it violated the compromise. That Senator has done no more than justice to that act. It terminated honorably and fairly, without the sacrifice of any interest, one of the most dangerous controversies that ever disturbed the Union, or endangered its existence—not the danger of a dissolution of the Union, as we learn from the Senator, was anticipated abroad. The danger lay in a different direction. Dissolution is not the only mode by which our Union may be destroyed. It is a *Federal Union, a Union of sovereign States*, and can be as effectually and much more easily destroyed by *consolidation* than by *dissolution*. He who knows the history of our race, and the working of the human breast, best understands the great and almost insuperable difficulties in the way of dissolution. There is scarcely an instance on record of any people, speaking the same language, and having the same Government and laws, that have ever dissolved their political connection through internal causes or struggles. He excluded, of course, colonies throwing off the control of the parent country, or a partition of kingdoms by monarchs. The constant struggle is to enlarge and not to divide; and there neither is, nor ever has been, the least danger that our Union would terminate in dissolution. But the danger on the opposite side is imminent, as was foreseen from the first by our wisest statesmen and most ardent patriots; and never was that danger more menacing than when the gallant and patriotic State he represented gave the blow that led to the

compromise. That blow was not to destroy but to save the Union; not for disunion but against consolidation; and most effectual did it prove. It brought the protective system to the ground, never to rise again; that system which has brought such innumerable disasters on the country, and which had well nigh terminated our Union in consolidation, and, with it, the establishment of despotic power. At its very basis laid the assumption of a power, which, if it had been established, would have made this a Government of unlimited power, and, of course, a consolidated Government. It assumed that duties and taxes might be laid not only for revenue, for which purpose only the power was granted, but that they might be perverted to the purpose of encouraging one pursuit and discouraging another; that is, that the revenue power might be converted into a penal and rewarding power—the power of rewarding one class of industry and punishing another. Who does not see that the assumption of such a power, on the part of this Government, would give it unlimited control over all the pursuits and business of life, and the entire industry and prosperity of the country.

Acting on this false and dangerous assumption, the protective system had been introduced, and pushed to the most extravagant extent, under the act of 1828. Under its baleful influence, the great staple interest of the South, and that of the navigation of the East were paralyzed, while certain others were made to flourish. To effect this, millions on millions were taken from the people and poured into the public Treasury; where it constituted a vast fund for extravagance and unconstitutional expenditures, corrupting the community, and extending the power and patronage of the Government beyond the limits consistent with our free institutions. This vast patronage, concentrated in the hands of the Executive, had rendered that department all-powerful, and was thereby rapidly leading the way to the consolidation, not of the whole power of the Legislature in this Government, but the whole power of the Government in that department. It was against such a system, producing such consequences, that the blow was struck, bravely and magnanimously struck, that led to the compromise act, that this motion is intended to disturb. It was successful. It was directed at the root of the evil. It has stopped the excessive flow into the Treasury, and, followed up by the deposit act of 1836, it has emptied it of its corrupting mass. He saw clearly that reform, with an overflowing Treasury, was impossible, especially when that overflow consisted of bank notes. It was impossible to arrest a taste, or limit patronage, until the means which sustained them were exhausted. That great object is now effected; and retrenchment, economy, and reform must follow, or woe to those in power; and, when they gain the ascendancy, then will the blow which was dealt against consolidation, and for the Union and our free institutions, have effected the great and patriotic purpose intended by those who directed it, and of whom I shall ever be proud of having been one. The protective system, which has been the cause of all the mischief, has fallen prostrate before it in the dust. He who undertakes to revive its putrid carcass will perish in the attempt.

He (Mr. C.) was happy to hear the Senator from Pennsylvania [Mr. BUCHANAN] avow his intention to carry out the compromise act to its full extent, and that he was prepared, on a readjustment of the duties under its provisions, to restrict them to revenue simply, as is provided by the act limiting the protection to manufactures to such incidental protection as was consistent with revenue, but in no case exceeding twenty per cent. to which the highest duties would be reduced in 1842. This was going back to the original principle which governed in the first imposition of duties on imports; and he was happy to hear the avowal coming from the quarter it did, and in which he trusted the Senator uttered the voice of the powerful State he represented. There were but two principles on which their readjustment could take place, unless the Government should have the madness of going back to the protective policy, which he did not apprehend. The one was that

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suggested by the Senator; and the other, that of bringing the whole duties to one uniform low average *ad valorem*, without any discrimination for or against any duty. It would be too soon to discuss the relative merits of the two at this time, and, in fact, he had not made up his mind. A review must soon take place; it cannot be postponed beyond one or two years, when it will be the proper time to examine their respective merits. In the mean time he was prepared to say that he would be ready to go into it with a liberal spirit and a disposition to do equal and exact justice to all, and to adopt that which, after a full examination, shall appear to be the best calculated to promote the interest and harmony of the whole.

## SWARTWOUT'S DEFALCATION.

## REMARKS OF HON. F. THOMAS,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

January 9, 1839,

On the Resolution providing for the appointment of a Committee to inquire into the Defalcations of Samuel Swartwout.

The question being on Mr. Wise's amendment that the committee be chosen by ballot—

Mr. THOMAS rose amidst loud cries for the question.

He said: I am not, Mr. Speaker, to be checked by rude calls from any quarter. I have unfeigned respect for the wish of a majority of this House, and believing that there is a desire to take the question before we adjourn, I shall compress my remarks within a very short space of time. But I have a right to be heard. When it is recollected the opponents of the Administration have consumed nearly all of the time which has been devoted to this debate, it is but reasonable that they should hear patiently and politely one of its friends.

In accordance with my promise to be brief, I shall omit everything I was about to say as to the conduct of the Secretary of the Treasury and officers of his Department involved in this discussion. Whether they could, or could not, by the exercise of due diligence, have prevented the loss of much of the public money that has been embezzled, I will not now inquire. When all the facts, if there are any more material facts to be collected, are brought to light by the committee to be appointed, it will be time enough to examine how far these officers are culpable.

The first question now before us is that brought forward by the gentleman from Virginia, [Mr. GARLAND.] He proposes, in this instance, to depart from the usual mode of appointing committees, and to elect the committee now to be chosen by ballot. After hearing the arguments which have been urged in support of this proposition, it is one that should not receive my vote, no matter what was the nature of the duties to be performed. Gentlemen complain that our presiding officer has placed upon some of the most important committees ordered by the House a majority of the friends of the Administration, and urge this circumstance as good cause for depriving the Speaker of the power to make the selection in this instance. This argument ought not, surely, to have an influence upon those by whom the Speaker was chosen. We voted for him because he was known to be friendly to the Administration. We expected that he would, in compliance with the uniform practice of those who had preceded him, place upon the most important committees a majority of the friends of the Administration. The dominant party in the House is responsible to the country for the public measures to be brought forward by the standing committees, and ought to have the power necessary to frame and fashion those measures before they are reported. This has been always conceded. It should be claimed now, unless, indeed, the friends of the Administration are willing to admit that they are not to be confided in, and that the superior patriotism of their opponents must be put in requisition. For one, for myself, and for my political associates here, I spurn indignantly all insinuations and imputations tending to such a conclusion. If the friends of the Administration have the majority

in this House, they should claim and exercise the right, through the Speaker, to organize the important committees. If they are in a minority, produced by a combination of Conservatives and Whigs, they must submit, and will be relieved by the country from that responsibility to which they are now held, under the belief that they have control in this body.

Not content with denouncing, generally, the Speaker for the manner in which he has organized the committees, the gentleman from Virginia [Mr. WISE] has selected an instance to prove that these denunciations are merited. If the other cases which he has not adduced are like that particularly referred to, the gentleman has done, in my opinion, cruel, gross, monstrous injustice. The select committee on the subject of the public lands was to consist, according to the order of this House, of one member from each of the States. In executing this order, the Speaker had not unlimited discretion. He was required to select one member of the committee from each State. He was bound to suppose, too, that the House designed that the will of the several States should be respected in the selection of the member of the committee to which the States were to be respectively entitled. Take, then, these most obvious considerations into view, and it will be seen that gentlemen who complain that their peculiar opinions as to the manner in which the land fund is to be disposed of are not probably to be sanctioned by this select committee, are themselves in fault. If they had ordered a committee to be appointed generally, without imposing limitations upon the Speaker, he could have had reference to the supposed will of a majority of the House. But the movers in this matter thought proper to do otherwise. They have directed that the States, without regard to population, should be put upon an equal footing in the committee, and now complain because their own rule, when fairly worked out, does not show that a majority of the States and a majority of this House concur as to the mode in which the land fund shall be disposed of. In support of the premises upon which their reasoning is founded, I beg leave to advert to a few facts. The complaint against the Speaker is founded in the supposed fact that a majority of this land committee is hostile to the distribution among the several States of the money derived from the sales of the western lands. Could the Speaker, consistently with the order of the House, have produced a different result? There are ten States represented here having lands within their limits, and known to be hostile to the distribution. From each of these States, then, ten members of the committee were necessarily to be taken hostile to that plan. From New Hampshire the representation harmonizes in hostility to distribution, so that no sound objection can be urged to the selection of the gentleman who has been chosen to represent that State. The member of the committee selected for Georgia has submitted a plan of his own for disposing of the proceeds of the land sales; he is one of the majority of the delegation from that State, and I know no reason why the Speaker should suppose that he would not act in accordance with the wishes of those whom he in part represents. From Maine, the member of the committee coincides in opinion on this subject with the majority of his colleagues, and, I presume, will speak the sentiments of the party known to be in the ascendancy in that State. The member of the committee from Pennsylvania is one of the majority of the delegation from that State here, and is of the political party in the ascendancy at home, and could, therefore, without impropriety, be selected to represent the State. In addition to this, he was not here at the commencement of the session, to be placed on one of the standing committees, and this furnished good reason for the preference given him over his colleagues. Here, then, are fourteen members of this committee, being a majority, for whose selection an unprejudiced mind can find good and sufficient reasons, without imputing to the Speaker a desire to thwart a favorite measure of any one. It is not necessary, therefore, to review further this proceeding, to vindicate the Speaker from a most unjust attack. If it were necessary to do so, material could be found in the choice made of members of this committee from Virginia

and Vermont. From the latter State a friend of the Administration has been overlooked, and the preference properly given to one of its opponents. And from Virginia a gentleman has been selected who is in the minority of the delegation from that State here, and who must be in the minority at home, unless the people of the State have changed their opinions, and are now in favor of distributing the money of the United States for purposes of education and internal improvements in the States. Although the last gentleman named may not accord in opinion with the sentiment of his State, yet, as there is reason to doubt upon that question, there can be no objection to his selection, as he, like the gentleman from Georgia, has a favorite plan, to be submitted to the committee of which they are members. These considerations were urged by me privately to the gentleman last referred to [Mr. ROBERTSON] in conversation, soon after this committee had been selected, when I had enjoyed no opportunity to learn the motives by which the presiding officer had been influenced. They were then, they are now, esteemed by me good reasons to remove unfounded suspicions, and to guard against ungenerous imputations. Besides, where do gentlemen get the extraordinary notion that this committee was to be composed of gentlemen, a majority of whom were to favor any particular measure? There is certainly nothing to be found in the proceedings of this House to justify such an opinion. To this committee the House has referred a communication from the Land Office, and varying projects offered to the House by different members. This being the case, there can be no pretext for the supposition that one plan for disposing of the proceeds of the lands was to have given to it a preference over another in the organization of the committee. It was the duty of the Speaker to place upon the committee members reflecting every variety of opinion which have been indicated in this House, as far as this could be done consistently with his obligation to choose one member from each State. And this he has done in a manner that ought, with all liberal men, to shield him from censure.

Finding nothing in these proceedings to destroy confidence in the Presiding Officer of the House, I must be permitted to express my regret that two gentlemen from Virginia, [Mr. GARLAND and Mr. MASON,] who were elected as friends of the Administration, and who represent districts supposed to be of the same creed, should separate from their former political associates upon this occasion. It cannot be contended that the committee to be appointed will have much to do in connection with any default that has occurred, except those of the collectors and attorney of New York. The resolution before us is very general in its terms, and has reference to all defalcations of public officers from the origin of our Government to the present moment. But then we all know that the extracts from the public records have furnished all the information expected to enable us to judge of the conduct of those public officers who are involved in those transactions. So far as the officers of the Government are concerned, we have no reason to expect that further information will be collected in the New York defaults. We have before us extracts from the public documents in these cases also, sufficient to decide upon the culpability and capability of the Secretary of the Treasury and his subordinates. What, then, is this committee to be especially appointed for? Not, sir, to afford an opportunity for a combination of Whigs and Conservatives to make a report against an independent Treasury. Not, sir, to get up by such means a book or treatise on our financial condition, to be distributed with a view to prejudice the public mind against the leading measures of the Administration. We have a right to suppose that this committee is to be organized for some practical purpose. We know that the collector at New York has embezzled a very large amount of public money. We desire to know where this money is, to see whether any portion, and what portion, of it can be recovered. These being the objects for which this committee is to be appointed, let us look to the facts of the case to determine upon the propriety of depriving the Administration of the advantage of having the investigation committed to a majority of its friends. The Ad-

ministration is held responsible for the loss of this money; it ought, on that account, to have the means furnished to ascertain who has it, and how much of it can be recovered. The documents before us show that a very large proportion of the money embezzled by Swartwout, with whom Price is probably connected, was derived from collections said to be made from the merchants of New York in the first and second quarters of the year 1837. The question naturally arises, was all this money actually paid? Were there any compromises between the collector and the merchants, by which their bonds were discharged, by any means except by the actual payment of the whole amount of the money due? I know nothing of the merchants concerned. I know not whether there is one single man amongst them capable of collusion with the collector to deprive the Government of its just due. My respects for human nature forbids me to believe that there has not been a *bona fide* payment on the part of these merchants of every dollar due upon their bonds, as stated by Swartwout.

But, in ordering this examination, the House must proceed upon the supposition that all of the money for which Swartwout is in default has not been used by him alone. And in looking to ascertain whether others are concerned, it is most natural that we should turn our attention to those with whom we know the defaulter was intimate and had moneyed transactions to a large extent. Taking this view, then, of this matter, adverting to the point to which the investigations of the committee are naturally to be directed, I appeal to gentlemen on this floor who profess to be friendly to the Administration—I appeal especially to the gentlemen from Virginia, to whom I have already taken the liberty to address myself, and ask why should the usual mode of appointing committees be departed from? Why should the examination not be conducted by the friends of the Administration, to be held responsible for the loss of public property? I repeat, the conduct of the officers of the Treasury is not to be inquired into in connection with the New York defalcation. We have copies of the records from the Department exhibiting their connection with this transaction. Those extracts exhibit the whole case, except in that particular feature of it which directs the mind to those private citizens who may have had dealings with Swartwout. It cannot be pretended that the friends of the Administration in private life are most probably involved in this stupendous fraud, and, therefore, a majority of that party ought not to be chosen to prosecute this proposed scrutiny. The probabilities are all on the other side. Swartwout did not vote for the present Chief Magistrate. He has long cherished towards him feelings of decided hostility. He enjoyed, we all know, about the time most of this money was embezzled, the confidence of the Whig and Conservative merchants generally of New York. His intimate associations must have been chiefly with those political classes. Among them, then, I repeat, we should look for information to enable us to discover to whom and how this money has been disposed of. Without intending to intimate that any discoveries will be made—in fact, I believe little will be learned that we do not now know—I insist that the scrutinies of this committee must have a direction that justifies an adherence to the customary mode in its selection. But, if this mode is now to be departed from, let us not have a choice made in the dark. If one known to the public, responsible for his acts, is not to name this committee, then, sir, let us proceed in a way to know where, upon whom, the responsibility is to rest. Before I sit down, I shall propose to strike out the words “by ballot,” in the amendment of the gentleman from Virginia, and insert in lieu of them the words “*viva voce*.” If this proposition should prevail, the public will be guarded against many evils which will be inevitable if the practice of electing committees by ballot shall ever prevail in this House.

Before I take my seat, I desire to comment briefly upon one or two topics introduced into this discussion. An attempt has been made to throw upon the present and the last Administrations responsibility for the defalcation of which I have been speaking. A few well-known facts

will place that matter in its true position before the public. The present Chief Magistrate did not appoint Mr. Swartwout. He never had confidence in him. But gentlemen may say, why did he not remove him? Is there any one who will deny but that Mr. Van Buren would have been most ruthlessly denounced, if, upon coming into the Presidency, he had forthwith removed the collector of New York, who had been appointed in 1834, at the instance of the most respectable merchants of New York, and who enjoyed, in the spring of 1837, the entire confidence of the whole mercantile community where his duties were to be performed? If he had been removed under such circumstances, the President would have been lampooned and vilified from all quarters, by the Opposition, for having, as it would have been said, turned out a faithful and popular public officer, simply because he had not voted for the present Chief Magistrate at the election of 1836. But it will be said the Administration is to be censured for failing to discover these defalcations at an earlier day. To this charge I have not an opportunity now fully to respond. Whether there has been too much confidence placed in the late collector at New York by some of the officers of the Treasury Department, I will not now undertake to discuss. If gentlemen will examine the whole subject without prejudice, they will find that the legislative branch of the Government has much to answer for in the premises. Under the old deposit system, collectors and other public agents had too easy an access to the public money. To this conclusion the public mind is rapidly tending, and it is to be hoped that Congress will, before we adjourn, take care to throw new guards around the public treasure. That the laws are now such as to have afforded opportunities to the New York collector to escape detection, no matter how searching had been the examinations made into his transactions, can be shown without difficulty. But I shall not now go into that branch of the discussion. I shall content myself for the present by showing that Swartwout eluded the vigilance of distinguished men whose duty it was to examine into the matter, to whose capacity for high office, integrity, and patriotism, the whole Opposition in this House will cheerfully bear testimony. And when I have shown this, I shall claim that the denunciations uttered here, in the coarsest style, against the Administration, are revolting, from the grossness of their injustice.

In March, 1834, Mr. Swartwout was nominated for reappointment. At that time rumors were afloat prejudicial to his character as a public officer. He had, nevertheless, the recommendations of most of the respectable Whig merchants of the city of New York. The suspicions which had been excited found their way into the Senate Chamber before his nomination had been acted on. An investigation into their truth was had in that body. We have no means to decide with entire certainty who conducted that examination. We know, however, that it is the practice of the Senate, when in secret sessions, to refer nominations of collectors of customs to the Committee on Finance. We know that at that session of Congress, Mr. Webster, Mr. Tyler, Mr. Mangum, Mr. Ewing, and Mr. Wilkins, four opponents and only one friend of the Administration, composed the Finance Committee. To these gentlemen, then, we have authority for saying the Senate referred the nomination of Mr. Swartwout. It became their duty to inquire into the truth or falsehood of the suspicions afloat, that the nominee had accounted for all the public money received by him. That committee had access to all the laws and regulations of the Treasury, and to all the returns made by Swartwout to the Treasury Department, to which the officers of the Treasury had access, to enable them to detect defalcation. Notwithstanding, no defalcation was discovered, although it now appears that Swartwout's peculations commenced in 1830, and were, in 1834, when his nomination was confirmed by a Whig Senate, then very large in amount.\* These things ought to teach gentlemen

moderation and decency of language, when discoursing upon the conduct of those who have the laws to execute. They should teach more than that—they should lead us to suspect that there is fault in the laws, since a public defaulter could so effectually elude detection, notwithstanding his conduct was strictly inquired into; and we should set about correcting this evil at its source, by new guards to secure the public treasure.

Besides this, there are other things to be learned from the facts to which I have referred. The most unmeasured abuse has been heaped upon the present and last Administrations, and upon the whole party by which they were supported. We have listened day after day (said Mr. T) to the charge that the whole are corrupt. Sir, I must say that such a charge is a slander, no matter from what quarter it may come. And I know too, that my words will be responded to by the great mass of the people, of all political complexions. However men may differ as to the manner in which our Government shall be administered, they will not believe, they do not believe, that base motives influence any respectable portion of that immense mass composing the Administration and its supporters. But upon what evidence is this charge of general, universal corruption founded? A public officer here and there, it is discovered, has embezzled public money. To a liberal mind, to a man having some little confidence in the integrity of human nature, such occurrences would lead to the charge of negligence, inattention on the part of those whose duty it was to guard against defaults. But a different course is adopted, and bad motives are, in all cases, imputed. How are gentlemen to be circumstanced, if this rule were applied to them in the case of Swartwout? Under the last Administration he was appointed to office. He was not removed forthwith by the present Administration. And gentlemen, upon this state of the facts, say both these Administrations are corrupt. Well, sir, what then would be the condition of the Conservative and Whig parties? A Whig Senate committee examined into the conduct of Swartwout, as collector, and approved it in 1834. Whig merchants of New York, well acquainted with him, recommended him for appointment at the same period, and a Whig Senate confirmed it. In January, 1837, after this man had steeped himself in peculations, but before that was known to the public, he was a vice president of a Conservative meeting in New York, the proceedings of which I now hold in my hand. Vast numbers of copies of these proceedings were published at the time, and forwarded to their constituents by Whig and Conservative members of the House. In March, 1837, the same man presided at a meeting to nominate a candidate for mayor of New York, to be supported by the Conservatives, who were not ready openly to join the Opposition. In July, of the same year, he signed the celebrated letter to Mr. Tallmadge, approving his political course, and, in the same month, was chairman of a meeting of the friends of the credit system and opponents of an Independent Treasury, held at the National Hall, in the city of New York. In all these various capacities, for all these acts, Swartwout was applauded, countenanced, and encouraged, by the whole Opposition. He was their political associate. Nevertheless, he was then a defaulter. He had large amounts of the public money fraudulently in his possession, and used, doubtless, large sums of it to print and circulate the documents to which I have referred, to teach, in the language of them, sound public and private morals to the American people.

Finance. In this he afterwards discovered there was a mistake. Nominations of that character go to the Committee on Commerce, and not to the Committee on Finance. Messrs. Silsbee, King, of Alabama, Wright, Waggaman, and Sprague, composed the Committee on Commerce of the Senate, when the nomination of Swartwout for reappointment was made. These gentlemen, three of whom were Whigs, were imposed upon by Swartwout. They were led to believe that his accounts were correct, and his nomination was approved by them, and finally ratified unanimously by the Senate.

\*It will be seen that Mr. THOMAS made the above remarks under an impression that nominations of the collectors of customs were uniformly, in secret session in the Senate, referred to the Committee on

These facts are not passed thus rapidly in review to wound the feelings of those who have been thus identified with a public defaulter. It is not in my nature to intimate that a whole party is corrupt because here and there one of its prominent members has proved himself to be unworthy of public or private confidence. These facts are adduced solely to make gentlemen feel the monstrous outrage upon every principle of justice and propriety which is so often committed here by gentlemen who continually charge with corruption a whole party without better cause than that now furnished by the case of Swartwout to denounce, in like coarse language, both the Conservative and Whig branches of the Opposition.

In conclusion, I have to say that I shall vote for the *viva voce* mode of voting in preference to that by ballot, and that I shall, in justice to the Administration, and to the Speaker, and for the purpose of insuring a proper prosecution of the investigation to be ordered, vote to have the committee in this case appointed in the customary mode, by the Presiding Officer.

Mr. T. then moved to amend the amendment to the resolution by striking out the words "by ballot," and inserting the words "*viva voce*."

On a later day, in the same debate, in reply to Messrs. MENEFEE, LEGARE, and HOFFMAN,

Mr. THOMAS said, he rose under pleasurable emotions. He had listened with gratification to the concluding remarks of the gentleman from New York, [Mr. HOFFMAN.] Amidst that torrent of obloquy and reproach flowing in from all quarters upon Swartwout, the gentleman from New York does not shrink from the discharge of a duty due to a former personal and political friendship. He tells the House and the country that the great defaulter has some redeeming qualities. This, doubtless, is true; for there is a "green spot" in the arid waste of the darkest human characters. No man thinks otherwise who is guided in his judgment of others by that golden rule, given with simplicity and clearness by the poet of Scotland. Burns says:

"Gently scan your brother man,  
Still gentler sister woman;  
Though they may gang a kenin wrang,  
To step aside is human."

But again, I say, why are the crimes of those who oppose the Administration to be palliated and mitigated in our discussions here, while the slightest errors of all who are its friends are seized hold of to furnish occasion for ruthless, reckless, and scandalous denunciation?

But, sir, under a momentary impulse, I am out of the course I have marked for myself.

Before I make a brief reply to the three gentlemen who have noticed my remarks made on this question, it is due to the gentleman from Kentucky, [Mr. MENEFEE,] and to myself, that I should ascertain whether I was correct in supposing that he did not intend, by his remarks on Wednesday last, to offer to me an indignity.

Mr. MENEFEE. I hope the gentleman does not wish to force me into an expression of my opinion of him, or of any other person.

Mr. THOMAS. I ask the gentleman whether he intended, by his remarks or manner, to offer me an insult? To this question I am entitled to have an answer.

Mr. MENEFEE. Oh, certainly, certainly I will. I only intended to relieve myself from superhuman influences. As to offering the gentleman an affront, I have too much respect for myself in this place to offer an affront to any gentleman.

Mr. THOMAS. I am satisfied with the explanation. I have but little to say, then, of the speech of the gentleman intended as an argument to influence the House. Instead of replying to what I did say, he avoided every little point there was in my remarks. Persisting as he did in imputing to me what I did not say, I have a right to suppose that he considered my positions impregnable. Seeing that the gentleman misunderstood me, I took the trouble to correct him. He insisted, notwithstanding, that I had admitted unqualifiedly the responsibility of the Administration for the loss of the public money purloined by Swartwout. Now if, in the course of the debate, I had used language capable of that construction, cour-

tesy required of the gentleman to permit me to state my true meaning and intention, and he should then, if he could, have replied to what I did say.

Mr. MENEFEE. The gentleman from Maryland, three times over, declared the *prima facie* responsibility of this Administration. He declares that he did not mean to say so.

Mr. THOMAS. Fortunately, I have armed myself with authority upon this point that cannot be disputed. I took the precaution, on the evening of the day when I spoke before, to address a letter to the reporter for the National Intelligencer, (Mr. Stansbury,) asking him to send me his notes of my remarks. Those notes I now hold in my hand. They were taken at the time, without a view to an issue like this between the gentleman and myself. And in every instance in those notes, where I am made to speak of the responsibility of the Administration, I used the words as I have stated, "held responsible." In no instance does the reporter represent that I used the words imputed to me by the gentleman from Kentucky. This must surely settle the question, as to the accuracy of the recollection of the gentleman. And as the foundation upon which his speech mainly rested is thus destroyed, the superstructure must fall also.

Mr. MENEFEE. Will not the gentleman now say that the Administration is *prima facie* responsible for defaults of public officers?

Mr. THOMAS. Doubtless the Chief Magistrate is considered by the public, *prima facie* justly responsible for the loss of money intrusted to the custody of an officer appointed by him. But from this responsibility he is relieved as soon as it is shown that he used all reasonable precautions to guard against a default. In the case of Swartwout, I have contended that General Jackson is exculpated by the facts already known, and which have been so often referred to in this debate. We are not to suppose that he, or any other President, can guard effectually against all errors. The President has thousands and tens of thousands of public officers to appoint. From these officers official bonds are to be taken. It is the duty of the President to take care to place men in office having a good character, and to exact from them bondsmen known to be responsible.

In Swartwout's case, the securities on his bonds, it is conceded, were good; and I have shown that he was considered honest and capable by the merchants and others, of all parties in the midst of whom he lived. Having shown this, I contend that the responsibility to which the late President was to be held in the first instance is thrown off; and I have contended further, that the present Chief Magistrate cannot with propriety be called to account for omitting to remove Swartwout when he had no knowledge of his default; nor have we evidence to justify a harsh condemnation of the Secretary of the Treasury who confided in the integrity of a man who has deceived all who trusted him. This was the course of my former remarks. Instead of answering them, language has been imputed to me which was never used, and gentlemen have been demolishing the creations of their own imaginations.

To the notes upon which I have relied to correct one error, I have looked to see where the three gentlemen who have undertaken to reply to me [Messrs. MENEFEE, LEGARE, and HOFFMAN] derived authority for imputing to me a claim to be exempted from those infirmities which sway the judgments of us all. In these notes I can find not one word justifying this criticism. The reporter says that I declared I spurned the idea that I, or my party, had not full as much honesty as our opponents. Upon this solitary declaration these gentlemen cannot surely have founded this declamation about my pretensions to disinterested patriotism. To these fancy sketches of the gentlemen I do not feel called upon to reply.

Having shown, as I think, that nothing which I did say has been impugned by the gentleman from Kentucky, and that the personal allusions of the gentlemen named are without warrant, I will, in a few sentences, endeavor to dispose of the remarks of the two other gentlemen who have noticed my remarks.

I have here again to complain of misrepresenta-

tion, unintentional, without doubt. The gentleman from South Carolina [Mr. LEGARE] represents that I have declared that the Administration—meaning, I presume, the Executive—ought to have the appointment of the members of our committees. I made no such preposterous declaration. In confirmation of my recollection, I refer again to the notes of the reporters for the National Intelligencer. I contended, and now contend, that the friends of the Administration on this floor, if they have the power, ought to have the control in our principal committees. Gentlemen of the Opposition seek to make us responsible for everything done in this House. Every extravagant appropriation is charged to the Republican party; and yet the men who make the charge seek to deny to the same party the power to appoint the committees who are to mature and recommend the passage of the bills in pursuance of which the public money is to be expended. Against this injustice I have protested, and will protest; and in so doing, feel that I am justified by the proceedings of all parties who have had majorities in this body, and by the public opinion of the country.

The gentleman from South Carolina would have been correct, if he had imputed to me the declaration that the Administration, meaning the Executive, ought to have a majority in the committee of investigation about to be appointed. I believe that the public interests, as well as a sense of justice to the Executive, demands this at our hands. Need I recapitulate the reasons already assigned for this opinion? I contend that this investigation is one of a peculiar character. We cannot practically institute an inquiry at this short session into the operations and condition of all the various Departments of this Government. Whatever may be the language of any resolution we may adopt, I maintain that no one committee to be appointed can undertake to examine fully, in all their bearings, any other one of the defaults of public officers already known, if they first scrutinize, in all its ramifications, that stupendous fraud which has been committed at New York. It, on account of its magnitude, and other circumstances, has an importance that gives it a claim above all others to attention. Of that fraud, I have insisted that we have a right to suppose everything natural to the issue has been communicated that can be gathered from the public records here or at New York. In all the Departments there are men instigated by their political feelings to expose the misconduct of their official associates; and it is reasonable to suppose that they have, directly or indirectly, communicated all the facts to be found on the public records implicating any one of the public officers. The committee is not, then, as gentlemen suppose it to be, appointed to ferret out the misconduct of the public officers in the New York case. We have in that case the law and the facts before us to form an opinion; but we need further information as to the unofficial colleagues and associates, if there be any, of Swartwout; and I must believe, until the contrary appears, that they, if they exist at all, will be found, not in the ranks of the friends of the Administration, but in the political ranks where he has stood since 1836; and if so, the Opposition members of this House have no just cause to conclude that they, constituting a majority of this committee, would be more diligent or persevering than others in conducting the examinations required. On the contrary, they would be less apt than the occasion demands to doubt the infallibility of their own political friends; and it cannot be denied but that those who are politically identified with the Executive would most diligently strive to trace out and recover the money which Swartwout has embezzled, since they see that an effort has been made, and is to be made, to fix upon the Executive all the responsibility to be incurred, if no part of the money lost is restored to the public Treasury.

But, sir, whatever may be the views of gentlemen upon the point I have just examined, we ought all to concur in preferring that the election of the committee shall not be made by ballot. By proceeding in that mode, we may be involved in much difficulty. I presume that it is the purpose of the House to have all parties fairly represented in this committee. So much has been said about the partiality of the Speaker, that I will not sup-

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pose that the House are about to organize a committee less fairly than he has done. The Speaker has, in all cases, had all parties well represented on the important committees. How can we, if we proceed by ballot, foresee the result? We may have a committee composed entirely of members of one or the other party. One member of the House will not know who are balloted for by others; and it may happen that a majority of the House, desiring to have a fair committee, may have that wish frustrated by a few members acting in phalanx, while the great majority of us are acting without concert or previous consultation. If, on the contrary, we proceed to elect *viva voce*, each member will have an opportunity to see how others vote, and the House may select a committee entitled to the confidence of the country.

The gentleman from New York has thought proper to deliver a eulogy upon the merchants of the city of which he is a Representative. There did not appear to me to be any necessity for so doing. No one has undertaken to question the integrity of the great body of the merchants anywhere. There is no class of citizens who can have strict justice done to all who compose it, by eulogies or condemnations pronounced upon the whole mass. There are honest men and rogues to be found among farmers, manufacturers, or mechanics; and the gentleman must not consider me illiberal in supposing that there may be one, two, or even a half dozen black sheep in the flock of merchants whom he has praised in such handsome language. Notwithstanding all that has been said of them as a body, and I respond to most that has been said, it may appear that one or more of these merchants, whose bonds were delivered up by Swartwout, gave in exchange for them not money, but houses and lots, or fancy stocks, estimated at four times their intrinsic value.

I was about to dwell a moment upon the question, how far is the Secretary of the Treasury chargeable with negligence in failing to discover the defalcation of Swartwout at an early day. But I will not do so now. I will merely remark, that no candid man will deny but that the defective character of our laws afforded facilities to commit the plunder of which the late New York collector is guilty. He was authorized, under the law, to retain large amounts of public money in his hands, to pay the salaries of officers in the employment of the United States at New York, and to satisfy claims of merchants of various characters and of large amount, arising under our revenue laws. Besides, under the old deposit law, which is now extinct, the collector had placed to his own credit, in the deposit banks, all the money received from merchants in payment of duty bonds. This immense fund he could dispose of as he pleased, without having the previous consent of the Secretary of the Treasury.

That this discretionary power ought not to have been given to any one man, we all now see and confess. But the law which conferred it did not emanate from the Executive Department. It was passed by Congress, and received the sanction of all parties here. And now, when the discretionary power which it gave to our collectors of the customs has been grossly abused by one of them, an attempt is made to heap upon the head of one man, the Secretary of the Treasury, all that responsibility which should be shared, in some degree, by every public man who has aided to frame the system of laws regulating the Treasury Department. There is a sense of stern justice in the public mind, that will revolt at such a procedure. Again, I say, let us perfect the laws, and then, and not till then, arraign the chief executive officers for a failure to guard against all misconduct upon the part of those in employment under them.

DRY-DOCK AT PHILADELPHIA.

REMARKS OF HON. G. M. KEIM,  
OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

January 11, 1839,

On the bill for erecting a Dry-Dock at New York.

The above-named bill, which Mr. PAYNTER had moved to amend so as to provide for a similar

improvement at Philadelphia, being under consideration in the House as in the Committee of the Whole,

Mr. KEIM said he should trouble the committee but a short time, but could not allow this opportunity to pass by without briefly expressing his views on a proposition which had met with such decided, and, to him, unexpected, opposition. He could perceive a disposition to refuse the amendment of his colleague, [Mr. PAYNTER,] and deny that to Philadelphia which was proposed for New York. But if this was the intention, he trusted the bill itself would be rejected; for there had not been advanced a single reason in favor of one situation that did not with equal force apply to the other.

He would ask in what respect Philadelphia was less worthy than her sister city of the bounty and protection of the General Government? Is there less skill amongst her mechanics? It is too well known that she stands unrivaled for all that science can suggest, or ingenuity can achieve, in the art of ship-building. Will it be contended that materials are there procured at greater cost? Or on what possible ground can the committee have reported this bill, without being obnoxious to the charge of partiality? It is not for Philadelphia alone that this improvement is urged, but for the benefit of the whole Union. It is, as a national measure, essential to the welfare of the whole country, and connected closely with the protection of an extensive line of coast, otherwise entirely at the mercy of an invading enemy. In the midst of a war it is no time to incur the risk of sending ships to other distant ports for the purpose of completing them. What a reproach upon the patriotic feelings of our industrious working men, that they should witness a ship of the line lying in ordinary, because, forsooth, there is no facility for her completion. There is too much danger, not only from the elements themselves, but from the steamers of the enemy, to countenance the propriety of any ship of war quitting port without being prepared for battle.

Pennsylvania demands as a right the fullest protection to her commerce. That mighty Commonwealth, through an extensive system of internal improvement, and at an expense of more than \$25,000,000, has concentrated her trade from the interior to her metropolis. The interest of nearly every section of the State finds a market at Philadelphia. And is it asking too much that it should find at least the assurance of safety at the hands of the General Government? The erection of dry-docks was one of Mr. Jefferson's earliest and most favored topics. In his message to Congress in 1802, he earnestly recommended the commencement of dry-docks in this District, capacious enough for twelve frigates of forty-four guns each. And when we reflect at the lapse of time that has occurred since then, it is impossible to withhold our admiration at the sagacity of that great statesman and philosopher. Thirty-six years have now elapsed, and although each succeeding Administration has urged similar objects, yet such is the apathy on the subject, that it betokens a great and culpable neglect somewhere. Shall it be said that we will only adopt measures when other nations have rejected them, or when the march of improvement shall have superseded their necessity? The necessity for dry-docks at every naval station is indisputable; nay, is conceded by the concurrent opinions of the Secretary of the Navy and Navy Commissioners. By them calculations have been made of the great expense and loss of time that occurs in repairing vessels below the water's edge, and the advantages of a dry-dock are very clearly set forth. The report of the committee also insists that every navy-yard should have a dock:

"The necessity for dry-docks being, then, well established, the inquiry will be, how many are requisite? And here starts the question, whether, to secure a proper efficiency in our naval construction, it is not necessary that every navy-yard should have a dock. One thing is clear and certain, and was well said, that in time of war vessels cannot be taken from the port where they are fitted, to another port, to be docked, without great risk of capture. Another suggestion is, that to secure a ship every advantage in sail-

ing, her form should be kept to its original shape, and lest she might be strained, or receive bruises to her bottom, in sailing for another port, it is desirable she should be coppered at the yard where she was built. Again, it is suggested that no ship of any magnitude should be coppered on her ways, being liable to have her copper injured from launching. However careful carpenters and calkers may be, leaks are frequently left, which will discover themselves as soon as the ship is launched, and can then be substantially repaired as soon as she is got into dock. It would, moreover, probably be no more than an act of justice to the mechanics and ship-builders at each station, that the arrangement at each yard should be such as would enable them fully to complete the work before it went to sea. Under this view of this subject, it does appear to be a matter of importance, if not of essential necessity, that a dry-dock should be constructed at each of the navy-yards where vessels of a large class or size are built."

There are many objections from southern gentlemen as to the locating of these improvements, and many scruples entertained as to the expenditure to carry them on. It seemed to him (Mr. K.) that no measure could be more explicitly detailed under the provisions of the Constitution than this. The power "to provide and maintain a navy" is so explicit that "he who runs may read" and comprehend it; nor can any contend that a navy can be provided without means are dispensed for that purpose.

The policy of delay has been practiced too long for any good result. A few thousand dollars, promptly applied to the satisfaction of a few Indian claimants, might have saved the expenditure of twenty millions in the Florida war; a few dollars, promptly invested now, may save us incalculable sums, when the period returns which shall present a hostile fleet upon our coast. In all human calculation, the atmosphere of peace may soon be reddened with blood, and its dull portentous silence be disturbed by flashes of fire and the thunder of cannon.

It will then be too late to resort to any effort that will divert our physical energies from deeds of war to works of peace. In defense of the country a human hecatomb must assuage the neglect of a high duty, so often and so justly solicited from us.

He was sorry to hear his colleague [Mr. PETRIKEN] denounce these appropriations as not being Democratic, and had only now to say that he had yet to learn that true Democracy consisted in opposing measures having for their object the general defense of the country. He believed we were not only empowered by the Constitution, but that one of the great objects for which our Government was established was to render aid whenever required, to strengthen the line of coast defense, and so to protect it as to be prepared to meet the common enemy.

He was satisfied, without regard to sectional distinctions, whether of the North or the South, that all were alike entitled to ask aid for such purposes; and that all alike ought to be sustained. He discarded all sectional feeling, and had but one object in view, and that was, the general defense of the whole Union. The beautiful metaphor that, "from the South comes the whirlwind, and cold from the North," cannot apply in this debate. They were all here, or ought to be here, acting as freemen combined for the public good; they were not here for the purpose of representing sectional differences. Territory did not weigh an atom with him; it was the fitness of things, the adaptation of the site to the purpose for which it was designed, and the peculiar position of the country, no matter whether North or South, would alike find in him a friendly support. Let me tell you, sir, that we are behind the age in most of our preparations for war. Whilst it is said that other nations are already applying the steam-engine to their vessels, we have the merit of the first application of the principle, without a single evidence of its utility. There was no one opposed to expenditures more sincerely than himself—unnecessary or uncalled for expenditures—but experience had confirmed the maxim that "in peace prepare for war." Economy is, indeed, a virtue; but a

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proper discrimination between appropriations uncalled for by the country, and those which are essential to its safety and happiness, should ever guide the action of every patriot. For his part, he felt convinced that his constituents would never allow a rich harvest to be ruined for want of protection from the weather; nor would they, on the same principle, suffer the property of the country to be exposed to danger, without at least some effort to shelter it from an invading foe.

## UNITED STATES BANK BONDS.

SPEECH OF HON. JOHN M. NILES,  
OF CONNECTICUT,

IN SENATE, January 5, 1839,

In reply to the remarks of Mr. RIVES, on the Resolution submitted by him calling on the President for additional information relative to the transactions between the Government and the Bank of the United States, growing out of the sales of the Bonds of said Bank.

Mr. NILES addressed the Senate as follows:

Mr. PRESIDENT: If anything could surprise me, coming from a certain quarter, it would be the remarks of the honorable Senator who has just taken his seat, [Mr. RIVES:] and the same observation will apply with equal force to his speech the other day, on his first resolution of inquiry, to which the one now under consideration seems to be a sort of supplement. I have, however, long since ceased to be surprised at anything coming from those who can be satisfied with nothing as long as they are not permitted to have the direction of public affairs. What have we witnessed now, and on the occasion referred to? A Senator who, during the last two sessions, at least, was first and foremost, at all times and on all occasions, to denounce the Administration for a course of policy alleged to be hostile and ruinous to the banking institutions of the country, suddenly changes his position, and with equal boldness, and apparently with sincerity and confidence, charges the same Administration, still pursuing, as was generally supposed, the same general line of policy, with having formed an improper, suspicious, and dangerous connection with the banks—a connection which has restored the deposit system without law, and which will finally result in the establishment of a national bank, without the action of Congress.

The Administration is now assailed and denounced with a tone of asperity seldom surpassed, for having done precisely what we have heretofore so often been told by the Senator making the charge, and those with whom he now acts, it ought to do. It is condemned for an alleged course of policy friendly to the present Bank of the United States and other State banks, by the same men by whom it has been so long and so often denounced for hostility to banks and the credit system.

Sir, how is this strange movement on the political boards to be explained? I shall endeavor to demonstrate, before I have done, that there has been no change in the general policy of the Administration on this subject. But if there had been, that would be no explanation. If it was right one year ago to conduct the financial concerns of the Government so as to favor the banks, it is proper now. Will gentlemen urge certain measures on the Administration, and then condemn it for adopting those very measures? If what is now alleged against the Secretary of the Treasury was true, the Senator and his associates should be the last men in the country to condemn it. Can they blow hot and cold at the same breath, and censure a policy to-day that they themselves recommended yesterday? Were they sincere in charging the Administration with hostility to the banks last session? If so, how can they now turn round and denounce it, if what is alleged was true, for having revived the deposit system? The opponents of that system might, with propriety, complain; but with what propriety or consistency do censures come from its friends? Have the opponents of the Administration generally assumed a new position; or is this position one that belongs to the "armed neutrality" only? I am anxious for information on this subject, and think

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it somewhat important to the country to know whether the Government is to be assailed, as heretofore, on the ground of an alleged hostility to banks, to the credit system, to trade, commerce, manufactures, and the business of the country, or whether this ground is to be abandoned, and a new and directly opposite position to be assumed. We are told from two high sources that this ground is abandoned. Mr. Biddle, whose knowledge on this subject can hardly be doubted, says the controversy between the Government and his bank is at an end; that he has no longer anything to complain of; that the bank war is over, and that he now advocates all political power which the hostile policy of the Government had compelled him to assume. And the Senator from Virginia confirms this statement. He says, that not only is the war at an end, but that a treaty offensive and defensive has been entered into between the Government and the Bank of the United States. Future events will doubtless throw more light on this subject; but as the matter now stands, we are bound to consider that the Opposition have abandoned their old ground, and assumed a new position.

Taking this to be the fact, the next question is as to the cause of this new movement. Is it a change in the policy of the Administration? Certainly not, for there has been no change further than what a change of circumstances has occasioned. This he would endeavor to demonstrate. Mr. N. said: he would assign a cause, which he believed to be the true one, as he could discover no other. The clamor, which has been so long and successfully kept up, of hostility on the part of the Government towards the banks and credit, has answered its purpose; it has done all it could for the Opposition, at least for the present. It will no doubt be resumed after a while; but it is now rather stale, and has lost its influence. But it has worked well, and aided by the coöperation of the money power, has produced two panics, agitated the country prodigiously, and revolutionized several States. A considerable portion of the people believed this charge, so boldly made, so perseveringly insisted upon, and even some of the friends of the Administration were deceived, and thought its measures were, whether so designed or not, unfriendly to the moneyed institutions of the country. The suspension of the banks in May, 1837, gave somewhat a new aspect to this controversy, and the measures which that event rendered it necessary for the Government to adopt, gave additional force and effect to the clamors and denunciation against the Administration, which was held responsible for all the disorders of the currency and the general derangement and interruption of business. The additional interest which these circumstances gave to the subject, in connection with the discussions on this floor on the Independent Treasury bill, and other propositions relating to the finances, aroused a universal spirit of inquiry. The subject has been taken up by the public press, and has been thoroughly examined and discussed.

Not only have the views and measures of the two parties been extensively discussed, but the principles for which the friends of the Administration contended, have been partially brought into practical operation. We were not able to pass the Independent Treasury bill; yet we were able to resist the attempts to restore, by legislation, the connection between the revenues of the country and the banks, and to maintain that separation which their suspension of payment had occasioned. We were enabled to resist all attempts at interference on the part of Congress, to aid the banks either by the funds or the credit of the Government, leaving those institutions to recover upon their own resources, and the operations of the laws of trade. And above all, we were enabled to hold on to the true standard of value, the only safe and true "regulator" of the currency to sustain and hold up the credit of the Government, to the standard of gold and silver. The wisdom of these measures has been proved by their results. Their beneficial influence was soon perceived; sooner and more extensively than their most strenuous advocates anticipated. By sustaining the true specie standard, and in the transactions of the Treasury, receiving only specie or paper deemed equivalent, the credit of the Gov-

ernment was maintained, which operated to raise the credit of the sound banks to the same standard. The general result is known. The country recovered, in little more than one year, from the most severe shock and revulsion it ever experienced.

The banks in most of the States resumed specie payments; the currency was restored; the exchanges, in a great measure, regulated; commerce revived, and every kind of business became active and prosperous. If we compare the late period of the prostration of the currency and credit of the country with a similar period in our history, the rapidity with which we have recovered from the late revulsion will appear astonishing. Then the suspension lasted four years, and, in a large section of the Union, from six to ten years, with the assistance and regulating power of a National Bank. Other causes than those he had referred to, no doubt, had their influence; the resources of the country were greater now, and it possessed a vastly greater specie currency than it did in 1816. But our firmness in maintaining the true specie standard of value, and the practical separation of the revenue from the banks, must have exerted an important influence. If the Government is held responsible for the disorders of the currency, occasioned by overtrading, it must have some credit for its restoration, effected in part by its judicious policy. These results are before the country, and they have had their effect upon public sentiment. The discussions which have taken place here and elsewhere, have also had their influence. Both from argument and experience, much light has been shed on this important subject. The people have had an opportunity to judge whether the views of the friends of the Administration or its opponents were most correct. The result has been a reaction in the public mind, which is still going on all over the country. Many, who were deceived or enticed away, for a time, by the clamor against the Government, have discovered their error. The true causes of the derangement of the currency have become understood, and the injustice and absurdity of attempting to hold the Government responsible, has become apparent to all. This gross delusion can no longer be kept up.

The changes which are going on in public opinion, are too palpable to be mistaken. They are manifested in the tone of the public press, and more emphatically in the elections which have taken place.

These, sir, in my judgment, are the circumstances which have induced gentlemen on the other side of this Chamber to change their ground, and assume a new position. Having derived all the benefit they can from the agitation of the questions of the currency and finances, and perceiving a reaction taking place, they now wish to abandon the whole subject; to arrest the inquiry which is going on, and direct the public attention to some new ground of complaint, and raise an excitement about defaulters and extravagant expenditures. This is all natural enough, and perhaps perfectly fair in political warfare. But it is a little extraordinary that a position should be taken directly opposed to that so recently occupied, and the Administration be charged with forming a league, offensive and defensive, with the banks.

How do we now stand in the Senate? Why, the Opposition, after having for two years kept up a constant clamor about the hostility of the Government to the banks, have suddenly gone back and taken the old position they occupied in 1836, when I first took my seat on this floor. Then their daily tirades against the Administration were about the corrupt and dangerous connection between the Treasury and the deposit banks. The "pet banks" were the constant subject of remark and censure. This continued to be the case until the banks failed in 1837, with between twenty and thirty millions of the public treasure in their vaults. This event led both parties to change their positions. The Administration abandoned the deposit-bank system, and the Opposition immediately took it up. The merits of this movement depends on the consideration, which party had the best reasons for their course. The friends of the Administration abandoned the State-bank system because it had failed, and proved untrustworthy; and the Opposition, he supposed, embraced it for the same reason. And now,

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returning to their old position of 1836, they charge the Administration with renewing its connection with the banks, and forming a league with them for political purposes. In the present instance we shall not accommodate them by an exchange of positions. They may abandon theirs, but we shall not take it. We deny altogether the charge of a reunion of the Treasury with the banks. But if it was true, (Mr. N. said,) he would not go with it in that measure, either here or elsewhere. And, in saying this, he believed he spoke the sentiments of all on this side of the Senate. We do not go for the reunion, but for a more complete and effectual separation.

Having, Mr. President, made these introductory observations, I will proceed to notice some of the remarks of the Senator from Virginia, and to examine some of the very extraordinary charges which he has made against the Secretary of the Treasury, and the President himself. I am aware, sir, that the gentleman's speech was not made for me, or with an expectation that I would reply to it; he is aiming at higher game; his envenomed shafts are aimed at the highest mark; they are intended to reach the President himself, through the sides of the Secretary of the Treasury; and he doubtless expected that the honorable Senator from New York, [Mr. Wright,] would interpose his strong arm to ward off the blow; and I think it quite probable, that before this debate is ended, the Senator may have the honor of a broadside from that quarter. But, however this may be, inasmuch as the Senator has presented an issue between his speech made in advance of the report, and my remarks made after it was read, and has thrown out a sort of defiance, asserting, in an emphatic tone, that he would demonstrate that all the charges, inferences, and imputations in his first speech were fully and triumphantly established by the report, I felt called upon to meet the gentleman upon the issue he has tendered, and hope I shall be able to show that what I said the other day was strictly correct; that the report of the Secretary was not only a response to the Senator's resolution, but an answer to his speech and all its accusations.

Whilst I feel grateful to the body for its indulgence in affording me the opportunity I now have of concluding what I desired to say, I regret to have to detain the Senate as long as I fear I may do, in a debate of this description. This whole Government, I regard, sir, as entirely and exclusively of a political character. The Senator's resolutions, it is clear, can have no relation to any matter of legislation that now is, or may be, expected to come before the Senate. The object is political; it is a bold attack on the President and the Secretary of the Treasury; and one more entirely gratuitous, unfounded, and preposterous, has never come from any quarter, whether friend, or foe, or neutral. This may be all right in political warfare; he did not complain of it; but only wished that the responsibility of occupying the time of the Senate in merely political discussion, should be placed where it belonged. These political debates usually originate with the Opposition; they are the assailants; we stand on the defensive; but, for one, he was disposed to meet all assaults on the spot, and thus to settle accounts as we go along, and to leave the general reckoning to the people. What special purpose there may be in this movement, he did not pretend to know; but, for some reason or other, there seemed to be, on the part of the Senator, an unusual haste and anxiety to make known his new position to his constituents and the country.

I will first notice, Mr. President, several of the specific charges made by the Senator in his speech of yesterday, before I take up the general issue whether the Senator's speech, with its charges, inferences, and imputations, made in advance of the evidence, is borne out and sustained by the report or not; and shall conclude with some observations on some other topics connected with the general subject, and by no means beyond the proper range belonging to the debate.

The first specific charge against the Secretary of the Treasury is the sale of the bond held by the Government against the present Bank of the United States, which was payable in 1839. The disposition of this bond was authorized by an

act of Congress, passed at its last session. It is claimed that the sale was made on terms not authorized by the law, and so disadvantageous to the Treasury as to authorize a belief that there was an intention to favor the Bank of the United States, which was the purchaser. Two objections have been urged against the legality of the transaction; one, that the payment was not made in money; the other, that a credit was allowed, which the law did not authorize. By the terms of the act, the bond was to be sold for "money in hand," and at a sum not less than its par value at the time of sale. It was sold for its par value, and the avails of the bond agreed to be placed in special deposit in the Bank of the United States, to the credit of the Treasurer, in specie or its equivalent. It was also stipulated "that the Bank is to keep the money safely, till drawn out by the Treasurer, without making any charge to the United States for keeping or paying it out on his drafts." These were the terms of the sale as appears from the report before me; but I will not fatigue myself or others by reading the correspondence. It is claimed that, because the act required payment to be made in money, nothing but gold and silver could be received. The Senator, after having so long and strenuously contended for the receipt at the Treasury of the paper of specie-paying banks, seems now getting back to his hard-money notions of 1834. But there is nothing in this argument. All public dues are required by law to be paid in money. The customs, the receipts of lands, and all other public dues are payable in money. There is nothing in the act to distinguish this payment from any other to be made in the United States. But by the practice of the Treasury, from an early period, the notes of specie-paying banks and bank credits have been regarded as equivalent to specie; and the joint resolution of 1816 gave a legal sanction to that practice. That resolution is still in force, and authorizes the receipt of the bills of specie-paying banks, but is not compulsory in its provisions, leaving it discretionary with the Secretary of the Treasury. Such paper, however, always has been received under certain restrictions, and no doubt will be, until Congress interfere. The payment for this bond, having been made in specie, or what, according to the practice of the Treasury, was equivalent, the charge of illegality is entirely groundless, as much so as if applied to the receipt of convertible paper for duties.

In regard to the assertion of the bonds being sold on a credit, it has no foundation in fact. There was no stipulation for credit in the conditions of the sale. The money was agreed to be, and was, in fact, deposited in the bank, to be kept, and paid out on the draft of the Treasurer. It was, of course, subject to be drawn for immediately. In referring to this part of the contract, Mr. Biddle, in his letter of the 1st of August, 1838, says: "On the part of the bank I confirm that understanding." It is true that at a subsequent period, an arrangement was entered into between the Secretary of the Treasury and the bank, specifying the times, sums, and places of payment in respect to the drafts of the Treasurer upon this fund. But this arrangement was made after the money was in the Treasury, and by authority of the general power of the Secretary, and not under the authority of the act authorizing the sale of the bond. It amounts to nothing, therefore, to show that the act did not authorize the sale of the bond on credit, because the bond has not been so sold. Neither can there be any foundation for a suspicion that there was a secret understanding, at the time of the sale, that a credit was to be given. The arrangement referred to was made in consequence of the communication which had previously been made to the bank, by the Secretary of War, suggesting that this money would be wanted for the service of his Department, and in sums of about five hundred thousand dollars per month. Mr. Woodbury states distinctly that he knew nothing of this communication when he negotiated the bond; but that, being informed of it by the bank afterwards, which claimed that it had relied upon it, the Secretary of the Treasury thought it no more than just and equitable to conform to it, in drawing out the deposit.

This interference of the Secretary of War has been commented upon by the mover of these

resolutions with great severity. But it is a little remarkable that his censure has been cast, not upon the Secretary of War, but upon the Secretary of the Treasury. It is said that he suffered himself to be made a cat's-paw of, and permitted the Secretary of War to negotiate the bond, when the law had confided this duty to the Secretary of the Treasury. But the groundlessness of this charge is apparent, from the fact that Mr. Woodbury knew nothing of the communication of the Secretary of War, until after the sale was made. The negotiation for the sale of the bond was closed on the 30th of July; and on the 13th of August, Mr. Biddle informed the Secretary of the Treasury of the proposition which had been made by the Secretary of War as to the disbursement of the money for the service of his Department. These reproaches, cast on Mr. Woodbury, have not the slightest foundation to rest upon.

In regard to the conduct of the Secretary of War, I see nothing in it to condemn. It is well known how moneys are drawn from the Treasury. The heads of the different Departments make their requisitions on the Secretary of the Treasury for the sums of money which are wanted for the service of their Departments, and the warrants of the Secretary of the Treasury are issued upon such requisitions. This money was required for the military service, and the Secretary of War probably supposed that, by apprising the bank of the times when, and the places where, the money would be wanted; might facilitate the sale of the bond. His interference was little, if anything, more than the communication of information which he supposed might have a favorable bearing on the pending negotiation with the bank. I can see nothing in this "worthy of death or of bonds." But it may appear to be a very serious matter in the eyes of a neutral.

But it is insisted upon that the contract was disadvantageous to the Treasury, and highly beneficial to the bank; and this seems to be a circumstance relied upon as proof of a friendly alliance between the Treasury and the Bank of the United States. It is certainly very strange that such a charge as this should be made in the face of the fact, appearing in the very document upon which it professes to be founded, that the offer of the Bank of the United States was not only the most favorable, but the only one received coming within the limitations of the law. The Secretary published a general notice inviting proposals. He likewise applied to Mr. Newbold, president of the Bank of America in New York, to the president of one or more of the banks in Philadelphia, wrote to the bankers of the United States in London, and to our Minister in Paris. But no offers could be obtained in Europe, on account of the shortness of the time the bonds had to run, and because the law did not authorize the guarantee on the part of the United States of their eventual payment. No offers could be obtained in the United States except from the debtor bank. Publications appeared in some of the bank presses, instigated no doubt by Mr. Biddle, intimating that the bond might not be paid at maturity, and that the Bank of the United States would claim offsets. Under these circumstances no offer could be obtained except from the debtor bank, which proposed to purchase in the bond on the terms prescribed in the act of Congress. The condition of the Treasury shows that the money was wanted, and it was therefore the duty of the Secretary to dispose of at least one of the bonds.

The next specific charge is the arrangement for the payment of the second bond, which fell due in 1838. It is alleged that there is something very remarkable and suspicious in this transaction; the bond being paid before it became due, and when the money was not wanted for the purposes of the Treasury. The facts are, that the bond was payable on the 30th day of September, and the arrangement was to pay it in three installments; on the 15th day of August, the 15th of September, and the 15th of October, the interest to cease as the respective payments were made, and the money to be placed on deposit in the bank, and to be drawn out on the drafts of the Treasurer. Although by this arrangement a part of the money was anticipated, yet a part of it was postponed beyond the period when the bond fell due. It is asked,

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what was the object for this arrangement? One object doubtless was, as the sum was very large—nearly two millions and a half—that it was more convenient to divide it and receive it at different times. The Secretary also assigns as another reason, that he was apprehensive that a part of the amount would be paid in Treasury notes not re-issuable, and that the whole sum was required to meet the demands upon the Treasury.

To prove the alliance between the Government and the Bank of the United States, the Senator asserts that moneys have been deposited in that bank in addition to those paid by it to the United States. The only case specified, is a payment of \$300,000 by the Bank of Kentucky. This money, it is confidently asserted, was received in the Treasury, and was afterwards deposited in the Bank of the United States. The facts are not so. The Bank of Kentucky was indebted to the United States, and paid that debt by a check for \$300,000 on the Pennsylvania Bank of the United States, in pursuance of an arrangement made with that bank. These facts appear from the report. The check on the Bank of the United States made it the debtor of the United States. The money was not deposited in that bank; but the check was sent there, and the amount of it placed to the credit of the Treasurer, to be drawn out when wanted. This money was in the same condition as that received on the bonds; it was a payment from the bank to the Treasury, and the money was left in the bank on deposit, to be paid on the drafts of the Treasurer.

In connection with this subject, it is charged that the Secretary of the Treasury has not answered that part of the inquiries in the resolutions, which asks whether there had been any other transactions between the Treasury and the Bank of the United States, except what grew out of the sale and payment of its bonds. This is a mistake. The Secretary names the several transactions the Treasury has had with the Bank of the United States, namely, the negotiation of the bond payable in 1839, the payment of the second bond which fell due in September, 1838, the payment of \$300,000 for the Bank of Kentucky, and the payment in part of the demand of the United States, against the old Bank of Columbia, for which the United States' Bank had taken security, and in that way become a trustee for the United States. After specifying these several transactions the Secretary says: "With these exceptions, there have not been dealings of any description between this Department and the United States Bank of Pennsylvania, from its establishment to the present day. No collecting or disbursing officer has ever been directed by this Department to make any deposit whatever in said bank; nor has any money been placed by the said bank to the credit of the Treasurer of the United States, or of this Department, or, to my knowledge, of any of its officers, except the avails of the transactions specifically referred to above, and on the details of which, so far as they relate to the present subject, full information is given in the correspondence and tabular statements annexed." Yet, with these facts before him, the gentleman tells us that the Secretary has not responded to his inquiry whether any moneys have been deposited in the Bank of the United States, other than those growing out of the demands of the United States upon the bank. This complaint is not only without any foundation, but directly in face of the report.

The next specification in the gentleman's bill of indictment is the allegation that the Secretary of the Treasury has attempted to impose upon the public in regard to "special deposits," both in the Bank of the United States and other State banks. In regard to this matter, the conduct of the Secretary is denounced in the most offensive and opprobrious terms; language which he was shocked to hear applied to any high officer of the Government, by any one honored with a seat on this floor, whether enemy, professed friend, or "armed neutral." Sir, the Senator, with great emphasis of tone and manner, charged the Secretary with practicing a base fraud on the country. [Mr. Rives said that he used no such language.] No, sir, the gentleman did not use this language. I was stating the high charge he made against the

Secretary in my own language. I thought his language too foul and vituperative to repeat; but I will now do it. He said that the Secretary had attempted to impose upon the country, to *humbag* and cheat the people.

The gentleman from Virginia says these special deposits are the same as general deposits, and that, to characterize them as special deposits, is altogether deceptive and fraudulent. How far they may differ from general deposits, I cannot pretend to say. Some of them, it seems, have been special deposits in a strict legal sense; that is, specie has been deposited, and kept in a box separate from the funds of the bank, and the identical money restored or paid out when called for. But the deposits with the Bank of the United States, and most of the other State banks, have not been of this character. These deposits have all been temporary, and made under special contracts, as to the custody and paying out of the money. These, in the operations of the Treasury, must be distinguishable from general deposits, which presupposes a general depository, or fiscal agent, for receiving and disbursing the public funds. Any deposit made under a special agreement, differing in any respects from the legal obligations which exist where there is no particular agreement, would, in some sense certainly, be a special deposit. So far as respects the general operations of the Treasury, I have no confidence in any plan of special deposits. In a strict legal sense it is impracticable; and, in any other, it cannot essentially obviate the evils of the general deposit system. But the question now is, whether the Secretary, in using the terms special deposits, has attempted to practice a fraud upon the country. Is the gentleman aware that the same language is used by the agents of the Bank in these transactions? Mr. Macalester, who was the agent of the bank for the purchase of the bonds, says: "I will deposit the amount thereof, in special deposit, in the Bank of the United States;" and Mr. Cowperthwaite, the cashier, in acknowledging the receipt of the money, says: "That Charles Macalester, Esq., has this day deposited to the credit of the Treasurer of the United States, in special deposit, the sum of \$2,254,871 38, subject to the drafts of the said Treasurer." Mr. Biddle, I believe, used the same language. Does the Senator mean to charge these gentlemen with having entered into a conspiracy with the Secretary of the Treasury to practice a fraud on the public? Will he apply to these gentlemen the offensive terms which he has to Mr. Woodbury?

Mr. President, there is one particular charge more, which I will notice when I shall have done with the gentleman's remarks of yesterday. It is, that there was an agreement to circulate the notes of the Bank of the United States in the financial concerns of the Government. It is not claimed that any such agreement has been made by the Secretary of the Treasury, but some letter of instructions from the Paymaster General, or some officer connected with the military service, is referred to, as having directed the disbursement of the notes of the United States Bank. If there has been any such order, there is no evidence that it has received the sanction of the head of the Treasury, and no reason to suppose that such can be the case, as all the moneys placed on special deposit in the bank were to be paid out on the drafts of the Treasurer. Under existing laws, disbursing officers are not prohibited from offering in payment bank notes which are equivalent to specie on the spot where offered. This is certainly a strange complaint to come from the quarter it does. Who, for the last two years, has so repeatedly and so earnestly urged the propriety and necessity of receiving and paying out the bills of specie-paying banks as the Senator from Virginia? Not to do this, he has declared, was to discredit the local bank currency, was to proclaim it to be worthless, and to induce the holders of bank notes to return them upon the banks for specie. In his speech at the extra session he urges the necessity of receiving and disbursing the bank-note currency as a measure of indispensable importance. "But, sir," would not the example of the Government, in the indiscriminate rejection of all bank paper, have an important moral influence in exciting the jealousies and suspicions of the whole community?

"If the Government, by its acts, shall declare bank paper to be worthless and unsafe, will not the people also take the alarm? Will not a general distrust be created of all banking institutions, and will not every person holding their paper become impatient to convert it into specie?" He speaks of the "just, safe, and paternal policy" which the Government ought to pursue towards the banks, in receiving and disbursing their notes. And yet, after all this, it is now made a serious ground of complaint that the notes of the Bank of the United States have been received and disbursed by some subordinate disbursing agents. If gentlemen can blow hot and cold at the same breath, it will no doubt be difficult to please them.

It is claimed that the transactions with the Bank of the United States have been advantageous to that institution, at the expense of the Treasury—that the avails of the bonds have been drawn out by drafts payable at the South and West, at points where exchange on Philadelphia bore a large premium. But the truth is, this premium was in consequence of the depreciation of the local currency. On specie, Treasury notes, or bank notes convertible into specie, the difference in exchange was very trifling, as appears from the Secretary's report. These distant places of payment are declared by the Secretary of the Treasury to have been a convenience to the Treasury and a benefit to the public service.

It is no doubt true that these transactions were beneficial to the bank; but it does not follow from this that they were disadvantageous to the Treasury. It may also be conceded that Mr. Biddle speaks of them as having been highly satisfactory to him, and somewhat in a strain of exultation and boasting. This is a weakness of some men possessing talents of a certain description. In the same letter, in which he speaks of the pacification between the bank and the Treasury, he very modestly claims the sole merit, not only of having sustained American credit in Europe, but of having brought about the resumption of specie payments by the banks, which restored the currency; notwithstanding every well-informed man in the Union knows that he placed himself at the head of the non-resuming banks, and brought all his power and influence into requisition to prolong the suspension. Mr. Biddle also boasts that the transactions as to the bonds, brought the Treasury into cooperation with the bank in restoring the currency. This is a mere inference of Mr. Biddle from the facts. But if it had any foundation, why should the Senator condemn it, when he has so repeatedly and earnestly urged the necessity of a cooperation on the part of the Treasury?

There have been other instances of this weakness still more conspicuous. All must recollect that some years since a distinguished Minister of the United States to one of the first Powers in Europe, negotiated a convention of indemnity, highly honorable to the country and to himself, but was so unfortunate as to boast in some of his communications of his having overreached and outwitted the French Government; and in consequence of this unfortunate indiscretion, the country came near being involved in a war with one of the most powerful nations on the globe. I do not allude to this by way of censure, but only for illustration, and to show that other great men, as well as Mr. Biddle, have sometimes fallen into this unfortunate error. I have now, sir, examined the facts of the several transactions which have been made the subjects of such severe censure and condemnation. It only remains for me to consider the more general charges contained in the more comprehensive question, whether these facts sustain the charges against the Administration, contained in the speech of the Senator, made in advance of the facts. It has been emphatically asserted that the documents accompanying the report, triumphantly sustained, not only all the specific charges, but all the inferences, deductions, and imputations made in advance of the report.

What, sir, are those charges? There are three only which I shall notice, passing over all of less importance, and the numerous imputations and insinuations with which the speech abounds. The first which I will notice, is, that the Secretary of the Treasury has restored the connection between the Treasury and the Bank of the United States;

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that that bank has again become the fiscal agent of the Government; that this connection, originating from executive power, unregulated by law, will result in the establishment of a national bank without the action of Congress. That I do not state the charge too strong, I will refer to the published speech of the Senator, revised no doubt by himself. "These questions acquire a still graver character and deeper interest from the significant speculations, indulged on the appearance of Mr. Biddle's letter, by certain leading journals known to be friendly to the bank, and supposed to be more or less conversant with its views. One of them, commenting on the letter of the president of the bank, says, 'the bank will no doubt, in the course of a short time, by an insensible process, become the fiscal agent of the Government.' Another, with reference to the same letter, says, 'it will be a serious, and not improbable spectacle, if we see, through the instrumentality of concurring circumstances, a national bank reestablished without the action of Congress.'" This grave charge is first introduced in the name, and on the authority, of journals friendly to the bank, and of course hostile to the Administration. This is most excellent authority for any one, even a neutral, to decide, not only on the acts, but the future purposes, of the Administration. It is, however, indorsed and reaffirmed by the Senator, who repeats with emphasis, "a national bank reestablished without the authority of Congress! What is easier or simpler than to do it by the insensible process already commenced! Let the Executive, at its own will and pleasure, adopt the Pennsylvania Bank of the United States as the fiscal agent and depository of the Government; let it join the weight of the public revenues to the already enormous capital of that institution; let it supersede the credit arising from the connection with the Government to the extensive and pervading operations in which the bank is engaged throughout the Union, and have you not a national bank reestablished to all intents and purposes—reestablished without the concurrence of Congress, and in despite of its authority? And would it not be a national bank of the most dangerous and worst possible kind, created by the fiat of the Executive alone, and allied with the Executive, and dependent on the Executive?" The Senator goes much further than the bank journalists; they only assert the fact, or rather insinuate, that a national bank, by an "insensible process," may be reestablished without the action of Congress; but he describes the process by which this result is to be brought about. Who can read this glowing picture and not feel that the country is in great danger? The magnitude of the evil no one will deny. This, sir, is a very grave accusation; no less than a design on the part of the Executive to supersede the authority of Congress, upon a subject of the deepest interest to the country.

Well, sir, on what foundation does it rest? Is it supported by the report of the Secretary of the Treasury? Has Mr. Woodbury furnished evidence against himself of having conspired with Mr. Biddle to establish a national bank without law? This would certainly be very extraordinary. It is apparent that this frightful picture of danger, wrought up with so much art, is a mere creation of the imagination—that it has no foundation in fact, derived either from the report or any other source. Is it not surprising and lamentable that any gentleman on this floor should take up the mere insinuations of Opposition presses, and make them the basis of such grave charges against the Government? Even Mr. Biddle, the Senator's own witness, bears testimony against him. He entirely puts down this charge. He admits that he has found it necessary to assume the powers of Government, or, at least, to fall back into his old position of a national bank, to carry the country through the late crisis, to sustain American credit at home and abroad, to protect chartered rights, maintain the public faith, and restore and regulate the currency. But having accomplished all this, he abdicates, retires, and throws off the cares of empire. He has no longer any controversy with the Government, and is resolved hereafter that his Bank shall be confined to its appropriate sphere of action, as a mere State institution. If the

Senator will place no confidence in the statements of the Secretary of the Treasury, ought he to discredit his own witness? Shall he be permitted to use Mr. Biddle as a witness against the Administration, and thrust him aside when his testimony is in their favor? Or is the testimony of the Opposition journals, on a subject of this kind, held in higher estimation than that of Mr. Biddle? But as totally unfounded as is this imaginary coalition and conspiracy between the Executive and the Bank of the United States, the Senator really appears to believe it, and, in the emphatic language of a British statesman on a memorable occasion, declares, "In the name of my country I forbid the bans."

I am somewhat surprised, sir, at the allusion to the memorable coalition between Mr. Fox and Lord North, which was so unnatural and preposterous as to have shocked honest men of all parties in England. It appears to me that what we witnessed the other day, when the Senator openly took his stand with the enemies of the Administration, the old opponents of Democracy, that that was a case bearing a much nearer resemblance to the odious coalition to which he had referred. But, however, under other circumstances, I might have regretted the occurrence, after what I have witnessed, I, for one, have no disposition to forbid the bans.

Mr. President, the next accusation which I will notice is, that the Executive does not desire the establishment of the Sub-Treasury system, but that his real object is to restore the State bank deposit system, unregulated by law, and subject entirely to executive discretion. "The practice of the Executive," says the Senator in his published speech, "even while professing to have adopted the Sub-Treasury system, affords the most complete recognition of the superior value and advantages of banks as depositories and fiscal agents. They deprecate, it is true, a connection with banks; but it is a legal connection, sanctioned and regulated by law, it seems, which they deprecate, not one depending on executive discretion. Not only the practice of the Administration, but the express language, both of the President and Secretary of the Treasury, recognize the high, and, in the present condition of the commercial world, almost the indispensable utility of bank agency in the fiscal operations of the Government; but they are for leaving the employment of banks to the will and discretion of the administrators of the Government." Sir, a more grave and serious charge than this could not well be made against the executive officers of the Government. What is it but to denounce the President and his Cabinet, or at least the Secretary of the Treasury, as attempting to practice a base fraud upon the country. The Administration preach one thing and practice another. "The Sub-Treasury scheme," although still recommended, and earnestly recommended in name, and intended possibly to be pressed in fact, is virtually abandoned in argument." The people of the United States are told by a Senator in his place, that although the President has, on three occasions, in his most solemn official communications, recommended the entire separation of the fiscal concerns of the Government from all banks, and has earnestly, and with great ability, urged upon Congress the adoption of that measure—that although the Secretary of the Treasury, in three official reports on the finances, has urged the adoption of the same measure, and attempted to show its practicability, safety, utility, and beneficial influence—notwithstanding all this, the Senator now declares to the country, that neither the President nor Secretary meant any such thing; that they did not desire the measure to be adopted, and were only attempting to deceive and cheat the people by a false issue, as their real purpose was to use the State banks, and they only wished to get rid of the restraints of law.

Could anything add to the extraordinary character of this charge, it would be the fact that it comes from one who, during the last session of Congress, repeatedly expressed his astonishment at the pertinacity with which this measure was pressed upon Congress. The language of the gentleman, and others among his present friends, all must remember. They were really astonished at the per-

severance and obstinacy of the Executive and his supporters in adhering to this measure. In their eyes, we seemed all to be perfectly infatuated, reckless of consequences, blind to what was taking place around us, and totally regardless of public opinion, which everywhere, it was said, had declared against it, and yet the same determination was manifested to carry it through. It must be forced upon the country against the known will of the people, and at the sacrifice of the most important interests of the country. Such was the language of honorable Senators a few months ago, who now tell us that the Administration is not sincere in pressing the Independent Treasury plan, and only wishes to avoid all legal restraints in the use of the banks as fiscal agents. Were gentlemen sincere then? If so, what ought to be thought of their present declarations? But, sir, this charge of deception and imposition, practiced upon the country, cannot be confined to the Executive; it must apply equally to the supporters of that measure in Congress. We must all have been parties to this fraud, and equally guilty with the President.

Well, sir, on what authority is this grave charge preferred against the Executive and his supporters in Congress. Two circumstances are referred to: the practice of the Treasury, and a single remark of the President in his message, and a suggestion of the Secretary in his report. What the practice of the Treasury has been the past year, we have already examined. The Secretary has placed the avails of the bonds, and other payments made by the Bank of the United States, in that Bank, on special deposit, to be drawn out as the public service might require. This has been the only connection between that bank and the Treasury. It has employed four deposit banks, under the act of 1836, which was obligatory upon the Secretary; and he has made temporary special deposits in sixteen other banks, at points where no other depositories were provided by law, and where the safety of the revenue or convenience of the service required it. From these facts, it is argued that the Administration, in conducting the finances, practiced upon the bank-deposit system, and thereby gave its sanction to it. This is a strange argument, truly. The President proposes a change of the financial system, and the establishment of other depositories than banks. This measure the Opposition in the House defeat, and then turn round and charge the Administration with having no confidence in the Independent Treasury plan, because they have been compelled to conduct the finances partially, at least, upon the old system. Who ever contended that the bank-deposit system could be entirely dispensed with, without providing some depositories and financial agents as a substitute for the banks?

But although no substitute was provided, the concerns of the Treasury have been conducted the past year with very little employment of banks. With the exception of the four employed under the act of 1836, and those all at unimportant points, no banks have been employed, either as general depositories or as fiscal agents. They have been used only occasionally and temporarily for keeping the public funds, where other safe depositories could not be found. Instead, therefore, of the practice of the Treasury the past year being an argument against the Independent Treasury, it is the strongest possible argument in favor of that measure; and instead of its proving that the Administration have no confidence in the measure, and have virtually abandoned it, it demonstrates its practicability and safety.

So much for the practices of the Treasury. And now for the declarations of the President and Secretary, showing that they have abandoned the Independent Treasury plan. The President says that "an appropriate and occasional use would still be made of the banks by the Treasury, as is done by others, whenever convenience would require it. But neither party should be forced into a species of vassalage—a constant, necessary and dependent connection." Is this abandoning the Independent Treasury? Who ever supposed or contended that an occasional use would not be made of banks, under any system, for particular services? This is altogether a different thing from the Treasury's being made entirely dependent on

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the banks. But the Secretary of the Treasury says, in his report, that "banking institutions have never been regarded by the undersigned as a class of agents generally unsafe when looking to eventual losses." And this is an abandonment of the Independent Treasury! The Secretary does not say that he considers banks *more safe* than other depositories. His language implies the contrary. He only says that he does not consider them generally unsafe in relation to eventual payment; implying that he regards them as exposed to occasional interruption or suspension of payment, as has been experienced.

But what do these detached expressions of the President and Secretary amount to when taken in connection with the fact, that in the same documents in which they are found they have both reaffirmed their confidence in the Independent Treasury, and again recommended its adoption?

Sir, I think that I have shown that this serious charge against the Administration put forth with so much boldness, of attempting to practice a deception on the public in relation to the Independent Treasury measure, has not the slightest circumstance to sustain it; not even the authority of the Opposition journals.

There is one more charge against the Administration and its friends, only, that I propose to notice. It is, that the Independent Treasury plan is used as a mere rallying cry of party, and is to be carried through as a party triumph. "Why, then," says the Senator, "is it again recommended and urged upon us? Is it as a rallying cry of party? Is it to drive through a party triumph, fatal as I firmly believe such a triumph would be, in the end, to those who achieve it? Are there, then, Mr. President, no circumstances of national exigency appealing to the dormant, yet I hope not yet extinguished spirit of patriotism, in which we can rise superior to this fatal bondage of party, and act for our country?"

It seems, then, sir, that there is an intention to carry this fatal measure through after all; but it is to be carried through, not for the good of the country, not from a conviction of its importance and utility, but as the "triumph of party." Why, sir, we had previously been told that there was no intention to adopt this measure; that, although recommended "in name," it was virtually abandoned; it was abandoned in practice, and abandoned in argument; the President and Secretary of the Treasury were not in earnest in recommending this measure; they did not wish it to pass, but desired to employ the bank according to their own discretion, and for their own purposes. How these conflicting charges are to be reconciled I cannot see; it may be clear to the author of them, as, since he has taken his new position, he appears to view objects through a different medium from what he formerly did.

But, sir, the same objection applies to the first charge of a coalition between the Executive and Mr. Biddle to reestablish a national bank without the action of Congress. Here are three distinct accusations, all of a serious import, and each one incompatible with the other two. They all cannot be true, but they all may be false. I have proved two of them to be so, and I believe it quite easy to show that the other is like unto them. They all come from the same prolific source. The design of reestablishing a national bank, in connection with the Treasury, and to be a Treasury bank, is entirely inconsistent with the revival of the deposit-bank system. Both of these deep plots cannot stand together. If we are to be cursed with a national Treasury Bank, we cannot at the same time be afflicted with the deposit-bank scheme. When so many deep and dark plots are on foot to prostrate the rights and liberties of the people at the shrine of executive power, it is some consolation that but one of these conspiracies can succeed. Yes, sir, it is fortunate for the country that two evils of such magnitude cannot exist at the same time. But perhaps it is meant that we are to have them in succession; first, the national Treasury Bank established by executive power, and then the deposit-bank system, without law, and subject to executive discretion. After these is to come the Sub-Treasury scheme, as a "party triumph." Threatened as the country is with a succession of such alarming dangers, no wonder

that even "neutrals" have armed themselves, and boldly come forward to the rescue.

In regard, Mr. President to this last accusation that the Independent Treasury plan, after being entirely abandoned, as well as twice superseded by the two other schemes, is still to be carried through as a party measure, I have a few words to say. This language, sir, is not new from the honorable Senator; we have often heard it before, and I believe on every occasion on which he has addressed the Senate on this subject. He, sir, is elevated above party spirit and the ordinary passions to which, in the frailty of human nature, others are exposed. He has no selfish personal objects, but acts only from pure, patriotic, and elevated purposes. These high pretensions, sir, it is not my purpose to dispute. In regard to them I only say, let the country judge. Let the country judge between him and his little band of armed neutrals, who have seceded from their old associates and the friends with whom I act in sustaining this great measure.

But how is it, that one claiming such pure, disinterested, and patriotic motives himself, should be so uncharitable to those who may differ from him? Is there any known principle in morals or politics by which the great mass who act together are to be presumed to be dishonest, and the small number who differ from them to be honest? On what authority does the Senator arraign our motives? On what grounds does he presume to say, that in sustaining this great measure, we are actuated by no purer motives, no higher considerations, than to achieve a mere temporary party triumph—that this measure is to be carried by the rallying cry of party.

In the offensive sense in which the gentleman uses the term, I can assure him that this is no party measure; it was neither brought forward at first as such, nor has it been persevered in as such. No one ought to know the truth of this better than the gentleman himself. Where is he now, at the head of the little Conservative band of armed neutrals, who, on account of this very measure, have seceded and withdrawn from the party with which they had long acted? That this measure would temporarily weaken the Administration, no well-informed man doubted. That it was too strong a measure for the weak nerves of some of our friends, was foreseen. That there were many professing to be Democrats, who were so connected with banks, as to regard this measure as in conflict with their interests, was apparent at first. There may have been some whose political views were honestly opposed to it; and possibly there may have been a few whose political aspirations lead them to assume a position hostile to it, and to the party that sustained it, or, at least, a position of "armed neutrality."

In one sense, however, sir, it is a party measure, and the rallying cry of party. It is a party measure in the same sense as the revolution in England of 1688 was a party measure. Sir, that was a party measure, carried through by a party, the Whigs of that day, not like their namesakes of the present day, although, perhaps, resembling them in some points, and especially in the principle of confining the political power to the wealthy classes. It was a party which overthrew the tyranny of the Stuarts, and gave liberty a chance to rally. The Independent Treasury, sir, is a party measure in the same sense as was our glorious Revolution. That was emphatically a party movement, sustained and carried through by the rallying cry of party, which was but another name for the rallying cry of independence and liberty. The great civil revolution of 1800 was also a party measure, which overthrew ancient Federalism, the first combination of all the aristocratic elements into a dynasty of political power, and restored the Constitution at its last gasp. All great reforms in the political institutions or condition of the people in this country, and all others, have been party measures, and have been sustained, prosecuted, and consummated by party efforts, party zeal, and the rallying cry of party. But they have been parties based upon principle, animated by an apprehension of danger, stimulated by the love of liberty, united and struggling for a great and common object.

In this sense, sir, the Independent Treasury is

a party movement, a great reform measure; and should we be fortunate enough to carry it through and establish its principles, it will, in my humble judgment, in future times, bear some degree of comparison with the great measures to which I have referred. Those who regard it in no higher aspect than a mere financial arrangement, a question of temporary expediency, cannot appreciate the motives of those who consider it as the first important step in the reform of our wretched paper-money system on the one hand, and of our political institutions on the other. Its paramount objects are, first, the real independence of the Government of all corporations, and its finances, which are the life blood of every Government; and, secondly, the entire separation and exclusion of the organized moneyed power from our political institutions. The danger from either of these sources, I am aware, is not appreciated by some, but in the apprehension of others, it is real and imminent. It is not an imaginary danger. The evil exists, and has already taken deep root in our soil; it ought to be, it must be arrested. The organized moneyed power has already, by an insensible process, become an important, yet an incongruous and alien element in our political system. Our system of civil polity, both State and Federal, is in its theory purely popular, free from any other ingredient or any modification of the great principle of popular sovereignty. Its establishment, as well as its ordinary action, is a result of the popular will. If any hostile element becomes incorporated with it, its purity is destroyed, the harmony of its action is lost, and jarring collisions must follow. When the organized moneyed power becomes so incorporated with the Government as to constitute an essential elementary principle of political power, the system will be changed. It becomes at once a mixed system, consisting of two elements, the popular will and the associated moneyed power.

This last element is essentially anti-Republican, or even monarchical; for what is the principle of monarchy, but that of independent, irresponsible power, neither derived from, nor responsible to, the popular will. The organized moneyed power, when connected with the Government, is equally independent of the will of the people, and removed from all responsibility to it. But I cannot now go into this question, and have alluded to it only to show what sort of party views have influenced the action of the friends of this great reform measure.

But, sir, whilst it is asserted that the President has abandoned the Sub-Treasury in practice and in argument, we have a commentary upon his declaration that "recent events" have strengthened his confidence in the measure. "What the President can find," says the Senator, "in recent events, to sustain the renewed recommendation of the Sub-Treasury scheme, it utterly surpasses my powers of comprehension to imagine." It is then asked, in a tone of triumph, if the banks have not resumed specie payments; if they have not restored the currency, and proved that they are sound and safe depositories for the public revenue? It is true, sir, that the banks have, in a large section of the Union, recovered from their prostrate condition, and done so in a short period. But it is equally true, that this has been accomplished, not only without the interference or aid of the Government, but whilst the Independent Treasury has been in practical operation, whilst the revenues have generally been managed without the agency of banks, either as depositories or fiscal agents. Have not these "recent events" disproved what was so earnestly maintained on the other side of the Senate, that the banks could not recover if the Government should divorce itself from them in its fiscal concerns? In this respect, therefore, "recent events" have proved that gentlemen on the other side of the question were wrong, and that its friends were right. Although the bill did not become a law, still, the separation of the Treasury from banks has practically prevailed, with the exceptions referred to, growing out of payments by the Bank of the United States. "Recent events," therefore, have proved that the separation has not, as was constantly asserted last session, injured the banks even in their prostrate condition. The alarm,

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then, that this financial system would injure the banks, and destroy credit, is proved, by the experience of the past year, to be wholly unfounded. And if we compare the rapid recovery of the credit and currency of the banks now, with the protracted struggle which they passed through at the close of the last war, it would seem a fair and just conclusion that the disconnection of the revenue from them facilitated and accelerated their restoration.

But this is not all. "Recent events" have proved that the concerns of the Treasury can be conducted without any bank agency whatsoever. This has actually been done the past year, with the exceptions named, without any substitutes being provided by law, either as depositories or fiscal agents. If the concerns of the Treasury have been safely managed on the principles of the separation, without the substitutes, or any of the safeguards which the bill provided, does it not demonstrate, that had it become a law, its operation would have been found convenient, safe, and highly beneficial? The experience, therefore, of the past year, has proved that bank credit and currency has not suffered, but probably been benefited, by the disconnection of the Treasury with banks; and it has also proved that the concerns of the Treasury can be conducted without their agency. These are two very important points which "recent events" have established.

But, sir, it is triumphantly asked whether, in his allusion to "recent events," the President refers to the defalcations of his sub-treasurers? And who are these defaulters whom the Senator denominates as sub-treasurers? They are the late collector of New York, the late district attorney of the same city, and a disbursing officer of the Army. These are the Senator's sub-treasurers; but, unfortunately for his purpose, they were sub-treasurers under his favorite deposit-bank system; and their defalcations occurred under that system; and yet the gentlemen sneeringly characterize these officers as sub-treasurers. Sir, not one of them was a sub-treasurer, according to the provisions of the bill which passed the Senate at the last session. One was a collector of the customs, but would not have been a depository of the revenue had that bill become a law; one was a disbursing officer in the Army; and the other a district attorney, who was neither a receiving or disbursing officer. What, then, have the defalcations of these officers to do with the Sub-Treasury? I will tell you, sir, what they have to do with it. They show, or particularly that of the collector, the urgent necessity of some of the legal provisions and safeguards contained in the Independent Treasury bill; they prove the defects of existing laws, and the imperious necessity for additional guards, checks, and securities, in respect to all public agents who either receive, keep, or disburse the public funds; they demonstrate the importance and necessity of a great moral principle contained in that bill, which made the conversion of the public funds a *crime*, a *felony*. This principle would have thrown around your Treasury a moral obligation of immense force. If there is any one consideration which will operate with more force than any or all others, on men in responsible and honorable public stations, it is the apprehension of the loss of character, to be followed by disgrace and infamy. This powerful restraint has been wanting. The policy of your laws, instead of making it a crime to use the public money, has encouraged its use by the agents having the custody of it. And, in regard to defaulters, they are not subject to a criminal prosecution, and incur no other responsibility than a liability to a civil suit, for the money which they have plundered from the Treasury.

But we are told, sir, that such is the *weakness* of human nature, that it will not do to intrust the public treasure to men in public office. "Far better would it be, in my humble judgment, to heed 'the prayer which divine wisdom has taught to 'human weakness, and 'to lead not' public officers ' (who are but men) into 'temptation,' by committing to their custody large sums of money." The weakness and depravity of human nature may be a sound principle in theology, but in politics it is the principle of despotism; the basis on which all Governments rest that tread in the dust the rights and liberties of the people. This is not the first

time we have heard this language from the same quarter. It has been repeated in every discussion of the financial question before the Senate the last two sessions. The weakness of human nature! Public officers who are *but men* cannot be trusted; they ought not even be exposed to temptation. To whom shall public trusts be confided, if not to *men*? Shall they be intrusted to corporations, which are above the weakness of human nature, and removed from temptation? What slavish doctrine is this to be heard in the Senate of the United States? Sir, I have listened to this language with astonishment in this hall, coming, as it has, from a quarter whence I should have least expected sentiments so derogatory to freemen, so discouraging to popular liberty from a representative of that enlightened Commonwealth, which, on former occasions, speaking through her distinguished and enlightened sons, was the first to proclaim and defend those great truths, of the moral and intellectual capabilities of man, for the high purposes of self-government. Is this the language, sir, we hear from a professed disciple of Jefferson, claiming to be brought up at the feet of Gamaliel; a disciple, I will not say, without any of the principles of his master, but certainly wanting in some of the most essential and fundamental principles which distinguished that illustrious man.

Sir, did Jefferson talk about the weakness and frailty of man? Did he distrust the people? Let him speak for himself: "Some," says this great reformer, "suppose that man cannot be trusted to govern himself. Have we, then, found angels in 'the form of kings to govern him? Let history answer this question." Mr. Jefferson said that selfish, weak, and timid aristocrats alone distrusted and feared the people, whilst the honest Republican, who was content with a common share of the benefits of social institutions, had confidence in the mass, as he was willing to enjoy his own rights in common with them, believing that the only just and effectual way to secure his individual rights, was to guard and protect the rights and liberties of all. He did not believe that men were too frail to be intrusted with power, or the public treasure. If he had any error, it was in going to the opposite extreme, and entertaining too exalted an opinion of the moral and intellectual capacities of mankind.

This doctrine, that from the weakness of human nature, men cannot be safely trusted with the custody and direction of the public revenue, is not an argument against the Sub-Treasury bill only, but it is equally an argument against all free Governments. Yes, sir, against all Governments which profess to consult the rights and interests of the people. It is consistent only with a Government purely despotic, where the rulers form a distinct class from the rest of the nation, and are permitted to oppress and plunder them at their pleasure.

The unreasonable distrust of the Executive, who is a mere popular magistrate, elected by the people, responsible to them, and liable at all times to be impeached by their Representatives, is a part of the same doctrine, founded on the "weakness" of human nature. Whether it was this sentiment of distrust of mankind which had induced the leaders of Conservatism to assume the position of "armed neutrals," I cannot say. But certain it is, they appear of late to have lost all confidence in *men*, as public agents, and to put their trust only in corporations. The other chief of the armed neutrality, the honorable Senator from New York, [Mr. TALLMADGE,] whom I do not now see in his place, has also become alarmed at the "weakness" of human nature. The dangerous influence of the public funds and executive power on men in office, seems to have disturbed the conservative composure of his natural disposition. He has not only expressed his fears of this influence, in eloquent strains of his own, but has added to them the more soft and touching language of poetry. This influence, he says, comes over us like

"The sweet South, breathing on a bed of violets."

Alarming, sir, truly alarming. Who can hope to stand before such an influence as this? The sordid love of money, and the selfish love of office, refined down to the odoriferous breath of the sweet

South, arising from a bed of flowers! I am not aware, sir, who is the author of this poetry; but whoever he may be, I hardly think he designed it for an anti-Sub-Treasury speech; yet it really affords the strongest argument against that measure which its opponents have urged.

But, Mr. President, if the arguments of the gentlemen, derived from the weakness of human nature, were well founded, I appeal to them for their *remedy*. If they dare not trust sub-treasurers—as they choose to call all receiving officers and all who may have the custody or disbursement of the public funds—because they are *men*, pray, sir, what will they do? What is their scheme for collecting, keeping, and disbursing the public revenue? If persons are not safe fiscal agents, what will they substitute? Will they substitute corporations, not only for depositories, but for collecting and disbursing agents? All our revenues pass through the hands of three sets of officers—the receiving, keeping, and disbursing officers. The receipts of the revenue are at numerous points, on your extensive commercial sea-board, on the lakes, and your sixty land offices in the extensive region of the West. Your disbursements are made in almost every part of our outstretched territory, and to the Indian tribes beyond your settlements, and on board of your public ships in foreign countries. We have disbursing officers for the army, the navy, for the fortifications and public works, with the Indian tribes, and on board public ships.

If public officers cannot safely be trusted, because, under a lax and defective system of laws, some have proved defaulters, we must employ corporations for all these various services, at home and abroad. Certainly there are no more grounds to distrust public officers as depositories than as receivers and disbursers of the revenue. To accomplish this object, it will become necessary to put these corporations on wheels, as they now fortunately do not possess the power of locomotion. And you must construct railroads, so as to enable them to move with celerity where the exigencies of the public service may require. The troops are to be paid in Florida; you must put some respectable bank on wheels, and send it off to attend to that service. Annuities are to be paid to the Indians, and some western bank must be dispatched beyond the settlements for that service.

But, sir, if all this was practicable, the gentlemen could not get over the difficulty, springing from the weakness of human nature. That is a very serious difficulty to get over, sir, and, as I have already said, is fatal to all free government, and to human liberty. But what is a corporation? A mere abstraction, an ideal, imaginary being, existing in law, but not in fact. For all we see or know of its existence or actions, is of an association of individuals. Its actions, although in a legal sense the acts of the corporation, are in reality the acts of the directors and officers who are empowered to control the corporation. They, in fact, are the corporation. All that is gained, then, in employing corporations as financial agents, is to substitute one set of officers for another—the officers of a corporation for those of the Government. It is to intrust your funds to officers whom we do not appoint, and over whom we have no control, instead of officers of our own creation, subject to our own laws, accountable at all times to the Government, liable to be removed, and subject to such regulations, restrictions, and pains and penalties, as Congress may prescribe. Are not the officers of banks subject to the same weakness, and exposed to the same temptations, as officers of the United States? Have there not been as many defalcations and frauds by corporation officers as by those of this Government? It is true that in every instance such frauds might not expose the Treasury of the United States to a loss, if it had funds deposited in a bank controlled by such officers; but it is, however, true that all the losses the United States have sustained by banks have been in consequence of the fraudulent and dishonest conduct of their officers. But it seems to be claimed that it is wrong for the Government to expose public officers to the temptation of having the custody and control of a large amount of money. Would not this argument apply with equal force

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to the banks, and if just, be fatal to the whole banking system?

Mr. President, the honorable Senator from Virginia remarked that he should be happy to see his friend from Pennsylvania [Mr. BUCHANAN] Secretary of the Treasury; but that gentleman, very wisely, in my opinion, promptly declined the proffered honor. This led the Senator from Virginia to remark that he was not surprised at it, considering the "rotteness of the whole concern." Of the soundness or rottenness of the Administration, the gentleman, in his new position at the head of the "armed neutrality," now become a reinforcement to the Opposition, may not perhaps be the most impartial or competent judge. It does not appear to be a position favorable for the discovery of truth, as old friends and old objects evidently appear to the Senator's political vision very different from what they did when he was on this side of the House. He can now discover a dark spot upon the sun, and see faults of vast magnitude and proportions, which he did not discern at all when in his old position. Whether there was a fog on the other side of the Hall, or whether it is willful blindness on the part of those who cannot see objects except in the light they desire to see them, I will not undertake to determine; but, from some cause or other, the position is very unfavorable to the discovery of truth.

But whether the Administration is a "rotten concern" or not, I think the Senator from Pennsylvania may have good reasons for his decision, after what he has witnessed here and in the other end of the Capitol, of a disposition to assail, upon the most frivolous grounds, the head of the Treasury Department. It is difficult to satisfy gentlemen in anything, and it seems utterly hopeless to attempt to please them in the concerns of the Treasury. The Secretary is either hostile to the banks, or indifferent towards them, or has too much affection for them; he is either discrediting their bills, or improperly aiding in circulating them. He cannot shape his course exactly so as to please gentlemen, and this is remarkable when they show so much anxiety to be pleased. Under these unfortunate circumstances, and as the Senator from Pennsylvania has declined the honor, it has occurred to me that, in a certain contingency, an arrangement might be made in regard to the Treasury which would be perfectly satisfactory to all the gentlemen on the other side of the House. The event to which I refer is the election in 1840; for should the combined forces of the Opposition be successful, the honorable Senator from Virginia, who has long given his attention to financial subjects, should be placed at the head of the Treasury. It is true, sir, the event on which this important result to the financial interests of the country depends, is not only contingent, but its occurrence is rather doubtful. And the prospect of its taking place is not brightening, but daily becoming darker. The elections the past year, and other indications of public sentiment, do not seem to favor the opinion that such a result is very probable. Still, however, it is possible. At the last session, in the most kind and friendly spirit, I cautioned and admonished my excellent friend over the way, (looking towards Mr. CLAY, of Kentucky,) not to suffer himself to be deceived by appearances. I told him that the indications of public opinion, the result of a panic or other temporary causes, could not be safely relied upon, and that it would be no more than a reasonable foresight to forbear making any distinct arrangements for taking possession of the White House in 1841. Subsequent events have proved the seasonableness and wisdom of this advice, which I have no doubt was received in the same friendly spirit in which it was proffered. The prospect for the success of any Opposition candidate is not quite so good now as it was then; and what is more discouraging for my distinguished friend, there appears now to be some reason to doubt whether he will get on to the course. With all his skill and experience as a tactician, the military chieftain, and the expounder of the Constitution, appear to have got the start of him in the presidential race.

But, sir, notwithstanding all these discouraging circumstances, it is still possible the Opposition

may succeed. Their spirit is unsubdued, their thirst for power unabated, and their perseverance worthy of a better cause. But to my mind one thing is certain, if they do succeed, it will be entirely owing to the powerful reinforcement they have received from the gallant band of armed neutrals. That party, it is true, cannot boast of their numerical strength; but what they lack in numbers they make up in zeal and courage. Like all other deserters, they are distinguished for the bitterness of their feelings. Some of their chief leaders appear to hate the President so badly, as almost to excite a suspicion that they had once been his friends. To make up for past errors, they are now most spirited and active in the war carried on against the Administration and its friends. They have thrown themselves into the breach, and seem resolved to lead the "forlorn hope," and to merit the highest honors, even if they do not share the richest rewards of victory.

The precise numbers of this formidable reinforcement have not been ascertained. I think, when they rallied under their own flag, they mustered three hundred in the city of New York; and at the recent election in Maine, they made a spirited movement, and having a very popular candidate, came out in all their strength. The result was glorious. If I mistake not, and I appeal to my friend from Maine [Mr. WILLIAMS] to set me right if I am in error, they polled two hundred and eighty-two votes, all told. On this splendid result of a noble struggle, a wag is said to have remarked, that had it not been for the unfortunate circumstance of there being eighty-three thousand scattering votes cast for Messrs. Fairfield and Kent, the candidate of the armed neutrality would have been elected in spite of fate!

In my own State, at the last election, they polled about fourteen hundred votes, out of fifty thousand. Most of these, it is now believed, have returned to their first love, and the residue, following the example of their chiefs, have gone, bag and baggage, over to the camp of the enemy. In New York, where one of their chiefs resides, this party must be more numerous, and no doubt they contributed largely towards the late glorious victory achieved by the combined forces; and I really hope that injustice and ingratitude will not prevail, but that their disinterested services will be duly appreciated and suitably rewarded. In the Old Dominion, where the most distinguished chief of the armed neutrals belongs, their forces must be formidable in numbers, and respectable in character. There may be some in other States, of which I have no information.

Now, Mr. President, the importance and the valuable services of this reinforcement, will not, I hope, be estimated according to their numbers, but according to their zeal, their activity, and the great sacrifices they have made of feeling, interest, and long-cherished friendships, from a pure love of principle. On this subject, I have a word to say to my worthy friends of the Opposition proper, and, I doubt not, they will take a hint from me kindly. I say to you then, gentlemen, receive these allies graciously, and treat them not only justly, but generously and kindly. Do not estimate their merits according to the poor standard of their numbers, but according to their desires to serve you. Overlook, I beseech you, their past errors; you will remember that they were then in a false position, and surrounded by your enemies; and let all their votes against you be "expunged" from your memories. Be not only just to them, but generous; and should you be successful, (of which, however, there is very little prospect,) I hope to be excused for reminding you in their behalf of your settled principle, which I trust will not be forgotten in the disposition of the spoils; it is this—that the highest honors should be conferred on the last deserters.

Mr. President, I am satisfied that should the allied forces of the Opposition succeed in 1840, the claims of the honorable Senator from Virginia will be so strong that they cannot be resisted. He will be placed at the head of the Treasury. Then, sir, all our financial difficulties will be at an end; there will be no more war on the banks or tampering with the currency; he will pursue that happy medium, avoiding, on the one hand, hostility to the

banks, and on the other, too great affection for them. Then the condition of the Treasury will be presented as clearly as the noon-day sun; no mystification, no obscurity, but everything plain and intelligible.

Still, sir, there may be some doubt as to the principles on which the future Chancellor of the Exchequer will administer the finances. Like most other great men who have figured largely, and for a length of time, his sentiments appear to have undergone very important fluctuations and changes. Perhaps, in this respect, there is no material difference between him and many of his contemporaries, except in one important particular. Whilst they have been going one way, he has been going the other; whilst they have been advancing, he has been receding.

Now, sir, the country would like to know whether the Treasury will be administered according to the views of the Senator at any one distinct period, or according to his views at several distinct periods, united and blended together; and if the former, what period is to be selected? This is a very important matter. If his opinions in 1834 were to form the basis of his administration, he should certainly have my humble support. A better head of the Treasury I could not desire. His financial principles at that time were sound, enlightened, and patriotic, as explained on this floor in a speech equally distinguished for fervid eloquence and just and patriotic sentiments. I have an extract from that speech before me, which I have no doubt the Senator's new friends will be gratified to hear read, although I am sorry at this late hour to detain the Senate:

*Extract from Mr. Rives's speech of 1834.*

"Of all the reforms, social, political, or economical, required by the great interests of the country, that which is most urgently demanded, and which promises, in its accomplishment, the largest results of utility, security, and public benefit, is, beyond comparison, the restoration of the Government to what it was intended, by the framers of the Constitution, to be—a hard-money Government. We are too much in the habit, Mr. President, of regarding the evils of a paper system as necessary and incurable, and of being content with the delusive palliation of those evils supposed to be derived from the controlling supremacy of a National Bank." \* \* \*

"Whatever influence such an institution may be supposed to exert, in preserving the soundness of the currency, that object would be much more effectually promoted by a return, as far as practicable, to a metallic circulation. The first step towards that return is, to let the Bank of the United States go down."

"The ordinary channels of circulation being thus supplied with gold and silver, the Government would be prepared, without hardship to the public creditor, to require payment of its dues in specie, and thus realize a reform, than which none could be more deeply interesting, in every aspect, to the safety and prosperity of the country."

Sir, these are noble, elevated, and patriotic sentiments; sound and enlightened, resting on the firm basis of the Constitution and the eternal principles of right and justice. These sentiments are worthy the occasion that called them forth, and worthy that ancient and "unterrified" Commonwealth from whose representative y came. At that time the gentleman was the bold advocate of a reform in our financial system, and for precisely the same reform we now desire—a reform which, in a social, commercial, and political point of view," he declared to be more desirable than all others. When the channels of circulation were filled with gold and silver, he was for collecting the public revenue in specie only, and for bringing the Government back to what it was intended to be by its framers, a simple "hard-money Government." Well, sir, the channels of circulation are now full; there are, at this time, nearly one hundred millions of specie in the country, more than three times what there was when his speech was delivered. Now, then, is the time; now is the acceptable time; the contingency has occurred; the question is before Congress and the country, and I call on the Senator to redeem his pledge,

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to help to carry out this great and glorious reform.

But, sir, I fear I shall appeal to him in vain; he has long since abandoned these noble sentiments, for reasons no doubt satisfactory to himself, and has even attempted to disavow them or explain them away. In some publication since, he has attempted to destroy the entire sense and meaning of the language I have quoted, by a forced construction, making the whole sense depend on the qualifying clause as to the channels of circulation being filled with gold and silver. Sir, no one ever did advocate a return to the hard-money policy of the Constitution, and the collection of the revenue in specie, until there was gold and silver enough in the country for the purpose. No one, sir, proposes to carry out this hard-money policy until the channels of circulation are filled. This was the object of the specie provision in the bill of last session. But is the Senator now in favor of collecting the revenues in specie, at any time and under any circumstances? Do his present objections to that policy rest on the ground that the channels of circulation are not full, or do they apply to the principle of the policy itself? Let his course for the last three years answer these questions. Whatever his reasons may be, no one can doubt that he has abandoned his hard-money policy of 1834.

The next we learn of his financial notions was in his course in regard to the deposit act of 1836. He advocated and voted for that bill, which first legalized the connection between the Government and the State banks, but professed to do it with great reluctance, and only as a choice of evils. Immediately after its passage, a controversy commenced among the Opposition presses respecting the paternity of that law. Some claimed that it justly belonged to the distinguished Senator from South Carolina, [Mr. CALHOUN] and others that a distinguished Senator from Massachusetts, not now in his seat, [Mr. WEBSTER] was its author and parent. But at the commencement of the next session, the Senator from Virginia; and his friend from New York, [Mr. TALLMADGE], seemed to claim that they, if not the authors of it, were chiefly responsible for it. A measure which they had supported with great reluctance, and under a sort of duress, had become their favorite measure. If a word was said directly or incidentally against it, one or both of the gentlemen immediately took the floor as its champion. If not their natural child, it has certainly become their offspring by adoption.

Mr. President, those of us on this side of the House, who voted for that measure, also acted under a conviction of necessity and a choice of evils. We consider it a measure, that could only be justified on the ground of necessity, growing out of the peculiar and alarming state of our finances; but we did not then, nor since, regard it as involving any compromise of political principle, or as interfering in the slightest degree with our political relations. We, sir, did not regard it as a point for a new departure, or for commencing a new political reckoning. How it may have been viewed by the Senator from Virginia, and his friend from New York, is not for me to say.

At the next session, in 1837, we reached the third stage in the Senator's financial views, as disclosed in what was called his currency bill, and his management of that bill before the Senate. The bill in itself was well enough; it only reenacted the joint resolution of 1816, with a provision designed to restrain and regulate the issues of the State banks. At that time this had, to a limited extent, been the policy of the Administration; I had not much confidence in it, but was willing to give it a fair trial. I voted for the bill, and am by no means sure now, that if we cannot establish the Independent Treasury, it would be wise to adopt that bill, which, in its practical operation, in one or two years from this time, I think in 1840, would entirely exclude all bank paper from your revenue; for there is not now, and will not then be, any banks that do not issue notes less than twenty dollars. This, however, I do not suppose was the gentleman's object. At that period the idea of restricting and regulating the currency, by the regulations and influence of the revenue, was a prominent and distinct feature in

the Senator's financial policy. He designed to restrain and control the currency of the States by the Federal revenue; and thus to effect, indirectly, what he admitted we have no power to do directly.

In the undue importance attached to this measure, and the management of the bill when before the Senate, some gentlemen supposed at the time that they discovered *political designs*; an opinion that subsequent events appear by no means to have weakened.

I now, sir, come to the extra session, when the Senator's financial views appear to have undergone no essential change. He proposed his currency bill as a substitute for the bill reported by the Senator from New York, [Mr. WRIGHT], without any change, except a provision designed to stimulate the banks to resume specie payments. At the last session an important change appears to have taken place in the financial policy of our future head of the Treasury. The principle of controlling the State bank currency, simply by the management and influence of the Federal revenues, was abandoned, and we were presented with a most gigantic and splendid scheme of a league of State banks, to be connected with the Treasury, and under the direction of the Secretary. Of all the projects for conducting the finances, this, in my judgment, was the most dangerous and alarming. The plan was, to recharter and take into the service of the United States twenty-five of the largest and most respectable of the State corporations; to give them the entire monopoly of the revenue; to authorize them to supply a Federal currency to be received for the public dues; and to circulate throughout the Union, and to clothe them with power to regulate and control the entire currency of the country, under the supervision and direction of the Secretary of the Treasury. This was a combined engine of a national bank and a Treasury bank, of the worst and most dangerous character. The combined power of these twenty-five large banks, with the revenue and credit of the Government, acting under the direction and control of the Secretary of the Treasury, with authority to coerce and regulate the other State banks, would have been a centralization of the moneyed power, and a union of that power with the Government, in a form of all others the most dangerous.

It is scarcely possible for the imagination to conceive of an engine more formidable or more dangerous than this. It would have had the possession and control of the public revenue, of public credit, and, to a great extent, of the general currency and credit of the country. What is a centralized authority over the entire currency and credit of the Union but a power over commerce, manufactures, over imports and exports, over the public revenue, and the entire business of the country? And what is a control of the business of the country but a power over the politics of the country? But it is not my purpose to examine this splendid scheme of centralized moneyed power united with the Government. I expressed my views of it at the time, and I have now only alluded to it as one of the many wise financial schemes of the future Secretary of the Treasury, in case the combined forces of the Opposition should succeed—an event which, when viewed in connection with a scheme like this, or a national bank, I am rejoiced to say, is not very probable. It is the author of this scheme who is so constantly filled with apprehension at the increase of executive power, and the corrupting and dangerous influence of the public revenues.

Mr. President, I have come down to the present time; and what is to be the great financial scheme of the honorable Senator, at the present session, it is perhaps too early to determine. So far as an opinion can be derived from the speech on which I have had occasion to comment, nearly one third of which is devoted to the general question, the Senator seems now to be in favor of the deposit system, solely on the ground of its being the most *safe and convenient*, and without regard to its incidental power, to which he once attached so much importance, of restraining and regulating the general paper currency. In urging its superiority over the Independent Treasury plan, he relies on these two considerations alone.

In regard to the question whether the Independent Treasury or the State bank-deposit system is most *safe* for the public revenue, it has been fully discussed heretofore, and I am not disposed now to go into it. Nothing, perhaps, can be added on either side to what has been already said; and I will only remark that the arguments which have heretofore been urged on our side have not in the least degree been weakened by any defalcations or other events which have occurred since this subject was before the Senate at the last session; on the contrary, they have received additional strength and force.

I have now, sir, concluded what I had to say. In examining the financial opinions and views of the honorable Senator from Virginia, I have endeavored to present them fairly, and if I have fallen into error, it is not intentional. Whether he is disposed to do justice to the Administration or not, I am desirous to do justice to him. In the notice taken of his opinions and public acts, I really hope I have been as candid and impartial as he has in examining the official conduct of the Secretary of the Treasury. As in the contingency supposed, the Senator is to be placed at the head of the Treasury, I have deemed it important that the country should know what his financial principles and policy have been at different periods, that he should stand before the country as he has been, and as he now is, in his new position, at the head of the "armed neutrality," now allied with the Opposition forces.

I regret to have detained the Senate so long, in a debate of this description, and thank gentlemen, on both sides of the House, for their attention.

#### MILITARY ROAD IN ARKANSAS.

#### REMARKS OF HON. A. YELL, OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,  
January 25, 1839,

On the bill reported by Mr. McKAY, of North Carolina, to amend the act of 1836, to authorize the Secretary of War to continue the garrison at Fort Gibson, and to open a Military Road on the Western frontier, so as to pass within the State of Arkansas, whenever the public service may require it.

After a few remarks had been submitted by Mr. MERCER, of Virginia, in reference to the geographical limitations and features of the bill,

Mr. YELL rose and said, that he was sure that the gentleman from Virginia [Mr. MERCER] did not fully understand the provisions of the bill, or he would not oppose it. The object of the bill was to authorize the Secretary of War to do the very thing which that gentleman [Mr. MERCER] and himself believed the Secretary, under the act of the 14th of May, 1836, was authorized to carry into effect. The Secretary of War, however, had given a different construction to the act to which the bill before the House was amendatory; and he and his friend from Virginia had united in giving to the original bill a cordial support. The original act of May 14, 1836, directs that the road shall be opened along the western boundary of the States of Arkansas and Missouri—he did not know that he quoted the precise words of the act, but he gave the substance—and pass within the Indian country, if the assent of the Indian tribes occupying that region could be obtained. The assent of the Indians had been obtained. The Secretary of War is therefore of opinion that he will be compelled to make the road wholly in the Indian territory. The constructions given to the act, by the gentleman from Virginia and myself, are precisely adverse. I infer from the act of 1836, that the road is to run within the limits of the States of Arkansas and Missouri, and can pass only within the Indian country, upon the conditions mentioned in the act, by the consent of the Indians. Otherwise the act of 1836 would have been nugatory or contingent, depending on the assent of the Indians to give it vitality. Such (Mr. Y. said) he was sure was not the intention of Congress; nor is a different conclusion a plausible inference under the letter of the law itself. Such, however, has been the decis-

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ion of the Secretary of War, and we have been compelled to submit to it, because we could do no better. This bill, therefore, can by no possibility do any harm. It may be made so explicit as to direct the Secretary in future to carry out the evident intention of the act of 1836. Should the Secretary be right, however, in his construction of the act of 1836, then this bill will authorize him to depart from the strict construction; and if the public service can or will be promoted by bringing the road or any part of it within the State of Arkansas, he can do so without the violation of any law or principle. The necessity of the case, makes this bill necessary, and of the utmost importance to the citizens of Arkansas. The act of 1836 requires that the road should cross the Arkansas river, when the new post is established, now Fort Smith, which is established immediately on the western boundary. In running north, along the western boundary of Arkansas, to the new post on the Illinois, and from thence to Fort Leavenworth, the road, if made altogether in the Indian country, must lean in a western direction, leaving the State line at one or more points, some fifteen or twenty miles west, to avoid the mountains crossing the line and running from west to east, which will increase the distance some twenty miles or more in the space of fifty miles, when they again strike the State line, and continue along or near it until they reach Fort Leavenworth. By passing within the State, the road, after leaving Fort Smith, can keep near the State line and on good ground and at a small distance, until they bear east of the boundary line more than three miles, and a large portion of the rest will be on the line or in the Indian country still. This arrangement will shorten the distance, save a large sum of money in opening the road, and when opened it will be equally as good, if not better. Upon the score of economy, therefore, it is desirable that the road should be made as is now suggested; and it is moreover due to the people of Arkansas that it should be thus constructed, because it was the intention of Congress, by the act of 1836, to bring the whole within the State, and they have been deprived of it by the construction of the Secretary of War.

Of so much of the bill as relates to the repeal of the act of 1836, which requires the Secretary of War to abandon Fort Gibson, I have but little to say. In justice, however, to the committee who reported the bill, and in justice to the Secretary of War, I have no hesitation in saying that Fort Gibson holds the keys to the whole Indian country. As a post to protect the Indians from aggression among themselves, and keep in check the united Indians west of the Arkansas, (the Pawnees, Pickaways, and Camanches,) whom we are bound in duty, and by our treaty stipulations to protect, Fort Gibson, from its position, is eminently calculated to afford all the protection that can be required, by our interest and the interests of the Indians themselves. Independently of any other consideration, the post is of general national importance, and should not be abandoned till our Indian relations are rendered, by time and the progress of civilization, far more pacific than they now are. The objection that has been urged against the continuance of that post, that the new garrison established the last session on the Arkansas river, (Fort Smith,) of itself affords sufficient protection, is considered by all familiar with the situation of the country, inconsistent with the facts of the case, inconclusive, unsatisfactory, and unfounded in fact. It was based on selfish considerations. The position of Fort Gibson, above all others, is the most important and commanding for the defense of the citizens of Arkansas. It is immediately on the Arkansas river, where troops can ascend directly to the Indian country. It is a post where the Indians must pass in times of invasion to reach the citizens of Arkansas; and to the Government it is a post that can be approached with steamboats during the boating season, with arms, men, and supplies. That work will now progress, and should be finished in a manner to give protection to the citizens in that portion of the State. If this bill should pass, the Secretary of War will be authorized to occupy Fort Gibson, which I believe is important, not only to the Indians, but to the peace and security of the western frontier.

## SWARTWOUT'S DEFALCATION.

## SPEECH OF HON. JACOB FRY,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

January 16, 1839,

On the Resolution providing for the appointment of a Select Committee on the subject of the Swartwout and other Defalcations.

Mr. FRY said: Some ten days after his arrival at this place, to attend the present session of Congress, he found in the post office of the House of Representatives a newspaper directed to him, which, upon opening, turned out to be the "Emancipator," a paper published in New York, and devoted to the cause of Abolition. In that paper he found copious extracts from a speech delivered by a member of this House before a meeting of his constituents at Vicksburg, Mississippi. In that speech, the gentleman was made to have said "that the Administration party in this House were without any leader of any capacity."

Mr. PRENTISS here rose, and called on Mr. FRY for the paper, or to restate what he (Mr. P.) was represented as having said.

Mr. FRY said he had thrown the paper away, and had not seen it since, and could therefore not produce it; but, according to his recollection, the words used were precisely those which he had mentioned.

If this be the fact, as represented by the gentleman from Mississippi to his constituents, that we are without "any leader of any capacity," then, I take it, it becomes every friend of the Administration in this House to set up for himself; and, in that view of the matter, I hope the House will bear with me while I address them under this new order of things.

Mr. Speaker, the times are fruitful. Less than a year ago, when now and then the sound of a Whig victory rushed in upon us here, it was remarkable to witness in this House the good feeling, the joyous anticipations, the bright prospects, that appeared to be opening to our Whig friends. Sir, they were so full of victory, and so elated with success, that a good honest Democrat, could hardly live with them. My worthy friend from Kentucky [Mr. SOUTHWELL] came to me one day, soon after the Baltimore election for a member to supply the vacancy occasioned by the death of Mr. McKIM, and says, friend Fry, really in the course of another year, there will not be left of you Locofocos enough to constitute a respectable corporal's guard. My respected friend from Massachusetts, [Mr. CUSHING], who, at the last two sessions of Congress, sat near me, and who knew I was a German, and frequently saw me reading German newspapers, would occasionally tell me he also knew a little German, (which he always took care to repeat when speaking of our political prospects,) and that was, "ganzes voloren" "ganzes voloren"—"all lost," "all lost." Well, sir, I bore it with a Christian's fortitude, awaiting the realities of a coming futurity to enable me to return my compliments.

Sir, we had not proceeded far in that coming futurity before my expectations were realized. Even since the termination of the last session of Congress, what has transpired? The Whig victory in Maine, (supplying the place of the lamented Cilley,) which gave the first impulse to these exultations, turned out but to be the precursor to their total defeat in that State; the Whig victory in Baltimore, which (according to an account I read in some Whig paper) had such a wonderful effect upon the money market at Pittsburg, turned out to be but a little in advance of the regeneration of the gallant State of Maryland. And the great speech of my friend from Ohio, [Mr. BOND], which it was said was circulated by hundreds of thousands all over this country, and which was to tear up by the root this whole Administration—this speech, too, has done its full share in redeeming the State of Ohio from the shackles of Federalism. Sir, without meaning the least disrespect towards my friend from Ohio, I have to say, from what I have learned, that in 1836 he was elected to Congress by an overwhelming majority, and in 1838, not long after he was delivered of his cele-

brated speech, with all necessary exertion on the part of his friends, and with additional advantage of a public dinner, he barely squeezed in (scraping both hips, as farmers sometimes say) to a seat in the next Congress. Well, sir, the times having changed since the termination of the last session of Congress, methinks appearances (here at least) have changed also; the countenances that, in and about this Hall, less than a year ago, beamed with joy and so often flushed with victory, have become a little more pale and haggard; there is an evident fluttering and floundering here, which manifestly shows that our Whig friends feel, mournfully feel, that they and their cause are rapidly sinking. Sir, the result of the last fall elections was eminently calculated to produce this feeling, and, but for the result of the elections in New York, "the last and only hope" of my friend from Virginia, [Mr. WISE], as I see expressed in a letter of his, written some time during the fall in answer to some invitation—I say, but for the result in that State, our Whig friends here would still more sensibly feel the dreadful forebodings of utter political annihilation.

But, sir, let me say to my friend from Virginia, and our Whig friends generally, if they calculate upon the State of New York going against Mr. Van Buren, they calculate without their host. Sir, in a "fair shake," there is a Republican majority in that noble State, and there is the spirit among our friends there, that will "never tire nor stop to rest," until they get what is due them. Sir, they have but to advance in the same ratio to the next election, that they did between the last two, and, in less than another year, modern Whiggery there will be but a name.

But, sir, independent of all that, if even the elements of opposition to Mr. Van Buren existed there to any extent, they cannot there, as well as in many other places, be combined. Sir, permit me here to say that north of this city, Anti-Masonry and Abolition constitute too material a part of the Opposition to be overlooked; and the Anti-Masons and Abolitionists will not be overlooked. And, sir, Anti-Masonry and Abolition will demand the nomination of General Harrison; their demand must, and will be, acceded to, and Whiggery—proud, high-minded, and exalted Whiggery—will have to succumb—to knock under.

Sir, in my humble opinion, the great mass of the Whigs of New York will not do it. It is impossible; they cannot do it; and then what becomes of your opposition to Mr. Van Buren in the State of New York? Sir, let us wheel, and look a moment to the South—the gallant, the noble, the generous South—to which we always have looked, and, I fear not, we always may look, for the strictest and best Republicans in the country. Sir, let us look there, and see what the Opposition may do against Mr. Van Buren. Sir, the South have found, and have testified, that the principles of the present Administration are founded in genuine Democratic republicanism; and that these principles are their principles. They have found that, in the measures of this Administration, they are protected, as they have a right to be, against foreign interference with their domestic institutions. And, sir, speculate at this time as you please about southern policy and southern prospects, and about the hypocrisy of the friends of this Administration towards the South, you will find that when the presidential election comes on, the South will not be willing to yield a certainty for an uncertainty.

These self-evident truths are no doubt uppermost in the minds of our Whig friends; and as old "Time" comes stealing upon us, their prospects become more desperate, and they themselves become more desperate; hence, we see again, at this short session, while all the public business is slumbering on our table for want of action, these gentlemen are again at the old trade of abuse; and the cry of corruption, intrigue, defalcation, fraud, and iniquity, and investigation, echoes and reverberates through this Hall. Sir, since I have been a member of this House I have heard much of this cry of corruption and abuses in this Administration. But what has it all amounted to? What have gentlemen ever exhibited to this country of existing corruption in the Administration? What benefit have the people received from these inves-

tigations, got up, time after time, upon this Opposition cry of corruption? In truth and in fact, the people have heard so much, and realized so little, that it would almost be difficult to make them believe it if any did exist.

Two years ago, my friend from Virginia [Mr. Wise] raised the cry of corruption! corruption! in every department, from the highest to the lowest—from the soles of their feet to the crowns of their heads—all was one common mass of corruption! and he made large promises to the country, that if this House would but give him a committee of investigation, he would exhibit to the people of this country the iniquities of this Administration in their proper light. Well, sir, this House gave him his committee, and then he did not want it. Well, but he had his committee, and had to go to work, and what did he make out of it? What was the corruption that he exhibited as existing in the Executive Departments of this Government? None. Sir, he could show nothing. And in order to divert the attention of the people from the fact that he could show nothing, it became, as it seemed to me, necessary to get up a row here with poor Reuben M. Whitney.

Sir, I am, as much as any member of this House, in favor of investigation, when there is any reason to believe necessity requires it; but to the present mode of raising investigating committees, I do decidedly take exception. Here, if any of our Opposition friends wish to raise a pretext for abusing the Administration, they just get up a call for investigation, and then, before any committee is appointed, or any action on the matter can be had, it becomes the subject for weeks, day in and day out, of abuse to the Administration. Why, sir, who has ever denied to the Opposition a committee of investigation when they asked for it? Nobody. Well, then, why not take a committee and go into the examination at once, and if they can show to the country that the Administration is corrupt, then it would be time enough to abuse it. Why not, in the present case, have taken the committee at once, and proceeded to ascertain the facts, and then, if there was cause, abuse the Administration? Certainly, all parties called for this investigation; nobody resisted it; and the people will inquire, why was it necessary that the half of the session should be wasted in raising this committee? Why, sir, I will tell them: it would be traveling entirely out of the ordinary course of things for the Opposition to get a committee of investigation without first abusing the Administration; and, in order that they might have a pretext, in this case, to condemn the Administration before they try it, they ask the House to adopt an entire new plan of raising the committee; and upon this proposition they pour out their "vials of wrath" upon the Administration, accuse and condemn it from beginning to end, in advance of any investigation; and then these are the gentlemen who are afterwards to sit as judges in the matter.

Well, sir, so be it. I wish now to call the attention of the House to one thing. I wish to know what this committee is to find out more than we know already. The facts connected with this defalcation of Mr. Swartwout, so as to explain the transactions, and how it was consummated, I think we have in the document laid upon our tables from the President of the United States.

And, sir, I propose now to go into an investigation of that matter from the documents in possession of the House, and see what ground there is for the immense amount of censure and abuse heaped upon the Secretary of the Treasury concerning this defalcation. Why, sir, the Secretary of the Treasury has, through the whole of this debate, been the victim of the most unrelenting, violent, vindictive, and unjustifiable abuse I ever witnessed. Sir, he has been held up as worse than Swartwout himself. My friend from Virginia [Mr. Wise] says this investigation should have been raised with a view to his (Mr. Woodbury's) impeachment; and, sir, everything is done that can be done to excite and raise up the prejudices of the people against the Secretary of the Treasury in advance of the investigation. But, sir, as I said, I propose to examine this matter from the documents, and give to the people of the country an honest and candid view of the case; and in doing this, I will say to Whigs and

Anti-Masons, to Conservatives and to all parties, in the language of an inspired writer, "*Come and let us reason together.*"

Now, sir, I will read from document No. 13, p. 2. The Secretary of the Treasury says:

"During his (Swartwout's) continuance in office, the statements of his accounts, in a condensed form, were made weekly to this Department, punctually; showing a balance in his hands varying from a nominal sum to \$100,000, according to circumstances and the season of the year."

Now, sir, if a collector sends in weekly statements of his accounts with punctuality, with nothing upon the face of them to excite suspicion, how is the Secretary of the Treasury to know of anything wrong existing? What reason could he have for suspecting Mr. Swartwout was committing depredations upon the public money, when his accounts were properly rendered? Why, sir, it was impossible for him to know anything of it. Well, sir, you may then ask, how did Swartwout get hold of all this money without the knowledge of the Secretary of the Treasury? Why, sir, I will refer you to the same document to show how he got hold of it, and in what way he managed it so as to elude the vigilance of the Treasury Department. The Solicitor of the Treasury and the First Comptroller, in their examinations, made at the request of the Department, after this fraud was discovered, say, (p. 24:)

"According to the statements of Mr. Ogden and Mr. Phillips, the use of the public money began in 1830, the practice being to transfer, at the commencement of the week, to the Treasurer of the United States no more than the amount received previous to Saturday morning, and thus to replace successively from the subsequent receipts the sums withdrawn, so that the deficiency might not appear."

Further, (page 48,) Mr. Phillips says:

"By reference to the weekly returns, it will be seen that frequently large amounts were retained under the head 'amount due to the United States to be carried to the next return,' which, in many instances, would not be forwarded until Tuesday, in order that the collections of Saturday and Monday might place him in funds to make the transfer from his account to that of the Treasurer of the United States."

And at page 20 of the same document, it is further explained by Mr. Ogden, who says, in his examination:

"That the weekly transfers to the Treasurer made by Swartwout were usually made on Monday, but did not include the money received later than Saturday morning at ten o'clock, by which means the receipts on bonds due Saturday and Sunday were embraced in the succeeding week, and thus that amount, frequently from \$150,000 to \$200,000, was entirely under his control."

He adds:

"In this manner he retained the moneys, and was able to keep his transfer to the Treasury 'apparently correct.'"

Now, sir, there cannot be a doubt that this was the mode by which he possessed himself of the money belonging to the Government, and the manner in which he was able to keep his transfers to the Treasury "apparently correct," and thus entirely elude the vigilance of the Secretary of the Treasury. The next inquiry will be, how did the Secretary of the Treasury first ascertain that Swartwout was using the public money? Why, sir, from the same document (pages 2 and 3) we learn that the last return, being for the last three days of Mr. Swartwout's term, showed over \$200,000 in his hands; this the Secretary of the Treasury, deeming larger than necessary, immediately directs Mr. Swartwout forthwith to deposit, the one half to the credit of the Treasurer. Mr. Swartwout declines to do so, and states that certain custom-house expenses remained to be paid; that suits had been commenced against him for a return of duties to a large amount, which, with numerous protests filed against him, would be sufficient to swallow the whole balance; that he was individually liable in those cases, and could not pay over this balance until they were legally decided upon; but so soon as they were so decided, any balance which then remained would be promptly paid over.

The Secretary of the Treasury, however, immediately instituted further inquiry, through the Solicitor of the Treasury and the First Comptroller, which "*resulted in the impression that the facts and the law relative to those suits and protests might justify a short delay.*"

Well, sir, does this exhibit anything like a want of proper attention on the part of the Secretary of the Treasury to the interests of the Government? Does this show any failure on his part to watch over the public money, and see that it was secured to its rightful owner? No, sir. But to proceed further in ascertaining what led to the detection of this defalcation. The Secretary of the Treasury says that—

"Subsequent disclosures made in November excited the suspicions of the Department, not only as to that balance of \$200,000, but a much larger indebtedness, and the Solicitor of the Treasury and the First Comptroller were forthwith sent to New York to ascertain how the matter stood, and to institute a thorough investigation."

This was accordingly done, and the defalcation found to be over \$1,000,000; whereupon suits were forthwith instituted against the principal and both his sureties. The Solicitor of the Treasury says in his letter (page 21) of the 10th of November:

"That the urgent demand of the present collector [Mr. Hoyt] for the abstracts and vouchers of Mr. Swartwout's last term, which were incomplete for the want of his signature, and difficulty of obtaining them, first led to the suspicions communicated by him to the Department."

Well, sir, here, then, is explained to you the manner in which the Secretary of the Treasury first gets to know of this defalcation of the collector at New York. I shall be told this speculation of the public money has been going on since 1830; and if the Secretary of the Treasury knew nothing of it, did not any of the other officers in the custom-house at New York know of it? Yes, sir, they did know of it. Mr. Ogden, the cashier, and Mr. Phillips, his assistant, knew of it.

Mr. Ogden, in his examination before the Comptroller and Solicitor, states:

"That he commenced abstracting the money in 1830; that, as the amount of the defalcation increased, he frequently spoke to Mr. S. on the subject; that about four years ago, the amount had got so large that he told Mr. S. unless measures were taken to reduce it, he could not consent to remain any longer in office with him. Mr. S. answered he had no doubt the operations in which he was engaged would enable him to 'pay off the deficiency,' and continued to give assurances to the last that he would soon pay it, and set all matters right."

Mr. Ogden further states, (page 47:)

"That he and Mr. Phillips had frequent conversations with Mr. S. on this subject; that they urged him to raise money elsewhere to pay up this balance; that, at Swartwout's request, they had an interview with him at his house, and that he then assured them his speculations would soon enable him to pay all up."

Now, sir, although it is certain that Mr. Ogden, the cashier, and Mr. Phillips were aware of Mr. S.'s using the money belonging to the Government, yet it is quite reasonable to suppose that they, being in the office with him, holding their appointments, perhaps, at his will, would feel a delicacy in exposing him immediately; and that he put them off from time to time by fair promises that he would raise the money, make all right; and that, by his art and cunning, and oft-repeated promises and assurances, he got the advantage of their feelings, which allowed him to carry on his work of plunder as to avoid detection from the Treasury Department.

Now, sir, I wish to call the attention of the House to the largest item in this defalcation. I mean the bond account, which constitutes more than one half of the whole amount. And let gentlemen charge the loss of that part of it to our legislation, and not to the mismanagement of the Secretary of the Treasury.

Sir, at the extra session of Congress, in October last, Congress passed a law extending the time for the payment of the merchants' bonds there, for money due the Government for duties, nine

months. Mr. Fleming, the Auditor, says there were about ten thousand of these bonds, exceeding \$5,000,000 in amount; that the deficit in that account commenced in 1837; and that no suspicion existed with him that any portion of them had been paid, and the money abstracted. Now, sir, I have nothing to say to gentlemen whose votes extended, for nine months, the time of payment on these bonds. But, sir, there can be no doubt but that extension of credit upon these bonds gave Swartwout the opportunity to double the amount of his depredations, while the Auditor supposed their payment was suspended. At page 26, we find mentioned that an item, under the name of "cash retained for refunding merchants," amounting to \$80,769, was retained by the collector, under the act of Congress for the relief of the sufferers by the great fire in New York. So that, by the acts of Congress, and not by the negligence of the Secretary of the Treasury, was he enabled to carry on his system of plunder to its final consummation. Sir, I opposed these extensions at the time, because, as I then stated on this floor, I would make the merchants pay their taxes when they were due, the same as the farmer and mechanic are made to pay theirs. The money thus paid by merchants is all levied upon the consumer and paid by the consumer; and there is no more reason for indulgence in that system of collecting taxes than in any other. Let the Government adopt an entire system of cash duties, and it will not only be relieved from much and frequent embarrassment, but will avoid many serious losses; and what will be of equal, if not greater, importance to the country, it will put a check upon excessive importations.

Sir, the history of this stupendous defalcation is not to be overlooked; its origin can very easily be traced to the effects of a bloated circulation of paper money, against which the untiring efforts and united exertions of the Democratic party have always been directed. Sir, the policy of the Democratic party has ever been, not to depress or destroy paper money, but we always have seen and felt the crying necessity for some limit to its circulation, so as to secure the people of the country against those revulsions in trade, in commerce, and in all the fiscal concerns of the Government and the country generally, which are the never-failing effect of such a circulating medium.

Mr. Swartwout was a speculator. Mr. Ogden, the cashier, in his examination, (p. 20,) stated:

"That Mr. S. had been a large speculator in stocks; that he had known his operations to have amounted to some hundred shares a day; that he had been largely a loser by the failure of the Josephs; that he knew he had loaned them \$25,000 a day or two before their failure, and that he had made immense purchases of land in Texas," &c.

For aught that appears, Mr. Swartwout came into that office an honest man; but, living in a city where speculations in stocks of every kind, in lands of no value, in paper cities, and all that kind of humbug, were carried on to an extent incredible—why, he, too, thought he might be speculator, and, for that purpose, might use the public money, and perhaps return it again.

Sir, I have thus shown that Mr. Swartwout was engaged in speculations. I have shown in what manner he was enabled to abstract the money, and keep his accounts apparently correct with the Treasury, and the means employed, so as to prevent detection by the Secretary of the Treasury; and that the acts of Congress enabled him, as I before stated, to double his depredations, (for his deficit is stated to have been on the 31st of December, 1836, but \$336,718;) and then I want the House to point out, I wish gentlemen to lay a finger upon, any part of the transaction for which the Secretary of the Treasury should be held responsible.

Sir, it is known here that there is a much larger number of Opposition men in office, in the several Departments of the Government, than the people have any idea of. But what is to be done with them? If you turn one out, why then the cry of proscription, proscription for opinion's sake, is raised, and we are called persecutors and the spoils party; and this cry is reiterated by every Opposition paper in the country. Well, sir, if you leave

them in, in many instances, the first opportunity they get to lay hold of some of the public money, they fill their pockets full, and then burst, and come out public defaulters, and then the cry of corruption and mismanagement is immediately raised against the Executive; so that the Executive, do as he please, cannot avoid censure.

Sir, I do not concern myself much about it, who is in office, or who is not; but, did it depend upon my will, I should make one effectual general sweep from Dan to Beersheba. Not because I do not believe there may be Opposition men in office who may be valuable in their stations; not for opinion's sake; no, sir; but in self-defense. If the Administration is to be censured for every Opposition man who runs away with the public money, then I hold no Opposition man should be continued in office. I have no doubt there are Opposition men enough who would purposely run away with the public money if they thought they could injure or break down the Administration by it; then, sir, why should they be continued in office?

Sir, this defalcation in New York, it seems, is to be the great center of action about which the Opposition will gather all their force, and the great lever by which they expect to move heaven and earth. Sir, let me ask, is this Government to collect all its money without losing any? Let me look at home for a moment, sir. My district is composed of a single county; in that county, some \$40,000 or \$50,000 is annually collected and disbursed under the supervision of three commissioners. Now, sir, our people are as honest and industrious, and as able to pay their debts, as those of any other district represented on this floor; yet notwithstanding all that, and notwithstanding the utmost vigilance on the part of our county commissioners, money is frequently lost, either by defaulting collectors or a defaulting treasurer; and I have no doubt the same thing happens in other counties. Well, sir, if, then, in a single county in Pennsylvania we have now and then a default in the collection of our revenue, and if there it is impossible to get along without occasional losses, how much more impossible for this Government, with some twelve or fifteen thousand collectors of public money, stretched over this vast country! I say, how much more impossible is it for this Government to get along without frequent losses. Sir, it is entirely out of the question; the Government may take every precaution, may use the utmost vigilance, and still yearly, and every year, there will be losses.

Mr. Speaker, although this money is lost to the Government, it is not lost in such a way as to embarrass the present operations of the Treasury, because it is money that never came into the Treasury; it was abstracted before it got there; and, consequently, no appropriation, nor any other expense, was based upon it. If it had been in the Treasury, and formed a part of the estimated expenditures, its amount would necessarily have to be replaced. As it is, it need not; and it is the same with the Government as with an individual—it is never so hard to lose money which you never had, as to lose it out of your pocket. I allude to this, however, more particularly, in order to call the attention of our Conservative friends, who say they only differ from us so far as that the public money, after collection, should be placed in banks, and not with officers appointed specially to take charge of it. Now, sir, in this case the public money was taken before it got to the bank; and how is your pet-bank system to reach a case of this kind? Sir, it will not reach such cases; and I think I have a right, then, to call upon our Conservative friends to join with us and pass the Sub-Treasury bill, and make it a penitentiary offense for men to use the public money, and then we shall be able to do the country some service, and effectually prevent these defalcations in our public officers.

Mr. Speaker, if the gentlemen who are panting for this investigation had at once taken a committee and gone to work, they might probably have, by this time, been able to report; but, for some cause or other, they are not willing to take the committee constituted in the usual manner; and for the first time since I have been a member here, a committee is to be chosen by ballot. Well, sir, why that? Why, a gentleman from Virginia, [Mr.

ROBERTSON,] gets up here and makes a most violent attack upon the Speaker for improper conduct in the appointment of the land committee, raised a few days since, and gave as a reason that his colleague, [Mr. BANKS,] who was Speaker of the Virginia House of Delegates for twenty-one years, always gave a majority of a committee favorable to the proposition submitted to them. Why, sir, is the Speaker of this House, before he appoints a committee, to go about among members, and ascertain their private opinions upon subjects? Sir, I should think not. And who complains of this land committee, except the gentleman from Virginia? No one, that I have heard. If the Speaker has done injustice to any of the States in the appointment of that committee, let the members from such States rise and declare it; it is not competent for the gentleman from Virginia to except for all. Sir, I will not speak for more than my own State; but in that I venture I have not a colleague here who will not say that the interests and feelings of Pennsylvania will be faithfully represented by my distinguished friend and colleague [Mr. POTTER] on that committee. Another gentleman, over the way, seems to have an anxiety to relieve the Speaker from the responsibility of appointing this committee. I have no doubt of the gentleman's kind intentions toward the Speaker; but it will be time abundant to relieve the Speaker from responsibility when he asks for it.

But, sir, there may be something at the bottom of this attack upon the Speaker which does not at once appear. There is an election to take place next summer in Tennessee, and the Speaker is to be a candidate for office. Now, sir, the Republican party in Tennessee may be about to right itself again, and the Speaker may be a formidable candidate in the apprehensions of gentlemen; and hence it may be thought necessary indirectly to hunt him down, by making an attack upon him for misconduct in the appointment of the land committee, then to follow it up by taking out of his hands the appointment of this committee of investigation, and then circulate it wide and far in Tennessee that the House had lost its confidence in the Speaker, and had, therefore, to elect their important committees by ballot. Sir, the official conduct of the Speaker in this House is too far beyond the reach of reproach to need any defense by me.

Mr. Speaker, some days ago, during this debate, my friend from Massachusetts, [Mr. CUSHING,] in speaking of an executive's committee and a people's committee, said, in very emphasized terms, "we will have a people's committee." Well, sir, the manner of my friend's expression caused me to take some thought of what he said; and I came to the conclusion, then, that there had already been a counting of noses between the Whigs and Conservatives, and that they had come to the conclusion that they could outvote us, and elect a committee by ballot. Well, sir, one thing, then, is certain, and that is, the same power that can change the manner of raising a committee can elect the members of that committee; and I have since had no doubt, if they elect, they will form a ticket of nearly all Opposition men, composed of Whigs and Conservatives. Should they do that, I have only to say, "the Lord help Mr. Woodbury!" Such another beating as he will get from that committee no man ever had; and I can only tell his friends and himself to prepare for it.

Sir, the Opposition must make something out of this defalcation; it is their last hope; it does not only involve their political prosperity, but their political existence; it is a case of life or death with them. The country has outlived their bank panics, and their bank pressures have fallen before the energies of the nation; and now, unless they can effect something out of this Swartwout business, their doom is sealed. The late elections show it; the feelings of the people show it; their own acts show it; and now here they have resolved to make one other desperate effort, a death struggle, to hunt down this Administration, by holding up to the view of the people this Swartwout defalcation, and all the defalcations that have taken place since the Government has had existence. Sir, it is easily foretold to what lengths men will go when thus situated. In such case, necessity will be a virtue, and misrepresentation no sin. But,

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sir, even in this last desperate dying struggle for power, they will be unable to alarm the country; the people will say—and they will say, in a voice that will not pass unheeded—separate your Government from the banks; let each one manage their own affairs; pass us a Sub-Treasury bill, so as to provide more effectually against depredations upon the Treasury by public officers; and when the next great contest comes on, our Opposition friends will be left to join with my friend from Massachusetts in the repetition of his German quotation, “*ganzes verloren*,” “*ganzes verloren*,”—“all lost,” “all lost.”

## SWARTWOUT'S DEFALCATION.

REMARKS OF HON. J. L. MARTIN,  
OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

February 7, 1839,

On the Resolution providing for the appointment of a Committee to inquire into the Defalcations of Samuel Swartwout.

Mr. MARTIN said he felt it to be his duty, as his course would differ upon this question from that of most of those with whom he acted generally upon this floor, to state his reasons for the vote which he was about to give. He was in favor of appointing the committee by the House, and he greatly preferred that it should be by the *visa voce* vote of the members; but, if that mode could not be adopted, he would then go for the election by ballot. He was not induced to this course from a want of the fullest confidence in the Presiding Officer; very far from it. He had full confidence that by that officer the committee would be honestly and fairly appointed; and that the investigation to be made by such committee would be as thorough as that which would be made by a committee appointed by this House. He had seen nothing in the course of the Speaker to bring anything like a doubt to his mind upon that subject—certainly not in the appointment of committees of a similar character heretofore, with which he had been acquainted. Other considerations influenced his course than such as are confined to this House, or any of its members. Party feelings were high, and party strifes fierce, in almost every part of the Union. Crimination and recrimination is the order of the day, not only upon this floor, but elsewhere. That, upon charges without proof, he might not be disposed to resort to this unusual mode of appointing a committee, although he might be disposed to go for the investigation asked. This case (he said) presented a different state of things altogether. We are not left to suspicion or conjecture upon this subject nor to charges of gentlemen here. We see that the treasure of the nation has been abstracted by one of its officers to the large amount of some million and a quarter of dollars; that this process of abstraction has been going on for the space of seven years and more. The investigation here proposed must necessarily involve the conduct, not only of the defaulting officer himself, but other high functionaries of this Government, whose duty it was to ascertain and detect such abuses. The question was thus rendered one of grave importance, and one to which the eyes of the country would be directed. He felt, therefore, that it was due to the importance of the subject that this House, on all sides of it, should be satisfied with the investigation proposed to be made, and that the country, too, should have such a report from the investigators as would leave not the shadow of a shade of doubt or suspicion even of its correctness, or that the whole transaction was not fully disclosed and presented to them. Can this desirable result be fully attained by an appointment by the Presiding Officer, especially after the objections which have been made upon this floor, in the apparently earnest protests of gentlemen which have gone forth? However correct the result might be upon such appointment, yet, sir, doubt might be entertained, and clamor would certainly be raised against it.

If, then, (said Mr. M.) the committee was appointed by the votes of the representatives of the people, there will be no ground for objection or doubt whatever. Gentlemen would be deprived

of the pretext for calling it a *whitewashing committee*, a *stocked pack*, together with various other *ad captandum* vulgar epithets which are so liberally used here, in regard to those which have been heretofore constituted in the usual way.

Mr. M. said, in the examination which he had made into the subject of this defalcation, he must confess he had been struck with astonishment at the great length of time through which these abstractions had continued, and at the very large amount which had been purloined without detection. It had impressed him with the fear that there was something wrong, either in the administration of the Treasury Department, or in its organization. He could not see how it was possible that a well-organized department, administered with a proper vigilance, could be thus imposed upon. He did not wish to be understood as doubting the honesty and integrity of the head of the Treasury Department, for he did not entertain any such feeling; nor did he intend to utter a suspicion of dishonesty as to any subordinate of his; but he could not say, however, that he did not entertain doubt of the proper vigilance in those whose duty it was to supervise the returns and accounts of the collector.

Mr. M. would not go into the examination of how the failure to detect this fraud had happened, or who was to blame for it; that would be the legitimate business of the committee; and upon full proof on both sides, as well in behalf of the Government as of that of the individuals implicated, that committee will be able to give us a much more correct result than we can possibly come to here. When the facts are reported to this House, we shall find but little difficulty in providing a remedy hereafter in like cases. He said he was not for shielding any man, nor did he believe, or even suspect, that the Administration party was. All, he had no doubt, were for the investigation of this outrage, and for the prevention of its recurrence. For himself, he said, he had always gone for investigation when honorable members upon this floor took the responsibility of making charges against any of the public officers of the Government; that in such cases he went upon the ground that, if the charges were true, it was proper that they should be brought to light, and the delinquents punished; if untrue, that the responsibility of making the charge might rest upon the individual making it. This he thought a safe rule of action; it certainly would be, if, upon the coming in of the report, the subject could be so viewed and treated by this House. This, however, was not generally the case; and certainly it was not in regard to the committees of 1836-'37, of which the gentleman from Virginia [Mr. WISE] had spoken some days ago. The result, in each of those instances, had been that the House had lost sight of the report of the committee in the trial of the members of it, and upon charges preferred by those who had been disappointed in their expectations in the investigation; and, too, at whose instance the inquiry had been set on foot by the appointment of the committee; and in that way they had succeeded in warding off the weight of responsibility which should have been placed upon them by the House and the country. He said he went for inquiry, and also for a strict responsibility from every quarter upon which responsibility should properly rest; and he said it was with a view as well to strict investigation and satisfaction to this House and the country, as to such responsibility, that he would give his vote upon this question in favor of the appointment by the House of this committee.

Mr. M. said he knew nothing, personally, of the course of the committee of which the gentleman from Virginia [Mr. WISE] was chairman. He had nothing to say for or against that committee. Of the other committee, of which his friend, also from Virginia, [Mr. GARLAND] was chairman, he had the misfortune to be a member. The gentleman from Virginia [Mr. WISE] was also a member of the same committee, and of course knew all its proceedings. That gentleman, he said, a few days ago, when addressing the House upon the question now under consideration, referred to this committee, and the one of which he [Mr. WISE] was chairman, and to their proceedings, as he has upon many occasions heretofore, in terms

certainly not very respectful to the committees, and still less to the Speaker who appointed them. In this instance, doubtless, he intended a rap upon the knuckles of the Speaker; but it is done much over those of the committee. He charges them to have been a “stocked pack,” “*sex-tres* committees.” In these remarks, (Mr. M. said,) he knew the gentleman alluded to the political divisions of the members upon those committees, and with no intention of personal disrespect; and in the same sense the remarks heretofore were made by that gentleman, as he had no doubt, and certainly they were, so far as he (Mr. M.) was individually concerned, for that gentleman had so stated upon the floor, with regard to himself. In referring to the proceedings had by those committees, the gentleman remarks: “Every throw of the dice was still *sex-tres*,” &c.

Mr. M. said he was sorry the gentleman had not made the distinction between the committees, which he must have known existed in their course of action, if he has properly characterized those of the committee of which the gentleman himself was chairman; for he cannot but know that the journal of the committee of which the gentleman from Virginia [Mr. GARLAND] was chairman, will not bear him out in the charge that “every throw of the dice was *sex-tres*.” That gentleman well knows that every question proposed to be put by himself, or a gentleman from Tennessee, [Mr. PERRY], (who, with himself, managed the whole examination,) to any of the witnesses called before us, if within the reasonable construction of the resolution under which we acted, not to say a strained construction of it, was voted for by the chairman of that committee and himself, (Mr. M.) which of course gave the majority in its favor. And he defied a solitary instance to the contrary to be produced from that journal. He said the rule which he adopted for his own government, when he went upon that committee, was, to err on the side of inquiry, if he erred at all; and that, in looking over the journal of that committee, as he had done recently, if he found anything to regret in the part which he bore upon that committee, it was found in permitting improper questions to be put to witnesses, by the aid of his vote; none, certainly, on the other side. He said, under this statement of facts, which the journal of the committee would show, he would appeal to any gentleman to say if that committee was obnoxious to the charges made by that gentleman.

Mr. M. said, if further proof could be necessary or desired by any gentleman, he knew he could safely refer to his friend from Virginia, [Mr. GARLAND], who was then present, to sustain him in everything he had said upon this subject; that that gentleman and himself generally voted together upon the various questions submitted for the decision of that committee; and in many of the instances in which he and his friend [Mr. GARLAND] felt it their duty to oppose the propositions of the gentleman from Virginia, [Mr. WISE], and those submitted by Mr. PERRY, they were accompanied in their votes by the gentleman from Louisiana, [Mr. JOHNSON], who was, according to the gentleman's own showing, one of the “*tres*.” He submitted it to that gentleman to say whether he was acting fairly in his remarks, by thus including in his denunciations this committee. Was it fair to do such gross injustice, even for the purpose of effecting other objects? If he wished to rap the Speaker over the knuckles, was it fair to do so at the expense of those against whom he had no ground of charge? He said he asked nothing of that gentleman by way of favor; he demanded justice only, and that he expected to have accorded to him. He said he trusted he had heard for the last time those sweeping denunciations of that gentleman against all investigating committees appointed by the Speaker; and that, if any deserved such denunciations, the gentleman would hereafter make the proper distinction. He said he was desirous not to be misunderstood in the remarks which he had made; that as he had not spoken of the course of the other four members upon the committee whose conduct he had justified, it might be supposed that he thought their conduct reprehensible. He did not so intend to be understood, for he held no such opinion. In the review of the journal which he had taken, he

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found that two of them, at least, had gone with him generally in most of the votes which he had no ground to distrust the correctness of; and he doubted much whether the impartial judgment of the country, if ever brought to bear upon the proceedings of that committee, would not find more to blame in his votes than those of some of the other four members. He said he had failed to take that ground in the argument, because it was unnecessary to do so; that without it he had shown a most triumphant justification.

He said he had heard a remark made by the gentleman from Kentucky, [Mr. UNDERWOOD,] that not only surprised, but mortified him. That gentleman had said that he now looked for better times than heretofore under the administration of General Jackson; that this expectation was justified in the fact that the people had ceased to fire guns on the 8th of January. Great God! (said Mr. M.) has it come to this, that honorable gentlemen upon this floor can consider it an evidence of the approach of better times, that the people cease to celebrate the victories of the nation's armies! He considered it the most conclusive evidence that the spirit of patriotism was departing from the region in which the feelings which induced such rejoicings are not felt upon the arrival of that glorious day.

Mr. UNDERWOOD here asked leave to explain, which was accorded. Mr. U. said the gentleman from Alabama had misunderstood his remarks; that he meant only to say that, since General Jackson had gone out of power, those who rejoiced at his achievements heretofore, had ceased to rejoice, he having no office to bestow upon them. That he (Mr. U.) rejoiced as much at the victories of our country as any gentleman upon this floor.

Mr. MARTIN resumed. He said he was glad that he had misunderstood the gentleman; for he could not suppose that one who had borne so honorable a part in the defense of the country, during the last war, as the gentleman from Kentucky, could ever meet the dawn of that glorious day, the 8th of January, without the warmest glow of exultation and patriotic pride; and that, when this feeling shall cease in our land, for one, he should despair of the Republic.

Mr. M. said he deprecated the range which this debate had taken. Gentlemen had discussed this question, involving simply the mode by which the committee should be appointed, as if the report of a committee presenting all of the facts of the transaction were before the House for consideration, and they were making efforts to convict some officer of high crimes and misdemeanors. This, he said, he considered highly improper. How could gentlemen know who would be placed upon that committee? And was any gentleman willing to be placed in the situation of a judge, after having prejudged the case? Although he was exceedingly desirous to have the case investigated fully and strictly, yet he desired that it should be fairly and impartially done, and in a manner, too, to inspire this House and the country with confidence in the result. The debate (said Mr. M.) was improper in another point of view; the time in which the investigation must be made is short, and this length of discussion is wasting it most unnecessarily. If gentlemen feel what they profess, they must see that their end will be best attained by taking the vote without further delay. He said he trusted that that course would be taken by the House; and that the committee will, without delay, enter upon their labors.

SWARTWOUT'S DEFALCATION.

SPEECH OF HON. ISAAC TOUCEY,  
OF CONNECTICUT,IN THE HOUSE OF REPRESENTATIVES,  
January 16, 1839,

On the Resolution providing for the appointment of a Committee to investigate the Defalcations of Samuel Swartwout.

Mr. TOUCEY said:

Mr. SPEAKER: I congratulate the gentleman from Pennsylvania who has just resumed his seat

on the distinguished success with which he has redeemed his promise to introduce refreshing novelty into this debate by sticking to the question; especially in that part of his speech which related to the practice of purchasing books for the use of members.

The subject principally involved in the resolution now before the House is the defalcation of the late collector of the port of New York. It has indeed been so modified as to embrace the defaults of others, of General Gratiot and of William M. Price, the one an opponent, the other a friend of the present Administration. But these are comparatively unimportant. It has been said that the Government, ultimately, will lose nothing by either of them. Perhaps so. Certainly the amount will be comparatively small. The principal subject of the investigation, therefore, is, what it was originally intended to be, the immense and extraordinary defalcation of Samuel Swartwout, the late collector of the port of New York, who has embezzled more than a million of the public money. This is the subject, the defalcation of this man, now, and for years, the political opponent of the present Chief Magistrate; one who opposed his election to the Presidency in 1836; one who now is, and long has been, identified with the Opposition as a zealous political partisan. And the question is, whether the appointment of a committee to investigate this matter shall, by the extraordinary action of this body, be taken away from its Presiding Officer, and transferred to the friends of this defaulter. Political friends, I mean, for none vindicate him. Sir, the argument of the gentleman from Mississippi, [Mr. PRENTISS,] urged also by the gentleman from Pennsylvania, [Mr. BIDDLE,] on the other side of the question, applies with very great force—that an offender should not be put into the hands of his friends if the object be to bring the truth to light, or the offender to justice. “Shall the culprit arraigned at the bar have the privilege of putting his own friends upon the bench, or in the jury-box?” Shall the Opposition here reverse the long practice of this House, which has been sanctioned by all parties for so many years, to take the investigation of the misdeeds of one of their own friends into their own hands? Shall this plunderer of the public money have the boon of such a scrutiny? This is the question; this is the contest; this is the struggle which we have witnessed for so many days.

Sir, I do not discover, in this state of things, a sufficient reason for departing from the usual course. We have organized the House by the choice of our own Speaker, and by the appointment through him of the usual committees; we have confided to them the most important affairs of this nation—subjects of transcendent interest—the great questions and measures which agitate the country; and in doing so, we have only conformed to the established usage of this House, and of similar legislative bodies. Shall we now, in a matter which, though important, is much less important, disrobe the Speaker of the proper powers of his official station, in which he has acquitted himself with distinguished ability and impartiality, to put the investigation of the frauds and embezzlements of a great peculator into the hands of his political friends? Sir, I see no sufficient reason for this most extraordinary course. The arguments of the gentlemen from Mississippi and Pennsylvania are, to my mind, conclusive against it.

The gentleman from Virginia, who sits before me, [Mr. GARLAND,] has offered an amendment, that the committee shall be appointed by ballot. Now, sir, I know that that gentleman is opposed to the secret ballot. I know him to be an advocate of the *viva voce* vote. The practice of his State requires it. His own judgment dictates it. I would then ask, how he can insist on this amendment, which is the same thing precisely as to declare in terms that this committee shall be appointed by secret ballot. Sir, I am against the amendment. I am against the secret ballot in a representative body. It is opposed to the principle of our Government—to the genius of the Constitution. It is utterly unworthy of this House that the official action of the Representative should be secret. The close ballot for the people may be right

for the ultimate sovereignty is in them. They are not accountable for their action to any other body. But we, as public agents, as representatives of the people, exercising sovereign powers in their name and right, are directly and immediately accountable to them for every act done by virtue of the delegated authority; and, therefore, our action should be open, public, known without being sought after. All the arguments which have been, or can be, urged against it, would, if followed out in their legitimate consequences, require us to seal up our Journal, abolish the right to demand the yeas and nays, close our doors against reporters and against the public, and sit perpetually in secret conclave. *Publicity* is the basis of responsibility; not to the members of this body, but to the country—to the people who sent us here. There is no argument against the one, which does not go equally to the destruction of the other. Our action should be open, known to our constituents, known to the whole country, not for the purpose of creating any undue dependence anywhere, but to secure and enforce the just responsibility of the public servant, the just right of the constituent body, and the just power of public sentiment.

The gentleman from Kentucky [Mr. UNDERWOOD] has inquired why such defaults have not occurred under former Administrations? Sir, I have listened to this debate; I have observed the tone of defiance and the extravagance of declamation which gentlemen have indulged in. If any one, casually present here, were to judge from the speeches on that side of the House, he would suppose that such a thing as a defalcation of a public officer was unknown in this Government until President Jackson came into power. What would be his surprise, his astonishment, to be informed, after such reckless boldness of accusation, that the Government had never been more fortunate, or more free from these losses, than since the accession of that honest and heroic man to the Presidency; and that the late and present Administrations, for the prudence, the skill, the energy and success, with which they have conducted the finances, might justly challenge a comparison with all former times?

Sir, I call the attention of the House and of the country to the fact that, when the late President came into office, in 1829, the past losses of the Treasury exceeded seventeen millions of dollars, while the actual loss during the eight years of his Administration was less than a million; not one fourth part of the average of all former Administrations. The whole amount of the losses of the Treasury, from the year 1789, when the Constitution was adopted and the Government established, to the 4th of March, 1837, when General Jackson retired from office, exceeded eighteen millions of dollars. During the same time, the aggregate of revenue collected was a thousand millions. Of that sum, more than one fourth part, more than two hundred and fifty millions of dollars was collected during the Administration of General Jackson. If his Administration had been no more successful than those which preceded it, if the losses of the Treasury had been as great under him as they were under his predecessors, they would have amounted to FOUR MILLIONS AND A HALF. But, sir, they were LESS THAN A MILLION; and if you add all the losses which have since occurred under the Administration of Mr. Van Buren, they WILL STILL NOT EQUAL THE AVERAGE, NOR HALF THAT SUM.

On the 4th of March, 1837, the Government had lost, since the formation of the Constitution, more than six millions by banks; six millions and a half by merchants' bonds for duties; near a million and a half by collectors and receivers. (including marshals and attorneys;) and about four millions and a quarter by disbursing officers. All these losses grew out of the system, which has long been in force with little variation, and which we are endeavoring to reform. I include five millions of losses by depreciated and worthless bank paper. Without that, the amount would be thirteen millions. And now, sir, by the rule of equality, the late Administration should have lost four millions and a half, or, in any view, three millions and a quarter, to bring it down to the level of se

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which went before it; but its actual losses were less than a million! And yet, sir, the cry of corruption has been perpetually rung in our ears, from the beginning to the end of session after session, until the gentlemen themselves, who have rung the changes, seem to think that the country have no faith in it, and regard it as senseless clamor. Sir, I ask for the light of truth upon this subject. Let the truth be spread before the country, and the public mind will judge justly. I go for investigation now, and at all times. I undertake to say, that the present Secretary of the Treasury, so far as this subject is concerned, has administered the finances with as great success as any of his predecessors. I will not now go more into detail. It would be out of place. The general results are sufficient for my purpose, and they are conclusive in the view which is now taken. If, sir, in the administration of this Department, under all the difficulties and embarrassments with which it has recently been surrounded, the public money has been not only as safe, but safer, if the losses have been less, if the public interests have been better secured, if the general results have been altogether more favorable, as I have already shown, the vague charge of inefficiency, inattention, incapacity, or corruption, will avail nothing; the weapons of the assailant, however thickly showered, or however well directed, must fall harmless. The justice of the American people will sustain the faithful public servant. When, not long ago, a gentleman from Virginia was challenged by my friend from Maryland [Mr. THOMAS] to show wherein the Secretary of the Treasury had been guilty of gross violation of official duty, what did he do? After he had proclaimed before the House, publicly, repeatedly, in the most triumphant manner, that the Secretary had been guilty of gross violation of official duty, and that he could convict him before any jury of twelve men by the documents sent here by the Department under the Secretary's own hand, when challenged to show when and wherein, and to make it the basis of action in this body in the accustomed form, the gentleman at once retreated from his position, and proposed a resolution for a committee, with power to send for persons and papers, to go upon an exploring expedition, a voyage of discovery, in a wild search for causes of accusation!

Mr. WISE rose to explain. Most assuredly the gentleman from Connecticut does me great injustice, if he says I retracted any challenge. I did say, give me a jury of twelve men and I will convict the Secretary of the Treasury of gross violation of his official duty by the documents under his own hand, and I now repeat it. But I went on and specified when and wherein, and am now publishing the documents in my speech in the National Intelligencer. And, further, I introduced my resolution for a committee of investigation, and the friends of Mr. Woodbury skulked from it.

Mr. TOUCEY. The gentleman does not correct my statement. He affirms it in every particular. He said that upon the documents under the hand of the Secretary, he could convict him of gross dereliction of official duty. He was challenged to specify the act done, or left undone, which he charged as a gross violation of duty, and which he could prove under the hand of the Secretary, and to make it the basis of a resolution for the action of this House; and, instead of this, he retreats from his position, faces about, marches off, and proposes a resolution for a committee to go in search of grounds of accusation! The gentleman had boldly assumed the position that he KNEW of gross violation of official duty by the Secretary; that he could point to the accusatory matter; that he could prove it, and convict the Secretary by official documents in the possession of the House under the signature of the Secretary himself; and, when pressed, sir, he retreats from his position, calls for a committee, and proposes to clothe them with the utmost powers of the House, to send for persons and papers to hunt up grounds of accusation entirely unknown to him! I say, sir, the gentleman has retreated. He is admirable at the onset; he is equally so at a retreat! One specific charge, however, was made, that a certain individual had been renominated

and reappointed to office while a known defaulter. The document, in my judgment, shows no such thing. He was not a defaulter at the time of his reappointment. He became so afterward.

The gentleman from Kentucky [Mr. UNDERWOOD] imputes all these defaults to defects in our system. He has on a former occasion proposed an Independent Treasury according to certain peculiar opinions of his own. I believe his proposition is still pending, unless it was rejected by the committee. He would make the Constitution better than it now is, and transfer the appointing power to the Halls of Congress. I venture to affirm that his proposition would hardly obtain the sanction of any other member than himself, certainly not of one of his colleagues, [Mr. WILLIAMS,] who presented to the House a very extraordinary resolution the other day. If, sir, in the exercise of our rightful legislative powers we are involved in so many difficulties, and encounter so many impediments, what would be our condition if, by a change in the Constitution, a large mass of executive patronage were thrown into this body.

The gentleman from Tennessee [Mr. BELL] thinks his "bill to secure the freedom of elections" the grand panacea for all the evils that exist in this Government. I will say nothing of that bill now, nor stop to inquire whether the want of freedom in the people, in the exercise of their highest rights, has occasioned these defalcations. There is a cause for them; one, most powerful; one, which has crept into the Government in direct violation of the true spirit of the Constitution; one which has been advocated by the Opposition; which the Administration has labored to exterminate; one, more powerful than any and all others combined—the use of the public money for private purposes. This is the root of the evil. This is the chief source of most of the losses of the Treasury, and of a thousand other evils which flow directly from it. It is a fountain of perpetual mischief.

The Constitution has guarded against this abuse in the most decisive manner. It makes the public money a sacred deposit, consecrated exclusively to the great constitutional purposes for which it was raised. For this reason the Constitution requires that there shall be a PUBLIC TREASURY; the PUBLIC MONEY shall be kept there; that an account shall be taken and published from time to time; that no MONEY shall be drawn from the TREASURY without an APPROPRIATION BY LAW. It is in violation of every one of these wise and salutary provisions, that the public money, or any portion of it, should ever, for a single moment, be converted to private use, though the person intrusted with it might be able, from his own private means, to refund the very last farthing.

And yet, sir, what has been the legislation of Congress and the want of legislation upon this subject? You have sanctioned, you have legalized, the pernicious and dangerous practice to an unlimited extent. You have thrown open the doors of the Treasury, you have thrown down the barriers of the Constitution, you have dissipated the public money through all the channels of trade and business and every species of speculation, and when the Treasury is annihilated by law, and the public treasure does not exist, by your own enactment, except on paper as a mere matter of account, you ask, amazed and astonished at what you have done, where is the people's money? Where is the public treasure wrung from the hand of labor for the great purposes of this Government? In the first place, sir, you put the whole public money into the hands of the stockholders of a bank, upon the distinct, well-understood arrangement, that they were to use it, at their own mere will and pleasure, for their own mere private profit. In the next place, when the first National Bank charter expired, you again quartered a company of bankers within the precincts of the Treasury, and authorized them to trade and speculate upon its contents, for their own private profit. When at last these were expelled, it was only to replace them by a more numerous squadron of State banks, with the same power over the public money. Finally, you have put large sums of money into the hands of individual agents, and required of them the per-

formance of responsible duties, without compensation, except what they might derive from its profitable use. You have thus again and again, by a long course of legislation, persevered in against all opposition, sanctioned the *pernicious and dangerous principle*, or rather violation of all principle, that the contents of the Treasury might be used, dissipated, for mere private purposes, and that you would look only to the responsibility of those intrusted with it, for its ultimate restoration.

*The use of the public money for private purposes*; this is the distinguishing characteristic of the old system; of the national-bank system, and of the State bank deposit system; for though different in some respects, in this grand and fatal characteristic they are one and the same. This abuse, this use of the public money for private purposes, thus encouraged and sanctioned, involves the public treasure at all times in the most imminent danger, giving rise to nearly all the losses that occur. In the great majority of cases, it is the direct and immediate cause of the loss. It is corrupt and corrupting, unconstitutional, and demoralizing; we have endeavored to eradicate it.

There are other defects in our legislation, all growing out of this one evil principle, which has crept in, and all clustering about it as its direct and obvious consequences. In all our laws upon this subject, we are struck with the total absence of any provision for inspection or examination, with a view to see that the public money is kept on hand by the officers of the Government intrusted with its keeping. We are equally struck with the total practical exemption of all officers from all blame, or even inquiry, who promptly settle their accounts. There is still another defect equally striking, and still more extraordinary and alarming. While the private property of every individual in the land is protected against invasion by the severest retributions of the criminal code, and the consequent infamy of deliberate and felonious violation, the great mass of the public money is left open to the frauds, the larcenies, and embezzlement of every hand through which it must pass, without a scrap of penal or even prohibitory law upon the subject!

Mr. BOND asked if there was no law for examining the books of public officers.

Mr. TOUCEY. I say there is no law requiring examinations, with a view to see that the public money is kept on hand by the officers intrusted with it.

Mr. BOND interposed again, and said that the act of 1789 expressly provided for an examination of the books of collectors, and that it was the duty of the Secretary of the Treasury to have it done; and if done, these defalcations would never take place.

Mr. TOUCEY. That does not contravene my position. I do not deny, I have not denied that there is authority to examine books. You may examine till doomsday; it will do little good without the other provision. What I say is, there is no provision made requiring inspections or examinations, with a view to see that the money is kept on hand. That is the defect. It countenances the inference that the money need not be kept on hand, provided the officer, when called upon, promptly settles his account. This is the defect, a negative characteristic of your seductive system, growing out of the leading and controlling principle which I have denounced. But, worse than that, there is no law whatever prohibiting the use of the public money for private purposes; none against frauds; none against embezzlements; none inflicting penalties; none threatening the penitentiary for these robberies of the public Treasury!

Sir, I will go further. It is the doctrine of the Opposition; it is their favorite policy that the public money should be used for private purposes. They say it ought to be used; that the public good requires it; that it ought not to be locked up from use, even while in the Treasury. This is the strong argument for a national bank, and for giving the State banks the custody of the public money. They say that the public money, after it has been collected and paid into the Treasury, and before it is disbursed, in pursuance of appropriations made by law, ought not to be hoarded

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safely in the Treasury, but in some way used for the benefit of trade, for the good of the community, for individual accommodation. We deny it. The great parties of the country are in hostility upon this point. We hold the practice and the policy to be radically wrong, essentially corrupt. We hold the PUBLIC MONEY to be CONSECRATED BY THE CONSTITUTION, and by every sound principle of public policy to PUBLIC, CONSTITUTIONAL USES ONLY. The reverse is maintained by the Opposition. The contrary practice and policy which we condemn, are advocated and vindicated by them; and because we differ with them, they denounce us as the enemies of commerce and trade, and the subverters of the credit system.

Now, sir, I ask, is it not an obvious and necessary consequence, of this principle which has been sanctioned of using the public money for private purposes, of these defects in our legislation which I have pointed out as having their source in this principle, and of this favorite policy of the Opposition so strongly advocated and so zealously maintained, that the public officer should persuade himself, deceive himself, if you please, into the belief, that this use of the public money for private purposes, upon the whole, is a very good thing? that, after all, it is right enough, at least, if he only promptly settle his account when called upon to do so? and that the same thing cannot very well be commendable in one set of public agents, and deserve the penitentiary in another? It is not in the nature of man to make fine-spun distinctions against himself, against his own interests—to condemn and disgrace himself in his own judgment for what others are deemed benefactors. I appeal to the experience, the observation, of all who hear me, whether men who would shudder at crime and dishonor do not persuade themselves that they may use the public money; and when they have done so, and some unexpected reverse, the unfortunate issue of some flattering speculation, involves them in difficulty and in ruin, and forces them into the attitude of defaulters towards this Government, are they not ready for any sacrifice to redeem themselves and maintain a character for integrity in the community where they live? Sir, it is the vice of your system; they are the victims of your legislation. In almost all cases they owe their fall to the false principle which you have introduced and sanctioned. We have endeavored to cut it up by the roots—to expel it altogether. We have waged war against it. We will never make an end of the war till there is an end of the principle. We would interdict the application of the public money to private uses. We would bring the oath of the public officer to the aid of law. We would denounce it as an infamous offense, and bring the terrors of the penitentiary to bear upon it. We would bring the honesty and the honor of every public officer, at the very outset, in the most unequivocal manner, to confront and arrest him before the first false step. We would institute the most rigorous and frequent examinations, that there may be no hope to escape detection, no false, flattering anticipation of impunity. We would superadd all the security to be derived from the most ample official bonds. This is what we would do. This is what we have attempted to do. But what has been the course of the Opposition? They have resisted us every step, here and elsewhere. They have met us at every point. They have struggled to maintain and perpetuate the old, corrupt, defective, broken down, unconstitutional systems. They have clung to the bank and State connection. They have resisted all reform. They have labored to defeat the new guards and securities, which we attempted to throw round the public moneys in times of great difficulty and embarrassment, when the whole public treasure, by the operation of laws which they assisted to enact, was thrown, suddenly, by a convulsion, into the hands of public officers. They have refused any law. They have refused to propose any measure of their own, or to modify any measure proposed by us; and twice, when we have offered them a law, recommended, by the Executive, and passed by the Senate, designed to reform existing evils, and to surround the public moneys with new guards and securities, demanded by the exigencies of the times, they have promptly laid it upon the table; and these defects in our legislation,

which are the causes of almost all the defalcations that have occurred, are still permitted to exist, and to swallow up yearly thousands and tens of thousands of the public money.

I hope, sir, the House will come to the vote. I am anxious, whatever the result may be, that the vote be taken. I wish to probe these defaults to the bottom. I know of no one who opposes investigation. But I am not willing that, contrary to the usage of this and of all other legislative bodies organized as this is, the power of appointment should be taken from the proper organ of the House, and committed to the friends of the individual whose misconduct is to be examined. If it be done, let it be done openly, not by secret ballot. I wish to know, and the country will wish to know, who is responsible for what is done. But whatever course shall be taken, our purposes will be defeated, unless we take it quickly. Let the investigation go on; let the facts be examined thoroughly; let them be presented fully; if for no other purpose, at least to enlighten us in the discharge of our legislative duty, and let no obstacle be thrown in the way.

## PUBLIC LANDS.

## REMARKS OF HON. J. C. CALHOUN,

OF SOUTH CAROLINA,

IN SENATE, January 15, 1839,

On the engrossment of the bill for graduating the price of Public Lands.

Mr. CALHOUN said: I have no desire, Mr. President, to retard, in the smallest degree, the final action of the Senate on this bill; and in order to avoid unnecessary consumption of time, I intend to state, as concisely as possible, my views of the proper policy to be pursued in reference to the public lands lying within the limits of the new States, and my reasons for voting against the engrossment of this bill.

I shall begin with premising that I am under strong conviction, both from observation and reflection, that we have arrived at the period when an entire revolution of our land system, as far as it is applicable to those States, is unavoidable. They have, in fact, outgrown the system. Since its first adoption, they have come into existence, have passed through a state of infancy, and have now arrived at manhood. The system which was wise and just at first, is neither wise nor just, applied to them in their changed condition.

We have heard much, Mr. President, in the present discussion, about the growth of the new States; but, if I may judge from the various measures proposed on the present occasion, we have neither realized its rapidity, nor the unavoidable changes in our land system which must follow in its train. Their wonderful growth is, indeed, one of those realities almost beyond the grasp of imagination. When I go back twenty-seven years, to the period when I first became a member of the other House, and compare what the new States then were to what they now are, I am lost in wonder and amazement. Their growth is without example. There is nothing like it in history. At that time there was but a single new State, (Ohio.) I exclude Kentucky, Tennessee, and Maine, all of which have been admitted since the adoption of the Constitution, and limit my remarks to those which have since sprung up on the public domain.

Ohio had then but one Representative in the other House, Jeremiah Morrow, an honest and sensible man, who was at that time at the head of the Committee on the Public Lands, and had the confidence of the House so completely that his voice was the law on all subjects connected with them, so little interest did they, at that time, excite. There were then thirty-two Senators in all, of which Ohio had, of course, two; that is, the one sixteenth of the whole. In the electoral college she had three votes, which made her right about the one fiftieth in that body—a weight scarcely felt or estimated in the political movements of the day.

Such, at that time, was the infant and feeble condition of the new States. Since then, in a period but little exceeding that allotted to a single

generation to pass over the stage of life, how wonderful the change! Instead of one, as then, there are now nine new States; and in the place of two Senators in thirty-two, we now have eighteen in fifty-two; making, instead of one sixteenth, more than a third of the whole; and already three Territories, Florida, Wisconsin, and Iowa, are struggling for admission. When admitted, which must be shortly, there will then be twelve new States, with twenty-four Senators in fifty-six, which will increase their relative weight in this body to three sevenths of the whole.

But as wonderful as has been the increase in this body, it will be still more so, after the next census, in the other. It will be taken next year, and a new apportionment of the members will be made under the Constitution; when, instead of a single member, being less than one in a hundred, as was the case twenty-seven years ago, the representation of the new States will then stand to the old, at least, as forty to sixty, or two fifths of the whole, as calculated by a friend familiar with the subject, and in whose accuracy I have entire confidence. The new States having, as they will then, three sevenths in this, and two fifths in the other House, will, of course, have a relative weight in the electoral college, or the same thing in a choice of a President, compounded of the two, that is, five twelfths of the whole. So much for the past.

Now, if we turn to the future, we shall find the cause of this amazing growth so far from being exhausted or weakened, is acting with increased force, and urging forward the growth of those States with accelerated, instead of a decreasing, velocity; so much so, that the past changes in the last twenty-seven years will appear as nothing compared with what will take place in the next twenty-seven, unless some unforeseen occurrence should intervene to retard their progress. If my memory serves me, our population, twenty-seven years ago, was about seven millions; and our annual increase then, that is, the excess of births over deaths, including emigration, about two hundred thousand, estimating our growth at three per cent. compound. Since then, our population has increased not less than nine millions, making the present probably about sixteen; which, on the same data, will make our annual increase at this time but little short of half a million; the greater part of which will find their homes in the new States.

I will not enter into a minute calculation as to the effects of this great increase on the relative weight of the new and old States at the next succeeding census, in 1850. It is sufficient to say, that it will give a decided majority to the former, both in the House of Representatives and in the electoral college, and of course, in the Government; and thus, in the short space of one generation and a half, the center of political power, as between the old and new States, will have passed from the former to the latter.

Now, with these unquestionable results before us, I ask, not whether it would be wise to continue the old system; no, sir! a far bolder question—*will it be practicable?* And if not practicable, *would it be wise to struggle to continue it till overthrown by the force of unavoidable and irresistible causes?* I ask, what would be the effects of such a struggle? Would it not be to excite, in the first instance, animosity and discord between the old and new States, and, in the end, to overthrow the entire land system, with the certain loss, ultimately, of the public domain? I shall not, on this occasion, attempt a formal discussion of these points. I propose, in order to illustrate, simply to show how vain and dangerous would be the attempt to hold on to the present system, under these great and growing changes, by tracing its operation under a single aspect, its bearing on the presidential question.

To have a clear conception of this, we must bear in mind that after the next census the new States will have five twelfths of the electoral college; and, of course, compared to either of the other sections, a controlling voice in the election of a President. He who keeps this in mind, and understands the workings of the human heart and of our system, must see that in the presidential contest, (for such it must ever be,) the great point, hereafter, will be to secure their favor; and that

this can be best done by favoring their peculiar views and policy in reference to the public lands. Now, one of two things must follow: either all the candidates will enter into this competition, in which case the struggle will be who shall go furthest, and its consequence to give the vote to him who may bid highest. It is easy to see how this would end. The public domain, the noble inheritance of the people of this Union, would be squandered, or rather gambled away, in the contest; and would thus be made, at the same time, the means of plunder and corruption, and of elevating to power the most profligate and audacious.

But if, instead of all the candidates seeking the favor of the new States, a part should court their interests, and the others that of the old States, the train of events would, indeed, be varied, but the ultimate result would be the same. On this supposition each of the candidates would resort to means best calculated to secure the section on whose support he might rely. Those looking to the new States would push to the extreme the favorite policy of those States in reference to the public lands; while the others would take the opposite extreme in favor of the old States. Now, when we reflect that the new and the old States must necessarily, from their different position and relation to the public lands, entertain very different views of the policy that ought to be pursued in relation to them, in almost every point—so much so, that the one shall consider that but as the demands of justice which the other shall regard as nothing short of open plunder, as we have witnessed in this discussion—we may form some conception of the violence of the conflict which must ensue in the case supposed. We have had, even in this early stage, and on this very question, some indications of what we may expect. The most violent animosity and hatred would follow, and every man, be his motives ever so pure and patriotic, would be regarded the friend or the enemy of the new or the old States, as his opinions favored the policy of the one or the other. The final termination of the conflict would not be doubtful. Whatever turns of fortune might occur in its progress, the new States must, in the end, prevail. Their relative increase is far more rapid than the old; so much so, that after 1850—that is, after the third presidential election from the next—they would be left, as I have shown, the undisputed possession of the field. In the mean time, while the struggle is going on, the animosity would daily increase on both sides. The longer it continued the more bitter it would become, and the more certainly and completely would the present system be overthrown, if, indeed, the Union itself should be strong enough to withstand the shock. Such must inevitably be the fate of the present system, should we have the folly, I might say the madness, to attempt to continue it as it is, so far as the new States are concerned, regardless of the great changes which have already taken place, and the still more mighty in progress.

Having now pointed out the danger, I turn next to the deeply important question of remedy, which demands the most prompt and solemn consideration, both of the Government and the community. The question is, what means shall we adopt to avert the mischief which I have shown to be so rapidly approaching, and which must inevitably soon arrive, if not prevented by some speedy and efficient measure? Already one has been proposed, originally brought forward to relieve a distended Treasury of its burden, but which its author (the Senator from Kentucky, Mr. CLAY) has renewed on the present occasion, doubtless with the view, in part, at least, to meet the growing disorders of the system. His proposition is to divide the proceeds of the public lands among the States, with the double view, I suppose, to a more equal participation in the advantages of the public domain by the members of the Union, and to preserve the present system by a more vigilant guardianship of the States. I do not now intend to discuss the merits of this measure. My object is simply to state, in general terms, my opinion in relation to it, without entering into the reasons on which it is grounded.

There appears, then, to me, to be great and decisive objections to the measure. The right to adopt it may, in the first place, be fairly ques-

tioned. We hold the public domain as a common property or fund, belonging to the States of the Union in their confederated, and not in their individual character. They were acquired either by purchase out of common funds belonging to the Union, or by cession from the States to the Union, to be held as a fund in common; and I am at a loss to conceive what right we have to make that which belongs to the whole Union as a common fund, the separate fund of each State. It seems to me that it cannot be done without a manifest breach of trust and a violation of the Constitution. This is no new opinion, formed for the occasion. It was, on the contrary, formed when its author first introduced the measure, and when he and myself thought alike as to the necessity of relieving the Treasury of its surplus, in order to avoid the difficulties and the dangers which have since followed. Believing, then, that it would be effectual for that purpose, and more easily adopted than any other, I examined it with an inclination to embrace it as a temporary measure of relief against a pressing evil; but it was impossible for me to bring my mind to assent to the right of adopting it.

But suppose this difficulty surmounted, there are others which I regard as insurmountable. Among them the fiscal objection is very formidable. The revenue from the lands cannot be spared at present, and if distributed, as proposed by the measure, would necessarily throw the whole expenses of the Government on a single source—the duties on imports—and which must be followed by their increase. This would neither be fair, nor equal; and to which I, representing in part a portion of the Union on which the increased burden would mainly fall, cannot assent.

But as formidable as is this, there are others far more so. It would not meet, or avert the approaching danger. It would still leave the public lands in the new States under the operation of the present system, and the subject of violent conflict between them and the old States, with all the calamitous consequences to which I have adverted. Instead of preventing the danger, it would, in fact, hasten and aggravate it. It may be laid down as a maxim, that no measure can avert it which is not adopted with the approbation and consent of the new States; for the simple reason that they must soon become the predominant power; when that which was established against their consent would be certainly overthrown. Such would be the case with the measure under consideration. If adopted, it must not only be without the consent of those States, but with their strenuous opposition, of which we have had the most conclusive evidence on the present occasion. When moved by its author, as an amendment to this bill, it was violently opposed at the threshold from that quarter, and received but a single vote from the new States. It is not necessary to inquire whether this opposition on their part is reasonable, or not; whether it is the result of mere prejudice, or of deliberate conviction that it is hostile to their interests. The fact itself, that there is an almost universal and determined resistance to the measure on their part, right or wrong, is, of itself, sufficient proof that it cannot be relied on to avert the threatening danger. On the contrary, its necessary effect must be to accelerate and aggravate it. Its adoption would, at once, bring the old and new States into violent conflict, in which the former would be arrayed, almost to a man, in determined effort to overthrow the arrangement, or some more hostile measure. Add to this that the presidential contest would not fail to run into the controversy, and thus redouble the excitement and animosity, with all the fatal consequences which I have shown must follow from blending the two.

Assuming, then, that the scheme is both objectionable and inefficient, the question again occurs, what ought to be done? My mind is made up, after the most serious and deliberate reflection, that there is, and can be, but one remedy; to cede—no, that is not the proper, the constitutional word—to dispose of the public lands to the States within the limits of which they respectively lie, on such terms and under such conditions as shall, at the same time, be just and liberal to the new States and safe to the old. We must, in a word, part with the ownership and administration of the lands lying within the States, leaving those in the Territories, and

beyond, under the operation of the present system. The evil lies in ownership and administration, and without parting with them no permanent or effectual remedy can be applied.

But what shall be the terms—what portion of the proceeds of the sales of those lands shall be left to the States, to remunerate them for the expense, trouble, and responsibility of their administration, and what portion shall be paid over to the Government annually as a compensation for the land? I am not prepared to answer the question. Its decision must depend on a careful and minute examination of all the facts and circumstances of the case. But I am decidedly of the opinion that the portion to be left to the new States ought not only to be ample to cover the trouble, expense, and responsibility of management, but very considerably beyond, so as to unite their interests with ours, in order to give stability to the arrangement and insure care and fidelity in the management. Resting my estimate of the compensation on these principles, I have supposed that the new States might pay over annually one half of the gross proceeds of sales to the Government, and have an ample sum left for their compensation. But this is a mere estimate, without sufficient data, and is, of course, liable to be increased or diminished after a careful calculation founded on facts.

With these suggestions as to the terms, I next proceed to the conditions on which the lands ought to be disposed of. I propose to suggest only the most prominent, without pretending to a full enumeration.

In order to give stability to the arrangement, it will be indispensable that the whole transaction should assume the form of a compact; and for this purpose, that Congress should pass an act containing the terms and conditions of the transfer; and that each of the new States should pass one, on their part, to be irrevocable, assenting to the same, before it is made. The act of Congress should, of course, determine what part of the proceeds is to be paid annually to the Government, and the time and manner of payment; and also to provide for keeping regular books of accounts, to be open to the inspection of the Government, so that the exact state of the account between it and the States, may, at all times, be ascertained by the former.

The act of Congress should also contain all the prospective provisions which may become necessary in the future administration of the lands under the arrangement; and should then provide that the land laws, as modified by the act, and as far as they are applicable to the new state of things, shall remain unchanged, without the consent of Congress. A provision of this kind would be not less essential to the States, than to the Government. Without it there could be no stability nor uniformity. Without it the States would, in a short time, enter into a competition to turn the current of immigration, each towards itself, which would commence by a reduction of price, and end by a loss of the lands. But with the provision proposed, the system would retain its uniformity, and become more stable than at present.

To enforce the faithful execution of the compact, the act should also contain a provision that, in the event of the violation of the conditions of cession, all grants thereafter made by the State should be null and void. This would place the compact under the protection of the courts of the Union, and make it the interest of the State and its citizens to observe it. In this connection, the liberal allowance proposed to be made to the States, in order to unite their interests with ours, would be important. The revenue which they would derive from the land would be applied to roads, canals, or other improvements, that would create a powerful interest in favor of the arrangement; which, with the conditions proposed, and their sense of justice, would insure, I trust, on their part, a faithful execution of the compact.

Such, as it appears to me, should be the leading conditions; but, doubtless, there are many others which would be suggested by full and careful examination of the subject.

This, Mr. President, is the general outline of the measure which I propose as a remedy; and which brings up the important question, would it accomplish the object intended; that is, would it arrest the

growing conflict between the new and the old States? Would it prevent the public domain from being converted into a fund to make Presidents, and to be squandered away in the struggle? And, finally, would it substantially, and more effectually than any other measure, secure to the Union the benefit of the public lands lying within the new States? It is the conviction that it is better calculated to secure these important results, than any other measure that can be devised, which has induced me to present it for consideration; and it is on that issue, exclusively, I intend to rest its fate. All I ask is a calm and impartial investigation, confidently believing it will bear the test, and willing to abide the result. Without attempting to enter on such an investigation now—for which I have not the necessary information, and, if I had, it would not suit the occasion—I propose to limit myself to a few very brief remarks in support of my conviction.

That a measure, such as I have suggested, if it should be adopted with the hearty consent of the new States, would arrest the growing conflict between them and the old, and take the public lands out of the vortex of the presidential contest, must be obvious on a little reflection. It would remove the cause of conflict, the only effectual mode of preventing the threatened danger. Transfer the lands, and the administration of them, on just and liberal terms, to the States, and close our land offices within their limits, and you will, at once, place the States beyond the reach of the action of the Government, and influence of executive control, and would thereby leave both the new and old, as far as the land question is concerned, free from all improper bias in the election of the Chief Magistrate. The only point of conflict that could possibly remain between them in reference to the lands, would be as to the conditions of the cession; but it may be easily shown, that if the terms should be liberal and satisfactory in the first instance, to the new States, as I have proposed, that they would neither have the disposition nor the interest to disturb the compact; or if they should, the hazard of losing the lands in consequence would be far less than it would be should the present system be continued. But there may be some who may admit this to be true, and yet object that the advantages which I anticipate from the measure would be purchased, on the part of the old States, at too great a sacrifice. It would be premature to undertake to answer this objection before it is ascertained what portion of the proceeds should be left to the States, and what paid over to the Government; and this cannot be done till after a laborious investigation, as has been stated. All I maintain at present is, that the portion allotted to the States should be not only just and liberal, but such as would interest them in preserving the arrangement. Thus far it would be obviously the interest of both parties, as has been shown. In the mean time, I have suggested an equal division of the proceeds, under the belief that it would be satisfactory to the new States, and probably not far from the division which a rigid investigation would establish.

But of one thing I feel assured, that, when the subject is fully examined, it will be ascertained that an apportionment of the proceeds may be fixed on which will give to the Government a sum per acre as large, or not much less, on all the lands which might thereafter be disposed of, as it has received for what has been disposed of since the present price was fixed; and which would leave, at the same time, to the States a liberal and satisfactory allowance. If this should prove to be the fact, the interest of all parties, even in a pecuniary point of view, would be reconciled. But that would be taking too narrow a view of this important subject. To determine correctly the true interests of the parties in this arrangement, we must raise our eyes above pecuniary considerations, to the far more interesting view—the political bearing of the measure. Thus viewed, the gain to both, and to the whole Union, would be incalculable. The new States would gain the ownership and administration of their whole domain—a gain not more essential to their own independence than to the convenience of their citizens, who would thereby have their claims, connected with the public lands, adjusted by their own Legislature, instead of being dragged to a

great distance from home to await the tardy and uncertain action of Congress. But their greatest gain would be, that they would be elevated to an equality with the other States in all respects, and exempted from the controlling influence of the Government arising from a widely-expanded system of land offices.

To the Union the gain would be not less important. Congress would be relieved from an immense and increasing mass of business, which now consumes at least one third of its time, and be left free to turn its attention to other subjects of deep interest, which it is now compelled to neglect. The sessions would be greatly shortened—a matter of importance, not only in a pecuniary, but still more in a political point of view. But these, though important, are but minor advantages. There are others immeasurably greater. It would close our land offices in the new States, and, with them, the door to the vast patronage and influence which they place in the hands of the Executive. Who can estimate this advantage? Who is there, that has a particle of patriotism or love of republican institutions, who would not rejoice at the reduction of such immense patronage, made not only without injury, but with advantage, to the public? When we add to this that it would remove all causes of conflict between the old and new States; that it would withdraw from the presidential contest the public lands, that prolific source of corruption in the hands of the profligate; and, finally, that it would save our vast and noble domain itself from being squandered in the struggle, it is hardly in the power of calculation to estimate the advantages that would result.

Having now suggested what I believe to be the proper policy to be pursued in relation to the public lands within the new States, and hastily traced the advantages of the measure I have suggested for consideration, the next question is, have we the right to dispose of the lands in the manner proposed? I would not have supposed that there could have been a doubt on this point, had not the Senator from Massachusetts [Mr. WEBSTER] raised it on this, as well as on a former occasion. The Constitution gives to Congress, expressly, the right to dispose of the public lands; and why may they not dispose of them to the States as well as to individuals? I can see no reason, and never have heard one assigned. We are in the daily habit of making grants to the States for public purposes; and if we may grant, may we not also sell or dispose of them, as I have proposed? The lands belong to the States, in their confederate character, as has been stated; and Congress is the trustee to dispose of them for the common benefit. They are bound, in the fulfillment of the trust, to dispose of them to the best advantage; and if the disposition proposed be the best for all concerned, Congress has not only the right to make it, but would be bound by the trust so to do.

Entertaining these views, it may be asked why I have not brought forward the measure this session? My answer is, there is not time, at the present short session, to digest and carry through a measure of so much importance, and involving so many and such conflicting interests. But I pledge myself, if present at the next session, to introduce it at an early day, and to use my best efforts to press it to a decision. If I can prevent it, no other measure relating to the public lands shall take precedence of it.

I have now presented my views as to the policy which ought to be adopted in reference to the public lands within the new States; and it now remains, in conclusion, to assign my reason for voting against the engrossment of this bill.

Believing that nothing short of a radical change of policy, such as that proposed, can arrest the evils apprehended from the present system, I am of the opinion, that until some permanent remedy can be applied, the proper course is to vote against all partial and temporary expedients like the present; and I shall, in conformity to that opinion, give my vote against this bill. I believe it to be the course, not only the best calculated to insure, in the end, the application of a permanent and efficient remedy, but also to prevent, in the intermediate period, the mischiefs naturally resulting from the present system. But in addition to these general reasons, there are others against this particular measure, sufficient to induce me to vote

against it. Passing others by, I shall only notice one.

This bill is pressed on the Senate, on the ground, among other reasons, that it is a financial measure. It is stated that the Treasury is deficit, and that one of the effects of the reduction of the price of the public lands would be a present increase of the revenue from that source. I am not prepared to say whether such would be the fact, not having examined the point sufficiently to form an opinion; but if it should be so, it would to me constitute an objection, instead of a recommendation. It is admitted that the increase of the revenue would be temporary, and be followed in a short time by a corresponding reduction. Now, if I am not mistaken, the income of this and the ensuing year will, without further addition to the revenue, be sufficient to meet the expenditures, with due economy, and timely and judicious retrenchment. The pinch will be in the two subsequent years—1841 and 1842—when six tenths of the entire reduction under the compromise act will take place. The difficulty will be in passing through those two years, and this bill, considered as a measure of revenue, instead of passing now, ought to be postponed until then. Its passage at this time would but increase the difficulty two years hence. Whatever it might add to the income of this and the next year, would serve but to increase their expenditures to the same extent. Experience has taught us that our expenditures increase with our income, and that if there be money in the Treasury, it will be spent, regardless of consequences. The result would be that, instead of aiding the Government to meet the fiscal crisis of 1841 and 1842, by increasing its income then, it would compel it to meet it under the great disadvantage of increased expenditures with diminished means. Under this belief, if there were no other objections, I would feel myself compelled to vote against the bill.

#### SWARTWOUT'S DEFALCATION.

#### DEFERRED HOUSE DEBATE.

January 19, 1839.

The SPEAKER having stated that the business first in order was the motion of Mr. TAYLOR, (who on the preceding day had been elected to fill one of the vacancies in the committee,) that he be also excused from serving on said committee—

Mr. TAYLOR rose and said that he felt it incumbent upon him to state the reasons why he had preferred this request, and he thought he should be able to assign such reasons as would be satisfactory to the House.

It is possible (Mr. T. continued) that I may be subjected to the charge made yesterday, of a design to delay and procrastinate the organization of the committee. If I know myself—if I know my own heart—such a design is furthest from my thoughts. It enters not into the reasons which have induced me to ask to be excused. I have felt anxious to have a committee appointed. It is due to the Administration, it is due to the country. I desire that the committee may be organized as early as practicable, and I have so expressed myself from the commencement of these proceedings. I hope, therefore, I shall not be charged with designedly delaying its organization. A majority of the committee has been selected from the opponents of the Administration, who appear to have a majority in this House upon this question. They have selected the committee to suit their own peculiar views, and have placed upon it six men upon their side of high legal attainments. And as they seem disposed to place upon it three Administration men, I ask whether it is not due to themselves, to the Administration, to the country, and to the cause of justice, that these should be, also, gentlemen of high legal attainments?

The duties of this committee will be not only onerous, but complicated; and if I rightly apprehend the nature of those duties, a general knowledge of law, and experience in the investigation of matters involving legal principles and proceedings, will be best calculated to aid in this investigation. An acquaintance, also, with the internal regulations of the Treasury Department, the details of its business, the duties of the different

officers, &c., as well as some acquaintance with the internal regulations of the custom-house, would perhaps be of essential aid in the investigation of this case with facility. Now, I presume it is well understood that my profession and habits have been in a different channel. I make no pretensions to any particular acquaintance with the general principles of law, and particularly as applicable to the examination and cross-examination of witnesses; neither has my position on any committee of this House necessarily led me to much intercourse with the Departments, and the details of business there. My position on the Committee on Invalid Pensions may have been from the impression that my professional experience might render me more useful there than on some other committee. In the selection of committees, reference is usually had to the peculiar qualifications for the appropriate duties of the different committees; and it would hardly be expected of the Speaker that he would place on the Judiciary Committee farmers, mechanics, &c., men who have not those legal acquirements necessary to the investigation of the appropriate business of that committee, however well qualified they might be for the general discharge of their duties in this House. And if the standing committees were appointed by the House, the same rule would doubtless prevail. In matters of this kind I have no pride to gratify, and hesitate not to say that I have not those legal qualifications that I apprehend, from the nature of this investigation, will be best calculated to aid in the discharge of the duties of the committee.

I will now for a moment allude to the position assumed by the gentleman from Virginia, [Mr. WISE,] in relation to this matter. That gentleman is, I suppose, to be considered as the head of the committee. He has pledged himself to the House and to the nation to convict the Secretary of the Treasury of corruption.

Mr. WISE asked leave to explain. I pledged myself (he said) that if you would give me a committee to inquire into the grounds of impeachment, and make it an efficient committee, I would show that the Secretary of the Treasury had so grossly violated his duty as to render himself liable to impeachment. But this committee proposes to inquire simply into the causes of the defalcations, the names of the defaulters, the extent to which the public moneys have been taken. This is another inquiry entirely, and my resolution lies there on the Speaker's table.

Mr. TAYLOR resumed. Well, sir, I stand corrected. I will take, then, the general position which the gentleman occupies towards the Administration, and particularly towards the Secretary of the Treasury. The relative position which he now occupies towards the Secretary of the Treasury is, that if he had a committee he would furnish matter for impeachment. Having, then, upon the committee now raised, a majority of those who it may be supposed will meet his views, and cooperate with him, I would ask the gentleman, and the party with whom he acts, if it is not due to the Secretary, to the Administration, and to a fair and impartial investigation, that there should be three, constituting the minority of the committee, whose peculiar professional education and experience in conducting matters of this sort would insure justice in the premises? I impute no improper motive to the gentleman. I speak of the natural impulses of the human heart; and I say, with the opinions which he has more than once expressed; with the convictions which he admitted yesterday; and with the natural prejudice of party feeling added, he is liable, in spite of himself, to be partial in conducting this investigation. It is in the human heart to be so. Standing there as he does, I again ask whether there ought not to be on this committee three friends of the Administration of those professional qualifications and experience best calculated to insure a fair and impartial investigation?

The gentleman from Virginia said yesterday that the course pursued on this floor, by asking to be excused, indicated to him a determination either to avoid or delay the organization of the committee, or to compel them to accept some picked men of the party, who, by their skill and qualifications, might delay or embarrass the operations of the committee. After all this, I must

say, if I have been elected by the votes of the Opposition members of this House, for reasons indicated in those remarks, self-respect would compel me to decline the honor of serving.

In conclusion, I will say that I am at present chairman of a committee, the duties of which are important; and I have also other important duties to perform, connected with my situation as a member of this House; and but for these reasons which I have offered, I should not have appealed to the House to extend to me that courtesy which has been granted to others.

Mr. GRAY said he had not heretofore taken any part in this debate, nor was it his desire to do so. He was, however, disposed to join in the request which his colleague [Mr. TAYLOR] had made to be excused from serving on this committee, as it seemed to him that his reasons were conclusive. He has said that the duties which the committee will have to perform are of a nature peculiar to the legal profession. He has said, and said truly, that the gentlemen elected from the anti-Administration party are all lawyers of distinguished abilities. He has also said that his profession is not that of a lawyer, and that he has not, by profession or practice, been led to the investigation of rights and wrongs to such an extent as would fit him to be placed in competition with gentlemen whose education and practice had fitted them for this peculiar service in a greater degree than any other duty which they might have to perform in Congress. I do not pretend that the rules of evidence, studied by lawyers, are to be strictly observed in eliciting facts; but I do say that a knowledge of those rules, and the practice of years under them, give to those who have the theory and practice, upon this or any other investigating committee whose duty is to investigate the conduct of officers whose duties are prescribed by law, a decided advantage. The greatest adroitness exercised by lawyers is frequently exhibited in the examination of dishonest witnesses. I am not about to say that the committee, taken from the ranks of the enemies of the Administration, are so dishonest as to require watching, but these are times when party feelings run high, our prejudices are strong, we honestly come to different conclusions without prejudice; but when party prejudice beclouds our judgment, then are we more apt to differ, and then it is the duty of the committee to reason with each other. They may differ upon the construction of a statute prescribing a duty, the performance of which it may be their business to inquire into. Ought they, then, to select my colleague to reason upon a question of law? In the duties that devolve upon us here, I would, in almost ninety-nine cases out of a hundred, submit to his superior judgment. I would not ask a lawyer a question of physics, or think a physician a fit person to determine law matters. I have a question to submit to the gentleman from Virginia, [Mr. WISE,] in regard to his remarks in a former stage of this debate. If I misunderstood him, I hope he will set me right. I understood him at the onset of the debate, when the resolution for a committee was under consideration, to say that he could, on the report of the Secretary of the Treasury himself, convict the Secretary of a gross violation of duty, and of negligence, before any twelve impartial men of his own party.

Mr. WISE explained. I said, and I now repeat, and have published what I said, and the evidence upon which I founded it, that upon document 297, showing the correspondence of the Secretary of the Treasury with the receivers and collectors of the public money, and the report of the commissioners appointed to examine those officers, the Secretary of the Treasury had been guilty of a gross violation of duty and of law, and that, in my opinion, there was evidence enough to convict him of a corrupt intent.

Mr. GRAY resumed. I understood the gentleman right, then; and in the remarks I am about to make, I beg to be understood as differing from him entirely. I attribute to him no improper motive, and repeat what I have before said, that our prejudices often mislead our judgments. I use his statements to show that it is due to him that three persons, the choice of the friends of the Administration, should be placed upon the committee, with the six first chosen who are opposed

to the Administration, at least so far as this question is concerned.

Mr. MASON, of Ohio, rose to a point of order, as to the relevancy of this discussion.

The SPEAKER declared that Mr. GRAY was in order.

Mr. GRAY resumed. My object in referring to the remarks of the gentleman from Virginia [Mr. WISE] was to show that it was important for him that he should consult the wishes of the friends of the Administration in the choice of the three Administration men to be placed upon the committee. I submit it to him, and his political and personal friends, whether it may not furnish him with an argument with which to repel the imputations that may hereafter (in case the doings of the committee should reflect upon the Secretary of the Treasury) be cast upon him of prejudging the case. His opinion formed and expressed against the Secretary of the Treasury is strong. It may be said of him hereafter that he carried with him into the committee-room opinions founded upon a record of the Secretary's own showing; and will it not then be said that he was prejudiced and had prejudged the case? I repeat my assertion, it is due to the gentleman from Virginia, to his personal and political friends, that the Administration party should select their own men, that he may hereafter, if charged with having prejudged the case, be able to reply that he was confronted by three men of the Administration party chosen at the suggestion of the party.

Mr. WISE asked leave to say a word. The gentleman (said Mr. W.) does not argue this matter fairly. In the first place, I have to submit it to his candor and sense of fair dealing, whether it is proper and fair, at the very outset of this investigation, to attribute to me the character of prosecutor, instead of the character of inquirer? I will, at the same time, admit all that a sense of justice requires me to admit. Does the gentleman ask me if I have charged the Secretary with gross neglect of duty? I say, yes; it would be impossible to contradict it, for I have published it. Does the gentleman ask me if I have an intuitive, holy horror of the party that would tolerate these things? I answer, yes. I, sir, for the very reason the gentleman has assigned, would take the best and most efficient men of the party; but I would pick men whom I believe to be independent and conscientious; gentlemen who would not resort to useless cross-examinations, special pleading, and county court pettifoggery, to hinder and obstruct a fair investigation, and thus prevent us from making a report before the end of the session. Give us such men, and I think the gentleman from New York [Mr. GRAY] is, himself, one of that number. I will take him. I had respect for the intelligence, the honor, and the integrity of the gentleman from New York, [Mr. TAYLOR,] and therefore voted for him, the highest compliment I could pay to his intelligence and character.

Mr. GRAY resumed. The House will perceive that I am not dealing with the motives of the gentleman from Virginia, [Mr. WISE,] nor do I wish to pursue an unfair course of argument. As matters now stand, such imputations will be made, and the course I suggest is to save the gentleman from such imputations, or furnish him with a reply to them when they are made. It is due to the Administration, and is as important to the gentleman from Virginia as the Administration, for the reasons I have stated, that three such men as the Administration may select from among the most sound and distinguished lawyers of the party should be put upon the committee.

Mr. SIBLEY rose, and suggested that there were in the New York delegation eminent lawyers, and that his colleague [Mr. GRAY] is one among the number. Mr. S. therefore inquired of his colleague, if he [Mr. GRAY] was elected, if he would serve on the committee?

Mr. GRAY resumed, and replied to his colleague [Mr. SIBLEY] that inasmuch as he could not respond to the compliment, he must decline answering the question, and proceed. The gentleman from Virginia seems to suppose that if such lawyers as the friends of the Administration should select should be put upon the committee, the time of the committee would be uselessly wasted by them in examining and cross-examining witnesses

25TH CONG....3D SESS.

Defalcation of Samuel Swartwout—Mr. Gray, Mr. Prentiss.

HO. OF REPS.

and pettifoggery, so as to render it impossible to come to any result before the session closes. Now does he not perceive that he arrogates to himself and his party that they would not do this? We, at most, only ask to elect one lawyer to two they have already elected. Does he not assume that one selected by us would take up twice as much time as one selected by them, and thus arrogate to himself and his party more integrity and intelligence than he is willing should be ascribed to others, in the ratio of two to one? It is no new idea that his party arrogate to themselves all the intelligence and honesty. We are not particular as to the individual we choose, as three out of a dozen, or a greater number, would suit us. We can give you twelve names, out of which you may select three. [Loud cries of "give us the names; we will take you at your word."] I am only desirous that each party should enter upon this investigation on fair terms, and not have what the gentleman from Virginia had so frequently called a stocked-pack committee. The argument for the appointment of the committee by the House was, that we might avoid what the gentleman himself had called unfairness in the Speaker in appointing the committee. The Speaker, according to custom, had appointed a majority of Administration men upon all-important committees, and had observed the will of those opposed to the Administration in regard to the minority appointments; and yet his committees were denounced as stocked-pack and *sex-tres* committees.

And what have the majority of the House now done, each man of them? Have they not done worse than the very thing they denounced in harsh terms when it was done by the Speaker? The difference—it is manifest, and consists in this: the Speaker regarded the will of the minority, so far as I have learned, in appointing the minority of select committees, appointed by him; the Opposition have disregarded entirely the will of the minority. That which is worse than a vice yesterday, is a virtue to-day. Now, if the gentleman from Virginia will allow me to use his term, *sex-tres*, I will not abuse it; I will apply it to the election of this committee. Is not this a *sex-tres* committee, in the worst sense? I do not wish to do injustice to any man in attributing to him a position, and hope, if I do so, I may be corrected at once. I repeat, is not this a "stocked pack," a "*sex-tres*" committee? And under what circumstances was it not argued by the gentleman from Virginia, [Mr. WISE,] that, if an election by the House could be had, a due regard would be had to all parties? And when the balloting came on, a dozen of the Administration party, whom I see around me, voted for three of the very men from the Opposition that are elected—men designated by their friends—men, too, for whom some of the Conservatives and Whigs even did not vote. And if as many Whigs had voted for the persons designated by us, the committee would have been organized two days ago. Upon what ground of fairness, then, are we charged with a desire to prolong or delay this investigation? Had we been met in any spirit of fairness, the committee would have been easily chosen. The sin does not lie at our door, but at the door of the Opposition. And now, again, in reference to my colleague [Mr. TAYLOR] I desire not to be misunderstood. As a member of this House, taking all his duties into consideration, I think him among the first and ablest men in it. His constituents know that he is honest and capable, or they would not have thrice honored him with a seat on this floor. It is because he is an able man that he was elected to serve on this committee, that the Opposition might, when charged with unfairness, say, we elected one of your ablest men—there was some cunning in it. Be assured that he would not have been elected, had he been as highly qualified for serving upon this committee as he is for the discharge of any other duty that might, in the course of legislation, devolve upon him. It was treating him with unfairness. Would any one here employ a physician to try an ejection? Why, then, force him to serve on this committee, where constructions are to be given to statutes, and perhaps unwilling witnesses to be cross-examined? We have a feeling in this matter, a sense of justice, of self-respect, and of duty, which must prevent us from yielding to the election which has taken place. The self-respect of

my colleague [Mr. TAYLOR] prompts him to the course he has taken. And, under all the circumstances, should he not be excused by the House, and should he surrender his seat here in preference to his self-respect, which he is bound, by duty to his constituents and himself, to preserve, old Onondaga would hail and welcome him home, and set down his conduct on the occasion to a new account of credit.

Mr. PRENTISS, of Mississippi, said he wished the gentleman from New York [Mr. GRAY] would make the proposition he had spoken of, and thus save all further debate; otherwise the House might never be able to find out what he and his friends wanted. In selecting men to represent the Administration party on this committee, (Mr. P. continued,) we have chosen from among those who have been the most prominent actors here, and who have, on all occasions, put themselves forward to fight the battles of the Administration on this floor. If there is yet a corps in reserve, of which we know nothing, bring them forward, and let us make our selection.

This morning, (Mr. P. said,) in an ill-omened paper which lay upon his desk, he had seen that which indicated that there was no probability of organizing a committee. He would read a small portion of the croaking of the official raven. Mr. P. then read the following extract from the Globe:

"The three Democratic members elected, viz: 'Messrs. ELMORE, CUSHMAN, and HUBLEY, declined serving on the committee. When we left the House to close our paper, the Opposition majority, now notoriously obtained by the perfect amalgamation of the Conservative with the National Bank party, selected three other Democrats, to be made prisoners in the hands of the committee—having their arms locked by an enemy on each side, like the Daniel Boone's men, sent out to treat with the Indians beleaguering his fort. The hardy backwoodsmen soon found that the object of the savages was to make them prisoners, and acted accordingly. We have no doubt the Democrats will follow out successfully the part played by Boone's men on that occasion, and leave the Opposition to experience the fate of the perfidious enemy on that occasion, if their purposes should correspond, as the secret machinations in the appointment of the committee would seem to indicate."

Now, here was a proposition thrown out by the organ of the party, that no Democrat should serve, because, forsooth, they cannot get a majority upon the committee. After having professed themselves willing to act, they now come forward, and what do they say? Yesterday (said Mr. P.) personal considerations were urged, but to-day we hear nothing of that kind; but it is openly avowed that the reason why they will not serve is, that they will not act unless represented by three of their most astute lawyers. Was not the gallant gentleman from New Hampshire, [Mr. CUSHMAN,] who had taken upon himself the defense of the Secretary of the Treasury before the House, sufficiently acute to undertake a similar task before the committee? He is the chairman of the Committee on Commerce, and ex-district attorney of New Hampshire. Is not he qualified to serve? And, if not, where are we to look for the men? Has not the gentleman from New York, [Mr. TAYLOR,] with all his modesty, spoken ably and eloquently in defense of the Administration upon this very question, and upon the great Sub-Treasury scheme at the last session? And yet he says that he is not competent to serve. The very ingenuity with which he has made his argument, and the facility of speech with which he has urged his motion to be excused, show that if he is not a lawyer by study, he is, at least, a lawyer by nature. But I say that, by his very profession, he is better fitted to serve than another man. We are about to examine into the diseases of the Commonwealth; we want to probe them; we want to apply the purge and the knife; and, as I understand the gentleman is a distinguished disciple of *Æsculapius*, he is, of course, the very man for our purpose.

It is said there are six against three. If a man is free from all feeling of guilt, he has nothing to fear. The House has solemnly decided, and I thank God that such has been its decision, that they will not trust a committee appointed in the

usual way. No; it was to be a committee sincerely favorable to investigation. Three have resigned, and three more have been recommended to do the same thing, although I do not insinuate that they have acted on that recommendation. But the objection of the gentleman from New York [Mr. TAYLOR] is, that he does not understand the subject. Why, sir, the subject is one of common honesty, and I know he understands that. The subject is the exposure of corruption, and, according to the gentleman's argument, we ought to put none on the committee but professed rascals. If he "who drives fat oxen must himself be fat," if the committee ought to be composed of rogues, then I admit that the gentleman ought to be excused. But I ask the House whether he should be excused on the ground upon which he places it, that is: want of capacity and ability? The colleague of that gentleman [Mr. GRAY] has given us a sort of left-handed argument why he [Mr. TAYLOR] should be excused upon the ground of incompetency. Did any one ever assert that the latter gentleman was incompetent to be on any standing committee of this House? Would the gentleman say that his colleague was incompetent to do such duty? He was thought competent to be placed on a committee in relation to the banks, a much more difficult subject of investigation than this, in which the honest man is more needed than the lawyer. We wanted a committee of investigation, and we have got it; and we want honest men to watch over the interests of the Administration. We have tried to get them. Where is the corps of reserve of which the gentleman from New York [Mr. GRAY] has spoken? We did not know they had twenty men who were superior to the rest of their party. We thought there was a more democratic equality among them.

Mr. GRAY explained. He had not stated (he said) there were twenty men who were superior. He had said there were twelve, without having made any calculation as to the actual number. He presumed that there were more than that number who would be considered competent to serve. He had remarked that this was a service requiring qualifications of a peculiar character—that a lawyer was better fitted to examine witnesses than a physician. I spoke of them not as possessing the transcendent abilities of the Whig side of the House, because I knew, if I said so, that the statement would be disputed.

Mr. PRENTISS. Well, then, let us have the twelve fit men of whom the gentleman spoke.

Mr. GRAY. Before I could do that, it would be necessary to have some consultation with the friends of the party with whom I act. In saying what I did, I spoke merely my own opinion.

Mr. PRENTISS. It is not merely the gentleman from New York [Mr. TAYLOR] who had asked to be excused. Three gentlemen yesterday made the same request.

Could there be a gentleman more fitted to serve than the gentleman from Alabama, [Mr. MARTIN?] I trust he will not decline, for he is a distinguished lawyer, though, as I have said, I do not regard that as the best qualification. I look upon it as secondary. We want honest, honorable, and upright men. And, in this point of view, I have full confidence in all the gentlemen selected, especially the gentleman from New York, [Mr. TAYLOR.] I hope the House will not excuse him. I told you, the other day, that this matter would turn out like the web of Penelope, that we should unravel at night what we might weave in the day. This committee will have to deal with facts more than with law; and for its purposes I would rather have a farmer or a doctor than a lawyer. We gave you yesterday the ex-attorney of the State of New Hampshire. There, surely, you would have had the best of law; but he declined to serve. I believe another gentleman, who was also excused yesterday, [Mr. HUBLEY,] is a sound lawyer. What, then, do you want?

The other day, a gentleman from Pennsylvania, [Mr. FAY,] quoted from a speech of mine, made in my own State, a passage in which I had said that the party in power had no leaders of distinguished ability in this House. This was a rash and unadvised assertion, and I now take it back. When I made it, I had not heard the gentleman from Pennsylvania; besides, I hear from

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the gentleman from New York that there are twenty members of the party who tower, by the head and shoulders, above the others. All I have to say is, bring them out; show us your gems, and we will set them in this committee, where they shall shine before men, and their light shall no longer be hidden by their own modesty or by our perversity.

## UNITED STATES BANK BONDS.

## DEFERRED SENATE DEBATE.

December 20, 1838.

The Resolutions of Inquiry, submitted yesterday by Mr. RIVES, calling upon the Secretary of the Treasury for information relative to the sale of the bonds of the United States Bank, coming up for consideration,

Mr. RIVES went into a long detailed statement of the reasons for offering them. After which,

Mr. WRIGHT said: The Senate would not expect him to attempt to reply to so elaborate a speech as that to which they had just listened. He came to his seat with no expectation of such a debate. When the resolutions of the honorable Senator [Mr. RIVES] were offered yesterday, they excited in his mind no anticipation that an elaborate and set discussion would be entered upon at this stage of them. They were mere resolutions of inquiry. Their whole apparent object was to obtain facts, to learn the truth of the matters to which they related; and he could not have expected a debate upon the merits until the testimony had been obtained.

He should not, therefore, attempt to follow the gentleman in his extended remarks, or to reply to any part of his argument. It was his intention to occupy but a few moments of the time of the Senate, and to make but a few observations of an incidental character.

When the resolutions were offered, their object seemed to be fully and minutely expressed upon their face, and he was glad the honorable Senator had come forward with them. The inquiries were such as he desired might be made and fully answered, but he could not have anticipated that conclusions would be drawn and expressed here, before the facts were known, or that a call for testimony would be made to follow a judgment upon the issue.

He was as ignorant as the honorable Senator, [Mr. RIVES,] who had spoken with so much warmth, and in terms of such strong censure, as to the nature, or character, or extent, of the connection which had been formed between the public Treasury and the Pennsylvania bank, nor was the gentleman more desirous than himself that the truth as to that connection, whatever it might be, should be fully known; that all the facts should be exposed to the view of the whole country; that nothing should be hidden, or concealed, in relation to it. Hence he was pleased to see the resolutions, and should cheerfully vote for them.

It was true, he had learned through the public prints, that the Secretary of the Treasury had, during the vacation, sold one of the bonds held against the Pennsylvania Bank of the United States, which, by a special law passed at the last session of Congress, he was expressly authorized to do. He had also heard through the same channel, and from the same authority, that the sale had been made to the bank itself; to the institution against which the bond was; but the information caused no surprise, no alarm, in his mind, because he supposed that the state of the Treasury and the amount of appropriations by Congress were such as to require the sale of at least one of the bonds to enable the Department to pay the public creditors. Neither had the circumstance that the sale had been made to Mr. Biddle's bank, to the institution which owed the debt, given him any apprehension, as he had been confiding enough to believe that the only offer, or the best offer, to purchase had come from that quarter, and that, for that simple reason, the Secretary had made the sale there. The law compelled the Secretary of the Treasury to get the best price he could command in the market for the bonds, in case he found it necessary to sell them, and prohibited him, in any event, from selling at a price below the par value

of the bond. Mr. W. had been credulous enough to believe that the sale was made to the Pennsylvania bank because the law compelled the Secretary to sell to that institution, it making the only, or the most advantageous, offer for the bond placed in the market. It was possible he had been too confiding; but he had believed, when he first heard of the sale, that this was its explanation; and he had not now a doubt that such would prove to be the truth of the case, whenever the Secretary of the Treasury should have an opportunity to answer the inquiries of the Senator.

If the honorable gentleman did not entertain the same confidence in the executive officers of the Government as himself, he could regret the fact, but it gave him no right to complain, nor did he complain that it was so; though when the Senator had assumed to himself the character of an inquirer after the facts, and then had felt at liberty, before his inquiry was made, to draw inferences, and pronounce conclusions of a highly censorious and condemnatory character, which inferences and conclusions could, with justice, only be drawn from the facts to be inquired after, he did feel, and must express disappointment and regret. Had it been his case, whatever might have been his feelings towards the executive officers concerned, however much he might have distrusted their intelligence, or integrity, or official faithfulness, if he had proposed to inquire and to call upon them to answer, he would have allowed them the opportunity to answer, before he would either have censured or condemned; and he must say, that it would have afforded him sincere gratification, if the Senator from Virginia had found it consistent with his feelings and sense of duty to have pursued that more just and generous course.

At the opening of the honorable Senator's speech, Mr. W. was led to suppose that an opportunity for sincere congratulation was to be afforded to himself and the majority of the Senate. They had long looked upon the dangers and mischiefs attendant upon any connection between the Treasury of the nation and banks of any character, as among the most serious and alarming evils which had grown up under the administration of our republican system of Government, while the Senator had, heretofore, but too successfully defended that connection. His early remarks seemed to present it now to his mind, charged with such horrible and frightful consequences that Mr. W. could not but suppose that he, and those with whom he had acted, were again to have the powerful coöperation of the able Senator, in breaking up and eradicating forever that unnatural, improper, and vicious connection. In this, however, he had met hasty disappointment, as it seemed to be the connection with a single bank, and not a connection with banks generally, which had given the Senator his deep alarm, and drawn down upon the Secretary of the Treasury, and the President, his unmeasured censures. It was a connection with Mr. Biddle's bank, with the Pennsylvania Bank of the United States, which had thus aroused the Senator's eloquence and indignation.

Even here, however, Mr. W. found cause for earnest congratulation. He well remembered that, upon repeated occasions within the last two years, when he, and other friends who entertained opinions in accordance with his own, had made their feeble attempts to arouse the honorable Senator himself, the Senate, and the country, to a sense of the dangers and corruptions of that giant institution, they had been calmly and confidently told by the Senator, and others who then acted with him, that they were practicing an imposition upon the country; that they were attempting to conjure up the ghost of a buried enemy—a phantom—a mere shadow to produce alarm and apprehension; that the Bank of the United States, in any form of existence, was effectually destroyed, was dead and buried, never again to be disinterred to alarm or injure the people; that our apprehensions were too late, and were unreal.

Notwithstanding these repeated and positive assurances, which, coming from the sources they did, he always desired to consider friendly and sincere, Mr. W. had never for a moment permitted himself to be misled or deceived by them. There never had been a moment when he had considered the dangers from that institution at an end, or materially lessened. The change of its form,

from a National to a State institution, connected with the facts which accompanied and characterized that change, had given no relief to his apprehensions, and they were now, at this moment, as lively, and active, and strong as they had ever been.

Not so with the honorable Senator. There had been a time when he had considered these dangers as not sleeping merely, but buried forever; and that he had now again become sensible of their existence, of their magnitude, and of their impending character, was a matter of just congratulation to Mr. W. If they could not agree about the banks generally, the Senator's speech of this day had proved that about this particular banking institution they did and could agree. Here again they could meet and unite their labors for the general benefit of the whole country. Not a man in these seats could have failed to feel the dangers and mischiefs of this great banking institution, as the Senator had so eloquently, and forcibly, and vividly depicted them. To Mr. W. the effort had not raised new apprehensions, but confirmed all former impressions; and he would now promise the Senator, and all others, his most anxious coöperation in any efforts finally and forever to remove the particular dangers so clearly pointed out, and all dangers to our republican institutions of a like character, come from what description of banking institutions they might. He would repeat that he was entirely ignorant of the connection now formed between the Treasury and this dangerous institution. He was willing and desirous to let the Secretary of the Treasury answer that inquiry. He believed it was only a connection growing out of the sale of the bond to which he had before referred, and growing out of that sale in the manner he had pointed out; that it was necessity, arising from the law of Congress directing the sale, and not from the choice of the executive officers. If it was any other or different connection, he was further ready to say that it had been formed without his knowledge or consent, and should not meet his approbation. Here he had been and was still willing to rest his comments upon this matter.

Neither the honorable Senator nor the body he addressed would expect him, upon an occasion like this, to go into a general debate upon the Independent Treasury bill, or to follow the Senator through that large portion of his remarks. It had appeared to him that the gentleman had, as he himself admitted, indulged extensively in the wide field of debate allowed by the courtesy of the Senate, in this part of his speech; but as Mr. W. had arisen to remark upon the spirit and temper of the speech, rather than to answer its argument in any aspect, he should be justified in passing this portion without notice.

There was another feature of the address, however, which fell more appropriately than any other within the limits he had prescribed for himself, and which must receive attention. It was the extraordinary position assumed by the Senator, that the political opinions of the President, and the course and policy of his Administration, were to be interpreted and proved by a letter from Nicholas Biddle, voluntarily published in the newspapers of the country. Was it upon such evidence that the President of the United States was to be judged and condemned? Was his democracy and his attachment to republican principles to be tried by such a test? Had his publicly expressed opinions, and the public course of his whole life, authorized a judgment against him upon such evidence? Mr. W. had never yet seen the letter alluded to, but he had heard of it, and he now found the honorable Senator a perfect master of its contents. All this was well, as a matter with which he had nothing to do, and about which he felt no anxiety. All he wished to say was, that his friends were not to be bound by its terms, its language, or its spirit, until they were made parties to it by some higher proof than the letter itself. He had never yet judged them by such a standard, nor should he ever do so, until they had been permitted to hear and answer the charges thus predicated.

Even this letter, however, had not answered the purposes of the honorable Senator, and a different, and not less singular, description of testimony had been brought in to supply the deficiency in the argument he had attempted to make. What

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was that other proof? The comments of opposition newspapers upon Mr. Biddle's letter! The remarks and inferences of the Baltimore Chronicle upon that singular production! Mr. W. was not disposed to extend remark upon such a case, based upon such evidence, and coming from such a quarter. He would, therefore, only add, that such never had been, and such never should be, the standard by which he would judge his friends. Neither the President, nor the Secretary of the Treasury, should ever receive condemnation from him upon such authority. If they were to be convicted of a design to fasten upon the country a national bank of any character, he must learn the fact from better authority than the Baltimore Chronicle, or the comments of any other Opposition newspaper, before he should subscribe to the verdict.

A single other position of the Senator should receive a passing notice, and Mr. W. would come to a conclusion. A charge had been preferred against the President, of the gravest character, drawn from the face of his late message. It was said that he had made an arrogant and unconstitutional recommendation, calculated to sink Congress from its high estate to the feet of the Executive; that, in that recommendation, the disposition to render the executive superior and paramount to the legislative power of the Government was conclusively manifested. What was the specific charge, from which this grave inference was so confidently drawn? It was that the President had recommended that a committee of Congress, to be appointed by the body, should examine, at intervals, the books, accounts, and money in the hands of the officers charged with the collection, safe-keeping, and disbursement of the public moneys, as such committee had been authorized by the charter of the late Bank of the United States, when it was the depository of the public money, to examine its accounts. For what purpose did the President propose this examination? The Senator says, that the committee might make report thereof to the President; that a committee of Congress might be made the servants of the Executive, and might be brought to the foot of the throne to give an account of their doings, instead of making a report to the two Houses of Congress, of which they themselves would be a component part, and which, as independent representatives of the people, or the States, they could do without humiliation or disgrace.

Mr. W. would appeal to the Senator himself to say if this was a fair or candid statement of the recommendation of the President? Did it convey to the Senate, to this audience, to the country, a true idea of the message, and of the views and wishes of the President as communicated in it? He did not charge the Senator with intended unfairness or want of candor. With his intention he had nothing to do, but his inquiry went to the fact. Was the representation of the Senator fair and candid in fact? Let the message itself answer. This is its language:

"When the late Bank of the United States was incorporated, and made the depository of the public moneys, a right was reserved to Congress to inspect, at its pleasure, by a committee of that body, the books and the proceedings of the bank. In one of the States whose banking institutions are supposed to rank amongst the first in point of stability, they are subjected to constant examination by commissioners appointed for that purpose; and much of the success of its banking system is attributed to this watchful supervision. The same course has also, in view of its beneficial operation, been adopted by an adjoining State favorably known for the care it has always bestowed upon whatever relates to its financial concerns. I submit to your consideration whether a committee of Congress might not be profitably employed in inspecting, at such intervals as might be deemed proper, the affairs and accounts of officers intrusted with the custody of the public moneys. The frequent performance of this duty might be made obligatory on the committee in respect to those officers who have large sums in their possession, and left discretionary in respect to others. They might report to the Executive such defalcations as were found to exist, with a view to a prompt removal from office unless the default was satisfactorily accounted for; and

report, also, to Congress, at the commencement of each session, the result of their examinations and proceedings. It does appear to me that, with a subjection of this class of public officers to the general supervision of the Executive, to the examinations by a committee of Congress at periods of which they should have no previous notice, and to prosecution and punishment as for felony for every breach of trust, the safe-keeping of the public moneys, under the system proposed, might be placed on a surer foundation than it has ever occupied since the establishment of the Government."

Has the criticism of the gentleman presented this recommendation, or rather suggestion, fairly and candidly? For what purpose does the President suggest that this committee should report to him, and what does he suggest should be reported to him? "They might report to the Executive such defalcations as were found to exist," says the message, and for what? "With a view to a prompt removal from office." But what further are the committee to do? "And report, also, to Congress, at the commencement of each session," what? "The result of their examinations and proceedings." Is here an attempt to evade the Legislature, and draw power to the Executive? The power of removal from office rests with the President by the Constitution, and it is only to advise him when the exercise of that power is required for the safety of the public money that a report to him from the committee of examination is suggested. Is that an attempt to degrade the legislative power and bring it into subserviency to the executive? Does it manifest a disposition to bring down Congress from its high estate? Who would hold a committee of Congress blameless which should find a defalcation such as is contemplated in the message, and should not immediately report the defaulting officer to the President, "with a view to a prompt removal from office" of the delinquent? Would a single Senator who heard him hold a committee guiltless which should omit this plain public duty? Was it then a crime in the President to suggest the performance of it? Or was it an offense against Congress to mention, as proper, what all were compelled to admit would be an imperious obligation? He could not anticipate such a conclusion from such premises. Was it, then, fair or candid to have commented with such severity upon the suggestion, and not to have stated the object of the report proposed to be made to the President, or the fact that a full and perfect report to Congress was also recommended? He could not so consider it.

Had the remarks which had fallen from the Senator proceeded from one of the gentlemen declaredly in the opposition, his surprise would have been less. They did not always, in the warmth of debate, and acting under feelings of general political hostility, feel bound to give their opponents an opportunity to be heard before they bestowed censures, nor did they always find it suitable to their purposes to state the whole case upon which to found the inferences they might wish to draw. But from a Senator standing in the relation to the Administration which he had supposed the gentleman from Virginia did, he had expected fairness and candor, at least; that if a judgment of condemnation must be rendered, it would be after, and not before, an opportunity had been afforded to present the facts upon which it must rest; and that a statement of the whole case would be spread upon the record.

He had, however, doubtless mistaken the position of the Senator. He remembered that some person had, during the summer past, defined the condition of a certain political party of the country to be that of "an armed neutrality," in reference to the two great contending parties of the day. Of this party, he believed the Senator called himself a member, and from his speech of this day it was plain that he (Mr. W.) must have been mistaken as to the true definition of an "armed neutrality." He had supposed it indicated a relation purely defensive, but he must suppose, from the example the Senator had presented, that it was one wholly offensive; that it was exclusively belligerent, and authorized offensive war upon all parties. In this sense, all cause for his surprise and disappointment was removed.

But if there was anything of neutrality in the relation in which the Senator had placed himself to-day towards the party to which he belonged, it was surely an armed neutrality at the best.

To these remarks Mr. RIVES replied at some length, and Mr. WRIGHT rejoined in a very few words, and substantially as follows: He did not wish to protract this debate, and he found it so impossible to make himself understood by the honorable Senator [Mr. RIVES] that he should not attempt to answer him further. He would further assure the gentleman and the Senate, that he should not permit himself, in any degree, to partake of the heat and passion which had characterized the last remarks to which they had listened. He rose for a single purpose, to correct a single error. The Senator had represented Mr. W. as menacing him with executive displeasure; as attempting to terrify him by the dread of executive censures. He had done no such thing, nor had he, to his knowledge, said anything from which such an inference could be possibly drawn. The Senate were the witnesses of what he had said, and he appealed to them, individually and collectively, to say if the language he had used was possibly susceptible of any such interpretation. He would go further, and say that no intention to use language of that character had existed in his mind, and he could not think he had made expressions so foreign from his feelings and intentions. He was not authorized to speak of executive displeasure or to wield executive censures, nor had he attempted to do either.

A single other remark. If the inference which might follow from the last remark of the Senator was intended for him, he repelled and spurned it.

Mr. RIVES rose as Mr. WRIGHT was resuming his seat, and inquired to what remark of his Mr. WRIGHT alluded, saying he did not know what allusion was intended.

Mr. WRIGHT said he understood the Senator to have closed with the words, "I am no vassal of the President. Let the Senator from New York understand that."

Mr. RIVES, turning from Mr. WRIGHT, and addressing the Senate, said, I am not a vassal of the President, or any one else, and I wish that understood everywhere.

Mr. NILES remarked that the war, among neutrals, had become so warm, at least on one side, that it might be dangerous for him, being a quiet, peaceable man, to interfere, even for the purpose of moderating the fierceness of the conflict. He certainly felt obliged to the Senator from Virginia [Mr. RIVES] for introducing these resolutions; he desired, as much as the Senator, a full investigation of the conduct of the officers of the Treasury in the management of the finances. The inquiries were all very proper; at any rate, he had no objection to any of them, or any others which the Senator may choose to make. If there has been any illegal or improper connection between the Treasury and the Bank of the United States, or any other banks, he would be one of the last to justify it. He would not, however, imitate the Senator's example of condemning the Secretary first, and then inquire into his conduct. This was not in accordance with his notions of justice and propriety, although, perhaps, it may be with those of this new school of politicians, belonging to the "armed neutrality."

Mr. N. said he should vote for the resolutions, and could assure the honorable Senator that he would have voted for them without the eloquent and very temperate speech by which they had been sustained. He thought well of the resolutions, and would not stop to inquire what the motives or object of the mover might be; it was to be presumed that they were purely patriotic, and having reference solely to the public interest. And he was sorry he could not say as much of the Senator's speech; but it did appear to him that that was not exactly in the right tone; it was a little too warm for a neutral, and especially as the occasion seems to have been sought by the Senator.

The substance of it also appeared to him to be somewhat objectionable. Resolutions are offered proposing certain inquiries touching the conduct of the Secretary of the Treasury; and on the consideration of these resolutions the Senator makes a speech full of crimination, condemning the Sec-

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retary for the very acts about which the resolution asks for information. It seemed to him that it would have been quite as candid and fair to have obtained the information first; and then to have predicated the accusations upon it.

But what have we witnessed? A resolution of inquiry is introduced, which is immediately changed into a bill of indictment against the Administration and all its supporters. And what is the proof by which the charges preferred in this bill of indictment are attempted to be sustained? Why, it is the declarations and accusations of the avowed and sworn enemies of the Administration; the statements and charges of the most reckless and depraved of the Opposition presses, whose vocation it is to falsify and misrepresent every act and measure of the Government, right or wrong. And first and foremost of this formidable array of witnesses, is introduced a very important person, who has acted a conspicuous part in the seven-years' war, to which the Senator has alluded. This is no less a personage than Nicholas Biddle, one of the belligerent parties to this very war. Well, what does this witness say in support of the gentleman's bill of indictment? Why he says that the war between the Government and the bank has ceased; that peace, or at least a truce, has taken place; that he had a negotiation with the Government, and purchased in his bonds; and that the Government has treated him very fairly.

Now, sir, (said Mr. N.) although I have no fault to find with this testimony, yet, as the Senator boasted that this witness stood so high in reputation that he could not be impeached, he was disposed to offer a witness standing equally high to impeach him. The witness he had to offer was this same Nicholas Biddle, who, in his celebrated manifesto, issued on the 5th of April last, gave his testimony regarding this war. He said that it was a war carried on by the Government, against the "credit system;" that both parties were in the field face to face; that it was a life and death struggle; a war of extermination, in which there could be no compromise or accommodation, but that one or the other must fall. Now, according to this witness last April, there can have been no peace or truce between the Government and the bank, much less an alliance offensive and defensive, as the Senator intimates. If the assertions of Mr. Biddle, at one time, are in direct contradiction to his statements at another, according to the rules of testimony he was a discredited witness, and his testimony must go for nothing.

Of the other witness, on whom the Senator has relied to support his charges against the Administration, consisting of the Baltimore Chronicle and other Opposition presses, he was not disposed to speak. If the Senator looks to such sources for correct information concerning the acts of the executive officers, he was not disposed to follow him into that field. How long the Senator had been in the habit of judging of the measures of the Administration, from information derived from such sources, Mr. N. could not say; but he believed the time was not distant, when the Senator had as little confidence in the statements of these *honest* bank organs, as he had himself.

This, Mr. President, is the testimony on which such serious charges are made against the Administration, and sustained with so much earnestness and warmth. And not only have the past acts of the Executive and Secretary been condemned on intelligence derived from such sources, but the future and intended measures of the Administration are ascertained from the same honest channels of information. Looking at the Administration through such a medium, both to discover what it has done and what it intends to do, who can doubt that the Senator will form a most candid and impartial judgment of its measures and purposes.

Mr. N. said he did not propose to go into the various matters which had been introduced into this debate, or to notice the numerous charges and insinuations against the Administration which had been thrown out.

His principal object was to call attention to several positions which had been assumed. The first and most important was the declaration that the seven-years' war was at an end. That the Government had not only given up the contest, but had been obliged to succumb to the bank,

and had made a dishonorable peace, and even entered into an alliance, defensive and offensive, with the bank. He (Mr. N.) congratulated the Senate and the country on this highly important fact, about which he supposed there could now be no doubt. It was announced the other day by Mr. Biddle himself; but coming in rather a questionable shape, and, connected with other marvelous statements of the doings of the bank, many doubted it. It is now, however, confirmed by the honorable Senator from Virginia; and by the mouth of two witnesses every fact shall be established. Surely, sir, it should be a subject of general rejoicing that this long controversy is closed; that this seven-years' war is terminated; that peace again reigns in our borders. For several years past, and particularly during the extra and the last session of Congress, we heard little else from the other side of this Hall, whether from the large or small division of the Opposition, but war speeches and panic speeches. The war of the Government upon the banks was held up to the country as the most alarming state of things; as having occasioned the prostration of credit, the derangement of the currency, the suspension of the banks, the ruin of commerce, and the entire business of the country. Even our civil institutions, and the liberties of the country, were to be overthrown by this cruel and relentless war which the Government was waging against the banks. The most eloquent appeals were made to the people to arouse from their lethargy, and interpose their mighty arm before it was too late, and save their dearest interests from destruction. The interest of the banks was the interest of the people; and a war upon the banks was a war upon the people—a war which affected every class and every interest; the rich and the poor, the high and the low, the capitalist and the laborer, all were suffering, languishing under the effects of this ruinous and destructive war upon the banks and the credit system.

This is the language, sir, which but a few months since was almost daily heard within these walls. Hostility to the banks and the credit system was the great and besetting sin of the Administration, which swallowed up all others. But what do we hear now from the same quarter? Why, sir, will it be believed when it goes forth to the country that a Senator, who was most zealous and constant in declaring and repeating the charges of hostility to the banks, is now the first to arraign and condemn, unheard, the same Administration for having terminated a war which was declared to be so destructive to the best interests of the country, of having succumbed to the monster, and made a dishonorable peace, and formed a dangerous alliance with him?

What, sir, are we to think of this? Were gentlemen then sincere? Did they really believe in the actual existence of a war, prosecuted by the Government against the banks and its ruinous consequences, which filled them with such fearful apprehensions; or were they attempting to hold up this bugbear to frighten the people, to alarm their imaginations, to exasperate their feelings, the more effectually to enlist them in the only war which had any real existence in fact—a war by the politicians, aided by the banks, upon the Administration and a majority of the people who sustained it?

Surely, sir, if the gentlemen believed in the existence of the bank war, of which they have had so much to say, and the evils of which they have portrayed in such glowing colors, they should be the first to rejoice at the return of peace; at a restoration of a good understanding between the Government and the banks.

These gentlemen of the armed neutrality appear to be very difficult to please. During the last two sessions the whole burden of their complaints was the hostility of the Administration to the banks; and now they arraign the same Administration, pursuing the same general policy, for being too friendly to the banks, and for forming an alliance with Mr. Biddle's bank. But whether these neutrality politicians are pleased with this new aspect of things or not, it must be gratifying to all who have confided in their speeches and declarations heretofore, to learn that this great source of danger and mischief to all their interests—the bank war—is at an end.

Mr. N. said there was another point which seemed to be concealed in this debate, which he also thought a subject of just congratulation. It was that the danger of a Treasury bank, which was so alarming at the last session, had entirely disappeared. The country had escaped that awful peril. We were then told that that "execrable measure," the Independent Treasury, would result in a Treasury bank springing from the revenues of the Government and the drafts and transfers of the Treasurer. The Sub-Treasury plan has been in practical operation during the past year, and does not appear to have resulted in a Treasury bank. Instead of that we are now told of an alliance between the Treasury and the Bank of the United States.

There was another subject of congratulation, which, if not conceded in the debate, was, he thought, fully established by what we have witnessed on this occasion. He alluded to the "half-way house." That was gone, demolished, and swept away with the bank war and the Treasury bank. Sir, it is gone: not a vestige of it remains; and its tenants made a timely retreat from it before its fall, and passed on to the end of the road in which they had started, and have now arrived at the marble palace, where they were, no doubt, kindly received by the old occupants, with the friendly salutation, "Gentlemen, we are happy to see you; will you please be seated, and make yourselves at home."

These changes were all important; he rejoiced at them, and did not doubt that the country would rejoice. We have got clear of the bank war, of the imminent danger of a Treasury bank, and of the half-way house, which was an obstacle on all sides; the coast now seemed to be pretty much clear. We have, however, it seems, an armed neutrality, a belligerent peace party, or neutrals who coöperate with one of the belligerents. Of the "armed neutrality," of which the Senator from Virginia seems to admit himself the head, he would say nothing, as he did not perhaps understand its true character. But he knew something of neutral politicians, whether armed or unarmed; he had watched the course of them for thirty years; and from the days of Aaron Burr to the present time, they had always been the same. The history of one was the history of all. He knew well what their neutrality was in its first, second, and third stages. All deserters from the Democratic party at first assume the character of neutrals, or no-party men; and whilst in this transition state, which was sometimes a longer and sometimes a shorter period, they carry on a war against their old friends and old principles, under their *old flag*. This, sir, has been the course of neutral and no-party politicians in this country. Whilst maintaining the character of armed neutrals, they fight under a piratical flag; and at the end of six months or one year, they throw to the winds the Democratic banner, and take their station in the ranks of their former enemies; when after having, for some brief months, declaimed eloquently against party and party spirit, they become the most intolerant, malignant, and persecuting partisans the country has ever witnessed. For the truth of this statement, he appealed to the political history of the country; he appealed to existing facts. Look round these Halls; look into the State Legislatures; cast your eye over the whole country; take a view of recent alarming scenes which are now enacting in one of the great States of this Union, and then say who are the most violent, unscrupulous, and reckless political partisans in the country; who push selfish party measures to the greatest extremes, breaking over the barriers of the Constitution and laws, and trampling right and justice under their feet? It will be found, sir, in almost every instance, that the bold, daring, and reckless politicians, are deserters from the popular cause, and at some short period have declaimed eloquently against the abuses of party. Mr. N. said he spoke of general principles, but made no application of them; he passed no judgment upon the motives and purposes of any one; he presumed all here to be actuated by high and honorable motives.

The Senator from Virginia concluded with an eloquent appeal to the friends of the Administration to throw aside their groveling, selfish, party purposes, to break asunder the trammels of party, and elevate their views to the great interests of

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their country. This appeal, sir, under other circumstances, might have been commendable; it might have been worthy of the Senator, and honorable to the noble Commonwealth he represents. But under what circumstances was it made? It was the conclusion of a speech uncalled for by the occasion, intemperate in its tone, and throughout characterized by unfounded and unsupported charges and criminations against the Administration and all its supporters.

If a professed friend (said Mr. N.) should meet me in the street, and after abusing me with hard words, beat me over the head with his cane, and then say to me, "Sir, let us now be friends; these strifes and contentions not only render us unhappy, but they are annoying to the whole community; let us elevate our feelings above these low and base passions." In such a case, I should be a little inclined to doubt the sincerity of the eloquent appeal made to my more elevated feelings.

Who has betrayed any warmth of party feeling in this debate, or during the present session, unless it be the Senator himself?

He speaks of the high and exalted considerations by which he is actuated, rising above the mists of party, and looking only to the great interests of the country. Of the Senator's motives, aims, and purposes, he had nothing to say; but he wished the gentleman to understand, that however pure, disinterested, or elevated they may be, they are not more so than those of the Senators to whom he addressed his appeal.

We are called on to abandon the ruinous Sub-Treasury scheme, and are told that it has been condemned by the country. Is the Senator quite sure he is not mistaken? Occupying the position he does, at the head of an armed neutrality, he may not have been the most impartial observer of passing events. Sir, a greater mistake was never made. No impartial observer can have mistaken the elections of the past year. They have spoken a language which cannot well be misunderstood. The financial question has been before the country; it has been discussed, examined, and is becoming understood. The people have looked at it, not in its details, but at the great principle of the entire disconnection of the finances of the Government from those of the banks, who desire to use the public money for their own benefit; and they are satisfied that it is founded in right and justice. That is enough for them; they wish to look no further. Whether it will injure the banks or not, is of no consequence with them; if satisfied the measure is right and just, they desire to see it carried out. The mass of the people are honest, and they love justice above all things. The only difficulty has been that the subject was not sufficiently understood. That difficulty is passing away. The people now understand this question; they have examined it, and decided upon it. It is no longer in the power of all the combined talents in these Halls, however great, to mystify this subject or hood-wink the people. They have considered it well, and the elections have announced their verdict; their voice has been heard from the mountains to the valleys, and from the lakes to the Atlantic. It is the voice of approbation. If this question could this day be fairly submitted to the direct action of the people, at least two thirds of the electors in the United States would be found in its favor. And yet we are called on to abandon the measure on the ground that it has been condemned by the people, and told that it is a mere party measure. To abandon it, sir, would be to betray our trusts, to betray the people, to disregard their known will, to trample upon their rights. Yet this is the way the Senator invokes us to elevate our minds above the low, selfish, and groveling purposes of party.

Mr. N. said he forbore to notice various other matters touched upon by the Senator, as his principal object in rising was, to call the attention of the Senate and the country to the new positions which are assumed. Sir, the alarming evils which have so long threatened the ruin of the country, have suddenly disappeared, and that without any change of policy on the part of the Administration; for to regard the negotiation of a bond to the Bank of the United States as constituting a change, would be trifling with the subject. The bank war, which had so long afflicted the country,

bringing so many evils in its train, is at last terminated. The day of panics is gone, and we may now expect quiet and prosperity. The Sub-Treasury bill is in practical operation, and we have escaped that great and alarming peril, a Treasury bank. We have also got rid of the half-way house, and nothing now remains but the armed neutrality, and that ever fertile theme of declamation, executive influence. That, sir, still remains, and will remain as long as this Government endures. It has been, now is, and will continue to be, a subject about which many great, good, and just men will entertain apprehensions of danger to our institutions; and they will eloquently and earnestly warn the people against this danger. In his opinion, this was not the weak point in our political fortress; it was not the place where the first breach would be made. But whilst many honest and good men will point to this source of danger, and raise their warning voices against the increase of executive power, there will at all times be other men, who will declaim eloquently and earnestly against the abuses and the increase of executive power, executive patronage, and executive influence, for other and far different motives and purposes.

## PUBLIC DEFALCATIONS:

## SPEECH OF HON. A. DUNCAN,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

January 17, 1839,

On the Resolution providing for the appointment of a Committee to inquire into the defalcations of Samuel Swartwout.

Mr. DUNCAN said he had been anxious to obtain the floor for some days, to participate in the discussion of this resolution, but he had not succeeded in his attempts to catch the Speaker's attention; and although he sometimes felt disappointed, at the moment, that he was not permitted to do something towards arresting the unbroken torrent of abuse which has been daily and hourly poured upon the heads of the Administration, from the first day of the session to this time, yet he felt pleased that his rights were deferred till now. The unbounded range which the debate has taken, and the unlimited privilege tolerated by the Chair to those who had entered the discussion, by which every subject of the political or human character, proper and improper to be talked of, here or elsewhere, has been drawn into the vortex of discussion, and all attempted to be made to bear upon this Administration, to its prejudice, and to the destruction of the confidence of the people in it, whose Administration it is, I say that I do not regret that I have been deferred until now, because the course and spread the debate has taken gives me a wider space to move in. I trust, sir, although I shall deviate in many of the remarks I shall make from the real question, I shall not be considered out of order, provided my remarks go to reply to the remarks of those who have preceded me in this discussion; for I hold, sir, that when remarks are made, in discussion, unfavorable in their character to the reputation of the Administration, or any individual, whether in a public or private station, even if the remarks be out of order, yet, sir, it is right that they should be answered, at all times, when justice and truth require it, without regard to the question or measure immediately under consideration.

Sir, in the remarks I am about to make, I shall feel bound to answer many charges against the Administration and the Republican party, made during this debate. I am aware that many of those charges were made in open violation of order and the rules that regulate debate in this House. And it may be said it is equally out of order to answer charges, propositions, or arguments, which are themselves out of order. This may be true in the general, but never ought to prevail at the expense of justice or reputation. I hope, then, sir, that I shall be permitted, without interruption, to respond to the charges to which I allude, and to indulge me in this hope will be an exercise of no more liberality than has been extended to those who have made them. That much I have a right to look for. That much I will expect.

As to the object of the resolution, I presume

there is but one opinion. All will agree that Swartwout's defalcations, and the defalcations of many other officers in this Government, ought to be exposed; so ought all persons, public and private, who either connive at them, or by whose neglect they may have been permitted to occur. I, however, am not aware that any substantial benefit can grow out of the investigation now proposed to be made. The objects desired to be attained by the investigation, seem to me to be in possession of the House and the country; that is, that the Government has been defrauded out of near a million and a quarter of money, and that the Conservative-Whig scoundrel, Samuel Swartwout, has done it, and has placed himself far on the other side of your investigation. If an investigation can be made without additional expense and loss to the Government, or if any portion of the money can be found, or if there are others within our jurisdiction who have been engaged in this stupendous fraud, and who may be brought to punishment by the proposed investigation, I am willing and anxious for it; but I protest against the mode proposed of raising the committee who shall make this investigation. It is proposed to have this committee appointed by the House. I object to any innovation upon the usual mode: It is the province of the Speaker to appoint committees, unless otherwise ordered by the House. I have some objections to "otherwise ordering" the appointment of this committee. First, because it will be a reflection upon the Speaker, whose character and reputation is identified with the character, reputation, and honor of this body; and whose official course, while it continues as honorable, able, impartial, and dignified as it has been, merits the esteem of this House, and will have the confidence of the country. Second, because I believe that greater discrimination, and less party partiality, will be exercised in the choice of the committee if selected by the Speaker, than will be exercised by the House. Third, because there is less responsibility attached in the appointment by the House than by the Speaker. If by the House, the committee is responsible. If by the Speaker, we have the responsibility of the Speaker and the committee.

It has been intimated that, should the committee be appointed by the Speaker, it will be a "whitewashing" committee. Sir, I object to the appointment of the committee by the House, because the Whigs and their "friends and allies," the Conservatives, have the ascendancy in this House, and a majority of that committee will consist of Whigs and Conservatives. Swartwout was a Conservative-Whig. I am confident every effort will be used by the committee to whitewash the black frauds and corrupt iniquities of Swartwout, and blackwash the Administration. I object also to the appointment of the committee by the House, because a part of that committee may consist of members who have formed and expressed an opinion unfavorable to the Secretary of the Treasury in relation to the defalcations of Swartwout, whom I consider wholly unfit for a place on that committee. It would be as disgraceful for this House to place such a member on that committee as it would be dishonorable for him to serve on it. But should the House determine that this investigation shall go on, and that the House shall appoint the committee, I hope that it will not be by ballot, as proposed, but that it will be appointed *via voce*, so that the country may understand and see who is responsible for the character of the committee. I hope in this business there will be no dodging. I hope every man will "toe the mark," and show his hand. We act for our country, and not for ourselves. Those we represent have a right to know what we do. I say, if this committee is to be appointed by the House, let it be done *via voce*. Come out, gentlemen, and show your hands. I hope we will see no skulking behind the "cotton bags."

Mr. Speaker, we have been tossed and rolled upon the waves of party and the billows of faction for some days, yes, some weeks. And so high has run the sea by party tempest, that we have been in danger of losing sight of that harbor in which the vessel of State was destined to ride by the framers of the Constitution. There is danger of losing sight of those principles which must be considered fundamental, and which must

continue to be the basis of our Government so long as it is of a republican character.

There is no better method of perpetuating our free institutions than a frequent recurrence to first principles, and a strict adherence to the letter of the Constitution; nothing short of these can secure either perpetuity to the Government, or happiness to the people. I believe that ours is a Government of the people, and its principles recognize the right of the people to govern themselves, either by themselves, or by their representatives, legislative and executive. The principle of self-government embraces and implies the capacity for self-government; and the right and the capacity for self-government implies and involves the right to instruct those whom the people may select to represent them in the law-making power, as well as those who may be appointed to execute the laws. Indeed, we may say that public opinion is the law in this country. No law can be executed contrary to the popular will, although it may have all the legislative and judicial sanction necessary to its existence; yet obedience and submission to all laws, while they exist, are the moral and political duties of every citizen. But, sir, one of the highest duties we as Representatives owe, or can owe, to those we represent, is to sustain those measures which are the choice of the people; and the strongest evidence that we can have that a given measure is popular with the people, and that it is our duty to carry that measure out, so far as it depends upon our official powers, is that we have been elected to office with reference to that measure. When an Administration is elected by the people, upon political questions involving their interest, the vote which is given in that election is an expression of the people in favor of or against it, (as the case may be.) The men who are elected are but the instruments in the hands of the people to carry out the policy involved in those questions. The correctness of these propositions will not be openly denied by any, but they have been obliquely and covertly denied by the whole Opposition of this House. It is done indirectly, by making the broad and unqualified assertion, that the will of the people is not manifested in the official existence of this Administration, that the people have been blindly led into error by designing demagogues, and that the result of the elections is no evidence of what may be the wish or will of the people. Sir, this is carrying out a fundamental principle of the Federal party, so recognized and practiced upon by that party from the commencement of our Government to this time, viz: that there is too much want of integrity, intelligence, stability, and moral rectitude with the common people for self-government. Sir, I will, before I take my seat, say more on this subject. I will dismiss it at this time with the only declaration which the baseness of the charge will admit of; and on behalf of the American people, I fearlessly pronounce the charge a base slander upon their intelligence, and their moral and political integrity.

But, sir, have the principles laid down in this discussion by gentlemen of the Opposition corresponded with these fundamental principles? Have they not broken over every barrier that has been erected for the preservation of those rights and principles, which have cost so much? What terms of reproach have not been used in denouncing this Administration, and all its leading measures? Sir, I repeat, I have ever heard that a want of confidence in the intelligence, capacity, stability, and moral firmness in the common people for self-government, constitutes a leading feature in the principles of the aristocrats in other countries, and the Federalists in this; but I have never seen that principle so manifest, and so plainly developed, as it has been in this discussion. These denunciations are unwarrantable and indefensible in a political sense, and revolutionary in their nature and tendencies. If ever there was an Administration of the people since the formation of our Government, or if there ever will be to its final dissolution, it is this Administration. If there ever were, or ever will be, measures which were, or are to be, considered the measure of the people, the leading measures of this Administration are so. The chief officers of the Administration have been elected by the people with a full knowledge of their merits, their principles, and their capacities for the elevated stations in which they have been placed.

The leading measures of this Administration are the measures of the people; all the prominent recommendations contained in the President's Message involve the same principles which have received the decision and the sanction of the people, after mature discussion and enlightened deliberation; and now to denounce them in the unmeasured terms of reproach and defamation, as well the Administration as the measures themselves, is to deny, in direct terms, as well the capacity of the people to select their political representatives, as their capacity to judge of the fitness or unfitness of such measures as directly involve their highest and their deepest interests, and perfectly in character with the fact, that a want of confidence in the integrity and intelligence of the people constitutes a prominent and fundamental principle of the Federal or aristocratic party in this country.

The President recognizes the fact, that our political institutions are becoming more and more under the control of the people, and that the growth of intelligence is equal to the duties of their protection and preservation. The gentleman from Tennessee [Mr. BELL] denies this, and refers to the "mob" in Pennsylvania, as an evidence that such is not the fact, but that we are in a state of disorder. And, sir, I affirm that our political institutions, and all the pure principles thereupon depending, are in a high state of preservation and durability; and for the truth of my affirmation, I refer to the "mob" in Pennsylvania; and let me say, that I look upon the proceedings of the Democracy ("rabble" as they have here been called) of Pennsylvania, as a most valuable evidence that there is enough of the revolutionary spirit of '76 yet existing to repel any attempt at usurpation of power not recognized by the institutions of our country. The attempt at usurpation by the Bank Federalists of Pennsylvania, was an attempt to establish power, in violation of the Constitution, as well of the United States as of the State of Pennsylvania. It was an attempt at disorganization, a prostration of our free institutions, and an effort to trample in the dust the elective franchise. The workers of such iniquity will only be known hereafter in infamy, and ought to be marked by the frown and indignation of every patriot and friend to his country. It is to be hoped that the Constitution and our free institutions, whenever and wherever assailed, and attempted to be prostrated, as they were by the hired bank minions of Pennsylvania, may find, such a democracy for their protection as that which rallied to their standard at Harrisburg. Such being the case, we have nothing to fear from all the political demagogues, bank vassals, and stock-jobbing gamblers that may array themselves against the country and the Constitution.

The gentleman from Tennessee, [Mr. BELL] complains that the President and Secretary recommend economy, and, because this recommendation is presented to the public in each executive document, the people are thereby deceived; and says that such frauds upon "the credulity of the people ought to be stopped;" that is to say, the President and heads of the Departments ought not to recommend economy in the administration of the Government. I have no doubt, sir, but what these executive recommendations of economy greatly annoy the Federal party, whose unremitting object seems to be to bankrupt this Government, if there is no other way to break down this Administration, and prostrate the Democratic party. Yes, sir, I have no doubt but that a recommendation from the President and Secretary to Congress, to be liberal, magnificent, and even extravagant, in public expenditures, would have been much more acceptable to the gentleman and some more of his party. Such a recommendation could have been used much more conveniently for Whig President making, than an economical recommendation, and would have been much more in character with the votes of the gentleman's party, which the Journals display.

Sir, it has ever been a cardinal point with the Democracy, and with every Democratic Administration, to confine the public expenditures to the absolute wants of the Government. Such a policy is not only indispensable to the purposes of economy, but indispensable to keep the Government within the limits necessary to secure and perpetuate liberty to the people.

There is nothing that can so much endanger the free institutions of a country and the freedom of its citizens as a rich and powerful Government. If the people be rich and happy, the Government must be poor. If the Government be rich and powerful, the people will be poor and weak, for the simple reasons that all rich Governments are made so by the wealth of the people, and whatever is taken from them to enrich the Government must make them proportionately poor; and in proportion to the wealth of the Government, so will it be powerful; and in proportion to its power, so will the people be weak. If the Government is the master, the people will be slaves; for both cannot be rich, both cannot be powerful, nor can both be masters. I hope there is no friend to his country of this Congress, or of any other Congress to come, in all time, who will hesitate to carry out the President's recommendation of economy in the expenditures of the Government. I say I hope this recommendation may be unanimously sustained; but I fear such will not be the case. We have a party here (the party opposed to the Administration) who seem to owe it as a duty to their principles and their party, to oppose every measure that is recommended by the Executive Department, or brought forward by its supporters. It is enough that the Administration recommends a measure to rally in one concert howl the whole pack of Oppositionists. The Executive and the Secretary of the Treasury recommend economy, present an estimate of the probable wants of the Government; but various works of a public nature (and many of them unconstitutional) are authorized by Congress, and appropriations directed to carry them on, to more than twice the amount of the estimates; and if the means of the Government happen to fall short, then we have a general Federal yelp of extravagance, extravagance, profligacy, and ruin, by the very party—yes, by the very men—who have been the means of involving the Government and bankrupting the Treasury by unconstitutional and extravagant appropriations; and these are the men who preach economy to the people with their lips, but practice extravagance in their hearts.

Mr. Speaker, I entered upon this discussion with great diffidence; not but what truth, facts, and argument are on our side, but because it is impossible to know where to find our enemy. They are as inaccessible as the Seminoles of Florida, who skulk beyond the swamps and within the dense hammocks, or the Circassians, who secure themselves in and upon the inaccessible Caucasus of Asia. Was it not for one feature in the principles and conduct of the modern Whigs, they would be impervious to defeat; they would be like brigands; they would eat, drink, and sleep with the apparent sociability of a friend with those who are the constant subjects of their plunder. I say if it were not for one feature in their political conduct; that is, never-ceasing hostility to the principles of Democracy; that is a paramount object, and before which everything else, moral, political, or religious, must give way. That is the link which unites them as close as the Siamese twins. Our enemies have no name, or, perhaps, they have so many names that little advantage could be derived from advertising them. The number of aliases necessary to designate them would swell the price of an advertisement above their value. I believe that all honest men regard a frequent change of one's name as an evidence of base dishonesty and fraud. If you hear of a man giving himself the name of A B at one of your neighboring towns, C D at another, and at another E F, you will surely come to the conclusion that he is a horse-thief, a robber, or something of the kind. So in a political sense, suspicious would justly be entertained of the political honesty and integrity of a party who are perpetually changing their names with the return of every general and important election. There is no man sufficiently watchful of his political rights, who will not look upon such a party with jealousy and great suspicion. Nor are the Federalists more prolific of names than they are in principles. They have a new code of principles for each election that is presented. Whenever it is necessary to rally upon a given election of general interest, they baptize themselves with a new name, and make such principles and maxims their watchwords as

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may answer the particular case. Can I have your attention, sir, while I trace up some of their inconsistencies practiced for political effect? In 1796, when Federalism had the ascendancy, and overshadowed every prospect in the country; in the Reign of Terror, when it was common to wear a black cockade, the term Whig was then considered an opprobrious term; it was synonymous with Democrat, and both only fit for the lower orders, or, in the Federal language of the times, was fit for the common people; while that of Federalist was alone fit for those who were a little uncommon; but now, for political effect, the same party have taken the term Whig to themselves. The adoption of this cognomen has answered them some purpose. It has answered the purpose of gulling a few of the unwary; but the object of its adoption begins to be understood; it is losing its charms. The Federalists will be compelled to take another name, to meet the next congressional and presidential elections. The term Locofoco is now given to the Democracy by the Federalists, as a taunt and a term of reproach. I shall not be astonished at all if the Federalists should steal the name from the Democracy, and baptize themselves with it, before the year 1840. We will then have a Bank-Federal-Locofoco party to contend with. In 1812-'14, when war was declared against England for the most violent and outrageous trespasses upon our commercial and other rights, in the open violation of the established laws, usages, and customs of nations, the Federal party, who were always a little more attached to the constitution, laws, and customs of England than to their own, and always deadly hostile to France, said tauntingly, "Why don't you declare war against France, and recover your French spoils? You are resting under national degradation; France has done you more injury than England." But war was prosecuted against England, and terminated with the memorable battle of the 8th of January, on the plains of New Orleans; a battle which not only concluded the war, but shed a blaze of patriotism, and a halo of glory over this country, and this nation, which no other victory ever did; and won laurels for those who gained it, that will bloom in memory, when they (ay, and the gentleman from Kentucky, [Mr. Underwood,] who rejoiced that there were no cannon fired here on the 8th of January) shall mingle with the dust. But the time came when, to save the nation's honor and do justice to those whose rights had been violated, it became the duty of the Chief Magistrate to call the attention of Congress, and the American people, to the redress of the injuries which we had sustained by the French spoils, and the only means left for President Jackson was to recommend reprisals. At this, the whole Federal party started, as if by one universal electric shock, and said: "What, are you about to declare war against France for the paltry sum of 25,000,000 francs? What, are you about to involve this nation in a war with France, that must deluge us in blood, and sink us in bankruptcy and ruin, for the paltry consideration of 25,000,000 francs? Are you about to declare war against France, who assisted you through with your revolutionary struggle, and to whom you owe a debt of gratitude you never can pay, an obligation that never can be cancelled, for the paltry consideration of 25,000,000 francs?"

Yes, sir, this was the cry then, and it was howled as loud, as long, and as piteously as the crocodile cry of corruption, corruption, and panic, is now howled. In 1811, when the recharter of the old Bank of the United States was under congressional discussion, Mr. Clay, the now leader of the Federal party, denounced the bank as unconstitutional. He contended that Congress had no power to incorporate a bank or any other institution, and that a bank was a dangerous and an unsafe institution; but now, sir, without any change or amendment of the Constitution, and without any material change in the policy of our country or difference in our institutions, a bank is the very thing we want, and is perfectly constitutional. In 1816, Daniel Webster, whose opinions on constitutional law is the political Koran of the Federal party, and before whose opinions they fall prostrate, kiss the ground, and worship as before Omnipotence, said that gold and silver was the only currency recog-

nized by and known to the Constitution. It was the law of the land at home, and the law of the world abroad. But now the rag-tag shipplaster currency answers all the purposes of a national currency, and is perfectly constitutional with that gentleman and all his party. In 1830, when the great political question, in which all others were merged, was the recharter of the Bank of the United States, Mr. McDuffie, chairman of the Committee of Ways and Means, made a report in favor of the recharter of the bank, which was popular with the Federal Bank party. Every sentence and word of that report was hailed as good orthodox Bank Federal doctrine, and no part of it was more popular than the following passage, which constituted the objections of the committee to a national bank, and the avowed objections of the Federal party to such an institution.

In relation to a national bank, (speaking of the number of agents which the United States Bank employed, and their political influence,) he says: "But the patronage resulting from the appointment—the annual appointment of these agents, great as it would doubtless be, would be insignificant and harmless when compared with that which would result from the dispensation of bank accommodations, to the standing amount of \$50,000,000! The mind almost instinctively shrinks from the contemplation of an idea so ominous to the purity of the Government and the liberties of the people. No Government of which the committee have any knowledge, except, perhaps, the despotism of Russia, was ever invested with a patronage at once so prodigious in its influence, and so dangerous in its character. In the most desperate financial extremities, no other European Government has ever entered upon an experiment so perilous. If the whole patronage of the English monarchy were concentrated in the hands of the American Executive, it may be well doubted whether the public liberty would be so much endangered by it, as it would by this vast pecuniary machine."

This was the opinion of the Federalists in 1830, 1831, and 1832, in relation to a national bank. So it was then—always was, and will be—the opinion of the Democracy of this country. This document had a circulation throughout the United States that no other document ever had. It flew through the country like leaves in the fall fell upon the highways, on cross-roads, in the fields, and in every door-yard; those who could read, were compelled to read it; and those who could not had it read to them; and no part of that report was used in argument in favor of the recharter of the United States Bank more than that part which I have cited. It was used to put down and nullify the mere suggestion which General Jackson advanced, that a national bank might, perhaps, be established, within the power of the Constitution, and of less dangerous tendencies. But what will you think, sir, of Federal consistency, when I tell you that no sooner had General Jackson vetoed the Bank of the United States, and the people had, by an overwhelming majority, sustained him in his course, than the Federalists were for "a national bank!" Yes, sir, for a national bank, with all its subjugating tendencies and "Russian despotism;" and in 1834 the congressional elections turned upon the question of a national bank.

In 1834-'35, when the General Government was receiving the notes of specie-paying banks in liquidation of the land purchases, the Administration was denounced and the practice deprecated as destructive to the rights of the people and their interest in the public domain. It was rung upon every change that the Administration was frittering away the public lands, which were reserved in trust for the use of the people, and taking in consideration the shipplasters of irresponsible banks. True it was, sir, that the spirit of speculation was about to draw the whole public domain in its vortex. Those who had credit could obtain bank notes by the quire, and purchase hundreds of thousands of acres of the public lands, perhaps to the loss of the Government, as there was an uncertainty of the power of the banks to redeem their paper, and to the great injury and prejudice of the poor and industrious man, for whose use the land is, and really of right ought to be held. Such was the rage for speculation, and such was

the system of monopoly, that the country was threatened with the introduction of the feudal system, with the vacillating and degrading tendencies peculiar to a system of landlords and tenants.

General Jackson, seeing the progress of these overwhelming evils, recommended what was called the specie circular to the Secretary of the Treasury. The policy was adopted, which was to prohibit the sale of a greater quantity of land than three hundred and twenty acres to one individual, for any other kind of currency than gold and silver. This measure had the desired effect, viz: to bring a sound currency into the Treasury, and, in some degree, to check the wild rage for speculation, and to secure the public domain from the grasp of the wealthy monopolizer. But no sooner was the specie circular put into successful operation, than the whole pack of the Opposition again raised the howl. The Administration was denounced for declaring war upon the banks, war upon the credit system, and making an odious distinction in the currency between the Government and the people. There was not a Whig whiff in the country, but could ask with great emphasis, "What, is the Administration about to establish two currencies, one for the Government, and one for the people?" "The Government must have gold and silver, while the people are to have shipplasters." Again, in 1834-'35, and '36, the Federalists said it was unsafe to deposit the public revenue in the local banks. They were unfit for financial agents, and the "banks and local bank-deposit system was in character with the ruinous and destructive policy of the Administration." Well, in 1837, when the banks suspended payment, locked up the public revenue, and proved themselves faithless agents, and unworthy of the confidence of the community and the Government; and when in consequence thereof it became the duty of the President of the United States to recommend a separation of the Government finances from the banks, and the establishment of an independent constitutional Treasury, then, again, was the whole force of the Federalists arrayed against the Administration, and every possible motive but that which was good and patriotic attributed to them. Ruin to the country, desolation to commerce, destruction to the banks, and prostration to every interest, public and private, was sung from Maine to Mexico, and as in the case of the Treasury circular, "two currencies!" "one for the Government, and one for the people," was exclaimed and vociferated by every Whig thing in the country.

Further, when General Jackson was run for President, in 1824, 1828, and 1832, the Democracy were warned most solemnly and lovingly not to support a military chieftain for the Presidency. We were told and admonished, in an apparent spirit of patriotism and love of country, that all Governments had fallen, and all Republics had been subverted, by the destroying hands of military chieftains and military ambition. Yes, sir, we were told that "war, pestilence, and famine," would be our fate, if we should place a military chieftain in the executive chair. The hero of New Orleans ought not to be made President of these United States; we must have a civilian for a President. But General Jackson was elected; he served his first term, but no military despotism made its appearance. He was elected a second time, and served out his term, but no military despotism yet appeared. But there were some honest persons of the Democracy who perhaps thought there would be more safety in bestowing the Presidency upon a civilian; and a distinguished one, in the person of Martin Van Buren, was presented to the American people as the Democratic candidate for the Presidency. But now it was discovered that a civilian was not so safe as was thought, and particularly the one now offered; and a military chieftain was brought forward in the person of Major General William Henry Harrison, commander-in-chief of the northwestern army, and offered as the competing candidate against the civilian already named. Yes, sir, in 1832 there was danger, ay, ruin to the country and downfall of the Government attendant on the election of the hero of New Orleans to the Presidency; but in 1836 there was no danger in electing the hero of Tippecanoe to the same high station.

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Again: when General Jackson was President, the Federalists said Martin Van Buren administered the Government. Jackson's messages were splendid documents in point of talent; they could not be surpassed. All the objections the Federalists had to them consisted in their hostility to the Democratic doctrines they contained; but they said General Jackson neither composed nor wrote them; they were Martin Van Buren's messages. But now that Martin Van Buren is President, every leading measure and proposition of the Administration comes from the Hermitage. Sir, I repeat the question again: What confidences to be placed in a party who change their name and their principles with the return of every election?

But, sir, I have presented this array of Federal inconsistencies, not merely for the purpose of exposing the base practice of changing names and principles for the unhallowed purposes of political deception, but also to prove what I have already stated, and what has been well known in reference to the principles of the Federal party; which is, that it is a part of their faith, and a fundamental principle of their doctrine, that the common people have not the intelligence, firmness, and moral integrity necessary for self-government; and all these changes of names, and professed changes of principles, is base and black hypocrisy.

Sir, we have had a prophetic destruction from the gentleman from Mississippi, [Mr. PRENTISS,] as blighting as that pronounced by the inspired prophets against Babylon. He has told us, in substance, that if this Administration is to be continued, this Government must fall; your Constitution will be rent, and scattered to the four winds. This would be bad. Your free institutions will be prostrated and leveled with the earth. This would be worse. This magnificent pile of noble architecture will totter, tumble, crumble, and mingle with the dust of the pyramids of Egypt, the temples of Greece, and the obelisks of Rome! Hardly a scratch or scroll will be found upon the lofty columns that now surround us to give name to this magnificent temple of liberty to the curious and romantic wanderer in after ages! All this is withering prophecy to the philanthropist and the lover of liberty; but the worst is yet to come; that which will be far more distressing to the lover of science, literature, and politics. The gentleman concluded his prophecy by the chilling threat, that if Martin Van Buren is again to be elected President of these United States, he (the gentleman) will do—what, sir? Take the Great Western, and go to Liverpool! Yes, sir, the gentleman will expatriate himself from this Government. What a calamity! It will be the footing up of all the other calamities that await this people and this Government, if this wicked Administration is to be continued.

I think the Democracy, sir, will have to take this last threatened calamity seriously into consideration. When I go home, I will lay the matter, in a proper manner, before the first Democratic convention which may be held in the district I have the honor to represent. I will also consult some of my old and well-tried friends in Democracy. Father Felter and Father Dawson are patriarchs in Democracy. They are experienced in political matters. They are doctors in Democracy, and, withal, sound, pure, and upright patriots at heart. Their opinions on this important question will be of great weight. I think the Democracy, so far as my district is concerned, will take such order on the question as will operate to the best interests of the country. Should I have the honor of a seat in the next national convention which will be held for the presidential nominations of 1840, I will lay the matter before the convention; and if it shall be thought that the loss of the gentleman as a citizen of the United States will be an injury paramount to the benefits of Mr. Van Buren's administration, why, Mr. Van Buren "then, and in that case," will be withdrawn, and some less dangerous man shall be taken up in his place. I know that the Democracy will do what is right in the premises. But, sir, I hope, if the gentleman should expatriate himself, and "take the Great Western for Liverpool," still it may not prove the final end of this Government. When Alexander the Great planted the Grecian standard in the soil of India, and was carrying his conquests into the interior thereof, and one

victory seemed to be gained to the glory of the Grecian arms but to give way for another equally glorious, in all these battles Alexander was found in the front ranks. (A most happy admonition to some of our liveried gentlemen, who had better be in Florida, or at some other post where they would be doing more service to their country, than hanging and lounging about the city of Washington, each occupying the room of two at all your balls, routs, and assemblies, where, in some instances, there is nothing but women to fight.) Some of his officers, in the most friendly manner, admonished the King of the danger he was risking in thus exposing his royal person, and the great interest that Greece had in the preservation of his life. The King answered that the welfare of Greece did not depend on the life or death of one man. So I would hope, sir, that the duration and welfare of this Republic does not depend on the presence or absence, or life or death, of any one man. But this Republic may fall; yes, sir, it will fall, as did the Assyrian empire, when the Medes were governed by a mule, and from the same cause. Cræsus, King of Assyria, consulted the oracle Delphos, for purposes that related to his future prosperity, and the prosperity of his empire. He was told that when he crossed the river Halys, that a great empire would be destroyed; and that when the Medes should be governed by a mule, he would be in danger. He never dreamed that it was to be his own empire that was to be destroyed when he should cross the river Halys, and he thought the thing impossible that ever the Medes should be ruled by a mule. But after his empire was destroyed, and he made prisoner by Cyrus, King of Persia, he sent a gold chain, with a reprimand, to the Delphic oracle for so deceiving him; he was informed by the oracle that it was his own empire it was meant should be destroyed, when he should pass the river Halys, and that Cyrus was the mule who was to govern the Medes—a mule being a mongrel beast, half ass and half horse. And that Cyrus, being the son of Cambyses, King of Persia, and Mandanis, daughter of Astyages, King of the Medes, he was of mongrel composition—one half of his blood Persian, by his father, and the other that of the Medes, by his mother. So, sir, when this Republic comes to be governed by a mule, (Federal away,) it will fall, or it will be subverted. Sir, what is the Federal party? A mongrel composition consisting of part Bank and part Anti-Bank, Masonic and Anti-Masonic, Abolition and Anti-Abolition, &c., &c. Made up, sir, of the factions and fractions, and odds and ends of all factions, bound together by no common principle or tie but natural and unrelenting hostility to the Democratic party, and the Democratic principles. When the day shall come that this mule shall govern this country and this people, then will our Republic fall, and our free institutions crumble to the ground, and mingle with the dust of the free institutions of other Republics which have fallen by the misrule of similar factions and ambitious demagogues.

Sir, as an evidence that this corrupt Administration is soon to be overthrown, the gentleman has presented us, in glowing colors, the recent Federal victories in New York. And the gentleman attempted to amuse us with the effect that that Federal triumph must have had upon the President. It is true that the State of New York has given, at the recent election, a Federal vote by a small majority, much smaller than it was the preceding election. And I have no doubt but that the Federal success last fall was the necessary result to secure Democratic success to the next presidential election. Yes, sir, the ten thousand tricks, stratagems, and base frauds, which were used to deceive the Democracy, and to secure Federal success, will recoil with ten-fold force upon the heads of the workers of such base iniquities; and, besides, a defeat something like that of New York was necessary to keep up that Democratic watchfulness, so indispensable to the preservation of our free institutions. With the rushing torrent of political prosperity, which was the lot of the Democracy last fall, there was danger of falling into carelessness and apathy, from which we could only have been roused by some great violation of our political rights, such as occurred in 1824, when the people by fraud, corruption, and bargain, were cheated

out of the man of their choice for the first office in their gift. But, sir, the Federal success in New York, and the manner by which such a result was brought about, will keep up a laudable and wholesome Democratic excitement, which will not be limited to that State, but will influence more or less the Democracy throughout the Union, and will tell a woeful tale for Federalism in 1840.

While I am on this subject, it will not be improper to notice some curious circumstances of a national character which seem, if not to partake of the supervision of which I have been speaking, at least to have all the characteristics of retributive justice. I allude, sir, to the rejection of the distinguished and talented statesman and accomplished gentleman who now fills the executive chair of these United States. It will be remembered that during the late Administration, General Jackson nominated, in the recess of Congress, Martin Van Buren Minister to the Court of St. James. The Senate of the United States—having a majority at that time opposed to the Administration and the Democratic party, but since reformed by the people—rejected the nomination, and Mr. Van Buren was of course called home. What followed? Why, the people, the freemen of the country, elected him vice president of the United States; elected him to the second office within their gift; placed him in that same Senate, to preside over the same men who, for party purposes, narrow party considerations, had rejected him. What a triumph of principle and of retributive justice! But the laudable and popular indignation for such base injustice did not stop there. Popular love and popular confidence, which he had honestly earned, gave him the highest station within the gift of the American people—a station which he is now filling with honor to himself, dignity to his office, and to the highest and best interests of his country.

There is another little matter, of the same character, which I will just mention.

It will be remembered that General Jackson nominated one Ben Tappan to the office of district judge of the State of Ohio—as sound a Democrat and as pure a patriot as ever honored the names; and, withal, of the first order of talents, and of the most unexceptionable deportment. This nomination, for party purposes, contracted, groveling, selfish considerations, and for the gratification of a vindictiveness which can be found in no party except the sworn enemies of Democracy, was rejected. But what do you think the people have done, sir? They have placed this same Ben Tappan in the seat of him by whose vote the nomination was rejected, and have consigned him (Ewing) who voted the rejection to perpetual and everlasting "solitude and the desert wastes of water." These things may not have been brought about by any providential interposition, but they evidently partake of that kind of retributive justice which is one of the attributes of Providence.

I have said that the gentleman from Mississippi [Mr. PRENTISS] brought forward the alarm of Belshazzar to portray the alarm of the President on hearing of the defeat of the Democracy of New York. I thank the gentleman for the classical allusion. I will try to make something of it for my purpose.

Sir, the conduct of the Federalists in 1837, on the reception of the news of their victories in several of the States, will well bear comparison with that of Senacherib, and many other tyrants of his time, who were mere scourges in the hand of the Almighty to punish the wickedness and idolatry of mankind. In speaking of the sway of his power and of his conquests, he said:

"By the strength of my hand I have done it, and by my wisdom, for I am prudent; and I have removed the bounds of the people, and have robbed them of their treasures; and have put down the inhabitants like a valiant man, and my hand hath found as a nest the riches of the people; and as one gathereth eggs that are left, have I gathered all the earth; and there was none that moved the wing, or opened the mouth, or peeped."

But this monarch, so august and wise in his own eye, how did he appear in that of the Almighty? Only as a subaltern—a servant sent by his master—the rod of his anger, and the staff in his hand. The Almighty's design was to chastise his children, not to exterminate them; but Senacherib had it

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in his own heart to destroy and cut off all nations. What, then, will be the issue of this kind of contest between the designs of the Almighty and those of this prince? At the time he fancied himself already possessed of Jerusalem, the Almighty, with a single blast, disperses all his proud hopes, destroys in one night a hundred and four-score thousand of his troops—putting a hook in his nose, and a bridle in his lips, (as though he had been a wild beast,) he leads him back to his own dominions, covered with infamy, through the midst of those nations, who, but a little before, had beheld him in all his pride and haughtiness. How was it with the Federalists in 1837, on hearing of their victories? These are the results of our strength; it is done by our own power, for we are mighty. One gentleman [Mr. CUSHING, of Massachusetts] said, in substance, in the name of the rest of the Federalists, that the Democracy in Maine had fallen before the power of Federalism like grass before the scythe. But what did all this vain boasting amount to? We will see in the end. A Belshazzar feast was held at Faneuil Hall. Daniel, (not the prophet,) with all his officers and minions assembled, and, after being harangued by Daniel and other Federal high priests, retired to a place appointed, where the history of the times say there were twelve hundred and three-score bottles of champagne in readiness for the feast; all drank and all "breathed deeper and freer than they had ever done." But, in the midst of their reveling, a handwriting was seen on the wall, and when discovered, it disclosed the appalling fact that Missouri had closed her elections, and that the Democracy had gained a triumphant victory over the Federalists. This produced consternation and dismay. But the revelers received that kind of consolation that the queen-mother Nictoris gave her son Belshazzar—that was, that *Missouri was expected to be Democratic*. "Solitary and alone" ruled that State; all expected that the Federalists would be defeated. So they were comforted, and the feast went on. But hardly had they taken the next glass, when a voice thundred at the gates—the Federalists have been routed in Maine horse, foot, and dragoons, and more than five thousand left dead on the field. Consternation had not time to subside, when a courier rushed upon them with the intelligence that a battle had been fought in Maryland, and the Federalists had been routed with dreadful slaughter. On the heels of this death-dampening news came on another courier with the news that the Keystone in the arch of the Union had been replaced, and that a pitched battle had been fought between the Federalists and the Democrats of Pennsylvania, and that the former were overthrown, and six or eight thousand slaughtered; close to this intelligence, followed one from Ohio, with the news that a pitched battle had been fought, and the shipplaster Governor had been overthrown and upwards of fourteen thousand of his Federal troops inhumanly and indiscriminately slaughtered, and his whole Conservative troops cut off, not one man of the self-styled "Spartan band," was left to take the news of the sad disaster to Lacedæmon; close on this disaster followed the news from South Carolina and New Jersey, with the melancholy intelligence of the almost entire overthrow of Federalism in both these States; in the latter, over a thousand Federalists were put to the sword; last, though not least, came a courier from Delaware, bearing the proud banner of Democracy, with the inscription of victory, and the overthrow of Federalism! Federalism was overcome. The knees of the bacchanalians, Belshazzar like, smote together. The air sickened; dumbness and horror reigned; the wine-cup dropped from the pale and quivering lip; the Euphrates was turned from her channel; the Persian troops marched in dryshod; the walls were demolished, the citadel seized, and the city of Federalism was destroyed, and its citizens put to the sword! How does this prostration compare with the vain boastings of the Federalists one year before, and how very insignificant is the small and temporary Federal victory in New York, when compared with such a succession of triumphs, gained upon principle, and under the broad stripes of the banner of Democracy.

The gentleman from Mississippi, [Mr. PRENTISS,] after attempting to expose what he supposes to be corruptions of this Government, says that they grow out of the maxim and the watch-

word, that to the victors belong the spoils. The gentleman from Tennessee [Mr. BELL] says that no reformation can be expected while there are so many hungry expectants. There is not a day nor an hour that passes but we hear some taunt about the spoils party, hungry expectants, office-holders, the army of office-holders, &c. Sir, I think I once before was compelled to notice this hypocritical whining about office-holders. Where, I ask again, did we ever hear of a free Government without office-holders. What do gentlemen mean when they talk about the army of office-holders? Are there more officers than are wanted to manage the Government? Then let them be pointed out and removed. If gentlemen, who are constantly harping about office-holders, know of any superfluous ones, they are bound, in duty to themselves and to their country, by the nature of their office, and the oath they have taken to discharge the duties of the office, to point them out, and to take such order as would cause the instant removal of such worthless drones upon the public store-house. Is the number of officers too great? are they derelict in duty? or are their salaries too high? All these evils can be remedied if they exist; and I invite gentlemen, who are evaporating so much of the public money by denouncing the office-holders, the spoils party, the hungry expectants, &c., to point out the evil specifically, and recommend the remedy. I will be foremost in carrying that remedy into immediate practice. But, sir, I am inclined to think that constant and incessant yelp about office-holders does not grow out of the fact that such evils as I have represented exist. It is because the Democracy have the ascendancy, and the Federalists cannot occupy all the offices, and all the spoils themselves. This is the cause of all the Federal whimpering about office-holders and spoils party.

What is the course of the Federalists when and where they have the ascendancy? So far as my experience goes in my State, the Federalists clear the chess-board of every man who is tainted with Democracy, whenever they have the ascendancy, when it can be done without prejudice to their party. I have been informed that, under the late Federal-Ritter power, almost every Democrat went by the board, who came under the Executive control, even down to the laborers on the public works. I may be in error; if so, some gentleman from Pennsylvania can correct me. I have little doubt but that the Federal reformation system will be carried to the full extent in New York, during the short time the new powers will be permitted to flutter in that State.

But, sir, I come now to speak of the charges of corruption, profligacy, panic, and ruin, which have been rung in our ears until our hearing has been wounded and our stomachs nauseated. This howl of panic, ruin, and corruption, has been a standing mean used by the Federalists from the commencement of this Government to this time. It is a howl like that of no beast on the face of the earth, but that which makes it. It is the howl of a demagogue, and is used for the purpose of political deception. It varies in its tone. It is sometimes boisterous and terrific; it is sometimes more like the piteous and deceptive cry of the crocodile. It varies with the causes that operate upon the demagogues who make it. Sometimes it proceeds from a robust political desperado, but more generally from the lean, lingering, lank office-seekers; and the time was when this howl had some effect with the people; but their howl of corruption! corruption! has become like the cry of wolf, wolf! The people know the object, and by whom the howl is made. They give it no attention. The charge of corruption, panic, and profligacy, and its repetition, constituted one half that was said by the Opposition at the last and the extra session, and cost the people of this Government more than Stephen Girard's estate was worth at his death. These charges against the Administration were considered and investigated by the people, and with a full knowledge of the facts upon which they were founded, and with a discriminating mind, and a sound judgment, which rarely ever errs when unclouded by falsehood or undeceived by misrepresentation, have expressed a deliberate opinion, through the ballot-boxes, that the charges of corruption, profligacy, and panic, are false. They are a base slander upon the Administration, and a

libel upon the people, so far as panic is concerned, and made for political effect, to advance Federalism. But, sir, it is time for me to raise the general issue with the gentleman from Mississippi, [Mr. PRENTISS,] and to present such facts as will sustain my plea. The gentleman, in the outset of his long speech, said that there were corruptions and base frauds committed by the officers of this Government, and that the Administration and the heads of Departments were cognizant of them, connived at them, participated in them, and were morally involved in all the guilt and crime connected with them. This was his declaration; and that he would present such an array of facts in support of his charges, that no one dare contradict him, nor deny the charges that he had thus publicly, and from his place, made. Now, sir, I, on behalf of this Administration, join issue with the gentleman, and plead the general issue "not guilty."

I have seen and heard the "array of facts" which the gentleman has brought forward to sustain the charges contained in his declaration, and I heard with patience and attention the gentleman's comments upon his array of facts; and I dare say that the charges are not sustained. I dare say that the Administration, or the heads of Departments thereof, are not "guilty." I admit that abuses have existed, and frauds upon the Government committed by some of its officers. But I dare say the Administration, or the heads of Departments thereof, were not cognizant of them, did not participate in them, did not connive at them, and are not morally involved in the guilt connected with them; all these I dare say, and there are some other things I dare say. I dare say that more faithful, economical, and prudent executive officers, so far as the heads of Departments are concerned, never administered this Government, than those of the present Administration. I dare say two thirds of all the public defaulters and fraudulent speculators, from the commencement of the Government to this time, and particularly in this and the last Administrations, were Federalists in principle, as they were scoundrels in practice, and violent opposers of the Democratic principles, party, and administrations.

Further, I dare say that there have been fewer official frauds and defalcations in this and the last Administrations, (and I speak with reference to the length of this Administration,) in proportion to the amount of public revenues collected and disbursed, by more than two hundred per cent. than existed under any preceding Administrations.

Further, I dare say that more than nine-tenths of all the money out of which the Government has been defrauded originated by the banks and the connection of the Government with them; and with the importing merchants and the credit system—all darlings with the Federalists, and a part of the party and the whole of their policy. Sir, the charge of fraud and corruption is made upon the Administration generally, and particularly upon the Secretary of the Treasury, Mr. Woodbury. These are grave charges against high, distinguished, and responsible officers of this Government, and if true, are matters of grave import, in which the whole community have the deepest interest. If those who make them are sincere, and make them in good faith, they are solemnly bound, by the nature of their oath and the duties of their office, to prefer articles of impeachment. But, sir, I dare say further, that that will not be done, although gentlemen say that Mr. Woodbury stands convicted by his own reports; yes, he stands convicted by evidence "out of his own mouth." Yet, sir, on behalf of Mr. Woodbury, and without conference with him, or his consent to throw down the glove, I challenge any member of this House to prefer articles of impeachment against him. Sir, the Opposition could do nothing which would please Mr. Woodbury better. Sir, there is no man in this House that would not recoil at the thought of the indignation of a liberal and an honest community that must rest upon the head of him who would be foolhardy enough to prosecute such an adventure upon an individual whose merits secure him so large a portion of the public confidence and good feeling. And as bantering, daring, and boisterous assertion is the order of the day, and one of the modes of argument in this House, and as I have as good a right to participate in this new mode of discussion as

any other member, I repeat the challenge—impeach Secretary Woodbury if you dare. But, sir, I proceed to sustain my plea, and the assertions I have dared to make in defense of this Administration, by facts and matters of record. But, first, let me call the attention of those who hear me, and those who may read me, that the President nominates all receiving, collecting, and disbursing officers; those who are the defaulters were nominated by the President and confirmed by the Senate. Mr. Woodbury has no control over those appointments. If unprincipled men get into office, and the Government is defrauded thereby, it is unjust and unfair to hold the Secretary of the Treasury responsible; responsible for the conduct of officers not of his appointing, and over whose conduct he has no control, except to detect them after a fraud has been committed, and to recommend their removal from office. Whatever moral or political evil may attach to the appointment of a fraudulent officer, nominated by the President and confirmed by the Senate, neither the President nor the Secretary of the Treasury ought to be held responsible; for, as I said, the Secretary has no absolute control over the appointment, and the President cannot be presumed to be acquainted with the merits, morals, integrity, and qualifications of the hundredth individual who is appointed to office, who may have a portion of the control of the public revenue. He must rely upon the recommendation of those who are acquainted with the applicant, and upon the Senate, who confirm his nominations, and who have fifty times the opportunity to know the qualifications of the nominees that the President has; their body consisting of that number, and their practical acquaintance co-extensive with the Union.

But I said that this was an economical Administration. Sir, I refer you to the messages of the President and the reports of the Secretary of the Treasury. One of the principal features in each is a strong recommendation of economy in the expenditures of the Government. What is it, sir, that constitutes extravagance in our Government? It is the appropriation of money for purposes named in the act of appropriation beyond the amount of the Government estimates. The Secretary of the Treasury presents Congress with revenue estimates. Now what does extravagance consist in? Why, in appropriating money beyond the amount of the estimates, and beyond the amount of the income of the Government and her ability to pay. Who makes the appropriations? Why, Congress. Then, sir, when we have large and extravagant Government expenditures, by which the people are oppressively taxed, who is to blame? Congress; and I hesitate not to say (and I challenge an examination of the Journals) that, nine times in ten the extravagant appropriations have been brought forward, sustained, and carried by a majority of the Federal members of Congress. Yes, sir; by the very men who cry extravagance loudest.

But, sir, I said that more than two thirds of the Government defaulters were opposed to the Democratic party, &c. Sir, I hold in my hand a book containing the evidence of what I say—a list of public defaulters from the commencement of the Government until the time it was reported, 1838. It contains the names, I think, of upwards of three thousand public defaulters. I am not acquainted with the politics of them, but I think I risk nothing in saying that more than two thirds are, and have been, opposed to the Democratic party. I judge of those I do not know by those I do know. I do not, in general, mean personal acquaintance. I say, as I have done, that defalcations are numerous; they have existed from the commencement of the Government, and they will continue to exist while the Government exists, and while frail man continues to administer it. It is contrary to human nature and to all human experience to suppose that this vast political fabric should be managed in all its various and complicated interests and duties without abuses; and all that can be done to secure the Government and the people from such abuses and frauds as have been practiced, and to provide against subsequent abuses, is to remove the causes that have existed, and to establish such additional checks as will be most likely to secure a faithful and honest administration of the Government in all its parts; at least,

so far as human weakness, frailty, and temptation will permit. I think these will be paramount duties to idle declamation, and that unlimited pouring forth of bitter vituperation and unqualified abuse for party purposes and President-making.

In relation to the defalcations in financial trusts, the causes seem to have had their origin and existence, in part, in the banking system, and the connection of the Government with the banks. It seems to me this must be conceded by all who have honestly investigated the subject. Why, then, do those who are opposed to this Administration, denounce it in such unqualified terms, as the cause of all the abuses now presented by the official reports of defalcations, as well of this Administration and the defaulters under it, as those which have gone before it, for which it is neither morally nor politically responsible? Sir, we can retort. I ask, who was it that introduced the banking system into this country in a national sense? Alexander Hamilton. Who was he? One of the leaders of the Federal party. What party is it, and what party has it been, by which it has been kept up? The Federal party. To what party has the principal defaulters belonged? To the Federal party. I say, under what Administrations have the greatest amount of defalcations occurred? Not this, nor the one that preceded it. Sir, I propose now to expose the names of some of those who belong to the party who are now crying corruption, corruption, so loud and so long, in concord with the cry of panic, panic, with which we have been so long grated. And, sir, if I should open the tombs, break down the ramparts of ancient grave-yards, and dig, hyena-like, into the grave, and disrobe the dead, I hope I will find an ample apology in the paramount law of self-defense. It was not I who began this exposition. Should any man's feelings here or elsewhere be hurt, the blame must not be laid on me, but upon those who have wantonly provoked it.

The first name, then, sir, I will present, is that of one John Adams, once a President of these United States. He, sir, stands upon the records of this Government as a defaulter to the amount of \$12,898. The history of this defalcation is understood to be, that a sum of money was appropriated for furnishing the President's house. President Adams drew the cash in advance. He employed this amount in purchasing a splendid carriage and horses, and other personal accommodations. This the accounting officers could not allow. He refused to reimburse the money. This amount, therefore, remains unsettled to this day, and will until the last day.

Edward Randolph, a defaulter for \$61,155 07, in 1797. Whose Administration did this happen under? In document of the House No. 111, of last session, the collectors' defaults, at the same period, are shown to be, exclusive of interest, half a million of dollars.

Andrew and James Erwin. Document No. 111 exhibits a defalcation to the modest sum of \$80,000. Who has been benefited by this plunder—any man here to answer? What were the politics of the base speculators? Whigs.

Mr. BELL, of Tennessee, rose, and said, that the Messrs. Erwin were not defaulters. It was a slander promulgated by the Globe paper.\*

Mr. DUNCAN responded that he did not get his information from the Globe; he obtained it from the records in the archives of the Government, evidence of the highest character, and that which is open to the view of every one who desires to read. I hope (said Mr. D.) it is not true. I would prefer to conceal, at all times, human weakness and depravity, rather than expose, where it may be done without public injury; but I would prefer that such depravity as I am now exposing did not exist. And let me say, once for all, that I know nothing personally of the numerous and wholesale frauds which I am now exposing. I am alike ignorant of the men whom

the records show to be the perpetrators. These frauds, with the names of those who committed them, are matters of record, and the facts are spread over the whole country, and known to all who read the Journals of Congress and the reports of the Secretary of the Treasury. Consequently, my exposition can neither affect the reputation of those whose names I expose or the cause of justice.

Mr. KING, late collector of Bath, Maine, seems to be a defaulter for the modest sum of \$15,000. Perhaps the gentleman now in my eye, [Mr. EVANS,] can tell us what that gentleman's politics are, and whether he was not the late Whig candidate for Governor of that State; and whether, with all the corruptions of defalcation in which he is involved, he did not receive the entire Whig vote of his State.

So we ride—but again:

Joseph Wingate and J. B. Swanton, late collectors at Bath also. I have not before me the amount of their defalcations; but they are defaulters; and the former, since his defalcation, has been a Whig member of Congress, and most lovingly embraced by the whole party. The latter, for his violent abuse of Democratic principles, has been rewarded by the late Federal Governor of Maine, with a responsible office, the functions of which require a particular supervision of the finances of the county of Kennebeck. I ask an examination of the reports. It will be found that the collectors, receivers, and disbursing agents, all, or nearly all, support the views which are now advanced with so much zeal for the entire indemnity of this system of fraud and plunder. Examine No. 191, made to the House of Representatives, February 25, 1838. The loss by banks estimated at about \$6,000,000; their nominal debt was nearly double, but partly secured. This amount is exclusive of interest; with interest, it will be near \$20,000,000. I refer to the report to the Senate, February 2, 1838, Document No. 158.

The losses prior to General Jackson's administration, by collectors and receivers, amount to \$1,200,000; the nominal sum is nearly double, but part of this sum is secured. It is probable nothing will be lost eventually under General Jackson's administration but by Littlebury Hawkins, or under the present Administration but by Swartwout and Price. There will be other defaulters, but their security will be good for their respective amounts.

Reckless, collector at Perth Amboy, has produced some alarm; his defalcation was thirty or fifty dollars. He, so soon as the defalcation was discovered, paid the amount. He was a Democrat. He was misled by his predecessor.

But do we hear anything from Arnold, the collector of the same place, some years before, under the administration of one John Q. Adams? He is in default for \$80,000, not one farthing of which was recovered; yet we hear no Federal murmuring about that defalcation. He was a modern Whig. This was caused by the neglect of the Administration under which the default occurred, according to the charges now preferred; and it was under the bank administration. Why this muteness about Arnold's defalcation? All understood.

The loss on merchants' bonds. This loss amounted to \$7,000,000, without interest. See detail of names and dates in report to Senate, 6th July, 1838, document No. 503. There will be found the name of G. W. Bruen, of the firm of Thomas Smith & Co., in default for the modest sum of \$800,000. I would like to know whether or not he is a violent and noisy Whig in New York. Perhaps the Whig gentleman now in my eye [Mr. CURTIS] can inform me. And I would inquire of that gentleman, if he did not make the motion in common council to dismiss all Democrats in the city from office and public employ, even down to the lamplighters?

Edward Thompson, I think, of Philadelphia, whom the records show to be a defaulter to a considerable amount, say the reasonable sum of \$700,000, or more. Perhaps some of the Whig gentleman from that city can inform us as to his politics. Whig, I presume? Yes; silence gives consent.

All these base frauds and wholesale defalcations occurred under the United States Bank Administration, and before the present Administration.

\* An inspection of note 83, in the document referred to by Mr. DUNCAN, shows that the defalcation of Erwin has been the subject of judicial investigation, and that a judgment was obtained against him in the month of October, 1830, for the sum of \$92,685! So much for the "slander of the Globe paper." The extreme sensitiveness of Mr. BELL in regard to this case, may be accounted for by the fact that Mr. Erwin is his father-in-law!

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They grew out of the wholesale gambling system established, maintained, and managed by the banks. This system the Democracy of this country have always set their face against. Who are responsible for the losses thus sustained but those who, for party and pecuniary motives, sustain and keep up the fraudulent system that gives birth and support to them?

Collecting officers. Report of January 17, 1833, House of Representatives, document No. 111, shows names of defaulting collecting officers.

Reports of First and Second Comptrollers of the Treasury, documents Nos. 2, 6, 48, and 186, of the House of Representatives, show defaults of disbursing officers.

In looking through these documents, among many hundred of Whig names I find that of *James Monroe*, formerly a captain in the Army, and is in default \$4,115 44. I have understood that this is one of the Whig members of Congress elect; and I think I have seen him charged with having given \$5,000 towards carrying the New York Whig elections. If so, would it not have been more honorable for him to have paid the debt which he owed the nation?

*Robert Brent*. The name of this individual stands on record with a defalcation annexed of \$78,541. He was a paymaster general, (Whig.)

*Samuel Chaplin*, late paymaster, defalcation \$109,000, (Whig.)

*Amos Binney*, late Navy agent, defalcation \$70,562, (Whig.)

*Joseph Kuhn*. Defaulter for \$22,621 55, (Whig.)

*Miles King*, Navy agent, (Whig,) defalcation not known.

But here comes *William McMurtry*, purser, defalcation \$17,991, (Whig.)

Who next? *Robert Randolph*. Defalcation \$25,097.

These are subjects worthy of investigation. Why not inquire after them? They are Whigs. Their exposition would not assist to elect a Federal President; and such an investigation would expose the banking system. But why not investigate *Thomas McKenney's* connection with the old Bank of Columbia? how much he owed it, and what did the Government lose? What are his politics? Is he not the editor of a violent, raving, ranting, and bitter Federal bank newspaper? Who now cries corruption! corruption! as loud as any man in all Judea?

Bank defalcations. Look, sir, at the millions that have been lost to the Government by the frauds of the banks, since 1817 up to 1838, inclusive—all during the bank reign.

Bank defaults in 1837. Yes, sir, sixty or seventy in number; all defaulters at one time. Yes, sir, in defalcation at one time to more than \$20,000,000. This was all right in the banks, though the Government was made bankrupt thereby, the nation's character blighted at home and dishonored abroad. Indulgence was given to them by the President and Secretary, and that indulgence confirmed and continued by Congress. This indulgence was right because given to the banks. Yes, sir, the banks can defraud and bankrupt the Government, Whig collectors, Whig receivers, and Whig disbursers, can rob the Government of any amount, and Whig muteness and silence reigns, more especially if that robbery be perpetrated under a Federal Administration. Beside the indulgence and time given before to the banks, as deposit agents, from May to October, 1837, for \$20,000,000 at first, and then for five or six millions of dollars, the Treasury Department gave time and indulgence to numerous merchants, on duty bonds, during the same period, for near five millions more, though all were in default to the Government. This was in the exercise of a sound and legal discretion, and proved in the end beneficial to the United States. I say Congress sanctioned this in September, 1837, and extended the indulgence still longer. Both of these happened after real, ascertained defaults, and were not previously; like the short time taken by the Department and the President, exercising the same legal and sound discretion in the case of some receivers, to inquire if a real default had occurred, and if the money would not, without suit, be deposited as ordered. Yet the hue and cry is, that the last is impeachable but the first is right!

And because Mr. Woodbury, Draco or Nero like, will not take a Democrat by the throat and

strangle him the moment he is under the least suspicion of official defalcation, let his means to satisfy the Government be what they may, the cry of corruption must be rung upon every change, and the whole Administration denounced as basely fraudulent, and as conniving at public speculation. All indulgences that have been given to defaulters has been with a view to put it in the power of the defaulter to liquidate the amount for which he may have been in default; and so far as the present Administration, and that which preceded it, is concerned, the result of such a course of policy (where the particular case would admit of such indulgence) has been of advantage to the Government; and in all cases of default, so soon as it was discovered that delay or indulgence were either dangerous, or did not promise an advantage, the individual has been removed; so has the defaulter, under all circumstances, been eventually removed. I believe I am warranted in saying that the Government has sustained no loss by either neglect or indulgence to defaulters by the Treasury Department, or any officer thereof, but, on the contrary, has been benefited by indulgence. Sir, it is a curious fact, that out of one hundred and fourteen collectors in nominal defalcation—(nominal, I say, for many of the defalcations that appear are not so, the settlement being subsequent to the publication of the defalcations)—near one hundred of them were before General Jackson's administration. So out of the whole number of disbursing officers, more than two thousand were under former Administrations. The losses alone, by two merchants, Smith and Thompson, were more than by all the collectors and receivers, except what may be lost by Swartwout.

Swartwout had his appointment as collector of the port of New York in 1829, by General Jackson. This was one of the political errors of his life, and perhaps it has rarely fallen to the lot of man to commit fewer. It is due to Mr. Van Buren, and proper to say in this place, that he was opposed to the appointment of Swartwout; but more of this hereafter. During this discussion, huzzas have been sung as usual to the Bank of the United States. It collected the public revenue. It kept safe the public revenue. And it disbursed the public revenue, said one gentleman, (I believe Mr. Wise, of Virginia,) and not one dollar was lost while it had the management of affairs. There are some mistakes in this eulogy upon the bank. The bank never collected one dollar of the public revenue. The bank never disbursed one dollar of the public revenue; nor did the bank keep safe all of that that was deposited with it. Swartwout received his appointment during the existence of the United States Bank; and it may be safely said, that it was through and by the bank policy and the credit system, that the Government has been defrauded out of the amount of Swartwout's defalcation.

My colleague [Mr. Bond] deliberately accuses the President and the Secretary of the Treasury, together with the Solicitor, Comptroller, and First Auditor, of a combined and studied effort to deceive the people relative to the existing provisions that authorize or direct the periodical inspection of the books and accounts of public officers; and he winds up by a deliberate assertion that the documents sent to the House are, on this point, untrue. Not content with thus making use of a palpable perversion of the reports of the Solicitor and Comptroller, to found this charge of falsehood against the President and the officers of the Treasury Department, he takes occasion, by the same means, to magnify his own sagacity and industry; parades before this House, as something wonderfully novel, one of the best known sections of the general collection act of 1799. Perhaps the very law which is more frequently referred to, and is more familiar than any other in the statute-book, and quotes, as a discovery due to his own remarkable acuteness, the very portion of that law under which the public officers, whom he accuses of being ignorant of its provisions were, at the time, notoriously acting.

The Secretary of the Treasury had directed the Solicitor and Comptroller, after ascertaining the facts of Swartwout's defalcation, to suggest such changes in the existing laws as they might deem advisable. It is their report from which my colleague makes his selections. Those officers are

not inspectors of the custom-house proceedings and books, as directed by law; and that an express provision, requiring this to be done, from time to time, by a competent officer from the Treasury Department, is an obvious and important measure of precaution and safety.

This suggestion my colleague construes into a "combined and studied effort" to create a false impression as to the existing laws, and says that these documents are so far from truth, that he is able to read an express clause from the statute-book, which has for more than forty years provided for the very inspection "that is now recommended as a grave and salutary remedy." And how does he do this? How does he fulfill his boasted promise? How are the President and the officers of the Treasury convicted of falsehood, or gross ignorance? How is the searching sagacity of the member himself established? Why, forsooth, all this promised prostration of the President, Secretary, Solicitor, Comptroller, Auditor, and the whole Government, which thunders so loudly in the index, all this self-glorification of my colleague, and the astounding proof of his ability to perform these "searching operations," (to use his favorite phrase,) turns out to be nothing more than reading to this House a well-known section of the old collection law, which provides that collectors and other officers shall keep true accounts, submit them to inspection when required, and forfeit \$1,000 in every case where they refuse so to do. Does this prove what my colleague wishes us to believe it does? Does it prove that regular inspections of the books and proceedings of the custom-house, by a competent officer of the Treasury Department, are now directed by law? As well might you say that the penalty imposed upon a smuggler made it unnecessary to direct by law the appointment of a single inspector or tide-waiter; that there was no need of a marshal or officer of police, because the statute declares that a counterfeiter or a thief shall be put in the penitentiary. The provision in question was well known, but it is an inadequate provision. Did any one doubt or deny that the Secretary of the Treasury might send a person to any custom-house especially to examine its proceedings? Is there a word in the report of the Secretary, or in any of those documents, that expresses such a doubt? Were not the Solicitor and Comptroller so sent under this very provision, in this very instance? Yet my colleague tries to create this impression—an impression the very reverse of what is justly and fairly to be deduced from the documents themselves. The provision in the old collection law is inadequate, totally inadequate. It is permissive, not directory. It was meant to provide for special cases, not to form part of a general system. "The new and salutary remedy," which my colleague ridicules, is not found in it, either directly or by inference. That remedy is to direct, by positive law, periodical inspections, by competent officers. If that is already done, let the place in the statute-book be pointed out. If it is not, let us have no assertion to the contrary, and no gross accusations, the support of which is attempted by stringing together disjointed sentences, and putting false constructions upon the official statements of honorable, high-minded, and competent men.

Sir, I ask your attention while I give a brief exposé, of the policy, and the result of that policy, by which Swartwout was enabled to commit the frauds which he did, and the embarrassments under which the Secretary of the Treasury labored in detecting him.

I believe the merchants' bonds were deposited in the deposit banks in New York; so was the amount of those bonds, when collected, to the credit of the Treasurer of the United States. Swartwout made up his account weekly with the banks, on Saturday, at ten o'clock. No account was ever exhibited of moneys received by him for duties between Saturday ten o'clock, and Monday morning. All moneys received after ten o'clock on Saturday morning, and before ten o'clock Monday morning, were not deposited; or, if they were, they were deposited in his name, and to his individual credit, and drawn upon his individual check. This was the means by which a portion of the defalcation was effected, and unquestionably grew out of the connection of the Treasury

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with the banks. It is easy to perceive that this fraud could go on some time without detection. I believe near \$300,000 of the fraud occurred in this way.

2. Owing to the peculiar manner in which certain funds came into the hands of the collector at New York, (and perhaps other ports,) and to the right which he had to retain a portion of those funds in his hands, they were kept out of sight, and indeed out of the knowledge of the Treasury Department. This occurs in this way: When an importing merchant receives from his vessel a cargo of goods, upon which the duties have to be paid in cash, in advance, the duty on which may be known, that is, the class of goods and the amount of duty on that particular class may be known; but it may take some time to calculate and make up the amount of duty that may be due on the whole. The merchant, desirous to have the use of his goods, agrees with the collector to pay what the duties, when made up, will probably amount to. The collector, in this case, generally receives a sum amounting to more than the duties when made up. In this he is justifiable, as he is bound to look to the security and interest of the Government. He retains in his hands what he supposes may be the overplus between what he has received and what may really be found to be due when the account is made up. Transactions of this character are of every day's occurrence. The sum thus retained is not reported (or may not be, and was not in Swartwout's case) to the Treasury, but was kept (as pretended) for the purpose of paying back to the merchant what was due him. This surplus—if it may be so called—in Swartwout's case, has constituted, at all times, a large standing fund, a part of which, it is easy to perceive, might be abstracted without the knowledge of any person but the collector himself; without the knowledge of the Secretary of the Treasury, or any officer of his immediate Department. This fund, I believe, is called "cash deposited to meet unascertained duties." From this fund Swartwout abstracted about \$150,000.

3. "Duties paid under protests." This constitutes a fund which puts it in the power of the collector to defraud the Government out of almost any sum. It is as follows: An importing merchant has received a cargo of goods (on which cash is payable on demand) of a particular class, and, consequently, the subjects of higher duties; so supposes the collector. The merchant contends that his goods are not of such a class; the collector contends they are, and demands the duty due on such goods. The merchant, in order to avail himself of the use and practical benefit of his goods, pays the collector the amount he demands, but, at the same time, enters his protest, and commences suit for what he supposes he has overpaid. The collector, not knowing what the result of the suit may be, and not knowing whether or not he would recover the amount in controversy from the Government should he pay it over to the credit of the Treasurer of the United States, retains it in his hands for his own safety—and I believe the United States district court has decided that he has a right so to do, until a legal decision is had. Should he pay the money in protest over to the Government on its reception, and the suit should terminate in favor of the merchant, it has been doubted if he could get relief in any other way than through Congress—a slow method, and somewhat uncertain—before which an execution might sweep from under him his whole property. From this fund it is supposed that Swartwout abstracted about \$150,000 or \$200,000, which he had it in his power to do without the knowledge of the Treasury Department, or the means of detection.

4. When the banks suspended payments, there were in number of merchant's bonds ten thousand due for duties, and the amount due on these was upwards of five millions of dollars. The bonds were withdrawn from the banks, and an extension given by the Secretary of the Treasury, in consequence of the pecuniary embarrassments consequent upon the suspension by the banks. At the extra session Congress gave an additional extension of nine months, as well upon those bonds on which suit had been commenced as those on which it had not. The withdrawal of the bonds from the banks, the extension of credit given on them, the vast amount due, and the great number of bonds

thrown into the collector's office, gave a new direction and threw all the business into such confusion, that it seems by the letter of Mr. Fleming, impossible to know, for a time, in what situation the bonds and the business of the office were; and if the officers themselves of the custom-house could not tell in what situation things were relating to the duties and bonds, how was it possible for the Treasury Department to know anything about it, or to know so much as to enable it to detect the frauds which Swartwout was then daily and hourly committing? The act of the withdrawal of the bonds, and their extension, and the confusion thereupon, not only put it in the power of Swartwout to commit frauds, but obstructed the channels through which the information would have flown to the Secretary, of the fact of frauds being committed, and consequently of the power of detecting them.

5. The collector is bound to render quarterly accounts to the Treasury, but he has three months after the expiration of each quarter, to make up his accounts, and three months after the expiration of his term of office before he can be considered published or prosecuted as a public defaulter. Let us see to what extent this legal privilege may have operated to the fraudulent purposes of Swartwout, and to the embarrassment of the Secretary of the Treasury to detect his frauds. The banks suspended payment on May 11, 1837. Swartwout's time expired on the 28th of March, 1838. Then it is found that he had the advantage of the possession of the bonds to the amount of \$5,000,000. The advantage of the extension given, (advantage, because the Secretary of the Treasury was thereby prevented from detecting him,) and all the confusion and embarrassment thereupon. I say he had the advantage of all these for upwards of ten months next from the 28th of March. He had three months before he could be called to a settlement, at the expiration of which time he was called upon for a settlement by the First Auditor of the Treasury; but no settlement was obtained. Immediately notice was given to his bondsmen, about which time Swartwout sailed for England, having abstracted of the public money upwards of five or six hundred thousand dollars by these last advantages which the law afforded him. Three months to make up his accounts, the suspension of specie payments by the banks, and the confusion and embarrassment produced by that, and the withdrawal of the bonds, and the actual possession of the bonds gave him. Now, sir, I ask, what vigilance, other than that which has never been thought of since the beginning of this Government, could have been practiced by the Secretary of the Treasury, to have detected Swartwout's frauds, or to have saved the Government from those which were practiced by the advantages which the policy of the Government and the laws gave the collector, and over which the Secretary had no control? Sir, to censure the Secretary of the Treasury for a *laches* in Swartwout's frauds is to censure him for the want of a vigilance which no one ever dreamed of to this time. To censure him for a neglect of duty in this case is doing him the base injustice of censuring him for the neglect of that which the law, and the policy of this Government, and frauds of the banks with which its Treasury has been connected, put it out of his power to perform. So soon as the time arrived for the Secretary to act, every vigilance was used to bring Swartwout to settlement; and after he had absconded, every vigilance was used, and is using, to detect the extent of his frauds and to secure the Government. Sir, to charge the Secretary with conniving at Swartwout's frauds, or any other defaulter's frauds, or even with culpable neglect of official vigilance, is charging him with that of which he is not guilty. It is charging him with that which his high character as an honorable man, his vigilance and capacity as a public officer, and his reputation as a patriot and friend to his country, ought to exempt him. And further, I look upon such charges as a slander from which the laws of our country ought to protect him, as well in his individual as in his official character. Sir, this war upon the Secretary of the Treasury is but one of the thousand means used to break down the Administration. All that can be made out of the Swartwout defalcation will be used to the greatest possible extent to prostrate

the Administration, and to blight the popular confidence in it.

It seems, it and other defalcations are to be used as a two-edged sword, that is to destroy the confidence of the people in the Administration by the cry of corruption and fraud, and to bankrupt the Treasury for the same purpose, by extravagance and profligacy in printing tons of worthless, and worse than useless documents, relating to those defalcations. Sir, in character with this effort we saw a resolution introduced the other day, and carried, authorizing and requiring the printing of twenty thousand copies of a document purporting to be a report of defalcations and defaulters, with the correspondence of the Secretary of the Treasury with the supposed defaulters. Sir, I have stated before that this document purports to be what it is not. It contains the correspondence of the Secretary of the Treasury, but it does not contain many of the answers and final settlements of and with those that are represented to be defaulters. Many persons, living and dead, are represented in that document to be defaulters who do not owe the Government a dollar, and some of them, I am told, have just, but unsettled, claims against the Government. Sir, to publish it to the extent of the resolution, was promulgating, in many instances, a falsehood upon the living and slanders upon the memory of the dead.

But, sir, I have another objection to printing this document. It will involve a criminal profligacy in expenditure of fifteen or twenty thousand dollars, which can answer no other purpose than to put so much money into the pocket of the printer. It will, sir, be putting so much money into the hands of those whom I consider more worthless, if possible, than the purpose for which the expenditure would be made. I mean the mortgage and pliant vassal of the bank, the editor of the National Intelligencer, and his cat's-paw and tool, the editor of the Madisonian, the *Conservative*!

But, sir, these profligate expenditures and worthless appropriations can go on so far as resolutions of this House can authorize them. There is no check here. The Democracy are in the minority. The united strength of the Whigs and Conservatives make a majority. They differ in name, but not in principle. Conservatism is but another name for Whiggery, and both other names for Federalism. They are like man and wife. They are joined in the holy bands of political wedlock. They are flesh of one flesh, blood of one blood, and bone of one bone. They will live together until separated by death. Those whom the banks have joined together, let no man put asunder.

These evils are with the people. They can remedy them; all I can do is to protest against them, which I will do while I have a tongue to speak and a hand to write.

Each of these reasons constituted a sufficient objection with me for voting against the resolution to print that document, and I repeat, that I look upon such efforts to squander the public treasure, and to bankrupt the nation, as done with a view to break down the Administration, and destroy the Democratic party.

But, sir, what could induce the Secretary to connive at the frauds of Swartwout? He was no friend to the Administration or to the Democracy. He was a Conservative in theory and practice; and, consequently, like all other Conservatives, opposed to both. I repeat, what ground is there to suppose that the Secretary of the Treasury, or any other individual of the Democracy concerned in the administration of the Government, would connive at the frauds of Swartwout, or any other Conservative? Why, sir, above all isms on the face of the earth, Conservatism is the last and tail-end ism. Yes, sir, in the estimation of this Administration, Conservatism is sunk deeper in base iniquity, foul corruption, and black hypocrisy, than even modern Whiggery itself. But, in addition to this, Swartwout was conceived in sin, brought forth in iniquity, and reared in fraud. His father was a base defaulter in Mr. Monroe's administration.

It may be asked why General Jackson would nominate such a man, with such native suspicions surrounding him? I answer, why did a Whig Senate confirm the nomination of a man who had such native suspicions surrounding him? Why,

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also, did the whole Whig mercantile interest of New York city unite in recommending a man who had such native suspicions surrounding him? we could retort. We might assert that there must have been a conspiracy to defraud the Government between Swartwout and the Whig merchants of New York; and we might embrace some Whig Senators in the conspiracy. All this we might do, and make out as strong a case of conspiracy as the Opposition can make of "conivance." But, sir, we are incapable of making such a charge, as the New York merchants and Whig Senators are incapable of entering into such a conspiracy.

Mr. Speaker, I hope the leading measures recommended in the President's message will be carried out. I look upon them all as of vast importance to the interests of the country, but more particularly that which relates to the collection, safe-keeping, and faithful disbursement of the public revenue. It seems to me that the highest interests of the country require that that policy should be the policy of the country—I mean the establishment of an Independent Treasury. Justice to the laboring tax-payer requires it. Every interest, whether commercial, mercantile, manufacturing, agricultural, or mechanical, and all other institutions, which have an interest in a sound currency, and the faithful performance of public and private contracts, require it. But, above all, the financial interest involved in the management of this Government imperiously demands it; for so long as the present system of the connection of the Government with the banks continues, the Government and the honest laborer must continue to be the prey of the lounging loafer, the stock-jobbing gambler, and the official speculator.

## SALT DUTY.

REMARKS OF HON. J. M. NILES,  
OF CONNECTICUT,

IN SENATE, January 29, 1839.

On the motion of Mr. BENTON for leave to introduce a bill to repeal the Duty on Salt.

Mr. NILES remarked that it was not his intention to go into any general discussion of the subject of the salt duty, or that of the fishing bounties. He had risen to give very briefly the reasons for his own course, and might, before he took his seat, notice one or two observations which had fallen from other gentlemen during this debate. His constituents, to a very limited extent, were interested in the manufacture of salt, and in the cod and mackerel fisheries; but the whale fishery was the principle interest in his State. The abolition of the duty on salt and of the fishing bounty is a question of general interest to the whole Union, but more particularly so to some of the eastern States.

He looked at the question, however, upon general principles, and at the proper time should be in favor of an inquiry into the subject, and probably of abolishing the duty; yet his mind was not entirely made up on that question. He was not, however, satisfied that it would be right or just to repeal the duty on salt, and suffer it to remain on other articles falling within the same category. He concurred generally in the views of the Senator from Missouri on this subject, but could not agree with him in the opinion that the salt duty was one standing alone and distinguishable from all others. Whether it was originally imposed as a war tax or not, did not, in his judgment, alter the case. He regarded the duty on salt as one of a class, all of which rested on the same principles. He alluded to articles of first necessity for upholding life, and which are of universal use and consumption. Salt is an article of this description; but it is no more so than breadstuffs, and fuel, and provisions. All these articles were absolutely necessary to human subsistence, and he should rejoice to see the duties removed from all of them, when it could be done without injustice to existing interests.

But he could not consider the duty on salt as more objectionable than that on breadstuffs and fuel. If one was the salt of existence, the other was the bread of life. He could not, therefore,

see the justice of repealing the duty on one of these articles, and leaving it upon the others. If the duties on the whole were repealed, the operation would be more just and equitable, as that portion of the population interested in the production of one of these articles of prime necessity, would, to some extent at least, be relieved from the loss of the protection, by the repeal of the duty on other articles of common use, of which they are the consumers. Those engaged in the manufacture of salt, and in the fisheries, consume the breadstuffs, provisions, and coal of the middle and western States, which are subject to a heavy duty. Perhaps ordinarily the duty on grain was not practically felt, as the foreign article could not come in competition with the domestic. During the last two years, however, it had been otherwise; and in 1837, nearly five millions of dollars worth of grain had been imported, subject to a duty of twenty-five cents on the bushel of wheat.

Whilst those interested in the salt manufacture, or the fisheries, are paying a heavy duty on their breadstuffs and provisions, would it be just to take away the protection which they derive from the duty on salt, and the drawback on exported fish? The duties of the same class, and resting on the same principles, ought to stand or fall together. This seems to have been the sense of the Senate on a recent occasion. Two years since, he reported a bill for abolishing the duty on foreign coal. He then thought that this duty was distinguishable from all others; that it was not only an onerous tax on an article of first necessity for the support of life, but that it was absolutely oppressive to the poor. That duty is certainly vastly more burdensome to the poorer class in our cities than the salt duty. A family which might consume three bushels of salt, could not possibly get through the year with less than four or five tons of coal, subject to a duty of near two dollars per ton. The duty in one case would be twenty cents, and in the other eight or ten dollars. This would be the duty actually paid; but the tendency of the coal duty at particular seasons, when the navigation was obstructed, was to favor the vile system of regrating and monopoly, which at times had raised the price of the article nearly one hundred per cent. above its ordinary value. He had also supposed that domestic coal was sufficiently protected, from the bulkiness of the article and the expense of the importation.

But when this subject was brought before the Senate, a decided majority of this body were opposed to interfering with the duty; some on the ground that it would interfere with the compromise act, and others because they deemed it unjust to repeal the duty on a single article, and thought it better that the matter should rest until there was a general revision of the tariff, which, it seems to be generally supposed, must take place prior to 1842. If this policy was correct two years ago, it was more so now, when the time was so near at hand when a general revision must take place. He could not consider the reasons for repealing the salt duty, as stronger than those for abolishing the duty on coal. The first, it is true, is of more general consumption, but it is much less burdensome.

Whenever the general revision of the tariff shall engage the attention of Congress, he hoped to see the duty removed from all that class of articles constituting the primary necessities of life whether for food or fuel. But such revision is not now proposed, and cannot be made at this time. As to what is called the compromise act, that was no obstacle with him. He looked to it only as fixing the time, and that was near at hand, when the whole of your impost duties must be re-examined and readjusted. When that time came, it would not be his fortune to have a seat in this Hall; yet he hoped that the subject would be approached and examined with that spirit of compromise in regard to the interests of all sections of the country, which, on occasions heretofore, had enabled us to overcome all difficulties arising from any real or apparent conflict of interests. He hoped and believed the impost duties would be readjusted and settled upon sound principles of discrimination, so as to sustain all important interests; and that as far as shall be found consistent with this, all duties will be abolished upon

articles constituting the first necessity of life, so as to lighten the burdens upon labor.

But although, for these reasons, he was not at this time prepared to vote to repeal the salt duty, or that on any other particular article, yet he had no objection to the introduction of the bill, and the investigation and discussion of the subject. In this respect he concurred with the Senator from Maine, [Mr. WILLIAMS,] as he did also in many of his remarks.

Being up, sir, I will notice a remark of the Senator from Missouri, [Mr. BENTON,] who has referred to the votes of the representatives from all the New England States on the subject of the salt duty in 1813. He has shown from the Journal that they all voted against the duty, although connected with the fishing bounty. After producing these facts, the Senator says, that in going against the salt duty and fishing bounties, he places himself on New England ground. What, sir! on the ground New England occupied during the last war! On the ground of New England Federalism at that memorable crisis, as represented in Congress by men sent here to oppose the war and thwart the measures of the Government of their country? Let me tell my honorable friend, (said Mr. N.,) that that is dangerous ground for him to occupy; and let me advise him, as he values the great reputation he has with the people of this country, to retreat from it without delay; there is no time to be lost.

Sir, the honorable Senator from Massachusetts [Mr. DAVIS] seemed unable, or unwilling to account for the votes of the representatives from his own and other eastern States against the salt duty in 1813. He could not at this distant day tell what their motives may have been, or what considerations influenced their conduct; the interests of that section of the country may have been different then from what they are now. Sir, I perceive that the gentleman is in a dilemma, and I am disposed to relieve him from his embarrassment. I, sir, am free from any such embarrassment, and know quite as well, but probably no better than the Senator does, what were the considerations which occasioned the opposition of the New England members in 1813 to the salt duty and fishing bounty. If the gentleman would examine the legislative archives of his own State, he would there find an explanation of this matter, in that memorable resolution, passed about the period referred to, and since, if he mistook not, expunged, which declared that the war was unnatural and unjust; and "that it was unbecoming a moral and religious people to rejoice at the successes of their country in a wicked and ruinous war."

Here, sir, is an explanation of the matter. The salt duty was proposed, among others, as a war tax; it was designed to raise a revenue to maintain your armies in the field, and to sustain the country in that great struggle. But the Senator's constituents were so conscientious and scrupulous, so moral and religious, that they could not, in any way, aid in carrying on what they professed to regard as an unjust and wicked war. They were too moral to aid their country in a great crisis, when struggling for her very existence, but it did not conflict with their principles of morality or patriotism to stir up a spirit of factious opposition to the Government, calculated to distract the public councils, to paralyze its measures, and to encourage the public enemy to persevere in his hostile designs. Although Massachusetts took the lead in the factious proceedings of that day, still a spirit of alarming disaffection pervaded all the eastern States. And hence it was that their representatives in Congress voted against the duty on salt and the fishing bounties, although a measure favorable to the interests of that section of the country, because it was a war measure, and designed to provide the means to feed and clothe your armies, and sustain the national credit. There has been no essential change in the pursuits or interests of that section in these respects; the fishing business and the salt manufacture were as important then as they are now, and had as strong claims to protection. He had deemed this explanation of the votes of the eastern members in 1813 important; because if, from a mere spirit of factious opposition to the Government, they had suffered them-

selves to be carried so far as to oppose a measure favorable to the interests of that section of the country, that was no sufficient reason why those interests should now be abandoned. He trusted that they would receive from Congress the same consideration as other interests of equal importance, and they ought to expect no more.

Mr. N. said he could not agree with the Senator from Massachusetts [Mr. Davis] that the policy of this Government had changed the pursuits of the people of the eastern States, and driven them from commerce, navigation, and the fisheries, into manufactures. Their navigation and fishing interests had at times, no doubt, suffered, but from causes beyond the control of this Government. It was not the embargo, non-intercourse laws, or other restrictive measures, that depressed these interests, but the condition of the great Powers of Europe, and their hostile measures towards all neutral commerce. But the commercial and fishing interests of the eastern States have not declined, but are now in their full vigor; and one of these interests, the whale fishery, has increased amazingly since the war.

Manufactures have not been established upon the decline of commerce and navigation; nor in consequence of the alleged unfriendly policy of this Government towards those interests. The war, which cut off our supply of foreign goods, gave the first powerful stimulus to manufactures; and from that time they have passed through various vicissitudes, but had generally been advancing until they had reached their present condition. The policy or measures of this Government have had no agency in changing the pursuits of the eastern States. The policy of the Government never has, and he trusted never would be able to produce such results. It has long been a practice with a certain class to attach an undue importance to the measures of the Government upon private pursuits. It is confined, however, to an injurious influence, as little is said about the policy of the Government having any beneficial effect upon any private interests or pursuits. But the practice is to charge all miscarriages and failures in business to the policy of the Government, which is either unfriendly to commerce, opposed to the manufacturing interests, or hostile to banks and credit. This is all a mistake. Fortunately the policy of this Government cannot essentially affect any of the great interests of the country; and what they most require is stability in our legislation.

Mr. President, I cannot forbear (said Mr. N.) to notice the closing remarks of the Senator from Massachusetts, [Mr. Davis], which appeared to me to be uncalled for by the subject or the occasion, and to have been delivered in a tone and manner which I should not have expected from that quarter. He had listened to the gentleman's speech with interest and instruction, and was sorry that, in discussing a subject no way connected with politics, the Senator should have indulged in contemptuous and offensive language concerning the late Administration. The Senator sneeringly asked what the late Administration had done to advance the interests of the people of the eastern States; and answered the question by saying that the people of New England were indebted for their prosperity to their own enterprise and exertions, and the blessings of Providence, alone; and that they ought, perhaps, to esteem themselves fortunate that the bounties of Providence had not been vetoed by the late President. It may be true, sir, that the people of those States, like those of every other section of the Union, are essentially indebted for the measure of prosperity they have enjoyed to their own enterprise and industry. But the language of the Senator evidently implied that the policy of the late Administration had been hostile to the interests of the eastern States. This declaration, made in a very offensive manner, he regarded as less injurious to the late Administration than reproachful to the people of New England. What is it but to impeach their intelligence, and to charge them with being ignorant of their own interests? Sir, a majority of that people—four States out of six—were the supporters of that Administration for several years before it terminated.

General Jackson, sir, entered upon the discharge

of his high and responsible duties, with strong and pervading prejudices against him in all the eastern States, and his Administration closed with the confidence and support of four of those States. And yet we are told that his policy was hostile to their interests, and that the only obligation they owe to it is, that the late President "did not veto the bounties of Providence." Such remarks Mr. N. could not but regard as highly injurious to the intelligence and good sense of the people of those States; and it was to defend them, rather than the late Administration, that he referred to the subject. Mr. N. said that the Administration of President Jackson required no defense from him. As the passions and prejudices by which it had been so fiercely assailed, springing from the interests and conflicts of party, had already, to some extent, passed away, its merits and its faults began to be viewed through a clearer medium. The wisdom of its policy and measures; the firmness with which they were adhered to; the energy with which they were carried out; the bold and disinterested patriotism with which difficulties the most appalling were met and overcome; the fearlessness with which responsibility was assumed when occasion required it; and whatever else preeminently characterized that Administration, he was willing to leave to the judgment of posterity, and the future historian. To that judgment all must submit, and from it there can be no appeal.

But, sir, I will defend my own constituents and the people of the other States referred to from the charge of having approved and supported an Administration whose policy was hostile to their interests. What are the peculiar interests of the eastern States? They are commerce, navigation, the fisheries and manufactures. And what do these interests require from the hand of this Government, more than protection and freedom from all unnecessary restraints and burdens? And have they not enjoyed these? Have they not enjoyed them in an eminent degree? At what period, during our entire history, has the navigation and foreign commerce of this country enjoyed more perfect security? When has our flag been more respected upon every sea, and by all nations? Even the savages of the isles of the Pacific have been taught to respect it. What other period of equal extent is there, since the establishment of this Government, when the merchants have not been here with their petitions, asking for protection and security in some branch of our diversified foreign trade, or for indemnity for aggressions committed upon their rights? During what other period of eight years, have we not witnessed meetings in our commercial towns, complaining in language loud and deep of the Government for neglecting to afford to our commerce that entire security and safety to which they considered it entitled?

He would not say that the unexampled security which our navigation, fisheries, and foreign commerce had enjoyed, was entirely owing to the policy or energy of the late Administration. It was in part, no doubt, to be attributed to the general peace in Europe, and the condition of other commercial nations. Yet much was undoubtedly to be ascribed to that frank and honest policy which, in our intercourse with other Powers, demanded "nothing but what was clearly right, and yielded to nothing that was wrong." But, sir, the commercial community are indebted to the late Administration for something more than entire protection in their diversified pursuits. It has done for them what no preceding Administration was able to accomplish. It obtained for their benefit indemnity and satisfaction for claims growing out of aggressions upon commercial rights, many of which had remained unredressed for more than a quarter of a century. With France, Denmark, Naples, and Spain, conventions were concluded, securing indemnities to our merchants, as the awards of reluctant and tardy justice; and yet we are told that the class who has been chiefly benefited by these measures, are indebted to the late Administration for nothing but the forbearance of the President to veto the bounties of Providence.

But, sir, there are other measures of the late Administration which have been beneficial to the people of the eastern States, in common with those of other parts of the Union. All parties now seem disposed to regard the Administration of

Mr. Jefferson as fortunate and distinguished above every other. But in what did its greatest merit consist? It was in correcting the errors, and arresting the mistaken and dangerous policy of the preceding Administration, which threatened the consolidation of the system. In his own emphatic language, it consisted in "arresting the anti-Republican tendencies, and bringing the Government back to its Republican text, and thereby 'saving the Constitution at its last gasp.'" As to his own schemes, with the exception of the acquisition of the immense territory of Louisiana, few of them were eminently important or successful, and some of them entirely failed. Let it not be supposed that in saying this I am derogating from the reputation of that illustrious man. Visionary, scheming men, and ambitious and selfish politicians, with mistaken and narrow views of the public interest, may become projectors of splendid schemes, or the authors of novel and dangerous measures; but it requires a higher order of intellect, sounder judgment, and more practical and statesmanlike views, to perceive the danger and tendency of such schemes and measures in their bearing on the national interests or the political rights of the States and the people; and great sagacity, wisdom, and firmness, to arrest their operation, and provide an effectual remedy for evils springing from erroneous legislation or mistaken policy. It was in the sagacity, wisdom, and firmness displayed by Mr. Jefferson in arresting the tendencies to consolidation and other errors of the preceding Administration, that has given to his own a large share of its celebrity.

And in this respect we also find the greatest merit in the administration of President Jackson. He too, sir, arrested the anti-Republican tendencies of the policy of the preceding Administration. He overthrew the American system, falsely so called, which had a more direct and irresistible tendency to consolidation than any or all other measures since the establishment of this Government. What was it but a system of high taxation, and enlarged, if not unconstitutional expenditure? Had not this policy been arrested, it would have fixed upon the country, for all time to come, a system of high taxation, which would have gone on increasing from year to year—which would grow with its growth, and strengthen with its strength, until the people of this country, like those of England, would have been borne down by an intolerable weight of taxation—until industry was oppressed and robbed of half its earnings.

Mr. N. said he would notice one other measure of the late Administration, which, however it might be regarded by the Senator from Massachusetts, was, in his judgment, eminently important and beneficial to the people of the whole Union, and to none more than those of the eastern States. He alluded to the veto of the bill for renewing the charter of the late Bank of the United States, and the firm and determined resistance of the audacious efforts of that powerful institution to coerce the people into a compliance with its selfish purposes. Sir, this was the great measure of that Administration. By an incautious course of legislation, both State and Federal, the moneyed power of the country, sufficiently dangerous under any circumstances, had become consolidated, strengthened, and rendered a thousand times more formidable by legislative grants and monopolies. Whilst this paper-money system was daily extending, and connecting itself with all the great interests of the country, there seemed to be a strange insensibility on the part of the people to the danger and the magnitude of the evil. Some alarming crisis or bold measure was necessary to arouse their attention. Under these circumstances, and at a fearful risk to himself—at the hazard of his reelection—President Jackson "assumed the responsibility," threw himself into the deadly breach, and arrested the onward course of this fearful monopoly and consolidation of the associated moneyed power. This was an act which no other man would have performed; a fearful responsibility which no other Chief Magistrate would have assumed. Nothing short of that indomitable mind, that invincible honesty and firmness, and that courage and determination in the support of what he believed to be the true interest of the country, which characterized the late President, could have been

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equal to such a crisis. It is to these high qualities that the country is indebted for its escape from the greatest danger that ever threatened it, whether considered with reference to its free institutions or all its great interests.

Had that institution been reestablished as the head and center of this vast system of banking monopoly, the system would have been fixed upon the country for all time to come, and nothing short of a civil revolution could have overthrown it. It would have controlled the action of this Government here, and made and unmade, as its interest dictated, the supreme Executive; and the State Legislatures would have been equally subjected to its influence. Its power would have been everywhere felt at the ballot-box, and its corrupting influence beyond it, on the representatives of the people. All the great interests of the country, and every department of industry, must have been subjected to its sway; and every kind of employment would have become a gambling operation, rising or falling, prosperous or depressed, as the paper bubble was expanded or contracted. This system, it is true, has its root in the States, but the great central institution would have consolidated its power, and given it that unity and energy which it cannot otherwise possess.

The late Administration is entitled to the credit of having arrested the progress of this great evil, and of arousing the public attention to its dangerous and inevitable tendency. The struggle which was brought on has been severe; and if the crisis is not yet past, the final issue cannot be doubtful. The deep interest excited has led to a general discussion and investigation of the subject in all its bearings, both on the political rights and the business and industry of the country. The evils and the dangers of this system of paper money monopoly are already understood, and the public mind is now engaged in devising a remedy. On that question there is much diversity of opinion; but so long as the national sensibility is alive to the danger, we have little to fear, as a remedy in some form will, in due time, be discovered. The repulse which the system has received here, has enabled the people everywhere to rally and arrest its further progress.

These evils and dangers the Senator from Massachusetts may regard as imaginary; but, if he supposes that a large portion of the people of the eastern States do not consider them as realities, I can assure him he was never more mistaken in his life. They were not speculative evils; they were seen and felt in every interest and in every employment, and especially by the producing and laboring classes. It was on them that the evils of the system fell with the greatest injustice and severity. It rendered labor precarious, and its just rewards uncertain and fluctuating. In numerous ways unseen, yet not the less real, it robbed the laborer of half his earnings, whilst it threw upon him an accumulation of burdens.

Sir, the people understand this matter; they felt the evils which were upon them; they saw the dangers which are ahead, and they know to whom they are mainly indebted for arresting them, and preparing the way for a safe deliverance from them, and a remedy against their recurrence. They understand this paper-money monopoly and fraud, and regard it as an ingenious contrivance to confer on capital an undue advantage, and to rob labor of its just reward; or, in the expressive language of the colleague of the Senator, not now in his seat, they consider it as the most successful scheme which the wit of man has ever yet devised, to "fertilize the rich man's field with the sweat of the poor man's brow." And let me tell the Senator that his constituents and mine, and those of the other eastern States, understand this subject, mystified as it is, too well, and know their rights too well, to regard the man who put down the Bank of the United States and arrested the progress of this paper-money system, as having conferred no other benefits upon them, and having no other claims to their gratitude than in "his not having vetoed the bounties of Providence."

Mr. N. said he had been carried along by the ardor of his feelings, and gone further into this subject than he intended, but would detain the Senate no longer.

## BONDS OF UNITED STATES BANK.

SPEECH OF HON. SILAS WRIGHT,  
OF NEW YORK,

IN THE SENATE, January 25, 1839.

The report of the Secretary of the Treasury of the 27th of December, 1838, and the message of the President of the 11th of January last, both in answer to calls for information in relation to the recent transactions between the Government and the Bank of the United States, chartered by the State of Pennsylvania, being under consideration—

Mr. WRIGHT said:

Mr. President: I rise to perform a task from which I had hoped to be discharged. I had hoped that some other member of the Senate, more capable, and less likely to be suspected of partiality, upon the one side, and of prejudice upon the other, would have relieved me from it. Hence, to some extent, the long delay, on my part, to ask the Senate to bring the subject of these reports again to its attention. And hence, too, the extreme reluctance I have felt, and some of which I have manifested to this body, to seem to court a continuance of debate upon it. The clearest convictions of duty, however, to myself, to the hitherto tried and faithful public officers whose conduct is brought under suspicion, and, above all, to that great public, whose servants we all are, to whom we are all responsible, and whose full and clear and perfect understanding of the truth, in reference to every public act of every public servant, ought to be an object of primary interest with us all, impel me to the course I pursue.

The recent business transactions between certain executive officers of the Government and the Bank of the United States chartered by the State of Pennsylvania, has justly excited some interest throughout the country. That interest has been materially increased and strengthened by the manner in which the chief officer of that banking institution has felt himself authorized to speak to the public of these transactions. It was not, therefore, to have been expected, much less hoped, that Congress would fail to make the whole subject one of inquiry and examination. The Senate has not disappointed this reasonable expectation. On the contrary, a lively and pervading interest, in this body, has been given to the whole matter, by the particular care with which the calls for information have evidently been drawn, and by the anticipatory debates which accompanied those calls. The resolutions were passed without objection, and, when I remember their particularity and precision, I feel authorized to assume that all the facts are now before us, embodied in the reports under consideration. A fair and full examination of those facts, and of the conclusions properly and naturally to be drawn from them, is my present purpose; and I take great pleasure, Mr. President, in promising you that the duty shall be discharged with as little consumption of the time, and as light a tax upon the patience, of the Senate as shall be possible.

Inasmuch, however, as the preëxisting relations between the Government of the United States and the Bank of the United States have given foundation for the transactions complained of, a very brief notice of those relations will, in my estimation, contribute essentially to a full and clear understanding of the matters under discussion. The first of these relations was that of a partnership in banking, and the second was that of creditor and debtor; and out of both have grown the proceedings which form the subject of this debate.

The Bank of the United States, as a national institution, commenced its chartered existence on the 4th day of March, 1816. By the terms of the charter, the United States were to hold the one fifth part of its whole stock—an amount equal to \$7,000,000. That stock was taken, and, with very trifling exceptions comparatively, was held throughout the term of twenty years which the charter had to run. I believe that some transfers of stock from the general Treasury to the Navy pension fund had varied, very limitedly, the amount of that direct interest; but the variation is immaterial to the purposes of this argument; and, as the transfer was made to a trust

fund, in the safety and protection of which an interest was felt, and actually existed, equal to that for the safety and protection of any other equal portion of the public treasure, the real public interest was not at all changed.

Upon the expiration of the charter of the bank as a national institution, in March, 1836, this great interest was left subject to the management of the directors and other officers of the bank during the two years allowed by the charter for the winding up of its affairs, and left, almost necessarily, in an unproductive state. Hence, the early interest felt and manifested, as well in Congress as by the chief fiscal officer of the Government, to give prompt and efficient attention to this portion of the public treasure. The charter of the bank expired during the session of Congress; and before its adjournment a law was passed constituting the Secretary of the Treasury the agent of the United States to superintend this interest, with full power to liquidate the amount, to receive payment, or to take security for payment at a future day, submitting to his sole discretion the forbearance to be extended and the sufficiency of the security to be offered.

In the meantime, and at about the period, if not upon the very day, of the expiration of the charter, a proceeding was had by the board of directors of the bank, which I must be permitted to call singular, at the least, and especially so, as it was a proceeding to which the Government was in no sense a party. The whole bank, its stock, debts, credits, and effects, of every name and character, were sold and transferred to a banking institution chartered by the State of Pennsylvania. This transfer took place in March, and the law of Congress last referred to did not pass until the 23d of June after. The transfer was to an institution in which, upon the face of its charter, the United States were prohibited from holding stock, so that the Government could take nothing in the new bank by this sale of its property in the old. Such was the condition of this public interest at the time Congress adjourned in 1836.

It is proper to pause here and see what was the state of the public Treasury at this period; that we may estimate the willingness, on the part of all the public functionaries, to accept security for the payment of this debt at a future day, instead of payment in hand, and consequently the willingness of Congress to submit the time of payment to the Secretary of the Treasury alone. The Treasury was, at the time referred to, full to overflowing; and statesmen of the greatest experience and deepest reflection considered the abundance of our revenues, and the surplus of our treasure, as one of the severest evils which then did, or which ever had, threatened the purity and permanency of our institutions. So great was the desire to discharge the country from the corrupting and demoralizing influences of this flood of money, that, on the very day on which this agency over our interest in the bank was given to the Secretary of the Treasury, a law was passed to set apart from the general and ordinary uses of the Treasury, and distribute to the States, in the form of a deposit, more than thirty-seven million dollars of the public money. This law stands upon the statute book next before that which authorizes the Secretary to extend a credit upon the debt due from the bank.

I will now pass to the next session of Congress, the annual session of 1836-37. On the 1st day of January, 1837, the balance was to be struck, and all the money found in the Treasury, deducting \$5,000,000 to meet outstanding appropriations, was to be laid aside, and deposited with the States, in the ratio of their representation in the two Houses of Congress; the one quarter on that day, one other quarter on the 1st day of April, the third quarter on the 1st day of July, and the remaining quarter on the 1st day of October, of that year. This left the Treasury with \$5,000,000 of means, and something more than \$14,000,000 of outstanding appropriations. The current revenue of the year, therefore, must meet the balance of outstanding appropriations beyond the \$5,000,000 left in the Treasury, and also the current appropriations of the year, or the money placed in deposit with the States must be called back to pay the deficiency. This, I think, was

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about the state of facts, and the condition of the Treasury, on the 1st day of January, 1837, though I have not looked at the figures for this occasion, and, speaking from memory, may not be precisely accurate. During this session of Congress, a report was received from the Secretary of the Treasury, detailing the efforts which had been made under the law of 1836 to liquidate, settle, and secure the bank debt; giving the then state of the negotiation, and showing that no definite or satisfactory result had been reached. It appeared, however, that examinations had been made, facts ascertained, and conclusions formed, as to the fair value of the interest of the United States arising from their stock, and that distinct offers to sell the claim to the new Pennsylvania Bank, at a given price, and upon specified terms, as to time and interest, had been made by the commissioners appointed by the Secretary, but that no answers had been obtained to their propositions.

After this report was laid before Congress and the public, the board of directors of this Pennsylvania bank, through their president, addressed a memorial to Congress, giving their acceptance of one of the offers which had been made to them; and Congress, on the 3d of March, 1837, passed a concurrent resolution, directing the Secretary of the Treasury to take the security offered, and close the business.

The whole value of the claim, as liquidated by the offer and acceptance, was \$7,946,356 16. This was the amount conceded to have been due to the United States on the day after the expiration of the charter of the bank as a national institution—the 4th day of March, 1836; and, by the terms of the bargain, payment was to be made in four equal installments of \$1,986,589 04 each, the first to be paid in the month of September, 1837, and the remaining three installments in one, two, and three years from that time, with interest upon the whole amount from and after the 3d day of March, 1836, until paid, at the rate of six per centum per annum. The Secretary proceeded to carry into effect the resolution of Congress, to ascertain the amounts as above stated, and to take the bonds of the United States Bank of Pennsylvania to secure the payments, that being the security agreed to be given by the terms of the acceptance.

In this way the claim of the United States was transferred from the Bank of the United States chartered by Congress, to that chartered by the State of Pennsylvania; and thus the bonds against the latter institution, which have given rise to the transactions principally complained of, came into existence. These bonds were each for the same amount, (\$1,986,589 04). Each bear an interest of six per centum per annum from the 3d day of March, 1836; and the first was payable in all the month of September, 1837, the second in 1838, the third in 1839, and the fourth in 1840. All these bonds bear date on the 10th day of May, 1837; and it is impossible not to mark singular coincidence of dates between the conclusion of this negotiation, which postponed the payment, and placed beyond the power and control of the Treasury this almost eight million dollars, and that universal suspension of specie payments by the banks of the country, which instantly deprived the Treasury of means to pay the public creditors, and compelled an extra call of Congress. I have stated that the bonds were dated on the 10th day of May, 1837. They were, therefore, executed on that day, either at Washington or Philadelphia, while at New York, on the very same day, specie payments were suspended. I speak from recollection upon this point, but feel sure that the suspension took place at New York on the 10th of May 1837; and it was certainly followed, almost instantly, where it had not been preceded, by nearly every banking institution in the whole Union. A consequence of this was to render unavailable, for legal payments, all the balances in the deposit banks, and to throw back upon the Treasury, thus deprived of its means, masses of outstanding drafts which had been drawn upon these deposits, but which had not reached their places of destination, and been presented for payment, when the suspension was proclaimed. At this crisis the bank debt would have been a most timely and important aid, if it could have been realized in cash; but the consummation, on the very day of the suspension by

the banks, of the terms of compromise, tendered on the part of the Government when the Treasury was more than full, and accepted by the bank several months after it was tendered, had postponed payment upon this debt for one, two, three, and four years.

Under circumstances like these, the proclamation of the President was issued, bearing date on the 15th of May, 1837, and calling a special meeting of Congress for September of that year. The deposits with the States, to be made on the 1st of January and 1st of April, of between nine and ten million dollars each, had been nearly completed, and drafts had been issued for the principal part, if not for the whole, of the deposit of like amount to be made on the 1st of July, when the suspension of specie payments by the banks placed the very moneys out of which these deposits were to be made beyond the control of the law, or of the fiscal officers of the Government. The consequence was, that many of the outstanding drafts for the July deposit, and some few of those for the previous installments, were dishonored by the banks upon which they were drawn, and returned upon the Treasury for payment, while the whole means of the Treasury to meet these and other payments were locked up in the banks. Hence the aid of Congress was invoked at the earliest practicable period, and the ability of the Treasury to get on until the commencement of the extra session was rendered extremely doubtful. So rapid was our transition, in a public sense, from superabundant wealth to extreme poverty, from plethoric fullness in the public Treasury to extreme want and almost perfect destitution!

It will now be proper to see what legislation was adopted by Congress affecting the public Treasury, at the extra session of September and October, 1837. In the way of supply, a bill was passed, on the 12th day of October, authorizing the Secretary of the Treasury to issue paper, upon the credit of the Government, in the shape of Treasury notes, as the wants of the Treasury should require, not to exceed, in all, the amount of ten million dollars, but with such restrictions in the law as to prohibit the reissue of any single note which should fall into the hands of an officer of the Government, in payment to the United States, while all the notes were made a legal tender for all such payments.

On the other hand, nearly every ordinary resource of the Treasury was cut off, for a period, by a law which suspended, for the space of nine months after maturity, all payments upon all outstanding duty bonds, and gave a credit of three and six months upon such cash duties as had become due and were unpaid, or should become due upon importations to be made previous to the month of November, 1837; and by another law, which, at the option of the deposit banks, suspended payment upon the balances due from them for previous deposits, for periods of eight, fourteen, and twenty months, and required that the bonds of the institutions for payment, at the expiration of those periods, of equal third parts of their respective debts, satisfactorily secured, should be received in lieu of payments in hand.

Another law was also passed at this extra session, materially affecting the Treasury in both directions. I allude to the law "postponing the payment of the fourth installment of deposits with the States." This law relieved the Treasury from this call of between nine and ten million dollars, until the 1st day of January, 1839; but it, at the same time, prohibited the Treasurer from drawing, under any circumstances or for any purpose, upon the \$28,000,000 which had been previously deposited with the States in obedience to the provisions of the deposit law of 1836. Its effect, therefore, was to deprive the Treasury of three dollars of means for every dollar of demand from which it was relieved.

With the exception of the necessary appropriations made at the extra session, no other legislation materially affecting the public Treasury has been discovered.

I will now pass on to the annual session of Congress of 1837-38, and see in what manner the legislation of that session was made to influence the operations of the Treasury. On the 21st of May, 1838, a law passed giving to the Secretary

of the Treasury the power to issue new Treasury notes in the place of all those which, having been issued under the law of the extra session, had been paid in and canceled, or should be so paid in and canceled under the provisions of that law. The same prohibition, however, against a reissue of the new notes was retained in the law of 1838, while these notes also were made a legal tender in all public payments.

The only other legislation of this session, intended for the supply of the Treasury, was the law of the 7th of July, 1838, authorizing a sale, in the market, of the two bonds against the Bank of the United States of Pennsylvania, which were to become due and payable in September, 1839 and 1840, being the third and fourth of the four bonds taken, in the manner before related, to secure the debt due to the United States from the late Bank of the United States, chartered by Congress, for the stock held by the United States in that institution at the time of the expiration of its charter. It will be remembered that the first bond was made payable in September, 1837, which time had passed, and that bond had been paid and canceled. The second bond, made payable in September, 1838, would fall due so soon after the passage of the law, that it was not thought advisable to include in it a provision for its sale, as the money might be received upon it from its maturity, before a negotiation for the sale could be brought to a successful termination. Hence the law provided for the sale of the two last bonds only; and this law it is, and the practical execution of it by the Secretary, which has given rise to this discussion, and now compels me to obtrude myself upon the attention of the Senate.

The law made the Secretary of the Treasury the agent of the Government for the sale of the bonds; limited him to the par value of each bond in the market, "calculated according to the rules for estimating the par value of securities upon which interest has run for a time, but which securities have not reached maturity;" opened to him the markets of our own and foreign countries, and directed that the sale should be made "for money in hand."

This brings me to an examination of the facts in relation to the execution of this law; and for them I must refer to the reports under consideration, and to the documents accompanying them. From this time forward I shall, as far as practicable, let the reports and the correspondence speak for themselves; as, notwithstanding the tediousness to myself and the Senate of reading documents here, I prefer that the facts themselves, and the language of the parties, rather than my understanding of either, should guide the judgment of this body and the country upon the issue presented.

It will be proper here to remark that but one of the bonds authorized to be sold has as yet been sold under the law, the bond to become due in September of the present year; that to fall due in September, 1840, being yet held by the Treasury as the property of the United States. It will, however, be seen that various negotiations, all at the instance of the bank, have been carried on between that institution and the Secretary of the Treasury, the object of which was to arrange the mode and manner of payment of the second bond, to fall due in September, 1838, and, as an inducement to the officers of the Treasury to yield to the mode and manner desired by the bank, offering, on its part, to anticipate portions of that payment at times which should be most desirable to the Government, in reference to the calls for public disbursement. It is indispensable to a perfect understanding of the transactions, that the negotiations for this object, and those for the sale of the third bond under the law before referred to, should not be confounded, while the dates and order and manner of the correspondence upon the two subjects, and the similarity of the propositions from the bank in both cases, require some care to preserve the separation perfectly, and at the same time to comprehend the whole force of the facts as applicable to each transaction.

Hence I propose to examine all the facts in relation to the time, mode, and manner of payment of the second bond, due in September, 1838, and which was not sold, before I refer to the facts at-

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tending the sale of the third bond, which was sold to the bank.

The first question which arises in this course of inquiry is, was the state of the Treasury, at the time the negotiation was concluded for an anticipation of the payment of two thirds of this bond, and a postponement for the period of fifteen days only of the remaining third, such as to warrant the arrangement on the part of the Secretary of the Treasury, as one calculated to promote the public interests, and to secure more certainly the payment of the public creditors? This question the Secretary of the Treasury himself shall answer. And as the same question will necessarily arise in reference to the sale of the third bond, and as the report of the Secretary, in answer to the call of the Senate, frequently speaks of the condition and necessities of the Treasury in reference to both of these negotiations in the same sentence, his answer as to both shall be given here. I read first from page 4 of the report, which relates more particularly to the payment of the second bond, to fall due in September, 1838, though clauses of the extract allude also to the sale of the third bond. The Secretary says:

"To avoid the payment of the bond that was to fall due on the 1st of October, being made in new Treasury notes, not reissuable, nor available in any way to discharge appropriations, and which event was apprehended by the Department, the written agreement was made with the bank, which will be found among the documents, stipulating, among other things, for the payment of that bond on drafts to the public creditors, and in specie or its equivalent. This, though collateral to the sale of the other bond, was a part of the same negotiation.

"It was very clear at the time, and has been confirmed by subsequent events, that the payment by the bank of its bond in such Treasury notes, and a failure to make that arrangement, the only practicable one for the sale of the third bond, would render either a special call of Congress or a suspension of payment of some of the demands upon the Treasury inevitable. The Department did not feel itself at liberty to hesitate in deciding between an exposure of the public service to either of those extremities, by insisting upon having the whole of these large sums of money paid at one time, and placed elsewhere in other suitable depositories, if any could be found in the present imperfect state of the law, or a consent to leave them in the hands of the public debtor until they were actually wanted, and then to draw for them, in specie or its equivalent, when and where the public service required. Especially could the Department not hesitate, when this course was not injurious to that service, and it was unable at that time to withdraw those funds except by the debtor's voluntary consent."

Again, on page 5, with more exclusive reference to the arrangements in relation to the second bond, and to the places and manner of disbursement required by the wants of the public service, he says:

"In relation to another inquiry, concerning 'the period when the sum of \$1,600,000, in part payment of the second bond of the Bank of the United States, was placed to the credit of the Treasury,' I state that \$800,000 was placed to his credit on the 15th day of August, and \$800,000 more on the 15th September, 1838. As to the 'nature of the' whole agreement on that subject, I reply that it will be found in the correspondence annexed.

"The substance of it was that about one third of the amount of the bond should be paid in the middle of August, one third in the middle of September, and the other third in the middle of October, as these periods and amounts of payment were deemed likely to promote the convenience of the Treasury, if not of both parties, better than to pay the whole large sum of near two and a half millions at once at the close of the month of September. It was further stipulated that interest should cease on each of the installments thus paid on the day they were placed to the credit of the Treasurer, and made subject to his draft. As the money was wanted at different points to meet the public expenditures near them, the drafts of the Treasurer on the bank, payable at those several points, were engaged to be met there with promptitude, and in specie or its equivalent."

Here is a condensed, but full and clear, statement of the result of the negotiations as to the mode and manner and times of payment of the second bond, with suggestions as to the convenience to the Treasury of this manner of payment, over that of the receipt of the whole sum of about two million four hundred thousand dollars, in a single payment, on the 1st day of October, while the extract closes with showing that the payments, at the times and places stipulated, were to be made "in specie or its equivalent."

Again, upon pages 2 and 3 of the report, and referring principally to the sale of the third bond, the Secretary goes more fully into the state of the Treasury, and shows most clearly the necessity for the sale and anticipation of the proceeds of this bond, which were not to become due until September, 1839, to meet the appropriations

of 1838, which, he says, "proved to be unusually great." It need scarcely be said that, if such was the condition of the Treasury, and the anticipated wants of the public service, in July, as to prove the necessity for the sale of the third bond before the close of that fiscal year, the same facts must have proved more clearly the necessity of anticipating, so far as that could be done, the payments upon the second bond, the whole of which was to fall due on the 1st day of October. The language of the Secretary is:

"The appropriations actually made having proved to be unusually great, and the expenditures anticipated during the two next ensuing months being much larger in amount than the immediate means which the Department could expect to derive in money from other sources within those months, I at once addressed letters to the bankers of the United States at London, and to our Minister at Paris, requesting that measures might be taken, without delay, to obtain offers for those bonds, if possible, from capitalists in Europe. To these letters answers were received in due season, stating that, from the short time the bonds had to run, the absence of the guarantee of the United States for their eventual payment, and other causes, no sale could probably be effected of them either in London or Paris within the limits fixed by law. In the mean time, however, finding that the demands for the public service during the month of June had exceeded four and a half millions, and expecting, as the fact turned out to be, that they would equal about seven millions in July and August, and finding, also, that the available balance in the Treasury, applicable to general purposes, and subject to draft, fell below \$1,000,000, and that payments were making at times in new Treasury notes, which could not be rendered at all available, I considered it necessary to effect a sale of at least one of the bonds at an earlier day than advices could be received and any proceeds realized from Europe. Particular inquiry was, therefore, instituted in the city of New York, and elsewhere, concerning the probability of selling soon one or more of the bonds, and also a public advertisement was issued, inviting proposals generally for their purchase.

"The result was, that from the abundance of State stocks in the market, at very reduced prices, the lower rate at which other securities of the bank were selling, and the want of a guarantee by the United States, the sale was found, with the exception hereafter stated, to be wholly impracticable in this country, and was expected to be so abroad, under the conditions prescribed in the act. Indeed, no bids were at any time made for either of the bonds, in conformity to those conditions, except that of Charles Macalester, Esq., of Philadelphia, who offered to purchase both of them within the terms of the law."

Here is the most full and clear answer to the question. The expenditures for June had been more than "four and a half millions;" those for July and August were expected to be "about seven millions;" which expectation was realized by the fact, and the "balance in the Treasury applicable to general purposes, and subject to draft, fell below one million." Hence, the Secretary "considered it necessary to effect a sale of at least one of the bonds at an earlier day than advices could be received, and any proceeds realized from Europe."

I will now proceed to notice the correspondence; and first, that in relation to the payment of the second bond. And here it will be interesting, if not useful, to notice dates and coincidences between the proceedings in Congress towards a sale of the bonds, and the efforts on the part of the bank to gain possession of them, or make arrangement for their payment.

On the 5th of April, 1838, the Senate by a resolution instructed the Committee on Finance to inquire into the state of the Treasury, and in case there should be a prospect that more means would be wanted than had been provided by Congress, further to inquire into the expediency of raising those means by a sale of the bank bonds.

On the 21st of the same month, Mr. Macalester addressed to the Secretary of the Treasury a note making distinct propositions for anticipating the payment of the second bond, to fall due in September, 1838, and inviting a correspondence. The documents exhibiting this negotiation will be found appended to the report of the Secretary of the Treasury, now under consideration, commencing at page 11, and are marked A 1 to 7, inclusive. The negotiation was unsuccessful, because the parties could not agree as to the medium in which the proposed payments should be made; but there are certain points in this correspondence which I consider it important to notice, for future reference, and will, therefore, read to the Senate a few short extracts. The Secretary, in his reply to Mr. Macalester's first note, under date of 28th April, writes as follows:

"In the mean time, as you do not state that the proposal contained in your letter is made under authority from the bank, and as the discussion of such a proposal, unless made

directly by the bank, or its authorized agent, might be liable to misconstruction, and lead to no useful result, you will see the necessity, before my replying fully, that any arrangement desired should be made in that form."

In reply to this part of the Secretary's note, Mr. Macalester, under date of the 2d of May, says:

"Sir: I have the honor to acknowledge the receipt of your letter of 28th ultimo. In answer to which, I have to state that I am authorized by the Bank of the United States chartered by Pennsylvania to enter into the arrangements proposed in my letter of 21st ultimo."

This establishes the fact that Mr. Macalester was here acting as the agent of the bank, with full power to make the arrangement he proposed, and as he continues, throughout all the negotiations as to both bonds, to act as the principal agent and instrument of the institution, without anything further appearing upon the face of the papers, as to his character or powers, the above inquiry and answer were, doubtless, considered by both parties sufficient upon that point.

In the answer of the Secretary to Mr. Macalester's note of the 2d of May, from which the above is extracted, and in which he makes formal propositions as to the times, places, and manner of payment of the second bond, is the following paragraph, which closes the letter:

"To prevent misapprehension, it should be distinctly understood that, with the exception of Treasury notes, the general course has been to accept no credit, unless the deposit is made in specie or its equivalent; or, unless the deposit has been received by some public claimant as equivalent to specie. The right of every claimant to be paid in the legal currency of the United States is fully recognized by this Department; and, considering the opinion entertained by the Executive and at least one branch of the Legislature, the idea must be expressly excluded that the notes of the second Bank of the United States, chartered in 1816, can be permitted to be employed in any of the transactions growing out of this arrangement."

This letter bears date on the 3d of May, and, under date of the 5th of May, Mr. Macalester replied, which terminated that negotiation. Among other things, he says:

"I did not and could not have intended to propose a negotiation on the basis of a specie payment."

These are the only references to this correspondence necessary to my purpose, and they are necessary because they establish the character of Mr. Macalester as agent of the bank, and the further fact that the Secretary of the Treasury, in the negotiation, adhered to "the basis of a specie payment, or a payment equivalent to specie."

This correspondence covered the time from the 21st April to the 5th of May. We have before seen that, on the 5th of April, the Committee on Finance was instructed to inquire as to the expediency of a sale of the bonds, and the inquiry was general, relating as well to the second as to the third and fourth bonds, all of which remained unpaid. On the 2d of May, the committee reported a bill providing for the sale of the third and fourth bonds, but not affecting the second; and on the 5th of the same month, the negotiation as to anticipating the payment of this latter bond was terminated by the agent of the bank, unless some other than a specie basis for the payment could be acceded to. On the 11th of May, the bill for the sale of the third and fourth bonds passed the Senate, and on the 7th of July after it became a law.

On the 23d of July, a second negotiation was opened by Mr. Macalester, by inviting the Secretary of the Treasury to make specific propositions for the payment of the second bond in three installments, to be paid on the 15th days of August, September, and October, 1838, the bond being payable, by its terms, on the 1st day of October of that year. To this invitation the Secretary answered, under date of the 24th of July, consenting to the times of payment proposed, and naming the places of payment, and the sums to be paid at each place, and closing with the following language:

"In all cases, however, it is of course understood that payments will be made in specie or its equivalent."

These terms Mr. Macalester accepted by a note dated 25th July, merely requesting that the negotiation might be considered open in relation to the places of payment, and the sums to be paid at each, so far as the convenience of the Treasury and the wants of the public service would permit. On the 27th the Secretary replied, consenting to make such changes in the places of payment, and the amounts at each, as could be

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made without material inconvenience to the Department. This correspondence will be found annexed to the report of the Secretary, commencing at page 34, and marked inclosures No. 1 to 4, inclusive.

On the 13th of August, the negotiation in relation to the payments upon the second bond was renewed by a letter from Mr. Biddle, the President of the bank, to the Secretary of the Treasury, suggesting such changes in the places of payment, and in the amounts to be paid at each place, as he desired to have made, and referring to the correspondence, above detailed, with Mr. Macalester, as the basis of the arrangement in relation to this bond. This correspondence, thus reopened, was continued between the officers of the bank and those of the Treasury up to the 18th of August, when all the places of payment, and the sums payable at each, were mutually agreed upon, and the negotiation was completed; but in the mean time, and on the 15th of August, a certificate of deposit, to the credit of the Treasurer of the United States, was issued by the bank, and transmitted for the first installment of \$800,000, payable on that day, towards the second bond. These documents will be found appended to the report of the Secretary of the Treasury, now under consideration, commencing at page 37, and marked F 8, 10, 11, 12.

This gives a distinct and separate view of all the material negotiations in relation to the payment of the second bond, the times of payment, the places of payment, and the manner of payment. From the facts detailed it will be seen that the bond was to be paid, and was paid in three equal installments of about eight hundred thousand each, on the 15th days of August, September, and October, 1838, which would occasion the first installment to be paid forty five days before the bond became due and payable, the second installment fifteen days before, and the third installment fifteen days after that time; that each installment, on the day it became payable by the arrangement, was to be, and was, deposited in the bank to the credit of the Treasurer of the United States; that upon the strength of these deposits, the Treasurer was to draw his drafts upon the bank, payable at the several places named, and for the several sums agreed upon in the arrangement; that those drafts were to be paid by the bank at the places at which they were made payable, without being first presented at the bank, or returned to it for payment; and that interest was to cease upon the two installments anticipated, when the money was placed to the credit of the Treasurer in the bank, and was to continue upon the third installment until that, also, was so placed to his credit.

This is the arrangement which the Secretary of the Treasury did make for the payment of the second bond, which, upon its face, became due and payable on the 1st of October, 1838. That the state of the Treasury required the anticipated payments secured by the arrangement, seems to be made certain by the report of the Secretary, and that the places and manner of payment were such as best suited the public wants and the convenience of the Department is shown by the whole correspondence. If, then, there be fault on the part of the Secretary, in consenting to the arrangement, it must be because it was wrong to enter into a negotiation with the Bank of the United States, chartered by the State of Pennsylvania, and to conclude an arrangement for the anticipated payment of a debt which the wants of the public Treasury required, upon terms not only convenient and advantageous to the public interests and the public service, but upon which alone payments could be anticipated; and because it was wrong, by such an arrangement, to secure those payments in money, which otherwise might be made in Treasury notes, and thus rendered wholly unavailable to supply the wants of a reduced Treasury. Deep as my feelings of hostility have been, and still are, against this bank, both as a national and State institution, I cannot carry those feelings so far as to censure a faithful public officer for acts like these; nor, when by our legislation we have driven him to these resorts to supply our Treasury placed under his charge, can I suspect him of improper motives for having consented to negotiate with a dangerous banking

institution, when it was the only alternative left to him to preserve the public faith, carry on the business of the nation, and maintain its credit, or condemn him for having accomplished these great results by such means.

I pass now to the sale of the third bond, and the negotiations which preceded and accomplished that object. The law authorizing that sale, as has been before remarked, was introduced into the Senate on the 2d of May, and the resolution of inquiry on the 5th of April previous. With his accustomed vigilance, the Secretary of the Treasury anticipated the action of Congress by opening, on the 8th of May, a correspondence with an intelligent banker in each of the cities of New York and Philadelphia, to inform himself whether, in case of the passage of a law like that proposed, a sale could probably be made of one or both of the bonds, either in the markets of our own or a foreign country. Copies of the bill were transmitted to each of these gentlemen, and their early opinions solicited. Answers to these letters were returned within a very few days, and both expressed opinions wholly unfavorable as to the prospect of a sale in this country, unless to the bank itself, without the guarantee of the Government for the payment of the bonds; while one of the writers supposed that a sale might be effected in Europe upon advantageous terms, and that the agent of the bank in London might be induced, "by weighty considerations, to enter the field as a purchaser;" and the other said: "the bonds have too short a time to run to warrant any reasonable expectation of a sale of them in Europe, on favorable terms, during the present rate of exchange." These letters will be found accompanying the report of the Secretary, marked B, 1, 2, 3.

The bill became a law, without any alteration of form, on the 7th of July. Under date of the 9th, the Secretary wrote to N. M. de Rothschild & Sons, bankers, of London, sending them a copy of one of the bonds, and requesting them to negotiate a sale in England if possible. A copy of the law was also transmitted. On the 11th, similar communications were addressed to the American Minister at Paris, with a request that he would consult certain bankers named, and such other persons as he might think proper, and learn if a sale of the bonds could be effected in France within the terms of the law. On the 17th of July, a gentleman of Baltimore, of known and approved qualifications for such a service, was addressed by the Secretary, to learn if he would consent, for the compensation of eight dollars per day and the payment of his expenses, to go to Europe as the agent of the Department, to make sale of the bonds. In the mean time, and on the 9th of July, letters were addressed to the president of one of the leading banks in each of the cities of New York and Boston, and to a gentleman in New York, known as the resident agent there of the banking houses of the Rothschilds in London and Paris, invoking the advice and aid of these individuals as to the sale of the bonds in this country, or in any foreign market.

Such were the efforts promptly made by the Secretary to secure a sale of these bonds in conformity with the provisions of the act of Congress and upon the most favorable terms which could be obtained. The condition of the Treasury, and the consequent necessity for the sale of one or both of the bonds, has been already seen in the extracts from the report of the Secretary before given.

Under date of the 23d of July, the gentleman applied to act as agent for the sale of the bonds abroad, replied to the Secretary's request, expressing an opinion that, as the state of the money market in Europe was peculiarly favorable, the bonds might probably be sold there within the limitations prescribed in the law, and possibly upon terms more favorable "if the agency is judiciously executed;" but, characterizing the bonds as "a less current or salable description of securities" than are ordinarily "tendered for sale in any market," and declining the agency at the compensation proposed, but offering to undertake it for a commission of one fourth of one per cent. upon the amount of the bonds, if sold, and for the pay and mileage of a member of Congress, in case of a failure to effect a sale. (See documents C 6 and 7.)

The letters of the Secretary to the gentlemen in New York and Boston were promptly answered; the one from the agent of the foreign banking houses, containing an offer for the bonds, which did not come within the limitations of the law; and the two others holding out no prospect of a sale of either bond in this country, within the terms of the law. The correspondence with the two New York gentlemen was continued to great length, covering the time from the 9th to the 27th of July, and embracing efforts to effect a sale as well abroad as at home, but without any prospect of success.

Inasmuch as the Secretary is now charged with a willingness, if not a desire, to be driven to make the sale of these bonds to the bank itself, it will be but just to him to make one or two references to his correspondence with these gentlemen, as indicative of his feelings upon this point. I will read from his letter of the 16th of July, written to George Newbald, Esq., President of the Bank of America, New York. It will be found on pages 23 and 24 of the report under consideration, and is marked D 6. The first paragraph of this letter is in the following words:

"Sir: I have to acknowledge the receipt of your letter of the 14th instant. I wrote you on yesterday in consequence of observing in the Philadelphia newspapers some intimations affecting the credit of the bonds of the Bank of the United States in the market. It seems to be evident that the maker of these bonds intends that no other corporation or individual shall purchase them. So many suggestions injurious to their value have been made, and, what is more remarkable, considering their obvious origin and motive, have been listened to, that I shall probably be compelled either to sell the bonds to Mr. Biddle, who is expected here in the course of the present week, or to send them abroad for sale."

Does this language, I ask, Mr. President, does this look like a desire, or even a willingness, to make the sale to the bank? Does it look like a wish to be compelled to make the negotiation with Mr. Biddle? Do you believe, sir, that the President of the Pennsylvania bank will look upon this language as conveying such a kindly feeling towards himself and his institution? I will read the last paragraph of this same letter. It is in these words:

"Any bank which coöperates in the purchase of these bonds, at a point like New York, cannot fail to derive great advantage from the operation. The money will probably be required to be drawn for at the rate of about half a million monthly. The drafts will be mostly sent to the South and Southwest, and the greater portion of them will be out thirty, sixty, and ninety days before presented at bank."

Here are the very benefits which the charge presupposes it was the desire and intention of the Secretary of the Treasury to confer upon the Pennsylvania bank, specifically pointed out and earnestly urged upon the Bank of America in New York, and which, be it remembered, that bank would not accept. It cannot be necessary that I should trouble the Senate with further extracts from this correspondence to rebut so groundless and improbable a charge.

The correspondence to which I have hitherto alluded, in relation to the sale of these bonds, will be found among the documents appended to the Secretary's report, commencing at page 20, and marked D, 1 to 17 inclusive.

This brings me, in point of time, to the negotiations which did take place between the bank and the Secretary of the Treasury, and resulted in the sale of one of the bonds upon the terms prescribed in the law. The first step in this negotiation is a letter under date of the 21st of July, written by Mr. Macalester to the Secretary of the Treasury, and is in the following words:

WASHINGTON, July 21, 1838.  
SIR: I have the honor to submit to you the following proposition for the purchase of two bonds of the Bank of the United States chartered by Pennsylvania, referred to in your advertisement of the 18th instant.

I will give for one or both of them the par value, calculated according to the rules for estimating the par value of securities upon which interest has run for a time, but which securities have not reached maturity; the settlement to be made on the 1st of August next, on which day I will deposit the amount thereof, to the credit of the Treasurer of the United States, in special deposit in the Bank of the United States in Philadelphia, in specie or its equivalent; this being done, you will then execute to me an assignment of the bonds.

I am, very respectfully, your obedient servant,  
O. MACALESTER.

Hon. LEVI WOODBURY, Secretary of the Treasury.

The reply of the Secretary to this proposition is under date of the 30th of July, and is an ac-

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Bonds of United States Bank—Mr. Wright.

SENATE.

ceptance only so far as relates to the one bond to fall due in September, 1839. The following is the letter:

TREASURY DEPARTMENT, July 30, 1838.

SIR: Your offer of the 21st instant, to purchase one or both of the bonds of the Pennsylvania Bank of the United States, at the par value, as limited in the act of Congress, is accepted for the bond due in September, 1839.

The proposal being to deposit the money to the credit of the Treasurer, in special deposit in said bank, on the 1st day of August next, I have caused a computation to be made of the amount then payable by you. It is supposed to be \$2,254,871 38, and is ascertained in the mode of calculation explained in the letter annexed.

That sum can be deposited; and if any error is found in the calculation, it will be corrected. On receiving the certificates of deposit, I will execute to you an assignment of the bond. It is understood that the bank is to keep this money safely till drawn out by the Treasurer, without making any charge to the United States for keeping or paying it over on his drafts.

I am, very respectfully, your obedient servant,  
LEVI WOODBURY,  
Secretary of the Treasury.  
CHARLES MACALESTER, Esq., Philadelphia.

In conformity with this proposition and acceptance, the President of the bank writes to the Secretary, under date of the 1st August, as follows:

BANK OF THE UNITED STATES, August 1, 1838.

SIR: You will be informed by Mr. Macalester of his having this day deposited in this bank the sum of \$2,254,871 38 to the credit of the Treasurer of the United States.

In your letter to Mr. Macalester of the 30th ultimo, directing that the money should be deposited in the bank, you add:

"It is understood that the bank is to keep this money safely till drawn out by the Treasurer, without making any charge to the United States for keeping or for paying it over on his drafts."

On the part of the bank, I confirm that understanding. With great respect, yours,  
N. BIDDLE, President.

Hon. LEVI WOODBURY,  
Secretary of the Treasury, Washington, D. C.

Of the same date the cashier of the bank transmits to the Secretary of the Treasury, or to the Treasurer of the United States, the following certificate of deposit, being for the precise amount mentioned in the Secretary's letter of acceptance, above given:

BANK OF THE UNITED STATES, August 1, 1838.

I hereby certify that Charles Macalester, Esq., has this day deposited to the credit of the Treasurer of the United States, in special deposit, the sum of \$2,254,871 38, subject to the drafts of the said Treasurer.

J. COWPERTHWAIT, Cashier.

This presents the negotiation, the sale, and the payment of the third bond, in the language and acts of the parties, and from it a few inferences are to be drawn.

*First.* The negotiation proceeds from the bank, and not from the Secretary of the Treasury. He does not solicit the bank to purchase, but the bank solicits him to sell, and offers its terms.

*Second.* Although the proposition from the bank is before the correspondence between the Secretary and the President of the Bank of America was closed, and on the same day on which the agent of the foreign banking houses closed the correspondence between him and the Secretary, by a letter written at New York, yet the Secretary does not accept that proposition until nine days after its date, and three days after the final close of every other negotiation for the sale of the bonds in this country, without the least prospect of success.

*Third.* It was the only proposition for the purchase of the bonds coming within the limitations of the law, which he had been able to obtain, or was likely to obtain, in this country.

*Fourth.* The proposition was accepted as to one bond only, although it was an offer to purchase both upon the same terms, and those the terms prescribed in the law.

Is it possible, then, that the Secretary was desirous of a connection with this bank, and to benefit it by a sale of these bonds to it? If so, why did he not invite this bank to purchase during the ten or twelve days upon which he was so faithfully soliciting offers from other banking institutions, and from individuals? Why did he not accept at once the proposition of this bank when made on the 21st of July, and not wait till the 30th, and until all prospect of obtaining an offer from any other quarter was put entirely at rest by the final close of two separate negotiations, both of which were open, so far as his knowledge extended, when this offer was received? Why did he not accept the proposition as to both bonds,

and thus confer upon the bank double the benefits which were conferred, if benefits they were, by his partial acceptance? Until these questions are answered, the charge that the Secretary sought this transaction with the bank, or sought the advantage of the bank in the sale of these bonds, should cease to be made.

But the Secretary had not heard from the negotiations opened by him in England and France for the sale of these bonds, and how, it may be asked, did he know that favorable propositions might not come from those quarters? Or why did he not wait to be informed upon those points, before he closed the transaction with the bank, by the sale of the third bond? This inquiry has already been answered in the extracts read from the report of the Secretary now under consideration. He says, at page 3 of the report:

"In the mean time, however, finding that the demands for the public service during the month of June had exceeded \$4,500,000, and expecting as the fact turned out to be, that they would equal about \$7,000,000 in July and August, and finding, also, that the available balance in the Treasury applicable to general purposes, and subject to draft, fell below \$1,000,000, and that payments were making at times in new Treasury notes, which could not be rendered at all available, I considered it necessary to effect a sale of at least one of the bonds at an earlier day than advices could be received, and any proceeds realized from Europe."

This is the answer of the officer himself, made upon his official responsibility, in reply to the inquiry above anticipated, made by the Senate itself. What is it? That the state of the Treasury would not permit him to wait for a sale of both of the bonds; that it was, in his opinion, "necessary to effect a sale of at least one of the bonds, at an earlier day than advices could be received, and any proceeds realized from Europe." Is this answer true? Does any one here doubt it? Will any one here attempt to impeach it? Then the inquiry is answered; and here is the reason why the Secretary, in July, and before he had received returns from his foreign correspondents, accepted the offer of the bank as to one, and not as to both bonds.

These correspondents abroad, however, were heard from in due time; and what were their answers? That the bonds were too large, and could not be divided into smaller sums for the market; that they had too short a time to run to make them an object for the investment of such heavy sums; and that their final payment was not to be guaranteed by the United States; that, for these reasons principally, they could not be sold in England or France, within the terms of the law. I will not trouble the Senate with reading this correspondence. It will be found among the documents appended to the report, marked C, 1 to 5 inclusive.

It is further complained that the Secretary of War took a part in this negotiation with the bank. He did so; and what was it? He shall answer for himself, as his language upon the subject will convey the truth more clearly, concisely, and intelligibly, than any I can employ will do it. I read from the documents appended to the message of the President of the 11th instant, in answer to the call made by the Senate upon him for all the information upon this point, being the report of the Secretary of War in reply to the interrogatories propounded. At pages 1 and 2 of the document, the Secretary says:

"I have the honor to state that, some time in July last, in order to facilitate the speedy and successful termination of a negotiation at that time pending between the Secretary of the Treasury and Mr. Macalester, I acceded to the proposition of the latter that, in the event of the sale of the bond being perfected, the amount of the purchase money should be absorbed by the expenditure of this Department, and the funds to be placed by the bank at such points and in such amounts as they might be required, not to exceed \$500,000 a month from this source; and gave him an assurance that this arrangement should be carried into effect, provided no objection were made to it by the Secretary of the Treasury. Mr. Macalester was accordingly furnished with a statement, showing at what places and periods, and in what amounts, these funds would be wanted, a copy of which is herewith furnished, marked A. This arrangement was, on proper explanation, subsequently concurred in by the Secretary of the Treasury, and its details have been carried into effect through his office; and I have reason to believe that it aided essentially to produce the favorable issue of the negotiation. It has been carried into effect in a manner perfectly satisfactory to this Department; the public creditor having been paid in such funds as he preferred to receive. I think it proper to mention that, while Mr. Macalester was conducting his correspondence with the Secretary of the Treasury in April, he applied to me to know the probable requirements of this Department for the residue of

the year; and finding that in all probability they would be very heavy, he expressed a desire, which was subsequently reiterated by the bank, that the purchase of the bond should be negotiated by me, and the bond be transferred to the use of the War Department; to which I replied, as stated by Mr. Biddle in his published letter to the Secretary of the 13th of August, that such an arrangement could not legally be made. That subsequently entered into by this Department with Mr. Macalester, on which, in a great measure, depended the success of the negotiation for raising the necessary funds to carry on the operations of the Government, and which was afterwards sanctioned by the Secretary of the Treasury, being both legal and advantageous to the interests of the United States, I deem it unnecessary to say more than to repeat the opinion expressed by the Secretary of the Treasury in his report on this subject, that the agreement finally concluded with the bank was forced upon the Government by the conditions imposed upon the sale of the bonds, and was entered into upon the fullest conviction (which subsequent events have proved to be well grounded) that it was not only the most advantageous which could be made for the interests of the Government, but presented at that time, in connection with the arrangement for the mode of paying the bond due in September, 1838, the only means by which a failure to meet the pecuniary engagements of the United States, or the alternative of another call of Congress by the President, could be avoided. Under these circumstances, and with these convictions, I regarded it to be my duty to use my best endeavors to assist in bringing the negotiation for the sale of the bond to the bank to a successful issue, especially as these funds were required to carry on the important operations of this Department; on which, at that particular period, the peace and the character of the country so essentially depended."

From the facts here stated, we learn that the bank, in making its propositions for anticipating the payment of the second bond, to become due in September, 1838, as well as to purchase the two bonds which did not fall due till September, 1839, and 1840, kept steadily in view the disbursements of the War Department, and constantly manifested the intention of making the payments by meeting those disbursements. Hence in April, when Mr. Macalester was holding his correspondence with the Secretary of the Treasury, and making his propositions, as the agent of the bank, for anticipating the payments upon the second bond, which correspondence has been before particularly referred to, he applied to the Secretary of War, as is here stated, to ascertain the requirements of that Department for the residue of the year 1838; and, finding that they would be large, urged that the bank bonds should be assigned to that Department, so that the negotiations of the bank might be carried on with it. Being informed that such an assignment could not be legally made, the negotiation was prosecuted to its unsuccessful termination with the Secretary of the Treasury, as has been before seen. On the 21st of July, and after the law had passed for the sale of the third and fourth bonds, a negotiation was opened by the bank with the Secretary of the Treasury for the sale of those bonds, and again, as appears by the above statement of the Secretary of War, the same appeals were made to him and the same desire expressed that the payments by the bank might be made in the disbursements of his Department. Being convinced that payments in that manner would, by the bank, be made an essential condition in the negotiation, the Secretary expressed his willingness to accept the payments as desired, provided such an arrangement should meet the approbation of the Secretary of the Treasury.

On the 23d day of July Mr. Macalester reopened the negotiation with the Secretary of the Treasury, for an arrangement as to the payments upon the second bond, which negotiation was continued open until the 15th of August, when it was closed, by an agreement that that bond should be paid in three monthly installments of equal amounts, and that the drafts of the Treasurer, for the money, should be met by the bank, at the places where they should be made payable, which places, and the amount of drafts to be drawn upon each, constituted a material part of the treaty.

If, now, we bear in mind that the same mode of payment of the purchase money for the third bond was the object of the collateral negotiation carried on with the Secretary of War, anterior to the purchase of that bond by the bank, we shall be able to understand the facts, without the danger of becoming confused by blending the two distinct transactions. The Secretary of War tells us that, being convinced it was necessary to a favorable issue of the pending negotiation for the sale of this third bond, he entered into the stipulation to have the proceeds of this bond devoted to the disbursements of the War Department; to have the pay-

ments made at stipulated places in the South and West, in stipulated amounts at each place, and to draw but about five hundred thousand dollars monthly from this source, upon the condition that the Secretary of the Treasury should consent to the arrangement; that he supposed the matter was subsequently submitted to the Secretary of the Treasury, and concurred in by him; and he now thinks the agent of the bank closed the contract for the purchase of the bond with this understanding, and that the successful termination of that negotiation, in a great measure, depended upon that collateral arrangement. He also expresses his full conviction of the necessity of the sale of this bond for the successful prosecution of the affairs of Government intrusted to his charge, "on which, at that particular period, the peace and character of the country so essentially depended."

Not a Senator in these seats can, for a moment, mistake the important and delicate interests to which the Secretary of war refers, in using this language. None here can forget the intense interest felt throughout the whole country in the successful removal of the numerous and powerful tribes of Indians from the South and Southwestern States. None here are ignorant of the vast sums of money the Government had stipulated to pay to extinguish the title of these Indians to their lands within the States, to pay the expenses of their removal, and to subsist them at their new homes; and none, anywhere, who know anything of the Indian character, can be ignorant of the necessity of having, at the moment, the money stipulated to be paid to or for him. If money is due to the Indian, he must have money; and he must have it when you have stipulated to pay it, or your business transactions with him are at an end. You cannot tell him of embarrassments or disappointments. You cannot talk to him of credit, beyond the letter of your bond, and retain his confidence. Who, then, will be surprised at the anxiety manifested, and the responsibility assumed by the Secretary of War to secure, by the sale of this bond, the requisite funds in the Treasury to accomplish that complete removal of these great tribes which has been accomplished during the past year, and which does, and will, reflect so much honor upon that capable and persevering public servant?

I am aware that some of the correspondence would seem to imply some misunderstanding between the Secretaries of the Treasury and of War, in relation to this collateral arrangement as applied to the proceeds of the third bond, and the correspondence renders it more than probable that the one or the other had labored under a misapprehension, and had interpreted verbal conversations, intended to be applied to the mode and manner of payment of the third bond, as relating to the mode and manner of making the anticipated payments upon the second bond. Still the facts show that the agent of the bank made these stipulations essential to the closing of his contract in both cases, and that he was authorized to believe that they were understood by all the parties to constitute a component part of that contract. The facts also show that the money to be derived from both negotiations was indispensable to the healthful operations of the public Treasury, while national interests of the gravest character depended upon the ability of the Treasury to redeem the plighted faith of the country.

What, then, I ask, Mr. President, with some confidence, is the judgment to be rendered upon these transactions? Are the executive officers of the country to be censured and condemned for having entered into any negotiations with this bank in relation to the payment of these bonds, and the supply of an exhausted Treasury from that source? And, if so, upon what ground? Had Mr. Woodbury said to Mr. Biddle, "I, sir, am opposed to your bank; the political party to which I belong, and with which I act and feel, are strongly opposed to it, and I will not, therefore, negotiate with you about your bonds. I will not sell to you upon any terms, be the consequences what they may. My political hostility, and the hostility of my political party, forbid that I should have any business transaction with you"—had our Secretary of the Treasury taken this course, and failed to realize the money upon the bonds in time to meet the calls upon the

Treasury, as in that event he must; and had we returned here and found the Creeks and Cherokees not removed from Georgia, Alabama, and Tennessee; the military force withdrawn from Florida for want of subsistence; the western and northern frontiers unguarded, and the public works abandoned, what would have been the public judgment upon the conduct of the Secretary then? What would have been the judgment of this body? Who then would have stood up here to defend the conduct of the Secretary of the Treasury, and who to accuse and condemn him?

Sir, so broad and untenable ground as this will not be assumed; but it may be said that the informal and collateral understanding to which the Secretary of War was a party, has vitiated the transactions, and gives cause for censure. Let us, for a moment, look at the facts. The money could be realized upon the bonds, in time to meet the wants of the Treasury, from no other quarter than this bank. It could not be realized from the bank but by consenting to these collateral arrangements as to the times, places, and manner of payment. The money was to be placed in the bank, "in special deposit," to the credit of the Treasurer; and it was so placed. Upon the strength of this deposit the Treasurer was to draw his drafts for the public disbursements, in stipulated amounts, and make them payable at stipulated places; and, without presentment at the bank, it was to pay them at those places "in specie or its equivalent;" and there is no allegation that they were not so paid. The places of payment were named by the heads of the Departments which had the superintendence of the disbursements, as were also the sums to be paid at each, and both with a strict reference to the wants and convenience of the public service; and it has not been asserted that inconvenience or loss arose to that service from either, while the contrary is positively shown by both the reports under consideration. The negotiation for the sale of the third bond was closed, and the money paid, on the 1st of August; and that for the payment of the second bond, and the first installment paid, on the 15th of the same month. On the 13th, two days before the last payment mentioned, the bank resumed specie payments, so that, however much these negotiations may have contributed to that highly desirable result, the bank became a specie-paying bank before a single draft upon the money in deposit to the credit of the Treasurer could have passed from the hands of the officers and agents of the Government, if any such drafts had been drawn at that period.

These are the facts, and would they have justified the Secretary of the Treasury, even supposing him to have known and assented to the collateral stipulations as to the manner of payment for the bond sold, in refusing to accept the terms offered by the bank, and thus to have incurred the consequences to which I have before alluded? I think not, Mr. President. But, as my task in reference to this part of the connection between the Government and the Pennsylvania bank is performed, as I have recounted the facts and the history of the transactions, I know tediously but I hope faithfully, I cheerfully leave the Secretary of the Treasury, and all the other actors in them, to the judgment of the Senate and the country. If condemnation is to follow, I only desire that the judgment may rest upon the truth, and that I have attempted to exhibit.

Another connection has been formed between the Government and this bank, which is represented as still more alarming and ominous than the one from which we have just passed. I congratulate the Senate, and certainly myself, that the facts, in this latter case, are concise, simple, and plain. I propose, therefore, to read them all to the Senate; first seeing out of what relations they have arisen.

The Bank of Kentucky was one of the deposit banks, under the law of 1836, "to regulate the deposits of the public money." It, with almost all the banking institutions of the country, suspended specie payments in May, 1837, then having a very large amount of the public money in its hands, for which it could not account according to law. This bank availed itself of the provisions of the law of the extra session of Congress of 1837, granting time for payment to the deposit banks at their option, and gave bonds to secure

the payment of the amount due from it to the Treasury in three equal installments; the first to be paid on the 1st day of July, 1838, the second on the 1st day of January, 1839, and the third on the 1st day of July, 1839, with six per cent. interest. The installment due in July, 1838, was paid, and nothing more was due upon the bonds until the 1st day of the present month. Still, under date of the 5th day of September, 1838, the President of the bank wrote to the Secretary of the Treasury, as follows:

"I shall, during the course of the present week, remit to you a check on Philadelphia for \$300,000, in part payment of the debt due by this bank."

Under date of the 10th September, the President of the bank again writes from Louisville, Kentucky, to the Secretary, in the following words:

"Sir: I hand you, inclosed herewith, a check on the Bank of the United States, Philadelphia, in your favor, for \$300,000, intended as a payment on the amount due the Treasurer of the United States by this bank."

On the 17th day of September, McClintock Young, the chief clerk in the Treasury Department, and, at the time, acting as Secretary of the Treasury, during a temporary absence of the Secretary, acknowledges the receipt of the check mentioned in the above note from the President of the Bank of Kentucky, in the following language:

"Sir: I have to acknowledge the receipt of your letter of the 10th, with its inclosure. I have specially directed the check for \$300,000, drawn by your cashier upon the Bank of the United States, in favor of Levi Woodbury, Secretary of the Treasury, to be placed to the special credit of the Treasurer of the United States, with whom all accounts are kept, and to whom all payments or transfers of balances of that kind should be made. Whether the bank will consider my indorsement sufficient for that purpose, remains to be seen."

On the same day Mr. Young, acting in the same character, writes to the cashier of the Bank of the United States of Pennsylvania, at Philadelphia, as follows:

"Sir: The inclosed check has this day been received from the Bank of Kentucky; and I will thank you to place the amount (\$300,000) to the special credit of the Treasurer, and acknowledge the receipt of the sum to him."

The request of Mr. Young was complied with by the bank, and the amount of the check placed to the special credit of the Treasurer of the United States upon its books. These are all the facts in this case; and from them some see a most dangerous and alarming evidence of a disposition on the part of the executive officers of the Government to reunite the Treasury of the country to this banking institution, in its new character of a State bank. Is such a conclusion fairly deducible from the premises? The Bank of Kentucky was, at this period, indebted to the United States in the sum of about six hundred thousand dollars. No part of the amount was due until the 1st of January, 1839, and therefore the officers of the Treasury were not authorized to expect remittances from that quarter, until the receipt of the notice from the President of the bank of the 5th September. In five days from the date of that note, the draft followed, which must have been before the notice could have reached the Treasury Department. On the 17th of September the draft comes, in the absence of the Secretary of the Treasury. It is drawn payable to him in his individual and official name, and is upon the Pennsylvania bank. Was it wrong in Mr. Young to take a draft upon that bank in payment of a debt due to the Treasury, provided it should be duly honored? Much as I have and do dislike that institution, I am not prepared to say that the officers of the Government would be justified in visiting it with that measure of proscription, and I do not suppose any one will pass censure upon that act. Mr. Young took the check and acknowledged its receipt in the language above quoted, informing the President of the Bank of Kentucky that it ought to have been made payable to the Treasurer, not to "Levi Woodbury, Secretary of the Treasury;" and that he did not know whether the Pennsylvania bank would consider his indorsement sufficient to warrant the payment of the amount to the Treasurer. He must send the check to the bank to determine this point, and he must send it there for collection. The bank was then holding a large sum on deposit to the credit of the Treasurer, as the proceeds of the bonds, and was meeting the drafts of the Treasurer for disbursements at a greater num-

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ber of points, and for larger amounts, than any other banking institution in the country.

The money to be realized as the proceeds of this draft would be as valuable at Philadelphia as at any point in the country, and more valuable than at any other points except New York and Boston; and for disbursements in the South and Southwest, it would be even more valuable at Philadelphia than at the latter place. There were no general deposit banks holding public money under the deposit law of 1836, to which the proceeds of this draft could have been transferred without depreciating the funds and placing them more inconveniently for public use. By what obligation of duty, then, was the Secretary of the Treasury called upon to transfer this amount at all, for the mere purpose of safe-keeping? Will it be pretended that the money was unsafe in the Pennsylvania bank? I presume not. Little as is my confidence in the institution, in any sense, it is not yet so perfectly impaired as to enable me to believe that this money is not secure, for the short time it may remain in its vaults, before it is called out for the use of the public creditors. I cannot as yet, by my public acts, express such an opinion of this bank. Why, then, I again ask, was the Secretary to withdraw the money from that resting place but for purposes of public disbursement? That bank was, at the time, a depository of public money, of a special character, and for a temporary purpose and period; but it was making disbursements, and meeting the drafts of the Treasurer, and was therefore a convenient location, so far as the public service was concerned, for this money. If the Secretary had transferred it, he must either have placed it in some other bank which was also a depository of a special character, holding the trust, like this bank, by the selection and at the pleasure of the Secretary, and not under the law of 1836, or to a general deposit bank inconveniently located, and where the money would be less valuable. Was it his duty to do either? and if so, upon what ground? Not to secure the safety of the funds, because they were as safe where they were as in any place it was in his power to place them. Not to make the money more valuable, because it was at a point where it was as valuable for public disbursement as any point which the country presented. Not to promote the convenience of the public service, because that convenience was best consulted by leaving the money where it was. He did not put the money in this bank. It was to be paid to the Treasurer there; it was paid to the Treasurer there; and there the Secretary of the Treasury, acting through his chief clerk, Mr. Young, left it in safe-keeping until the wants of the Treasury should call it thence. This is his fault, if fault he has committed.

Was he, then, bound to transfer this money merely to show his hostility against this particular banking institution? If transferred at all, it must have been transferred to some other bank; for neither the laws of Congress nor the practice of the Department authorized the Secretary to transfer the proceeds of this draft to any public officer of the country, simply for the purpose of safe-keeping. Was the Secretary of the Treasury, then, bound to transfer these funds to a general deposit bank, where their value to the public would be diminished, or to some other special deposit bank of his own selection, not for any purpose of public utility, but merely to show the hostility of himself and his friends towards this particular bank? This is the plain, direct, and simple question presented, and this the issue formed in relation to this deposit in the Pennsylvania bank.

It may be, Mr. President, that blame to the Secretary of the Treasury, and blame to other executive officers of the country, should proceed from this transaction. It is not my province, nor is it my desire, to pronounce the judgment which the Senate or the people will form. It is enough for me that I have exhibited the facts fully, and presented these consequences, which were unavoidable, in any course the Secretary might have chosen to take. That being done, I leave the matter to this body and the country, with a respectful confidence that the motives of that officer will be spared, in any event, who has had the magnanimity to sacrifice his personal feelings, and strong hostilities, to the profit and convenience of that branch of the public service committed to his charge.

I now pass, sir, to a very different branch of the facts presented in the case before us. I refer to the published letter of Mr. Biddle, the President of the Pennsylvania bank, which has been adduced to the Senate as evidence of the improper connection between the Government and his bank. The paragraph of that letter to which I particularly allude is in the following words:

"In the month of July, the Government agreed to receive an anticipated payment of the bonds of the bank to the amount of between four and five million dollars, in a credit to the Treasurer on the books of the bank; and arrangements were made for the more distant public disbursements in the notes of the bank. These arrangements, as honorable to the executive officers as they were beneficial to the public service, brought the Government into efficient co-operation for the reestablishment of the currency, and opened the way to a resumption of specie payments. The resumption accordingly took place throughout the middle States on the 13th of August, and in many of the southern and western States soon after."

If I have been at all successful in my exertions hitherto, the Senate now fully understands the whole affair of the "anticipated payment of the bonds," and is able clearly to judge how far this brief and easy mention of a compliance, on the part of the officers of the Government, with the repeated and untiring solicitations of this bank to arrange the payment of one of these bonds, partly by anticipation, and, to sell another of them to the institution, from an utter inability to find another purchaser in the markets of the whole world, makes a true representation of the facts of the case to the mind of the reader. How far would the public, to whom this letter is given by its author, be likely to be impressed with the truth, from this assumed representation of it? An agreement to make payment in a "special deposit" to the credit of the Treasurer, is converted into an agreement to anticipate the payment of the bonds "in a credit to the Treasurer on the books of the bank;" while the certificate of the bank, of the special deposit, is a matter of record in the Treasury Department. An agreement to pay "in specie or its equivalent," an invariable qualification to all the stipulations, is converted into "arrangements" "for the more distant public disbursements in the notes of the bank." This is the evidence from this source, and such is the witness upon whose testimony before the country, voluntarily given, our highest executive officers are to be condemned unheard. How far this witness is supported by the facts, I must cheerfully leave the Senate to determine, but I must, on behalf of the officers concerned, protest against the compliment so confidently and so injuriously forced upon them by the President of the bank. They may bear the hostility of this institution, but they cannot bear its praise; and most certainly not when that praise is shaped, as it is in this part of the letter from which I have read, to suit the views of a malignant opponent.

To give to the writer of the letter, however, all the foundation which possibly can be claimed for his statement of the facts, I will detain the Senate to make a few references to another document. I refer to the message of the President of the 9th instant, in answer to a call from the Senate for all orders and instructions issued by heads of Departments, heads of bureaus, and the Postmaster General, relative to the kind of money and bank notes which might be paid out on account of the United States, since the 14th day of April, 1836. The message communicates answers to the call from all the heads of all the Departments and bureaus who have issued any such orders or instructions within the period mentioned; but the present purpose does not require that I should refer to any other than those from the Secretary of War and the heads of bureaus in that Department. These references shall be as brief as the occasion will permit; and it is here also my intention to let these officers speak, principally, for themselves.

The Secretary of War, in submitting to the President the answers to the call from his Department, says:

"In submitting these reports, it is proper to remark that the circulars from the pay, quartermaster's, engineer, and Indian departments, in October, were issued at a period which required the exercise of great forbearance and discretion in the management of the fiscal operations of this Department, in order to avoid, as far as practicable, embarrassing the money concerns of the country. I had been informed, from credible sources, that a rigid exaction of specie, to meet all our disbursements in the South and West, would retard the resumption of specie payments, embarrass the operations of those banks that had resumed, and

prove seriously prejudicial to the interests of commerce in that portion of the country.

"Influenced by these impressions and acting under these views, which I had urged upon all branches of the Department, these circulars were issued, and in some respects exceeded what was intended; and upon being brought to the notice of the present chiefs of bureaus, they have modified them so as to render the instructions more strictly and distinctly conformable to existing enactments. At the same time, it must be borne in mind that the Bank of the United States was, at the period of issuing the circulars, a specie paying bank; and that to have exacted specie from the banks in the South and West which were indebted to that institution, or in which it had deposited funds to meet the drafts of the Treasury for war warrants, would not only have been of no aid to the public service, but would have inflicted injury alone upon those banks, and been prejudicial only to the trade of the South and West."

Here we have the views of the Secretary, and the motives and policy by which he intended to be governed, in the administration of the affairs of his Department. The time was one of great difficulty. The banks of the North and middle States had resumed specie payments, and those of the South and West were struggling to reach that desirable point. The disbursements of his Department were to be principally made in the South and West; and the drafts of the Treasurer for that purpose were, by the arrangement with the Bank of the United States in relation to the payment of two of its bonds, to be met, to much the greatest extent, by that institution. The supposition of the Secretary was natural and necessary that those drafts would be met by calls upon its debtor banks in those sections of the Union where the payments were to be made, and by deposits of funds in the banks there. Hence his proper and laudable anxiety, so far as an observance of the law, and of the unquestioned rights of the public creditors would permit, to make those heavy disbursements in a manner the least injurious to the banking institutions, the trade and commerce, and the business generally of those sections, and so as, in the least possible degree, to "retard the resumption of specie payments" in the South and West; and hence, too, he urged these views and this policy "upon all the branches of the Department." Still he tells us that the orders and instructions issued by some of the heads of bureaus in the Department, "in some respects exceed what was intended."

Satisfied that the motives of the Secretary, as avowed by himself, must be universally approved, and that the policy he adopted for the government of his Department was proper and right, so far as it was wisely pursued and properly carried out, I now proceed to refer to such of these "orders and instructions" as, if any, must be considered exceptionable. The first, in the order of time, is a direction given by the Secretary himself in relation to the payment of pensioners. The date of this circular is May, 1837, the month in which all the banks of the country, comparatively speaking, suspended specie payments, and is in the following language:

"In the present state of the currency, and during the general suspension of specie payments, it would be unjust to the pensioners to withhold from them the means of purchasing the necessities of life, by a rigid adherence to the letter of the law. The agents, therefore, will be authorized to pay them in such currency as the receivers demand and are willing to consider an equivalent for specie."

This order furnishes, upon its face, the best justification of which it is susceptible, and, therefore, without a single other remark, I pass to the circular of the chief engineer, which bears date 6th October, 1838, and is in the following words:

"Sir: It will conform with the understanding existing between the Department and the depository banks, that whenever your payments on the public account cannot be made by checks on the banks, a tender of the notes of the bank on which the Treasury draft was drawn will be made, and that in no case specie be exclusively exacted, unless the notes of said bank will not be received by the public creditor."

"The observance of this rule will be of general accommodation, and be sustained by the Department."

This is one of the "orders" to which the Secretary expressly applies the remark in his report, above quoted, that they "in some respects exceed what was intended." It will be proper here to add that, under date of the 20th October, 1838, the head of the Indian bureau issued a circular in the precise language of this one, and that the present heads of both these bureaus, when the existence of these directions from their respective branches of the Department were made known to them, instantly so modified them as to bring them within the express and unquestioned terms

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of the existing laws in reference to the disbursement of bank notes.

A circular from the office of the Paymaster General was issued, under date of the 8th October, 1838, which is as follows:

"Sir: Arrangements having been made with the United States Bank to pay the Treasurer's drafts to a certain amount, at different places, and it being probable the notes of that bank will be as acceptable to claimants, and in some cases more convenient than specie, you will, should you receive drafts on that bank or its agents, make as many of your payments by check as you can, which will give the receiver the option of taking paper or specie; and the Department has no objection to your using the paper of that bank in all your payments, so far as it can be done legally."

The only other of these "orders and directions," to which I propose to refer, was issued from the office of the Quartermaster General, and bears date October 31, 1838: The language is:

"Whenever remittances on the public account are made to you by the Treasurer of the United States in notes of the United States Bank of Pennsylvania, or by drafts of that institution on local banks or agents, it is desirable that, instead of demanding specie from the local banks or agents, you receive from them, and disburse, the bills of said 'Bank of the United States,' in all cases when such bills may be entirely satisfactory to the individuals to whom payment may be made."

The Quartermaster General states that this circular was sent to but eight officers of that Department, and that, understanding a construction had been given to it to authorize the payment out of notes of less denominations than those allowed by the law of the 14th of April, 1836, those officers were immediately instructed that the direction was to be construed in conformity with that law, and not otherwise.

The number of orders and directions transmitted with the message of the President is very great; but upon a careful perusal of them all, I consider those referred to above the only ones which have material reference to the disbursements to be made under the arrangements with the bank, and all which go a step to show that the bills of the bank were agreed to be disbursed, as a part of these arrangements. And now, Mr. President, permit me to ask how far any of these orders authorize the assertion of the president of that institution that "arrangements were made for the more distant public disbursements in the notes of the bank?" We have seen that the arrangements between the Secretary of the Treasury and the bank, in fact, were that the payments should be made "in specie or its equivalent," and so far as the collateral stipulation with the Secretary of War may be considered a part of those arrangements, that the same medium of payment was required and agreed to be made by that also. In these negotiations, then, there were no "arrangements made for the more distant public disbursements in the notes of the bank," or for any disbursements, near or distant, in those notes, any further than they might be considered embraced in the terms *equivalent to specie*; and how far that might be, would, of course, in all cases, depend upon the will and choice and estimation of the public creditor to whom payment was to be made. It will certainly not be pretended that orders from the head of a department or a bureau, containing simply directions for the government of the subordinates of that branch of the service, can change the terms of these contracts, or give to either party rights which were not conferred by the contracts themselves. If "arrangements were made" between the executive officers and the bank "for the more distant public disbursements in the notes of the bank," the right was conferred upon the latter to make those disbursements in such notes, independent of any relations, or rights, between the Government and its creditors, and a tender of the notes would be good payment as between the Government and the bank. Is such a right pretended or claimed by the bank, growing out of the arrangements for the sale and payment of its bonds? It has not been, and is not. On the contrary, if no such "arrangements" were made, or right conferred, by the contracts, then nothing in the "orders and directions" from the heads of Departments and bureaus to the disbursing officers could make the one or confer the other. In this aspect of the case, therefore, the president of the bank was not authorized by the facts to say that "arrangements were made for the more distant public disbursements in the notes of the bank."

While upon this part of the case, another inquiry should be made. Did these "orders and

directions" assume to confer upon the bank the right to make disbursements in its notes? I here most freely express my dissent from the policy and practice indicated by some of these circulars. The Secretary tells us that some of them "in some respects exceed what was intended" by him; and I think some of them go beyond a sound and safe rule. I cordially concur in the views and policy upon which the Secretary acted, as expressed by himself; but I think some of the circulars go much further; and, instead of adopting a policy which was calculated to hasten the resumption of specie payments in the South and West, and to restore the currency to a sound state in those sections of the Union, must, if continued in force and acted upon, have had a strong tendency in the opposite direction. Did they, however, assume to confer the right to make public disbursements in bank notes? Not one—not even the broadest of them. They urged the policy of making disbursements in that medium "so far as it can be legally done;" "in all cases where such bills may be entirely satisfactory to the individuals to whom payment may be made;" "unless the notes of said bank will not be received by the public creditor," &c. Thus in all cases deferring to the option of the public creditor, and to his legal rights, the question of making disbursements in bank paper. The orders, therefore, did not assume to confer the right to make "public disbursements in the notes of the bank;" and even they, broad and indefensible as some of them seem to me to be, do not bear out the president of the bank in the declaration referred to: yet this individual goes on to say, "these arrangements, as honorable to the executive officers as they were beneficial to the public service, brought the Government into efficient cooperation for the reestablishment of the currency, and opened the way for the resumption of specie payments." What "arrangements" are here referred to? Evidently those spoken of in the previous sentence of the letter, "for the more distant public disbursements in the notes of the bank." Having shown that no such "arrangements" had been made between "the executive officers" and the bank, I may be permitted to hope that those worthy officers will not be made to suffer in the public estimation under the blighting influence of the compliment so gratuitously bestowed upon them.

Here, Mr. President, suffer me to ask, why do you think this letter of Mr. Biddle was given to the public? Was it, do you believe, to bestow credit upon the executive officers of this Government, or to manifest his connection with and attachment to this Administration? If it was the motive, some of his able and sagacious friends upon my right must feel surprise at his want of sagacity. They tell us, almost daily, that the cause of this Administration is a sinking cause; that ours is a falling house; and they must deeply regret that this sagacious banker should now conclude to join his fortunes, and those of his institution, to such an interest. Sir, these gentlemen will tell you that no such desires and objects have given this letter to the light. Was it, then, to speak of the negotiations between those executive officers and the bank, and to do them justice in that particular? No; in my opinion, no such negotiations prompted this letter, but certain negotiations which the sagacious writer foresaw were about to take place at Harrisburg, in his own State, were the moving causes to this public address, in the shape of a letter to an individual correspondent. The bank had been too deeply concerned in the singular political transactions which were agitating a great State. Success began to be doubtful, and a change of position, in advance, was found to be advisable. Hence these quiet and peaceful declarations, and these amicable appearances towards ancient enemies. Hence this abandonment of mercantile speculations, and this neutrality of posture in reference to future events. From considerations like these, sir, I believe this letter was written, and not from any change of feeling or spirit on the part of the writer, or the institution over which he presides.

I must ask a little more of your time, Mr. President, upon this letter. The writer says the transactions between the Government and the bank, of which I have spoken so elaborately, "brought the Government into efficient cooperation for the reestablishment of the currency, and

opened the way to a resumption of specie payments." The arrogance of this expression is so excessive as to excite no other emotion than that of ridicule. That the Government had been, from May, 1837, not cooperating with the bank, but efficiently operating against the irredeemable policy and declarations of the bank and its president, "for the reestablishment of the currency," is now matter of history; that the "arrangements" to which the letter refers, and which the wants of the public Treasury, occasioned by the suspension of the banks, and the legislation of Congress consequent thereupon, compelled, were calculated to enable the bank the more easily to pay its debts to the Government, and thus to abandon its irredeemable doctrines and policy, when, by the action of other State institutions, they had become no longer sustainable with a preservation of credit, and to place itself upon the list of resuming banks, is most likely. Mark dates and facts. The negotiation for the sale of the bond of 1839 was completed and closed on the 1st of August, 1838. The definitive offer of the Secretary of the Treasury for the anticipations, and mode and manner of payment upon the bond of 1838, was dated on the 25th of July, 1838, and the broad acceptance of that offer by the agent of the bank, was of the day following. By this offer and acceptance, the first installment of \$800,000 was to be paid on the 15th day of August, and all the payments upon both "arrangements" were, by the terms of the same, to be made "in specie or its equivalent."

How, then, were the notes of the bank to be made applicable to these payments? Could it be done short of a resumption of specie payments by the bank, so as to make its notes, in form at least, "equivalent to specie?" What do the acts of the bank show to have been its sense of its own course and policy under these circumstances? It resumed specie payments on the 13th of August, thirteen days after the payment was made at the bank for the bond of 1839, but before the drafts upon that deposit would be returned upon it in any considerable amounts, and two days before the payment of the first installment upon the bond of 1838. Did these transactions authorize the president of the bank to say, that by them the Government was brought into efficient "cooperation" for the reestablishment of the currency? Into efficient cooperation with whom, or with what? With an institution that had resisted, with all its immense power, the resumption of specie payments—the only measure by which the currency could be reestablished; which was a debtor to the Government to nearly eight million dollars, and which was compelled to ask time for payment, of one, two, three, and four years; which found its extended obligations falling due so near the period when specie payments must be resumed, or its credit destroyed, that it was driven to the "executive officers" to seek terms of payment which would enable it to perform that high duty? Efficient cooperation with such an institution, and by such means? Need I say, sir, that the arrogance of the assumption is only equalled by the closing sentence of the paragraph?

Let me read it to you, Mr. President. Here it is: "The resumption accordingly took place"—where do you suppose, sir? The banks of the whole Union had suspended specie payments in May, 1837. This immeasurable calamity was visited upon the whole country, and now the president of the largest and most powerful bank in the Union is telling us of the resumption, of the return of the banks to their legal and moral obligations. He has before given us his exposition of the causes which brought about this great and good result, and now he says "the resumption accordingly took place." Again I ask you, sir, where do you think it took place, and when? He shall tell you: "Throughout the middle States on the 13th of August; in many of the southern and western States soon after." What, let me ask you, as one of the representatives of that section of the Union, what became of the humble northern and eastern States in this happy announcement to the American people? Were they not worth the notice of the president of the bank? Or did he not know that this same glorious work of resumption, for which he says the way was opened in August, had taken place in those States, and was triumphantly sustained against his

power, and the power of the giant institution over which he presided, from one to three months before the period of which he speaks?—before that “way” was opened which enabled the State national bank to come in, by a forbearance of its debts and an accommodating compromise as to the manner of their payment.

Sir, I am ready to relieve you from this course of remark, and to dismiss from my consideration such testimony, coming from such a source.

I am also most happy, Mr. President, to be able to assure you that I will very soon relieve the Senate from a continuance of any remarks upon this subject. One or two brief topics remain to be considered, and I have done, at least for the present.

In the course of the debate which the subjects under consideration have excited, my peculiar personal attention has been called to the language used in the law authorizing the sale of the bonds of this bank. That language is, that the bonds shall be sold for “money in hand,” and I believe I was the draughtsman of that law. I have, upon a previous occasion, and when thus called upon, stated to the Senate my best recollections as to my intention in the use of the terms quoted. I had not then made a recent examination of the law, and I spoke from memory wholly. I now find no cause to change what I then said, that it was my intention the bonds should be sold for cash, if sold at all, but I find that the disposition of that “cash,” intended by the committee, was fully explained on the face of the bill, and that I am now only called upon to read to the Senate the second section of that law, as it was reported and passed, to make this point perfectly intelligible to all who hear me. That section is in these words:

“And be it further enacted, That all money received upon the sale of the said bonds shall be immediately paid into the Treasury of the United States, or placed to the credit of the Treasurer thereof, in some proper depository, in the same manner that other moneys, received from dues to the Government, are, by law, directed to be paid into the Treasury.”

It will be recollected that but one bond was sold, and, in reference to that, how was the money paid? I have already read to the Senate, from the documents appended to the report of the Secretary of the Treasury, the certificate of the bank, showing that the proceeds of this bond were placed in that institution, “in special deposit,” to the credit of the Treasurer of the United States. Was that bank, then, a “proper depository” in a legal sense, and within the meaning of the law above quoted? We have seen that there were no general deposit banks under the law of 1836, or banks which could be selected under that law, to answer the purposes of the Treasury. We have also seen that neither the law nor the practice of the Treasury Department authorized the Secretary to transfer money to the hands of individual officers of the Government for the mere purpose of safe-keeping. Hence the Secretary has been compelled to select banks as special depositories, without reference to the deposit law, in cases where money comes into the Treasury, as in the case under consideration, not in the ordinary course of collection, but without passing through the hands of an authorized collecting officer. The authority of the Secretary to select and use these banks for these purposes, is the same which authorized the use of banks by the Treasury Department from the commencement of the Government, under the Constitution, and the organization of such Department, up to the charter of the late Bank of the United States in 1816, and from the removal of the public deposits from that bank in 1833, until the passage of the deposit law in 1836. In his selections, under this authority, there are no restrictions of law upon the officer; and if, therefore, depositories so selected are, in a legal sense, “proper depositories,” then I am unable to discover why this bank was not as proper a depository of the proceeds of these bonds, within the meaning of the second section of the law for their sale, above quoted, as any other bank which the Secretary could have selected would have been.

Some objections have been made that the Secretary of the Treasury has, in his annual report, compounded, by the use of language, the character of the deposits made in the various banks, on public account, and rendered it difficult to tell in what condition the public money is, or how it is,

in fact, kept. I have taken some pains to inform myself upon these points, and the inferences which I had drawn from the reading of the annual report, have been confirmed by the explanations of the Secretary. The terms “general deposit” are used by him in reference to those moneys deposited in banks selected under the deposit law of 1836. The terms “special deposit” are mostly used in their technical sense, as a deposit of the specific thing, the identical money, or currency, delivered to the bank for safe-keeping; and the terms “deposit to the special credit of the Treasurer,” are used to denote such deposits as are neither “general” nor “special,” within the technical meaning of the other terms, but as are made in banks selected by the Secretary, under his general powers, before referred to, and are placed there subject to the drafts of the Treasurer, with a notice, and distinct understanding, that they are to be drawn for at an early day, and are not, therefore, to be used by the institution holding them for the general purposes of banking. The remarks of the Secretary upon these points, in the report under consideration, give substantially these explanations. They are as follows:

“The arrangements made with the banks that hold special deposits, or deposits to the special credit of the Treasurer, have been regarded as temporary in their nature or character, and have, in most cases, therefore, been informal. It having been expected that Congress would, at an early day, adopt some general system, that could be carried into practical effect, on the subject of keeping the public money, and comparatively few collections having been made, except in Treasury notes and Treasury drafts, since the suspension of specie payments, till within the last three months, the Department has deemed it most respectful to Congress to abstain from adopting any uniform and permanent arrangement on the subject of deposits in banks not selected under the general deposit act, but to use them, for the present at least, only as necessity should require.”

And again:

“In cases of deposits in bank, made specially, the money has, in some instances, been placed in specie, in boxes, fastened up, and not to be withdrawn by the receiver or others without the draft of the Treasurer on him, payable at the bank where the special deposit was made. In other cases, it has been placed in specie, or bills of specie-paying banks, to the credit of the Treasurer, sometimes as in ‘special deposit,’ and sometimes as ‘in deposit to his special credit,’ and allowing the bank to have entire charge of it afterwards.”

From this language of the Secretary, as well as from the facts in the case of the bonds, it is inferable that deposits, in their inception special, in the bank sense of that term, have been subsequently changed in their character, by making such deposits the basis of drafts by the Treasurer, which were paid by the bank on presentment as drafts upon general deposits are usually paid. Indeed, the Secretary tells us in his annual report that “this system of special deposits, or of deposits to the credit of the Treasurer, has, from convenience, and indeed almost from necessity, not generally corresponded with the usual forms of special deposits.”

It is quite possible that the Secretary of the Treasury has not, upon all occasions, in reference to these matters, used the language technically appropriate to the occasion; and it is equally possible that he may have committed errors of judgment in the multiplicity of his arduous and most perplexing duties, but when the trying period through which the country has passed under his administration of the Treasury Department shall be remembered and appreciated, I desire to be no more confident of anything than I am of the fact that he will have no cause to complain of the verdict which an intelligent and patriotic and grateful people will render upon his public services. None of us here, Mr. President, can have failed to see that it is much easier to find fault than so to act, in a responsible public trust, as not to deserve censure, much more so as not to receive it, whether deserved or not. It now seems to be fashionable to complain of the Secretary of the Treasury; but we should be willing to do justice even to a political adversary; and none will, none can, deny that Mr. Woodbury has managed the finances of the country through one of the most difficult periods in our national existence, with a degree of success before altogether unknown under similar embarrassments. Sir, we have had similar embarrassments before, and with what result? We had a suspension of specie payments by the banks in 1814, not as general as that of 1837, and when and how were specie payments restored? After a continuance of three years, by the aid of a national bank.

When and how have these payments now been restored? After a continuance of one single year, and principally, as I verily believe, by a sound and firm administration of the national finances; by a rigid and unyielding adherence, in all national receipts and payments, to that standard of value erected by our glorious Constitution, and which, if not scrupulously observed by the Government in times of pecuniary trouble, cannot be continued as a standard of value for the country.

I know, Mr. President, there have been many patriotic and good men who have sincerely believed, during the late derangements in our currency, that specie payments could never be resumed by the State banking institutions, and the currency reestablished at the proper constitutional standard, without the aid of another national bank. I have been one of those who have uniformly believed that, if the operations of the national Treasury were not suffered to be brought down by the general depreciation, but were kept up to the standard of gold and silver, the whole circulating medium would speedily be raised to that level; while I have as firmly believed, if that standard for the public Treasury was surrendered, there would be an end of anything like a fixed and permanent standard of value, until financial embarrassment, commercial suffering, and universal derangement in every department of business, should drive the whole people to call in the aid of some artificial power to assist in erecting it. The soundness of the former opinion is now demonstrated. The standard of currency for the Treasury has been preserved at the constitutional elevation through the whole of our late troubles; and the consequence has been that, without any other aid, a universal resumption of specie payments has taken place within little more than one year, and business is reviving, at least as rapidly as can consist with firm and enduring health. For all these great and good results, as well as for the great success with which the Treasury has been managed and its wants supplied, during these severe embarrassments, I speak the solemn convictions of my judgment when I say that no man in the country deserves more credit than the present Secretary of the Treasury; and when the political prejudices and party conflicts of the day shall have passed away, I verily believe that history will accord to that faithful and laborious officer even greater praise than I attempt to bestow upon him.

Mr. WRIGHT having concluded, Mr. RIVES replied at length; after which,

Mr. WRIGHT said: Before I proceed to notice the arguments of the honorable Senator, you must permit me, Mr. President, to make a single allusion to his opening observations, and it is the only remark of its character which I intend to make in the course of my brief reply. I heard with unfeigned pleasure the declaration of the Senator, that it would give him sincere gratification if the conduct of the Executive officers, in the transactions alluded to, could be fully justified. But for that remark I should have been constrained, from the matter and manner of the argument, to suppose that the honorable gentleman entertained a real desire to convict them of impropriety of intention and action. His declaration, however, deserves full credit, and such are not his feelings.

He complains that I have not answered his arguments, or met the issues tendered by him upon former occasions. I supposed I had said all which I could usefully say upon the whole matter, but I will now reply to some of his positions of to-day, even at the risk of repeating, substantially, what I have already said; and I take this occasion to promise the Senate, after its extended indulgence to me already, I will not be tedious in the performance of this undertaking.

The gentleman's first and principal point is, that the sale of the bond of 1839 to the bank was illegal, because it was practically sold upon credit, when the law authorizing the sale required, in express terms, that it should be made for “money in hand.”

To this I have simply to reply that we have seen what were the terms and conditions of the sale, and that one of them was the payment of the whole purchase-money on the 1st day of August, by placing the amount in special deposit in the bank to the credit of the Treasurer of the United States. We have also seen among the documents,

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Bonds of United States Bank—Mr. Wright.

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appended to the report of the Secretary of the Treasury, one from the cashier of the bank, in the following words:

BANK OF THE UNITED STATES, August 1, 1838.

I hereby certify that Charles Macalester, Esq., has this day deposited to the credit of the Treasurer of the United States, in special deposit, the sum of two million two hundred and fifty four thousand eight hundred and seventy-one dollars and thirty-eight cents, subject to the drafts of the said Treasurer.

J. COWPERTHWAIT,  
Cashier.

Now this paper is either true or false. If true, then the payment was made according to the terms of the agreement for the sale of the bond, was made in "money in hand," which money was, by the very act of payment, disposed of as the second section of the act referred to required. Does any one doubt the truth of the certificate? Does the gentleman himself doubt that this amount of money was in the bank, as its property, and subject to its disposition, at the time the certificate was given? Bad, Mr. President as is the authority of this bank and its officers, with me, upon most subjects, I do not believe that one of them would issue a false official and responsible paper of this character, nor do I believe that the cashier was ignorant of the nature of a "special deposit," or of the import of the facts to which he certified. Any collateral understanding, existing at the time, as to the manner in which the Treasurer should dispose of this money, or in which the bank might, by making certain other payments, discharge itself from its liability thus incurred for this deposit, could neither destroy the fact of the payment, nor alter the character of the deposit at the time when the certificate was given. But suppose, sir, that this certificate was false at the time it was given. Then the whole transaction was void, from the fraud practiced upon the Secretary, and the legal property in the bond did not pass to the bank by the delivery, as that delivery was in consideration of the certificate, and it was the only evidence of the value received. Upon this supposition, therefore, the bond was not sold, and that could not be an illegal sale, which was not a sale at all. The honorable Senator next takes the position that the transaction was a disadvantageous one to the Government, because that, out of the proceeds of the bond deposited, as we have seen, the bank was to answer drafts of the Treasurer for the use of the War Department to the amount of but \$500,000 monthly, while the statements from that Department show that its wants were equal to \$1,000,000 per month.

This position is susceptible of several answers. First, the bank would agree to no more favorable arrangement, and the Secretary of the Treasury must consent to withdraw the deposit at the rate of \$500,000 monthly, or he must forego the sale of the bond altogether, and thus get nothing from this bond in aid of the Treasury, as no other purchaser could be found who would pay the price fixed by the law. Second, the gentleman has overlooked the fact that payments were making, at the same time, upon the bond of 1838, at the rate of \$800,000 per month, so that, from both sources, the bank would more than meet what he says were the necessities of the War Department. Third, the proceeds of these bonds were not all the means of the Treasury. The whole current revenue remained, besides other deferred debts, and what the War Department should require, which the bank was not to pay, it would be the duty of the Secretary of the Treasury to supply from these other sources.

Another ground assumed by the honorable gentleman is, that the bonds might have been, and should have been, sold abroad, and that a special agent should have been sent abroad to negotiate the sale; and then he infers that the Secretary of the Treasury was not driven to make the sale to the bank, had he pursued properly the course which the law pointed out.

I have before shown, generally, what the Secretary did do, by way of effecting a sale of these bonds abroad, and, from the results of those efforts, had he any encouragement to pursue them further? This is the fair question, when we are discussing the faith and intentions of the officer. In May, pending the passage of the law, and almost immediately upon its introduction before Congress, the Secretary wrote to a banker of high standing in each of the cities of Philadelphia and New York, to inquire as to the prospect of a sale

of the bonds, at home or abroad, within the terms proposed to be prescribed. They both answer him, substantially, that, upon the terms of the bill and without a guarantee, no sale could probably be effected in this country, unless to the bank itself. Mr. Solms, the President of the Moyamensing bank of Philadelphia, gave it as his opinion that a favorable sale of the bonds might be made in England, and seems to rest that opinion upon the then state of the English money market, and the fact that the agent of the bank in London would, he thought, be induced, "by weighty considerations," to become a purchaser. This is the only direct opinion favorable to the sale of those bonds abroad, which I have found among the papers; and this seems to have been formed at least as much upon the expectation that the bank itself would be the purchaser as upon any other consideration. This gentleman did not propose to free the Secretary from a sale to the bank by sending him to London for a market.

Mr. Newbold, the President of the Bank of America, New York, says:

"The bonds have too short a time to run to warrant any reasonable expectation of a sale of them in Europe on favorable terms, during the present rate of exchange."

After the passage of the law, the Secretary immediately wrote to the house of N. M. de Rothschild & Sons, bankers of London, and requested them, if possible, within the restrictions of the law, to make sale of the bonds. They declined to purchase, for the reasons which I have before stated, and say that a sale upon the terms prescribed, cannot be effected in London. I cannot speak from personal acquaintance as to the propriety of the Secretary's selection of his English correspondents for this object, but I understand the house to be among the first banking houses in London, and suppose it will be conceded by all that there is no fault in the course of the Secretary in this respect.

He also wrote, without delay, to our Minister at Paris, and requested him to consult the best bankers in France, and effect a sale of the bonds there, if it could be done within the limits of his authority. As the gentleman has commented upon the unsatisfactory character of the reply from this quarter, I will read a part of Governor Cass's answer. He says:

"But Mr. Welles sought information from the bankers, and his views may be depended on. He states, that after examination, he found it impossible to obtain an acceptable proposition, because, in the first place, the bonds are too large, and because, in the second place, bankers who made an offer would necessarily be compelled to hold themselves in readiness to comply, after information of the result should be obtained from the United States; and would thus be bound, for many weeks, to have the money within their control, while, in the meantime, some event might occur to change the state of the money market, and thus to embarrass them. Mr. Welles was decidedly of opinion that a better arrangement might be made in the United States than here. Under these circumstances, and placing confidence in his representations, I do not think that the object could be effected in Paris, upon such terms as you would approve."

Could the Secretary, after such an opinion, coming from such a source, and based upon such authority, longer hope to find in France a market for these bonds, within the limitations of the law? Can his motives be suspected, because he relied and acted upon such evidence?

The Secretary further, immediately after the passage of the law, opened a correspondence with a Mr. Belmont of New York, an agent, resident there, of extensive banking houses in London and Paris. This correspondence was continued from the 9th to the 21st of July, and resulted in an entire declination to purchase the bonds within the restrictions of the law, either for himself, or for account of his principals in Europe.

But, says the honorable Senator, the Secretary ought to have sent an agent to Europe to negotiate a sale of the bonds, and not to have depended upon the uncertainty of correspondence. I have shown that an effort was made by the Secretary to employ an agent, soon after the passage of the law; but that the person applied to, conceded by the gentleman to be qualified and competent, declined to accept the compensation offered by the Secretary—eight dollars per day and necessary expenses—and demanded a commission of one fourth of one per cent. upon the amount of the bonds, if a sale was effected, and the pay and mileage of a member of Congress if he should fail in the mission. I have made upon my table

a hasty casting of the amount of this commission demanded by the agent, and, if I am not mistaken, it is, upon both bonds, a trifling fraction below \$10,000. This expense the Secretary did not feel willing to incur in any event, while the prospect of a sale did not seem to him to authorize the pay and mileage of a member of Congress for a journey from this country to England and France, and the return, simply to make the experiment. He did not, therefore, send the agent. In this he may have erred, for it is not my purpose to prove that the Secretary is perfect, or exempt from error. This point I cheerfully leave to the decision of this body and the public. My only anxiety is, that the whole truth shall appear before the decision is pronounced; that it shall be distinctly known that the bond was sold at the par value, as fixed in the law, and that every dollar of the proceeds has paid a dollar of debt against the public Treasury, without any deduction of \$10,000, or any other sum, for the expenses of negotiating that sale. If, then, the conclusion shall be that the Secretary has brought the Government into improper connection with a hostile bank, by the negotiation, it must be admitted that he has saved this \$10,000 to the Treasury of his country by the operation.

The Senator next says, there is no evidence of the necessity of the sale of this bond at all, and indicates an opinion that it is the duty of the Secretary, and of those who are willing to apologize for his acts, to show that necessity before they attempt to justify the sale he made. To the Senator's arguments upon this position I have several answers.

First, the Secretary has himself stated that the calls upon the Treasury for the month of June "had exceeded four and a half millions;" that he anticipated, "as the fact turned out to be," that those calls would equal about seven millions for the two following months of July and August; "that the available balance in the Treasury, applicable to general purposes, and subject to draft, fell below one million; that payments were making, at times, in new Treasury notes, which could not be rendered at all available;" and that, therefore, he considered it "necessary to effect a sale of at least one of the bonds, at an earlier day than advices could be received and any proceeds realized from Europe." This is a state of the Treasury, and the exhibition of its necessities, from the head of that Department; and I, sir, have been accustomed to place confidence in statements upon that point, from that authority.

Second, the law authorizing the Secretary to issue Treasury notes for the supply of the Treasury, expressly limits that power to its necessities, after all the other lawful means of supply have been exhausted. Hence the sale of the bonds became a duty, before the credit of the Government, in the shape of these notes, was resorted to; while the only power existing to issue notes, at the period of these transactions, was the power to issue new notes, under the law of 1838, in the place of those paid in and canceled under the law of 1837; and it was, in the nature of things, impossible for human foresight to say how rapidly the old notes would come in, and, consequently, what might be the extent of the power, within any given period, to issue new notes.

Third. The apparent balances of money on deposit in bank, to the credit of the Treasurer, afford no standard by which to form a judgment as to the amount of available means of the Treasury on any given day, because those balances were constantly made the basis of drafts by the Treasurer, which, the Secretary tells us in the correspondence, would necessarily be out from thirty to ninety days, before they would come round to the bank to be there debited to the Treasurer, and deducted from the amount standing to his credit upon the books of the bank. These are believed to be full and perfect answers to the positions taken by the Senator to show that a necessity for the sale of the bond did not exist. The condition of the Treasury, therefore, at the time the sale was made, appears from the statement of the Secretary above given, unimpeached by the considerations to which the Senator has referred, and which he seemed to suppose inconsistent with it. Is, then, the officer having charge of the Treasury Department to be taken as authority for the state of the Treasury, its wants, and its necessities, at any given period?

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HO. OF REPS.

With me, sir, he is. The honorable gentleman has made repeated appeals to me upon this point, as chairman of the Committee on Finance of this body, and I cheerfully admit that the vigilance of his researches, and the minuteness of his inquiries may have shown him much better qualified for the head of that committee than myself; but I candidly tell him and the Senate, that in the discharge of my duties in the position I hold, the statements of the proper officers of the Government, as to the condition of the Treasury, have been authority to me, so far as facts and figures are concerned. Until the facts and figures, therefore, coming from that quarter, shall be shown to be erroneous, I recognize no right to call upon me to sustain their accuracy.

The Senator further says the issues of Treasury notes were not made by the Secretary in the most advantageous manner, that a rate of interest might have been given to them which would have enabled the Department to command specie for them in the market, and would have induced capitalists to hold them as investments until they became redeemable by the law, and, therefore, ceased to bear interest; and he contends that the Secretary ought not, therefore, to be permitted to urge his apprehension that the new Treasury notes would come in for redemption, in the way of payments upon the public dues, as causing a necessity for the sale of this bond. It is not for me to contend that the Secretary of the Treasury is all-wise as a financier, or that the issue of these Treasury notes in some other form and manner might not have afforded to the Treasury greater temporary relief. It is enough for my purpose, that the Secretary acted in good faith and according to his best judgment, and issued the notes in the manner which he believed best calculated to afford to the Treasury and to the country the relief intended by the law; that they were issued, were out, and were returning upon the Treasury for redemption, in the shape of payments of the revenue, at the time the law passed authorizing the sale of these bonds. The necessity from this quarter did, therefore, in fact exist, and the experience of the Department, by the payment by the bank of the first bond, paid in 1837, almost wholly in Treasury drafts and other like Government liabilities, enabled the Secretary to judge with certainty of the extent of the necessity growing out of this consideration. Had he then rested quietly until these bonds reached maturity depending upon their proceeds for money to meet the public disbursements, and then met payments in unavailable Treasury notes, notes which could not be reissued for any purpose, what would have been thought and said of his financial skill or official faithfulness? Or, if he had sat down and mourned over the fact that the notes had not been originally issued in some different manner, would that have supplied his exhausted Treasury?

A further complaint of the honorable Senator is, that the proceeds of the draft upon the Pennsylvania bank for \$300,000, transmitted by the Bank of Kentucky, in part payment of its debt to the Government, were permitted to remain on deposit in the former institution, until they were required for disbursement; and he asks, with great emphasis, why was not this sum transferred to some other depository? Why not to the Bank of America, at New York? Why not to any place other than this bank, to which the Secretary and his political friends had been so hostile? I am not aware, Mr. President, that I can say anything which I have not already said upon this subject. I have already shown that this money was as valuable to the Treasury, as convenient for its use, and as safe, where it was left, as it could have been made in any other depository; and, in the face of these facts, if it were perfectly respectful, I would answer the gentleman's queries by asking him, why should the Secretary have transferred this money, until required for disbursement? For what public interest or object? Had he transferred it, was there any possible reason he could have assigned for the act other than his own hostility and that of his political party to this bank? And would the Senator from Virginia have advised the Secretary to put himself upon such a defense, for such an act, either before this body or the country?

I am here compelled, Mr. President, to make a remark in self-explanation and justification, and

I am sorry to find that, in this debate especially, the most precise and clear definitions are rendered constantly necessary. The gentleman says in my former remarks I termed this Pennsylvania bank "a proper depository," and he repeats the phrase with an evident design to carry the implication that its use by me was the manifestation of a change of feeling on my part towards the institution. Sir, the gentleman could not have failed to notice that I was speaking of the second section of the law authorizing the sale of these bonds, in which the terms "proper depository" are used; that I was examining the legal power and right of the Secretary of the Treasury, in the present state of the law in relation to the public deposits, to select this institution as a depository for the proceeds of these bonds, that I came to the conclusion that the Secretary possessed the legal power and right to make this selection, as much as that of any other banking institution not a general deposit bank under the deposit law of 1836; and that this bank, therefore, in a legal sense, within the powers of the Secretary and the meaning of the second section of the act for the sale of the bonds, was, when so selected, "as proper a depository for that especial purpose as any other which could have been so selected." These were my words, or their substance, and I used the phrase, which the Senator has so frequently repeated, in no other sense or connection. If he was not before aware of my meaning, in the use of these terms, I now offer him this explanation and definition of it.

A further objection brought by the honorable gentleman against the Secretary of the Treasury is, that the public interests were disregarded by depositing this \$300,000 in this bank; inasmuch as, had the deposit been made in a general deposit bank, under the deposit law of 1836, of suitable capital, an interest might have been obtained upon the deposit for the time it remained in bank. If this objection, Mr. President, is to be considered as developing the policy of the deposit law of 1836, I am bound to say that it will make that measure more objectionable to me than it has ever before been, unfavorably as I have ever viewed it. What is the provision of that law referred to? That the bank shall pay an interest at the rate of two per centum per annum upon all money remaining on deposit with it, for one whole quarter of the year, over and above an amount equal to the one fourth part of the capital of the bank actually paid in. Now, sir, to have placed this \$300,000 upon this investment of two per cent. a bank of the very smallest capital must have been selected, so that the largest possible excess might have existed, upon which interest would be payable, while that part of the deposit which equaled one fourth of the capital of the bank, actually paid in, must have been suffered to remain three full months to entitle the Treasury to a recurring interest of two per cent. upon the average excess. I have ever thought, sir, that to make a bank pay interest upon public deposits was the most direct mode to stimulate those institutions to use the public money for banking purposes; and, therefore, the worst possible policy which any Government, State or national, could possibly adopt; but if, in addition to this insurmountable objection, the consideration of capital paid in, as a security for the deposit, is to be abandoned, and the Secretary of the Treasury is to be required to select the banks of the smallest *real* capital, that the largest amount of the public money upon deposit may be drawing interest, the tendency of the system of State bank deposits, as adopted and established by the deposit law of 1836, is infinitely worse than I have heretofore considered it to be. And if the Secretary of the Treasury is to receive public censure, here or elsewhere, for not acting upon this dangerous principle, I must stand closely by him and share in the condemnation.

The Senator has considered it to be his duty to make very especial and marked reference to the letter of Mr. Biddle to the Secretary of the Treasury, written under date of the 13th of August, 1838, to be found among the documents, at pages 36 and 37 of the report of the Secretary, marked F 7, and infers from it that some correspondence between the Secretary of War and the bank, not communicated to Congress, must have taken place, in reference to the arrangement for paying

the bank bonds in disbursements for the War Department. The honorable gentleman has called upon me, in my seat here, to answer to any knowledge I may possess as to such a correspondence, and I frankly stated to him and the Senate, that I neither know anything of it, nor do I find the least reason, from this, or any of the documents, to suppose that any such correspondence ever took place. If he, and the Senate, will have the goodness to look to the letter from the Secretary of War to Major Cooper, the then acting Secretary, written from the Virginia Springs, and to be found with the documents appended to the President's message, in answer to the last call of the Senator, it will be seen that all the arrangement upon this subject which the bank has claimed, or which even suspicion has alleged to have been attempted, is there fully avowed by the honorable Secretary, and its prompt and honorable fulfillment is respectfully urged upon the Treasury officers. I cannot, therefore, possibly see what motive is left for concealment, or why any correspondence of a private character should be supposed to have been wrongfully withheld, in relation to an arrangement completed, avowed, and carried into full execution.

The gentleman seems further to apprehend that I, and those with whom I act here, have changed our views and feelings in relation to the dangers of a national bank, and the dangerous character of a State institution so powerful as that of which we speak. Mr. President, he mistakes us utterly. We have experienced no change of feeling or opinion upon either of these points. I say willingly and cheerfully that I listened to some of the remarks of the honorable gentleman, in relation to the danger of institutions of either character, with unmixed delight. I rejoiced to hear him refer to the former expressions of opinion of the Senator from South Carolina [Mr. CALHOUN] upon these subjects, and to declare his increasing convictions in their justice and truth. Let him continue to be governed by these opinions and feelings, in reference to these matters, and he need not make himself more sure of anything, in the whole course of his life, than he may now be of the fact that I, and those who think and act with me here, will be found with him, side by side and shoulder to shoulder, rendering him our feeble aid and support in any war in which he may be engaged in the prosecution of such principles.

I have but a single other remark, Mr. President. The Senator has made repeated allusion to the time I have taken to prepare for the debate of this day. Sir, I pretend to no extraordinary powers of intuition. I require preparation to address this body, and my great fault is that I do not sufficiently prepare for so responsible a duty. Yet I must be permitted to think that such remarks, coming from that gentleman, should not have been made without qualification. He may not have known that the deep interest of a large number of the members of the Senate, in a measure depending before the body, (the land graduation bill,) at the time when this debate was introduced by himself, induced me and others to consent to postpone the further consideration of this matter until that measure could be definitively disposed of; but such was the fact. The Senator *did* know, however, upon whose request the postponement, for the last week, had taken place, and I thought I had a right to expect that he would not have made remarks calculated to charge that delay upon me.

SWARTWOUT DEFALCATION.

SPEECH OF HON. J. A. BYNUM,  
OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

January 19, 1839,

On the motion of Mr. WAGENER to be excused from serving on the Investigating Committee to examine into the Defalcation of Samuel Swartwout.

Mr. BYNUM said:

Mr. SPEAKER: I came to the House this morning with little intention of troubling it with any remarks of mine upon the subject under consideration, and but for its extraordinary character, and the extraordinary manner in which this debate has been carried on, and the singularity and

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variety of considerations which it embraces, I should have contented myself by letting it pass without doing more than giving a silent vote on the proposition before the House. Sir, I deem this one of the most important questions that has for years past occupied the attention of this House—not from the simple proposition on which we are called to act; no! but from the magnitude of the consequences which, if some of the intimations that have fallen in this debate be true, must ensue, if it is intended to carry on this investigation in good faith to the country, or if anything more is intended by it than a political hoax, which it has now become so customary for a certain party to practice upon the too confiding people in almost every nook and corner of this vast and growing Republic. The immense importance of this investigation, and of the manner in which it should be conducted, arises from two considerations, entirely independent of the professed and ostensible objects of those who have now taken it into hand. The propriety of investigating the mere defalcations of Swartwout and Price involves matters of common occurrence about which few, I hope, of any party, will be found, here or elsewhere, to disagree. That investigation should be made, and in good faith to the public; and if none other had moved it, I should have felt it my duty to have done it myself. Upon that subject I have seen little or no disagreement, here or elsewhere.

But he had said that there appeared now, from the remarks of honorable gentlemen on the other side, two other subjects involved, of independent consideration from the one avowed to be the object of the inquiry. What were they? First, sir, is the contemplation of an impeachment of the Secretary of the Treasury as a *particeps criminis* of these defalcations. He, sir, has been marked in advance, and charged with the commission of crime that should and must brand him and his family with infamy with all posterity, if the one hundredth part of the allegations and bitter denunciations that have been made against him on this floor, within the last few weeks, be true; and, sir, if they be not true, then I will not say here what execration and public indignation should await the base calumniator and false accuser. I hope I am the last man on earth who would step between the guilty criminal and the impending penalty of the outraged laws of the land; and should be amongst the last to attempt to throw around an offending guilty officer one panoply that would shield and protect him from the odium of insulted justice, and immediate and deserved punishment, however ignominious. If, then, these serious considerations are involved, which none will deny, what infuriated partisan will dare rise on this floor and say that this investigation should not be conducted with the strictest impartiality, and that the composition of this committee should not be made by men the most uncommitted, disinterested, and free of prejudice against the Secretary, whose private, as well as public, character is to be so seriously affected by the result of this investigation?

The importance of these facts surely cannot fail to strike gentlemen who feel an interest in an impartial investigation of this matter. I would say to them, if they have no regard for Levi Woodbury's public or private character, and are determined to immolate him in their party rancor, let the innocence of an unoffending private family plead for the observance of the common forms of justice in the prosecution of this trial, and commit their fortunes and their fame not into the hands of those who have openly and publicly proclaimed him already guilty, in advance, and to establish which they have staked their interest and their honor. I appeal to gentlemen to pause, if but for a moment, in this mad career of party warfare, and reflect upon the stupendous injustice that they are about to inflict upon injured innocence in the blind and maddening pursuit of a victim for party malice. Let them place upon the committee no man that has prejudged the guilt or innocence of a party to be placed on his trial; or if they do, then let him have at least one friend, to be selected by his friends, to see that the forms of justice have been observed, if the substance be denied.

I charge gentlemen who now, by a strange combination, have obtained the power of this

House, not to go into this investigation, which is to affect so seriously the individual character of one heretofore uncontaminated with reproach, with unclean hands, or with any predetermined resolution to convict, whether there is found innocence or guilt. The country demands a fair and an impartial investigation of this matter, and not of a partisan nature; not by men whose own innocence or guilt is to be dependent, in any way, on the result of this inquiry. No gentleman who has, in any way, imbibed a prejudice or expressed an unfavorable opinion, should deign to act on that committee for a moment; nor should any consideration induce this House, under present circumstances, to place such a one on that committee. To do it, sir, would be a mere mockery of justice, and to bring into scorn the partiality of the whole investigation. The country does not look for such an inquiry, nor can it in the least be benefited by such a one. The people have already been harassed with repeated inquiries, intended for party purposes merely, without a single practical good resulting to the country.

In the second point of view, the character of this committee is of the first importance, as the character of this whole Administration will, in a measure, be brought before them. Yes, sir; an Administration brought into power by nearly two thirds of the free voters of the country is now about being committed to the hands of a majority of a committee who are deadly hostile to the feelings and sentiments of nearly two thirds of the people of this country—an effect produced by alliances the most extraordinary, and one which the people of this country should never cease to remember. The people will learn, with no little astonishment, that a Congress, a majority of which they elected supporters of this Administration, have been converted, by political management here, into a dead minority. To know where and by whom this renegeancy and treachery to their rights have been committed, the freedom of no people can long endure, until a strict accountability is demanded and had into the conduct of those who have presumed to change their course without consulting them. Their conduct should not be forgotten.

The people should, and will, I cannot entertain a doubt, demand of those Representatives of *easy virtue* to know why they have joined in with the Opposition to throw the Administration they were elected to support into a minority. But, sir, between them and their constituents I shall not interfere. This last treachery only affords additional evidence of the incontestable truth of that ever to be remembered maxim with every friend of freedom throughout the world: "The price of liberty is eternal vigilance." With it, no man, or set of men, should be trusted to tamper with impunity, and those who do it have evermore acted on the presumption that the people, the friends of liberty, and to whom its price is beyond all value, are credulous, and are easily to be imposed on and duped by great professions of scorn to be dictated to by party and party leaders of honesty, sincerity, and disinterested patriotism. The world over, and these have been the uniform declarations and professions of those who have become recreant to the trusts confided to them by a too generous constituency.

The Republican party, beyond all others, have suffered most from this political malady. It has been their curse since the earliest formation of this Government, and has been progressive up to the present date, and now even threatens the subversion of all freedom in that Government under which we live and have prospered so long and so gloriously.

One of the greatest novelties of this investigation, as it is proposed to be carried on by the present allied powers, is that the majority of this House, the representatives of the majority of the people of this country, the whole of the officers of the Government, are to be placed into the hands of a committee, a majority of which—I might say two thirds of which—represent a party that are composed of the representatives of a most meager minority of the people of this country. Here, sir, then, absolutely for the first time in the history of this Government, be it said to its immortal honor, has been the majority of this country placed into hands to be tried by a minor-

ity, a thing that should be long recollected as the first step of a departure from that fundamental rule in all free Republics, that in all cases a majority shall control—facts, sir, that must strike, forcibly, every statesman of the waning and decreasing regard for the sovereign control of the great majority of the people, as now entertained and evinced for the first time by a certain party in this country.

Sir, (said Mr. B.) I am glad, truly glad, that it is so. I am rejoiced at this early development of the principles of a party that has just gained control in this Government. I am glad of the developments made here of their true characters, and of the principles upon which they are to act as a party. It is the first earnest given of the principles upon which they are to act, and on which they are to carry out the true doctrines of what is now called the modern Whig party and their appendages in holy alliance.

It will now be seen, most astounding as it is, that the character of this Administration, brought into power by a majority of the suffrages of the freemen of this country, backed by the election of a majority of Representatives to this Congress, have, by an art not unfrequently used here, by an *alliance* to which the people have in no way been a party nor instrumental, now been placed into the hands of a minority Opposition, the peculiar representatives of all the idle, unproductive interests of the entire nation; an augury than which nothing could be more portentous and alarming to the advocates of productive industry and of freedom throughout the civilized world; evincing, most clearly, a regularly concocted plan, to my mind, of a settled, fixed system, which, in connection with what has taken place elsewhere\* by this new party to usurp by fraud, deception, intrigue, and stratagem, the rights of the majority of the freemen of this country, and to overthrow that great fundamental principle in all free governments of the undisputed right of the majority to control. Is not, then, the course about being pursued here, and on this occasion, perfectly in character with, and a piece of, that well-digested plan of operations which has been recently carried on elsewhere by the same party to thwart the will of the majority of the great body of the people of this country? Does no man see the kindred relationship of this step to others of recent date? Sir, in my judgment it wears the party brand—resistance to, and usurpation of, the rights of the majority of the free people of this country. Hence the stupendous magnitude and importance of the appointment of a fair, impartial, and unprejudiced committee, with a due respect to the feelings of a majority of this House and the country, and with hands ungaited with any preconceived opinions of the guilt or innocence of any man or set of men. Upon this subject this House has a lesson. Will it heed it?

In the next place, will it be forgotten that the people of this nation have but just returned to this Congress a majority of Representatives—from fifteen to twenty-five—in favor of the present Administration, who professed to be Democrats and Republicans when elected, and pledged themselves to the support of the present Republican Administration? Can the opinions of the majority of the people's Representatives, or the opinions of a majority of the people themselves, be fairly represented on that committee when it is known that a majority already elected on it belong to the minority of the House, and who represent a most meager minority out of it? Do gentlemen not see the extraordinary composition and character that they are about to give to that committee—about, did I say?—which they have already given to it, and which must mark with suspicion their whole proceedings with every friend of popular rights?

Sir, the committee themselves should pause before they take it upon themselves to act under such circumstances. For this reason, then, I have said if you would have the report of this committee to produce a salutary effect, give us a fair committee, composed of unbiased, uncommitted members in favor of the guilt or innocence of any individuals, and whose interest nor honor is at

\* See the conduct of the party and their attempts at usurpation in Pennsylvania, New Jersey, and Illinois.

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stake, to convict or acquit any man? Without such a committee, your investigation will be a mere *farce*, and all will consider it a mere mockery of justice, and a mere hunt after party calumny and detraction; not to "*whitewash*," but to "*blackwash*" the individuals and the party to whom a majority of that committee is opposed. Can anything be more apparent? If we would have an eye singly fixed upon the public interests, with a view to investigate this transaction for the benefit of the country, and the country alone, the composition of this committee should be made of the most impartial, unprejudiced, and unexceptionable materials. Sir, I warn those who now, for the first time, have gained the power in this House by the aid of the "*secret ballot*," not to commit in open day, in the face of the world, that hideous, damning, and blackest of crimes, of selecting a committee themselves, composed of a majority of their own friends—a thing that they have consumed so much of the important time of this House in denouncing and stigmatizing as a species of favoritism, corruption, and prostitution, pregnant with a degree of partiality and injustice that defied all scrutiny into the malpractices of this Government. I charge them, in the face of this House, in the face of this country, not to let their first act, after obtaining power, be imbued with all the crime and odium which they have so eloquently attached to it when committed by the Republican party in this House. I charge them, if they have yet left one sentiment of respect for the intelligence and good sense of the people of this country, not to let their first act be guilty, and convict them of this black and damning sin, about which they have been so clamorous, and which it has been their daily vocation, since the organization of their party, to hold up and denounce as an act of most crying injustice, and monstrous corruption. I charge them not to treat with such disrespect the good sense and recollection of the people of this country.

I charge them not to let this people demand of them to know why it is a virtue in one party in this country to commit an act which it is prostitution, corruption, and profligacy, when committed by another; why it is that individuals or parties appear before them, and denounce that in others which they applaud, as the highest praise, the commission of by-themselves. And I charge gentlemen, in the name of our common country, in the name of that liberty which we all profess so much to love, not to presume too much upon their power of misrepresentation and stultification of the honest, intelligent, and unbiased freemen of my country.

Of all the parties that have heretofore existed in this country, that of the Whig, now so called, should be the last to resist and refuse the appointment, in this House, of a liberal and impartial committee to investigate any subject, and more particularly the present. The least variation from the strictest impartiality, and the greatest liberality, is at war with every profession and declaration that they have made for years, both in and out of this House. Sir, with them to presume the contrary, consistency would cease to be a virtue, and sincerity of profession a damnable heretodox. But how shall this party appear? How shall the world judge them, when it is made evident, that the very first act committed by them, after acquiring power, I say, will be found in opposition to all that they have said and written on this subject ever since the constitution of this mongrel party? What shall the world say when their very first act is made to give the—I will not say what, but will call it by a milder name—the most palpable contradiction, and open falsification, of every profession of sincerity that they have heretofore, with such prodigality, made to the American people.

Now, sir, let facts speak to an impartial and intelligent world; and I invoke all attention, that nothing may be lost, that justice may amply be done to all whom it may concern. Here are resolutions adopted to raise a committee of nine members to effect an investigation of a transaction, deeply imbued with fraud, as it is alleged, and in which not only your Secretary of the Treasury, but the whole character of this Administration, is involved.

This charge has been again and again made,

and repeated upon this floor; the charge has been met, and all are willing to go into the investigation, and to ferret out what of fraud and corruption it is in the power of the committee in good faith to effect. I have before said that the Administration party, or Republican party, representing a majority of the people of this country, have at least a majority of some fifteen or twenty-five of the Representatives of this body, including the Conservatives; all of whom, he believed, had been elected as friends to this Administration. Yet strange to tell, already, by virtue of the "*secret ballot*," had there been elected on this committee, Messrs. CURTIS, HARLAN, WISE, DAWSON, SMITH, and HOPKINS; four Whigs, two Conservative, all of whom, judging from their course here, are as deadly hostile to all that is connected with this Administration as they are to the monarchy of Great Britain. Now, sir, the Whig party, "*all told*," have, on this floor, from one hundred and five to one hundred and ten Representatives of the two hundred and forty-two. The Republicans have from one hundred and twelve to one hundred and eighteen. The Conservatives have ten to twelve Representatives in this House, just enough to give the Whigs a small majority, whenever it becomes their interest to do so. Here is the true position of parties, and what is the aspect before us? Let the country note it. Already have the Whigs, who comprise both a minority of the Representatives of this House, and a minority of the people of this country, taken care of themselves, and wrested the power from the majority, both in the House and out of it, and placed on the committee four of the nine of their own members, and for services rendered, gave to the Conservatives two already of the nine to represent their ten or twelve on this floor; one of whom, however, is as much of a Whig, and as deadly hostile to the Administration, as any member of the Whig party in or out of this House; thus securing to themselves, by the alliance, a dead majority on the committee, although representing both a minority in the House and out of it. Now all this is no *partiality*, gentlemen, *nothing like it*; and though you represent but a minority of the people of this country, and the majority of the committee represent the minority of this House, I give you the greatest credit for your ingenuity, your tact, and your management; you deserve most richly a better cause.

But, Mr. Speaker, in all good conscience, what will the world say in all future time of the frankness and sincerity of the professions and purity of a party who, by their first act, after obtaining power, have committed the very despicable crime that they have so long been wont to charge home upon their opponents, of being of the deepest dye, and fraught with every species of corruption that was alarming and appalling to the rights of freemen? What will they say at the display of such tact, management, and ingenuity, at the expense of every profession of sincerity and political honesty? How will the world regard their clamor, in all time to come, about partiality, trick, stratagem, and intrigue? What have they done in regard to this committee but the very thing that they have so long denounced you, Mr. Speaker, and the whole Republican party, for doing? Sir, did I say it was the very thing for which they denounced you and the Republican party? I beg pardon; I will show it to be infinitely worse—yes, sir, worse—and which, sir, will place your conduct in that chair in a most enviable light. Can they possibly think that we do not see the covert objects of this Janus-faced movement for an election by secret ballot? Do they think that their craft can forever protect and shield them from detection and exposure? Do they think that the people are so blind and stupid as not to see through their double object in wresting from the Speaker of the House the power of appointment of a committee at this time? Do they think that we are not aware of the reflection upon both the integrity and capacity of the majority of this House, who have placed you, sir, in that seat? And do they suppose that we are not aware of another, and a still greater object, that this *purity party* have in view by this very reflection, and which is at the bottom of much of this movement? Is it, sir, to affect you in a certain State, before whose Democratic Republican freemen your name is

now held up for a most prominent station? Is it expected, by such *hoco poco*, *crafthood* movements here, that the Republican freemen of that distinguished State are to be duped and hoodwinked and led up to the sacrifice and immolation of one of her own sons, who has distinguished himself so much in his advocacy of the agricultural, planting, and productive interests of the State, against the unproductive, impoverishing, monopolies that have everywhere so marred and blighted the prosperity of our country? Let me entreat them to respect more the intelligence, sagacity, and practical understanding of the farmers, and the productive, laboring men of my country.

Your enemies have in this done you an act of justice that must exalt you far beyond anything that your friends could have done for you. They have shown, after all the hue and cry set up against you, and the unmeasured tirade of abuse which they have leveled against you, that they, they, sir, by their first act after obtaining power, have sanctioned your conduct to the fullest extent; nay, more, they have gone far beyond it. You gave to the majority of the Representatives in this House, and, consequently, a majority of the people of the country, only a majority on the several important committees, in conformity with every republican usage and practice since the organization of constitutional governments that had for its basis the control of a majority of the people. This was your crime, and was the corrupting crime of the party to which you belonged, and for which you have been daily threatened, on this floor, with a political guillotine. But what have your enemies done? They have taken it upon themselves, not to place on a committee a majority to represent a majority of the members of this House, not a majority to represent a majority of the people of this country, but, worse than all, they have placed on the committee a majority of those who represent both a minority on this floor, and a minority of the people of this country; and by this means have given the Representatives of a minority, both of the people and Representatives in this House, the power to try and condemn, in the committee, the majority; a thing perfectly anomalous in all free governments; inconsistent with every principle of Democratic republicanism, as abhorrent with every doctrine of equality and common justice; and one which, if it had been committed by any Speaker of the Republican or Democratic party, would have been rung, *trumpet-tongued*, through every cabin, shanty, village, and hamlet beyond the mountains. What a wonderful regard is here shown for the opinions, the feelings, and the interests of the majority of the freemen of this country in the very first act of a party after obtaining power? What a commentary does it not furnish to their future course, should they retain the power that they have seized on by this "*holy alliance*," a power not given by a majority of the people, nor even contemplated to have been given, but which they have obtained by a coalition, in defiance of the will or wishes of that people as expressed through their Representatives.

But, Mr. Speaker, this is far from being all; the worst is to come yet. I believe it has been customary in this House, since I have been honored with a seat on this floor, when important committees were to be appointed, for the Speaker to receive suggestions and recommendations of particular gentlemen, from both parties in this House, of such gentlemen as they desired to be placed on such committees; and such suggestions have at all times received the most favorable consideration; and I do not know of a single instance where the present Speaker or his predecessors have not yielded to such suggestions. In the appointment of all our important committees, by both our present and former Speakers, each party has been generally represented by its ablest members. This, in all fairness, is all that we now ask. Will this new coalition of Whigs and Conservatives, now the majority of this House, dare to disturb this salutary usage, and, for the first time, depart from its long acquiesced in propriety, from which I have heard as yet not of a single act of deviation? This, however, has not been considered by the Whig party liberal enough for them; their complaints have continued unceasingly, until they have gained power by aid of the

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alliance and their secret ballot; and what have they done? Their first act, too; mark that.

They have not only selected a majority of the committee from a minority of the House, and who represent a minority of the freemen of the country, but, contrary to every principle of liberality heretofore practiced by the Speaker, of placing on the committees such as the minority party might desire, they have denied, and persist in refusing to give to the majority, even of the House, and the majority of the country, one single man that they desire to be placed on that committee to represent the majority of both the House and the country. A step taken, sir, a little beyond anything heretofore known in this Government of freemen, since the foundation of our free Republic. Yes, sir, they are now endeavoring to force on the committee a small minority of members to represent the majority, who do not wish to act themselves, and who are not the choice of the majority whom they are to represent as a party. They have refused, as a party, to vote to place a single man on the committee that has been selected to be placed on it by the Republican party, whom they are to represent, and are now determined, after having elected a majority of the committee from their own minority of the House and the country, imbued with all their precommitments and prejudgments, as openly pronounced on this floor, to select such of the remainder of the committee as they may think disinclined, and too inefficient to do justice to the parties concerned—the Republican party, or the country at large—displaying a species of pertinacity and arbitrary rule, heretofore unknown to the better days of this Republic. Evincing a disposition for, and a determination in the exercise of, arbitrary power that is without a parallel in the annals of free republican Governments. They have not been contented in getting and selecting their own men, and a majority too, though themselves in a minority, but are determined to select for us ours, in the very face of our remonstrances against the justice of such a selection; and attempt to force men upon the committee to represent us, against our will or wishes, and all this done, too, sir, by a party heretofore clamorous against you, and the majority of this House, for the use of arbitrary power. Merciful God! What a lesson on the beauties of hypocrisy and consistency here, are we taught!

Look, sir, at the composition of the committee as already formed—six out of nine deadly hostile to every principle, opinion, feeling, and interest of the Republican party, though some may profess a little friendship for it, (*perhaps to make things easy at home*), and the remaining three, it is obstinately opposed to be given to the majority, to be composed of such men as in whose abilities and political integrity they entertain the highest regard, and would choose to trust on such an occasion. Here, sir, is a bright specimen of the fairness, purity, impartiality, and disinterestedness of this immaculate party, who were wont to sicken with disgust and nauseate at the very name of corruption and foul play in politics. History will do them justice for their purity and the honesty of their professions, and prosperity should not fail to award them a crown, more durable than brass, for so eagerly embracing that partiality and corruption which they have so bitterly denounced, when charged to be practiced in the worst degree by others. Let not those gentlemen deceive themselves, in the powers of their splendid talents, in making all to glisten that does not shine. Let them not presume too much upon their power of *panic-making*, and to alarm the weak and ignorant against their Government, because they themselves cannot rule it, nor their powers of eloquence and declamation to bewilder and stultify the popular sense and moral feelings of the hardy yeomanry and people of this country. The Republican party have only asked to place on this committee such men as they can rely on, if but two or three, with such talents and qualifications as will enable them to do justice to the majority of this House, to the Administration, and to a majority of the people of this country; and, sir, this they are denied.

The Whig party are determined, then, to have the entire control of this whole investigation, the entire game in their own hands, to be conducted

in their own way, with the Conservatives to protect their friend Swartwout, and to throw, no doubt, if possible, the entire blame on the General Government. From every indication yet elicited, little, in my judgment, is to be expected from that committee, but a most partisan investigation and criminating report. It would be discreditable to the declaration of individuals, as already expressed on this floor, to believe the contrary; yet these have been the very first individuals to be placed on the committee by their party, with what degree of fairness and impartiality the intelligent freemen of this country will decide.

Sir, I have heard much of the celebrated investigation of the United States Bank, and the far-famed committee universally known as the "white-wash committee;" but if this does not turn out to be a *blackwash* committee, then am I no prophet, nor the son of a prophet.

Mr. WISE rose, and was understood to say he demanded an explanation. He wished to know whether the gentleman meant to say the committee would intentionally misrepresent what was true, or say what was not true? and whether Mr. W., as one of the members, had ever done, or would do so?

Mr. BYNUM said, were he not disposed of his own accord to do all that was fair on the occasion, he should disdain to answer any inquiry; but he was determined to look to the condition of the country, and the situation of the party with which he had the honor to act. He had nothing to do with the gentleman from Virginia as an individual there. He should scorn to answer any question which required him to select that gentleman, or any other, from the rest of the committee. He confessed that there were some gentlemen on the committee for whom he had the highest respect and personal regard, but was free to confess that there were others for whom he had little or none. The demand of the kind which had been made, however, would, of itself, prevent his expressing any opinions of individuals.

Mr. WISE still insisted. The gentleman had made some exceptions. Did he mean to designate him?

Mr. BYNUM said, if the gentleman wished to put questions to him, he had better wait until he had concluded. He could assure the gentleman that the *scorpion* rod he had so frequently attempted to wield over that House had no terrors for him; nor would it have, were he a thousand times more terrific than he would have the world believe him to be. Would he now attempt to force gentlemen to say that they did not believe his former declarations, as made on that floor, as to the guilt or innocence of certain individuals? The gentleman himself might have believed them—might have made them in good faith at the time. He should not undertake to decide upon his motives or sincerity. He had no explanations to make to that gentleman.

Mr. B. thought he had now shown most clearly the extraordinary dilemma and awkward predicament in which this *purity* party had fallen, by the singular course they had taken on the present occasion. He thought he had shown most conclusively, and placed far beyond all future cavil forever hereafter, the hollow pretenses of that party to fairness, liberality, and impartiality. It was impossible, it appeared to him, that they could ever hear again these sacred words mentioned, without a crimson blush of shame arising on their cheek.

With these general remarks, (said he,) I will now proceed to notice what has fallen from several gentlemen in relation to this subject, as declared on the floor of Congress, and which I confess I heard with no little astonishment: astonished, sir, because I heard it declared on the floor of this House, by a Representative in Congress who, it should be presumed, would declare nothing here that he was not prepared with the proof to substantiate. To become the common reviler and calumniator of those whose virtues and long-tried services have recommended them to higher places than our own, has become a practice, sir, of this House, little less derogatory to the standing of a member of Congress than it is disreputable to the councils of a great nation of freemen, of which it has heretofore been our

pride and our pleasure to boast. Nor would I be considered amongst those who would throw the least obstacle in the way of the strictest scrutiny into the conduct of public officers occupying high places. I consider them amenable to the Representatives and to the people for the faithful discharge of the high trust that has been confided to them, and shall ever be for holding them to the strictest accountability. But, sir, while I would do that, though not a member of the "decency party," I hope I shall never, on this floor, lose a proper respect for the offices of my Government, if I should retain none for the occupant. A becoming respect, sir, for the Government of my nation, and a respect due to our beloved country, should forbid it. Continue your abuse and calumny and detraction of all in the higher offices of your Government, and you level to the very earth the most exalted stations, to which it should be the pride and laudable ambition of every freeman to aspire, as the meed of merit and the greatest reward of the most illustrious deeds that freemen can confer. Sir, continue to degrade and disgrace every officer in your Government; and what sagacious statesman is there amongst us that cannot easily foresee the disastrous results and downward tendency into which our whole political fabric must soon tumble?

All free Governments are based alone upon opinion; and when, from constant abuse and degradation of the offices and officers of a Government, public opinion becomes infected and loses a proper respect for the Government itself, what must naturally follow but a change of the whole system, and a speedy resort to some other by which they may have a greater respect? And is this the true object of your indiscriminate abuse of all the officers of this free Government? I believe, in the sincerity of my heart, it is the true, secret, and sole object of many. But we are told that these denunciations are not directed against the offices, but against the officers who fill them. Now, sir, there is a certain principle in metaphysics which has ever proven the irresistibility and influence of the power of association. Keep up your constant degradation of your officers occupying high places, and how long, from this very power of association, before you imbibe, and induce others to do it, imperceptibly often, the greatest contempt for the offices themselves, and which offices alone constitute the Government itself? Who are so blind, then, as not to see the deadly blow, in all this indiscriminate calumny, abuse, and detraction, aimed at the very stability and existence of the present system of this, our free Republican form of Government?

Who is there so blind as cannot see the danger that such a course at once threatens to the durability and permanency of the present system of our free, republican Government, and with what pride such a course here must be hailed throughout the world by the implacable enemies of all free Governments? With what cheering hopes it must inspire the great enemies of our freedom, both at home and abroad? Sir, these are subjects of the greatest moment and high consideration to the philosophical statesman who reflects upon the destiny of empires and the fate of republics; and let no man blind himself to the lessons of experience, which the history of fallen nations should teach us upon these absorbing subjects. Then how should any man who professes a becoming regard for his Government, and the institutions under which he lives, justify himself in rising here from his seat and pronouncing one of the first officers in the Government "a corrupt pander of power; the *particeps criminis* of a hundred defalcations," without the safety of the Republic demanded it, and he had the proof at hand to establish so foul a charge beyond the power of cavil or contradiction? Are gentlemen prepared with their proofs to establish these charges, or, if they fail, are they prepared to meet their constituents and defend themselves against the charge of uttering the foulest calumnies merely for the gratification of the blackest political spleen and party malice? What excuse should the American people (those who are now not prepared for revolution and plunder) receive as a justification of such a course? Are gentlemen aware of the high and awful responsibility that they assume in belching forth this indiscriminate

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inate calumny and abuse against almost every high officer in your Government, whether placed in office by the people themselves, or by the executive department, who himself is a mere servant of the people, and whose greatest crime it is, with some, to have been the object of the people's choice?

Mr. PRENTISS, of Mississippi, asked if the gentleman had alluded to him, or to what he had said on a former occasion in relation to the Secretary of the Treasury.

Mr. BYNUM. I do allude to what the gentleman from Mississippi said on a former occasion, as I then wrote it down and understood it, and have it now before me.

Mr. PRENTISS. Then, sir, I wish to explain.

Mr. BYNUM. Certainly, sir; for I should be exceedingly sorry to do any act of injustice to that gentleman, or any other on this floor.

Mr. PRENTISS was understood to say that he had said, in his previous remarks, that the Secretary of the Treasury was the *particeps criminis* of a hundred defalcations, as it was shown in his report to Congress; that he had particularly examined the report, and had found in it that number of defalcations, or more, but that he *knew them not*, of his own knowledge, in any other way; that was the evidence on which he relied, and was prepared to show, if necessary.

Mr. BYNUM. I am exceedingly glad to hear the gentleman say that he knows nothing against the Secretary of the Treasury, of his own knowledge, upon which to found those high charges of corruption and profligacy.

Mr. PRENTISS. No, sir, I did not say that; I know of one defalcation in Mississippi.

Mr. BYNUM. Does the gentleman know, of his own knowledge, that the Secretary of the Treasury was a *particeps criminis* of that defalcation, or that he connived at it in any shape or form whatever?

Mr. PRENTISS. He knew of the defalcation.

Mr. BYNUM. And, sir, he reported those defalcations, as he was bound to do; and further the law allowed him no right to go. If such are the grounds on which you are to convict the Secretary of the Treasury of impeachable offenses of corruption, if he be not convicted already in the minds of certain gentlemen, I doubt the necessity of an investigation; but it is now due to the Secretary, the party, and the country, that it should be had and carried on in good faith. The report of the Secretary we have all read, and are liable to place on it very different constructions from those of the honorable gentleman from Mississippi. But that he (the Secretary) should be guilty, or be a *particeps criminis* of an offense, because it was committed under his administration of that Department, is as novel as it is extraordinary. Just as well, Mr. Speaker, might they attempt to hold me or you, sir, guilty of the many little *petit larcenies* which are committed by our domestics and servants at home in our absence to this House. The reason and justice in the one case is equally the same in the other, and the attempt to hold one responsible for the guilt in such cases would be frowned down as most insulting to the plainest understanding in the community.

The moral sense of the American people has not yet arrived at that pitch of roundity, as ruthlessly to sacrifice a public servant upon the heated charges of aspiring politicians, or upon the highly wrought declamation of mere party malice. They call for the evidence of some overt act, committed directly or indirectly by the person charged, else humanity will be allowed to plead his cause, and justice demand forthwith his acquittal. Gentlemen should beware how they persecute a man and pronounce him guilty, before he is put upon his trial and the evidence is heard in his behalf. The American people are neither tyrannical, cruel, nor oppressive in their nature, and they have seldom held those guiltless who have attempted to play off upon them such a part, and establish for them such a character; so abhorrent and revolting to all the better feelings of their native dispositions. No, sir, no, sir; I thank my God that I yet live in a country where humanity and justice have not been entirely stifled and strangled by the

ferocious spirit of an unfeeling savage party malignity. I trust I yet live among my countrymen who have too high a regard for liberty and justice to witness the untarnished reputation of one man in society, however humble, rent and mangled for the mere gratification of party vengeance. If we are to have an investigation, and a consequent trial of any of our public officers, let us engage in it with clean hands and pure consciences, and let us not condemn before we convict. Such a course might be tolerated in the court of some Eastern despot, but never, never, I hope, in free and happy America.

While I hope ever to be the last, in or out of this House, to throw a shield around any public officer to screen him from the just demands of public justice, I will never consent to witness, in the heat of party violence, an act that would disgrace and degrade the age of a Nero or Caligula. But, sir, perhaps all this is right; and we should thank Heaven that it is so; that these developments have given us a glimpse of the true character of what may be the reign of that party, should they, by trick or stratagem, ever gain the ascendancy in this country. I am, sir, for an investigation, a *bona fide* investigation, to be conducted with impartiality and in good faith to all parties; and none other can or should be received as worthy of this House, by the just, intelligent freemen of this country.

The gentleman from Louisiana [Mr. GARLAND] tells us that we are determined to defeat this investigation. Who are opposed to it? Can the gentleman name the first man? No, sir; I dare him to do it. None have manifested the least disposition here to thwart or oppose it. No member of the Republican or Democratic party would do it. If there be one to be found in this House opposed to the investigation, to be carried on in good faith, he is a traitor to his party; nay more, he is a traitor to the country. What have they to expect from such a course but the realization of that weakness and want of political foresight that the *puffed-up* and arrogated wisdom of their Whig opponents have labored so much and so long to convict them of in vain?—an attempt that has been carried on against the Republican party ever since the first dawning of our Revolution. It was their ignorance which spoke into existence this nation of freemen, with a republican form of Government; and it has been by such ignorance that their freedom and happiness have ever since been protected and cherished, and their country led on to a degree of prosperity and greatness unexampled in the history of the civilized world. Under such ignorance, then, who would not prefer to live, and bear all the reproaches and aspersions of the arrogated pseudo wisdom of the world?

Sir, the gentleman tells us that they have selected their men, and their strongest men, too. "There's the rub." They have their strongest men, a majority of them, too, already placed on that committee. And what do we ask? Simply—although representing the largest number in this House, and almost two thirds of the people out of it—to allow us to place on that committee of nine, three of our strongest men. We have only asked for three to be placed on that committee to represent the majority of this House, the majority of the people of the country, the great Democratic party of the nation, and this, sir, is denied; and because we persist in so humble a request, we are told that the Democrats are opposed to the investigation! Most modest, indeed! Give us a fair committee—or foul, as it is already composed—give us but three of our strongest men, and we will go into the investigation now, tomorrow, the next day, or when and where you please. Give us but three, and we will go with you into every recess, and dark hole, and black cavern of this great conservative leader, Samuel Swartwout; and with you we will endeavor to ferret out, in good faith, this foul defalcation, which smells to the very heavens. But we are unwilling to trust the character of this Administration, or the untarnished reputation of any distinguished individual connected with it, in the hands of a committee, with all their prepossessions and precommitments against them; without having honest men of our own party, in whose competence, talents, and firmness we have the greatest confidence. And is this the unreasonable, iniquitous

conduct that the Democratic party is guilty of, for which they are to be denounced upon this floor? This recent victory, gained by the aid of the secret ballot and the *holy alliance*, surely has not already placed gentlemen beside themselves, and, in their transport of joy, made them forgetful of all that is right, equitable, or just. I pray them to have a little moderation in the first fruition of this ominous alliance, if they would perpetuate, but for a short time, the durability of the ecstasy of its consummation.

Again: the honorable gentleman from Louisiana, [Mr. GARLAND,] with all his accustomed liberality and modesty, has charged us with a wish to place on this committee a set of *jack-legged, pettifogging lawyers*. Wonderful! Now, Mr. Speaker, this is perfectly in keeping with the arrogance of the "decency party," and shows what has ever been their political curse, their bane, for which they have never been able to find an antidote, no matter under what party name they have appeared. They have bad memories, and their own acts are continually rising up in judgment against them. To abuse in others what they themselves practice, is the *disease* of that party, and shows how greatly wanting they are in that becoming discretion that they so vehemently denounce the want of in all others. But to the charge: we want *jack-legged lawyers and pettifoggers* placed on that committee. Now, sir, will the goodness and mildness and liberality of the honorable gentleman permit me to ask what are the professions of those six gentlemen out of the nine, that the Whig party has already placed on that committee? For information's sake, I will read the names of those gentlemen already on the committee to the honorable gentleman and to the House.

Here, sir, are the names of Mr. HARLAN of Kentucky, Mr. DAWSON of Georgia, Mr. CURTIS of New York, Mr. WISE of Virginia, Mr. SMITH of Maine, and Mr. HOPKINS of Virginia. These gentlemen have already been selected by the "secret ballot," and placed by the honorable gentleman's party on that committee. After this charge made by him, will the gentleman condescend to tell us and the country how many of this number, of the six members already placed on that committee by him—him, sir, and his party—are lawyers? whether pettifoggers or jack-legged? for after this bold charge, the country may feel some curiosity to know. Sir, the gentleman is silent. I shall, then, make bold to do it for him. Here are their names; and I pronounce every individual on that committee, yet selected by that fair-play, *justice-loving party*, to be a lawyer; there is not a single member of them who is not now, or has not been, a practicing attorney. O consistency! "what a priceless jewel thou art!"

But, sir, they are all Whigs and Conservatives, and perhaps the gentleman means that that party contains no *jack-legged pettifogging lawyers*. They are all distinguished gentlemen, that "know each other by instinct." There are no lawyers of the Republican party, who are not *jack-legged pettifoggers*, now certainly in this House. This, sir, is carrying their aristocratic, Federal-Whiggish arrogance and presumption a little further than I have ever known before, and cannot, surely, fail to awaken the disgust of the great body of the American people with the principles and designs of a party, so arrogant, presuming, and self-consequential. Let such doctrines and principles endure, and I here pronounce it, in my place, that the days of our old republicanism, simplicity, and equality, are numbered. Sir, this *hauteur* and arrogance are contrary to the very genius of republican simplicity and equality, and repugnant and abhorrent to the whole letter and spirit of this free republican form of government, to establish which the blood of our forefathers flowed like so much water.

I will not investigate here the claims to distinction to which his Whiggish and Federal lawyers, on the committee are entitled. I have never heard of their practicing beyond the county courts in the districts in which they live. They may, however, be by far more notorious and distinguished. There is a trite maxim that crosses my mind, and may not be inapplicable to the present occasion. I have often heard it said you should

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"set a rogue to catch a rogue." With equal propriety, then, we should place on that committee lawyers of the opposite party, to watch the opposite lawyers, to investigate with the opposite lawyers, and to report with the opposite lawyers. This, sir, is the unreasonable request that we have made, as the representatives of the Republican party, and for which we are all denounced as obstinate, perverse, and with a disposition to thwart the investigation which we have commenced. Will the people judge it so?

Mr. C. H. WILLIAMS rose to a point of order. He wished to know if the wide discursive course taken by the gentleman from North Carolina was in order when the subject was only to excuse a member from acting on the committee?

The SPEAKER replied that the gentleman from North Carolina was strictly in order. He had been proceeding to show the character of the committee, so far as organized, and the necessity of its having a particular character, in justice to the House, and to individuals, as impeachable matter might grow out of it. This he thought he had a right to do, and that consequently the gentleman was in order.

Mr. BYNUM. I thank the gentleman from Tennessee for his kind disposition to keep me in order. I have no doubt of the sincerity of his motives, and the benevolence of his object. The party to which that gentleman belongs have certainly given many evidences of their great regard for the order of this House, and shown the greatest disposition to keep all in order who deviate in the least from any subject before it. But unfortunately for the gentleman and his party, they never rise to a point of order until some Democrat of the Republican party is about to dissect the materials out of which they are composed, and to show their rottenness to the open gaze of an abused people.

It is never until then, sir, the giggle of applause, and the cry of "Go on! go on!" ceases to reverberate through this House; and that more ominous and doleful one is substituted by them in its place here—"Order! order!" Mr. Speaker, I rise, sir, to a point of order." Here, again, we see the result of that defective memory; how universally it seems to prevail with every member of the party! But, sir, away with that. We have been told that we wanted the leaders of the party on that committee. This, as far as my knowledge extends, would be a most difficult task to execute by the Democratic party. If they have leaders, I am yet to learn who they are. I know them not. In my judgment, the want of such leaders as has been ascribed to it is one of the greatest misfortunes of that party at this time. That, I confess, is now one of the greatest defects in the party; they acknowledge no leaders, and consequently act nearly on every occasion without the least concert, by which means often, though in a majority, they have suffered themselves to be defeated by their more wily and better drilled adversaries, who ever move at the tap of the drum, under their drill majors. This defect I have often warned my party of, and called on them to profit by the lesson taught them on that subject by their more skillful and astute opponents in all party tactics. A party whose every move is at the bidding of their most renowned leaders, surely should be the last on earth to find fault with others for obedience to the will of their leaders; but in this, too, they may arrogate to themselves the exclusive right of being led; and, from habit, no doubt, would have the world consider that a virtue in them which would be a heinous and crying sin in all others. This, though, is only one of the true characteristics of that party—it is but a part of their system.

But suppose we were to wish to place our leaders, if any we have, on that committee: would it be doing more than the Whigs have done? They have placed on it leaders at whose nod they move as though by "instinct." Then would it be so very unfair to place by their sides at least one Democratic leader, if such there be? If this were all true that is stated, for one I cannot see the least cause of complaint on the part of the *allied parties*, if they entertain the remotest idea of a fair and an impartial investigation; and instead

of its being urged as an objection, if the object is an impartial investigation, the leaders of one party being placed on the committee, it affords the strongest and most irrefutable reason why those of the other party should be, to meet and confront them. Than this objection, then, they must look out for some better reason to sanction their partial and illiberal course on this occasion. This same gentleman spoke of quibbling lawyers. Quibbling lawyers! Why, sir, this brief victory, achieved by the "secret ballot" system, seems to have run the party mad. Quibbling lawyers! Why, sir, of what is their whole party made up? To quibble about technicalities, and the inviolability of incorporated privileges, and their entire irresponsibility to the will or wishes of the people, whom they insult and rob and plunder, is their religion—their daily vocation here and elsewhere—the life's blood of the whole party; it flows and circulates, and can be alone sustained, by a quibble, as it has ever been by that illustrious brood in all ages, the *craft family*. What, sir! six lawyers to be placed on a committee of nine, of one party and its allies, and for them now to complain for fear that their opponents should place three others on the same committee that would quibble? The idea can only be entertained, by any portion of the intelligent people of this country, as one of the supremely ridiculous, and as an insult to the understanding of those whom they would attempt to dupe by the use of it.

Never, never, sir, in my judgment, has there been a party before so straitened for a plausible reason, even on which to hang an excuse for their most singular and flagrant inconsistencies.

If, sir, this be the character of the commencement of the reign of their dynasty in this House, and in this country, what has the country to hope from its consummation, its maturity, and its termination? In its very inception its birth has been marked with all the cold-blooded, hollow-heartedness of the hypocrite, such as has infected mankind in all ages, and bowed down the mightiest nations of the earth in time of yore. Sir, this hand writing is perfectly legible, and is plainly to be read in the history of all nations that have passed before us, by those who have the moral courage, the boldness and industry to scan, examine, and proclaim it. But from this point I will not digress further, as I may have, on some future occasion, a better opportunity of exposing more fully the true character of this mongrel party, its objects, its principles, and its fallacies. The brief view which I have taken here of the history of its conduct, if nothing more, I hope will have the effect to call out others more capable than myself, upon some more fit occasion, to do justice to the histories of those contending parties.

Mr. Speaker, with an air peculiar to the presumption of the party from which it comes, it has been vauntingly asked the Republican party of this House, who are your candidates to be run to be placed on this committee? Sir, I know of no candidate in the Democratic party, nor do I presume that an individual Democrat in this House knows of such a one. We know, from the votes of the House as repeatedly given, as well do they, who are desired to be placed on the committee by that party, but every one of whom the *allied party* has as obstinately and pertinaciously refused. Away, then, with such affected blindness, as apiece of a kindred with the whole project of your gilded designs, in a consummation to effect your political purposes! Sir, it is idle to talk thus, when it is apparent by every act that the men that we have determined on to select for that committee, it has been fixed, settled on and avowed on this floor, by that party which now rules the House here, shall not be placed there, to watch, meet, to aid or oppose their designs. Such taunting avowals here are adding insult to injury, and tampering with the public sense, which they appear determined to wrong, and leaves reason for an awful foreboding as to the result of this investigation.

Permit me to say that this mode of selecting the committee by "secret ballot," and divesting the Speaker of that power, in conformity with the uniform rule and long established practice of

the House, has been sprung upon us, and is as singular and novel as its execution has been foul, partial, illiberal and unjust to the majority of this House, and a majority of the freemen of this country, as I have before shown. Sir, the want of a knowledge of the *compact alliance* of these two parties, precluded the belief of the possibility of such a state of things in the mind of any member of the Democratic party; hence, out of this House, they had not resolved on running any men, or set of men, to be placed on this committee. Will this answer be satisfactory to honorable gentlemen who seem so much at a loss to know why we had not done so?

But we have been asked again, in an air of stately emphasis, was there no caucus candidates resolved on by your party? For the reasons stated before, there were none; and such a resolve would have been evidence of an insight of what had been determined on by the *allied parties*, of which we could have had none, without suspecting that which all were unwilling to believe. No, sir, we had no evidence of such designs, and had no right to act on such a presumption. I ask, in reply, if they had no caucus to determine on whom to place on that committee? and pause for a reply. [No reply.] Then, sir, the presumption is that they did. I have ascertained, since coming to the House this morning, that one branch of the coalition did hold a caucus, (the Conservatives,) and determined on whom they were to elect in "secret ballot"—a just commentary, too, on the present composition and condition of this House, and the respect paid to the sovereign power of a majority of the freemen of this country, when a knot of twelve Conservatives get together and resolve on who are to be placed on a committee of this House to represent two hundred and forty-two members, and a great majority of the people of this country. Could anything show more conclusively the entire rottenness of the whole foundation of this matter, as proposed to be carried on by this alliance? This information I have from a distinguished member, who stands high in the Conservative ranks, but who has not been treated with the greatest respect even by them on this occasion. So much as to the justness of their charge of caucusing against the Democratic party of this House, and so much for the truth and justness of the charges of the Whig or Federal party against the Democracy of this House, for the course that they have thought fit to pursue in relation to the present subject. Let the country take it, and we will abide their decision.

Again, I will briefly notice the character and constitution of this committee. It has been said that this committee was to act only the part of grand jurors, composed of impartial, uncommitted men, to report with impartiality the result of their conviction, after hearing impartially the evidence, and then, sir, to leave all further prosecution and trial to others. This would be in conformity with the principles of common law and justice, to which the lowest individual is entitled under the Constitution and the law. Very different, however, is the complexion of this committee, on which is placed the prosecutor, who is to act the part of the juror and the attorney, who is to be the judge of the validity of the articles of impeachment that he himself has drawn up. Such is the striking resemblance of the character of this committee to that of an inquest of an impartial, disinterested grand jury, upon which is placed neither judge, prosecutor, nor attorney. Such, sir, are the striking characteristics of these two tribunals, differing in every essential attribute, as much as midnight darkness does from daylight. A tribunal of such an organization can but be looked upon as revolting to the rights of freemen, and furnishing no protection to the rights of property, nor to the most honest and uncontaminated character. But I will not dwell longer on this subject.

One word more upon the immediate proposition of the honorable member from Pennsylvania, [Mr. WAGNER,] now before the House, to be excused from serving on the committee. A request so reasonable, sir, one could hardly have supposed there would have been a single objection to. The gentleman informs the House that he is disinclined to serve, and has advanced some most salutary reasons. Though of the highest respectability, yet,

from his habits and inclination, he is not disposed to throw himself into the political arena, to contend with the artful and ferocious spirits of the Opposition, contrary to the wishes of his friends in this House; and is unwilling to be arbitrarily pressed into service by his enemies, to subvert their views. The request is as reasonable as it is honorable to the integrity of that gentleman. Here is another symptom of arbitrary tyrannical rule, that has characterized the birth of the new dynasty, begotten of this holy coalition.

Now, sir, what if the Speaker—yes, your blackened and foully abused Speaker—had dared to have done such an act—to press into service, against his will, and that of his party, to be placed on a committee, a member of this House, who might be deemed incompetent or unwilling to enter on the duties assigned him? Sir, had he dared to have done such an act in this House, a hue and cry of arbitrary power and corruption would have been raised against him, that would have reached and reverberated from every valley of the Mississippi to the mountain tops of the Saint Croix. Sir, you would have been hunted down, as with blood-hounds, by those who dare now to execute the deed themselves; and here, sir, in the face of their own Government, and in presence of the American people, relying upon their splendid talents, doubtless, and powers of mystification and stultification of the American people to justify the damnable deed; powers that I know to be great, and I give them all credit of possessing, in a pre-eminent degree; but in this they may find themselves mistaken, and awful might be the visitation of a just retribution. Why not compose this committee of the whole of your Whig members, who are so willing to serve on it? Are you already afraid to select them all of your immaculate party? Do you begin already to suspect your own innocence? Has conscience begun already to work within? If you will not give to the Democratic party such members as they desire to be placed on the committee, and who are ready and willing to act with you, compose it of your own members entirely. Surely you do not suspect their purity? You have already the whole power of the committee in your own hands, and would now, for appearance sake, place on it a few of your unwilling or disaffected members, and force them to act? What mockery! While you retain the whole substance of the power of the committee, you would feigningly hold out to us and the world a shadow, for mere appearance of being represented, by selecting men and forcing them to act as you may think best fitting the occasion, and best calculated to subvert your purposes; amounting to a representation not of ours, but of your wills.

Sir, I have done, and shall be sorry to see the impressment of any Republican member, by his political enemies, to be made to serve against his will, upon this or any other committee, to keep up the mere show of impartiality and justice, when the substance has been peremptorily refused.

#### COLLECTION AND DISBURSEMENT OF THE REVENUE.

#### REPORT OF HON. R. M. T. HUNTER,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

February 6, 1839.

Mr. R. M. T. HUNTER, from the Select Committee to whom were referred, on the 8th of January, certain Resolutions in relation to the mode of collecting and disbursing the Public Revenue, submitted the following report:

It seems to have been the object of the resolutions referred to this committee, first, to leave the public money in the hands of the public debtor until actually wanted by the Government; thus giving this portion of the capital of the country to the uses of the trade, at the same time that interest is secured to the public as the consideration of its use.

Secondly, to set off periodically the liabilities to and from the Government, by fixing certain days, at intervals of three months, for receipts and disbursements, so as to concentrate as many demands

to and from the United States as may be practicable at the same time and place.

Thirdly, to diminish the risk of speculation and default on the part of public officers; first, by this exchange of credit, which, so far as it can be effected, accomplishes at the same process the collection and disbursement of the revenue, without affording a temptation to theft; and next, by providing for cash transactions, that the money which passes through the hands of the public officers shall be limited in quantity to the actual demands to be made upon them within a period so short as twenty days.

And, fourthly, to introduce greater order and facility in the administration of the Treasury Department, by fixing these stated periods for receipt and disbursement, so as to enable the Secretary to obtain adequate notice, not only of the sums due from the Government, and of the time and place of demand, but also of the sums due to the Government, and of the time and place of receipt.

These being the objects of the resolutions, the first inquiry suggested to the committee was as to the means, if any, of attaining them.

There can be no difficulty in arranging the receipts so as to cause the revenue from customs to flow into the public Treasury at fixed quarterly periods. It is supposed that the first section of the bill herewith reported accomplishes that object without changing the compromise act, or in any matter affecting the great interests concerned in it. The main questions are not only as to the ultimate solvency of the debts thus incurred by the merchants, but as to their punctuality in meeting their engagements in time for the emergencies of the system proposed by these resolutions. That the bonds thus given would be ultimately paid, with a very inconsiderable loss to the public, your committee entertain no doubt. The nature of the penalties imposed by existing laws and by the second section of this bill, the experience of the Government, and the high character of the American merchant, all justify this confidence in his fidelity to his engagements. The act of the 2d of March, 1799, already provides that the obligors who fail to pay their bonds given for duties when due, shall no longer be entitled to credit at the custom-house. Superadd to this the summary process given against them by the second section of this bill, in the event of their failure to pay at the day; and it is hardly to be supposed that the merchant would enter into any engagements under such penalties, which he might not surely expect to meet at the proper time; and the more especially when, upon so short a time as is here supposed, he would so soon be exposed to the entire loss of credit, and perhaps of property. It would rarely happen that a merchant who was able to import the goods would be unable to pay the duties in three months from that time; and certain it is that he would not lightly hazard his credit and property by exposing himself to the chance of a default, made so notorious and so speedily prosecuted as would be the case under the existing laws and that now proposed. The high value which every merchant places upon his credit forbids such a supposition. Indeed the experience of our Government affords almost demonstrative evidence of the justice of this conclusion. In 1824, William H. Crawford, then Secretary of the Treasury, made a report exhibiting the entire amount of losses sustained upon the bonds given for customs, from 1789 up to the 31st of December, 1823. From this it appears that out of \$527,480,239 secured by bonds for customs during this entire period, the loss had not exceeded \$1,575,626; whilst \$758,191 only was considered doubtful; thus demonstrating the sum lost and doubtful not to have been more than forty-four hundredths of one per cent. upon the amounts collected. From 1823 to 1828 the proportion of loss seems to have been greater; as appears from a report made by the Secretary of the Treasury in the last year; but even with the addition of this period to the former estimate, the loss will be found to be less than one per cent. If additional evidence of the fidelity of American merchants to their engagements were to be required, it might be found in the wonderful efforts which they made amid the difficulties of the late crisis to sustain their credit. Of the protested bills returned to

them from abroad, which were said to have amounted to £2,000,000 sterling, nearly the whole amount has been paid. A London paper has stated the loss at less than one fiftieth of one per cent. Looking to these facts, we feel assured that the proposed mode of securing the public funds approximates so nearly to perfect safety, that we should find no difficulty in recommending an entire exchange of credit for cash in collecting the duties, if there were any considerations of convenience of political expediency which peculiarly recommended the former mode. But, in point of fact, the plan now proposed incurs fewer of the objections urged against the credit system of duties than that in present operation. It is true that a small portion of the duties are collected in cash under the present system; but they bear a proportion to the whole amount of not more than one to four, whilst the credit now given is for three and six months. Under the change proposed, the credit will never extend beyond three months and twenty days (and rarely so long) before a partial payment at least will be required, together with a reexamination of the security. No case can well arise in which the credit will exceed six months, and then only for the surplus not required at once for the purposes of the Government. This periodical supervision of the securities for public money, at short intervals of time, it is believed, will render those securities not only safer than under the present system, but sufficiently so for all practical purposes.

To recommend the proposed system, however, it may be said that a punctual payment of these debts, when due, will be necessary, and that the operation of this machinery contemplates a greater degree of exactness, in this respect, than is usually found in the operations of trade. A close examination of the evidence by which we ought to be guided in this matter, will go far to remove this suspicion. The repeated evidences given by our merchants of their fidelity to their engagements, through a long series of years, have been referred to already. These, together with the penalties imposed by this bill for a want of promptitude in redeeming their obligations, seem to justify the expectation of a sufficient degree of punctuality for the purposes of the proposed system.

The successful operation of this system will not require entire punctuality in the merchants, or even a greater degree of it than has been usual in their past dealings with the Government. In the report of Mr. Crawford, before referred to, a period of thirty-three years is embraced, during which the greatest loss ever sustained upon the bonds given for duties was incurred in 1819, and was less than one and a half per cent.; and here it is to be observed, that the proportion of loss to the income secured by bond in 1819 and 1820, was more than four times as great as the average proportion during the residue of the thirty-three years embraced by this report. A deficiency so small as this would probably be provided for, in all cases, by the estimate made at the Treasury Department for the sums to be drawn from the bonds when they are due; but if sometimes the loss should not be covered in this way, the funds arising from the land sales, which, for the present, are not included in the proposed arrangement, would be available to correct these irregularities. But even if the lands were included within the system, there would always be a resource in the surplus ample enough to supply any deficiencies from defaulting debtors. It will be perceived that the bill provides a mode of keeping a surplus with entire convenience, and without loss either to the Government or the community; the debtor retaining the use of the money, and the Government drawing the interest. A small surplus has been considered always as necessary for the safe and convenient administration of the Treasury Department, which occasionally is forced to meet emergencies not easily foreseen. This surplus had scarcely ever been less than two millions, which, in a revenue of customs of twenty millions, would leave ten per cent. of that amount in the shape of a bonded surplus. Now, there is no period in the history of our finances which shows a deficiency of anything like ten per cent. in the payments of merchants upon their bonds. The greatest loss ever sustained in this way, during the period embraced by Mr. Crawford's

report, was less than one and a half per cent.—a sum which even this moderate surplus would cover many times over. The extension of the merchants' bonds, in the late general suspension of specie payments, has not been considered as affording any exception to this rule. It may be doubted whether that measure did not proceed as much from liberality as necessity; and if it was compelled by necessity, that it originated not so much from the inability of the merchants to pay their debts, as from their inability to meet a sudden demand for a large amount of specie, in which alone the debts to Government could be paid by the existing laws. Under the proposed system they never could be at a loss for the medium in which to pay their dues to Government. The drafts drawn in favor of public creditors would be always available for this purpose. The first and second sections of this bill would, therefore, provide (as is believed) for the payment of public dues for customs at quarterly periods, and with sufficient punctuality for the wants of the system.

The next end contemplated by these resolutions is to produce an offset of the liabilities to and from the Government at quarterly periods. To attain this object, sections have been introduced into this bill, which provide that the disbursements of the United States shall be made, as far as practicable, on four quarterly days, occurring at not more than twenty days after those fixed for receipts; that for money actually due, drafts may be drawn upon the collectors at the next receipt-day, which bear an interest within certain limits, and that the payee or assignee of these drafts shall present them at the specified time and place, or else forfeit the interest and the guarantee of the Government for the ultimate payment of funds placed in the hands of its agents to discharge the debt due to him. Recourse is given, however, to the creditor upon the official bonds of these agents.

The first inquiry suggested by these provisions is, how far is it practicable to arrange the disbursements at quarterly periods? The expenses for the foreign service, and some of those in the Indian department, could not, perhaps, be drawn within this arrangement; but it might easily be made to comprehend most of the disbursements upon the army, the navy, the civil list, and so much of the public works as is executed by contract. These constitute the great mass of public expenditures; and so far as they could be made by drafts to the public creditor, the collection and disbursement of the revenue would be accomplished by the mere exchange of credits. These drafts would satisfy the public faith to its creditors, because, within the specified limits, the Secretary would always impose such an interest as would render them immediately exchangeable for specie; and in any event they would be paid in specie, if held by the creditor, within a period of not more than ninety days, and with an interest to compensate him for the delay. But in point of fact, they would enter into the exchanges of the country. With the provisions that the bonds are to be paid in specie if not discharged in these drafts, together with the penalties upon a failure to present them speedily, as required, it would become the interest of the banks, the merchants, and the public creditor; to facilitate them on their intended destination. Drawn, as they must be, at not less than seventy nor more than ninety days, there would be ample time to transmit them between the most distant extremities of the Union, whilst the provisions before referred to would effectually exclude them as currency, and confine their uses to the simple purposes of offset or exchange. It may, perhaps, be doubted whether, at first, the public creditor, from a want of knowledge of the system, might not fail to present the draft with promptness enough for these purposes of exchange, and might not incur the penalties for this failure as much from ignorance as neglect. Some mistake of this kind might be made at first, but there would be too many interests concerned in teaching him the true mode of disposing of his draft to suppose that he would long remain in ignorance upon the subject. All fears of this sort might be removed, however, by a short specification on the face of the draft of the penalties imposed upon a neglect to present it as required by law.

This system of exchanges, together with the provision for leaving the surplus in the hands of the public debtors, will leave a very small portion of these bonds to be collected in actual money. The payment of such a sum in specie, as required by this bill, cannot produce a sensible effect upon the banks, or give inconvenience to the merchants, by causing periodical ebbs and flows in their demands for capital. During the period between disbursements and receipts, the easy and insensible operations of exchange will furnish them with the means of paying far the greater portion of their bonds by a mere offset of credits, to the mutual convenience of themselves and the Government.

There remains to be noticed one other difficulty in the practical operation of this exchange of credit. The drafts disbursed to public creditors, and drawn in anticipation of the revenue, might exceed in some ports the proportion of the debts to be paid at those places. But, in such cases it would always happen, where the disbursements did not exceed the receipts, that there would be a corresponding deficiency in the drafts drawn upon other places of receipt. To adapt this state of things to the equal proportions of the surplus to be left in the different sections, a provision is introduced, which enables the collector to direct any excess of these drafts to a disbursing officer, to be designated by the Secretary of the Treasury. This officer may always be supplied with the funds to meet these drafts from the offices upon which too little had been drawn at the previous day of disbursement. The Department, in all cases, having at least seventy days' notice of the drafts which are outstanding, together with a knowledge of the bonds falling due upon the day when they are to be paid, will probably find no difficulty in preserving both the faith of the Government and the policy of this bill.

Another object contemplated by these resolutions is, to remove, as far as possible, the danger of speculation on the part of the public officers. This will certainly be accomplished to a very great extent under the system now proposed. If proper regulations were made, so as to inform the Secretary of the Treasury as to the bonds which passed into the collectors' hands, they could scarcely become the subjects of theft, and to the extent that the disbursements were made in drafts, there would be absolute safety as to the disbursing officers. Nor would there be much danger as to the sum collected in money. This amount would, of necessity, be small, and, passing immediately from the collecting to the disbursing officer, would not remain in the hands of the last more than twenty days before every cent would be demanded by the public creditor. Defaults in either of these officers would be so quickly detected, that the restraint upon them would be almost perfect. The great temptation to default, arising, generally, out of large sums lying idle for a long time with those who keep them, would, of course, be removed by a system which left no idle money in their hands.

Lastly, it seems to have been designed by these resolutions to promote a more systematic administration of the Treasury Department, under a new mode of collecting and disbursing the revenue.

It is impossible to estimate beforehand the precise advantages of any increase of system in the conduct of human affairs. But the general advantages of order over disorder in the fiscal administration, cannot well be too highly appreciated. Perhaps, however, a clearer view of the subject will be given by a reference to some of the inconveniences under which the Treasury Department now suffers, and which will be removed by the system now proposed.

At present the money flows into the collectors' hands daily, and without regularity as to amount. The Secretary, not always having notice of the time and amount of receipts until they are in hand, has, for the most part, to make his arrangements for removing these funds, not before, but after they are received. The consequence is, that large sums often lie idle to all the purposes of trade and Government, and serve only, during this time, to offer temptations for speculation to the public officers. According to the best information which your committee can obtain, the average amount

thus lying in the hands of the receiving officers and other custodiers of the public treasure, independently of the amount in the custody of the disbursing officers, has been about \$1,000,000 at the end of each quarter, for the four years preceding the 1st of January, 1838. So much for the receipts. The evils ensuing from the want of adequate notice, and a systematic arrangement of the disbursements, are still more striking. The Treasury is subject to constant demands, of which it has no notice as to time or amount. The consequence is, that money must be placed with the disbursing officers long enough beforehand, and in amounts sufficiently large to cover all probable demands. The average sum thus left idle in the hands of disbursing officers has been about \$4,000,000 at the end of each quarter. And this, because there are no adequate provisions to arrange these demands, so as to give sufficient notice of them to the head of the Department, and to compel their production by the public creditors at the proper time. Nor is this the only inconvenience arising out of the present state of things. The disbursements are made as the demands for them arise. The receipts come in daily as the bonds fall due, and vary not only from day to day, but from month to month. When the receipts and expenses are nearly equal, there is constant danger, as we are informed by the Secretary of the Treasury, that enough may not be received in some months of the year to meet the demands upon the Government. For although the aggregate receipts and disbursements during the year may correspond, yet this is by no means the case from month to month. At present, there are but two modes of meeting the evil: the one, to leave a large surplus on hand to meet these contingencies; and the other, to give the Secretary the power to issue Treasury notes at his discretion. The system now proposed avoids all of these inconveniences. No balances need remain in the hands of the receiving or disbursing officers. The Secretary having notice of the amount and time of receipts, as well as of the amount and time of disbursements, can always make his arrangements beforehand to remove the public money from the collector as soon as received, and to disburse it either in the very act of receipt, or at not more than twenty days from that time. Speedy accountability will thus be required from the public officers, and an almost instant detection will await them in case of default or fraud. Nor will the inconvenience as to inequality in the receipts and disbursements ever arise to anything like its present extent. By throwing together the receipts and disbursements for three months in the quarterly settlements, there can scarcely be a serious inequality between the two, when their yearly amounts correspond. Should any such difficulty ever arise, it will readily be corrected by the small surplus left with the public debtor, for which this bill provides, without loss either to trade or to the Government. Short settlements, promptness in all concerned in the fiscal administration, and the means of speedy detection in cases of default, may all be secured, as it seems, under the proposed system, with proper Treasury regulations. The whole administration of the finances will be brought more under the view and control of the head of the Department, and less will be left to the discretion of subordinate officers. The disbursing officer will pass the debits to the Treasury books at least seventy days before they are due; the collector will transmit weekly the entries on the credit side of the account, and the quarterly balance-sheet of the Department will exhibit, to a very great extent, the entire process of collection and disbursement in a mere exchange of credit. Should these anticipations be realized, it is evident that there would be more of unity, efficiency, and responsibility, in the administration of the Treasury Department, than we have had under any other system. It is true that this system, like every other, would depend very much for its success upon its proper execution; and inconveniences would certainly arise at its commencement which further experience would probably rectify.

It will doubtless be remarked, that the resolutions referred to this committee do not compr-

hend the public lands within the system which they propose. Perhaps it is as well, for several reasons, that they should not be included at present. In the first place, difficulties might arise in the commencement of a system so novel, which would be easily overcome by the available cash funds afforded from the public lands. This would, at least, be highly useful until the system became familiar in practice. Again: the public mind is just now so unsettled in relation to the mode of disposing of these lands, that changes might occur, in relation to them, which would take them without the operation of the system, if it were now adapted to them. Should the present mode of disposing of these lands from the General Government to the individual purchaser be retained, it would not only be practicable, but expedient, hereafter to include them within the proposed system. The only practical difficulty in the case would be as to the means of enforcing punctual payment of the bonds given for them when they were due. It is believed that this might be accomplished by making the receipts semi-annual instead of quarterly, and by the provisions hereafter suggested for enforcing the punctual payment of these bonds when due, whether given by the highest bidder at the auctions, or by the purchaser on private entry. This might be secured by providing, first, that so much money should be paid at the execution of the bond as would secure the probable fulfillment of the contract; secondly, that the obligees who failed to pay these bonds when due, should be refused credit thereafter at the land offices; thirdly, that neither patent nor possession should be given until the payment of the money at the receipt day, when it was due; and, fourthly, upon such failure at the proper day, that any other person might take the patent for the lands upon paying down immediately the sum due upon the bond.

As it is not proposed to include the public lands just now within the operation of the system, it will be needless to enlarge upon the provisions just sketched in relation to them.

Having reviewed the practical operation of this system, it may be well to examine, for a moment, its political and incidental effects; one of which undoubtedly will be an entire separation of the banks and the General Government. The separation must be complete, inasmuch as the Government will no longer have the means of rewarding or punishing the banks through the use of its funds and credit, whilst the banks will lose the power of impeding the fiscal operations of the Government when these are conducted without their agency. The General Government will then be entirely responsible for the success of its fiscal administration, and the banks will be subject to no power but that of the States which created them. So long as these are dependent upon each other in interest, they must either sympathize in action, or a fierce war between the two will be inevitable; and in this the people must be the sufferers. The banks, on the one hand, being armed with the power of expanding and contracting the currency, and the General Government, on the other, either attacking their credit with the people, upon which their existence depends, or arraying one set of banks against the other, through the use of its funds, that it may conquer by their divisions; the consequence would be, either that the Government would acquire the power of the banks, or the banks would obtain that of the Government; and the people would be the sufferers in this contest for powers which ought not to be united in either.

To arm the General Government with the power of the banks would be to destroy the balances of the Constitution, whilst the reverse of this operation would not be tolerated after it was understood. The only possible mode of preventing the union of these powers is to separate them in action and interest—an event so much to be desired that it ought to be effected even at a pecuniary loss to the people, if that were necessary. But, in point of fact, this is not the case; and the separation now proposed is relieved from the objections, whether founded or unfounded, which were raised against the other modes heretofore suggested for accomplishing this purpose.

In the first place, this system does not hoard up large amounts of capital in specie, to lie idle in the hands of the Government; on the contrary, it leaves the public funds which are not wanted for

immediatedisbursement in the hands of the debtors; the Government, and not the banks, deriving the interest upon their use.

Secondly. It does not afford the public officers the means of using these funds for private purposes; inasmuch as very little money passes through their hands, and then only for immediate disbursement.

Thirdly. It does not produce an inconvenient run upon the banks for specie, in the payment of public dues. For so large a proportion of the collections and disbursements will be accomplished by a mere exchange of credit, and the residue to be received in specie will be too small to be felt by the merchants or banks.

And, fourthly. It does not permit the use of Treasury drafts as currency, as the existing laws have been supposed to justify; because it places such conditions upon these drafts as effectually prevent the conversion of Government credit into currency, and limits its uses to the mere purposes of exchange. It merely introduces machinery to facilitate the exercise of the undoubted right of an individual to set off his claim upon the Government against a claim of the Government upon him; the right of the Treasury to draw upon its funds being more limited under the system proposed, than at present with the existing laws. As it is this feature which abstracts the Government as a disturber of the currency, and enables it to administer its revenue without injury to the banks, and unaffected by their conduct, it may be well to examine its operation a little more closely.

The pecuniary transactions of society are settled either in currency, or by an exchange of credit. Those upon short notice and of small amount are usually settled in the former mode; whilst heavy transactions, distant either in point of time or space, are most commonly set against each other. To the extent to which this exchange of credit is effected, the demand for currency diminishes in a given amount of business. Indeed, the extent of this species of exchange may almost be considered as a measure of the improvement in commercial communities. It is a general truth, to which, of course, there are exceptions, that the individuals of a society sell as much as they buy. Whenever there is a debt due from an individual, it may safely be assumed that another of equal amount is somewhere due to him. To collect and array these against each other, is a most important branch of trade. The facility for doing this will increase as the channels of trade wear deeper from use, and the course of its current can be calculated with more certainty. It is manifest that the limits are wide between which this process may fluctuate; and that the more it is extended the better for trade, inasmuch as it will then require less currency which is expensive, and in that very circumstance diminish the dangers of a change in the standard of value. If these things be true, it is clear that the same amount of trade in different states or conditions may require different proportions of currency. A community dealing in money only, (if that could be,) would require much more currency for its trade than would be necessary for the same trade in another which dealt in exchanges as well as in currency.

If the Government, therefore, were to deal only in money, the currency would ebb and flow with the tide of revenue; whilst, if it were practicable, that it dealt only by an offset of its liabilities, the variations of currency and revenue would be independent of each other. The effect of the former system would be, that the Government, through its revenue, would affect the currency by one law, whilst the operations of trade would influence it by another; and thus fluctuations in the revenue might often afford a serious disturbance to currency and commerce. There can be no doubt but that the amount of currency in any country ought to be regulated by its trade; and this can never be entirely effected, unless the demands of Government for currency either sympathize exactly with those of trade, or else cease altogether: the first it is impossible to effect; but the latter may be accomplished, to a very great extent, by an exchange of credit. The very circumstances which increase its disturbing effects, when dealing in currency, fit it for the latter operation. Its credit is good; its transactions are heavy, and may be arranged on time, from the distance between the places of re-

ceipt and disbursement. These are the favoring circumstances which have induced the belief that the provisions of the bill now reported will accomplish the end proposed. If this be so, it may be asked if the banks themselves are not interested in the adoption of such a measure. The loss of a valuable customer in the Government is undoubtedly something; but with the entire field of American trade between them, they have ample room for adventure; and the loss of the Government as a customer is not an evil to be compared with the dangers to which they would be subjected in the rude conflicts of party, so long as they maintained a political connection. Nor is this the only advantage which they would derive. Their operations would be safer, when their currency was no longer forced to ebb and flow with the Government expenditures. They have themselves attributed some of their disasters to this cause, and doubtless there have been periods when this connection was mutually embarrassing to both parties.

Having suggested the considerations which may commend the system now proposed to the attention of Congress, this report ought here, perhaps, to be closed. But there are other circumstances which impress it upon our attention, to which we beg leave for a moment to refer. It is not necessary to commend this plan to the consideration of Congress, that it should be the best in the abstract; it is enough to show that it is better than that now in operation, provided it contains nothing positively ill in itself. To say that it would be better than the present system, (if system it can be called,) would be to raise no extravagant pretension in its favor. The fragments of laws which now operate upon the subject can scarcely be said to afford a uniform rule, or to impose any limits upon the discretion of the Secretary. It is so difficult to reduce the remains of the various systems which have been wrecked, or partially repealed, into anything like order or uniformity, that it would be almost impracticable to hold the Secretary responsible, if we were to adopt his discretion as the only guide. There are various constructions of the laws now in force, by skillful combinations of which he might introduce any system he pleased, with at least some plausibility of pretext. If it be true, as some have supposed, that the joint resolution of 1816, as modified by subsequent legislation, leaves it in the discretion of the Secretary of the Treasury, to receive nothing but specie, or nothing but convertible paper, as he may please; and that the act of 23d June, 1836, is virtually repealed, from the disqualification of the banks which suspended specie payment to accept the conditions of the act, then he may introduce the Independent Treasury at his own pleasure, and that, too, without any of the restrictions which the friends even of that measure wished to impose upon him. On the other hand, if the despotic act is to be considered as *functus officio*, whilst that of 1789 is still in force, he may adopt the State bank agency without any of those checks by which the friends of that system would limit his authority, before they would intrust him with the power of using them. And, lastly, supposing the act of 23d June, 1836, to be still in force, so soon as banks arise which are not disqualified from acting under it by its provisions, then it is manifest that, during the progress of their creation, we have a system mixed of bank and individual agency, without any sensible limitation upon the discretion of the Secretary who administers it. Nor is this all: the law of 23d June, 1836, will then operate as a premium to the erection of new banks, which alone can enjoy its benefits under such a construction of its provisions. The effect of this bounty would probably be to call new banks into existence; and when enough of these had arisen to fulfill the provisions of the law, we should have the very system which has already failed upon our hands. In giving these various constructions of the acts regulating the Treasury Department, we express no opinion of our own in relation to them. It is not necessary to do so. We state the various opinions upon this subject, to indicate the dangerous latitude of the discretion now left in the Secretary of the Treasury. And yet, notwithstanding this immense discretion reposed in the Secretary of the Treasury, it is still almost impossible for him to administer the Department with convenience to himself and safety

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to the Government. So much is left to the discretion of his subordinates, that it is very difficult to enforce a strict and speedy responsibility for the public funds.

It would seem to be clear, then, that neither of the parties which divide the country upon the currency question can approve of the present state of the laws which regulate the Treasury Department. If, therefore, the plan now proposed be not the very best in the opinion of either of these divisions, it is respectfully submitted whether it may not be fairly entitled to the assent of all who think it better than the existing state of things. In consideration, therefore, of the reasons which we have presented, we respectfully submit a bill.

## THE FINANCES.

## SPEECH OF HON. R. B. RHETT,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

February 1, 1839,

On the Report of the Committee of Ways and Means on the state of the Finances.

MR. RHETT rose and said:

MR. SPEAKER: I am a member of the Committee of Ways and Means, and I trust, therefore, the House will perceive the propriety of my defending the report this committee has made on the state of the finances, and of showing, if I can, that the "magnificent blunders" and "scandalous ignorance" imputed to it by the gentleman from Pennsylvania [Mr. BIDDLE] exist rather in his fancy than in fact. So enormous and complicated, indeed, do our errors appear, in the sober estimation of that gentleman, that the usual process of amendment in the House will not do. On a motion made by the chairman of the committee [Mr. CAMBRELENG] for leave to strike out a single sentence in a part of the appendix, containing a statement from the Indian Bureau, the gentleman from Pennsylvania moves to recommit the whole report, that it may undergo a thorough and laborious lustration from its manifold impurities. Fortunately, sir, the gentleman has given us an enumeration of our errors, by which the House can judge of the propriety of his motion; and the labors of the committee, if his motion prevails, may be greatly abridged.

But before I enter on these imputed errors in the report, permit me to say a few words as to the principles on which the House will recommit a report, or the members of a committee may be held responsible for its facts. It is most obvious that in a laborious and lengthy document, like that under consideration, containing thousands of facts, there may be slight inaccuracies both in fact and inferences, which the committee may overlook, and the House would disregard. But if any material fact, leading to any material principle, is misstated, the committee, the whole committee, is blamable; and if many such errors exist, so as to render it at all difficult to rectify them in the House, the report ought to be recommitment. I will add one other principle not affecting the relations between the committee and the House. "Libels" or "scandals," (as the gentleman from Pennsylvania calls them,) on individuals not on this floor, ought clearly to be stricken from a report. They constitute, indeed, good ground for contemptuously spurning the document which contains them from your table. Now, with these principles for our conduct, which, I trust, will obtain the sanction of every gentleman who hears me, let us examine the errors imputed to the committee by the gentleman from Pennsylvania.

The first—and, if it exists at all, I trust I will show the only error—in fact made by the committee, is that with respect to the pension laws, which the gentleman from Pennsylvania has quoted in his speech, now in my hand.

"Prior to 1836," says the report, "there was no departure from the ordinary pension rules, except as to revolutionary soldiers; but in that year, provision was made generally for pensions in ordinary cases of death, while in the service after the 20th April, 1818, whether of wounds or not."

The gentleman from Pennsylvania contends that

the act of 1836 included the militia only; whereas, the statement in this clause of the report is, that it includes the regular Army also; and that this is a foul imputation on the twelve thousand men who compose it. Now, sir, I am willing to admit, that the inference contended for may be deduced from the words of the report. Certainly its language is not quite as explicit as I should desire; but the question is not whether there is room for an erroneous inference by those who may be ignorant of our pension laws, but whether there is any error in fact. Has the report stated what is untrue, as the gentleman maintains? This will turn, entirely, on the meaning of the word "generally" in the clause. Neither the regular Army, nor the militia, are expressly mentioned. Does the use of this word, necessarily include the regular Army? The gentleman admits that the whole militia are provided for by the act of 1836. Well, is it not, then, a provision "generally" for the whole militia? and when the act itself, in reference to which the committee uses this general phraseology, is specifically mentioned, and quoted as its authority, what ground can there be for misapprehension? The committee is addressing the Congress of the United States, an assembly of distinguished lawyers, and it ought not to be a very violent presumption, that they are not entirely ignorant of the act of 1836, and will, therefore, not feel profoundly puzzled with the general phrase used in describing it. The act of 1836, is a general act in favor of the militia; it would be more general, if it extended to the regular Army; it would be still more general if it embraced all the officers and retainers of the Government, whether in its civil or military employment. But because legislation, extending to the militia and regular Army, or all the officers of this Government, would be general, it does not follow that legislation, with respect to any one of these great departments of service, may not, with propriety, be termed general also. To maintain the contrary would involve us in an absurd calculation of quantities.

But there is another clause on which the gentleman from Pennsylvania relies, to prove that the regular Army was included in their general phraseology. "If," says the committee, in concluding their remarks on the subject of pensions, "we continue to grant pensions in cases of ordinary death, in peace or in war, to the representatives of all who are employed in the military service, whether in the regular Army or not, and to all in the naval service, we shall soon follow the example of some monarchies," &c. Here, again, is loose phraseology; but there is no assertion that the innovation spoken of actually extends to all the services enumerated; for if so, then the suggestion that we shall soon follow the example of some monarchies, is absurd. We are actually following their example. The clause is merely hypothetical. It supposes a state of things not existing, and points to their example to be avoided.

But I am willing, Mr. Speaker, to admit, if the gentleman wishes it, that the regular Army are included in the general phraseology the committee has used; what harm is it? The committee is arguing upon grave matters of principle and policy. It says that a departure from the principle of pensioning only the families of those who fall in battle, or die of wounds received in the service, has been made, and they quote the act of 1836 to support their assertion. That such legislation exists with respect to the militia and the Navy, is not denied. Of what consequence, sir, is it to the principle against which they are contending—of what consequence can it be to the House in legislating on these great principle—if, in their general phraseology, they do imply or assert that the regular Army is favored by similar legislation? Certainly the intelligence of the House can be but little perverted by so harmless an error. But then it is a foul wrong to individuals—it is an atrocious slander on the regular Army, who, not being here to defend themselves, the gentleman from Pennsylvania generously steps forth to shield them from the imputation. Sir, we have suddenly become very chary on the subject of pensions. I like this tone of high disdain, as being supposed to be pensioners on this Government; but I fear the gentleman has it all to himself, and that there is but very little participation in his feelings by those whom he supposes himself defending. If

such a noble spirit of independence existed, there would be some hope that our whole pension system, not exceeded in profligacy by that of any people on earth, would some day or other come to an end, instead of growing young with years, and accumulating with every exhaustion. Your army of forty-two thousand pensioners might then be disbanded. The propositions pertinaciously made here every session, to extend your pension laws to new objects, might then cease; and no more pension bills would be smuggled through this House unobserved at the close of the session, absorbing millions. But I fear, sir, that the gentleman from Pennsylvania is greatly mistaken in supposing that he represents correctly on this subject the feelings and wishes of the regular Army. What he considers a foul slander, they would hail, if a reality, as a blessing. What he eschews for them in proud disdain, as an imputation on their honor, they are urgently seeking. I have seen elaborate essays in the papers, vindicating their claims to this very boon from Congress; and last session the subject was brought before the Military Committee, and is again at this session, I understand, pressed on their consideration. A huge wrong, truly, to imply that, die where they may, in peace or war, in a barrack or on the battlefield, their families are provided for! A grievous slander to suppose that the regular Army is put on the same footing with the militia and the Navy, in the kind beneficence of this Government! Sir, if the report is erroneous in making such assertions, it has put forth neither a slander nor a wrong. It states only what ought to be, if your present legislation is to continue. Why should an exception be made of the regular Army, in either your justice or folly? Is it less useful, or patriotic, or brave, than the militia or Navy? I hesitate not to say, that unless you repeal your acts by which your pension system has been extended to the families of those who die neither of wounds, nor in battle, in your militia and naval service, you are bound to extend these provisions to the regular Army. Sir, I go a step further—on the same principle, you are bound to extend your system to all who die in your service, either in the civil or military departments of the Government. What is the difference between the case of a soldier who dies in a time of profound peace quietly in a barrack, without perhaps having even seen the smoke of an enemy's camp, and that of a clerk who dies in your service, in any of your bureaux? Indeed, the poor clerk may have worked harder at a more unhealthy occupation, and probably for far less compensation. You are bound to carry out the principle, if just, fairly to all. In my opinion, the principle of your whole pension system is wrong. It sprung from a vicious state of your Treasury, resulting from the still more vicious principle of the protective policy, and has not one particle of justice or patriotism to support it. Neither the soldier nor the civil officer is exempted from the common fatality of death; and he knows when he enters into the service of the Government what it requires him to perform, and the compensation he is to receive. He enters it voluntarily, and voluntarily he can leave it when he pleases. In private life, who would think himself bound to support the families of all who die in his employment? And what would be thought of a Legislature which should pass a law imposing such an obligation on individuals? The wildest agrarianism never advanced a project so fatal to the rights of property and individual independence. Yet that which is the silliest extravagance, or the most flagrant iniquity, when enforced on individuals, becomes patriotism, and justice, and honor, when enforced on the people.

The next error the gentleman from Pennsylvania has detected in the report, is an error of omission merely. The committee does not state, as he supposes they ought to have done, that the Navy pension fund originated from prizes taken during the last war, and contributions from the officers and seamen. It merely speaks of this fund as one over which Congress has extended its legislation, and destroyed by its unwise provisions. Sir, are we to presume that this body knows nothing? Ignorant as we may be, in the estimation of the gentleman from Pennsylvania, are we to suppose the Congress of the United States to be still more ignorant? Must we mention everything, at the

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The Finances—Mr. Rhett.

HO. OF REPS.

peril of having it charged upon us that we know nothing? And if the committee has spoken as if the Government of the United States was responsible for this fund, have they greatly erred? Does the gentleman from Pennsylvania not see, that so far as the future operations of Navy pensions are concerned, it is perfectly immaterial from what source the former exhausted resources of the Navy fund may have originated? We have kindly taken the fund under our paternal care, and have divided it out indiscriminately to the families of all who die in the service. It is nearly consumed. What is to be done? Will we not be bound to make good our own improvidence, and supply the means we have exhausted, to carry out our own legislation? Will not the gentleman himself, and his friends, hold this Government responsible, and strenuously claim, in future, a quiet anchorage of the whole Navy pension system, as it now exists, on the Treasury of the United States? We will see, sir—we will see.

But an inconsistency is detected in the report—a mighty inconsistency, on the subject of steam navigation and steam batteries. In the first part of the report, the committee suggest that "the improvement in steam navigation seems to promise a revolution in the mode of conducting maritime war;" which the report says, "will be noticed hereafter." The subject is noticed afterward; and the committee expresses the opinion, that "the recent improvement in steam batteries, renders it certain that a very important revolution is about to be effected, not only in harbor and coast defenses, but in the whole system of maritime war." Here are the sentences; and I am compelled to ask, where are the inconsistencies they contain? A "magnificent blunder," although always, I suppose, exciting to the imagination, ought at least to be visible.

The last key on which the gentleman from Pennsylvania struck is, however, the most delicate; and probably the cause of all the discord in the report. The tariff—the document is against the tariff, with all its train of abuses and corruption. Is not this the true cause of the gentleman's dissatisfaction? and does it not extend to the whole report? Would he not strangle it, if he could, by recommitting it, or by any other means his hostility could invent? The causes of legislative extravagance it discloses, and the methods of economy and retrenchment it advises—are not these detestable in his estimation? He does not say so. He holds himself uncommitted on the subject of the protective policy—but he denounces the report, for expressing the opinion, that this policy originated from the last war, and the high duties rendered necessary, from the enormous debt in which we were involved; and to prove our error, he quotes one of the first acts passed by the Government, in which the encouragement of manufactures is mentioned; and contends, in its recital, that the protective policy is coeval with its existence. Sir, this sign may be as equivocal as some of the language of the report; and the gentleman will pardon us, if we misapprehend him. If it may not be too presumptuous, however, I would suggest, that what he charges in his eager hostility as an error in fact, may be only a difference in inference—a difference in opinion. The committee think, mauler its preamble, that the act of 1789 was strictly a revenue act; and that prohibition, to the injury of revenue, was neither intended nor effected by its operation; and in this opinion they certainly appear to have the great mass of intelligent thinkers in the Union with them. If the protective policy commenced then—how comes it that a distinguished statesman, then a boy on the green hills of Virginia, has the reputation of its paternity? How is it that another distinguished statesman from South Carolina, from the support he gave to the tariff act of 1816, has been also repeatedly charged—charged but last winter in the other wing of the Capitol—with having originated it? The first act passed nakedly and simply for protection, was, I think, an act passed in 1820, affecting hardware and cutlery. The first occasion on which the principles of prohibition for the benefit of manufactures on the one side, and free trade on the other, were broadly and distinctly opposed, was on the tariff bill of 1824. We fell then, as I fear we will never fall again, with the best blood of

New England by our side, contending bravely for the great principles of justice and liberty. With profound deference, therefore, I would submit—the committee have misstated no fact. They have only ventured to differ from the gentleman in inferences, as I suppose they have done in the whole scope of their opinions. If those opinions are wrong, take the vote, and disagree to the report; but the catalogue of errors the gentleman has exhibited, will hardly justify any action by this House, much less the strong measure he proposes. But it is time to leave the gentleman, and turn to the report itself.

It has been objected to the Administration party on this floor, that they are republicans in profession, but the rankest Federalists in practice—that whilst they proclaim economy with their lips, they vote for the most extravagant appropriations. The distrust inspired by these charges now constitute the only barrier to the triumphant success of the Republican party in the South, and consequently, in the Union. Whilst I believe this charge to be untrue, so far as the mass of the party at present is concerned, (I have nothing to do with the past,) truth compels me to admit that the charge is not without foundation; from the conduct of many of its members on this floor. On all questionable objects of expenditure, this appears to me to be the position of parties here. The Opposition from the North and West go, on principle, *en masse*, for these appropriations. The supporters of the Administration from the same regions, go also generally for them, but against the principles of their party, under the strong pressure of local interests. The South alone consistently and uniformly speaks and votes against them. It is one of the inevitable effects of undisputed power, to forget general principles, and to go for temporary expedients, in subserviency to local interests. But, sir, the chastening hand of adversity is come. The day of reckoning for the Republican party is at hand, and every departure from their principles—every abuse that undisputed sway and imaginary irresponsibility has tempted them to commit, is now brought out in fearful array against them. And they must meet and answer the account. And how shall they best answer? By professions merely—by loud calls to the people for assistance? No, sir, by conduct—by action, such as this report recommends. Be true to the people, and they will be true to you. Meet the enemy on the old battle-fields of 1798 and '99—where the monuments of former victories rear their proud heads all around you. Rally faithfully on your ancient, unconquered, and unconquerable principles—and the proud bird of conquest will again spread its wings over your standard, and fly from victory to victory; until your free institutions shall be coexistent with our race—and nations shall rise up and call you blessed. But if you basely belie your own principles—ride over your own banners—and seek refuge in the ranks of your opponents for the sake of some paltry local interest—what fate awaits you?—What doom do you deserve? May you not see it in the bitter taunts and stern menaces of your opponents? May you not hear it, in anticipation, in the murmuring wrath of a betrayed and ruined people? You will fall without honor—without regret—disgraced—spurned—trampled on, with an overthrow that shall hardly be retrievable. I speak, sir, plainly; but in no spirit of hostility. Where my sympathies and friendship lie, no one here can misapprehend.

Mr. Speaker, a distinct issue is presented by this report for the action of the House. The committee has made an exhibit of the state of the Treasury, which, if true, presents this alternative: You must suspend your appropriations for harbors, light-houses, and fortifications, or you must effect a loan, and create a new debt, to carry on these projects of improvement. We have nearly eight millions of Treasury notes now in circulation, unredeemed. If these branches of expenditure are to be carried on, Congress must make a debt of six millions more, making an aggregate of some fourteen millions of dollars. As a matter of expenditure, the question which arises in this state of things, is no longer what it has heretofore been, when your Treasury was overflowing, and it was thought to be patriotism to exhaust it.

It is not a mere question of appropriation at all, for we have not got the money to appropriate. But it is a question of debt—not a temporary indebtedness like that authorized at the last session of Congress, being a mere anticipation of funds which we possessed but could not render available—but of naked debt, to support and carry on these great branches of expenditure. Now, sir, at the extra session, when the question of the postponement of the fourth installment to be deposited with the States, was under consideration; at the last session of Congress, when the Treasury note bill was under consideration; at the present session, on all occasions, the Opposition on this floor, North, West, and South, have been denouncing the Administration for its extravagant appropriations. Yes, sir, the very men, from the North and West, who ever move in solid column for every expenditure—by whose united votes all these prodigal appropriations they denounce were mainly carried—these men rail at the Government for its lavish waste of the public treasure, and talk loudly of economy in our disbursements. Now here is a practical test, by which they can vindicate their patriotic horror of extravagance. Here is an instrument by which the mask may be torn off from all political hypocrites, whether of the Administration or Opposition. We daily hear, also, unremitted and violent denunciations, of executive power, patronage, and corruption, and reform in these great essentials, seems to be the only shibboleth of the Opposition. Here, now, is reform, proposed by this report, going to the root of executive abuses. From what source does all executive patronage and corruption originate? Is it not in the appointment of officers, and the application of money? And who creates the offices, and raises the money, intrusted to executive discretion? You, sir,—the members on this floor. Not an office can be created—not a dollar to be drawn from the Treasury, but by your legislation. And is it not therefore strange to hear gentlemen grow hoarse with declaiming, in swelling pathos, against executive power and corruption, as fatal to the liberties of the people, and ere their voices are cold on the air, to see them voting millions upon millions away upon the most questionable objects of expenditure, to be administered by this very executive? Do they believe what they say, or are they deceiving, to betray the people? Here, again, is an opportunity presented by this report, which they should hail with gratulations, by which the sincerity of their professions may be tested. They can now demonstrate to the people, who are in favor of practical economy and reform. Will they go with the report, or will they propose to raise, by a debt, \$6,000,000, to be expended by the Executive, in addition to the \$29,000,000, recommended by the committee for the ensuing year? The signs are already breaking forth in stormy dissatisfaction; and I trust, by their full glare, the true characters of the contending parties, will ere long be clearly seen.

Mr. Speaker, there is yet another question than that of economy or extravagance in expenditure, involved in the recommendations of this report. If by unnecessary and prodigal appropriations, you exceed the means in your Treasury, and create a debt by which they may be supported, how can the tariff act of 1833, commonly called the compromise act, be carried into effect? There are two ways by which that act may be violated—by directly altering the rates of duty it contains, or by accumulating a debt, by which the duties in 1842 cannot be reduced, in the words of the act, "to the wants of an economical administration of the Government." The latter method, because the most insidious, will probably be resorted to by those disposed to set this act aside. Now, sir, I beg gentlemen distinctly to understand that, as one of the Representatives from the South, I have not the smallest objection to their violating its provisions. Under a most reckless system of expenditure, begotten by its detestable excesses, \$28,000,000 deposited with the States has already been unrighteously raised from the people, beyond even the imaginary wants of the Government, merely for the benefit of manufacturers. For myself, I regret that the circumstances under which that act was passed will prevent me from disregarding its provisions. Until 1842, to which

period the reductions under this act extends, the manufacturers have a moral right to expect that the protection it affords will be continued. I should, in private life, respect the terms of an arrangement made under the circumstances which produced this act; and I have no political distinct from my private honor. But if gentlemen will set aside its enactments, they shall have my cordial good wishes in their enterprise. My constituents, at least if they are still actuated by their ancient free spirit, will lose nothing by its repeal. I am ready at all times—ready now—this moment—to meet the issue such legislation would present. It cannot be far off; and the sooner great principles of constitutional liberty are settled, the better for the people—the better for the oppressor and the oppressed. When that great controversy comes, if I shall still occupy the seat amongst you I have of late so inadequately filled, I shall not turn aside to take up the challenge of the gentleman from Pennsylvania. I shall seek no gladiatorial strife. I shall touch no knightly shield. I shall attempt to perform no feats of intellectual warfare by which I may earn the meed of personal renown from the fair or brave. No, no. The questions then arising may be too deep—too vitally affecting the liberties of the people and the existence of this Union, for us to think of our personal appearance amidst its fierce agitations. We should rather endeavor to sink ourselves in the mighty interests, and still more mighty principles they may involve—affecting, perhaps, the destiny of our constituents and their posterity to all time to come. My position and participation in that conflict, come when it may, if unfelt, shall not be unknown. As I have ever been, so shall I then be, found striving, although feebly, against privilege and monopoly—contending for the rights of the many against the oppression of the few—for the Constitution as our fathers gave it to us, unperturbed to the infamous purposes of sectional aggrandizement, or prostituted to the still more degrading influence of manufacturing and moneyed corporations. In such a cause the weakest may be strong—the most fearful, brave. Although gentlemen affect not to see, they feel and know that the principles of this great controversy are implicated in your action on this report.

A little longer, Mr. Speaker, on the subject of expenditures by the Government, and I have done. The subject has been considered rather with a view to the immediate objects for which appropriations are made, than in its bearing on our free institutions. Permit me to present a few observations on the tendency of profuse and profligate expenditures to destroy our republican forms of Government.

The question of expenditures may involve all other questions. It involves, as I have shown, the question of executive power and patronage. It involves the tariff. It involves the great question whether this shall be a consolidated or a Federal Government; and thus may engulf the Constitution itself. From the origin of this Government there have been two great parties—the Federal and Republican parties—struggling for ascendancy in its councils. Their principles have been fixed, although each, when in possession of power, has occasionally swerved from their principles. The one fears—the other trusts in the people. The one consequently seeks to establish a strong Government, and a weak people—the other a weak Government, and a strong people. The one has been endeavoring to extend the arm of the Government into every man's pocket, and every man's fireside. The other, striving to keep it off, and confining it to the simple purpose of protection from injustice and violence abroad and within. Hence the different action of these two great parties, when faithful to their principles, on the subject of expenditures. The more expenditure and the more debt, the stronger the Government and the weaker the people. It is through the taxing power, the receiving and disbursing of money, that the liberties of this country can alone be overthrown. Violence to the person of the citizen is gone with the feudal times, and will no longer be attempted or perpetrated by the Government. Our danger lies in enlisting other principles than those of patriotism and the love of liberty in support of the Government. By prac-

ticing on the hopes and fears, the selfishness and personal interests of individuals, through the instrumentality of the money power, all regard to the general good may be lost in the prospect of personal aggrandizement of the Government present; and thus there may be gathered around it all the meanness but not the least powerful principles of our nature, in defense of all its measures. Of course, the interest of the few, thus banded together, is at the expense of the many. Government can only give by taking. If it favors one, it is by oppressing another; and the very knowledge of this partiality and injustice breeds devotion to the Government and contempt or hatred towards those whom it oppresses for their emolument. All taxation and expenditure is, therefore, an evil with those who want as little government as possible. All taxation and expenditure is a blessing to those who want as strong a Government as possible. It has been under the influence of this latter class of politicians that all the efforts have been made to strengthen this Government and enlarge the sphere of its operations. The funded debt, by which enormous profits were reaped by the speculators and capitalists from the revolutionary soldier, was established to enlist them in support of the Government. From the same source originated the establishment of banks by this Government, and its alliance with banks. From the same source your system of internal improvement—your protective tariff—your whole course of profligate expenditure and unjust taxation. The whole scope of their policy has been, by bringing the Government to bear on individuals and great sectional interests, to build up here a great, consolidated Government, by which the people may be controlled and ruled. It is no imputation, therefore, on these gentlemen to say that they are usually found against economy and retrenchment in expenditures, and are in favor of debts, banks, tariffs, and any and every expenditure ingenuity or avarice can invent. It is their system—their policy—their faith; and not a single barrier in the Constitution has been found strong enough to impede their designs. The ready weapon of construction cuts through the parchment.

If these politicians have hitherto failed in enforcing their views of government on the people of the United States, they have been far more successful in England, from whence indeed they have learned their policy. We there see it in full operation, under the national debt of seven hundred and eighty-seven millions of pounds, accumulated on the country. In its first stages this debt might have been the accident of misrule; but, to the younger Pitt, I think, is due the credit of building up to its perfection this artificial and stupendous fabric of corruption and dependency, by which alone the Government of Great Britain is now maintained. History, it appears to me has not done justice to this profoundly sagacious man. To suppose that he did not see through the fallacies of his funding system, which he only designed to facilitate loans; to suppose that in his continental expeditions, which all failed; and his subsidies to continental Powers, which all failed of their object also, he looked only to their operation abroad, is to conceive him a very weak instead of a very great man. He was nothing more than a skillful parliamentary tactician, or a mere orator, without any of those high attributes of wisdom, which seemed to constitute the genius of his command over the minds of other men. His views throughout the whole French war, if I do not mistake his character, were far deeper and wiser than have been ascribed to him. His chief object in that contest was, not to conquer France, but to conquer the people of England. He feared the people; and the hideous spectacle of popular misrule, which France presented, made it the object of his life to ward off a similar catastrophe from England. To accomplish this end, he deliberately plunged the country into debt, that he might enlist the property holders and capitalists of the country in support of the Crown. Certainly he had no objection to his military enterprises proving successful; but that was the secondary object which guided his policy. Mark with what readiness he broke the treaty of Amiens and renewed the war with France. Why did he borrow the whole cap-

ital of the Bank of England, and thus make it lean upon the Government? To strengthen the Crown, to support the Aristocracy, to prevent the people of England from reforming or changing their Government, was his first great object. And admirably has he accomplished it; for the dull heads who followed him were obliged to beat on in the path he left them. The national debt of England has been, and will long continue to be, the chief obstacle to all reforms in her Government; the great bulwark of the Crown and the Aristocracy against popular innovations. If, in spite of its influence, great reformatory have been made, and the people have gained a greater influence in the councils of the country, what now, without it, would have been the state of this great nation? A revolution would long since have swept over her destinies before the example of popular governments, and the influence of popular principles abroad in the world. I express no opinion, whether such a revolution would have been advantageous to the people of England; for when revolutions begin, no one can tell where they will end. I express no opinion as to the best policy to be pursued in the present complicated state of the political affairs of England; but of one thing I feel assured, that the Queen of England owes her crown, and the Aristocracy of England their privileges, to the profound sagacity of William Pitt.

#### WARRANT OFFICERS OF THE NAVY.

#### REMARKS OF HON. ELI MOORE,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

January 11, 1839,

On an amendment to the Purser's bill, attaching thereto the Warrant Officers' bill.

MR. MOORE said that it was not his intention to detain the committee by any lengthy remarks of his on this subject, for, so manifestly just was the claim of this class of officers to the additional compensation provided for by the amendment, that an attempt to enforce it by either argument or exhortation, could but be regarded by the committee as unnecessary and uncalled for. He would beg leave to remark, however, that this subject was before the Committee on Naval Affairs at the last session, when it was fully examined, and that the committee instructed their chairman to report a bill, which embraces the substance of this amendment; and that the committee, at the past and present session, were unanimously in favor of the increase of pay herein provided for. For (said he) it is undeniable that the pay received by the warrant officers at present is totally inadequate for their services, it being but five hundred dollars per annum when employed on board small vessels and in navy-yards; and at those stations where quarters are not provided for the officers, it is notorious that they have to pay from one hundred and fifty to two hundred dollars a year house rent, which leaves them but the small sum of about three hundred dollars to support and clothe themselves and their families. With permission of the Chair, said he, I will read a single paragraph of a letter from one of our oldest and most experienced naval officers touching this subject, (Commodore Barron.)

"The importance of efficient warrant officers in our Navy has been a matter of deep solicitude with me from its commencement to the present day. I cannot believe that any man of war ever has, or ever can be, in a condition to render the services required of her, if the persons who fill those stations are inadequate to the performance of their duties. They are, in fact and in truth, the sole dependence for the mechanical condition of the ship for service; they are the mechanics and store-keepers, and, of course, accountable for the state of preparation in which she may be found on any emergency; and, if they are not qualified and trustworthy, how can they be depended upon."

The sentiments expressed (said Mr. M.) in the extract I have just read, I believe to be in coincidence with those of all the naval commanders in the United States service.

25TH CONG...3D SESS.

Salt Duties—Mr. Benton.

SENATE.

## SALT DUTIES, AND FISHING BOUNTIES AND ALLOWANCES.

## SPEECH OF HON. T. H. BENTON,

OF MISSOURI,

IN SENATE, January 24, 1839.

Mr. BENTON rose to ask the leave for which he had given notice some days ago, to bring in a bill for the repeal of the salt tax, and for the abolition of the fishing bounties and allowances which were dependent upon that tax.

Availing himself of the parliamentary privilege which belonged to the occasion, (Mr. B. said,) he should take the liberty to give his reasons for offering to bring in the bill, and would remind the Senate of what he had said when he gave his notice, that, this being the short session, and one half of it already gone, there was no time for pursuing mere forms, or practicing courtesies which led to no results; that he should speak to the merits of the bill on its presentation, and would wish to be answered in the same way; and that he should prefer that the vote on giving the leave which he requested, should be the vote which every Senator would give if the vote was on the final passage, instead of the introduction of the bill. He wished the vote on the question of leave to be the test vote on the merits of the bill.

The bill which he should offer was a copy of that which had been brought in when Mr. Jefferson was President, and which was passed into a law by the general vote of the Republican party of that day. The bill he should offer was drawn to take effect on the 30th day of April next; for the object was to enable the country to obtain a supply of salt from New Orleans, free of duty, for the ensuing fall and winter, so that the great business of curing provisions might be entered upon at that time, without the double curse which now afflicts it, of increased price and stinted quantity, arising from the monopoly of domestic salt which the tax on the foreign article allows to be effected. The fishing bounties and allowances are permitted to be paid for the whole year, because they would be partly earned before the period fixed for the bill to take effect.

Preliminary to the main argument (Mr. B. said) there were two subordinate objections, not going to the merits of the bill, which required a brief answer. The first of these was, that the Treasury was not now in a condition to dispense with the product of this tax; and the next, that the tax was now in a gradual state of reduction under the operation of the compromise act, as it was called. The answer to the first of these objections was, that the Treasury would be little or nothing affected by the bill; that this was a tax carrying money out of the Treasury, as well as bringing money into it; and that the income and outgoing from this source would be about even for the years 1839 and 1840, and the outgoing would much exceed the income for the years 1841 and 1842. The fishing bounties and allowances were bottomed upon the salt duties, and dependant upon them; and these bounties and allowances were now taking about \$250,000 annually from the Treasury, while the tax on which they were bottomed would only bring in about \$300,000 for the next two years, and much less for the two years after. The Treasury, therefore, had but little interest in the question; it might lose a few thousand dollars in 1839 and 1840, and gain largely in 1841 and 1842. The second of these objections was equally susceptible of a satisfactory answer. It is true that the salt tax is in a course of reduction under the operation of the compromise act as it is called; but it is equally true that that act neither abolishes the tax nor abolishes the fishing bounties and allowances which are bottomed upon it. It still leaves an *ad valorem* duty of twenty per cent. upon the salt, and it leaves the whole amount of the fishing bounties and allowances untouched and undiminished. The tax of twenty per cent. will be as onerous on the salt consumer as the old tax of twenty cents on the bushel; for it is not the amount of the tax, but the monopolies which it engenders, that does the mischief. Any tax at all, no matter how inconsiderable, will throw the whole foreign salt trade into the hands of regraters—into the hands of monopolists in the sea-port towns—who will either advance the tax for the importer,

or go his security, and, in either event, get possession of the whole of the salt, and put up the price to what they please. To answer any beneficial purpose, the tax must not be reduced, but abolished *in toto*. It must be abolished entirely, as was done in Mr. Jefferson's time, and as has been done in England. Foreign salt should come as free as air. It is nothing but ballast in the ships which bring it, and should be treated as common ballast. It should be sold out of the ship. It should be handed over from the sea vessel to the river vessel—from the ship to the steamboat—without the necessity of being landed, warehoused, carted, bonded, taxed, or passing through the hands of those who stand between the importer and the country dealer or consumer. One cent on the bushel will be sufficient to throw the imported salt into the hands of regraters, and make it a monopoly to undergo extortionate prices, and to be loaded with all the costs and charges incident to landing and warehousing, to finding securities or advancing ready money, and to carting backwards and forwards. The compromise act is faulty and defective in being a reduction instead of an abolition; and it is wholly indefensible in permitting the fishing bounties and allowances to continue in full after the foundation of them was nearly withdrawn—to permit \$250,000 to be taken annually out of the Treasury under the assumption of refunding a tax, which tax had nearly ceased to exist.

Having answered these two subordinate objections, Mr. B. went on to say that the salt tax was a curse and an abomination within itself; that it was a tax on the beneficence of God, and on the preservative principle which saves the animal and vegetable kingdom from putrescence—that it was a tax at war with the first principles of political economy, unjustifiable in any country at any time, and particularly unjustifiable in this country at this time—that it was a tax which ought never to have been imposed; which, being imposed, ought long since to have been suppressed, and the suppression of which was now called for by the afflictions and the sufferings of the country. At this instant—at the present moment—now while he was speaking—the whole West was suffering under the double curse of a stinted supply and a doubled price of salt. Regraters in the sea-ports, and monopolizers in the interior, had deprived the country of a supply, and extorted double, and, in some instances, treble or quadruple price for the little that was to be had. At the Kanawha, the old game of monopoly, with paying wells and furnaces to lie idle, that the few that worked might get double price, has again been renewed; and the astonishing spectacle has been seen, that as the price of pork was rising through all the month of November in New Orleans, it was falling during the same month in the States which supply that market, and notoriously falling because salt could not be had to cure it! The market opened in Ohio at \$6 50 per hundred and fell to \$4 50 per hundred; while mess pork rose to \$27 in New Orleans; and the same took place, more or less, all over the West. The loss on the pork of the West alone, during the present year, for want of adequate supplies of good salt, far, far exceeds the product of the tax for many years together. This, then, is the right time to move in the business. An odious monopoly is now in full force; the country is smarting and suffering under the effects of the tax; every farmer feels the oppression; Congress is in session—it can provide now for preventing similar oppressions the next season, but it cannot act in time for the next season if the subject is put off until Congress meets again, near twelve months hence. The present time, therefore, is the time for suppressing this odious, oppressive, and iniquitous tax. It should be suppressed at this session, that the great steamboats returning from New Orleans in May and June may bring supplies to the whole valley, to the center, and to the uppermost parts of the valley of the Mississippi.

Mr. B. regretted that the papers on the salt duties printed by the British House of Commons, and which had been so effectual in Great Britain in abolishing the salt tax, and which had contributed so much to improve the stock of that country, had not been reprinted here. Their reprint in this country would have superseded the

necessity of any speech against the salt tax, and would have carried improvement into every branch of rural economy. It would have been an invaluable present to the country. With its aid the salt tax would have fallen here as it fell in Great Britain; without its aid the abolition of the tax must be an arduous struggle, and may be a prolonged contest. It may still be a long time before the people of this Republic can obtain from their representatives what the people of England have obtained from their Parliament—the privilege of using the fine, pure, sun-made salt of the coasts and islands of the Mediterranean sea, at the prices of four, five, six, and seven cents a bushel. If the tax was abolished, the pure alum salt of Spain, Portugal, Italy, Sicily, Trieste, &c., would be purchased in the ports of the United States at those rates, and that of the Bahamas and Turk's Island would be purchased for nine, ten, or eleven cents a bushel. If foreign salt was admitted duty free, the country would soon obtain an adequate supply of salt; it would have an ample supply, instead of being, as it now is, stinted to the one fourth, or to the one fifth part of what was necessary. The whole supply of the United States at present is but about ten or eleven millions of bushels—one half imported, the other half made at home—and this ten or eleven millions is exactly one third less than the annual quantity which the English give to their sheep alone! They have thirty millions of sheep, and give to each one half a pound of salt per week, making half a bushel to each per annum, and fifteen millions of bushels per annum to the whole. All the rest of their stock get salt in ample quantity, and almost all the food for their stock is as regularly salted as are the vegetables which we cook and prepare for our own eating in this country. Hence the great improvement in their stock, an improvement which we shall in vain emulate unless we follow their example—break down the barrier to the introduction of foreign salt, and, by getting the article pure, cheap, and plenty, have an ample supply for every animal, and for its food besides.

Mr. B. deemed it proper, in proof of what he had said, to submit a table of the import of salt for one year, showing the countries from which it came, the quantity and value from each country, and the original cost per bushel. He would take the last year to which the custom-house returns had been made up and printed—the year ending the 30th of September, 1837. The following is the table:

Quantity of Salt imported into the United States for the year ending the 30th of September, 1837, with the value thereof at the place whence imported, and the original cost per bushel.

Country.	Bushels.	Value.	Price pr. bus.
Swedish West Indies.....	16,306	\$1,032	6½ cts.
Danish West Indies.....	16,534	1,357	8
Dutch West Indies.....	401,987	24,553	6½
Dutch Guiana.....	5,315	300	5½
England.....	3,443,563	598,846	17
Ireland.....	83,731	15,003	
Gibraltar.....	5,413	387	7½
Malta.....	4,785	323	6½
British West Indies.....	1,372,662	151,419	12½
British N. American Colonies.....	75,419	17,637	
French Atlantic ports.....	13,681	880	6½
French Mediterranean ports.....	17,719	1,379	7½
Spanish Atlantic ports.....	501,209	21,502	4½
Spanish Mediterranean ports.....	14,431	607	4½
Cuba.....	15,532	4,287	
Other Spanish West Indies.....	5,002	450	
Portugal.....	279,774	19,037	7
Azores.....	12,105	847	
Italy.....	33,133	1,086	3½
Sicily.....	13,446	605	4½
Turkey.....	3,248	359	11
Columbia.....	6,665	456	
Africa.....	2,459	185	7½
	6,343,706	852,617	

Mr. B. commented upon this table, the number of countries from which we obtained salt, and the low price which it originally cost. From three and a half to twelve and a half cents was the first cost of all the alum salt which came to the United States; the Liverpool blown, which came from England, cost seventeen cents, but was no way comparable to the other, and was wholly unfit to cure fish, beef, bacon, pork, butter, or cheese, as was all salt that was made by the process of boiling. Natural,

sun-made salt, crystalizing under solar evaporation, was the only salt that was free from poisonous ingredients; it was the only salt in which the *muride of soda* became unmixd with any foreign ingredient; all other contained slack and bittern, which promoted instead of prevented putrescence; and, therefore, provisions cured with such salt could never bear long keeping, nor approach a southern climate. Looking over the table, it was gratifying to see the number of countries, and the great extent of the line, which sent us the pure alum salt. Commencing in the West Indies, it ended at Constantinople, having embraced Spain, Portugal, Italy, and the Islands of the Mediterranean sea. The quantity of salt made by the sun in these countries was as unlimited as was the supply of sunshine and sea-water. It could be obtained from them to any possible demand, or conceivable amount, and it was an almost incredible instance of the patience of the people under oppression that, with this boundless supply of pure alum salt, to be had for a few cents a bushel—the measured bushel weighing eighty-four pounds—at New Orleans, if free of duty, they should suffer it to be excluded by an odious tax, and themselves thrown upon the tender mercies of monopolizers for an inadequate supply of base salt at fifty pounds for the bushel, and at double, treble, and quadruple prices! The tax was odious, infamous, and unjust. It had not even the plea of a protecting quality to recommend it; for there was too little alum salt made in the United States to merit the idea of a competition with that which came from abroad. Alum salt was indispensable in the provision trade; it is not made at home; and we drive off that, by taxation, which would come from abroad!

But why disguise or blink the question? Why avoid the true objection to the suppression of this odious tax? We all see where the objection lies, and why avoid or deny it? The fishing bounties and allowances are the real objection; they constitute the real obstacle to the suppression of the salt tax; the receivers of these bounties and allowances are the firm opposers of the repeal of the salt laws, and that, because the bounties and allowances are bottomed upon the salt tax, and cannot remain if that tax is abolished. The Senator from Massachusetts [Mr. Davis] has denied this position, and claimed for these bounties and allowances an independent existence, as an encouragement to the fisheries for a nursery of seamen, and therefore entitled to a continuance even though the salt duties shall be abolished. I differ with him *in toto* in this opinion. I maintain that these bounties and allowances originated in the salt tax; that they were at first a simple drawback of the amount of duty paid on the salt which was used in curing exported fish; that this drawback afterwards, at the special request of the fishermen, took the form of an allowance on the tonnage of the fishing vessel "as an equivalent for, and a commutation of the drawback;" and that to obtain these allowances, it was just as necessary as ever to prove the use of the foreign salt upon the exported fish, and that the duty upon it had been actually paid, or secured to be paid; that these bounties and allowances were originally just as applicable to beef and pork exported as to fish; that they rose in amount exactly with the increase of the salt duties; were declared by law to exist only as long as the correspondent duties existed; that they fell with the salt tax in Mr. Jefferson's time, were revived with it at the commencement of the late war with Great Britain—and, in fine, that the allowance grows out of the tax, and has nothing to rest upon when that tax is withdrawn. These are my assertions; and, almost apologizing to the Senate for undertaking to prove positions which every member knows to be so well founded, I proceed at once to try the issue which the Senator from Massachusetts [Mr. Davis] has forced upon me; and, taking the thing from the beginning, I shall follow it up through its legislative history from the year 1789 to the present day, and verify, by indubitable evidence, every assertion which I have made.

The fishing interest was one of the first, perhaps the very first, which was ever brought before Congress after the adoption of the present Constitution. The new Government went into operation in March, 1789, and in February, 1790, a meeting of

the owners of fishing vessels took place at Marblehead, in the State of Massachusetts, and prayed the interposition of the general court of Massachusetts to obtain from the Congress of the United States the relief and the aid which they believed the fisheries to require. The general court memorialized Congress accordingly, and specifically asked, 1. A remission of duties on all the dutiable articles, of which salt was the chief, which were used in the fisheries; 2. A preference, or monopoly, in the home market, for the sale of their fish by effectual duties to exclude foreign fish; 3. Improved markets abroad by treaty stipulations with foreign Powers for the favorable admission of our fish into their ports; 4. Premiums and bounties out of the Federal Treasury to the fishing vessels, in imitation of the bounties and premiums given by England, France, and Holland to the vessels engaged in their fisheries; 5. That the bounty in lieu of the drawback of the duty on the salt used in carrying exported fish, should be paid to the owners of the fishing vessel, instead of being paid to the exporter of the fish. These were the aids and relief prayed for; and of this I hold the proof in my hands, and will now exhibit some papers to establish what I say. Mr. B. read:

"We, the subscribers, being a committee appointed by the owners of fishing vessels, in the town of Marblehead, to take into consideration the many grievances and burdens the cod-fishery now labors under, and to make a statement of them, which statement so made to be handed to Colonel Glover, by him to be laid before the committee of the general court appointed to consider the same, do report the said statement as follows, viz:

- "1. Impost duties on salt.
- "2. Impost duties and excise on rum, sugar, and molasses.
- "3. Impost on hooks, lines, and leads.
- "4. Impost on coarse woollens.
- "5. Impost on duck, cordage, and cables.
- "6. Impost on hemp, iron, and twine.
- "7. Impost on tonnage and naval duties.
- "8. Impost on the ineffectual duties on foreign fish.
- "9. Impost on the duties our fisheries pay at foreign markets, while the fisheries of France and England receive large privileges and bounties from their Government.
- "10. Impost on the heavy poll tax laid on the fishermen.
- "11. Impost on excise on New England rum.

"It appears to the committee, from an exact investigation, that the earnings and expenses of fishing schooners of this town, for the years 1787, 1788, and 1789, were to the earnings of each schooner, viz:

'For the year 1787.....	£145
'For the year 1788.....	137
'For the year 1789.....	82

"and that the annual average expenses of these vessels, inclusive of insurance was £124

"It also appears that the number of schooners employed in the Grand Bank fishery, for the year 1789, was one hundred and twenty-four, nineteen of which, were property of persons not belonging to the town, and of which number thirty-three sail have been taken out of the fishery from the declension of the business, exclusive of the aforementioned disadvantages.

"That the bounty granted to the fishery by Congress as a compensation for the duty on salt, this committee humbly conceive will not operate to that purpose so effectually, as if paid direct into the hands of the owners of the vessels, instead of the shippers of the fish.

"MARBLEHEAD, February 1, 1790.

JOHN GLOVER,  
ISRAEL FORSTER,  
EDWARD FETTYPLACE,  
WILLIAM KNIGHT,  
SAMUEL HOOPER,  
ROBERT HOOPER, jr.,  
WILLIAM R. LEE,  
RICHARD PEDRICK,  
KNOTT PEDRICK,  
SAMUEL R. GERRY,  
RICHARD JAMES,  
JOSHUA ORME,  
MARSTON WATSON.  
Attest: JOHN AVERY, jr., Secretary."

"An estimate of the Duties paid by the Proprietors and Navigators of Fishing Vessels of sixty-five tons and eleven hands.

Duty on salt.....	\$80 25
Duty on rum.....	14 00
Duty on tea.....	2 64
Duty on sugar.....	3 03
Duty on molasses.....	0 99
Duty on coarse woollens.....	7 33
Duty on lines, leads, and hooks.....	2 09
Duty on sail cloth, (yearly average).....	2 05
Duty on cordage, cables, (yearly average)....	20 00
Duty on tonnage.....	3 09
Duty on iron, (yearly average).....	1 00
	<hr/> \$138 00

"Which sum, divided on eleven men, is \$12 05 'per man; but deducting the drawback of the duty 'on salt, it remains \$57 75 on the whole, or \$5 25 'on each man."

This is the list of grievances presented on the 1st day of February, 1790, to the general court of Massachusetts, by the owners of fishing vessels in Marblehead, and by the general court immediately communicated to the Congress of the United States, then holding its first session under the new Constitution, accompanied by a memorial in behalf of the petitioners. This memorial was referred by the House of Representatives to the then Secretary of State, (Mr. Jefferson,) and by him a report upon the whole subject of the fisheries, foreign and domestic, was made to the House at the next session, distinguished by the depth, precision, and comprehensiveness of knowledge which characterized all the productions of that great man. Coming to results, after a lucid historical view of the fisheries of England, France, Holland, Spain, and Portugal, and of the United States while colonies of Great Britain, and showing that our fisheries possessed great inherent advantages over all others, which must ultimately give them the mastery in any fair contest, he recommended aid to our fisheries in three different modes, to wit: drawback of the duties paid by them on the articles used in their calling, a preference in the home market by duties on foreign fish, an extension of the foreign market, by amicable negotiations or retaliatory exclusions; and he expressly rejected and condemned the idea of extending support to the fisheries by paying bounties out of our Treasury, as was done in England and other countries. These aids, he argued, with the natural inherent advantages of our situation for carrying on the fisheries, would give us the mastery in that branch of industry; and the event has proved that he was right. The foreign fisheries have declined; ours have flourished; our fishermen have the monopoly of the home market, and they share largely in the markets of other countries. An extract from Mr. Jefferson's report will present these points with a clearness which will show to all that our fishing bounties and allowances are wholly bottomed upon the salt duty. He says:

"It will now be proper to count the advantages which aid, and the disadvantages which oppose, 'us in the conflict, (between our fishermen and 'those of foreign countries.) Our advantages are,

- "1. The neighborhood of the great fisheries, 'which permits our fishermen to bring home their 'fish to be salted by their wives and children.
- "2. The shore fisheries, so near at hand as to 'enable the vessels to run into port in a storm, 'and so lessen the risk, for which distant nations 'must pay insurance.
- "3. The winter fisheries, which, like household manufactures, employ portions of time 'which would otherwise be useless.
- "4. The smallness of the vessels, which the 'shortness of the voyage enables us to employ, 'and which consequently require but a small 'capital.
- "5. The cheapness of our vessels, which do 'not cost above the half of the Baltic fur vessels, 'computing price and duration.
- "6. Their excellence as sea boats, which decreases the risk, and quickens the return.
- "7. The superiority of our mariners in skill, 'activity, enterprise, sobriety, and order.
- "8. The cheapness of provisions.
- "9. The cheapness of casks, which, of itself,

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## Salt Duties—Mr. Benton.

SENATE.

is said to be equal to an extra profit of fifteen per cent. These advantages are of such force, that, while experience has proved that no other nation can make a mercantile profit on the Newfoundland fishery, nor can support it without national aid, we can make a profit, if vent for our fish can be procured.

"Of the disadvantages opposed to us, those which depend on ourselves are,

"Tonnage and naval duties on vessels employed in the fishery.

"Impost duties on salt.

"On tea, rum, sugar, molasses, hooks, lines and leads, duck, cordage and cables, iron, hemp and twine, used in the fishery; coarse woollens, worn by the fishermen, and the poll tax levied by the State on their persons. The statement No. 6 shows the amount of these, exclusive of the State tax and drawback on the fish exported, to be \$5 25 per man, or \$57 75 per vessel of sixty-five tons. When a business is so nearly in *equilibrio* that one can hardly discern whether the profit be sufficient to continue it or not, smaller sums than these suffice to turn the scale against it. To these disadvantages add ineffectual duties on the importation of foreign fish. In justification of these last it is urged that the foreign fish received is in exchange for the produce of agriculture. To which it may be answered, that the thing given is more merchantable than that received in exchange, and that agriculture has too many markets to be allowed to take away those of the fisheries. It will rest, therefore, with the wisdom of the Legislature to decide whether prohibition should not be opposed to prohibition, and high duty to high duty, on fish of other nations; whether any, and which of the naval and other duties may be remitted or an equivalent given to the fisherman in the form of a drawback, or bounty; and whether the loss of markets abroad may not, in some degree, be compensated by creating markets at home; to which might contribute the fish constituting a part of the military ration in stations not too distant from navigation, a part of the necessary sea stores of vessels, and the encouraging private individuals to let the fisherman share with the cultivator in furnishing the supplies of the table. A habit introduced from motives of patriotism, would soon be followed from motives of taste; and who will undertake to fix limits to this demand, if it can be once excited with a nation which doubles, and will long continue to double, at very short periods."

"Of the disadvantages which depend on others are—

"1. The loss of the Mediterranean markets.

"2. Exclusions from the markets of some of our neighbors.

"3. High duties in those of others; and,

"4. Bounties to the individuals in competition with us.

"This brings us to the question; what relief does the condition of this fishery require? And the answer is:

"1. A remission of duties on the articles used in their calling.

"2. A retaliating duty on the foreign article.

"3. Free markets abroad."

And he concludes the report with the explicit recommendation that *the fisheries are not to draw support from the Treasury.*

These recommendations of Mr. Jefferson were adopted by Congress, and became the basis of all the legislative and diplomatic action of our Government in relation to the fisheries. What he recommended was done, and nothing more than he recommended was done. The salt duty being the principal burden arising from the imposts which the fishermen complained of, that duty was abolished in their favor; that is to say, they were at first allowed a drawback of the duty on the salt used in curing so much of the fish as was exported to foreign countries; which drawback was afterwards commuted into an equivalent in the form of an allowance on the tonnage of the fishing vessel. The other articles subject to impost, presented in the list of their burdens by the fishermen, were left on the same footing for them, as to the rest of the population. Duties were not

released to them on tea, rum, coarse woollens, molasses, sugar, &c., but they have fared in the use of these articles as the rest of the community have done. Retaliatory duties were laid upon foreign fish, by which a monopoly of the home market has been secured to our fishermen; advantageous markets have been procured for our fish and oils in foreign countries; so that this branch of trade is largely in our favor. We export much, and import but little, in this line. This has been our course of legislation and of diplomacy on this subject; and now I will refer to the acts of Congress which prove it, and will afterwards show the beneficial results which have ensued.

1. The first act is that of 1789, the same which imposed a duty of six cents a bushel upon salt, and which granted a bounty of five cents a barrel on pickled fish and salted provisions, and five cents a quintal on dried fish exported from the United States, "*in lieu of a drawback of the duties imposed on the importation of the salt employed and expended therein.*"

This act (said Mr. B.) is decisive of the whole question raised by the Senator from Massachusetts, [Mr. Davis.] It explodes the idea of this bounty being an encouragement to the fisheries as a nursery of seamen; for it gives the same bounty to the exporters of beef and pork as to the exporters of fish; and certainly mariners were not expected to be created among the raisers of hogs and cattle.

2. In 1790 the duty on salt was doubled; it was raised from six to twelve cents on the bushel; by the same act the bounty in lieu of drawback of the duty on salt used in curing fish and provisions exported was also doubled; it was raised from five cents to ten cents a barrel on pickled fish, beef, and pork, and to ten cents a quintal on dried fish. *Act of July 4, 1789, vol. 2, chap. 2, Laws United States.*

3. An act of 1792 repeals the bounty in lieu of drawback on dried fish, and in lieu of that, "*and as a commutation thereof, and equivalent therefor,*" shifts the bounty from the fish exported to the fishing vessel, and authorizes an allowance to be paid to vessels in the cod-fishery at the rate of \$1 50 a ton on vessels of from twenty to thirty tons burden; of \$2 50 on the tonnage of vessels above thirty tons; and \$1 a ton on vessels between five tons and twenty tons, with a limitation to \$170 for maximum allowance to any one vessel. *(Act of February 16, 1792, vol. 2, chap. 107, Laws United States.)* This act was in exact compliance with the request of the owners of fishing vessels in their application to the general court of Massachusetts, in February, 1790, and by the general court laid before Congress. The act of 1789 had given a bounty to the shipper of fish in lieu of drawback of duty; the owners of fishing vessels prayed that this might be paid to the "*owners of the fishing vessels instead of the shippers of the fish.*" Congress granted the request; and to exclude the possibility of considering it as a bounty out of the Treasury, expressly declared it to be "*a commutation of, and an equivalent for, the bounty in lieu of drawback of the duties imposed on the importation of the salt used in curing the fish and provisions exported.*" The idea of making mariners is also wholly contradicted by extending the bounty down to five-ton boats.

4. In 1797 the duty on salt is raised from twelve cents to twenty cents a bushel; a corresponding increase is immediately made in the bounties and allowances to salted provisions, fish, and fishing vessels. The bounty in lieu of drawback to salted provisions was raised to eighteen cents a barrel; the bounty on pickled fish was raised to twenty-two cents a barrel; and thirty-three and a third per cent was added to the allowance in favor of the cod-fishing vessels. *Act of May 2, 1792, vol. 2, chap. 128, Laws United States.*

5. The act of April 12, 1800, continues the salt duty, and all the bounties and allowances to salt provisions, fish, and fishing-vessels, for the term of ten years, and then adds this proviso: "*That these allowances shall not be understood to be continued for a longer time than the correspondent duties on salt, respectively, for which the said allowances were granted, shall be payable.*"—Vol. 3, chap. 176, *Laws United States.*

6. In 1807, Mr. Jefferson being President, the

salt tax was abolished, and with it the fishing bounties and allowances, and the bounty on exported salted provisions, which were dependent upon it. The act had but three years to run at the time it was repealed; but the Republicans of that day would not leave the odious tax to die a natural death. They extinguished it by law. They cut off its three years' life. The first section of the act repealed the tax; and the second applied to the bounties and allowances, and ran in these words: "*That from and after the first day of January next, so much of any act as allows a bounty on exported salt provisions and pickled fish, in lieu of drawback of the duties on salt employed in curing the same, and so much of any act as makes allowances to the owners and crews of fishing vessels, in lieu of drawback of the duties paid on the salt used by the same, shall be, and the same hereby is, repealed.*"

This is the end of the first salt tax. It is the legislation of near twenty years upon the subject—from 1789 to 1807—and it shows that beef and pork exported received the same bounty which went to the fisheries; a fact which is itself full proof that the fishing bounties were not given for the purpose of making mariners, unless mariners were also expected to be made of the herdsmen who were employed in raising cattle and hogs.

This (said Mr. B.) brings us to the end of the first salt tax ever imposed in the United States; and also to the end of the bounties and allowances on the exportation of salted beef and pork, and on exported fish and fishing vessels which were dependent upon it. The tax and all its dependent provisions fell together; they fell under the Republican Administration of Mr. Jefferson. The Journals of Congress and the votes of the two Houses show that the repeal of the tax was pretty nearly a party measure, the Republicans being for the repeal, and the Federalists against it. Doubtless it was never expected to be revived under a Republican Administration; but the financial embarrassments of the war with Great Britain caused it to be resorted to in the second year of that contest, but only as a war tax, expressly limited to the duration of the war, and one year thereafter. This is the act now in force, and a recurrence to its provisions will prove and establish every position for which I now contend. I will show these provisions, beginning with the title, and will afterwards show the continuation of the act and the alterations which may have been made in it. The title of the act is this: "*An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowances to certain vessels engaged in the fisheries.*"

The first section of the act revives the salt tax of twenty cents per bushel, to take effect on the 1st day of January, 1814. The second section revives the bounty of twenty cents per barrel on exported pickled fish, and also the allowances to fishing vessels, at the rate of \$2 40 per ton for all vessels of twenty tons, and not exceeding thirty; and \$1 60 per ton on all vessels of less than twenty tons, and above five, and of \$4 for all above thirty tons, with a limitation of \$272 to any one vessel; these bounties and allowances to take effect on the same day the salt tax went into operation. The third section then contained a provision in these words:

"That no bounty, drawback, or allowance, shall be made under the authority of this act, unless it shall be proved to the satisfaction of the collector that the pickled fish for which the bounty, drawback, or allowance, shall be claimed, was wholly cured with foreign salt, and on which a duty shall have been secured or paid."

Such is the third section of the bill, not at all necessary to show that the fishing allowances were dependent upon the salt tax, but superadded by way of making assurance doubly sure.

The concluding section of the bill is in these words:

"That this act shall continue in force until the termination of the war in which the United States are now engaged with the united kingdom of Great Britain and Ireland, and the dependencies thereof, and for one year thereafter, and no longer."

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This concluding section of the act (continued Mr. B.) proves, first, that the salt tax was a war tax, limited to the exigencies of the war, and to cease within one year after its termination; second, that the fishing bounties and allowances were the appendage of the tax, and came into renewed existence with it; third, that the whole act was to cease together; so that, if the law had expired according to its limitation, all the fishing bounties and allowances would have ceased at the same time, without a particle of legislation being required to abolish these allowances.

Having made these remarks upon the act for the revival of the salt tax and its appendages, Mr. B. went on to point out to the attention of the Senate the fact that this law totally omitted the enactments in favor of exported salted beef and pork, which began with the salt tax in 1789, and continued with it until 1807; this act of 1813 omits that provision, and why? For the obvious reason that the revived act was limited to the war, and the farmers not expecting to carry on any foreign trade during the war, either to import foreign salt or to export beef and pork, made no provision for securing to themselves the bounties on these articles; but the fishing interest of the northeast, more provident than the farming interest of the northwest, looked to the possibility of going on with their trade during hostilities; and in this, as was proved by the event, they were not mistaken!

The war with Great Britain ceased the 17th of February, 1815; the act then reviving the salt tax and the fishing allowances should have ceased one year thereafter, to wit: on the 17th of February, 1816. But the war left a great debt behind it; provision for the payment of that debt was indispensable; duties upon imports was the source looked to for the payment of that debt; and on the 5th of February, 1816, the heavy war duties were continued on goods, wares, and merchandise generally; on the 9th of the same month, the salt tax and its appendages were also continued. This latter act ran in these words:

"That the act entitled 'An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowances to certain vessels engaged in the fisheries,' passed the 29th of July, 1813, shall be, and the same hereby is, continued in force, anything in the said act to the contrary thereof in anywise notwithstanding."

Thus (continued Mr. B.) the act of 1813, instead of expiring twelve months after the war, was continued without specification of time, but evidently to meet the war debt; so that this act of 1813 is now the act by virtue of which the fishing bounties and allowances are paid. Several acts have since been passed on the subject, but none to vary the principle of the act of 1813. The only differences introduced are to increase the allowances to fishing vessels, so as to give to the small boats from five to thirty tons, \$3 50 per ton; to vessels above thirty tons, \$4 per ton; with a limitation to \$360 in favor of any one vessel.

Mr. B. said he had now traced the acts allowing these fishing bounties and allowances from the year 1789, to the present day. He had traced all the leading acts through all their main features; and the result was, that those bounties and allowances are the offspring of the salt duty; and they grow out of it; have risen and fallen with it; are dependent upon it; and cannot live one day without it. These bounties and allowances are now great; they are about a quarter of a million of dollars per annum; they have taken about six millions out of the Treasury; and the receipt of this sum is too comfortable a thing to the fishermen to be willingly relinquished by them. They mean to retain it, if they can; and to retain it, it is indispensable to retain the salt tax; and hence, like clear-sighted men, who understand their own interest, they set up an unflinching, uncompromising opposition to the repeal of the salt duties.

Mr. B. then exhibited a table showing the progressive increase of the fishing allowances and the salt duty from 1789; how they had risen together and fallen together until 1807; and how, since that time, these bounties had been increased without an increase of the salt duty, and was now at its highest, although the salt duty was two thirds reduced, and those allowances ought to have been reduced in the same proportion:

TABLE.

By act of	On vessels of		Maximum Duty on	
	5 to 20 tons.	On vessels of 20 to 30 tons.	allowed to salt per any vessel.	bushel.
July, 1792....	\$1 00	\$1 50	\$170	12 cts.
May, 1792....	1 20	1 80	204	12
July, 1797....	1 60	2 40	272	20
March, 1807....	abolished	abolished	abolished	abolished
Dec., 1814....	1 60	2 40	272	20
March, 1819....	3 50	4 00	360	20
At present....	3 50	4 00	360	8

In the year 1828, an act passed for abolishing a part of the duty on salt; and in 1833 the famous compromise act made provision for a further reduction of the duty; but neither of these acts made any provision in relation to the fishing bounties and allowances, although these bounties and allowances, should have been reduced in proportion to the reduction of the tax on which they were bottomed. The late Secretary of the Treasury, Mr. Ingham, noticed this omission in the act of 1828, and called the attention of Congress to the necessity of remedying it. His notice was contained in his annual report on the finances for the year 1830, and was in these words:

"The reduction of the duty on salt, made at the last session, which will take place on the 1st of January, 1831, and 1st of January, 1832, respectively, would seem to render it proper to make a corresponding reduction in the drawback allowed on the exportation of pickled fish, which is fixed by the act of 29th of July, 1813, at twenty cents per barrel, that being, at the time, the duty charged on one bushel of salt. Unless the law allowing the drawback shall be previously modified, the exporter will begin to receive, after the 1st of January next, a greater amount of drawback than the duty previously paid on the salt."

—Ingham's annual Treasury report, December, 1830.

This recommendation produced no effect; and the compromise act, as it is called, which afterwards passed, and made further reduction of the salt duty, was entirely silent on the subject of the fishing bounties and allowances. The salt tax itself, although a war tax, expressly limited to the war, and one year thereafter, "and no longer," was yet continued longer to pay the war debt; and although that debt has been many years paid, and all the other war taxes abolished, yet this most unjust and most execrable and detestable of all taxes, is still permitted to survive. Even by the compromise act, it is to be reduced no lower than to twenty per cent. on the value; a sum which will be just as bad as twenty cents on the bushel, because it will throw all foreign salt into the hands of a few, and will establish a monopoly in the seaports as well as monopolies in the interior. Total abolition of the tax is the only thing that will bring an adequate supply of salt into the country, and enable it to be sold at first cost by the measured bushel. To effect this total abolition, is now the great object of the South and West; and this great object is strenuously resisted by the northeast, because upon the continuance of the salt tax entirely depends their continued receipt of a quarter of a million of dollars per annum out of the public Treasury for fishing bounties and allowances. The overthrow of these allowances is, therefore, a preliminary work; and all that are opposed to the tax on salt, must join in removing from under it this main pillar, which props and supports it. This is the object of my labor; and having shown, by a careful review of our legislation for upwards of forty years upon this subject, that the tax and the allowances are indissolubly connected, and must rise and fall together, I now take a higher and more sacred ground, and undertake to say that an allowance to the fishing vessels as a mere bounty from the Treasury to encourage a branch of industry which creates mariners, is an UNCONSTITUTIONAL use of the public money; and besides, is a most INEXPEDIENT, DANGEROUS, UNNECESSARY, and UNFAIR use of it. These, sir, are not phrases to round off a period, to fill up a sentence, or to supply the want of argument, but they are well considered and tenable positions, the truth of which I now proceed to demonstrate:

I. *Unconstitutionality.*—Gratuities from the public Treasury to sustain any branch of industry is a thing unknown to the Constitution; and the power to make such gratuities cannot be derived from any clause in that instrument. The attempt

was made at the commencement of this Government and entirely failed. General Hamilton was in favor of fostering manufactures by direct bounties from the Treasury, but the idea was entirely repudiated by the friends of a limited Government, and the whole scheme was successfully resisted. In the case of the fisheries themselves it was asked and denied. The memorial from the general court of Massachusetts, presented at the first session of the first Congress under the present Constitution, prayed for aid in four different ways to the fisheries; 1. A remission of duties on the articles used by the fishermen; 2. A monopoly of the home market by prohibitory duties on foreign fish; 3. Improved markets abroad by amicable negotiations with foreign Powers in favor of American fish; 4. Premiums and bounties in imitation of the system of England, France, and Holland. Of these four varieties of aid, the Government granted the three first, and denied the fourth. The Constitution was victorious in that movement against it, and the Constitution is the same now that it was then. It refused bounties and premiums to the fisheries in 1789; it cannot grant them in 1839.

II. *Inexpedient.*—Because it cannot be granted to one branch of industry without being granted to others. If gratuities once issue from the Treasury to prop up and sustain any one pursuit or occupation, every other pursuit or occupation will have an equal claim to like gratuities in its favor. Combinations will take place among different pretenders to the new species of pillage; and the public Treasury will be exhausted, the people taxed, and the nation run into debt to raise the sums which their demands will require.

III. *Unnecessary.*—I hold these bounties as a gratuity from the Treasury to be unnecessary to the fisheries, either in the way of profit to the fishermen, or as encouraging the creation of mariners. The fisheries are now in the most flourishing state, and other vast nurseries for seamen have sprung up. The natural and inherent advantages of our people for carrying on these fisheries, with the benefit of the home and foreign markets secured for them, as proposed by Mr. Jefferson, have given them the mastery in the business, and totally freed them from the rivalry of France and England, which was the very foundation of their application to Congress in 1790. Then the English largely shared our home market, and nearly monopolized the foreign; now this is exactly reversed. Now our fishermen have the monopoly of the home market, and largely share the foreign; and a comparison of different dates, and a late return to the Massachusetts Legislature, show the business to be in a most flourishing condition. The exports from our fisheries for the year ending the 30th September, 1837, stand thus:

	Exports.	Imports.
Dried fish, or cod fisheries.	\$588,506	\$13,528
Pickled or river fish, (herring, shad, salmon, and mackerel).....	181,334	83,952
Whale and other fish-oil....	1,271,545	564
Spermacei oil.....	151,875	7,008
Whalebone.....	223,682	none.
Spermacei candles.....	294,510	832
	2,711,452	105,884
	105,884	

Balance in favor of U. S. \$2,605,566

Here is an export of \$2,600,000 worth of fish and oil, and an import of only about \$100,000, and two thirds of that consisting of salmon and herring, which do not conflict with our northern fisheries; while in 1790 the export of the same articles was only \$1,194,000, and the import was 6,343 barrels pickled fish and 3,701,220 pounds of dried fish. A report made to a recent General Assembly of the State of Massachusetts shows that the fisheries of that State alone, for the year ending the 30th of March, 1837, amounted to near \$10,000,000, to wit: whale, cod, and mackerel, \$7,509,290; refined whale and other oil, \$2,030,321. Upon so large a business as this, the amount of the bounties and allowances can have but little influence; and even if gratuitous bounties had been necessary in 1790, as prayed for by the fishermen, and the event has

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proved that they were not necessary, it is clear and indisputable that they are not necessary now.

Gratuitous bounties are not necessary, even if they were constitutional, to promote the success of the fisheries, so far as the profit of the fishermen are concerned. They have a profitable business without a gratuity from the Treasury. Still less are they necessary to keep up a nursery for seamen, and to prevent our fishermen from going into the service of the English, as was so much apprehended in 1790. The English fishing service has no attraction at present for our fishermen; they have declined, and have ceased to be an object of competition, of fear, or of interest to us. Other great nurseries of seamen have grown up, which leave the fisheries, formerly the first, now a secondary resource for the creation of mariners. In 1790 we had three nurseries for seamen, namely, the fisheries, the coasting trade, and the carrying trade; we have the same three now, all of them greatly augmented, and a new one besides, which we did not then possess. The fisheries are far greater now than they were then; the coasting trade is increased, not merely in the ratio of increased population and wealth, but the double of it on account of the increased extent of the coast itself from the acquisition of Florida and Louisiana; and from the vast trade and fishing which has grown up in all the northern lakes, and which add so many thousand miles to our coasting trade; the carrying trade is prodigiously augmented, not merely by operation of the laws which give the monopoly of that business, nearly, to our own shipping, but also from the production of cotton, an article unknown to our exports forty years ago, and now employing infinitely more ships and mariners than ever the fisheries did. If a gratuity is to be given out of the Treasury to the pursuits which create mariners, the cotton planting of the South will now stand at the head of the occupations which merit that bounty. Besides all these vast augmentations of our former nurseries for seamen, we have a new and a great one in the Navy, which has since been built up, and which not only employs many thousand seamen, but finds time and opportunity, from our peaceful policy, and the extended protection which we give to our commerce, to prepare them in time of peace for service during war. In no point of view, then, neither for the profit of the fisheries, nor as a nursery of seamen, is a gratuity from the Treasury necessary to the support of our fisheries; and all the arguments in favor of such gratuities in 1790, and proved by the event to have been mistaken then, are obsolete, inapplicable, and wholly out of date now. But, why argue? It is not a case for argument, since the same encouragement was given to beef and pork curers as to fishermen; and certainly no mariners were expected to be created by raising cattle and hogs!

IV. *Unfair.*—This is a head which admits of several specifications. It is unfair towards the curers of beef and pork, both of which articles were put on the same footing with respect to the bounties and allowances in lieu of the drawback of the salt duty by the act of 1789; continued on the same footing through every act to the year 1807; and then shared the same fate, and were abolished together. They rest upon the same principle, and cannot fairly be separated. The allowances to beef and pork exported were not revived in the act of 1813—the act reviving the salt tax, and with it the fishing bounties and allowances; they were not then revived, because the new act was a temporary measure, limited to the war, and the curers of beef and pork did not expect to have any foreign trade during its continuance; and, therefore, made no provision for the revival of the bounties which they had enjoyed before, in common with the fisheries. The act of 1816, which continued the act of 1813, was also understood to be temporary. It was continued for no definite period, but merely continued in force generally with the rest of the war duties; and was expected to be discontinued in a short time. For these reasons the friends of the farming interest made no effort to save to the great provision trade of the South and West the large pecuniary advantage which they had formerly enjoyed in common with the northern fisheries. They remained silent; they put in no claim for their equal privilege; and the consequence has been, that while these fish-

eries have received, since 1813, between three and four millions of dollars out of the public Treasury, the farming interest has not received a cent upon their beef and pork. This is unfair, it is unjust; it is indefensible, and now that the injustice is brought to the notice of the Senate, and the question is fully presented, I hold it to be impossible that the injurious discrimination is to be longer continued. It cannot be tolerated that these fisheries, after the exclusive benefit which they have already enjoyed since 1813, are to go on indefinitely to enjoy the same benefit, to the prejudice of the beef and pork trade. This cannot be tolerated; the agricultural interest of the South and West cannot be expected to put up with this injustice any longer. Bounties to them rest upon the same principle as the bounties to the fishing interest, and henceforth they must share the same fate. The question now is, what shall that fate be? And here, I apprehend, it would be no difficult matter for the two interests to make a bargain together, and agree to support a bill to restore the beef and pork trade to its lost advantage, and to continue indefinitely the bounties and allowances to each. But this, in my opinion, would be a bad bargain on the side of the agricultural interest; and an unconstitutional and dangerous bargain on the side of both. The agricultural interest wants salt for the living stock still more than for the slaughtered; it wants salt for the provisions used at home, and within the limits of the United States, as well as for that exported; and a mere restoration of bounty on the exported beef and pork would be no indemnity for the stinted supply, and increased price, the inseparable consequence of the salt tax. To continue the tax, and restore the bounty to exported provisions, would then be a bad bargain for the farming interest, and a worse one for the Treasury, which would find itself called upon for a much larger annual amount of bounty than the annual amount of the tax would ever meet. To repeal the tax, and still continue the bounties and allowances to both fish and provisions, would be to grant naked bounties—direct gratuities—from the Federal Treasury in favor of two branches of industry; a grant which I hold to be as unconstitutional as it would be inexpedient and dangerous. To all the other fisheries carried on in the United States, a continuance of these allowances to the northern fisheries, without being extended to them, would be too unfair to be tolerated. The fisheries of Lake Superior and the other lakes; those of the bays and rivers of the Atlantic board—the Delaware and Chesapeake bays, the Potomac river, the Albemarle sound, and other places—had the same right to these allowances which the northern fisheries had. Whether granted as a commutation and equivalent for the drawback of the salt duty, or whether continued as a naked gratuity, the case of these interior fisheries cannot be separated from the others. They use salt as largely as the others do; they use vessels fully a match to the five-ton boats which now draw bounties and allowances. If granted to these, bacon cannot be excluded. Fish is the bacon of the northeast; and this fish is exempted from the salt tax. The bacon of the South and West and Middle States has a right to the same exemption; and gentlemen may rest assured that the time has now arrived when all these interests must be placed on the same footing—when beef, pork, bacon, the lake, the bay, the sound, and the river fisheries, must be exempted from the burdens of the salt tax, as well as the cod and mackerel fisheries of the northeast.

Mr. B. concluded with saying that he had fully made out his proposition that the fishing bounties and allowances were founded upon the salt tax—were coeval with it—indissolubly connected with it—reducible and extinguishable with it; that these bounties and allowances could not survive the fall of the tax one instant; that the salt tax was kept alive to keep up this issue from the Treasury; and that, to abolish the tax, it was indispensably prerequisite to demolish the pretensions of the fishing interest, to a continuance of their exclusive bounties and allowances. This was what he had attempted to show ought to be done. He had confined himself in this opening speech to this single branch of the subject. He had said but little on the subject of the execrable tax itself, its oppressions upon the agricultural class, and its fostering

of monopolizers and regraters. He left that branch of the subject for a future occasion; and when he came to touch it, he should avail himself freely and largely of the transcendent papers on the uses of salt and the evils of the salt tax which a British Commons printed for the use of Britons, and before which the British salt tax fell, and by which British stock and agriculture has been incredibly benefited; which papers he had twice obtained an order of the Senate for printing, which order had twice been rescinded. When he came to speak on this branch of the subject, he should avail himself fully of these invaluable papers.

IN SENATE, January 28, 1839.

MR. DAVIS, of Massachusetts, having replied to MR. BENTON,

MR. BENTON expressed his regret that the Senator from Massachusetts [Mr. Davis] could not have concluded his argument without an attack upon General Jackson, and especially an attack going back to the veto of the bank charter, the removal of the deposits, the specie circular, the suspension of specie payments—which formerly figured in party controversies, had lived out their brief day, and now quietly reposed in the tomb of oblivion. To resuscitate these old topics would seem to be in bad taste; to debate them over again seemed to be getting up a discussion flat, stale, and unprofitable. But the Senator from Massachusetts had gone into this work; he had commenced the business; and he has given us a new edition of the old panic speeches of 1832, 1833, 1834, 1836, and 1837. We have been again informed of commerce ruined, confidence destroyed, manufactories stopped, the laborer without work, shops shut up, distress universal, misery in every house, and despair in every bosom; and all this mischief the sad doings of one wicked, wanton, and ignorant old man! We have had a new edition of all this served up to us, as unexpectedly to me as if it had all fallen from the clouds, and as repugnant to my feelings as could be the disinterment and exhumation of the dead. But since the Senator had chosen to revive the memory of scenes on which the curtain had long since been dropped, and has characterized them in a way to suit the purposes and the feelings of himself and his party, I must be permitted to say to him that I have lately read a history of the very events which he has been describing, written a long time ago, in a foreign land and a foreign language, but so accurate in its details and so just in its representations that every reader would immediately recognize it to be the true history of what has been done in our own country during the exhibition of the domestic manufactured distresses, the performance of the artificial panics, and the enactment of the bloodless and sabbathless revolutions with which the public sensibilities have been so much excited of late. This piece of history is found in Vertot's History of the Portuguese conspiracy in the year 1640, by which the Spanish dominion in Portugal was overturned, and John, Duke of Braganza, was restored to the throne of his ancestors. The politicians and merchants were in the conspiracy—there were no banks in those times; but politicians and merchants were not sufficient to carry it on; they could not perform the manual labor of attacking the Spanish guards and garrisons. They wanted other hands for the manual labor part, while they confined themselves to the headwork part of the revolution. To obtain these operatives the merchants of Lisbon fell upon a plan which you shall have in the historian's own words: I say in his own words; for, while the Senator from Massachusetts was speaking, and bringing this piece of history to my mind, I dispatched one of our little messengers with a note to Mrs. Benton, to send me the book, "*L'histoire de la conjuration de Portugal*;" and here it is; and now the historian shall speak for himself. I read in French first, and then in English, that those who understand both languages may know that the translation is just. At page 332 he says:

"Ils avaient même congédié plusieurs de leurs ouvriers, principalement les plus mutins, sous prétexte que le commerce étant ruiné, ils ne pouvaient plus les entretenir; mais en effet afin que la misère et la faim les portât plus aisément

“à se soulever; et cependant ils les assistaient de temps en temps, afin de les avoir toujours à leur dévotion.”

“They [the merchants] had even discharged, on purpose, many of their laborers, principally the most malicious, under the pretext that commerce being ruined, (by the tyranny of the Spanish Government,) they could no longer employ them; but in fact to the end that misery and famine might carry them more easily to insurrection; assisting them from time to time to retain them in devotion to themselves.”

This (continued Mr. B.) is the true history of our panics and home-made distress, and wants nothing but a change of names to be written of the United States during the scenes of which the Senator from Massachusetts has so unexpectedly revived the memory. For Lisbon, read any or all of our large cities; for the year 1640, read 1833-’34; for the Spanish Government, read Jackson’s administration; and the history of our own great panic bloodless revolution is complete. The body of the working people of Lisbon could not be trusted with the secret of the conspiracy; still it was indispensable to have their services. Starvation could drive them to revolt; by charging this starvation to the tyranny of the Spaniards, they could be excited against the Spaniards; and, by a hypocritical distribution of alms to those whom they had deprived of bread, they could make the victims of their policy the instruments of their conspiracy. All this, even down to the crocodile distribution of alms, was done in our own cities; done against General Jackson, and to excite a deceived, outraged, and wronged population against him. It was not quite so successful in our cities as in Lisbon; but the virtue and morality of the conduct was the same in both countries, and history will record them in the same language. Yes, sir, history will record that the working people, discharged from their employments during our panics, under the pretext that commerce was ruined, were, in fact, discharged from political motives, and to make them instruments in a conspiracy against the Jackson administration, with the secret of which they could not be trusted.

Sir, (said Mr. B.) these are disagreeable reminiscences; but they are forced upon us; and when forced upon us we must answer; and it must be in the style which truth and justice demands. Truth and justice, then, demands of me to denounce the fictitious distresses which have been made in this country during the administration of General Jackson as sheer imposition, so far as the Bank of the United States, and politicians were concerned, and as sheer delusion, so far as masses of the people were concerned. They were as much imposition and delusion as the discharge and insurrection of the workmen were in Lisbon in 1640; they were as much imposition and delusion as the famous witchcraft hallucination of Massachusetts was in 1690. The pretexts of the banks, merchants, and politicians, for stopping business, dismissing laborers, and making distress and panic, were just as preposterous as were the pretexts of the bewitched imposters in New England one hundred and fifty years ago. Our panic and distress-makers of the nineteenth century attributed the ruin of all business to the removal of the deposits, and to the specie circular; the bewitched subjects of 1690 attributed their calamity to the looks of the witches; and, in both cases, one pretext was just as true as the other; and a trial in one case would stand for a *fac simile* of a trial in the other. Here is a history of one of these trials, had before the Honorable Thomas Danforth, Deputy Governor of Massachusetts, at Salem, the 11th of April, 1692. It runs thus:

“Deputy Governor.—John, who hurt you?”

“Answer.—Goody Cloyse hurt me.

“Deputy Governor.—How did she hurt you?”

“Answer.—She looked at me.”

And thereupon (says the historian) Hutchinson, the aforesaid John, fell down, kicked, uttered horrible cries, and began to vomit crooked pins: whereupon Goody Cloyse said to him, “Oh, thou art a grievous liar.” I quote no more of the trial, (said Mr. B.) but say that Goody Cloyse was right in what she said to John, and is so admitted to have been by all New England now, though disbelieved and punished at the time. Goody Cloyse was right; and a history of her trial, with a

mere change of names, dates, and places, substituting President Jackson for Goody Cloyse, and the Bank of the United States and its confederates for John, will serve for the future history of the panic scenes of General Jackson’s administration.

Mr. President, I hope that this is the last time, for the present session at least, that any attack will be made upon General Jackson on this floor. He has retired from public life; he is reposing under his own vine and fig tree; he is now in no man’s way; he can be an object of fear to none, and should not be an object of hate to any. He has rendered service to his country, and certainly is entitled to peace in the closing moments of his life. I do hope there will be no more attacks; I do hope there will be a truce to this war upon a retired man; but if we are mistaken, if attacks must be continued, gentlemen must rest assured that defense will follow.

I now return to the appropriate subject of debate, and shall reply with all possible brevity and precision to the argument of the Senator from Massachusetts, [Mr. Davis.] That argument rests upon two grounds: 1. Protection to the salt manufacture, for which purpose he insists the duty, if not laid, was at least continued; 2. Encouragement to the fisheries as a nursery for seamen, for which purpose, he contends the fishing bounties and allowances were granted. I deny both these positions, and shall state my reasons, in addition to the reasons given in my opening speech, for believing them to be unfounded.

I. *As to the protection to the salt manufacture.*

The first answer to this argument is, that the act now in force for this salt duty, is the act of 1813, an act notoriously and professedly passed for revenue alone, and that limited to the war with Great Britain, and to one year thereafter. This extinguishes the idea of protection in the original laying of the duty. But the act was continued after the war! Certainly it was, and continued, with all the rest of the war duties, for the express purpose of paying the war debt! The Senator from Massachusetts [Mr. Davis] says the act was made perpetual. This is a great error. The act was continued, generally, as the other revenue acts were, without saying for what time, but for the known purpose of paying the war debt; and as for perpetuity, so far from being perpetual, the one half the duty was taken off ten years ago, and the remainder is now in a course of reduction to a point entirely and avowedly below the protection limit. This is one answer to this argument. Another is, that the compromise act, as it is called, provides for the reduction of the salt duty to twenty per cent. on the value. This explodes protection; so that, so far as the argument is concerned, the law has already passed which annuls it. Protection to the salt manufacture has already ceased by law; and the passage of the bill which I propose to bring in, cannot annihilate the protection to the salt manufacture more effectually than now done.

Then why continue this duty, reduced as it now is to six cents per bushel, and as it soon will be to twenty per cent. on the value? Why continue it? As a protective duty it is nothing; for it will sink below the protecting point. As a revenue duty it will be contemptible; for the revenue derived from it will be too inconsiderable to merit a thought. Its continuance will be nugatory for protection and for revenue, and will only be effective for oppression on the country—for fostering regraters and monopolizers—for creating an intermediate set of salt dealers in the sea-port towns; standing between the importer and the retailer—between the ship which imports the salt and the steamboat, or wagon, which carries it into the country; and which intermediate set of dealers will monopolize the article, double or quadruple the price, and make common cause with the monopolizers in the interior of the country in stinting the supply, increasing the price, subjecting the country to their impositions, and practicing all the arts for extorting money by a monopoly of a necessary of life with which the people have been so long acquainted.

Then why continue the duty? And the answer to this question brings us to the second argument on which the Senator from Massachusetts relied; namely, the allowances to the fisheries. I say these allowances rest on the salt duty; that they are too large to be willingly parted with; that the

abolition of the duty is resisted because it must carry with it an abolition of these bounties and allowances; he, on the contrary, maintains that the fishing allowances are for the encouragement and rearing of mariners. I come, then, to this second point.

II. *Encouragement to the fisheries as a nursery for seamen.*

I deny this position out and out; and without going over the forty years’ history of our legislation on this subject, with which I occupied the time of the Senate some days ago, I limit myself to some practical, and, I believe, pointed observations, growing out of that history, and which will fully show the fallacy of this pretension.

1. The very first idea, Mr. President, which presents itself in a scheme for raising up mariners for national purposes is, that the scheme must embrace the features of fixed legislation and permanent duration. There must be a system of legislation, and not occasional laws; there must be a permanency of continuance, and not limited and contingent duration. Now, how stands these fishing bounties, tried upon this test? Lost, overthrown, exploded by it! All the acts which grant them are of the limited, occasional, and contingent kind. The first one, of 1789, was to continue only seven years; it was to expire in June, 1796. The second one continued them three years, to wit: until June, 1799; the third one continued them ten years, to wit, until 1809; and that one was not allowed to live its time out; it was repealed in March, 1807. Some of these limited acts, Mr. President, were enacted while the friends of a navy were in power; when the elder Mr. Adams was President, and when a naval force was the policy of the Government; yet they made no attempt to give permanency or perpetuity to these allowances; and the main act, that for continuing them ten years, barely got through the House of Representatives, with that House composed of a large majority of Federal gentlemen devoted to the creation of a navy and to the extension of our commerce; it passed by a majority of six votes, which was only a difference of three men! So much for the earlier acts. The later ones, and those now in force: That of 1813 was limited to the war, and to one year thereafter; and during this time there was no way for our fisheries to go on except by the permission of the British; the continuance of the act in 1816 was for no fixed time, and was known to be for a coming and contingent event, to wit: the payment of the war debt.

2. The next remark which I will make is, that if encouragement to seamen was the object in nurturing these fisheries, then that branch of this business which did most towards creating mariners should have had the best part of the allowance. This is clear reason; yet how stands the fact? Why, the fact is, that the great branch of the fisheries get nothing; the small branch gets the whole! The five-hundred-ton whale-ship, with her numerous crew, doubling Cape Horn, sailing twenty thousand miles before she reaches her field of action, remaining out three years, and encountering the perils of a naval combat in her conflict with the mighty monsters of the deep—this vast and real nursery of mariners and combatants gets nothing, while the five-ton boat of the angler, with its hooks and lines and a few men, out three or four months, and hugging the coasts, or getting no further than the banks of Newfoundland, and drawing up cod and mackerel, gets its full share of the allowance. This brings ridicule upon our legislation, if the creation of mariners was the object; but this is not the case; our legislation is not ridiculous; it is the argument only of the Senator from Massachusetts which would make it appear so.

3. I merely name another omnipotent answer heretofore given to this pretension; namely, that by all the acts previous to the late war, the exporters of beef and pork were put upon the same footing with the fishing vessels and the fishermen; so that, if mariners were to be nurtured among the fishermen, they were also to be nurtured among graziers and herdsmen.

4. I barely remind the Senate, Mr. President, that when the allowance was changed from the exporter of the fish to the fishing vessel, it was done at the request of the fishermen, as a better means of securing the allowance to him who

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earned it; and that, to prevent the possibility of a misconstruction, the act making the change expressly declared the allowance on the tonnage of the vessel to be in commutation of, and an equivalent for, the bounty in lieu of the drawback on salt.

5. I barely remind the Senate also, that in the main act of 1799, which raised the salt tax thirty-three and a third per cent. and at the same time raising the fishing allowances thirty-three and a third per cent. the act expressly declared that this additional allowance to the fishing vessels should only continue so long as the additional duty on salt was continued, on account of which the additional allowance was paid.

6. I also repeat, Mr. President, that to receive this allowance every vessel was required to catch, or to prove it had caught, and to export, or prove it had exported, a quantity of fish the duty on the salt used in curing which was intended to be about equal to the allowance granted.

7. The Senator from Massachusetts has laid out his main strength in arguing from phrases and detached passages in different acts, especially those parts which relate to the division of the allowance among the fishermen, the size of the vessel, the four months she was to remain at sea, the later additional allowances without an increase of the salt duty, &c. All this would amount to nothing, even if the passages would bear the construction which he would give to them. We know that these details, being considered local and sectional, would be left to the members from the section interested; that the increases in the allowances, without corresponding increases in the salt duty, would readily pass without being observed by that part of our members who come under the English classification of "country members;" and that in all the acts there are controlling clauses which fasten and tie down the allowance to the salt duty. Of this character are numerous clauses in the different acts; but for my present purpose it is sufficient to show one—the one which is in the act which is now in force—and which was put there on the motion of the wisest, purest, most sagacious and best of men—by Nathaniel Macon, of North Carolina.

The third section to the act now in force contains this enactment:

"No bounty, drawback, or allowance, shall be made under the authority of this act, unless it shall be proved to the satisfaction of the collector that the pickled fish for which the bounty, drawback, or allowance shall be claimed, was wholly cured with foreign salt, and on which a duty shall have been secured or paid."

When I saw this cardinal section, (said Mr. B.) I was struck with the ease with which it cut off all unfounded pretensions to these allowances as bounties for the creation of mariners; I looked into the Journals of 1813 to see who it was that had moved that omnipotent little section; I found it to be the venerable patriot and sage who has been named; and now I conclude, and rest my argument upon the plain and simple enactment of which he was the author.

IN SENATE, January 29, 1839.

Mr. WILLIAMS addressed the Senate on the bill. Having concluded,

Mr. BENTON rose and said, that he did not rise to reply to that gentleman—that he agreed with him in so many things which he had said, that he was pretty well satisfied with his speech—and that his object in rising was to continue his reply to the Senator from Massachusetts; [Mr. Davis,] and to bring into the debate some fresh matter which he had discovered in the course of the last night, and which would not only bear directly upon the issue joined with that Senator, but would place him (Mr. B.) on New England ground—on Massachusetts ground, especially—in opposing the continuance of the salt duties and fishing bounties and allowances.

The law now in force, (continued Mr. B.) and by virtue of which this duty exists, and these allowances are paid, is, as it has often been shown in this debate, the act of June, 1813, passed in the second year of the war with Great Britain. I have had the curiosity to examine into the history of that act, and have found that, in the first place, it was simply a revenue measure, brought in with a

long list of revenue bills; that it contained nothing as brought in but the duty on the salt, the fishing bounties and allowances being added afterward; and that in every stage of the bill, and in every form it could assume, the New England delegation, headed by Massachusetts, were its most determined and thorough-going opponents. Now, granting that these gentlemen voted upon the general motive of leaving the Government without revenue to carry on the war with Great Britain, yet it is impossible to suppose that they looked upon that act in the light now presented by the Senator from Massachusetts, without looking upon them not merely as enemies to Mr. Madison's administration, but also as enemies to a Massachusetts manufacture—enemies to commerce—enemies to a navy—enemies to their own fishermen!

The Senator from Massachusetts [Mr. Davis] represents this salt duty and these fishing bounties as a protective duty to encourage the manufacture of salt, and as a national bounty for the creation of mariners for our commercial and military marine; and he has dwelt with great feeling on the injury to the manufacturer of salt, the injury to our commerce, the injury to our ships of war, and, above all, on the injury to the fishermen themselves, if this duty and these allowances should be discontinued. But in all this he must be mistaken, or the New England gentlemen who were in Congress during the war, must have been not only enemies, but gratuitous enemies, to all these interests. I say gratuitous enemies; for the amount of income which could be derived from the salt duty during the war was next to nothing! Foreign trade was suspended; and little or no revenue could be derived, or was derived, from that source. As crippling the Government, then, in its conflict with Great Britain, the withholding of this salt revenue was nothing; while to the manufacturers of salt, the commerce, the navy, and the fishing interest, the bill was, according to the views now taken of it, of the most momentous and vital importance—a real life and death measure! It is impossible to conceive that the New England delegation of that day, though inimical to the Administration, could have been so inimical to it as, for the sake of withholding the insignificant amount of the salt tax, could have been willing to inflict upon salt manufacturers, upon commerce, upon the navy, and upon the fishermen themselves, the misfortune of losing all the benefits with which this act of 1813 is now alleged to be fraught. The Senator from Massachusetts must be mistaken; and I will now proceed to trace the history of this act, and to show him that I now stand, in relation to this bill, on the ground on which all New England stood, with the exception of a few Republicans, at the time the act was passed.

This act, sir, made its first appearance in the House of Representatives on the 10th day of June, 1813. It was reported from the Committee of Ways and Means by Mr. Eppes, in company with nine other bills, to raise revenue for the support of the war; and it was, as introduced by him, merely a bill to lay a duty of twenty cents a bushel on salt. The bounties and allowances were not in it, either to beef and pork or to fishing vessels; and this omission was upon the obvious ground, that there could be no foreign trade during the continuance of the act, and, therefore, there could be no drawback of the salt duties, or any bounties and allowances in lieu of drawback. On being brought in, the bill went into the Committee of the Whole, in which state no journal is kept of the yeas and nays; but on being reported from the committee to the House, questions are taken on all the amendments agreed to in Committee of the Whole, and on these questions the yeas and nays are taken, and the vote of every member is shown and preserved. I take up the history of the bill at the commencement of the proceedings upon it in the House, and proceed to show that the whole of the New England members present, with the exception of a few Republicans, headed by Massachusetts, opposed the bill in every shape, and would have prevented it from ever becoming a law if they could. This will be shown by a rapid review of the motions made, the questions taken, and the votes upon them.

The bill was taken up on the 13th of July, and the first motion was on the part of Governor

Wright, of Maryland, to postpone it indefinitely; and on that motion the vote stood 55 yeas, 88 nays. The yeas were Messrs.—

Baylies.....	Massach'tts.	McCoy.....	Virginia.
Benson.....	New York.	Miller.....	New York.
Digelow.....	Massach'tts.	Moore.....	.....
Bradbury.....	Massach'tts.	Mosely.....	Connecticut.
Breckenridge.....	Virginia.	Oakley.....	New York.
Brigham.....	Massach'tts.	Pickering.....	Massach'tts.
Burwell.....	Virginia.	Pitkin.....	Connecticut.
Butler.....	Vermont.	Potter.....	R. Island.
Caperton.....	Virginia.	Ridgely.....	Delaware.
Champion.....	Connecticut.	Rugeley.....	Massach'tts.
Citley.....	New Hamp.	Sheffey.....	Virginia.
Culpepper.....	N. Carolina.	Sherwood.....	New York.
Davenport.....	Connecticut.	Shepherd.....	New York.
Ely.....	Massach'tts.	Smith.....	New York.
Franklin.....	N. Carolina.	Smith.....	Virginia.
Gaston.....	N. Carolina.	Stanford.....	N. Carolina.
Gleninger.....	Penn.	Strong.....	Vermont.
Goldsborough.....	Maryland.	Stuart.....	Maryland.
Grosvenor.....	New York.	Sturges.....	Connecticut.
Hanson.....	Maryland.	Thompson.....	New York.
Hungerford.....	Virginia.	Vose.....	New Hamp.
Jackson.....	R. Island.	Wheaton.....	Massach'tts.
Kent.....	New York.	White.....	Virginia.
Kent.....	Maryland.	Wilcox.....	New Hamp.
King.....	Massach'tts.	Wilson.....	Massach'tts.
Lewis.....	Virginia.	Winter.....	New York.
Lovett.....	New York.	Wright.....	Maryland.
Macon.....	N. Carolina.		

Having read the list of yeas, Mr. B. went on to say, that the gentlemen whose names made up the fifty-five who were in favor of indefinite postponement were, first, the whole body of the New England delegation, with the exception of a few Republicans; secondly, the Federal gentlemen from other States who were opposed to the Administration; and, thirdly, a few unyielding Republicans, headed by Mr. Macon, who could not be brought to vote for a salt tax on any consideration, and who knew, besides, that putting on and taking off taxes was like Virgil's description of a visit to hell—easy to go down, hard to come back—the tax easy put on, hard to be got off, as the event has proved in this case. These made up the fifty-five who voted for the indefinite postponement of the bill, and who stood together on every subsequent vote against it.

The next vote was to defer the commencement of the operation of the act for about six months—to the 1st day of January, 1814. Fifty-seven members voted for this delay; being the same, with the addition of two more, who voted for indefinite postponement.

The third vote, to delay or defeat the bill, was on the motion of Mr. Macon to postpone the consideration of it until the 1st day of November ensuing; that is to say, to a day beyond the end of the session. On this question the vote in favor of the postponement was 51; being the same as before, with the exception of a few absent.

The fourth vote was on the motion of Mr. Yancey, of North Carolina, to reduce the duty from twenty to twelve and a half cents per bushel. On this the vote in favor of reduction was 69, beginning with Mr. Baylies, of Massachusetts, as usual, going on to include the phalanx of 55, and gaining as many more from the Republicans as made up 69.

The fifth vote was on the motion of Mr. Wright, of Maryland, to reduce the duty from twenty to fourteen cents per bushel. On this vote the yeas were 55; consisting mainly of the same 55 who regularly mustered against the bill.

The sixth attempt to defeat the bill was on the motion of Mr. Murfree, of North Carolina, to postpone the consideration of it until the 1st day of December ensuing; that is to say, to a day beyond the period of the session. On this question the vote stood—62 yeas to 87 nays; the 62 including the original and standing 55.

The seventh main vote was on the passage of the bill; and the yeas stood fifty-five to yeas ninety. These fifty-five were the same who had voted against the bill, from the beginning to the ending; Massachusetts furnishing a larger number of the fifty-five than any State in the Union, and every New England State backing her with the majority of its votes.

Having gone over the history of the enactment of the bill, Mr. B. said he felt that he had made good his declaration, that he stood on New England ground, and especially on Massachusetts ground, in showing a determined hostility to this act. It is certain that Massachusetts, and all New England, except a few Republicans, opposed the

act, at its passage, in the most determined manner. Granting that a part of this opposition was to deprive the Government of revenue, yet it is impossible to suppose that the delegation of New England would have so acted, if the protection of the salt manufacture, and the encouragement of the fisheries as a nursery of seamen, had been any part of the object of the bill? It is certain that these objects were no part of the intention of the bill, and is equally certain, therefore, that the Senator from Massachusetts is now wholly mistaken in attributing such intentions to it.

But the delegation of New England, in the greater part, and Massachusetts especially, is now in favor of the act which they so much opposed at the time of its enactment! It is certain they are for it now! and the question is, to account for this change. That is easily done. The salt duty and its appendages was no source of profit—was not a money-making business—at the time of the enactment of the bill; it is now a source of profit—it is now a money-making business; and, therefore, the fishermen and their friends are unwilling to repeal the bill, the enactment of which they so much resisted at its passage. Great abuses have grown up in this business, some of which have been detected, some of which are now apparent, others of which are pretty well known to exist, although the proof is not on the record; and thus an allowance which was intended in 1813, to be nothing but the refunding of a tax, is now at least seven or eight times as much as the tax itself, even supposing it to be paid. A late Secretary of the Treasury, Mr. Ingham, during the short time of his administration of the Treasury Department, detected above \$30,000 of illegal payments to these fisheries, which he reported to Congress. Some salt manufacturers in Massachusetts, in their report to the Secretary of the Treasury a few years ago, reported that their salt was used in the fisheries! and from the gross amount of the allowance, and the quantity of fish exported, it is impossible that the quantity of salt has been exported upon the fish which the large amount of the allowance supposes.

But there is one point of view in which we have data to make an accurate calculation of the amount unduly received by the fisheries at this time: it is by comparing the amount which was formerly paid, with what is now paid, and comparing these amounts with the duty on salt at the respective periods of comparison. Thus, by the act of 1792, when the salt duty was twelve cents per bushel, and when the bounty in lieu of drawback on exported fish was shifted from the exporter to the fishing vessel, the allowance was fixed at \$1 per ton for vessels from five to twenty tons; \$1 50 per ton on vessels from twenty to thirty tons, and at \$2 50 per ton on vessels above thirty tons, with a limitation of the maximum allowance to any one vessel of more than \$170. This was the allowance in 1792, when the duty on salt was twelve cents a bushel. But now, when the duty is but six cents a bushel, these same allowances are respectively swelled up into two or three times their original amount; the \$1 a ton on small vessels is raised to \$3 50; the \$1 50 and \$2 50 on larger vessels are raised to \$4 a ton, and the \$170 maximum allowance is augmented to \$360. Reduced to their proper amounts, these allowances would be the one half of what they were in 1792; that is to say, fifty cents per ton for vessels from five to twenty tons; seventy-five cents per ton to vessels between twenty and thirty tons, and \$1 25 per ton on all vessels above thirty tons, with a limitation of the maximum allowance in favor of any one vessel to \$85. At these rates, the allowances would now be about forty or fifty thousand dollars instead of about \$250,000. This is an abuse—a great and palpable abuse—by which the Treasury loses near \$200,000 per annum, and the fishermen gain that much more than they have a fair right to receive. And in this lies the secret of the change which has taken place; a change which makes the friends of the fishermen, formerly the enemies, now the friends of the salt tax! The Treasury has paid, in the whole, upwards of \$6,000,000 to the fisheries under the idea of refunding a salt tax, a large part of which has been unduly paid. It is now paying about \$250,000 per annum, four fifths of which are unduly paid. Surely it is time to stop these abuses; and the abolition—total abolition—of the salt duty, is the way to stop them.

While a vestige of that duty remains, the allowances and the abuses will continue.

The Senator from Massachusetts [Mr. Davis] speaks of the increase of foreign seamen in our service, and from that circumstance draws an argument in favor of the encouragement to our own mariners to be derived from these fishing bounties. Why, sir, does he not know that these allowances go to foreigners as well as to citizens? That, previous to 1817, the whole allowance might have gone to foreigners, and that it is only since that time that this allowance is limited to one fourth foreigners? The previous acts made no difference in the national character of the fishermen to whom the allowance was paid; it might all have gone to foreigners; the act of 1817, after we had had a war upon the subject of impressment of seamen, was the first that introduced the distinction between aliens and citizens; and that act only went the length of requiring three fourths of the fishing crew to which the allowance was paid to be citizens of the United States.

Sir, (said Mr. B.) I thank the gentleman for mentioning his subject of foreign seamen; it reminded me of a main argument which I had omitted against this position, that these allowances were granted to foster a nursery of American seamen. What more conclusive against that position than that these allowances might have gone, by law, *in toto*, to foreigners, up to the year 1817? and that since that time one fourth of their amount may still go to them. Yes, sir, \$60,000 per annum—the one fourth of \$250,000—may now, by law, be paid to foreigners in our fisheries, and, no doubt, is actually paid to them, for they are obtained cheaper than our own citizens. But it is sufficient for the argument that it may be paid to them. That shows that it is no part of the policy of the act to foster American seamen. I thank the Senator from Massachusetts for pronouncing that word foreigner; it reminds me of my best argument. And now, granting the fact that there is a great increase of foreigners in our commercial and naval marine—that we are employing seamen from foreign climes, who cannot even speak our language; grant all this, and what is it but the counterpart—the parallelism—to our late importation of wheat from the Bosphorus and the Vistula? What is it but the same thing in another form of our late importation from Europe, of hay, oats, butter, eggs, beef, pork, bacon, lard, tallow, barley, rye, and other necessities of life? What is it all but the effect of our paper system—the effect of our nine hundred banks, which are to be one thousand before this year is out, all issuing currency, and all going on swelling and expanding, and raising the price of all articles until they reach the bursting point? Our paper system has brought these foreign mariners into our service by giving them so much higher wages than they can get at home. It has brought, also, the foreign ships, which now get so large a share of our carrying trade; it has put up the wages of the mariners to the high rates which the Senator from Massachusetts mentions; and high as those rates are, he may expect to see them higher before they are lower, for the cause which raises prices is now in full and growing force; the paper balloon is now rising and distending. It will continue rising and distending until it bursts again, and with its ascent and distension will go up the prices of all articles—mariners' wages and ship freights inclusive.

The Senator from Massachusetts [Mr. Davis] speaks of the depressed state of the fisheries—their small product—the little profit attending them, &c., and on this account claims a continuance of the allowances. I deny that these considerations, admitting them to be well founded in point of fact, could have any weight in the decision of this question. It is an argument which may be used, at times, in favor of every possible trade, pursuit, or occupation. It may be used, at times, in favor of any branch of agriculture, manufactures, navigation, or commerce; and if Congress is to help out any one branch of business with bounties when it is in a depressed and unprofitable state, it may prepare itself to help out all, and, in the end to become the insurer of all undertakings and the indemnifier of all losses. But, sir, are the fisheries in this depressed state? are they really at the low ebb, and profitless point, at which the Senator

from Massachusetts would present them? Is this their actual condition? Let facts answer; and above all, let the Massachusetts General Assembly answer. Look to the report on the manufactures of that State for the year ending the 31st of March, 1837, just published by order of the Legislature, and by which the product of the fisheries alone for that State, refined whale oil included, is returned at near \$10,000,000!—to be precise, \$9,822,611. Why, sir, this is near double the amount of the whole export of tobacco from the entire United States! It is nearly four times the amount of the whole exported rice crop of the South! It is more than the total export of beef, pork, bacon, lard, hides, tallow, live-stock, flour, corn, cornmeal, all put together, from all parts of the United States, amounted to for the same year! No, Mr. President, the fisheries are doing very well, and there is another way to prove it. Compare, for example, the number of persons employed in the business, with the product of their labor, and see how the account will stand. Looking, then, to that same report from the Massachusetts Legislature, I see that the number of persons engaged in her fisheries, refining whale oil inclusive, is two thousand one hundred and seventy. Now divide the proceeds of the fisheries among this number, and it is close upon \$500 a year to each person engaged in the business! the fishing year, except for whales, being three months and a half! Five hundred dollars for three and a half months, and that without counting the allowance which they get from the Government. This is one view to prove the prosperous state of these fisheries, and a very conclusive one it is; but it is not the only view to that effect, nor even the most conclusive one. Another view results from a comparison of the capital invested in the business, and the annual amount of its product, the year for the cod and mackerel fishing being three and a half months. This capital, for Massachusetts, as seen in the report which I have mentioned, amounts to no more than \$13,617,578; so that the product of the business for the season is only about one third below the amount of the capital invested. It is actually near sixty-six and two third per cent. on the amount of the capital employed. No; these fisheries are not at a low ebb; nor is their state dependent upon the bounties and premiums from the Government. Though a large amount to issue from the Treasury, they are but a small item in the value of the fisheries. This value in Massachusetts alone amounts to about \$10,000,000 per annum. I do not know the product of the other New England States; but I do know that they all have a protection and encouragement, under our laws, such as no other branch of industry receives, and compared to which the bounties and allowances are nothing. They have a monopoly of the home market, and a good share in the foreign market. They have the exclusive supply of our own sixteen millions of people with the produce of the fisheries, and they export largely besides. This I proved a few days ago, when I showed, from the tables of imports and exports of these articles, that the import of fish, formerly large, is now reduced to nothing; the export, formerly inconsiderable, is now large. All this was proved, and this is the real encouragement and protection to the fisheries; this monopoly of the home supply, and this share in the foreign trade; this it is that puts up the product of the business to \$500 a hand for three months and half. And now what other branch of industry has the same protection, or the same profit? What other branch of business has the monopoly of the market of the whole Union? Has any one? No, not one! Not even bread; for we buy bread often from abroad. Our farmers are often deprived of our own flour market, by importations of wheat from the Vistula and Black sea; and yet they have no bounties and allowances. They have no drawbacks of duties paid. They have not even salt free of tax!

Several Senators object to taking up the subject singly; they object to proceeding on the salt duty alone; and they demand, why not join other articles with it, or wait for a general adjustment of the end of the so called compromise in 1842. I will give these Senators my reasons for proceeding separately on this article, and I will give them a dozen different reasons, either of which will be sufficient to justify my proceedings: 1. Salt is now, at this

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## Salt Duties—Mr. Benton.

SENATE.

moment, an article of monopoly and extortion in the West. As high as two, three, or four dollars have been extorted for it for the nominal bushel of fifty pounds. The works at Kenhawa are notoriously a monopoly from which the double curse of a stinted supply and an increased price is inflicted upon the country. 2. This salt duty is the pretext for keeping up an annual drain from the Treasury of about \$250,000 for the fishing bounties and allowances; three fourths of which is now proved to be unduly paid. 3. Salt is an article of universal and prime necessity, standing next to bread, and without which bread itself cannot be well made, and therefore ought to be free of duty. 4. This bill applies to alum salt, that is to say, sun-made salt, which is indispensable in the provision trade of the United States, which is not made at home. 5. The free use of salt is necessary to the great stock-raising and provision-curing region of the West. 6. A salt tax is fundamentally wrong in itself, and contrary to the first principles of political economy, and is so admitted now to be in England, where the duty on foreign salt is totally abolished. 7. The duty on salt does infinitely more mischief to the community than it brings revenue to the Treasury. 8. This duty fosters regraters in the sea-ports, and monopolizers in the interior. 9. It is already too low to answer the purpose either of a protecting duty, or of revenue; it answers no purpose but to keep up the fishing allowances, and to foster the extortions of monopolizers. 10. It is a duty which has always been laid on, and taken off separately. It was abolished by a separate act in Mr. Jefferson's time. It was renewed by a separate bill at the commencement of the war; it was continued by a separate bill at the end of the war. 11. It was a war tax, brought in with nine other taxes to support the war, the whole of which have long since ceased, except this single one, which ought to have been the first to cease. 12. The whole product of the salt works are but about six millions of bushels, after fifty years of encouragement; a quantity which is barely sufficient to salt the sheep of the United States as sheep are salted in England; and of a quality to unfit it for the great purposes of curing provisions. 13. We are obliged to obtain all the good salt from abroad, and, therefore it is tyranny to tax it. 14. The war argument has no force. We have had but three years' foreign war in near sixty years; and there is no wisdom in taxing ourselves during our long seasons of peace by keeping up a duty on foreign salt, under the delusive idea of getting a home supply in time of war. These, sir, are reasons, for proceeding separately upon the article of salt; and as for the compromise, so called, I answer, first, its obligatory force has been denied by a vote of this Senate, on the bill, two sessions ago, to reduce duties on many articles, of which salt was one; secondly, that that act was defective in not providing for a reduction of the fishing allowances in the same degree in which the salt duty should be reduced.

Having now finished his reply to the Senator from Massachusetts, [Mr. Davis,] on the issue joined between them, Mr. B. would next give some attention to another branch of the subject, namely, the importance to AGRICULTURE and to MANUFACTURES in having a total repeal of the salt duties, and a free use of that article. On this head he would avail himself of the celebrated papers on the salt duties printed by order of the British House of Commons, and would read from the volume which contained them. Mr. B. then read:

## 1. From Sir JOHN SINCLAIR'S Evidence.—Extract.

"I was once at the farm of a great farmer in the Netherlands, a Mr. Messelman, at Chienoi, near Wavre, where I was surprised to see an immense heap of Cheshire rock salt, which he said he found of the greatest use for his stock. He said, first, that, by allowing his sheep to lick it, the rot was effectually prevented; secondly, that his cattle, to whom he gave lumps of it to lick, were thereby protected from infectious disorders; and the cows being thus rendered more healthy, and being induced to take a greater quantity of liquid, gave more milk. And I saw lumps of this salt to which the cows had access in the place where they were kept. He also said, that a small quantity powdered was found very beneficial to the horses when new oats were given them, if the oats were at all moist." "He gave them great lumps, that they (the cattle) might lick when they chose." "One of the most important uses of salt, as connected with agriculture, is, that it preserves seed, when sown, from the attacks of the grub." "In a communication to me from Sweden, by Baron Schultz, he says, the salt destroys the different

sorts of worms found in the bodies of sheep, but in particular the liver worm."

## 2. ARTHUR YOUNG'S Testimony.—Extract.

"Did you ever try salt in the feeding of your cattle?" "Yes; but chiefly with sheep; and I found the sheep astonishingly fond of it."

"Do you think that it would be beneficial in preventing the rot in sheep?"

"I found it so in the years when my neighbors' sheep were generally affected with the rot: my sheep escaped, and my land was quite as wet as my neighbors'."

"Do you think, considering the advantages in health, fattening, and the power of using inferior food in the feeding of cattle and stock in general, and the free use of salt, would be an advantage equivalent to seven shillings a head to the farmer?"

"I should think it would be worth a great deal more. I think it is invaluable. In short, let my answer be what it would, it would be under the mark."

Dr. Young then gave his opinion that the stock in England would be increased in value above three millions sterling, nearly fifteen millions of dollars, by the free use of salt. He estimated the stock in England to be—

Horses.....	1,500,000 head.
Cattle.....	4,500,000 do.
Sheep.....	30,000,000 do.

## 3. Testimony of WILLIAM GLOVER, superintendent of the cattle of the Hon. Mr. Curwen, M. P.—Extract.

"This deponent began to give salt to the cattle under his care 19th November, 1817, and from that time till now the cattle have had salt, as follows: 40 milch cows and breeding heifers, each 4 ounces per day; 30 oxen, 4 ounces each per day; 27 young cattle, each 2 ounces per day; 26 calves, 1 ounce each per day; 48 horses, each 4 ounces per day; 444 sheep, 2 ounces each per week. The advantage of salt for sheep appears to this deponent to be great; as he says none of the stock have died in the sickness since they commenced giving salt; and they have had none in the rot; in other years they lost some of the ewes and wethers in the sickness. And this deponent says that he has now kept the cattle at Schoose farm ten years, and they were never so long without sickness."

## 4. The Affidavit of thirty-two Farmers.

"We, the undersigned, being farmers, and the owners of land in the neighborhood of Workington, do hereby certify, that we are acquainted with and witnesses to the fact, of Mr. Curwen giving salt to his cattle and horses, with their food, at the Schoose farm and at Workington; and that we are desirous of using the same for our live-stock if we could obtain it without difficulty, and at a cheap rate."

## 5. Testimony of Mr. CURWEN, M. P.—Extract.

"In regard to cattle, I have underestimated the quantity; because if salt could be had at a moderate price, there is no animal I would give less than six stone (fourteen pounds to the stone) each per annum." "I believe if salt were in general use for cattle it would amount to 340,000 tons—about 14,000,000 of bushels."

"The importance of the free use of salt to AGRICULTURE can scarcely be estimated too highly. Salt contributes not only to the health of cattle and sheep, but accelerates and promotes the quantity of milk given by milch cows. [In another place Mr. C. says that the use of salt prevents the ill taste which the feeding on certain weeds and vegetables imparts to the milk.] It prevents the rot in sheep, and the effect of *hooving*, when stock are fed on turnips or clover."

"Salt renders damaged hay palatable and nutritious; and, if applied in difficult seasons, prevents an undue fermentation and heat in the stack. Chaff and straw would be rendered available to a much greater extent than at present by the application of salt. It would be a most valuable ingredient in the preparation of warm food for stalled cattle in the improved system of soiling; and, from my experience of its salutary effects, I should consider the free use of it as a condiment, the greatest boon the Government could bestow on the husbandman."

"I consider the advantage from salt, in feeding my stock, on a farm of 800 acres, worth about 1,000 pounds per annum, would exceed 300 pounds per annum [that is, add a third to the annual value of the farm.]

"The probable consumption of salt for sheep and cattle may be taken as follows, to wit:

Per Annum.	14 lbs. the stone.	Stones.
30,000,000 sheep.....	2 stone each.....	60,000,000
1,421,000 cows.....	6 do.....	8,526,000
2,000,000 young cattle.....	4 do.....	8,000,000
1,100,000 fattening beasts.....	6 do.....	6,600,000
1,200,000 draught cattle.....	4 do.....	4,800,000
300,000 colts and sad. horses.....	3 do.....	900,000
1,203,000 horses.....	not estimated	
		88,826,000

N. B. 14 pounds 1 stone, 4 stone 1 bushel, 4 bushels 1 cwt.

G.—The English bushel of salt is 56 pounds.

## 6. LORD KENYON'S Evidence before the Committee.—Extract.

"By the information which I have been able to collect, I am induced to consider salt, when sparingly applied, as an admirable manure, especially for fallows and arable land; and when mixed up with soil out of gutters, or refuse dirt or ashes, to be very valuable also on grass lands. My own experience convinces me that it is very powerful in destroying vegetation if laid on too thick, having put a large quantity of refuse salt on about one fourth of an acre of land, which, after two years, still remains quite bare. A land surveyor of high character in my neighborhood considers that the use of salt would be likely to be very valuable in destroying the slug, wire worm, snail, &c., which often destroy whole crops. He also remembers that salt

was used largely in the neighborhood of the Higher and Lower Wiches in Cheshire, before the duties were raised to their present height. With respect to its value for cattle, horses, and sheep, I am informed that it is very highly thought of both as nutriment and as used medicinally, internally, and externally. Its value also is extremely well known for rendering bad and ill gotten hay more nourishing and more palatable to cattle than even good hay."

## 7. Evidence of Mr. KINOSTON.—Extract.

"In reply to your queries, as an agriculturist, I have no hesitation in saying that salt, if freed from duty, would become one of the most useful and general articles of manure that ever was thought of, if properly composed, by mixing it with mud of any kind, the cleanings of ditches and ponds, the surface of coarse ground thrown into heaps to rot, blubber, &c. I am also persuaded that if it could be afforded to be sprinkled on the layers of hay, when making into the rick, in catching weather, it would prevent its heating and getting moldy. I had once some small cattle tied up to fatten, which did not thrive, owing, as the balliff said, to the badness of the hay, of which they wasted more than they ate; but by sprinkling it with water in which some salt had been dissolved, they returned to eat greedily. I am free to say, a proper quantity of salt would prevent cattle from being *hoven* by an excess of green food."

## 8. Mr. THOMAS BOURNE'S Examination.—Extract.

"The committee understand you are a merchant, residing at Liverpool?"

"I am."

"Can you speak as to the probable effect of the repeal of the salt duties on your trade?"

"It would be a good thing, in my opinion, for the country at large, and also the manufacturers."

"Have you any knowledge of its being used in food for animals?"

"Yes, to horses in particular."

"Has it a good effect?"

"Yes."

"Then do you not suppose, if the restrictions were taken off, it would come into more general use among the farmers, for stock of all kinds?"

"It would in that instance. We used to have five horses in our rock-salt mine, and those horses always appeared in good condition, though very much worked."

"Were they liable to less disorders than those out of the mine?"

"Yes; much less."

"Do you happen to know whether they were in the practice at that time of receiving salt with their food?"

"Yes; to my knowledge they were."

"In what quantity?"

"About a handful to a quartern of oats."

## 9. Evidence of Mr. W. HORNE.—Extract.

"There are very few farmers who are not aware of the importance of salt in preserving hay, and restoring it when damaged. Many of those whom I have conversed with on the subject have used it for these purposes, and it would generally be resorted to to the extent of ten or fifteen pounds to the ton of hay, if the duties on salt were repealed. Lord Somerville has furnished most satisfactory information on this subject; and I know from respectable authority that it is a common practice in the United States of America to sprinkle salt upon hay when forming it into ricks. We also learn from Lord Somerville that Mr. Durke, of Brecon, one of the most celebrated graziers in the kingdom, mixed salt with his flooded moldy hay, and that his Hereford oxen did better on it than others on the best hay he had; and he was convinced the hay had all its good effects from the salt."

"I have learnt from Mr. Sutton, of Eaton, in Cheshire, that he would give thirty tons (120 bushels of 56 lbs. each) of salt a year to his cattle, being fifty cows, if the duty were repealed."

"In many parts of the United States of America, salt is generally given to cattle."

"The excellent condition of the horses in the rock pits of Cheshire, may be added in favor of its benefit in fattening cattle, and keeping them in health. Many counted that they can attribute the longevity of their horses to the good effects of salt. Mr. Hadfield, of Liverpool, furnishes an instance in his horse, thirty years old. He constantly gave it rock salt to lick, placing it in his manger. Mr. Young has furnished us, in the annals of agriculture, with a most interesting and satisfactory statement (obtained from the Memoirs of the Royal Academy of Sciences at Paris) on the effect of salt in fattening cattle. From this report, it appears that to the UNLIMITED USE of salt was to be ascribed the circumstance of FOUR TIMES the number of sheep having been reared on a STERILE COMMON than would otherwise have subsisted on it; and that the wool of these flocks is not only the finest in the whole country, but bears the highest price of any in France. The fineness of the wool of the Spanish sheep is also attributed, in a great measure, to the free use of salt. It is not, therefore, I presume, an extraordinary position to say that by a proper use of common salt, the same quantity of forage might, on many occasions, be made to go twice as far as it could have done, in feeding animals, had the salt been withheld from them!"

## 10. Mr. CHARLES G. COTHILL examined.—Extracts.

"What is your profession?"

"A bacon and provision merchant, residing in Judd street, Brunswick square."

"What is the nature and amount of your business, and how far has it been affected by the salt duties?"

"About fifty years ago my father established a manufactory in Vine street, and expended £10,000 in adapting the premises for the curing of bacon and the salting of pork. Our annual returns were about £50,000. It is now diminished to less than £1,000 annually, in consequence, as I apprehend, of the very high duties on salt, as our trade has diminished progressively as those duties have increased."

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## Salt Duties—Mr. Benton.

## SENATE.

"Do you not consider that the breed of hogs has also diminished, in consequence of this increase of duty on salt?"

"Very materially; and as a further proof of what I state, we had a very extensive trade of £200,000 a year in hogs; now not £10,000."

"What effect, in your opinion, would a great reduction of the salt duties produce in your business?"

"I conceive it would restore our trade. We should then be able to supply the West India markets, and other colonies, with salted pork, cheaper and better than any other country."

"What is the quantity of salt used upon 100 weight of pork, to make bacon?"

"In a manufactory of bacon, about 12 pounds; to cure a small quantity, about 17 or 18."

## 11. Testimony of Sir THOMAS BERNARD.—Extract.

"I ventured to suggest that a tax on salt was fundamentally wrong in principle, because it presses most on the class least able to bear the weight: because of its immoral tendency; and because it deprives the nation of benefits beyond measure greater than the whole produce of the impost. The salt duties are about a million and a half sterling per annum, (about seven millions of dollars.) The poor use most salt in proportion to their wealth; a cottager in the country ten to one in proportion to a nobleman in town. But the benefits of which the nation is deprived by the salt duties are not easily appreciated, or even numbered. In agriculture and rural economy alone, the loss in feeding cattle, sheep, and hogs, in restoring damaged provender, in manure, and in the effect on wages, may, without extravagance, be supposed to exceed the whole value of the tax. Equal, perhaps, would be the gain to our manufacturers of woolen, linen, glass, earthenware, soap, &c., &c., by the unrestrained use of muriate and carbonate of soda and muriatic acid, of which our salt mines and ocean afford supplies absolutely inexhaustible."

Mr. B. having read, or stated, these extracts to show the use of salt in agriculture, said there were many other witnesses examined, to prove that alum salt, which the English usually called bay salt, because it was made by solar evaporation, out of sea water in the Bay of Biscay, and other bays, was indispensable to the curing of provisions, for long keeping, or for exportation, other articles connected with agriculture, as cheese, butter, bacon, pickled beef and pickled pork; and that the English Government permitted alum salt, under the name of bay salt, to be imported both into England and Ireland duty free, for these purposes, even when the domestic manufacture of common salt in England far exceeded the home demand, and furnished millions of bushels for exportation. He also stated that the committee of the House of Commons had examined the first physicians of Great Britain to prove the effect of a deficiency of salt in the provisions of the poor on their health, and that these physicians uniformly testified that many diseases of the poor, and especially in children, were the effect of using vegetables not sufficiently salted, and fish and meat not sufficiently cured. He also stated that the committee had extended their examination to the use of salt in various manufactories, and had established, by proof, that a variety of useful manufactories required the abolition of the salt duty. On this point, he read extracts from the examination of Samuel Parkes, Esq., an eminent chemist of London, as follows:

## 12. Examination of SAMUEL PARKES.—Extract.

"What is your profession?"

"I am proprietor of the chemical works in Goswell street, London, and of other chemical works in Maiden Lane, Islington."

"Can you acquaint the committee what are the manufactures most affected by the salt laws?"

"The manufactures of mineral alkali, crystallized soda, muriatic acid, hard soap—distinguished from soft soap—Glauber salt, Epsom salt, magnesia, and sal-ammoniac, are all materially affected by the duty on salt; but as common salt, or one or other of the component parts of common salt, is made use of in the composition of a great variety of articles that are employed in our manufactures, it is difficult to answer that question with precision." \* \* \* "Respecting soap, I have only to observe, that common salt is absolutely necessary for the manufacture of hard soap; for however plentifully potash may be produced, large quantities of common salt must be employed with it, or the soap will be only temporary hard; it will have no lasting consistency."

"Salt is employed largely in the preparation and manufacture of a great number of other articles that might be enumerated; and in a short time I have no doubt they would all be benefited by the reduction of the duty on salt."

"How does the price of salt affect the soap boilers?"

"As it affects all other trades in which salt is employed."

"State the way in which it affects them."

"The cheaper it is, the cheaper they will have it, if they buy it."

"Do you know any other (manufacturing) purposes for salt?"

"Yes; it is used in very large quantities by dyers, when it can be had cheap; and in a great variety of other ways."

"With respect to the salting of hides, I learn from further inquiry, that the butcher usually applies five pounds of salt to every ox or cow hide which he has occasion to lay by, or to send to the tanner at a distance."

"Crystallized soda (made of salt) is much used in washing. Four hundred tons are annually made at the Long Benton works only."

"You have stated that, during the last seventeen years, it has increased from one to four hundred tons?"

"Yes."

"This at the Long Benton works only?"

"Yes."

"Which is made from salt duty free?"

"Yes. They have an exclusive privilege."

When Mr. B. had read these extracts, he closed the book, and regretted that he could read no more without encroaching too much on the time of the Senate. He said the whole volume was replete with the most instructive information on the qualities of salt, the difference between that made by solar evaporation, and that made by boiling, and on its uses both in agriculture and manufactures. The living stock in England was believed to be advanced thirty-three and a third per cent. in value from the free use of salt; and for this purpose fire-made salt would answer sufficiently well. To fish, beef, bacon, pork, and butter, the sun-made salt was indispensable, and was admitted duty free by the English for these purposes, even while making a superfluity of common salt at home, and exporting to the United States. In manufactures, it was proved that there were nearly fifty varieties of manufactures in which salt was used either in its proper state, or in its chemical preparations of alkali, muriatic acid, oxy-muriatic acid, sal-ammoniac, or some other form. The extent of this demand for salt in manufactures might be judged of from a single example in England, that of hard soap. It was computed that the manufacture of hard soap alone in England required two thousand tons of mineral alkali per annum. This alkali is obtained by a chemical process, either from salt of from barilla or kelp. The barilla only yields seventeen per centum of alkali; and kelp only six per cent. The decomposition of salt itself is the cheapest mode of procuring the alkali; but to make it the cheapest mode, the salt must be duty free. From this single example it might be judged how much manufactures required the free use of salt. In England it was computed that manufactures alone were annually injured by the salt duty to a greater amount than the whole product of the tax; and accordingly, for the joint benefit of agriculture and manufactures, the salt duty was totally abolished in that country after the publication of the transcendent papers from which extracts have been read.

Mr. President, the small amount of this tax is an argument also used by gentlemen against its repeal. They say it is too small to be felt, and that after 1842 it will be still less. I admit it is too small to answer any of the purposes of a tax; that it is too small either for protection or revenue. It answers no purpose in either way, but it is large enough to do great mischief. First, it is large enough to keep up the fishing bounties and allowances; and while any part of it remains, that drain of a quarter of a million per annum will be kept up from the Treasury. Secondly, it is large enough to amount to nearly one hundred per cent. on Turk's Island salt, to about one hundred per cent. on Portuguese and Spanish salt, and to near one hundred and fifty per cent. on the salt from the islands and coasts of the Mediterranean and Adriatic seas. It is large enough to amount to an enormous tax upon the value of this salt, the only kind that will cure beef, pork, bacon, butter, either for long keeping or for southern markets. But they say it is to come down to twenty per cent. on the value; that the compromise act, as it is called, is to reduce it to twenty per cent. on the value. I answer, first, that this reduction is not to be attained for near four years; and when it is attained, it is not to remain at that point for one instant. This famous act, sir, expires upon its own limitation at the moment when the clock strikes twelve on the night of the 30th of June, 1842. It is an act which provides for carrying all duties down to twenty per centum by a given day, and which does not provide for keeping them there one moment after they get there! They may all be raised on the morning of the 1st of July, 1842, to any amount that the Congress pleases; and this any person may see who will take the trouble to read the last section of the act. It is then four years before the duty is to sink to twenty per centum on the value; and after it gets there, it is not to stay there a single moment; and so of all the duties reduced by that act. They are to go down to a certain point, but they are not to remain there! and

thus this famous act becomes the sheerest piece of humbuggery which ever deluded and bomboozled the understandings of a rational people!

The obligatory character of that act, which assumed to be a sort of sub-constitution, controlling and silencing the actual Constitution for nine years, and now invoked to arrest our legislation, was scouted at the time; and among other declarations against it were a set of resolutions submitted by a Senator from Massachusetts, [Mr. WEBSTER,] not now in his seat, one of which ran in these words:

"That no law ought to be passed on the subject of imposts containing any stipulation, express or implied, or giving any pledge or assurance, direct or indirect, which shall tend to restrain Congress from the full exercise, at all times hereafter, of all its constitutional powers, in giving reasonable protection to American industry, countervailing the policy of foreign nations, and maintaining the substantial independence of the United States."

This resolve, Mr. President, was offered on the 14th of February, 1833, while the compromise act, so called, was depending, and was expressly directed against that act. It contained the sentiments of many, besides the mover, and has since been sanctioned by a decided majority of the Senate in a solemn vote, and after full debate. It was in the passage, through this body, in the session of 1836-7, of the bill to reduce duties to the amount of three millions of dollars on a great variety of articles, of which salt was one, and which passed the Senate by a majority of 27 to 18, mauling all the invocations upon the sanctity of the so called compromise act. The yeas were: Messrs. Benton, Black, Brown, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Moore, Mouton, Nicholas, Niles, Norvell, Page, Parker, Rives, Ruggles, Sevier, Strange, Tallmadge, Walker, White, and Wright.

This vote Mr. President, settles the question of the obligatory force of that sub-constitution, which was arranged by two Senators in secret, the knowledge of which, as it went on, was learnt in this body from the letter-writers—settled in secret meetings, from which a then Senator from New Jersey, (Governor Dickerson,) representing a large manufacturing interest, was excluded; in the formation of which, he told me that he was not consulted, and also told me that a Senator from Massachusetts, representing the largest manufacturing interest in the country, [Mr. WEBSTER,] told him that he was not consulted, and had no part in the making of the bill. For one, I then protested against the binding force of such legislation, concocted in secret by two members, brought into the Senate at the last moment, when all was cut and dry, and rushing it through under a groundless cry of dissolution of the Union. Such legislation had no sanctity for me, and the vote just read proves that it has no sanctity for the Senate. Then why invoke it now?

Sir, I devote myself to the extirpation of this salt tax, and its appurtenant abuses. I care not how long the tax may be reduced; I go for total abolition, and will stop at nothing short of that point. Twenty per centum would, of itself, add twenty dollars in the hundred to the cost of the article, which is something to a farmer; but it is not the nature of a duty to add nothing but its own amount to the cost of the article on which it is laid. It adds, also, to it the merchant's profit upon that duty, and all the expenses of wharfage, storage, warehousing, carting backwards and forwards, wastage, losses by bad debts or accidents; and, in case of some articles, of which salt is one, it creates an intermediate set of dealers in the sea-port towns, who get all the article in their own hands, and put up the price, in seasons of scarcity, to what they please. I hold 20 per centum to be nearly as bad as twenty cents on the bushel, and go for total abolition, and a free trade, in this prime necessity of life.

Sir, I totally object to the manner in which some Senators undertake to calculate the burden of this tax. They take the naked duty, add it to the lowest price of the salt, then make a division, and show that it comes to but so many cents a head on a population of sixteen millions of souls. This is a counting-house view of the question; it is the view of a young clerk, standing behind a counter, with a quill over his ear. It is not the view of a

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Expenditures of the Government—Mr. Murray.

HO. OF REPS.

statesman; it is not the view which a Senator, charged with the duties of legislation, should ever take. He should look more at the nature than at the amount of the tax—more at its effects upon the community than at its tribute to the Treasury. He should consider what effect it has on the business of life, on the pursuits of industry, on the great avocation of the agriculturist and the manufacturer; he should look at it under these comprehensive aspects; and, if found prejudicial to these great interests, the tax should be abolished, whether great or small. Tried in this way, and this tax must cease—not merely be reduced, but cease entirely.

## EXPENDITURES OF THE GOVERNMENT.

SPEECH OF HON. J. L. MURRAY,  
OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

January 31, 1839,

On the Army Appropriation bill, (the House being in the Committee of the Whole,) pending the amendment of Mr. Mason, of Virginia, to increase the item for National Armories from \$300,000 to \$360,000, the amount in former years.

Mr. MURRAY commenced by observing that he had intended, for some days, to occupy the first suitable occasion with a very brief review and examination of the expenditures generally of the Government. He had felt the more anxious to do so since the very able and excellent report of the Committee of Ways and Means had been published—a document which appeared to him to be so obviously correct in all its financial suggestions, that he sincerely hoped it would receive the unqualified support of at least every friend of the Administration. He was against the amendment proposed to the bill under consideration. The Committee of Ways and Means, by whom the bill was reported to the House, had charge of the public service, and knew better than the House could know the amount of money necessary to be appropriated for its support. He warned gentlemen, friendly to the Administration particularly, to beware of appropriating more money than was recommended by the committee, lest they might render themselves obnoxious, in a greater or less degree, to the reiterated charge of extravagance with which their ears had, almost without intermission, been saluted since the commencement of the present Congress. These charges, as far as he knew, or believed, were made and repeated without justifiable cause, and he thought they were so considered by the country; and it therefore behooved those gentlemen with whom he had acted heretofore, not to put weapons in the hands of those whose business and policy it was to use them to the best advantage. He was willing that Opposition members should, in a fair manner, make the best of their case; but as every wall had two sides to it, one to cover the defense, as well as one to breast the onset, it was the duty of those in defense to vigilantly guard against the making of any breach sufficiently vulnerable to admit the enemy. For one, he was not afraid of any injury resulting to the cause of the Administration from the charges which had been preferred by the Opposition. The disproportion was so great between the charges, and the alleged grounds upon which they were sought to be based, that their very violence disarmed them of the harm intended by those who fomented them. They had been too indiscriminate in their character, involving merit as well as demerit, and innocence alike with guilt, to have the effect intended upon a discerning and disinterested public. He thought there was more danger of the satiety of public inquiry, from being fed on political food, which is generally either bitter or distasteful, so much so as to threaten a disrelish in future, to such as might be necessary to the health, or inviting to the appetite, of the body-politic. Sir, (said Mr. M.,) I do not say so merely to play upon words, but would earnestly ask if the course pursued by the party here, who wage and keep up an indiscriminate warfare against the Administration, is not well calculated to destroy the wholesome effect of well-merited

exposure of the party in power, whenever their official conduct may be such as to merit exposure? Sir, there was much in the suggestion of the gentleman from New Hampshire, [Mr. ATHERTON,] the other day, that the terms corruption, corruption, &c., had been so long and incessantly repeated here, without meaning, and without foundation, that they had ceased to have effect on the public ear, by which they were little more regarded than if uttered by a starling, taught to repeat them day after day, without being conscious of their import. And this must necessarily continue to be the case so long as the people see that the chief object of gentlemen here is to obtain in their researches food for invective, rather than truth to enlighten the public mind. That their object is to procure, in advance, the condemnation of the Administration, rather than to give it a fair trial before the country. That their object is not to do justice to those "in power," as they so denominate them, but to eject them from their places, whether just or unjust. That they seldom spare either the national honor, or the national faith, when, by so doing, those who administer the Government are likely to merit or receive commendation; and that their object, in fine, is more to advance their own political prospects than the good of the country. A political course, so notoriously unfair, is much to be deprecated by every friend of a just responsibility on the part of those in power. Such responsibility is the chief security we can have against the misconduct of our public officers, and nothing is more likely to destroy it than a continual indiscriminate attack upon those officers, without reference to the merit or demerit of their official actions, the attack being no less virulent when unfounded than when elicited by palpable violations of public duty. The greatest sensibility becomes blunted and destroyed by overaction; and thus it is with the public watchfulness which, if we may credit gentlemen, has already become reprehensibly careless, betraying no unusual emotions or symptoms of alarm, at any charge, however grave, though thundered forth in the usual manner,

"With a thousand mouths, a thousand tongues,  
And throat of brass inspired with iron lungs."

And hence it is that gentlemen who are always sounding the tocsin of alarm, and who piously "pray without ceasing" for their "kingdom come on earth," are generally rewarded with the greatest indifference on the part of the people. This may be seen in the history of the late elections, as given by the gentleman from Ohio, [Mr. DUNCAN,] in the most recent of his published works on that and other subjects, from which he showed us, some days since, that the previous anticipations of the Opposition had been most woefully overthrown, notwithstanding the warnings, the ragings, and wailings of the two last sessions of this Congress, which were not for one moment permitted to cool on the public ear. This is absolutely insufferable. It is past all endurance, that so much labor, and zeal, and noise should vanish into "thin air."

"Is it for this you gain those meager looks,  
And sacrifice your dinner for your books?"

What is the cause of such indifference? It is that the cry of corruption, extravagance, &c., in this House is not supposed to furnish much evidence of its existence. It is that panics are ceasing to have their wonted effect, and because the people have heretofore so often been started by the vexatious cry of wolf, when no cause of alarm was to be seen or felt.

One of the standing charges against the Administration is that of extravagance in the expenditures of the public money; and of all the charges made, it is perhaps the most plausible when addressed to those who are ignorant of the many items of which the aggregate of the annual expenditure is composed. The charge seems to be founded mainly on the difference between the amount of the annual expenditure under Mr. Adams's administration, and the expenditures of the last few years under General Jackson and Mr. Van Buren. From the table of annual expenditures, which I shall hereafter submit, (said Mr. M.,) the difference would seem to be considerable; and when we recur to the amount alone of the money expended, without reference to the

objects to which it has been applied, or with an entire ignorance of those objects, an impression is left on our minds which vanishes on explanation.

Before proceeding to examine the manner in which large amounts of money have been expended within the last few years, it may not be amiss (said Mr. M.) to premise that the mere circumstance of the expenditure of a large amount of money is not itself evidence of extravagance or wastefulness. Extravagance does not consist in the amount expended, but depends on the means, the manner, or the objects of expenditure. One of the sayings of Dr. Franklin's Poor Richard is, that "he that buys an article which he does not need, because it is cheap, pays very dear for it." And thus it is we often see large amounts of money invested or paid out which may be said to be well, and even economically expended. A man who gives a dollar for a cane he does not need, has been extravagant to the amount of a dollar, whilst he that gives five, ten, or twenty thousand dollars for a valuable farm, worth as much or more than the amount given, cannot be said to be extravagant. The same rule is good when applied to the Government. There may be much economy and good policy, too, in the application of a hundred thousand or a million of dollars; and there may be great extravagance in the expenditure of one hundred. I should also premise that within the last ten years there has been a vast increase in the territory, the improvements, the business, the wealth, and the population of the United States, and consequently a corresponding increase in the amount of expenditure has become necessary. Nor should we forget that with the growth of the country, the means of expenditure have increased. The number of post offices in the United States, in 1828, was 7,651. The number on the 1st of December, 1838, was 12,533. In 1828, the number of miles of transportation of the United States was 10,100,240. This is increased to 34,580,202 miles in 1838. These facts, of themselves, speak volumes. They also bear witness of the faithful and energetic manner in which this Department has been administered by its present able and enlightened head. All must accord him the greatest credit, when we compare its condition now with that in which he found it, and reflect that since his appointment he has, in its management, brought order out of confusion, and redeemed it from a large debt with which it was incumbered, without the aid of any extraneous resources. In 1825 the aggregate value of our imports and exports was \$195,815,000. This amount was swelled against 1836 to \$318,643,000. During the past year, 1838, our imports amounted to \$112,000,000, and our exports to \$109,136,000. It is estimated that fifty per cent. may be added for the year ending September 30, 1839, which will make the former \$168,000,000, and the latter \$154,704,000. Our tonnage, American and foreign, entered from abroad in 1828, was 1,018,604. In 1837 it was 2,065,423. In 1825-'26, the productions of the great valley of the Ohio and Mississippi rivers, which were transported to the New Orleans market, amounted in value to some eight or nine millions dollars. In 1838, they amounted to \$25,000,000. There is, besides, a large portion of these productions sent to other markets than New Orleans. The valuable live-stock of Upper Kentucky, consisting of horses, beef cattle, mules, and hogs, is generally driven to the South, whilst a large amount of provisions from the States north of the Ohio river is transported to the North and East by the way of the lakes and New York canals. In 1831 the number of tons that passed through the Louisville canal was 76,323, and the amount of tolls collected \$12,750. In 1837 the number of tons had increased to 242,374, and the amount of tolls to \$145,424. The amount of tolls collected on the New York canals in 1828, was \$838,444, which increased to \$1,293,129 in 1837. The number of steamboats on the western waters in 1826, amounted only to a few dozen, and the flat and keel boats to a few thousand. In 1837 the former numbered 638, and gave employment to 15,950 hands. The latter numbered 6,000, and furnished employment to 25,000 or 30,000 hands. A still greater increase has taken place on the northern lakes, and a corresponding one in many other places in the Union. At the last census (1830)

our population numbered 12,866,920. According to the average ratio of increase for the last fifty years, which has been about thirty-four per cent. for every period of ten years, our population will, at the next census in 1840, number about seven-teen and one quarter million of souls.

Within the last ten years, two States and two Territories have been added to the Union, and are already far in advance on their march to greatness. Their sudden growth and change of condition are unexampled, and passing wonderful to the beholder. They have, as it were, leaped into existence with the energy and strength of giants. Witness Michigan, Wisconsin, and Iowa. They have risen before our eyes like enchanted visions, or the morning mist. But we have also extinguished the Indian title to 116,000,000 of acres of land, which we have added to our territory. What an immense quantity! More than one third of the whole quantity of the public lands ceded to the Government in all the nine new States, including Ohio and three Territories, to which the Indian title has been extinguished, the whole quantity being 319,536,232 acres.

These facts, with others I might cite, (said Mr. M.,) all go to show the wonderful growth of this mighty nation within that time. Considering, also, that during this period a large public debt has been paid off, and the gold and silver circulation of the country increased from twenty to one hundred millions of dollars, it would certainly require much credulity on the part of a disinterested community to believe that the Government of the country under which these desirable, nay, more than looked for, results have taken place, had been either oppressively or unwisely administered.

We must keep another fact in view, (said Mr. M.,) in proceeding to examine this charge of extravagance. All money expended must first be appropriated by Congress, who should alone be responsible therefor. The Executive is responsible for its application only; but he cannot touch one dollar, even of his own salary, until it is first appropriated by law. For extravagant appropriations, therefore, Congress, and not the Executive, is responsible. Appropriations are of two classes. The one ordinary, for the payment of the current expenditures of the Government; the other extraordinary, for purposes other than the payment of the current and necessary expenditures of the nation. Which of the parties in Congress (said Mr. M.,) is most blamable, (if either be so,) for having voted for extraordinary appropriations, I may have occasion to examine hereafter; but, for the present, I shall pass that subject.

Few extraordinary appropriations were made by Congress till after the payment of the national debt. Whilst that debt was being paid, the annual average of the ordinary and necessary expenditures of the Government, under Mr. Adams, was \$12,625,477, and amounted to but little more during the first term of President Jackson. The annual expenditures for the same purposes have to this time increased but little, as I will presently show; not more, perhaps, than would become reasonably necessary, from the increased growth of the country, and general augmentation of the public service. The large amounts of money lately expended, belong, therefore, to the class of extraordinary appropriations, which I will now proceed to examine. The first, and one of the greatest drains upon our financial means which I shall notice, (said Mr. M.,) is that which has grown out of our Indian relations for the last ten years.

The number of Indians of indigenous tribes west of the Mississippi river, on the 1st December, 1837, was..... 231,806  
Of this number, humanity has to regret the destruction, by small-pox, during the past year, of..... 17,200

Which reduces their number to..... 214,606  
The number of Indians (of tribes east of the Mississippi) who had, previous to that date, emigrated west of that river, was..... 51,327  
The number then east of the Mississippi, was..... 49,365

Which makes the whole number of Indians 315,293

About one half of those Indians east of the Mississippi at the above date, (1st December, 1837,) composed principally of eighteen thousand Cherokees, have since emigrated west, whether the last remaining few of these unfortunate people must soon be sent.

Since the 4th of March, 1829, the commencement of General Jackson's administration, there has been purchased by Indian treaties, of some fifty bands or upwards, of land ceded by them to the Government, the quantity of 116,557,877 acres. For which the Government has paid, and stipulated to pay, in lands and money, sum of \$72,609,056

In addition to this, Congress appropriated, by the act of the 12th of June, 1838, upon the recommendation of the Secretary of War, for the removal and subsistence, and as a further compensation for their improvements, &c., the sum of..... 1,147,067

Also, by act of the 7th July last, for temporary subsistence of such Indians west of the Mississippi as might be unable to subsist themselves, owing to removal or disarrangement of their territory by the Government..... 150,000

Making altogether..... \$73,905,123

Here, then, is an expenditure of \$73,905,123—enough to pay the current expenses of the Government for some four or five years; and if the greatness of the amount be full evidence of extravagance, then is the Government guilty of the charge.

But, sir, (said Mr. M.,) can we condemn either the policy which superinduced these appropriations, or the application of the money expended for these lands, as unprofitable or impolitic? It is properly an investment of the money, and not an expenditure. The immense quantity of land we have received in exchange will, after payment of all expenses, more than remunerate us for the money paid to the Indians, with interest. The lands are said to be of the best quality. If so, they are an immense treasure to the nation. They would be amply sufficient to support three million of inhabitants; a number equaling the population of all the thirteen Colonies during our Revolution. In their acquisition, we reclaim an immense wilderness from the occupancy of savages and beasts of prey, and convert them into fruitful fields, thereby facilitating the march of improvement and dispensing comfort and happiness to civilized man. That philanthropy cannot be right which regrets the transformation of the wide extended and gloomy forest, which buries within its own bosom the rich stores of its dormant wealth, into a land of cultivation and fruitfulness, teeming with millions of active and enterprising freemen, who are developing its great resources, and thus making it the theater and the scene of man's highest destiny on earth. That humanity is ill-born and sickly, which, under such circumstances, would stop whilst witnessing the creation of so much grandeur and happiness, to weep over the fate of the transplanted savage, and protest against the act that expelled him to give place to a civilized community. It deserves not a place among the manly virtues of the human heart. For as the Almighty, in ancient days, dispersed the inhabitants of Canaan, that the land might be better occupied by his more favored children, so in like manner did he destine this, his most favored land, to be held in reserve until delivered to his most favored people of these latter times, of whom he is making a great nation. But the policy is not more wise for the white than it is generous and humane for the red man. So far from disparaging, it brightens the escutcheon of the national honor. Instead of exterminating, by the bloody hand of war, the remnant of an unfortunate race which still lingered in our way and claimed our protection, we have paid them for their lands, and transplanted them to a land we give them beyond our limits, where they will be secure against the future encroachments of the overreaching grasp of the white man. But on this part of the subject I will here introduce the present intelligent Commissioner of Indian Affairs, Mr. Crawford, whose story is entitled to more weight

than anything I could say, it being not only official, but derived from a source where knowledge on this subject may be looked for. In his report at the commencement of the present session, he says:

"The most striking feature of the peculiar relations that the Indians bear to the United States is their removal to the west side of the Mississippi—a change of residence effected under treaties, and with the utmost regard to their comfort that the circumstances of each admitted. The advance of white settlements, and the consuming effect of their approach to the red man's home, had long been observed by the humane with pain, as leading to the speedy extinction of the weaker party. But it is not believed that any suggestion of the policy now in a course of execution was authoritatively made prior to the commencement of the present century; since, it has repeatedly, and at various intervals, received the sanction of the Chief Magistrates of the United States, and of one or the other House of Congress, without, however, any definite action previous to the law passed eight years ago. Treaty engagements had been previously made for their removal west, with several of the tribes; but the act referred to was a formal and general recognition of the measure, as desirable in regard to all the Indians within any State or Territory east of the Mississippi. Whatever apprehensions might have been honestly entertained of the results of this scheme, the arguments in favor of its adoption, deduced from observation and the destructive effects of a continuance in their old positions, are so far strengthened by the success attendant upon its execution as to have convinced all, it is thought, of the humane and benevolent tendency of the measure. Experience had shown that, however commendable the efforts to meliorate a savage surrounded by a white population, they were not compensated to any great extent by the gratification which is the best reward of doing good. A few individuals in a still smaller number of tribes have been educated, and profited by the opportunities afforded them to become civilized and respectable men; but the mass has retrograded, giving, by the contrast, greater prominence to their more wise-judging brethren. What can even the moral, uneducated Indian promise himself in a white settlement? Equality he does not and cannot possess, and the influence that is the just possession of his qualities in the ordinary social relations of life is denied him. Separated from deteriorating associations with white men, the reverse will be the fact. A fair and wide field will be open before him, in which he can cultivate the moral and intellectual virtues of the human beings around him, and aid in elevating them to the highest condition which they are capable of reaching. If these views are correct, the reflection is pleasant that is derived from the belief that a greater sacrifice of feeling is not made in their removal than falls to the lot of our fellow-citizens, in the numerous changes of residence that considerations of bettering their condition are daily producing. Indeed, it cannot be admitted to be so great; for while the white man moves West or South, accompanied by his family only, the Indians go by tribes, carrying with them all the pleasures of ancient acquaintance, common habits and common interests. It can scarcely be contended that they are more susceptible of suffering at the breaking up of local associations than we are; for, apart from their condition not favoring the indulgence of the finer feelings, fact proves that they sell a part of their possessions without reluctance, and leave their cabins and burial places, and the mounds and monuments which were the objects of their pride or affection, for a remote position in the same district. For whatever they have ceded to the United States they have been amply compensated. I speak not of former times, to which reference is not made, but of later days. The case of the Cherokees is a striking instance of the liberality of the Government in all its branches."

The honorable gentleman from Vermont [Mr. EVERETT] entered on an examination of the origin of this policy some days since, in order, as he said, to correct the President in a "historical error," in dating its commencement as far back as the administration of Mr. Jefferson. I have not critically examined this subject, nor do I think it a matter of much moment as to where or when it originated. But the supposed discrepancy alluded to by the gentleman does not appear to me to be so great as he would make it. From the extract of the report of the Committee on Indian Affairs in 1834, cited by the gentleman himself, it appears that "the project for removing the eastern Indians west of the Mississippi may be 'referred, for its origin, to a proposition of a part 'of the Cherokee tribe, in 1808, to remove across 'the Mississippi river on some vacant lands of 'the United States.'" It is very certain that so much of the policy as relates to "an extinction, for a fair consideration," of the title to all the lands occupied by the Indians within the States and Territories of the United States, commenced as far back as Mr. Jefferson's administration, if not before that time. It was the policy which succeeded that of wresting from them their possessions by the forcible hand of war. Thus much of the early origin of the policy is certain, although no general or digested "plan for the removal and 'civilization of the Indian tribes may have been: 'pressed upon the attention of Congress prior to 'Mr. Monroe's administration."

25TH CONG....3D SESS.

*Expenditures of the Government—Mr. Murray.*

HO. OF REFS.

But whoever may have been the author of this wise and philanthropic plan for the preservation of the aborigines, it seems, at any rate, to have received no "definite action previous to the law passed eight years ago" upon the pressing suggestions of President Jackson. It is clear that, although sanctioned by preceding Administrations, the policy was permitted to pass, nevertheless, without definite action, until General Jackson took hold of the subject, and made effectual work of it, as he has usually been remarkable for doing with everything he has ever undertaken. This one act must give to his administration a luster sufficient of itself to shed upon his name "imperishable renown."

Mr. MERCER rose to a point of order. The gentleman from Kentucky was surely discussing matters irrelevant to the subject before the committee.

Mr. POPE hoped his friend from Virginia would not press his objection. He was not sure but his colleague was in order; but whether he was or not, he was not taking a wider range in debate than had been usual for other gentlemen.

The CHAIR (Mr. BANKS, of Virginia) could not discriminate between the policy of appropriations and the appropriations themselves. The gentleman from Kentucky had a right to discuss the good or bad policy of the Government expenditures.

Mr. MURRAY proceeded. He had always known that certain honorable gentlemen were never easy when this subject of our Indian policy was alluded to, but he had not supposed the very able and experienced gentleman from Virginia to be one of them.

I know (said Mr. M.) that the Opposition generally have opposed the whole course of this policy, so wisely suggested, and so successfully executed. Many of them are opposed to every constituent part of it. They are opposed to the purchase of the lands from the Indians, because it extends and quickens the growth of the new States. They are opposed to it because they calculate, from the past legislation of Congress, that those of them who come from the eastern sea-board, and from the districts where great improvements have been made by the Government, would, but for the purchase of these lands, obtain themselves all the money paid to the Indians therefor, in addition to the large amounts they now receive. They are not satisfied with half, they want all the money the Government can spare. They are opposed, moreover, to the removal of the Indians, because many of them think the white and the red man ought to reside in the same neighborhood, and commingle in the same society. To such as entertain these sentiments, the money appears, no doubt, to have been worse than wasted.

Mr. M. then adverted to our relations with the Cherokees. He regretted that the gentleman from Vermont [Mr. EVERETT] had thought proper to bring forward again in review the former difficulties interposed by Georgia, which, for a time, interrupted our relations with that tribe. He highly appreciated the worth of that gentleman's services as a member of the Committee on Indian Affairs. Having been heretofore united with him as a co-member of that committee, he was able to bear testimony to the value of his services, which entitled him to the thanks of the House, and the gratitude of the Indians. Never had the Indians a more faithful sentinel in this House to watch over their interest, and complain for their wrongs. He would not say there was any truth in the good humored suspicion, so often spoken of in the House, that the honorable member must be "akin" to the Indians, but he would venture to say, that he knew of no living white man to whom the Indian could so appropriately address the paternal epithet, "My father." The Government, says the gentleman, has not kept her engagements with the Cherokees, because she had guaranteed to them their lands in Georgia, by the treaty of Holston. But did not these lands belong to the sovereign State of Georgia, and could the Federal Government give the Indians a valid guarantee to the territory of Georgia? Was she not bound to respect the rights of Georgia, and to maintain good faith towards that State? But then the Government was bound, by

express stipulation in the articles of cession of 1802, to "extinguish the Indian title to all lands within the State of Georgia." This was a main consideration for which she acquired the rich and extensive territory now composing the States of Alabama and Mississippi. The gentleman declined entering on the validity of this "excuse," as he called it. Suppose the Government had pursued the course to which the gentleman seems most partial; what, then, would have been the consequences? Why, sir, her whole policy of removing and settling the Indians on lands without the limits of the States would have been thwarted, while her faith and stipulated obligations to Georgia would have been violated.

But the Indians understood well the obligations of the Government to Georgia, as well as her irreversible purpose to remove all Indians without the limits of the States. It was this knowledge that superinduced the proposition of their principal chiefs (John Ross included) to sell to the President their possessions. President Jackson was willing to buy their lands, but they could not agree as to their price. At the instance of the chiefs, the subject was referred to the Senate of the United States, composed then of a majority of Opposition members—a circumstance which no doubt induced the chiefs the more readily to make this reference. Well, the Senate decided that the Government should pay the Indians \$5,000,000, besides the lands they were to receive west of the Mississippi—an award with which the chiefs professed to be satisfied, and promised to recommend it to the favorable consideration of their people. How was this pledge kept by them, I will not say of my own knowledge, for I have never fully examined this point; but I well recollect of hearing members affirm, on this floor, that although John Ross called the council of his tribe, as he had promised, yet he had secretly procured the decision given by the Indians on that occasion. He then believed that more could be obtained from the Government. A portion of the tribe, however, accepted the terms by the treaty of New Echota, which treaty was subsequently confirmed by the Senate. It is true that Ross did not assent to this treaty; but it is also true that he and his co-chiefs proposed, of their own accord, to abide the award of the Senate; that they professed to be satisfied with the award after it was made; that the amount of money settled by the Senate was stipulated to be paid by the Government, a large portion of which was, in fact, paid by the Government before the execution of the treaty. But the gentleman says the Indians were forced, by the appearance of seven thousand armed men among them, under General Scott, at the time when the treaty was to be executed. But the Indians could not have been taken by surprise; they had ample time to prepare for removal; they had been warned, time after time, that the treaty would be executed; they had received every assurance that the Government would be just, and even liberal towards them, but that the treaty must be executed. If they listened to the advice of professed friends to resist the treaty, they had no warrant in the conduct of the Government for so doing. But how were they sent off? Why, sir, Congress appropriated to them \$1,147,000 (in addition to what was before stipulated to be paid) for their removal, subsistence, &c., upon which the Indians, without further murmur, immediately set out for their new homes, not under a guard of armed men, but under the guidance of their own chiefs. But the gentleman says that some three thousand of these Indians died on their way to the West. It is true, they were, on the road, attacked with the measles, and perhaps other diseases, by which great numbers were lost; though the number given by the gentleman is, perhaps, somewhat overstated. But, sir, (said Mr. M.) was not this a most remarkable charge against the Administration? I own I was surprised myself, and listened to hear the Government charged next with the loss of seventeen thousand two hundred Indians, who died of small-pox on the Missouri river during last spring. I believed, however, that it has been common to charge the Administration with misfortune resulting from the act of God, or other circumstances, over which it had no control. Before reaching

Washington, I was told that the Cherokee chiefs were receiving an exorbitant amount of money for the removal of their people. This is all explained by Mr. Crawford. In his report he says: "An estimate was submitted by the Cherokee chiefs on the 31st July, which put the cost of removal of one thousand souls at \$65,000, which was at length agreed to be given." "It would seem," says the report, "that the cost of removal, according to the Indian estimate, is high, but as their own fund pays it, and it was insisted on by their own confidential agents, it was thought it could not be rejected." Their removal was, therefore, at their own expense, the money being part of the \$1,147,067 appropriated by act of 12th July last. It will be recollected that this appropriation was made partly to satisfy the discontent of the Indians, who were complaining of the terms of the Government, partly to satisfy some of the Opposition to this Administration, who were affirming from the house-tops that the Indians were unfairly used by the Government, and partly as a measure of policy, to induce the removal of the Indians to their new homes, and thereby prevent the effusion of blood, which was likely to ensue from the execution of the treaty. On this head the report continues: "By some the measure may be regarded as just—by others 'generous.'" "It perhaps partook of both attributes." "If our acts have been generous, they have not been less wise and politic. A large mass of men have been conciliated; the hazard of an effusion of human blood has been put by; good feeling has been preserved, and we have quietly and gently transported eighteen thousand friends to the west bank of the Mississippi."

Mr. M. then called the attention of the House to the expenditure of \$22,000,000 in Indian wars under the last and present Administration, viz: For the Black Hawk war, \$2,000,000; for the Creek and Seminole difficulties, \$20,000,000.

This was a large expenditure from which the administration of Mr. Adams was exempt. He contended that the Administration was not more chargeable with this expenditure than was the administration of Mr. Madison with the expenses of the late war with Great Britain. He would not more than allude to the Black Hawk war, as he was not aware of any charge which had grown out of it against the Administration. As the war with the Seminoles, however, had been a leading subject, on which to found abuse of every character against the Administration, and that of extravagance amongst the rest, he would devote a few moments to its examination. By the treaty of Payne's Landing, May 9, 1832, and ratified April 12, 1834, the principal chiefs of the Seminole Indians sold to the Government of the United States all their possessions in Florida; upon condition, however, that they should, after examination, be "satisfied with the character of the country to be assigned them for their new homes west of the Mississippi, and of the favorable disposition of the Creeks to reunite with them as one people." They, at the same time, appointed a deputation of their chiefs to proceed, at the expense of the United States Government, to examine the country, and make report. After examination and return, this deputation, in March, 1833, addressed a letter to the United States commissioners appointed for that purpose, informing them that they were satisfied with their new country. Whereupon, by articles bearing date March 28, 1833, and ratified April 12, 1834, the former treaty is closed and made absolute. All this was done upon mature reflection, after the lapse of a year, and after a full examination of their new land. I am aware (said Mr. M.) that the resistance to this treaty is justified by the gentleman from Vermont, on the ground that the Creeks refused to give them a "separate allotment of their soil." But this was no part of the treaty stipulation. On the other hand, the stipulation was, that "an additional extent of territory, proportioned to their numbers, should be added to the Creek country." The only thing stipulated to be obtained from the Creeks was their consent to "reunite with them as one people." To an application for this purpose, the Creeks replied, "they were willing to receive them within their limits as a portion of the nation." This was the extent of

the condition. But the honorable gentleman says it appears from the late special message of the President that the "fortune of war has placed in our hands two thousand Seminoles, whom we have transported over the Mississippi." That the "eastern Creeks have removed to, and taken possession of, the lands allotted to the Seminoles," who have no lands, and must remain in the Creek territory till we assign them others. The statement itself admits that there was an allotment for the Seminoles. Why are they not in possession of it? Because they resisted the treaty, and refused to emigrate to it. While they were engaged in war with the Government, the eastern Creeks removed to the West, and settled on the lands which the Seminoles would otherwise have obtained. And, now that they are at length removed by the "fortune of war," the Administration is reproached, notwithstanding the President recommends an allotment to them of a new tract. Sir, (said Mr. M.) there was no just cause for the refusal of the Seminoles to execute the treaty, after its final ratification, to which they had previously consented, after the lapse of a year from the first agreement. But instead of the performance of these engagements in good faith, as we had a right to expect and demand, we received the most savage treachery and murder at the hands of the Seminoles. The insolence and evident perfidy of their chief, Ocoola, soon provoked difficulties between him and the Government agent, General Wiley Thompson, who had lately been a member of this House from the State of Georgia. The difficulties were at length settled in apparent good faith, and General Thompson presented to Ocoola a fine gun as a pledge of his future friendship. Professing great friendship for Thompson, as well as gratitude for his kindness and liberality, Ocoola took the first occasion to murder him in cold blood, with this very gun. This was the signal for blood, and instantly this arch fiend led on to the slaughter. Before any steps could be taken by the Government to repress these outrages, there arose along the Florida frontier the thick smoke of the consuming cottages, accompanied with the wailings of death. It was the murderous work of Ocoola, whose fiendish spirit was reeking with the innocent blood of the frontier sufferers. The sequel is known. One after another, and in quick succession, your ablest officers, with the best disposable force that could be commanded, were ordered to the scene of action. It was not, however, a theater where glory was to be acquired.

The difficulties to be encountered were innumerable and insurmountable. The various expeditions did not want for energy or skill. Your commanders were the most able and skillful officers, men whose swords had, on former occasions, gleamed in the battle fight, and whose names were already enrolled high on the list of the nation's heroes. But no skill could surmount the difficulties interposed by the interminable swamps and hammocks of Florida. No valor could contend with the deathly blight of that noxious climate. Driven from their desolated homes, even the inhabitants of the Territory had to be supported by the Government or perish. Provisions and munitions of war, as well as men, had to be transported a great distance and at immense expense. Secure in the mazes of his own native swamp, where his path was trackless, and his home confined to no locality; where every tussock furnished him a resting-place and roots for his subsistence, the Seminole could laugh at your skill, and defy your power. Yet the Government did not falter in the prosecution of this unavoidable war, notwithstanding the many interposing difficulties, not the least of which was the accustomed opposition and resistance in this House. It was here the Government was arraigned for its alleged inefficiency, our generals and other soldiers covered with the epithets of opprobrium, whilst the deeds of the Seminole chief furnished the rich themes of penegyric. The very appropriations brought forward to relieve your suffering soldiers, who were wading the swamps and guarding the passes of Florida, sleeping on the ground and contending against all the horrors of that desolating climate, often without clothes and without food, were resisted at every step, and opposed with all the asperity of party violence. The supposed

failures of success, the length of time employed in the war, and the treasure it was costing the nation, were all urged as reasons for opposing the appropriations. And now that the war has been measurably closed, and the most of the leaders and warriors of the Seminoles removed beyond the Mississippi, by the untiring perseverance of your Army, the money expended is added to the supposed list of extravagant expenditures, and paraded before the nation to break down this Administration. But it will not answer the purpose intended, (said Mr. M.) However much the people may disapprove of a wasteful expenditure of the public money, they will nevertheless have the integrity of our treaties and the honor of our arms maintained at every cost and at every hazard. They ever have, they ever will frown down every attempt to paralyze the country's arms while maintaining or defending the rights of the nation by withholding from our armies the necessary means of support. It is not a sufficient apology to tell them that the war is inefficiently conducted, or that our arms meet with defeat. They will rather expect you to redouble your energies, so as to place two soldiers in the field for every one that is lost. The enemies of the late war opposed the necessary supplies because of the alleged weakness and want of energy in Mr. Madison's administration, and the reverses which, for a season, attended our arms. The surrender of Hull, the defeat at Raisin, the capture of Dudley and butchery of his brave men, furnished the themes of complaint against the Administration, and the reasons for resisting the appropriations.

But although engaged some three years with twenty-five hundred or three thousand Indians in the swamps of Florida, yet, when all the circumstances are considered, neither our officers, nor our arms have suffered disparagement. We were at war some twelve or fifteen years with the north-western Indians, prior to the treaty of Greenville, 1795, during which time our flag had to mourn the successive disasters which befell a Crawford, a Hardin, a Harmar, and St. Clair, who were not only defeated, but whose whole armies were one after another cut up and butchered, leaving scarcely enough of survivors to communicate the disastrous intelligence. There are many historic examples of the smallest and most circumscribed communities being able, when protected by natural barriers and position, to resist successfully the most powerful nations. Witness the maroons of Jamaica, whom the power of Great Britain was unable to subdue for upwards of half a century, and succeeded at last only by the barbarous expedient of the bloodhound. The case of the maroons of St. Domingo, composed at first, like the original maroons of Jamaica, of a few runaway negroes, who took shelter in the caves and mountain fastnesses in the interior of the island, where they formed a community of outlaws which resisted successfully, for half a century, the combined expeditions of the French and Spanish colonies on the island, demonstrates the great difficulty of overcoming natural obstacles, however feeble or contemptible the enemy may be in point of strength. "The exaggerated accounts of their numbers and dread exploits during this time," says the historian, "would fill a volume;" yet, when peace was restored by negotiation, by which means only the colonists obtained security against these banditti, the wonderful discovery was made that they did not exceed one hundred and fifty in number. But the attempts of France to subdue the insurrectionary negroes of that island who rebelled against their masters, and which were repeated through a period of near twenty years, form a case, perhaps, no less striking and remarkable. Napoleon at length determined to crush the insurrectionists by one energetic blow; and the most formidable expedition was accordingly dispatched for that purpose, yet it all resulted in disaster. Fifty thousand men of the conquerors of the Nile and of Italy, including their commander, the brother-in-law of Napoleon, perished in St. Domingo. The climate and natural obstacles to invasion enabled the insurrectionists, who did not number half a million of souls, including all ages, sexes, and colors, to withstand this otherwise most formidable army.

The next item Mr. M. would allude to as having greatly increased our expenditures, was that of

pensions. Four of the principal pension laws have been brought into operation since the commencement of General Jackson's administration, viz: the acts of 1828, 1832, 1836, and 1838. These several acts have increased the list of pensioners to forty-two thousand five hundred.

The average annual excess or increase of pensions from 1829 to 1838, inclusive, exceeds the average annual payments on the same account from 1825 to 1828, inclusive, \$1,013,000.

The aggregate of this increase for said ten years, is.....\$10,130,000

To this we must add the annual expenditure of \$392,000 for pensions to widows of revolutionary soldiers, under the law of 7th July, 1838. As these pensions commence March 4, 1836, the amount for three years, up to the 4th of March, 1839, will be.....1,176,000

Making the aggregate increase, since 1828.....\$11,306,000

This is an expenditure from which the administration of Mr. Adams was exempt. And as it has been incurred since the commencement of General Jackson's administration, the amount is added in, to swell the general expenditures, so as to give feasibility to the charge of extravagance. Now, sir, (said Mr. M.) for one, so far from regretting this increase of pensions, I both justify and rejoice at it. And I am satisfied that Opposition gentlemen are not disposed to disapprove it. All know that such disapproval would smack too much of the odious sin of ingratitude, not to say injustice; for I do not look upon the payment of pensions as a donation, but as the discharge of a public debt, which we are, in point of morals, not to say gratitude and humanity, as much bound to pay as any other revolutionary debt. When we used the money of others to prosecute the war of the Revolution, we were, of course, bound to repay it, with interest; and surely those who gave their personal service, and periled their lives, are as much entitled to pay as those who advanced their money. But the pensions constitute no part of the permanent expenditure; the fund is temporary, and must expire with the rapidly disappearing pensioners. A few more installments and the debt is paid forever.

In looking down the dark vista of time, we soon discover the only surviving pensioner of the Revolution. Around us and before, they are fast falling like the ripened grain before the scythe or the sickle. They have passed the long lane of life, through which they have journeyed in perils for years three score and ten. The sun of their existence is fast setting, and is already hidden below the horizon of life. They are collected at the great inn at the end of their day's journey; where, after taking their last refreshments, and being worn down with the fatigues of their travel, they are preparing to lie down and sleep the sleep of death. Already it grows late, and, amid the surrounding silence and darkness, they are seen, by the faint, flickering light of their fast expiring tapers, to be laying down their weary heads in that repose which shall only end with time. The last ones are nodding to the tomb, and must soon be laid side by side with their companions. Peace be to their manes. They leave behind them the glory of the well-fought battle, which has added a new era to the history of the past, and developed still further, to the astonishment of the world, the mighty energies and the destiny of man.

The expenditure for the South Sea Exploring Expedition constitutes another item; and, including the annual amount of \$224,650, the estimated expense of the expedition for two years and a half amounts to \$1,290,185 50. I shall neither enter upon any defense or condemnation of this measure, (said Mr. M.) as it is not necessary to my present purpose. At the last session I voted, it is true, with those who were considered the enemies of the measure, for the restrictive clause limiting the expenditure to a time certain, and making a reduction of \$20,000 in the appropriation; but it was more from an adherence to a rule which I had prescribed for myself—that of voting for the expenditure of no money other than is required by

25TH CONG...3D SESS.

Expenditures of the Government—Mr. Murray.

HO. OF REPS.

public necessity, during the present condition of the Treasury—than from any convictions adverse to the objects of the expedition. I should, in all probability, have opposed it in its inception; yet I am far from being satisfied that it is not a measure pregnant with important results, which may be alike creditable to the nation and beneficial to commerce. But that my constituents may be able to see and judge for themselves of the merit of the interesting objects of this expedition, I will read from the Register of Debates for December, 1834, the most condensed statement of them which I have been able to find:

"Among the petitions and memorials presented to day was one by Mr. Pearce, of Rhode Island, of John N. Reynolds, lately returned from a voyage of exploration in the Pacific ocean and the northwest coast, praying that an expedition may be fitted out to survey the islands and reefs in that ocean and on that coast. The petition was recommended by both branches of the Legislature of Rhode Island; and Mr. P. stated that the Legislature of several other States would join in the prayer of the memorial, as would the merchants and chambers of commerce in the principal cities in the Union. To show the importance of the object in view, Mr. P. stated that there were now engaged in the whale fishery 132,000 tons of shipping, that there were employed 10,000 seamen; and that the business, direct and indirect, employed 170,000 tons of shipping, and more than 12,000 seamen; that more than one tenth part of our whole navigation was engaged in it, and the capital invested was \$12,000,000. He further stated that the annual loss of property upon the islands and reefs not laid down upon any chart, was fully equal to the expense of the expedition and survey requested."

Such were the commercial objects to be attained by this measure. There were, besides, other objects of the greatest consequence to be attained, growing out of an emulous and laudable ambition to advance the character of the nation, the reputation of our Navy, and the cause of science. But what I had intended to say in reference to this subject is, that this was a measure of which the Opposition could not complain; for, although it is of somewhat doubtful origin, yet its claims to paternity on the Opposition seem to have the better foundation. It is true that no vote ever taken upon it could be fairly said to be of a party character; yet its strongest support has been from the Opposition ranks. They are, therefore, estopped from making any complaint about the expenditure it has cost. The principal hopes of its success are founded on a desire to promote their darling interest, that of commerce, of which they claim to be the exclusive friends, because the friends of this Administration think that other interests deserve equal encouragement. Upon recurring to the yeas and nays on the first bill to bring forward this measure in 1829, we find among the yeas the names of most of the leading Opposition members in this floor who were then in the House of Representatives. There are the names of the long-tried veteran members from Virginia, [Mr. MERRICK and Mr. TALIAFERRO,] in company with the name of the gentleman from Philadelphia, [Mr. BURGESS,] and of the representative from Boston, [Mr. DAVIS,] now a distinguished member of the other branch of Congress; and there is the name of that faithful sentinel from Massachusetts, [Mr. REED,] who is always at his post on the watch-tower of commerce, guarding its various interests as he would the apple of his eye. Why, sir, (said Mr. M.) the cause of commerce is to him what sack was to Falstaff. It is his breakfast, his dinner, and his supper. It is his meat and his drink; he lives on it and sleeps on it. His constituents are a commercial people, and well are they aware of the value of his services to their favorite interest. A proof of this is that they have, I believe, kept him in Congress from time immemorial, as I have no recollection of ever having read the yeas and nays without seeing among them the name of JOHN REED. But, then, I am comparatively a young man, and do not know whether the "memory" of others around me "runneth to the contrary" or not. Be that as it may, I can bear testimony to the fact that no member deserves more the confidence of his constituents than the gentleman, the politics, the pursuits, and position of those whom he represents considered.

There is another item (said Mr. M.) I must not omit to examine. It is that of \$28,101,644 deposited with the States by the law of 1836. You may be surprised that I notice this matter while speaking of expenditure, inasmuch as the Government is not chargeable with this item under that head. That matter, however, is seldom con-

sidered by those whose business it is to make an array of figures against the Administration. Whether well founded or ill founded, is no matter of concern to those who only calculate in reference to the effect to be produced. Gentlemen here, when speaking of extravagant expenditures, never speak of isolated items which compose the aggregate amount. They are like the gentleman from New York, [Mr. CLARK,] when speaking in reference to another subject, they never "descend to particulars; they deal in generalities." They will tell you of all the money that has come into the Treasury, and then exclaim, "where is it?" Whether received as revenue, or expended as appropriations proper for the public service, the people are not informed. Thus, our foreign indemnities from France, Denmark, Spain, Naples, the Sicilies, and Brazil, amounting to near \$7,000,000, which are received into the Treasury as a trust fund for the citizens who own it, being so much clear gain to the country, but belonging, nevertheless, to the injured citizens for whom it is obtained, and not to the Government, are all included in the gross amount of the Government receipts, as if part of the actual revenue. These trust funds, including these indemnities, and including \$1,395,000 received in trust for Chickasaw Indians on the sale of their lands in 1835-'36, and \$1,200,000 on the sale of their lands in 1836-'37, and invested for their benefit, amounting altogether to nearly ten millions of dollars, are included in the appropriation bills in order to invest it, or enable the owners to draw it from the Treasury; and then it is classed with the round numbers of appropriations, as part of the *wasteful and profligate extravagance* of the Administration. Another instance of this disingenuous mode of attack which we have often witnessed even on this floor is this: the most gorgeous description of the full and overflowing condition of our Treasury previous to the late financial difficulties is followed with therodomontade, "What now is the condition of your resources? Your Treasury bankrupt, unable to meet the demands against it, and your Government in debt from a resort to the expedient of Treasury notes." Now, the answer to all this is most destructive to this fine apostrophe, and casts back the reproach intended for others upon those who make it, with a most signal stoppel to the charge implied. The answer is, that there would have been no embarrassment nor issue of Treasury notes but for the deposit of \$28,101,644 with the States, which was a most favorite measure with the Opposition; that of the money ordered by the act of 1836 to be deposited with the States, upwards of \$9,000,000 was appropriated before the close of the session at which the act of deposit was passed, which threw this \$9,000,000 upon the subsequent revenues of the Government, which thereby became burdened with a preëxisting debt to that amount. These appropriations, for improvements of rivers and harbors, roads and canals, for light-houses, fortifications, and for the relief of the corporate cities of the District of Columbia, (the last item being \$1,500,000,) were supported by most of the Opposition, and, therefore, they have no right to say to the friends of this Administration, "you are alone responsible." That of the public money in deposit with banks in 1837, (a mode of deposit now advocated by the Opposition,) we were compelled, for their relief, and for the relief of the country, to postpone of those deposits for payment to a subsequent time \$4,800,000, viz: \$2,400,000 to July, 1838, and \$2,400,000 to July, 1839; thereby placing beyond our reach the money paid by the people for the public service, for the benefit of the most favorite institutions of the political enemies of this Administration. We also postponed the payment of moneys due on unpaid duty bonds, amounting to \$4,000,000 more. To these measures the deficit in the Treasury, which called forth the issue of the Treasury notes, is alone attributable, so far as concerns the disposal of the money by the Government; and to my own knowledge, the Opposition are wholly precluded from objecting to any one of them.

But there are other things rarely told to the people when they are lectured on the subject of the Government embarrassments. The great decrease in the public revenue—a decrease passing all precedent, and could not have been anticipated by any—is seldom spoken of or commented on.

This, it is supposed, belongs also to the credit part of the account. They are not told that the imports of 1838 were \$78,000,000 less than the corresponding imports of 1836; that the proceeds of public lands had fallen from \$24,877,000, received in 1836, to \$3,136,000 in 1837; that the whole amount of revenues proper in 1836 was \$48,000,000, and amounted from customs and lands in 1838, "excluding the amounts received from postponed bonds, which formed part of the receipts of 1837," to only about \$14,500,000. Tell these, and all these things to the people, and they will not be imposed upon by the humbug epithets of "public debt," and "Treasury embarrassment."

Thus much I have thought proper (said Mr. M.) to say in reference to this deposit of \$28,101,000 with the States, not for the purpose of objecting to the act that gave rise to it, or of showing that it was objectionable as a measure at the time it passed, but for the purpose of showing that the consequences resulting from it ought not to be laid at the feet of the Administration by any party in this country. I was myself in favor of this act of deposit, not from choice, but from necessity. We had an immense surplus in the Treasury, and I was in favor of its deposit for the purpose of avoiding a much greater evil likely to grow out of its appropriation by Congress. The people had paid this surplus to defray the charges of the public service. The banks were employing it in the most ruinous schemes of speculation. The people had paid it for no such purpose. If left in the Treasury, it was likely to tempt Congress into an inordinate and dangerous system of appropriations, which was desirable to be avoided, and much to be deprecated. Upon principle I was opposed to it, and am yet opposed to it. Next to a large surplus I should most deprecate this system of depositing money with the States, which is but another name for distribution. The surplus being disposed of, the object of the law is accomplished, and I shall oppose any further deposit by the payment of the fourth installment, heretofore postponed. I shall advocate that system of revenue which will hereafter bring no surplus into the Treasury. A revenue commensurate with the necessary wants of the Government is all that should ever be raised by this Government. And when I say the *necessary wants of the Government*, I do not mean a splendid system of improvements, either of fortifications, of light-houses, or for river and coast navigation. To some of them I am opposed altogether, and the others I would reduce to a limited and economical establishment. I have ever protested against the splendid and extensive system of fortifications entered upon by Congress during the redundancy of our Treasury means. A few necessary points, well fortified and fitted up for the shelter and protection of our soldiers and seamen, and the preservation of our arms and munitions of war, will be acknowledged by all to be indispensable. But to line our extensive frontier and coast with fortifications, to increase our armed establishments of the Army and Navy, and to cost annual millions in future to supply them with men and munitions, and repair their dilapidations, is justifiable on no ground whatever, whether our extensive territory, the genius and character of our people, or the simple and limited form of our Government, be consulted. Nor do I believe these extensive fortifications to be the best means of preparing our wide-extended country for defense in time of war. I approve much more of the policy of the great Spartan lawgiver, who ordained that his countrymen should not make walls of wood, brick, or stone, for the defense of their city, as was done by other cities of that day, but that the hearts and the courage of the citizens should defend them with a wall of men. God forbid that we should rely on fortifications and wooden walls for the defense of this wide-extended and mighty nation. Whenever the patriotism and courage of our citizens shall become unequal to its defense, then will it not be worth defending. It seems (said Mr. M.) from the report of the Committee of Ways and Means, that the expenditure for this establishment "has increased from something over \$100,000, during the first years of the Government, to upwards of \$1,000,000 annually." The appropriation last year for this purpose was

\$1,015,000; and now, owing to recent improvements in floating steam batteries, all our stationary works for the defense of harbors are about to be superseded and rendered worthless. Thus, after the expenditure of millions in building up the present system of defense, we are about to be called on to abandon so much of it as relates to coast defense, as useless, and to appropriate millions again to build up a system of floating steam batteries for the defense of harbors.

I will now (said Mr. M.) turn your attention to this system of harbor and river improvement, to which, as it at present exists, I am altogether opposed, as being both wasteful in the application of the public money and unequal in its operation upon the people of the several States. I will give you its history from the report of the Committee of Ways and Means, which very briefly traces its progress from its origin to its present condition:

"This item was unknown in the early legislation of the Federal Government. The first appropriation was made in 1802; but prior to 1816 only \$36,449 had been expended upon two works, connected directly and indirectly, with navy-yards and light-houses. A few appropriations were made in 1820-'21-'22 and '23, in the neighborhood of light-houses and navy-yards, amounting altogether to \$51,750, and in 1823 two harbor surveys were authorized at an expense of \$350. After we had adopted the policy of raising more revenue than was required for Federal purposes, and as the period approached for the redemption of the public debt, this was one of the new branches of expenditure resorted to in order to absorb a contemplated surplus. Accordingly, and for the first time in the history of our legislation, an act was passed on the 20th of May, 1826, for improving certain harbors and the navigation of certain rivers and creeks; and for authorizing surveys to be made of certain bays, sounds and rivers therein, mentioned. On the 2d of March, 1827, this was followed by a regular annual bill to authorize the improving of certain harbors, the building of piers, and for other purposes."

These expenditures immediately increased in 1827, to \$82,500; in 1828, to \$121,000; and in 1829, \$505,000. In 1838 the appropriations were more than a million and a half, and the estimates for 1839, amount to \$1,713,000.

"The original amount already appropriated for works is \$8,919,043 66, besides canal stocks, and the debt assumed for the corporations of the District, for investments in the same, amounting to \$3,383,490; making an aggregate of \$12,302,533 66. The estimates for completing some of these works amount to \$1,650,842 21; but judging by our experience as to former estimates, it will more probably require ten millions, besides the cost of some of the most expensive works, for which there are no estates at all. In addition to this, a bill is now pending, and would have passed the House at the close of last session, but for want of time, which, with the amendments, embraced appropriations for new works, amounting to near a million of dollars, and involving an ultimate expenditure of probably five millions more."

Verily it is time for this branch of expenditure to arrest the public attention. All this has sprung from the weakest, and as it was supposed the most harmless branch of the American system. The tariff, internal improvements on roads by the Federal Government, and the United States Bank, as the leading members of this system, were all cut down. This last member of the family was spared for his infancy and his promise, by reason of which forbearance we have paid, within the last twelve years, \$12,000,000, and become liable, by works already commenced, to the payment of \$10,000,000 more. It is furthermore proposed, by the bills on your table, to pledge us by new engagements to an ultimate payment of \$5,000,000 more. Sir, (said Mr. M.) how are we to understand gentlemen, when they talk of extravagance. They will oppose every bill which is indispensable for the public service, and then vote the appropriation of millions to rivers, creeks, canals, bays, &c., and then come here and denounce the Administration for extravagance.

But I have said I was opposed to this system of improvements, because of its wastefulness. We have, according to this report, within thirteen years, made appropriations for one hundred and three works. Of these we have completed twenty. May complete, with existing appropriations, fourteen; of the others, sixty-one are unfinished, four suspended, one abandoned, and three never commenced. These improvements are commenced along and around our coast. The foundation is laid for the expenditure of millions. Some are badly executed, or injudicious in their structure or position, and are at length abandoned. Many of them dilapidated, and are renewed and built over again at perhaps greater expense than ever. And

all this time there is a swarm of agents under different names, such as engineers, commissioners, superintendents, contractors, clerks, &c., all of whom must handle part of the cash, and be quartered at Uncle Sam's expense. Why, sir, this report itself tells us "that many of the works were built over again, and that others were rotten before they were completed."

But I am opposed to the system, because of its unequal operation on the people of the several States. On this point the report is full and conclusive.

"It is certainly unjust to apply the money collected in some States to mere local improvements in a distant quarter of the Union, simply because they appertain to the commerce of the country. If every improvement of harbors, rivers, and creeks, and the building of piers, is to be considered national in its character and benefits, as an appendage to our commerce, it is difficult to define any limit whatever to the jurisdiction of the Federal Government, or to say to what purpose the common fund of the Union may not be applied. The distribution made during the last thirteen years among the States, proves incontestably the injustice of these expenditures. The whole amount appropriated and invested is \$12,300,000, of which \$5,190,000 has been granted to a district of country not one hundred and fifty miles from the capital. Without inquiring into the importance of the works patronized by the Federal Government, it is sufficient to remark that most of the States have been at the same time employing their own money and credit on improvements infinitely more useful and profitable, and better calculated to extend the commerce of the Union. Some of the States have not participated at all in these Federal appropriations. While four States only may be charged with \$5,760,000 out of the \$12,300,000, and some of the most expensive works remain to be completed in these States."

Well may this committee say, sir, (said Mr. M.) that some of the States have not participated at all in these Federal appropriations. In document No. 254, vol. 8, of Executive documents of last session, is a table exhibiting the amount disbursed in each year, and in each State and Territory, for the years 1834, 1835, 1836, and 1837, for light-houses, fortifications, internal improvements, and pensions, arranged under separate heads, &c., &c., showing how much each State received each year for each object. It shows that for those years there was disbursed—

For fortifications.....	\$2,789,634 77
For light-houses.....	1,020,089 03
For internal improvements.....	3,653,061 99
For pensions.....	10,848,399 28
Total.....	\$18,311,185 07

For these objects, then, the disbursements in those four years amounted to \$18,311,185 07. Exclusive of pensions, the sum is.. \$7,462,784 79

Then follows another table showing the disbursements during the same time to the Alexandria canal.....	\$150,000 00
Cumberland road.....	2,418,280 75
Chesapeake and Ohio canal.....	990 00
Ohio and Mississippi river.....	549,908 01
	3,118,178 76

Making for these objects, in four years.....\$10,580,962 55

In looking over this table, every head is filled out with something in most of the States, and when I come to New York, her sum for the four years is \$1,000,000. But when I come to Kentucky—oh, yes, "Old Kaintuck," whose whole energies have been disinterestedly devoted to this system—I find her, like the unfortunate wight at the lottery wheel, receiving for her every draw a blank. I read over the heads of each object of disbursement for each year, for fortifications blank, for light-houses blank, for internal improvements blank, and "blank" says echo. Yet Kentucky pays her share of all these moneys expended, and then pays for her own improvements besides, without the assistance of any other State. For, sir, she has improvements, and valuable improvements, too, which are better, and cost less, than if made by the Federal Government. If the bill for the Cumberland road, now on your table, passes, we will have appropriated altogether \$7,115,683 to that one object, which will yet cost many millions. The average amount paid for each mile, between Cumberland, in Maryland, and Columbus, in Ohio, a distance of some two hundred and sixty-five miles, is be-

tween nineteen and twenty thousand dollars. The cost of one hundred miles in Indiana, it is estimated, will be \$15,875 per mile, and ninety miles reported upon from Illinois, will cost \$13,875 per mile. In Kentucky, we have the best Macadamized roads, graded to two and a half degrees, covered with two coats of broken rock, nine inches thick, and all well executed, for an amount varying from four to five thousand dollars per mile. Examine, sir, if you please, the history of our Federal improvements, and compare both their execution and cost with the improvements of the States, and my word for it, if you be not prepossessed in your opinions, and your State is not interested in expecting such appropriations, you will turn with abhorrence against the notorious injustice and wastefulness of the whole system. I might, sir, (said Mr. M.) say much about its demoralizing tendency upon the legislation of this House. It introduces a system of combinations and log-rolling, as we say west of the mountains, dangerous and alarming in the extreme, when we consider that our legislation binds the destinies of twenty-six independent States.

This system of improvements (continued Mr. M.) constitutes one point of the real issue between the two great political parties of this country, and it is vain to attempt to falsify the true issue by directing the attention of the people to something immaterial and delusive. When General Jackson came into power, so much of this system as relates to the improvement of roads, had just ripened, as it were, into manhood, and set out with all the extravagance of a rich and profligate heir, to squander whithersoever he would the money he had acquired from others. But he was soon arrested by the firm grasp of that hand which did not loose its hold until life was extinct. If, after strangling this young giant of internal improvement, by the veto of the Maysville road bill, "that extraordinary man," as I have heard him denominated, had throttled this twin monster, which has now grown formidable, and is attacking us on every river in the interior of our country, and at every inlet, and creek, and bay on our sea-coast, and exterminated him in his infancy, his political career would have been complete. He would then have retired to the Hermitage, with the consolation of Lysurgus, embraced in the reflection that his country's liberties were secure from all danger against the evils growing out of this question, so long as his policy should be adhered to. As it was, his services were invaluable, and he had full proof that they were so estimated by his countrymen. His return to his home from the arduous struggles of his administration against Federal encroachments (by which terms I mean the encroachments of the Federal Government) was brightened with every consoling felicitation, like the triumphal return of Napoleon from Italy, or of Marlborough from the continent. But it were next to impossible, that every evil could have been exterminated which had been engendered and brought forward under the destructive auspices of the American system; which, however much I may admire and do admire the splendid talents by which it was nurtured and sustained, I nevertheless believe to have been fraught with the most dangerous tendencies. It had become too firmly seated in the body-politic. Its roots had penetrated all the ramifications of society, and were rapidly ingrafting themselves on every branch of our national enterprise. The friends of each darling interest, which had grown up under its operation, were numerous and influential. They filled your legislative halls, and enjoyed most places of trust and profit under the Government. The monster was silently stealing into our strongest citadels of prosperity and security, and was preparing to intrench himself in their possession, without alarming the fears of the people. And although his encroachments and designs were pointed out by this true defender of his country's liberties, yet, it was not until he would firmly plant himself against the advance of this rapacious destroyer, take him boldly by the horns, and cry aloud for help, that the people would come to the rescue. Maddened like the wolf for the loss of her whelps, the friends of these numerous interests—numerous themselves as the enraged members of the disturbed hive—attacked the old hero on every side, and with frantic vio-

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lence and asperity. Whilst harassed by the misdeeds of the internal improvement interest, he was suddenly called on to arrest the rapid and dangerous march of another branch of this incomparable system, the Bank of the United States. And here, again, he had to throw himself into the breach, amid the fierce onset of the bank's attack, and cry aloud to his slumbering countrymen, who awoke, and rallied to the standard of their dauntless and incorruptible chief. There could be no division of strength while engaged in this contest. The enemy had, unobserved by the people, grown strong in his power, and insolent in his vanity, setting "both God and man at defiance." The struggle was long and doubtful, the monster showing himself a match for the fame of the hero, the energy and firmness of the President, and the patriotism of the people. This leading member, however, of the hydra family was at length subdued; but he showed himself terrible in the very agonies of death, dealing thick and fast around him the most deadly blows. Even the dread lashings of his tremendous tail—of panics and suspensions—produced soreness and revulsions in our circulation and commerce, afflicting alike to both Government and people.

While the President was engaged with these relatives of the Titan family, there arrived at full age and growth another tall son of the same paternity, who began to render himself conspicuous as a fomentor of discontent, and a disturber of the equal rights of the various interests of the Union. His favorite haunts were in the East, upon which he was concentrating the showers of prosperity, which had before, with undisturbed evenness, fallen upon all the nation alike. He was a great patriot in his professions, and called himself the "patron and protector of our domestic manufactures." In this he was no doubt sincere; but in his devotion to this interest, he forgot that he was sacrificing equal or more important interests, especially agriculture and commerce, and that he was arraying the several sections of the Union against each other, in such manner as to portend the most alarming disasters. It was soon discovered that no interest could long prosper, unless its correlative interests prospered, also, at the same time. Like the fabled war between the different members of the human body, by which each was taught that it was dependent upon the healthful and harmonious coöperation of all the others, the operation of this policy soon proved that it was futile and destructive to discriminate between the various interests of the body-politic, with the view of encouraging some, when it would operate to the expense of others. True to his natural and unavoidable tendencies, however, this evil destroyer of the peace and prosperity of our people, hastened on to a crisis, the dangerous times of his power and influence. Nor do I believe him to have been less inimical to the innocence of the people and perpetuity of our Government; for the surplus revenue, his legitimate offspring, might, in a course of legislation, have undermined the one and ultimately terminated the other. But amid remonstrances the most importunate, and appeals the most fervent against the further continuance of his reign, which were as little heeded as attended to by his votaries, he alighted down in the South, accompanied with his attendant evils, to desolate her fields, and blight her prosperity. Here his destined fate awaited him. It was here he caught a tartar that unhinged all his prospects, and overthrew his ambitious schemes. Like King John of England, when Magna Charta was wrested from him at Runnymede, this king tariff saw at once that his power must be surrendered, and that he must make the best terms he could with those whose substance he was robbing, and whose security he was endangering. He yielded to his fate, and consented to be shorn of his strength, for the boon of a sickly existence till 1842, when it is calculated by the sense of the good people of these United States that he will be permitted to expire in peace, without heirs living at the time, and without a successor.

Sir, (said Mr. M.) I am no friend to nullification, yet, in this instance, I rejoice, yes, heartily rejoice, at the legitimate consequences of South Carolina resistance. Nevertheless, I hold that this remedy, in such a case, may not be used. It is, in my opinion, both dangerous and unlawful; and

although, as in this case, good may result from it, yet the most destructive evils might also be its consequence. And although I rejoice at the fall of the tariff, yet, in the graduation of a system of duties for purposes of revenue merely, I should not be averse to a sound discrimination, so as to give to a reasonable extent incidental protection.

I subjoin the following graphic sketch of the rise, tendencies, and fall of the tariff, from the report of the Committee of Ways and Means.

"Prior to the late war with Great Britain, our tariffs were revised, and our taxes levied, to supply the wants of Government, however they might operate incidentally on the internal industry of the country. It was never then designed to raise more revenue than was actually necessary to supply our Federal wants. During the war, large investments were made by our capitalists and manufacturers; and when it was over, the principle of our revenue laws was entirely reversed. Our taxes were no longer graduated by the wants of the Government, but by the demands of our capitalists for protection; thus substituting the incident for the principal. Our tariffs were devised without any regard to the condition of our finances, and a broad foundation was laid for a redundant revenue. The consequence was a rapid extinguishment of the public debt, funded and unfunded, of one hundred and fifty millions of dollars. Anticipating this redemption, appropriations in every branch of the public service were increased; and still more extensively, to absorb a prospective surplus, new objects of expenditure were sought for, which had been before considered under the jurisdiction of the States. Surveys were authorized, laying the foundation for a Federal system of roads, canals, harbors, and other improvements, sufficient to exhaust any surplus which might possibly occur. Extravagance was deemed patriotic, as designed to perpetuate protection to manufactures. The one was indispensable to the other; and for a time the rights of the tax payer were wholly disregarded." \* \* \* "Notwithstanding these expenditures, foreign as they are to the legitimate duties of a confederated Government, the extravagant tendency of a surplus, and the rapid redemption of our public debt, we have been already compelled to deposit eight-and-twenty millions of dollars with the States. Fortunately, however, this association of protection, surplus, and extravagance, is no longer the policy of our Government. Both Houses, by overwhelming majorities, revived our ancient principle of revenue by the act of the 24 of March 1833. The fourth clause of the third section of that act provides that after the 30th of June, 1842, 'duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of the Government.'"

Mr. M. would now proceed to a statistical examination of the Government expenditures. He had wandered long enough, perhaps too long, though he did not think the digression would be uninteresting to his constituents. And first (said Mr. M.) I will submit a table of the annual expenditures, showing the amount expended each year, for thirteen years next preceding 1838.

Table showing the amounts expended each year, exclusive of the public debt and the Post Office, from the year 1825 to the year 1837, inclusive.

For 1825.....	\$11,490,459	For 1832.....	\$16,516,368
1826.....	13,063,316	1833.....	22,713,755
1827.....	12,653,095	1834.....	18,425,417
1828.....	13,296,041	1835.....	17,514,950
1829.....	12,660,460	1836.....	30,868,164
1830.....	13,929,633	1837.....	39,164,745
1831.....	13,864,069		

In glancing the eye over this tabular statement, it will be seen that the two most appropriate years to be contrasted with each other, in order to account for the sudden increase of the annual expenditures, are the years 1835 and 1836. The sudden rise of the expenditures from \$17,000,000, in 1835, to \$30,000,000, in 1836, naturally brings up the inquiry, for what did this increase take place, and are its grounds justifiable.

Statement showing the principal objects of the increase of expenditure from 1835 to 1836, with the amount of the increase on each item.

The whole amount expended in 1836, is.....	\$30,868,164
The whole amount expended in 1835, is.....	17,514,950

Excess expended in 1836, over the amount expended in 1835.....\$13,353,214

Increase from 1831 to 1836—Items of increase:

Legislature.....	\$187,000
Mint.....	139,000
Three and five per cent. fund to the new States.....	904,000
Public buildings.....	112,000
Custom-houses.....	14,000
Relief of corporate cities in the District of Columbia.....	92,000
Patent fund.....	8,000
Foreign intercourse.....	51,000
Pay, subsistence, forage, and clothing the Army.....	233,000
Quartermaster's Department.....	32,000
Pensions.....	814,000
Revolutionary claims.....	25,000
Virginia claims.....	24,000
Armories and arsenals.....	148,000
Ordnance and ordnance stores.....	169,000

Carried forward.....\$2,952,000

Brought up.....	\$2,952,000
Reliefs and miscellaneous.....	230,000
Accouterments, &c.....	102,000
Arming the militia.....	42,000
Fortifications.....	692,000
Volunteers and militia.....	292,000
Repressing and suppressing Indian hostilities.....	4,868,000
Indian department.....	2,131,000
Chickasaw fund.....	1,300,000
Navy.....	1,942,000

Total excess on the above items.....\$14,451,000

From which deduct decrease of expenditure for internal improvements, Washington Canal, Potomac Bridge, Military Academy, and some other items, amounting in all to.....\$1,129,000

13,322,000

And the remaining excess over 1835 is only.....\$31,000

In looking over these items of excess over payments on the same accounts in 1835, it will be seen that most of them are either nominal, being, in fact, no expenditure at all, or such as cannot attach any responsibility to the Administration. Thus, the Chickasaw fund and patent fund are merely nominal. The item of \$904,000 for three and five per cent. fund paid to new States is unusually large this year, because a greater quantity of land was sold in 1836 than any other year, and the amount being dependent on the amount received for lands, the Administration is not chargeable therewith. For the increase in pensions, revolutionary claims, and Virginia claims, the Administration is not more blamable than for paying a debt. The excess in the Indian department, is an investment and not an expenditure, being given for lands which will more than repay double the amount of cost. The large excess for repressing Indian hostilities, volunteers, and militia, arming militia, ordnance stores, &c., forage, subsistence, &c., of the Army, fortifications, accouterments, &c., being the results of the Florida and Creek wars, is rather attributable to the misfortunes of the nation than to the fault of the Administration. The burning of the buildings for the Treasury and Post Office Departments, occasions the excess for public buildings.

It is the duty of the Secretary of the Treasury to submit to Congress, at the commencement of each session, a detailed estimate of the amount of appropriations which will be required for the public service during the current year. Should large appropriations be made beyond the amount recommended in the estimates, Congress assumes this responsibility, and the Administration ought not to be held accountable for the excess beyond the estimate.

The appropriations in 1835 amounted to....\$18,347,014 36  
The estimates submitted amounted to.....15,660,232 73

Excess of appropriations over estimates..\$2,686,781 63

The appropriations for 1836 amounted to....\$39,467,844 62  
The estimates for the same year amounted to 19,788,933-27

Excess of appropriations over estimates..\$19,678,911 18

The appropriations for 1837 amounted to....\$39,756,698 75  
Amount of estimates for the same year.....22,770,107 57

Excess appropriated over estimates.....\$16,986,591 18

If, after recommending a reasonable amount of money for the public service, a much greater or double the amount shall be appropriated, the Executive must see to its application, as directed by law; but, in such case, the responsibility must rest upon Congress.

A full calculation of the expenditures for 1838 is not completed, the several offices and Departments not having yet made report of the respective amounts by them expended. Judging from the annual report of the Secretary of the Treasury, the nominal amount will be....\$40,000,000  
This includes of public debt, or a redemption of Treas'y notes, \$8,000,000  
Transfer of unexpended appropriation for improvement of the navy to the years 1839 and 1840, and is nominal.....1,500,000

9,500,000

Expenditure, exclusive of public debt.....\$30,500,000

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Expenditures (p. 151).....	\$30,500 00
The excess of this amount over the expenditure of 1829 is made up principally by the following items, to wit:	
Florida war.....	\$6,592,933
Approp'n for Cherokees..	1,147,067
Removal of Indians, annuities, etc.....	\$3,060,000
Do. in 1829, only	420,000
	2,640,000
Pensions.....	3,408,500
Do. in 1829....	949,594
Making a difference of.....	2,458,906
Improvements for harbors, etc..	1,535,000
Do. in 1829.....	505,000
Difference....	1,030,000
Appropriations for congressional expenditures, owing to long sess'n,	982,000
Do. expenditures in 1829.....	467,000
	512,000
Light-house appropriations in 1838.....	663,000
Expenditures in 1829.....	291,500
	371,500
Executive, territorial, judicial, and miscellaneous..	860,000
Protection of the northern frontier.....	625,000
	16,212,406
Leaving, exclusive of above excesses over 1829.....	\$14,287,594
The whole amount of expenditure from 1829 to 1837, inclusive, is \$184,957,479. The average annual expenditure for the same years amount to.....	
	\$20,550,831
The whole amount expended from 1825 to 1828, inclusive, is \$50,501,911. The average annual expenditure during the same years amounts to.....	
	12,625,477
Annual average excess of the last nine over former four years.....	7,925,354
From this deduct average annual excess of certain items of expenditure during nine years, over annual sums expended on same account during said period of four years, and for which the Administration is not properly chargeable or responsible, viz:	
The annual average excess of pensions.....	\$1,013,758
Of expenses of Indian department.....	1,125,942
Of trust funds for Indians, and indemnities from foreign Powers.....	568,333
Of revolutionary claims, and balances due to States...	279,043
Of sums paid new States on account of three and five per cent. fund.....	184,333
Of duties refunded on drawbacks and debentures...	144,334
Of judicial department....	102,806
Of census.....	44,667
Of expenditures on account of Indian wars, Black Hawk, Creek, and Seminole, amounting in all to \$15,500,000, prior to 1838,	1,722,222
	5,185,438
Which leaves the true annual excess,	\$2,739,916
No reasonable man would attempt to hold the Administration responsible for the items of ex-	

penditure above deducted. Were such an attempt made, it would be futile. The Administration is no more chargeable for the increase of pensions, for payments of revolutionary claims, balances due States, or repayment of duties on drawbacks and debentures, than for the payment of the national debt. The trust funds are properly no expenditure at all; and so far as concerns the indemnities from foreign Governments, which constitute the greater portion of these funds, they are clear gains to the country, and not expenditures. By the terms of their admission the new States are entitled to a per cent. of the proceeds of the public lands given in consideration of their agreement not to tax these lands. The amount which they receive annually from this fund depends on the quantity sold of the public land, for which the Administration is not responsible. In 1836 the proceeds of public lands was swelled to \$24,877,000. This item, therefore, is properly deducted. For the expenditures of the Indian department, being on account of purchases of Indian lands, the Administration is not more responsible than was Mr. Jefferson for the fifteen millions paid for Louisiana, or Mr. Monroe for the five millions paid to Spain for Florida. The census and increase in the number of judges and other officers, from an extension of the circuit courts, &c., to the new States, constitute charges of necessity, for which the Administration is not blamable. For the money expended in the Indian wars, the Administration is not more blamable or responsible than was Mr. Madison for the expenses of the late war with Great Britain. In these expenditures, therefore, there is no "profligate extravagance, no corrupt feeding of Treasury rats."

The remainder of the average annual excess of expenditure is composed in part of the average annual excess of expenditure for the same nine years over average annual expenditures for the same items during the four preceding years, to wit:

Navy establishment.....	\$415,995
Armories, arsenals, barracks, and quarters.....	163,000
Ordnance and ordnance stores.....	65,166
Fortifications.....	149,116
Congress and printing for Congress...	181,777
Light-houses.....	95,000
Internal improvements, including rivers, creeks, harbors, &c., and excluding Alexandria canal and Potomac bridge	324,000

Total annual average excess for these items.....\$1,399,054  
Which deducted from the general annual average excess of \$2,739,916, leaves an average annual excess still remaining of \$1,340,862.

Another principal item of increase, that of surveys, is not included. The excess of expenditure for the various items first above cited was, in part, thrown upon the Administration by its success and good fortune, as in case of the foreign indemnities and the various purchases of Indian lands; in part by national misfortunes, as in case of the several Indian wars. But all of them either support themselves, as in case of the three and five per cent. fund paid to new States, or are temporary in their character, having already expired or being shortly to expire. The aggregate amount of excess for the last-named items for nine years is \$12,067,758 greater than would be the amount of expenditure on same account in nine years, at the rate of expenditure therefore, from 1825 to 1828 inclusive. How far the people may be disposed to sanction this increase when they come to consider the wonderful growth of this mighty nation, I leave them to determine. A large portion of it is not such as I approve myself; but whatever may be the decision of the people respecting this matter, the Opposition are wholly precluded from blaming or abusing the Administration for this increase. The measures by which it has been effected have generally received their strongest support from the Opposition; and gentlemen of that party cannot with more reason hold the Administration responsible therefor than for the deposit of \$28,101,000 with the States, which received the most cordial support of the Opposition. The greatest increase in these items has grown out of large appropriations for internal improvements, light-houses, and the Navy; the increase in the last being partly attrib-

utable to the exploring expedition. For light-houses and improvements on roads, canals, rivers, and sea-coast, the Opposition have always voted, and are always demanding more. The Secretary of the Treasury, in his last annual report, suggested a retrenchment in expenditures for these objects, noticing, at the same time, that they were rapidly increasing every year to an extent unwarranted and impolitic. How was this responded to by the Opposition? The whole party abused him for suggesting the retrenchment, and some of them made the usual charge that he was attempting to dictate to Congress. "Our commerce must be broken down," says the party organ in this city, "but not one of the Treasury leeches of the Administration departments to be dispensed with." I quote from memory, but this is the substance of the editorial remark. How far the clerks in the several departments might be curtailed in number, or whether curtailed at all, I do not know. But one thing I do know: the augmentation of public business in those departments has been, within the last ten years, beyond all conception, and I discover that business in many of them is always in arrear. The business in the Land Office department, since the administration of Mr. Adams, from the entry of public lands alone, has increased tenfold, and there must be something like a corresponding increase in most of the other departments. There has been more than a corresponding increase in the labors imposed upon them by this and the other branch of Congress, which have now become onerous in the extreme. One of the items of annual excess of expenditure submitted in the foregoing statement is that of Congress and printing for Congress, the annual excess over average annual expenditure therefor, under Mr. Adams's administration, being \$181,777. This is owing, in part, to the great number of resolutions passed by this or the other House of Congress, calling upon the departments for copies of papers, records, correspondences, &c., under the plea of information. Look at your executive documents of last session, mostly made up in this way, and reaching the enormous dimensions of twelve volumes in the House and six in the Senate; in all, eighteen volumes, each one as large as the "big hall Bible." They have to be copied by the clerks in the Departments, and then printed, (some of them several times over,) bound, and distributed. Is it any wonder that so many clerks are required, when all this is superadded to their ordinary and official duties? Instances are common of ten or a dozen clerks being at work for several months to prepare an answer to a single call. But the other day I read the published note of the Solicitor of the Treasury, stating that he had directed the labor necessary to answer a single call to be examined and estimated, and that it would take an expert clerk five years and some months to copy the papers. It is notorious that seven eighths of these calls are made by Opposition members, and that two thirds of the documents obtained in answer are scarcely ever examined even by the member making the call. Who, then, are most responsible for the increase of clerk service, and for the swollen expenditures of Congress? Why, sir, it has taken four hundred reams of paper to envelope three speeches alone of the Opposition, besides the labor of pages, messengers, superintendents, &c., in folding and preparing the huge mass for the frank. I allude to the speech of Mr. BINNEY, of Philadelphia, at the panic session in 1834, and the speeches of a distinguished Senator from Massachusetts, [Mr. WEBSTER,] and of the gentleman from Ohio, [Mr. BOND,] during the last session. Now, sir, I am not complaining of all this; but are the friends of the Administration to be charged with all this extravagance? If we make the least show of resistance against these numerous calls on the Departments, we are instantly charged by fifty voices with an attempt to suppress information which would subject us to exposure, and that we evince a disposition to remain in the dark "because our deeds are evil."

Sir, (said Mr. M.,) until I was more familiar with the manner in which things are done here, I was at a loss to know how an argument, solely for party effect, could be made out, with all the plausibility of truth, giving facts and figures, and

quoting the record with the utmost exactitude, and yet be false in effect, unfair, and unjust, to both the Administration and the people. As I am now beginning to understand this matter, I will say a word in relation to it, that the people may be warned to be on their guard, and to examine fully before they give in adhesion their belief, as it is not everything that shines in the dark that is fire in reality, but often turns out, on examination, to be fox-fire, or something else. Well, sir, to give you an example: a plain, honest farmer in the country takes up a speech made in Congress by some worthy orthodox high priest of the Opposition, and he reads that "the expenditures in 1828 amounted to \$13,296,041, and that the expenditures of 1837 are \$39,164,000." He sees that the latter sum is three times the amount of the former, and as the speech is replete with the high-sounding epithets of "corruption," "extravagance," "wastefulness," "public plunderers," &c.—for these gentlemen have a vein of great richness in coining such terms—he feels himself grow indignant at the manner in which the Administration is imposing on the public. Now it never occurs to the honest man, that although the Whig orator is telling the truth, he omits to tell the whole truth, and to make the proper explanations required by candor and fairness. He is not informed that the expenditure stated for 1828 is the ordinary and current expenditure of that year, and that the amount stated for 1837 is the gross expenditure, including all sums, ordinary and extraordinary, and several millions of dollars besides. He is not told that the whole expenditure of 1828, including public debt, &c., amounted to \$25,459,000; and that in the stated amount expended in 1837, there is included \$5,610,404 of trust funds for Indian tribes, and indemnities recovered from other Governments for our own citizens, and which are, in fact, no expenditure at all. Nor is he informed that the excess of pensions in 1837, over the amount of pensions in 1828, is \$1,821,000, and that this sum is increased to about \$12,000,000 by expenses of Florida war, repayments on drawbacks and debentures, three and five per cent. funds to new States, and investments for Indian lands, for all of which no reasonable man will hold the Administration responsible. Still less is he told of the necessary augmentation in our expenditures from the great increase in the growth of the country, and in all the departments of business, besides extraordinary appropriations for improvements, for the benefit of commerce, exploring expedition, &c., many of which owe their paternity to the Opposition themselves.

Now, sir, (continued Mr. M.) if implicit credence be given by the people to the oft-reiterated charges in reference to the late defalcations, which have been made to give force and spirit to the ceaseless torrent of abuse which has, without stint or mercy, been poured upon the Administration from the commencement of this session to the present time, they must have concluded that a new era of corruption and waste had taken place in the history of the Government. They could come to no other conclusion than that little or no money was ever lost by the Government until General Jackson was called to the Presidency. Surely they must have been lost in wonder, ay, horror struck, at the wastefulness and prodigality of that incompetent and reckless functionary. Still more must they have wondered at the inconceivable folly of advocating any other mode of keeping safely the public moneys, than that of permitting the bank corporations of the country to keep and manage all our financial matters, seeing that every sensible man must know that speculators are more to be trusted than anybody else. Yes, they are more considerate and righteous, coming up even to the scriptural injunctions; for when they find you a "stranger" they "take you in." Imagine, if you can, such an interesting crisis during this supposed painful suspense in the public mind, and think of the cruelty of the gentleman from Ohio, [Mr. DUNCAN] who, contumaciously and rudely, without introduction or welcome, comes forward, armed, too, with the records of the Government, and, without prelude or apology, tells the whole story, backed by the record by which the mist is dispelled, and everything put back where it was before. Yes, he had the audacity to affirm, and to prove it, also, that the "losses

were fewer, and less in amount, during the Administration of General Jackson, and this Administration, so far as it had progressed, by more than one half, than the average losses of all the preceding Administrations, although the collections and disbursements were more than double, and that the heaviest losses sustained by both the late and present Administrations, were owing to the failures of banks and merchants."

He showed you that upwards of \$6,000,000 had been lost to the Government by banks prior to President Jackson's term of service; that of this amount there was lost by depreciation of bank paper, under Mr. Madison's administration, \$5,000,000; that \$800,000 was lost by banks under Mr. Monroe's, \$270,000 under Mr. Adams's, and \$42,000 under General Jackson's administrations. This statement of the honorable gentleman, so far from being extravagant, is, in fact, short of the real amount lost on this account. In a letter of the Secretary to an honorable Senator in the other end of the Capitol, during last session, in answer to an inquiry made respecting this subject, he says, in speaking of the amount lost by banks, "that near \$1,076,000 stands against 'old bank depositories. The loss to the Treasury, 'by taking depreciated notes in 1814-'15-'16-'17, 'is estimated at quite \$5,500,000; and there is now 'on hand, of such notes then received, and never 'paid away or collected, about \$50,000 more." He also speaks of large probable losses by the late deposit banks, including depreciation of their paper.

The gentleman from Ohio showed you that \$1,028,000 had been lost by collectors of duties, including marshals and attorneys, since the commencement of the Government; \$60,000 of which only was lost under President Jackson.

That of \$403,000 lost by receivers for public lands, \$200,000 occurred since General Jackson came into power, which, though equal in amount to what was lost before, is, nevertheless, one hundred per cent. less, when you recur to the fact that twice as much land has been sold since the 4th of March, 1829, as was sold previous to that time.

That of \$6,500,000 lost upon merchant's bonds, \$6,000,000 were lost previous to the 4th of March, 1829, and that of the remaining \$500,000, part was lost upon bonds falling due subsequent to that date, but which were executed previous to that time, and for which the Administration was not responsible. By turning to Senate document No. 503, you will there find a list of forfeited unpaid duty bonds to the number of many thousand, with the name of each delinquent, and the amount lost on each bond. The money lost on the bonds of a single man, [Edward Thompson,] nearly all of which were executed in 1825, after Mr. Adams came into power, amounts to nearly \$700,000. I do not mention this to cast any reflection on his administration, which may not have been any more to blame than any other creditor of an insolvent, it being more the misfortune of the Government than the fault of the President. Yet the unreasonable attempt is made to hold the late and present Administration responsible for all such cases. The whole "sum which will be eventually lost" on these bonds, says the Secretary of the Treasury, "will not vary much from \$6,500,000."

It seems there were some two thousand three hundred defaulting disbursing officers prior to the commencement of President Jackson's first term of service, and some forty more during his Administration. That by these officers the Government lost upwards of \$4,100,000, previous to the above term, and about \$100,000 during its continuance. The whole amount lost since 1789, is upwards of \$18,000,000, a comparatively small portion of which was lost under General Jackson's administration. With all these facts staring us full in the face, let me now ask you, sir, what becomes of the question asked by my colleague [Mr. UNDERWOOD] the other day—why was it, that as honest men could not be, or were not, selected during the last and present Administrations, to fill the Government offices, as did fill them under the former Administrations—a question, sir, which he asked with great apparent confidence, and as readily answered it himself with great felicity and self-complacency, for which all know my able and worthy colleague, whom I much esteem, is very remarkable. Why was it that my colleague asked

such a question, when it was not possible for it to be sustained by facts? It was, sir, because the very great and numerous labors of that gentleman had prevented him from looking into the facts, and he was like many others, led away by the cry of fire, fire, when there was no fire. Sir, I am only astonished, as every unbiased man must be, on examination of the facts, that the amount of money lost since the commencement of the first term of President Jackson is not much greater. Certainly the hazards and responsibilities of his Administration were much greater than those of previous Administrations. The unparalleled extension of our territory, and the immense quantity of public lands brought into market, greatly multiplied the number of receivers and other officers. The same is true in reference to officers of the customs. The unparalleled increase of our tonnage, from one to two millions in nine years, is proof of this. But the great increase in the amount of money which has passed through the hands of our officers is conclusive. The largest amount of money received for public lands, during any one year of Mr. Adams's administration, is \$1,495,845. The amount received on the same account in 1836, is \$24,877,179. The largest amount of revenue received any one year preceding 1829, is \$24,844,000. The amount received in 1836, is \$50,826,000. Add to this the unheard-of increase of bank note circulation, which rose to \$140,000,000, the large amount of public money on hand, which was at one time upwards of \$50,000,000, the general extravagance and wastefulness which pervaded every section of the country, and every rank of society, and the madness of speculation with which the times were ominous, and what living, honest, unbiased man, is not surprised that the loss of public money falls so far short of corresponding losses in preceding years?

By the general suspension of specie payments many public officers became defaulters to the Government for the time being. The banks to the amount of more than \$20,000,000. The Government had to give them time, in consequence of which the ultimate payment of most of the money was secured. The respective sums due by most of the defaulting officers have also been secured. The defalcations were not such as ordinarily occur. They were the unavoidable offspring of the unusual and extraordinary times that produced them.

This must be clear to every discriminating mind that is not blinded by prejudice. The general revulsion was an untoward and unprecedented storm, which upset the whole monetary system, which carried with it in its fall "the beggar and the king," the citizen and the corporation. None were exempt, whether natural or artificial persons. Even the Government had to share in the general discomfiture, which was deep and wide as the commerce of the world. Amid the disasters of the times, which spared neither the Government, the banks, or the people, were all the numerous collecting, receiving, and disbursing officers of the Government to escape? Who expected that such would be the case? Nobody. If not, does it furnish any evidence of dishonesty or corruption in the Administration? Certainly not. Where, then, is the soothing voice of charity, even of justice, that would not visit the penalties of guilt upon the innocent? Alas! for our blindness to our frailties! We forget to "first cast the beam out of our own eye," that we may "see clearly to cast the mote out of our brother's."

But when the general consternation occasioned by the suspension passed by, and confidence resumed her wonted place in the community, all interests began to right themselves. The defaulting banks secured most of their balances, and so did most receivers and collectors. There had been little destruction of means. A suspension of business constituted the general affliction, which passed away upon the resumption which followed; and although gentlemen have told us, day after day, about the large amounts lost by Linn, Spencer, Harris, and Boyd, receivers of public moneys, and Reckless, a collector, yet it seems that ultimate collections for the balances against them will be made. Reckless, it seems, was properly no defaulter, but finding there was a balance against him of some thirty or fifty dollars, he paid the money. As to the condition of the balances against the four receivers, the following note from the

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Secretary of the Treasury to the gentleman from Ohio [Mr. DUNCAN] will show:

TREASURY DEPARTMENT, December 31, 1838.

SIR: In answer to your letter of the 28th instant, I would observe, that in the document No. 111, sent to the House of Representatives in January last, Mr. Harris, the receiver in note No. 48 on page 39, is stated to have paid part of his balance, and the remainder to be well secured.

In Mr. Boyd's case, it is understood that the balance is well secured and in the course of collection. Such is presumed to be the balance against Linn, it being in suit, and one of the sureties of the latter being Governor Duncan, of Illinois. He was not in default when reappointed.

These officers were all dismissed, or they resigned as soon as the balances against them, appearing in the current returns, were not paid over as directed, or satisfactory reasons not given for postponement.

Spencer is not, and never has been, a defaulter on the books to my knowledge. He once delayed making a deposit from badness of the roads, but it was made as soon as they became passable.

I am, very respectfully, your obedient servant,  
LEVI WOODBURY.

Hon. A. DUNCAN, House of Representatives.

The defalcation of Mr. Swartwout for nearly one and a quarter millions of dollars has not been embraced in the foregoing views. According to the report of the First Comptroller and Solicitor of the Treasury, this defalcation commenced and "increased gradually from the first quarter of 1830 to the end of the first quarter of 1833, when his official term expired." The message of the President at the commencement of this session informed us that "a change in the office of collector at one of our principal ports (New York) has brought to light a defalcation of the 'gravest character.'" This enormous defaulter appears to have escaped suspicion during his whole term of service, and until discovered by his successor, Mr. Hoyt, whose great vigilance in this matter, says the National Intelligencer, entitles him to great credit. This defalcation has been the subject of great abuse in this House, as though the fate of the Administration depended upon it. And here, again, the credit part of the account is not given. The people are left to infer that the money is all lost. The First Comptroller and Solicitor of the Treasury, in the report referred to, inform us that they "have every reason to believe that the security of Mr. Swartwout's official bond is amply sufficient for its amount."

Again, the Solicitor says:

"On examining the letter of attorney from Mr. Swartwout to Mr. Ogden, I found that it conferred on the latter the fullest agency. He was entirely impressed with the propriety of adopting, under it, such measures for the security of the United States as were in his power. He has paid over to me \$30,000 in cash," &c. "Mr. Ogden has also executed, as the attorney of Mr. Swartwout, three mortgages of all his property in the States of New York, New Jersey, and Maryland." "These mortgages include the house and lots in this city, the large and valuable meadow property at Hoboken, and the interest in the coal lands at Cumberland. As to their value, I have no means of forming an opinion, but it is rated by Mr. Ogden at a very large amount."

These extracts show that the large amount for which Mr. Swartwout is in default, is not all lost. That all can ever be obtained, is not to be expected. The evidence here given, nevertheless, leaves but little doubt that a large portion of it is secure.

I have no apology (said Mr. M.) to make for defaulters. The bitter denunciations against them are no doubt merited; and they shall have no commiseration from me. But surely gentlemen cannot be so blind as not to see that it is utterly impossible for them to make up a great party issue on this point with the friends of the Administration. It is too plain that such an issue would be false, and foreign to the great points in contest between the two great political parties. No! it is rather a dernier resort—a forlorn hope—which, though precarious, is all that is left to lay hold of, after being foiled at every other point. Every other subject which could be pressed into service, has been used to alarm and frighten the people heretofore, and this one must subserve the purposes of the present occasion. Gentlemen, however, have rung the alarm bell so often heretofore, when no injury followed, and no well-founded signs of danger were discoverable, that they would now find some difficulty in exciting the public fears, even if there were now cause of alarm in every deed. But there is none on this, any more than on former occasions, either to alarm or endanger the cause of that party whose cause is the people's, and who have been struggling to pre-

serve and inculcate, by the merit of its pretensions, the only true political principles upon which this Government ever can successfully, or, in my humble opinion, ever ought, to be administered. It is certainly cause of regret that defalcations should take place at any time; but surely the misconduct of a subordinate officer furnishes no more reason for opposing the Administration, than for opposing the Government itself, of which he has shown himself an unworthy member. The defalcation of a public officer cannot, and ought not, to contaminate the cause of an Administration which gave him employ. The apostasy of Judas Iscariot could not be urged as an objection to the cause of the Redeemer, or cast any obloquy upon his former associates. The vile conduct of an unworthy member of the church could not blacken or disparage the cause of truth and religion. What friend of his country would have affirmed, during the most eventful crisis of our history, that the cause of Washington and his compatriots was dishonored by the treachery of Arnold? Yet such are the unreasonable conclusions to which gentlemen must arrive, from the positions they assume and the arguments they advance.

Nor can the charges here fulminated militate against the fair standing of the public functionaries at the head of the Government, unless it can be shown that they connived at the alleged delinquencies. But this cannot be pretended with any semblance of justice. I am aware that through "life's devious course," it is much easier to find fault than to escape error. But the conduct of the Executive and his much-abused Secretary of the Treasury, so far as any corrupt motive or criminal delinquency is concerned, will survive unscathed the severest scrutiny. Not a blot will be left to obscure the unimpeachable brightness of their escutcheon. Why, then, is so much of the time of this House, so precious to the nation, and so costly to the people, employed in denunciation and invective? I will tell you, sir, (said Mr. M.) It is to keep up the late alarms with which the people were so dolorously saluted from this Hall. It is to let down the tail of the late panic by a gradual process, or it is, if possible, to reanimate and form again the broken phalanx, the flying legions of the Opposition, and bring them again to the charge upon some point more vulnerable than they have heretofore attacked. Above all, it is to divert the attention of the people from the true principles in contest between the contending parties, and to form with the Administration an immaterial and false issue, upon which to put themselves for trial upon the country. Suppose we go to trial upon these charges in reference to the late defalcations. Do the Opposition hazard anything in such a trial? If they fail in obtaining a verdict on their charges against the Administration, they lose nothing; no decision is given against their political principles. If they succeed, on their charges, the Administration loses all. Can the great principles for which we contend be dependent upon the merit or demerit, the fidelity or delinquency of a collector of customs or a receiver for public lands? The people are competent to answer such a question.

An apparent determination on the part of the Opposition to obstruct the public business has been one order of battle since the commencement of the present Congress. This floor has been the almost daily stage from which gentlemen address their constituents for the purpose of arousing party prejudices. Much zeal has been manifested on former occasions to thwart the necessary measures of legislation with the view of leaving the public service unprovided for. Nor has the national honor or national safety furnished any security against these partisan attacks, the heaviest blows being often leveled against the character of the nation when it was supposed the character of the Administration could be reached thereby. And although designed exclusively for the transaction of the public business, this House must be the place, and each session the time, to fight over the party conflict. We meet, sir, not to transact the public business, but to embarrass it. Not to provide for the public service, but to cripple and break it down. Not to redeem the public faith, but to violate it. Not to strengthen the public confidence, but to wake up dormant and imaginary suspicions. Not to maintain the national

honor, but, if possible, to disgrace the Administration. We make speeches, not to allay party excitement, but to fan its devouring flame. Not to enlighten the public mind, but to "darken counsel" and bewilder the judgment. Why, sir, could the people be here from the distant corners of this wide-extended Republic, and see us

"Play such fantastic tricks

Before high heaven,"

they would cry, "Shame! shame! Is there no American blood to suffuse the cheek with the crimson blush? Is there no patriotic spirit to prompt to nobler action? These walls were not made to echo the jarring sounds of discord. This Hall was not constructed to be desecrated with mere party oblations."

PRESIDENT'S ANNUAL MESSAGE.

SPEECH OF HON. ISAAC E. CRARY,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

January 30, 1839,

On the motion to refer the various topics embraced in the President's Annual Message to the appropriate committees.

Mr. CRARY rose and said:

Mr. CHAIRMAN: As the committee have disposed of the most important resolutions growing out of the message of the President, I hope they will indulge me in a reply to the remarks of the gentleman from Ohio, [Mr. Mason,] who has just taken his seat, and also to those of the gentleman from Tennessee, [Mr. Bell,] who occupied the floor some days since.

If my memory serves me, the gentleman from Ohio has assumed very different ground in regard to the Supreme Court, from that occupied by him some three years ago. He then considered this court an improper tribunal to decide the grave and highly important question between his own State and that which I have the honor to represent on this floor. The court then had none of that holy infallibility now claimed for it. It was too insignificant a body to sit in judgment upon the claims of a sovereign State. Congress must decide the question; and Congress did decide it, with the gentleman from Ohio acting as one of the judges. This, however, was only a temporary alienation of mind from the object of his affections. With that decision, he returns again to the embraces of his early love. The court is once more restored to favor, and looked upon "as the only stay and support of our institutions," as the only branch of the Government to which we "can safely trust the exercise of power." In the opinion of the gentleman, we ought not hereafter "to go to the White House to learn constitutional law," or either Hall of Congress, but to the purlieus of the Supreme Court. There we can hear the response of the oracles, and see the priests of the Constitution adorned with black gowns, and fixing, by their fat, the destinies of nations. Verily, Ephraim is joined to his idols.

I could not agree with the gentleman on the occasion alluded to, and I cannot agree with him now. So far from considering the Supreme Court "free from political bias," I have long been in the habit of looking upon it as a political body. Its very organization, the habits of the men who sit there in judgment, the nature of the cases which come before it, all tend to give it a political character. A majority of the Court has at all times been made up of men claiming the rank of statesmen. It is their delight and glory to pass upon the liberties and immunities of sovereign States; to bring before them the acts of ministers and governors and presidents; to sit in judgment on the powers of corporations, the validity of contracts, the rights of war, the nature of treaties, and, in fine, upon the very existence of nations. These high powers cannot be exercised without calling forth political feelings and party predilections. They necessarily make the court a political body, and of the very worst character for a Republic. The members cannot easily be removed for abuse of office; they cannot be operated upon by the healthy influence of a sound public opinion; they wear their ermine during "good behavior," which, being interpreted, means till death. And this is

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not all. As soon as they are transferred to the bench they apply themselves to the study of British law and British precedents, and administer this law and these precedents as though they were the rich first fruits of the seeds of our institutions. The Supreme Court is the stationary political branch of the Government; and if it would have the universal veneration of the people of this country, it must see to it that it no longer adopts the exploded maxim of the law, "*that it is the part of a good judge to enlarge his jurisdiction.*"

The gentleman from Ohio may sneer at the "constitutional law of the White House," yet many a correct decision had been made there. The one first alluded to by him has ever met my approbation. Never were words more fully spoken. The President should interpret the Constitution as he understands it, and so should every member of this House. This we are sworn to do when we take our seats on this floor; and this the President is sworn to do in the words of the Constitution itself. The language to which exception is taken, was used by General Jackson in his bank veto message of the 10th of July, 1832. Here it is:

"If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the coordinate authorities of this Government. The Congress, the Executive, and the court, must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President, to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval, as it is of the supreme judges, when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive when acting in their legislative capacity, but to have only such influence as the force of their reasoning may deserve."

Admitting the Supreme Court to have decided the bank to be constitutional, was not the President justified in using these very words? A bill was before him for signature; he considered its provisions a violation of the Constitution, and he refused to sign it. Did he violate the Constitution? Should he have consulted the Supreme Court or any of the decisions of that court? This was no part of his duty. If he believed the bill to be unconstitutional, it was his privilege to say so, and "return it with his objections to the House in which it originated."

The gentleman from Ohio thinks the late President claimed the exercise of a high-handed responsibility in an unofficial communication to his Cabinet in 1833, when the proposition was before them for a change of the deposits. I have often read over that communication, but never discovered in it any expressions deserving of censure. There is matter for grave and serious reflection. Some of the language is oracular. It foretells the evils that have befallen us by reason of the connection between bank and State. The President said that the banking power of the country ought to be entirely separated from the political power. Time has verified his opinions. We are already engaged in the warfare of separation; we may not succeed immediately, but we shall not fail, for the people have willed it, and "too often have they gained the victory in darker days than these, and with feeble forces than they now have at their command, to despair, or bate a jot of heart or hope." But, sir, let us have the language of the President on that occasion:

"As one of the most serious objections to the Bank of the United States is the power which it concentrates, care must be taken, in finding other agents for the service of the Treasury, not to raise up another power equally formidable. Although it would probably be impossible to produce such a result by any organization of the State banks which could be devised, yet it is desirable to avoid even the appearance. To this end it would be expedient to assume no more power over them, and interfere no more in their affairs than might be absolutely necessary to the security of the public deposits, and the faithful performance of these duties as agents of the Treasury. Any interference by them in the political contests of the country, with a view to influence elections, ought, in the opinion of the President, to be followed by an immediate discharge from the public service."

"It is the desire of the President that the control of the banks and the currency shall, as far as possible, be entirely separated from the political power of the country, as well as wrested from an institution which has already attempted to subject the Government to its will. In his opinion, the

action of the General Government on this subject ought not to extend beyond the grant in the Constitution, which only authorizes Congress "to coin money and regulate the value thereof;" all else belongs to the States and the people, and must be regulated by public opinion and the interests of trade."

"Viewing it as a question of transcendent importance, both in the principles and consequences it involves, the President could not, in justice to the responsibility which he owes to the country, refrain from pressing upon the Secretary of the Treasury his view of the considerations which impel to immediate action. Upon him has been devolved, by the Constitution and the suffrages of the American people, the duty of superintending the operation of the Executive Departments of the Government, and seeing that the laws are faithfully executed. In the performance of this high trust, it is his undoubted right to express to those whom the laws and his own choice have made his associates in the administration of the Government, his opinions of their duties under circumstances as they arise. It is this right which he now exercises."

"Its responsibility has been assumed, after the most mature deliberation and reflection, as necessary to preserve the morals of the people, the freedom of the press and the purity of the elective franchise; without which, all will unite in saying that the blood and treasure expended by our forefathers in the establishment of our happy system of Government will have been vain and fruitless."

Here is the whole of the responsibility claimed by the President. Does it exceed the limit of power conferred in the words of the Constitution? Does it transgress that clause which says that "he shall take care that the laws be faithfully executed?" No, sir. The Constitution was not violated; and it was no such cause that made the welkin ring with the cry of tyranny. It was the occasion on which the language was uttered, and the object against which the responsibility claimed was exercised, that constituted the never to be forgiven offense. It struck a blow at the fair prospects of a great and powerful party in the country. It took from them their means of contaminating "the morals of the people," destroying "the freedom of the press," and corrupting "the purity of the elective franchise." Hence their persecuting cry of tyranny, of a violation of the Constitution. But the President assumed the responsibility, and the effects of it will be felt until the visions of the friends of our institutions are realized, and the prayers of the philanthropist are heard and answered.

Mr. Chairman, I come now to the remarks of the gentleman from Tennessee, [Mr. BELL.] That gentleman occupies too distinguished a position on this floor not to receive an occasional attention. He is one of the field marshals of the grand army of opposition, and can, on an emergency, bring into the field more than the forces of a single State. Following the example of generals in a different service, he seldom shows himself in the thickest of the fight, unless it be necessary to turn a flank or storm a redoubt. At other times he takes up a commanding position in the rear of his forces, where he can readily be consulted by his numerous aids-de-camp.

The gentleman from Tennessee has made war upon the message, because it alludes to a probable danger to our institutions from the "anti-republican tendencies of associated wealth." He thinks these tendencies are not as great or as dangerous "as the tendency of power to accumulate in the hands of one man." None but a mind corroded by ambition and sore disappointment could have dreamed of such a tendency to power at the present time. It is setting in the very opposite direction, as I shall by-and-by have occasion to show. Thus much cannot be said of the tendency of associated wealth. The most casual observer must have seen its anti-republican character. You cannot go into a city of the Union where you will not discover its all-pervading influence. Corporate powers have been granted for such a multiplicity of objects, that the rights of the individual are fast sinking into insignificance. Even here, where the influence of these associations should be felt the least, with what facility do they accomplish their selfish purposes. If they become defaulters to the Government, a law is immediately passed to extend to them lenity; but if an individual uses your money, there are no epithets of reproach that you will not heap upon him, no punishment that you do not think he richly deserves. If a company send in a petition for a drawback on iron to be used in the construction of a railroad, the Committee on Manufactures give a favorable answer to the prayer, and the bill goes through the House with

scarcely a dissentient voice. But let an individual apply for such a drawback on the material to be manufactured by him into axes for the prostration of the western forests; into scythes for the use of the farmers, or into ships for the navigation of the ocean or your own inland waters, and his petition will lie here till doomsday without consideration. Is there such a difference in these cases that the one must be hurried through all the forms of legislation, and the other never receive any action at all? Your railroad may be for the benefit of the country, but it more especially benefits the stockholders. The profits go to the stockholders, and your drawback enables them to dispose of their stock in the market for their own aggrandizement. Why, then, give a drawback in the one case, when you will not allow it in the other? It is as important to the country for the farmer and mechanic to have their capital cheap, as for the stockholders of corporations. In the one case you bless the many, in the other you but enrich the few.

In a Republic the law should operate equally upon all, and every divergence from this rule is contrary to the genius of our institutions. We have legislated long enough for the interests of the moneyed power; let us hereafter attend to the interests of the "entire people." We shall then hearless about Agrarians and Locofocos, and more about the prosperity and happiness of those whose hard hands have cleared the way for our greatness; and, under many a disadvantage, have made us the most powerful of nations. In making these remarks, I do not intend to deny the importance and utility of many of these associations. They have grown out of our condition, and are the natural results of an enterprising people. But they have had bestowed upon them more than their share of favor and attention. The time has come when it behooves us to see well to it; that we do not, by these grants of power entail upon those who are to come after us, evils that they can only get rid of by a resort to revolution.

Mr. Chairman, the President probably refers to the banking institutions of the country. In doing so, however, he expressly disavows any "hostility, official or personal, to those institutions." He wishes to see them "protected in the exercise of rights conferred by law," and does not doubt their "utility when properly managed in promoting the interests of trade, and through that channel the other interests of the community." He is "opposed to their creation in the form of exclusive privileges," and "desires to see the community protected against the consequences of their occasional mismanagement." In these views the great Democratic party of the country unite. The assertion, so often reiterated here, and elsewhere, that this party are opposed to banking institutions, is without foundation. It is a gross and malicious libel. We are at war—not with banking, or the credit which it honestly gives—but with its abuses, its monopolizing character, its anti-republican tendency.

It is not to be denied that there is great diversity of opinion among Democrats as to the proper system of banking to be sustained by the country. Some are in favor of having the business done by State institutions; others by joint-stock companies. Some would intrust the power to chartered associations; while others would regulate it by general laws, operating equally upon all. The latter plan has been adopted by my own State; but it has had to encounter much opposition, and may be superseded by a State institution. The law took effect at a disastrous period in the currency and credit of the country; when specie payments were suspended, and bank bills had no standard by which their value could be measured. Too many associations were formed, and there was an over-issue of bank obligations; but the return to specie payments rapidly corrected the evil, and bankers were taught that there are times and periods when banking operations can only be carried on by the possession of actual capital, and available exchangeable products.

This banking mania was natural. It was the first fruit of freedom after an age of interdictions and restrictions. These had induced the community to believe that great profits were to be realized from the trade, and the removal of them created a general disposition to rush into it with-

out a due consideration of the fact that *lenders*, as well as *borrowers*, are necessary to the existence of such institutions. They were established among *borrowers*, and where only small amounts of capital could be used to advantage. They shared the fate that always awaits every premature attempt to extend the division of labor. But a failure from such causes is not to be used as an argument against a system of free banking, established on a proper foundation. Chartered associations have failed from similar causes, and even State institutions have been unable to redeem their promises. Our motto for the seas has been, "free trade and sailors' rights;" the improved modes of thinking of modern times will soon cause it to be our motto for the land. When that time comes, the abuses of banking will be corrected, its monopolizing character destroyed, and its anti-republican tendency abated. Capital will find its own level, and labor its own reward.

But, sir, let us return once more to the consideration of the "anti-republican tendencies of associated wealth." In what State of the Union have they not been manifested? Look at the action of this associated wealth in suspending specie payments without authority of law. The mandates of Bonaparte were never more imperious than were our banking institutions on that occasion. They said to trade, perish! and it perished without a murmur. They said to commerce, die! and it died without a struggle. Your merchants shut up their shops, and your ships were laid up at the wharves. With millions of specie in their vaults, these institutions put the community at defiance, and, in many instances, dictated to the sovereign power the conditions of peace. They entered the arena of politics, called conventions, deliberated on the condition of the country, regulated the laws of trade, and attempted to prescribe the course of action in this body. The moneyed king issued his proclamation, condemned the Treasury circular, impeached the conduct of the Secretary of the Treasury in the distribution of the surplus revenue, attacked the message of the President at the extra session, and commanded his liege subjects to retreat behind their "cotton bags." We have seen them, at a late election in one of the largest States of the Union, uniting to overthrow a party in power for the purpose of perpetuating the reign of shipplasters, and of enabling their friends, on gaining the victory, to inscribe on their banners, "No sub-treasurers for the Empire State."

But the anti-republican tendency of associated wealth is not confined to our own country. The first English association for trading with the East Indies originated with a capital of about \$150,000. This capital has been augmented from time to time until it now amounts to almost \$30,000,000. The association commenced as a trading company, but the cupidity of the counting-house was soon united with the honor of the soldier; the merchant became a conqueror, the trader a king. They have despoiled one of the fairest portions of the globe, have waged relentless wars for plunder, murdered millions for their gold, and devastated a continent for the sake of power. There is no act of cruelty, injustice, fraud, rapine, tyranny, and baseness which does not stain the history of the career of this association. Verily, associated wealth has an anti-republican tendency. It not only uses its power to control the laws of trade and the politics of State, but to govern the destinies of nations. Such a power should be watched by the friends of Democratic institutions with never-ceasing vigilance. It is concentrating itself for a fearful struggle, and on the issue will depend the question whether the few, a class, are to predominate, or whether the many, the people, shall rule. I have no fears of the final result. The people will come off more than conquerors.

The gentleman from Tennessee denies the influence of the mass of the people in the conduct of our national affairs. He says "never before" were the mass of the community so powerless. "They have nothing to do but to follow blindly, and give their sanction to schemes and measures dictated by the heads of the party, some three or four men at most." This may be a correct representation of the condition of the Opposition, but it is not true when applied to the mass of the community. Their power was never greater than at

the present moment. They never before enjoyed greater political franchises. The influence of the Democratic principle in the States has gradually removed the property requisitions for office, extended the right of suffrage, and created a more immediate responsibility to the people of those holding public trusts. When the Constitution was formed, presidential electors were chosen with the expectation that they would exercise their judgments in selecting a Chief Magistrate, but they now deposit their votes as the agents of the popular will, and for the man designated by the majority. By degrees the people have assumed the right to choose nearly all of those officers whose duties intimately affect their interest. The time has not long gone by since they were denied the right of expressing their opinion on public affairs, for the purpose of influencing the deliberations of this body. Now, they instruct us, and sometimes their instructions are obeyed. There is a powerful party in the country who believe in the right of instruction, and those who oppose this right are willing to listen to addresses and resolutions upon matters deeply affecting the public interests. Even the opponents of the "fierce Democracy" are beginning to study a little in the school of popular rights.

Mr. Chairman, the time has gone by when "three or four men at most," however popular, can dictate the public policy of this country. No man is powerful now who is not the exponent of the public opinion of the masses. The want of a knowledge of this fact, or of a due appreciation of its truth, has been the cause of all the blunders committed by the gentleman and his friends. They have attempted to dictate to the masses. They have set up their own gods, and called on all Israel to worship them; and against those who would not bow down and cry out, "these be our gods also," they have uttered an *anathema maranatha*. They have denounced them as outcasts, levelers, agrarians, workies, and Locofocos. All of these epithets have been applied to the masses, who could not believe in the infallibility of the opinions of certain great men in this country. The people acknowledge no leaders, unless they are the representatives of their opinions. They have no dictators but the principles of truth. These they embrace, comprehend, and sooner or later enforce.

The Democratic party here have been charged with receiving their instructions from "the White House." This declaration needs proof. I know of no one of their number whose conduct should subject him to this imputation. Instructions come to us from a different quarter, from the districts that we represent. Even the President sometimes takes lessons in these normal schools. He did so on the great question of a separation of bank and State. On that occasion he put himself at the head of a great and powerful party, which demanded that measure. It showed itself here in the long session of 1836; but its strength was more manifest in places far removed from the corrupting influences of the Capitol. I stand upon this floor as the representative of that principle. It was put at issue, in my own State, before the President sent forth his message at the extra session, and it was nobly sustained at the ballot-boxes. We had no dictation from the White House; and none from those high in authority. The movement was voluntary on the part of the people, and was crowned with success.

The mass of the community are far from being powerless; and he who asserts it has entirely mistaken the signs of the times. They make and unmake us all. Whom they will they set up, and whom they will they put down. The man who assumes to be their dictator soon sees "the fingers upon the plaster of the wall;" and from that hour his power departs from him and he becomes a political outcast. In this particular the late President has been grossly libeled. He was neither a dictator nor a tyrant. I do not deny his power, but it was power acquired by his sagacity to discern the feelings and wishes of the people. If he had attempted the part of a dictator or a tyrant, not all the honors acquired at New Orleans, not all the glories of a long and distinguished life of military service, could have saved him from political annihilation. General Jackson was the champion of the rights of mankind in the aggregate

against certain classes who would have all to themselves. He was the chosen representative of those who were in favor of circumscribing the action of this Government, of bringing back the Constitution to what it was intended to be by its framers; of preserving the sovereignty and independency of the States, and with them, the rights of the people. He brought around him men fresh from the ranks of the people, acquainted with their wants, and understanding the current of their opinions. He consulted those men; and for that cause alone his opponents charged him with being under the influence of a "Kitchen Cabinet." It was a Cabinet worthy of the man. It enabled his master mind to go on with the age, and keep up with the advancing spirit of the country.

Mr. Chairman, the gentleman from Tennessee says, "that new party names have been invented; that we of late hear of little else than the Democracy of the country." That man is little versed in the history of our politics who does not know that the word *Democrat* has been a party cognomen for almost half a century. It was once used as a term of reproach for the purpose of bringing into disrepute the liberal views of such men as Jefferson and Madison. It was given as a party name as early as 1794, and has since been so much honored that our opponents seem disposed to take it from us. In denying to us our ancient appellation, it was, doubtless, the intention of the gentleman to prepare for this grand larceny. The Federalists, once National Republicans, the Whigs of 1834, and the Republican Whigs of 1838, are about to assume the name of Democratic Whigs. New party names have indeed been invented, but not by us, sir. We stand by the old landmarks; we rally under the old banners—the banners that have so often led to victory and to glory.

I said that the word *Democrat* was once applied to our party as a term of reproach. In 1797, Trumbull, the poet and Federalist, but an honest man withal, applied the word *Democrat* to our party in a poem published in the Connecticut Courant. Here is an extract:

"See Mifflin stretching out the laws,  
To aid the anti-Federal cause,  
See him with Barclay, John, and Dallas,  
Poor Pennsylvania keeps no gallowes,  
Play many a Democratic prank,  
In fleeing Pennsylvania Bank."

In the same year, a Philadelphia paper gives the following advice to the farmers, who were Democrats:

"Go weed your corn, and plow your land;  
And by Columbia's interest stand;  
Cast prejudice away,  
To able heads leave State affairs,  
Give railing o'er, and say your prayers  
For stores of corn and hay:  
With politics never break your sleep,  
But ring your hogs and shear your sheep."

The United States Gazette said: "It is very certain that the leading Democrats in the United States are almost to a man *DEISTS* and *ATHEISTS*." These extracts, from Federal papers, show that there was then a turbulent party in the country called *Democrats*, and that the great body of them were considered as only fit to weed corn, ring hogs, and shear sheep.

In further proof that we are still rallying under the old banners, let us have the words of the Aurora—a Democratic paper.

In 1796, this paper says: "Dr. Rush's eulogium on Rittenhouse has given great offense to the Aristocrats, because he was the president of a 'DEMOCRATIC SOCIETY.'"

On the succeeding day, the same paper holds the following language: "It is a little remarkable that 'the two great fires which have lately happened, have appeared in two places that send *DEMOCRATIC REPUBLICANS* to Congress.' Here, sir, is the appellation of our party at full length, and yet we are gravely told that 'Democracy' is a new name—an invention of modern times to gull the people.

But, sir, there is still another charge against the people. It is "most emphatically denied that we are authorized to boast of their increased attachment to our institutions." This is but the repetition of the language of by-gone days. In 1794, a writer in the Columbia Sentinel, the leading Federal print in New England, charged the Democrats "with exerting opposition to the law, 'actually raising an armed rebellion in the very

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'center of the United States, and opposing their veto to the doings of the President, to the laws of the Union, and to the will of the whole people." At a dinner given in old Faneuil Hall, President Adams charged the people with possessing such "a spirit of falsehood and malignity, as to bear a threatening aspect upon the union of the States and their constitution of Government." The United States Gazette was of the opinion "that Democrats were no republicans." It therefore says: "Let the party be styled Democrats, for two reasons; first, it describes the sort of politics they would introduce; and secondly, it is a name already disgraced, and fits the wearers." The language of the gentleman is that of the Tories of England when the people propose to shorten the duration of Parliament, simplify the qualification of voters, abridge the expenses of elections, abolish the small borough constituencies, abrogate the corn laws, reform the corporations, and reduce the temporalities of the clergy. The same language is used by the aristocrats of every age, when the people awake to a sense of their danger, and put forth their strength for the preservation of their liberties.

The next assault in order is upon the Department of the Post Office. It is said that there were "no abuses in this Department until the party in power began reform." You, sir, know that this statement needs great qualification. You will recollect the confusion that prevailed in every branch of this Department when it was under the charge of Mr. Meigs. In 1818 there was due the Treasury from this office the sum of \$539,844. In 1817, when the Fifth Auditor's office was established, the Post Office accounts were only adjusted to the third quarter of the year 1810, and the accounts of postmasters were in arrears for thirty years. In many instances principals and sureties had become bankrupt. But at that time a bankruptcy of half a million of dollars, unsettled accounts at the Treasury for seven years, and with the postmasters of the country for thirty years, were not a very serious offense to the public morals, or "dangerous attack upon the public liberties." They gave rise to a short report, occasioned a few speeches, and the whole matter was adjusted without prejudice to Mr. Monroe, or to you, sir, as a member of his Cabinet. It was not the fashion then to bring a whole party before "this grand inquest of the nation" for the errors and faults of one man. Let the same thing happen now, and a long session of Congress would not give sufficient time for the Opposition to express their feelings of indignation. The welkin would ring with the cry of corruption and speculation.

I do not deny the existence of abuses in this Department when under the administration of Major Barry. He was imposed upon by those in whom he had a right to place confidence; and that which enriched them made him poor indeed. The West, however, have occasion to remember him favorably for increased mail facilities, and for giving to the Department an impulse which silenced murmurs, and put at rest the question of a branch office beyond the Alleghanies. It is also to be remembered that Congress have authorized the settlement and payment of many of those contracts which were pronounced corrupt by the Post Office investigating committee. The mandamus case grew out of the refusal of the present Postmaster General to pay the amount of the award made on those contracts. But whatever may have been the faults of the past management of the office, it must be admitted that the present Postmaster General executes his trust with distinguished ability. His errors are on the side of economy, not of lavish expenditure.

Mr. Chairman, the gentleman from Tennessee thinks there are many abuses in the public service, but he has a grand panacea for them all. It is to operate on the political system as some of the late patented medicines are said to operate on the human system. We have only to apply it, and the whole political body assumes new life and vigor. It immediately puts on the innocent face of youthful existence. I never had much faith in the healing qualities of many of these medicines, and I have still less in the gentleman's bill "to secure the freedom of elections." It looks too much like the old sedition law. It is a bill to cir-

cumscribe freedom of speech and of action. It makes intermeddling in elections, in any way, by an officer of this Government, except to vote, "an attack upon the public liberties," a high misdemeanor, and punishes the offender by a fine of \$1,000, removal from office, and perpetual disability to hold office forever after. But this gag is not sufficient. The "giving office on agreement with the appointee to render political or other service in elections, or otherwise," is punishable by a fine of \$5,000, removal from office, and the same perpetual disability. When this bill becomes a law by consent of the people, they will have taken one grand step on the high road to despotism. The founders of our liberties considered "civil subjection as either necessary or voluntary." These restraints are not necessary, and it is ever to be remembered that the declarations of positive law are always weak when in opposition to the will of the people. Instead of being a measure "to secure the freedom of elections," it grossly attacks that freedom; ay, more, it violates the Constitution. It is no part of the duty of Congress to regulate the elective franchise. If the conduct of the officers of this Government at elections is odious in any of the States, let those States pass laws to prevent the evil. They have the power, and on them let there be devolved the responsibility of exercising it. The gentleman ought to take his bill to his own Legislature. When he does so, I have no doubt the wylly say of it as a Colonial Governor of the Old Dominion once said of schools and printing—"God keep us from both."

We have heard much of late about the "spoils principle." It has been most bitterly condemned by the Opposition here, and yet they have practiced upon it in every State where they have obtained the power. They first established the principle; and yet the gentleman says he has often "foretold its bad effects." This may be, sir, but it only shows that he stands alone with his party. Even in his own State, they have rewarded friends by giving them office, and punished enemies by turning them out.

Mr. BELL said they did not remove from office, and only appointed their friends to the higher offices.

Mr. CRARY. I speak from newspaper report, and may be in error. But I know no difference between a high and a low office. If it is an attack upon the public liberties to remove a political opponent from an inferior office, it must be an attack upon the same liberties to remove one from a superior station. The principle is the same in either case. This principle might prove injurious, if all our contests for power were of a personal character. As the Opposition rally more in support of men than measures, they ought, perhaps, to condemn it, and not only so, but never to practice it. The contests of the Democratic party are of a different character. Their motto is, and ever has been, principles first, and men afterwards, and they never rally around men until their principles are personified in them. In support of these principles they have endured buffetings and reproaches and stripes without number. They have submitted to be called by the most opprobrious epithets, and all for the belief that was in them, that they were promoting the true doctrines of liberty, and the real interests of mankind. When principles are made to prevail at such a price, they ought not to be represented and personified throughout the country by men who hate them, and labor by night and by day, in season and out of season to bring them into disrepute. No man or set of men can long be at the head of the Democratic party of this country, who will allow the sentinels upon the watch-towers to burn blue lights as signals to the enemy. General Washington was right on this subject, when he said: "I shall not, whilst I have the honor to administer the Government, bring a man into any office of consequence, knowingly, whose political tenets are adverse to the measures which the General Government is pursuing; for this, in my opinion, would be a sort of political suicide. That it would embarrass its movements is certain." The example of Washington was followed by his successors—by your venerable father, and by Madison. I will say nothing as to the course of Mr. Monroe, for he came into power, and defaced the old landmarks of party; and warriors came together, and

shook hands upon their old battle-fields. When you assumed the reins of Government, it was a subject of frequent complaint with your friends that you tried to buy up your enemies by offers of political station. It was an unfortunate movement. For this and other causes, you very soon found yourself "with a barren scepter in your grasp, no son of yours succeeding." Sir, it will ever be found difficult for any administration to manage the affairs of Government to the satisfaction of their party, with the power of political station in the hands of opponents. If it does not prove "political suicide," it will "always embarrass its movements."

Mr. Chairman, the speech of the gentleman from Tennessee is remarkable throughout for the peculiarity of its argument. It contains many a jesuitical statement—many an illogical deduction. But I will not trouble the committee with their further consideration. I leave the rest of its fallacies to be commented upon by those who are more capable of doing them justice.

#### INTERFERENCE OF FEDERAL OFFICERS IN ELECTIONS.

#### REPORT IN THE SENATE,

January 31, 1839.

Mr. WALL submitted the following report:

The Committee on the Judiciary, to which was referred "A bill to prevent the interference of certain Federal officers in elections," report:

That they have examined the bill referred to them with the care and attention which the importance of the subject demands. The object of the bill proposed in the title and preamble, is to prevent the great powers given to the officers of the Federal Government, and other persons employed in its service, from being used for the influencing of elections which ought to be free and uncorrupt, and its scope is very broad and comprehensive. It proposes to enact that, after the first day of April next, no marshal or deputy marshal, no postmaster or deputy postmaster, no receiver or register of a land office, or any of their deputies or clerks, no surveyor general of public lands, or any of his deputies or assistants, no collector, surveyor, naval officer, weigher, gauger, appraiser, or other officer, or person, whatsoever, concerned or employed in the charging, collecting, levying, or managing the customs, or any part or branch thereof, no engineer, officer or agent employed or concerned in the execution or superintendence of any of the public works, shall, by word, message, or writing, or in any other manner whatsoever, endeavor to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of any persons to be electors of President or Vice President of the United States, or for the choice of any person to be a Senator or Representative in the Congress of the United States, or for the choice of any person to be Governor or Lieutenant Governor of any State, or of any person to be a Representative or member of the Legislative Department of any State of this Union, or for the choice of any person to serve in any public office established by the law of any of the said States; nor shall any such officer or person intermeddle in any of the elections above-mentioned, or use any means with intent to influence or control the same, otherwise than by giving his own vote, under the penalty of five hundred dollars, one moiety thereof to the informer, and the other moiety thereof to the United States, to be recovered, with costs of suit, by any person that shall sue for the same, by action of debt, bill, or plaint, in any of the district or circuit courts of the United States; and every person convicted of such offense, shall thereby become disabled and incapable of ever bearing or executing any place or office of trust whatsoever under the United States.

It is a wise and salutary rule, as well for the expounders as the makers of a law, to consider the old law, the mischief and the remedy. The committee believe that it is beyond all question, that under the Constitution and the existing laws of the United States, every citizen has "the right of freely examining public characters and measures, and of free communion among the people thereon," "by word, message, or writing," or in

any other manner he may judge proper. This right is not only asserted in the celebrated resolutions of the Virginia Legislature, in the sessions of 1798, and 1799, and 1800, as belonging to the general principles of free government, as well as the particular organization and positive provisions of the Federal Constitution, but declared to be "the only effectual guardian of every other right." The foundation of representative government is based upon the intelligence of the citizen, and to insure that intelligence, it is both the right and the duty of every one freely to discuss and communicate, both publicly and privately, such matters as he may suppose will advance the public interest, or inform the public mind. One of the most salutary and effectual agents, to promote such interest, is an enlightened public opinion. To evolve such opinion, and to give form and direction to the general course of national policy, and the future destinies of all, every citizen, whether intrusted with public office or not, has alike deep, abiding, and active interest, and no citizen is at liberty to withdraw himself from this high responsibility, inseparably connected with republican institutions. One of the most celebrated law-makers of the ancient Republics declared every citizen infamous who refused to take part in the affairs of his country; and the word *idiot*, derived from the language of one of them, bears through all time this impress of their institutions, denoting one who was destitute of the spirit or intelligence requisite for the discharge of this highest duty of a citizen.

The elective right is not conferred by the Constitution of the United States, but belongs to representative government, and springs from its very nature; and the very essence of that right, under our institutions, is the right of electing the members of the General and State Governments. The value and the advantages of this right, so far as respects the public, depend upon the knowledge of public measures, and of the qualifications of candidates for public trust; and, consequently, upon the equal and unrestricted freedom of discussing their comparative merits and demerits. The citizen who, by the choice of his fellows, is distinguished by being selected to perform official duties and trusts, is not thereby elevated above them, nor degraded below them. He parts with no rights of citizenship, but remains an equal among equals; still connected with them by the strong and enduring ligaments of mutuality of rights and privileges. Under our Constitution, the people, not the Government, possess the sovereignty; and the doors of office can be opened only by the powerful charm of the public voice, and no degrading sacrifice of any of the privileges of citizenship, or any separation from the community of rights, feelings, and interests, which bind the people to the Government, is required.

The object of the Constitution is the protection of the equal rights and privileges of all—the few as well as the many. The spirit of despotism is widely different; erected upon the destruction of the rights of man, its main object is to protect the few against the many. Hence the policy of separating its officers from all sympathy of feeling and interest with the many, by attaching to office attractive distinctions and seductive privileges, which create a distinct class, and elevate them above the mass, or by degrading them by unnatural mutilations below their fellow-man, prepares them to become fit instruments of arbitrary power. Despots who surround their thrones with eunuchs and mutes, act upon the latter principle, and are impelled by the instinct of fear to resort to unnatural and unjust means to retain what is unjustly acquired. Happily our institutions, resting upon the just foundation of popular rights, neither demand nor will admit of the mutilation of the persons or the privileges of citizenship as a prerequisite for office. Under the existing laws a citizen of a State does not, by accepting any office under the Federal Government, forfeit any of the rights and privileges which belong to him as a citizen of a State; and all control over the privileges and immunities of the citizens in the several States, is expressly withheld from the action of the Federal Government, and left with the States, by the second section of the fourth article of the Constitution. The committee believe that the State and Federal Governments under our system are coordinate departments of one single and

integral whole; that the compact between the States unites them in a single Government, as to their relations with each other and with foreign nations, and as to certain articles particularly specified, each retaining to itself the other rights of independent Government, agreeing to appoint in conjunction for the administration of the Federal branch, and each retaining its original right of appointing, for administering its domestic branch, a separate set of functionaries, legislative, executive, and judicial. These two sets of officers, each independent of the other, constitute a whole of Government for each State separately, the powers given to one, specifically made Federal, exercised over the whole, the residuary powers retained to the other confined to the particular State.

The committee have thus stated their views of the existing law in regard to the rights of the Federal functionaries upon whom the bill referred to them is proposed to operate. What, then, is the mischief which this bill is designed to prevent? It assumes that the great powers given to the officers of the Federal Government, and others employed in their service, may be used for the influencing of elections and corrupting their freedom and purity.

That elections ought to be pure and uncorrupted is a principle admitted by all, and no language can be too strong to express the abhorrence felt by the committee against any attempt to destroy this freedom and purity. He who is guilty of either, by bribing or corrupting voters, violating the ballot-box, or setting at naught its voice, forging or suppressing returns, or disobeying the laws enacted for securing any elective right, is guilty of treason against republican institutions, and ought to be regarded by all as a dangerous foe to liberty.

The committee are not aware that any such acts have been committed by any of the functionaries named in the bill referred to them; nor have they been able to discover the slightest evidence that any attempt has been made to bring the patronage or power of the Federal Government to destroy the freedom and purity of elections. It is true that such allegations have been made; but it will be recollected that it is equally true that allegations have been made against some of the functionaries of some of the State governments, of attempting, in violation of existing laws, to suppress returns, set aside the voice of the people, and substitute the will of the minority for that of the majority; in fact, to treat elections as nullities, and substitute the acts of reckless and profligate officers for the voice of the majority. We have seen one of the States of the Union brought to the brink of revolution by alleged efforts of this kind, and in other States witnessed alarming attempts to defeat the voice of the majority in elections. This state of things would indeed seem to indicate an alarming laxity of political morality, and to require the exercise of appropriate remedies, by constitutional legislation. Whether, if true, they are to be attributed to the action of the functionaries of the State or Federal Government, or the officers of corporations of associated wealth, which have been brought by indiscreet legislation into too intimate connection with both, and whose influence insinuates itself into all the business of active enterprise and the ordinary transactions of society, or to other causes, it is not the legitimate province of the committee to inquire. Those who are charged with attempts to corrupt the purity, and destroy the freedom of elections, are very apt to make charges of the same kind against others, in the vain hope of exculpating themselves, or at least of drawing off public attention from their own acts, by inculpating others. Neither accusations from such quarters, nor the mere assertions of disappointed office-hunters, or reckless partisan editors, pealing forth the war cries of party, can safely be made the foundation of such legislation as destroys the use of unquestionable rights for the purpose of preventing their abuse.

In the struggles of parties for power, it is believed by the committee that it may well be doubted whether the patronage of office is to be deemed an advantage, inasmuch as while there can be but one incumbent of an office, the number of those who are stimulated to partisan activity by the hope of gaining it as a reward for extraordinary exertions, is unlimited, to say nothing

of those who may be paralyzed by disappointment, or disaffected by rejection. Public sentiment exercises a salutary and controlling influence over the conduct of public functionaries; and while it properly watches their conduct with jealousy, and scrutinizes their actions rigidly, it tolerates almost unbounded liberty of speech in those who are seeking office. We cannot cast our eyes in any direction without perceiving the evidence of the fact that, for every office under the Federal Government, even to the Presidency, the numerical proportion of those who seek office by partisan activity is at least three to one against the possessors. The office-seekers have an unlimited freedom of speech and of action, denied to the incumbent by the circumstances of his position, and are at liberty to attack the motives and conduct of the latter, and indulge in professions of patriotic ardor and disinterestedness, restrained by no other limits than the elastic credulity of their friends and party. That the possession of patronage does not insure its retention, is proved by frequent instances, both in the Federal and State Governments.

The committee believe that, in those places where the Federal officers enumerated in the bill are most numerous, it will be found that the elections more frequently result against than in favor of the Administration; and this proves either that they do not bring "the great powers derived from the Federal Government" to influence elections, or that they use them against the party which conferred those powers, or that no danger is to be apprehended of their destroying the freedom and purity of election. It is believed that even a majority of those who would be affected by this bill are hostile to the views of policy, or opposed to the political principles of the present Administration; and if the sentiments of those who are found in possession of office in the ten miles square are any test, the majority would be very great. But the true and conclusive answer to all such allegations, of bringing the patronage and power of the General Government in hostility to the freedom and purity of elections, is to be found in the fact that such acts are everywhere, in all the States, punishable by State laws; and the committee are not aware of any prosecution even for such offenses.

It is also worthy of special remark that, in those States where the most clamor has been raised and the most alarm has been expressed on this subject, the State functionaries are opposed to the Administration, and, as they have the power, it is their duty to punish such offenses. The committee are therefore constrained to believe that there is no just foundation for such an accusation, and to look upon it as one of those allegations which those who are struggling to gain the power which they affect to think so corrupt and corrupting consider themselves justified in making to stimulate their partisans and decry their opponents. But whether the mischief actually exists or not, the committee proceed to consider the policy and constitutionality of the remedy which is proposed by the bill referred to them.

The object of the bill is to render what is lawful and praiseworthy, and in strict conformity with both the letter and spirit of our institutions, for all citizens, criminal in a particular class who have been honored by the confidence of the people of the whole States. It is not to punish a crime *malum in se*, but to create a new crime. It is not to punish bribery and corruption, the robbery of the ballot-box, the suppression or forging of returns, or usurpation or neglect of official duty in giving effect to the will of the majority in elections, but the use of persuasion or dissuasion, of intermeddling to control or influence voters by means that are lawful and right in others. Every citizen ought to qualify himself by study, conversation, and every other means of acquiring knowledge, to understand the theory and principles of our institutions, and to ascertain the best mode of administering them in their true spirit, so as to promote the greatest good of the greatest number, and to render himself capable of discharging any trust that may be conferred on him by his fellow-citizens. It is as well his right as his duty to discuss and promulge freely the measures of any Administration, and the character and conduct of those who support or oppose it, as well to control

them by the censorship of public opinion as to subject them to the test of the Constitution. In doing so he may win the confidence of his fellow-citizens by his declared opinions, or may become identified with some great principle which conciliates their support. All this is innocent and praiseworthy, even if the motive is the acquisition of office, because it promotes the public good. Can it be wise, or even just, to punish as a crime, when he attains office, what was patriotic and praiseworthy while he was seeking it? Yet why should office-seeking and office-holding thus be separated by arbitrary enactments, which bestow honors and confidence upon the one, and penalty and ignominy upon the other, for doing the same act? How is it possible for any of the officers enumerated in this bill freely to discuss public men and measures in private circles, in public assemblies, in the newspapers, or even in the unreserved confidence of social intercourse, when an elector is present, before or after an election, without subjecting himself to the sweeping penalties of this bill? It is unequal. While one set of functionaries under the Federal Government, and all those of the State governments, and the officers of the corporations of associated wealth, are left with an unrestricted freedom of speech and of the press, this bill puts a gag and fetters upon a few proscribed men, in respect to public men and public measures. Why this discrimination? Are the proscribed officers more corrupt or liable to corruption than other office-holders? Is it to guard against the corrupting influence and patronage of the Federal Administration? If so, the effect of the bill would be still more objectionable, as in degrading them by taking from them the rights common to all others, it would prepare them to become the willing instruments of corruption or ambition. This bill would create a caste among office-holders, deriving their authority from the same high source, the people, and requiring the same high qualifications to discharge their duties. Those enumerated would be degraded by the very acceptance of office, which would cut them off from all identity of feeling, interest, and sympathy with their fellow-citizens, by the voluntary mutilation of the very manhood of citizenship. It converts those officers into mutes. It enforces temporary outlawry of the dearest and most inestimable rights of citizenship, with a penalty suspended over their heads during the continuance of office, which may be cut by a word, message, writing, or even a look, doom them to become outcasts—political lepers. They would be dishonored by the very act of surrendering such rights for the mercenary motives of pecuniary gain and rewards of office, and proclaim themselves slaves, and the fit instruments for making slaves of others. They would find the badges of slavery and dishonor written upon their commissions. It creates a privileged class of office-holders. The President and his Cabinet, the heads of bureaus and their clerks, the officers of Congress, the judiciary and their clerks, and the district attorneys, the officers of the Army and Navy, in short, all the Federal officers whose emoluments are greatest, and whose sphere of influence is most extensive, are left free, while those who derive their compensation from fees given for labor performed in the execution of their duties, or their daily support from their daily labor in the offices or employments enumerated, are prohibited from intermeddling in elections, by word or deed, save only by giving their own vote. Is it to recognize distinctions in society, grades of virtue in office-holders? Is it to imply that the proscribed office-holders, being chiefly subordinate, and many of them hard-working men, must "have bridles in their mouths, and saddles upon their backs," as a preliminary qualification for office? Why should those officers be rendered aliens, and be cut off from the enjoyment of the social rights of discussing political subjects, even under the protection of their own household gods, while the other functionaries of the Federal and State Governments, and the officers of the corporations of associated wealth, and the *employés* of private persons are permitted to retain the full rights of citizens? This bill degrades the rights of suffrage, the guardian of all political rights by meting it out as a boon in different portions to different citizens, all equally worthy of trust, and distinguished by

popular favor, and by placing it under an odious espionage.

It surrounds the proscribed officers with a body of common informers, stimulated by two of the strongest incentives to constant vigilance—the hope of gain, and the desire of office—to watch their every word, message, writing, look, or action, to torture it into an endeavor to persuade, or to dissuade, an elector, in giving his vote, or intermeddling in an election. By day and by night, in public and in private, in the election of a President or a Governor, of a constable or a pound-keeper, the omnipresent eye of this new body of familiars is alike upon the collector and his cartman, the superintendent of the public works, and the day laborer in his employ. Where is the limit to be found in this bill which separates freedom of speech and of the press from its operation? The open, manly independence of thought and liberty of action, heretofore justly considered the best preservatives of our institutions, must soon perish under the parasitic embrace of this bill. It not only punishes the freedom of action, but of thought. It forbids the designated person, as well from intermeddling in any Federal or State election, as from using any means with intent to control or influence the same; thus introducing a new crime in our code, without precision or technical definition, broad and comprehensive as the theater of human action, and expansive as human thought on political subjects. While it deprives one class of Federal officers of a portion of their rights, it bestows the most latitudinarian power upon another class, the furthest removed from the influence of the people—the judiciary. Them it clothes with jurisdiction to decide what is an endeavor to persuade, or to dissuade, an elector to give his vote; what act is an intermeddling in an election; and what is using any means with intent to influence or control the same. It is stamped with the most odious and miserable impress of tyranny, vagueness, and uncertainty. It may well be doubted whether the end—the purity and freedom of election—would justify such means, a delegation of such undefined power, even to the purity of the sacred ermine. The history of other countries is full of warning upon this subject. The Spanish Inquisition, with all its terrible atrocities, was reared upon quite as slender a foundation. Its proposed object was to render religion pure and uncorrupt; and, for that avowed holy purpose, the most latitudinarian power was given to its ministers. To prevent heresy in religion, they had, or soon assumed for that purpose, the power to punish all persons who endeavored to "persuade" or "dissuade" others, or in anywise "intermeddle" in matters of religion. Hence, also, they gradually assumed cognizance of the intentions, and even the thoughts, of men, and the tendencies of their words and writings, in the streets and in the sacred privacy of the closet, on a subject of universal concern and everlasting interest, and subjected them to the never-sleeping eye of a body of informers, under the name of familiars. The parallel between the bill referred to the committee and the origin of the Inquisition, is as striking as it is alarming, and differs less in the means than the end; the one being designed to render religion pure and uncorrupt, and the other to preserve the elective franchise pure and uncorrupt. The delegation of such unlimited power corrupted even sacred the priesthood; and religious heresy became the means of their power, and the terrible instrument of their malice or tyranny. Are laymen more pure or safer depositaries of unlimited discretion? May it not be justly apprehended that political heresy may become, in the hands of the judiciary, as formidable a means of power and as vindictive an instrument of malice and tyranny? "Confidence is every-where the parent of despotism; free government is founded in jealousy, not confidence. It is jealousy, not confidence, which prescribes limited constitutions, to bind down those whom we are obliged to trust with power."

The committee believe that the spirit of our institutions is onward, and that it is more consistent with that spirit to look upon the ruins of the Inquisition which have fallen before the progress of human liberty, as monuments of its triumph, than to find materials to reconstruct new fortresses, from which to assail the imprescriptible rights of man.

The magnitude of the discretionary power committed by this bill to the judiciary has a tendency to convert our form of Government into a judicial despotism, quite as intolerable to a free people, and equally odious as any other. The history of the Star Chamber, like that of the Inquisition, proves that no class, however venerated and elevated, is the safe depository of unlimited discretionary power, even for the most holy and salutary ends. The most dangerous and destructive assaults upon human rights have been made from fortresses constructed for their defense. It deserves serious consideration whether a law like this bill could ever be carried into execution at this day, and under our free institutions; a law which prostrates the freedom of thought, of action, of speech, and of the press, so far as respects a large portion of the most intelligent, respected, and meritorious of our citizens. The great body of the functionaries whom this bill would affect have been honored by the selection of the people to discharge responsible duties, for their honesty, capacity, and fidelity to the Constitution. The habitual reviler of republican institutions, and of the capacity of the people for self-government, may in vain attempt to fix a stigma upon all officers who derive their appointments from the people, for the purpose of thus gradually undermining their confidence in the Government of their choice, but the people will always be found true to themselves, and will never submit to the execution of a law which deprives their fellow-citizen of his common and equal rights, simply because they had distinguished him by their favor and preference. In the opinion of the committee this bill would arm a body of informers with dangerous powers. In the contest of parties it may happen that the State functionaries may unite with the corporations of associated wealth, in a party struggle to obtain the power of the Federal Government; armed with the tremendous engineering of this law, actions of debt, bill, or plaint, in any district or circuit court of the United States, and penalty and costs, is there not reason to fear that it would be used with ruinous effect against any of the proscribed officers, who would not use "the great powers" given to the officers of the Federal Government to promote the views of the office-seekers? On the other hand, would it not enable a corrupt Administration to punish them for an independent exercise of their judgment in like manner? The committee will only advert to one other objection to the policy of this bill. Its obvious tendency is to alienate the people from the Federal Government by infusing a jealousy of its powers and its officers, by unjust discriminations between the two sets of families chosen by the people to carry on the two coördinate departments of the one single and integral Government, formed by the compact of the States, to array the State governments and its functionaries against the Federal Government and its functionaries, and thus gradually to undermine or weaken it by treating as aliens in the State governments those who accept office under the Federal Government. In short, its tendency would be to "alienate one portion of the country from the rest, and to enfeeble the sacred ties which now link together the various parts," and therefore, in the opinion of the committee, it ought to be resisted in the beginning.

The committee are aware that a precedent may be found for the principles of this bill, and almost its language, in the legislation of England. So also may be found a precedent for the total disfranchisement of the officers of the customs, excise duties, and post office, while holding office. Such a plant may be indigenous in such a soil. Here it must ever be an exotic, from the essential difference between the two Governments. In the British Government, the jealousy of encroachment on the rights of the people is confined to the King. The representatives of the people are considered not only exempt themselves from distrust, but likewise the guardians of the people against such encroachments. Hence, there, it is a principle that Parliament is omnipotent; and all barriers are raised, not against the Parliament, but the prerogative of the King. Here, all power emanates from the people; and the Constitution, which is paramount to all laws, secures them as well against legislative as executive usurpation. The committee

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are not prepared to yield to the policy of importing the chains and gags of the legislation of Great Britain to manacle and fetter the free citizens of this country. The free and honest exercise of the right of suffrage ought not to be abridged, shackled, or fettered by Federal legislation; nor should any class of citizens be rendered odious by jealous distinctions. The committee can perceive no reason for the adoption by Congress of any restriction upon any of what they deem the inestimable and unalienable rights of every class of citizens, merely because they have been honored with the confidence of the people. They know no objection to reason, argument, or even persuasion, by word, message, or writing, either before or after an election, from whomsoever it may proceed; or by whatever motive prompted. Nor do they understand on what just principles it can be maintained that the possession of office simply should deprive a citizen of the influence arising from character, intelligence, integrity, and the confidence which they inspire, and of the right to use it as others are left free to use theirs. The committee can find no scales in the Constitution in which to weigh the relative patriotism, integrity, and independence of the functionaries of the Federal or State Governments, and the officers of corporations, or the employers of individuals. They cannot believe that the employees of the Federal Government are more corrupt or corrupting than the employees of other bodies—corporate or politic, or of individuals. They are satisfied that the best corrective of any abuse of the freedom or purity of elections by the officers designated, in the manner rendered penal by this bill, even if any such exists, will be found in an enlightened public opinion, which, sooner or later, depends upon the legitimate moral force of truth, and the influence of reason and fair argument, irrespective of mere official authority. So far, they believe the experience of the working of our institutions has proved the truth of the axiom of the great apostle of Democracy, that "error of opinion may always be safely tolerated, where reason is left free to combat it." They can find no justification of the policy or justice of restraining, by law, the unlimited liberty of the exercise of the freedom of speech or of the press by every class of citizens, whether in or out of office, than such as in other countries has prompted the establishment of political or religious inquisitions, analogous to the tendencies of this bill, which are alike at war with experience, the spirit of the age, and the genius of our institutions. But if any mischief has arisen or may arise from this source, the legitimate remedy must be sought and found in the legislation of the several States, whose constitutional duty it is to prescribe the privileges and immunities of their citizens, free from the control of Federal legislation.

But whatever may be the opinion entertained, as to the policy of this law, the committee are of opinion that the remedy proposed is unconstitutional. The second section of the first article of the Constitution declares that the members of the House of Representatives shall be chosen "by the people of the States, who shall have the qualifications requisite for electors of the most numerous branch of the State Legislature." And by article second, section first, declares that electors of President and Vice President "shall be appointed in such manner as the State Legislatures may direct;" and the second section of the fourth article of the Constitution declares that the citizens of each State "shall be entitled to all the privileges and immunities of citizens in the several States." Congress, therefore, have no right to intermeddle, by law, in prescribing the qualifications of electors or the mode of conducting elections of members of the House of Representatives, or electors of President and Vice President, nor in respect to the privilege or immunities of a citizen of a State; that right belongs exclusively to the States, and is by the Constitution withheld from the Federal Government. It is difficult to perceive upon what constitutional grant of power the right to prescribe the qualifications of electors, and the mode of conducting State elections for State officers, can be sustained, and the committee cannot find any warrant in that instrument for its assumption by Congress.

But if any doubt upon this subject could exist it is dispelled by the first article of the amendments

to the Constitution, which declares that "Congress shall make no law respecting an establishment of religion, or the free exercise thereof, or abridging the freedom of speech or of the press, or of the right of the people peaceably to assemble to petition the Government for the redress of grievances." The committee believe that the powers of the Federal Government result from the Constitution, and are limited by the plain sense and intention of that instrument, and that the State sovereignties are only diminished by powers specifically enumerated or necessary to carry the specified powers into effect; and that the States, by the Constitution, retained to themselves the right of protecting the freedom of religious principles, and of judging how far the licentiousness of speech and of the press may be abridged without lessening their useful freedom, and how far the abuses which cannot be separated from their use should be tolerated, rather than the use be destroyed. The freedom of religion, of speech, and of the press, and of the right of the people peaceably to assemble and petition for the redress of grievances, is withdrawn in express terms, from the powers of the Federal Government. It is deemed unnecessary by the committee to attempt to demonstrate these propositions. They have already been done by the resolutions of the Virginia Legislature in 1798, 1799, and 1800, and the resolutions of the Legislature of Kentucky in 1798 and 1799. The provisions of this bill are, in the opinion of the committee, more clearly unconstitutional than those of the alien and sedition laws; their tendency is more clearly and unequivocally to abridge the freedom of speech, of the liberty of the press, and of the right of peaceably assembling. It is true it is confined to a particular class, certain designated officers under the Federal Government, but it will hardly be seriously contented that this makes any essential difference. If you may lawfully abridge the freedom intended to be granted by the Constitution to all, by laws embracing only a portion, you may thus proceed until all are finally deprived of their rights.

Under every aspect that the committee have been able to view the provisions of this bill, it appears to them that it is unjust, unequal, impracticable, impolitic, tyrannical, and unconstitutional; that it is founded on an assumption of power by the Federal Government not granted by the Constitution, and destructive of the rights of the several independent States composing the Union, and of the constitutional rights of the citizens of those States, and that its provisions are of a most alarming and dangerous tendency—not called for by any existing mischief, and would not afford an appropriate remedy if such mischief existed. They, therefore, respectfully report the said bill, without amendment, and recommend that the same should not be passed.

## NAVY APPROPRIATIONS.

## REMARKS OF HON. D. PETRIKIN,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

February 15, 1839,

In the Committee of the Whole, on the motion to strike out the appropriation for the Board of Navy Commissioners, and in reply to the remarks of Mr. ADAMS.

Mr. PETRIKIN said:

Mr. CHAIRMAN: As to the propriety or expediency of abolishing the Board of Commissioners of the Navy at this time, there may be some little doubt, but there can be no doubt that a reorganization of the whole Navy Department is absolutely necessary. The Board of Navy Commissioners has, from its first organization, acted as an incubus on the Navy; this is a matter of history, and cannot be denied. This board has become odious to the people, and in every quarter of the country the people are complaining of it. This alone ought to be sufficient cause for abolishing the board. The people in this country are sovereign, and if an office or any branch of the Government becomes odious or obnoxious to them, we, as their Representatives, ought at once to abolish the

office, or reorganize the obnoxious branch of the Government. As to the suggestion by the gentleman from Kentucky, [Mr. WILLIAMS,] that the present head of the Executive Department is odious to the people, it is not the case, and is contradicted by facts. The people have, on several occasions, and some of them very recently, declared themselves satisfied with the general principles the present Executive has acted upon in the administration of the Government, and the people will advocate and approve of his administration as long as he acts on those general principles, which they consider necessary for the preservation of the Constitution and liberties of the country. But they do not approve of many of those who are kept in office. Was the will of the people obeyed, the President would sweep out of the Departments in this city, a horde of officers and clerks of the same political party of the gentleman, (who has volunteered the suggestion I allude to,) who are truly odious to a large majority of the people. So much for the suggestion of the gentleman from Kentucky. We are told the Board of Commissioners of the Navy was created at the close of the last war with Great Britain, to remedy evils that were discovered during the war in the organization of our Navy. But the true reason is the scene we see every session of Congress in every department of this Government—a disposition to create offices and officers, and to furnish salaries to enable men to live in ease and affluence, under the pretext of doing service to the country. We heard of no deficiency in the organization of our Navy Department during the war. On the contrary, our Navy, for the number of vessels and size, excelled that of all others in the known world for discipline and bravery. Italy had its Capua; so has the United States. Idleness, luxury, and dissipation, has a tendency to enervate and debilitate both body and mind. We are told of the preëminent services of those who have composed the Board of Navy Commissioners, and that they are high-minded, honorable men. This may be, and is, no doubt, all true. I do not know them, nor have I heard any charges made against them as individuals. It is not my intention to say aught disrespectful of the individuals who now fill the offices of that board; and I have no doubt they have, in times past, rendered service to the country; but, sir, the man who would come to this place, or any other of the cities of the Union, and live five or six years in idleness and luxury, without becoming debilitated in body and mind, must be an exception to the rest of mankind. The history of the world proves what I assert to be true. And does age, and the natural debility consequent to that stage of life, tend to lessen the debility produced by dinner parties and dissipation?

We were told yesterday by a gentleman of long experience in government, from Massachusetts, [Mr. ADAMS,] that men who represented people residing in inland districts, had no right to express opinions here relative to the organization of the Navy Department, and that he was surprised that a gentleman [Mr. CRARY, of Michigan] should have made the motion to strike out this appropriation, who had not a sea-port in all his State. I came to Congress under the impression that each member had an equal right to express his opinions in relation to every branch of this Government, and to find fault or approve as he thought the merits of the case required. I was aware that the gentleman from Massachusetts acted with a party, the leaders of which would, if in their power, deprive us of that equal right; but I had not heard it before openly avowed on this floor. I can tell the gentleman from Massachusetts that the constituents of members who represent inland districts, and have "no sea-ports," during the war of 1812, rejoiced when they heard of the victories achieved by our Navy, not only by words, but also by acts. They willingly submitted to pay every species of tax, direct and indirect, to support the Navy then, and are willing now to do the same, when the honor and safety of the country require it. But, when the constituents of those whom the gentleman from Massachusetts says have no right to interfere with the Navy were rejoicing at its victories, the gentleman's constituents, and their representatives in their State Legislature, were passing resolves "that it did not become a moral and religious people to rejoice at the vic-

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tories of our land and naval forces;" and not only that, but his State Executive even refused to defend their own soil.

The gentlemen from Massachusetts, [Messrs. ADAMS and REED,] who are opposing the present motion, and appear anxious to take the Navy into the special care and keeping of themselves and their constituents, are not uninfluenced by their own private interests in this matter, although it did not become "a moral and religious people to rejoice at the victories" of this same Navy, when fighting the battles of the country: yet the Navy, as it is now employed for the benefit of a few, deserves, in their estimation, all commendation of praise. What is the present employment of two thirds or more of the vessels of our Navy now in commission? Why, sir, they are employed at a vast expense in looking after the property, and guarding the vessels of the traffickers, traders, and speculators, who live, like the gentlemen's constituents, on the sea-coast; in exploring distant seas and oceans, to find new seal and whale fisheries, or new sources of trade and traffic for the gentlemen's constituents; but when the money has to be raised to pay the enormous expenses, our constituents, who reside in inland districts, and have no sea-ports, have to pay the taxes, although their Representatives are told that it is a matter of surprise to gentlemen if they happen to ask how their money is expended. Our constituents are producers; the district I represent is inhabited by people who send to market flour, pork, whiskey, coal, and iron. We furnish the gentlemen's constituents on the sea-board with the necessities of life, food and fuel; we, who reside in inland districts, although we have no sea-ports, pay the taxes and bear the burdens of Government. The gentlemen's constituents, or a large majority of them, are traders, traffickers, and speculators, who live by their wits, and not by their works, and get their living and their wealth by the profits derived from the farmer, manufacturer, and miner, of the interior. I should like to hear from the gentlemen some reason why we have not a right to inquire how our money is expended, and when we think it wasted, complain? I have heard no reason given, except that the gentleman from Michigan [Mr. CRARY] "had no sea-port" in his State.

The advocates of this appropriation and of the present organization of the Navy Department, have urged another reason why the Board of Navy Commissioners ought not to be abolished. It is not, sir, the usefulness of the board, as at present constituted, nor is it the flourishing situation of our Navy under their care, nor is it the retrenchment of the expenses of the Navy Department. No, sir; they have not ventured to rest their defense on any one or all of those matters; but, sir, they tell us of the preëminent services of the persons composing the board during the last war. We hear that same story in this hall almost every week respecting every officer of both Army or Navy, who comes here with a claim, or whose name happens to be connected with any subject of inquiry. Now, sir, I am willing to give every person credit and reward to the full extent for services rendered to the country. But, sir, have the individuals composing this board ever done more than their duty in the service of their country? If they have, I for one am willing to reward them in a direct way, but not by giving them place and pay for pretended services, to the injury of an important part of the defense of the country. I should like to hear in what particular case they, or either of them, have done more than their duty. When they solicited and obtained commissions in the Navy, did they not contract to do certain duties for the country, and to receive for their services a certain amount of pay, and if wounded or disabled, to be supported during their lives? Have they done more on their part than was required of them by the contract, or has the Government and country done less on their part? Will the advocates of the board answer those questions? I know hundreds who have shed their blood and worn out their constitutions, now living in poverty, equally meritorious and deserving with the generals, commodores, and other officers, that we hear extolled by members on this floor every day; and yet let one of those poor

men come here I have alluded to and ask for their rights, we do not hear gentlemen say a word in their behalf. It is not long since we had an instance of this kind in this Hall. We saw a soldier who had fought in the battles of the two wars of independence, that of 1776 and that of 1812, who was wounded and honorably discharged, denied the trifling pittance of \$3 75 per month, and that, too, by many of those who are loud in the praises, and are for lavishing thousands of dollars on men not so deserving, but who wear epaulets and belong to a higher caste in society. Although I do not wish to derogate from the character or services of any man, yet I wish to see equal justice done to all.

I have always been opposed to extra rewards, such as swords, medals, &c., to persons who have done no more than their duty; and, in many instances within our knowledge, those rewards are not given to persons most deserving. In fact, these matters are looked upon by plain, sober, thinking people as mere frippery, procured, in most instances, by management and intrigue, or for fashion's sake, and not for any services beyond what duty required of the individual, and for a neglect of which he would have deserved punishment.

This course of procedure has another bad effect, is morally wrong, and an injury to the people. It is at once declaring that an officer is not bound by the contract he enters into with the Government to discharge the duties of his office faithfully, without receiving a greater reward than he stipulates to receive when he accepts office. Honor ceases to be an incentive to duty; money is the object.

Gentlemen on the Committee on Naval Affairs talk about being taken by surprise by this motion. Why, sir, I saw a resolution early in the session, submitted to this House, directing that committee to inquire into the expediency of reorganizing the Navy Department. Have they given us any reason why they did not inquire as directed? Have they submitted to us any plan for a new organization of that Department? Have they applied to the present, on all hands acknowledged, talented and competent head of the Navy Department for his views on this subject? If not, I should be glad to know why.

Mr. INGHAM, chairman of the Committee on Naval Affairs, said no such resolution had been referred to that committee. A resolution to inquire into the expediency of abolishing the Board of Navy Commissioners had been referred, and the gentleman from Massachusetts [Mr. REED] had given his reasons for not reporting.

Mr. REED said the resolution referred to had been in his charge, and that he had called on the gentleman from Michigan to give his views in writing, and had delayed reporting to receive them.

Mr. PETRIKIN. The chairman of the Committee on Naval Affairs says he has seen no such resolution as I have referred to, but acknowledges the existence before the committee of a resolution from this House directing them to inquire into the expediency of abolishing the Board of Navy Commissioners. Mr. Chairman, is not that tantamount to a direction by this House to inquire into the expediency of reorganizing the Navy Department? Certainly, no man in his senses would abolish the board without giving something in its stead.

The gentleman from Massachusetts [Mr. REED] does not pretend to say that he called upon the Secretary of the Navy for his opinions on this important subject; nor does the chairman, or any other member of that committee, get up in his place and inform us of their having inquired of the Secretary of the Navy for advice or instruction, so as to enable them to act on the requisition of this House knowingly. The only attempt to get any information that we hear of being made, is that the gentleman from Massachusetts [Mr. REED] called on the gentleman from Michigan [Mr. CRARY] for his opinions. Now, sir, does it not appear strange that he should go to the very man for advice, who, we are told, had no right to interfere with matters relating to the Navy, because "he had no sea-port in his district," and

that neither he nor his colleagues on the committee ever called on the Secretary of the Navy, who is well qualified to answer all queries relative to this matter, and who takes pride in doing the duties of his station? Had it been a resolution to inquire into the expediency of making a dry-dock, or any other equally extravagant and useless work, which would tend to increase the burdens of the country and the expenditures of the Government, we should have seen a report long since recommending it, and the gentlemen of the Naval Committee would have soon found the way to the Secretary of the Navy for information. But the resolution to abolish the Board of Navy Commissioners savors of an attempt at retrenchment and reform; and therefore finds no favor from the Committee on Naval Affairs.

During the war of 1812, we had no Navy Board, yet our Navy was the admiration of the world, both for the construction of our vessels and the discipline of officers and crews. How is it now? Why, sir, we were told yesterday, by the very men of the party who profess to be the exclusive friends of the Navy, that our Navy is everything but what it ought to be. We heard it stated that one of our finest vessels has lately been converted into horse stables, cow stalls, and donkey pens. The gentlemen who made this charge ought not to have confined their wrath to Commodore Elliott alone; they ought to have gone back for years, and examined the history of our Navy, and they would have found that Commodore Elliott has done no more than has been the practice for years with others. I was sorry to see gentlemen show their partiality by attacking one individual out of dozens equally culpable. If they did not know such to be the case, I do, and many others know it, who are now on the floor of this House, to be the fact, that our naval officers have not only imported horses, cows, and donkeys, in national vessels, but some of them have acquired fortunes by carrying other kinds of freight. And, sir, who is accountable for this abuse, if abuse it is? Are not the Commissioners of the Navy Board, as the guardians and executive officers of the Navy, bound to take cognizance of all abuses in the Navy, and see them corrected, or at least report them to their superiors for their action? But, sir, we have no evidence that they have done so; on the contrary, this abuse complained of by their own friends, has been countenanced by them for years; and, for aught I know, they may have, when in command of vessels, participated in the donkey and horse traffic.

But, sir, the importation of animals, and the converting our ships of war into horse stables, cow stalls, and donkey pens; I consider a much more laudable use of them than another use they are applied to, and for which the same Navy Board are responsible. We hear of our ships of war sailing from one port to another; from Europe to Asia, and from thence to Africa; the officers giving fêtes, balls, and regulas to the princes, nobles, and gentry of despotic Governments, and our brave tars, dressed like mountebanks, manning the yards to cheer those nobles. We have had applications made to Congress by officers, asking us to pay them large sums of money, which they allege they expended in making feasts and giving balls and fêtes to the nobility of Europe. Is that, sir, fit employment for the officers or the vessels of war of plain Republicans? It may do for the subjects of despots; but, sir, my constituents abhor it, and I believe a large portion of the people of this country are of the same opinion. This, also, is not a new occurrence; it has been the practice for several years, but has lately been indulged in to a greater extent, and on a more magnificent scale, by a man who has acquired immense wealth by holding office under the Government of this country; whether honestly or not, every one must judge for himself, and by the circumstances make up his own opinion.

Why did we not hear of those matters from the gentlemen in their very eloquent exordiums this morning, praising the administration of the Board of Navy Commissioners? For years past, this board have had the exclusive management of the Navy, and it was not until the present efficient

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Secretary took charge of the Department that any of these abuses were attempted to be corrected. It is to the present Secretary that the country owes the prohibition of our Navy commanders converting our ships into horse and donkey stables. He has also, I understand, made some other changes, but those commissioners have still too much power, without any direct responsibility, and it is my wish to see a new organization of the Navy Department, so that there may be one responsible head, a healthy body, and active and efficient limbs to take the place of the sickly, unhealthy condition of the present system.

Before I close, I must say to the gentleman from Massachusetts that my constituents alone send more grain, flour, pork, whiskey, iron, and other necessities of life, which cannot be dispensed with, to market, than two thirds of all the New England States north and east of New York, besides coal and lumber to an immense amount, and depend upon industry and frugality for their prosperity, and not upon appropriations from the General Government for light-houses, harbors, dry-docks, or exclusive privileges, as most of his constituents do.

Mr. Chairman, I hope the committee will adopt the amendment; but whether it is adopted or not at this session, the discussion of the subject will call the attention of those who administer the Government to provide, by next session, a plan to remedy the evil complained of; and it will also let those in office know that the people are not either blind, deaf, or dumb, although they may not have "a sea-port" in their vicinity, but are busy scrutinizing the conduct of those intrusted with the management of the affairs of the nation. I wish it to be distinctly understood that it has not been my intention to say aught derogatory to the private character of any man in office; it is not the men or their private characters I attack, but the office, and the effect produced by an improper and improvident organization, producing evils which those I represent wish to have remedied.

## SETTLEMENT OF FLORIDA.

REMARKS OF HON. T. H. BENTON,  
OF MISSOURI,

IN THE SENATE, February 5, 1839,

On the bill providing for the armed occupation and settlement of Florida, and in reply to Mr. MORRIS, of Ohio, and Mr. DAVIS, of Massachusetts.

Mr. BENTON said the Senator from Ohio had acted with his accustomed frankness in stating the reason which induced him to oppose this bill. It is because Florida is a slaveholding Territory, and because the bill will have the effect of increasing the slaveholding interest. For these reasons he opposes it, and he seems to think that God will curse any country or place which admits of slavery. He instances St. Domingo, as a country which has declined and decayed because the French, as he says, hunted the slaves with dogs; seeming to forget the horrid massacre of the white race which took place in that island about forty years ago, and which destruction of the white race is the true cause of the decline of the island. He also instances Alton, as a place which has become desolate because Mr. Lovejoy, the Abolitionist, lost his life there. This may be a double error. Alton may not be desolate; may not have experienced any decline but that which is the temporary effect of overaction; and if not as flourishing now as formerly, it may be for a very different reason than that of the wrath of the Deity for the death of Mr. Lovejoy. But what has Florida done to excite these remarks, or to make her dread the Divine vengeance? She has done nothing against the black race or the Abolitionists. She has done nothing to cause the Deity to make her a place of desolation; but desolate she is—desolate is forty-one thousand square miles of her territory, made so by the ravages of the colored races upon the white!

Four counties of Florida are depopulated—great numbers of families, fathers, mothers, and children, have been massacred—a great many officers and soldiers have been killed, and none made prisoners! No prisoners—not one—not even in the

defeat of Major Dade. That defeat was a treacherous attack before war had been openly made; and when, at two o'clock in the afternoon, there was no longer a man left standing—when nearly all were dead, and the survivors, covered with wounds and blood, lay among the dead in the little breastwork which they had thrown up for their defense—when, in this condition, even Indian ferocity relented, and savage cruelty was satiated—then it was that a band of forty negroes came down upon the helpless survivors, sought out for each one that was alive, and gave the knife and the hatchet to every helpless being in whom breath or motion could be found. This is what the negroes did; and it was only from two wounded soldiers, believed to be dead, but who were able to crawl off in the night, that the details of that disastrous defeat and massacre have come to the public knowledge. So far as the Indians were concerned, they left a part of the wounded alive in the breastwork; so far as the negroes were concerned, they spared not one! They killed to the last man in whom they could find a sign of life, and the two that escaped were not spared by design, but believed to be dead, and left for dead. This has been the conduct of the colored races in Florida; and certainly the Senator from Ohio should see that his sympathy is misplaced; that it is his own white race which has been the sufferer in Florida; and that the colored races have exulted in the slaughter and destruction of men, women, and children, descended, like the Senator himself, from the white branch of the human race.

The Senator from Ohio [Mr. MORRIS] is candid enough to speak for others as well as himself; he speaks for certain sagacious politicians, as he describes them, who saw in this bill, from the moment it was brought forward, a design to raise up new Territories in the South to become slave States, and to increase the slaveholding interest. He tells us that these sagacious politicians all saw this effect the moment this bill was brought in, and he applauds the foresight of these sagacious men. Doubtless the effect of the bill will be to increase the population of Florida; and is that a sufficient reason with the sagacious politicians to whom he refers for opposing the bill? Certainly the politicians of the South and West have not acted on this principle in relation to the non-slaveholding Territories. Look at Wisconsin and Iowa, two Territories on the Upper Mississippi, both fully organized, filling up with people, and ready to become States within less than two years from this day. Where was southern jealousy when these two Territories were organized? Where were the sagacious politicians of the South at that time? They were here, sir—here in this Senate and in the House of Representatives; they knew very well that they were raising up two non-slaveholding States; but they did nothing to obstruct the organization of the two Territories; they indulged no jealousy; they made no political calculations; they did what they believed was right; and now all that they ask from the politicians of the non-slaveholding States is to act on the same principle—to do what is right for Florida, without indulging in jealousy or political calculations.

The Senator from Massachusetts [Mr. DAVIS] has followed the Senator from Ohio, and has entered into an elaborate opposition to the bill. He objects to all parts of it, the details as well as the principle, and strenuously opposes its passage. He objects to the land bounty, and treats it as a naked gratuity, like the fishing bounties, and considers it a free gift of so much of the public domain. So far as the fishing bounties are concerned, they are, where not a drawback of the salt duty, a naked gratuity for which no services are rendered to the United States; but in the case of these settlers, the land will not be a bounty in the nature of a premium or a gift, but will be a bounty in the military sense of the word, that is to say, it will be in payment, or part payment, of military service. This is the nature of the bounty land to be granted by the bill. It is not a gift, but is a price paid for services, real services, which are to be rendered. The ten thousand settlers in Florida are to go into stations—into blockhouses and stockades—into fortification, in

fact; which they are to man and defend until Florida is pacified, and the Indians are removed. They are to do the service of any army, and to accomplish an object which armies have not been able to accomplish. They are to render military service, which may continue one, two, or more years. Now, this is no gift of land. It is a sale, and a sale for a valuable consideration; and such a consideration as thousands will reject for one that will accept. Thousands will refuse to take the land on the terms of the bill, for one that will take it. Perhaps few from the Senator's own State will accept three hundred and twenty acres of land on the terms proposed, yet every one of them would certainly accept it as a gift.

The Senator, therefore, is in great error in treating these bounties as gifts. They are pay for military services, as much so as the military bounty lands of the late war. By an act of Congress, the soldiers in the latter part of the late war received a bounty in land of three hundred and twenty acres each—the soldier received this over and above his pay, subsistence, clothing, and other allowances. The land was called a bounty; but it was a bounty in the sense of the bounty money paid to the recruit at the time of enlistment; it was pay, and not a gift. The Senator comes from a State which opposed the bounty land to the soldiers of the late war, to aid in repulsing the British. He now opposes bounties to settlers in Florida, to drive the Indians from that Territory; and in all this his State is consistent. She acts on a uniform principle, and is entitled to respect for her steadfastness of purpose. No, sir, these bounties are not gifts, but payments for great and valuable services. The Senator says the land will amount to three million two hundred thousand acres, and will be worth \$4,000,000; and this is true. The land would bring, if sold, \$4,000,000 to the Treasury; but it has to be conquered before it can be sold! It will have to be conquered! These settlers will have to conquer the three million two hundred thousand acres for themselves, and, also, at the same time, will conquer above twenty million acres more for the Government; for the Indians now have possession of twenty-six million acres of land in East Florida, the greater part of it public land, and of which the Government can have no use until the Indians are expelled. Grant that the land would be worth \$4,000,000, when it is conquered, it is worth nothing to us now; and it will be the cheapest payment that can be made for the conquest of Florida. The Senator from Massachusetts is startled at \$4,000,000; yet his fishermen have drawn upwards of six million dollars in bounties, and are now actually drawing, from year to year, at the rate of \$257,000 per annum.

The Senator from Massachusetts objects also to the rations, the medicines, the seed grains, the transportation, and the hospital attendance, which is to be given to the settlers. He considers all these aids as gratuities, as naked gifts, bestowed upon the settlers for nothing. Far otherwise is the fact, Mr. President. They are in payment of military services; they are in part payment for the same services for which the land is granted; and they rest upon the same principle as similar supplies to militia and volunteers, when called into the service of the United States, would rest upon. The whole of these small items together will not cost the Treasury more than half a million dollars; a mere trifle compared to the expense of calling out militia and volunteers on every alarm. Governor Gilmer, with the sanction of the Government, has just called out five hundred men for the protection of the frontiers of Georgia; other bodies have been called out for the protection of middle Florida and the country about St. Augustine; and these calls must be repeated as often as depredations are committed, as often as alarms, real or false, continue to occur. The regular troops cannot guard the frontiers; they may do all they can; the Indians will elude them; will avoid their presence; will steal in upon the settlements, and will massacre families. Then volunteers will be called out; they will come when they are called; and they will be paid. A large annual expenditure must be looked for in this way, over and above the expenses for the regular troops, until the Indians are removed, unless the country

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is occupied by armed settlers. These are the efficient means to terminate the war; and they are the cheapest means—cheapest in a mere moneyed point of view, to say nothing of being cheapest in lives.

It is objected to the bill by the Senator from Massachusetts [Mr. DAVIS] that these ten thousand settlers are to be without military organization; and possibly he might have found a still stronger objection to them if they had been organized. If they had been organized, then we should have encountered objections to an army of ten thousand men, over and above our regular Army of twelve thousand. This was well foreseen; it was foreseen that we should have a cry against a new army; and, therefore, the settlers go under their real characters of cultivators, and when assembled in their stations, they can form themselves into companies and battalions, if they please, under the laws of Florida, or they may remain in their stations and choose a leader from among themselves, if they wish to make expeditions, and pursue the Indians. They can make such expeditions if they please; it will be at their own option; the bill does not require it; it requires but three things; *first*, to live at the station; *secondly*, to defend it if attacked; *thirdly*, to cultivate the ground for their own benefit. This is all that the bill requires, and to do these things requires no military organization. Doubtless the settlers will defend themselves, and they can choose their own leaders for that purpose. United States troops will always be at hand to aid them; and such disposition of the troops can be made that every station will be within protecting distance of a body of regulars.

The Senator from Massachusetts [Mr. DAVIS] further objects to the bill because it contemplates a settlement of the Territory of Florida. He says it is a bill to promote settlement, to cause the country to be settled, to induce people to go to the country and settle there. Sir, it is rather a bill to resettle the country, to reoccupy it, to repeople it. Often has it been stated in this debate that the inhabitants of four counties and a half of this portion of Florida have been driven from their homes for three years; that about one hundred miles square of the territory between the Suwannee and the St. Johns, and between the Georgia line and the Withlacoochee river, all settled over at the breaking out of this war, and part of it settled under the Spanish Government, has been depopulated by this war, the inhabitants driven from their homes, and now anxiously wishing to return. It is one of the objects of the bill to restore these exiled families to their homes. It is an object of the bill, also, to restore the settlement and to rebuild the light-house at the point of the peninsula, where so much commerce passes, where the contracted gorge of the gulf, the violence of the gulf stream, and the frequent prevalence of contradictory winds, subject merchant vessels to danger of being wrecked, and where the wrecked American mariner is more certain of being massacred than he would be on the most barbarian coast of any part of Africa or of Asia.

Mr. B. here read a letter from Lieutenant Shurbrick, of the United States Navy, dated in December last, showing the force of the Indians, the danger to ships and mariners, the supplies which the hostile Indians received there from wrecked vessels, and the necessity of aiding the commerce of the country, as well as protecting the lives of our citizens, in that exposed point of the peninsula of Florida. The following is the letter:

UNITED STATES SLOOP PANTHER,  
OFF KEY BISCAYNE, December 1, 1838.

SIR: I have the honor to report to you, that after having executed your order relative to the transfer of stores from Indian Key, I proceeded to Key Biscayne, and made expeditions in the Boca Raton. We fell in with large boxes of Indians, who came to the edge of the woods and built fires, to entice us on shore. I did not attack them, their force being too large. On Sunday, the 24th November, a boat came alongside, informing me that the steamer Wilmington was ashore to the north of Cape Florida. The Panther was immediately under weigh, and about fifty miles above the cape I had the pleasing satisfaction of rescuing the rest of her crew, sixteen in number. These, with two boats, I brought to Key Biscayne.

In the interim I dispatched acting Lieutenant C. R. Howard with the barge Shacco, in one of the sloops of Mr. Housman, to the wreck of a Spanish brig. He saved her crew, (nearly thirty slaves,) a large portion of her cargo, but was subsequently blown off, and the barge, most unfortunately, lost in getting her in. I then went up in the Pan-

ther—got a great deal of lead from her, and other articles that would have been valuable to the Indians, and burnt her. The Indians were in sight in the river behind the hill.

Respectfully, &c., I have the honor to be,  
E. T. SHURBRICK,  
Acting Lieutenant.

Lieutenant Commandant JOHN McLAUGHLIN, United States Schooner Wave.

Having read this letter, Mr. B. appealed to the Senator from Massachusetts [Mr. DAVIS] as a friend to commerce, and as representing a commercial State, to aid in restoring the exiled inhabitants to their homes at the point of the peninsula; that the light-house which the Indians had burnt down might be rebuilt, and a population established there, not only to succor mariners and ships after they were wrecked, but before it; to relieve them while in distress, and to save lives, vessels, and property, from the dangers which they now encountered. In the name of commerce, Mr. B. invoked the Senator from Massachusetts to cease his opposition, and to give his aid to the settlement of Florida; to its occupation and re-occupation by our own citizens, to the exclusion of the marauding and murdering Indians which now roamed over it, ravaging where they went. Forty-one thousand square miles of territory; a region from the Suwannee river to the Atlantic ocean, from the State of Georgia to Cape Sable; a region of country above four hundred miles in length and more than one hundred in breadth—this vast region, capable of sustaining a large population, rich in the production of the most valuable tropical crops and fruits, the proper region of the mulberry, where three generations of the silk worm, and consequently three successive supplies of their rich products, may be annually expected; where fisheries of great value await our industry; and where, from its geographical position, commerce demands aid and succor. This large and rich region now demands the protection of this Government, and certainly protection is the first duty which the Government owes to its citizens.

The Senator from Massachusetts, in the universality of his objections to the bill, deprecates it as a new measure—as a new mode of proceeding, never before thought of. Sir, it is new, I admit; but new only in the sense of the French proverb, which says: "nothing is new but what has been forgotten." In this sense the plan of the bill is new; for the Senator seems to have forgotten that every inch of territory on this continent, now occupied by white people, was taken from the Indians by armed settlers, and that pre-emptions and donations of land have forever rewarded the bold settlers who rendered this service to the civilization of the world. The savages have given way before the armed settler from the day that the New World was discovered up to the present time. The blockhouse, the stockade, the rifle, have taken the country, and have held it, from the shores of the Atlantic to the far West; and in every instance grants of land have rewarded the courage and enterprise of the bold pioneer. The bill, then, instead of proposing something never heard of before, proposes, in fact, to go back to the old and tried mode of proceeding—to go back to the ancient and wise practice of our forefathers, and to follow the course which has been always followed in the settlement of new countries.

#### SETTLEMENT OF FLORIDA.

#### SPEECH OF HON. T. H. BENTON,

OF MISSOURI,

IN THE SENATE, February 5, 1839.

The bill for the armed occupation and settlement of that part of Florida which is now overrun and infested by hostile bands of Indians, was taken up and read.

[The bill proposes to grant three hundred and twenty acres of land to each white settler over the age of eighteen, able to bear arms, not exceeding ten thousand men, who shall settle in such parts of Florida as shall be indicated by the Government, and to remain there as cultivators until the Indians are expelled from the country. The settlers to live in stations of from forty to one hundred men, to have a special protection from the United States troops while putting up

their blockhouses, and a general protection afterwards. The United States to supply them with provisions for one year, and with seed grains and seed vegetables for the first crop, with ammunition until peace is restored, and transportation to distant stations; each settler to choose his own land, according to the date of settlement, so that first settlers shall have first choices within their respective districts; with several minor provisions for the benefit of the health, comfort, and safety of the settler.]

The bill having been read through,

Mr. BENTON said that it was a new measure, proposing a radical change in the mode of expelling the Indians from Florida, and that an exposition of its principles, and of the reasons for proposing it, would naturally be expected by the Senate.

It is a new measure. It proposes to carry settlers, instead of militia and volunteers, to Florida; it proposes settlement and cultivation, instead of campaigns and battles; it proposes to substitute the ax, the plow, and the hoe, for the gun, the sword, and the bayonet. This is a radical change in our mode of operating in Florida, and the reasons for it are clear and decisive. Troops have been tried, and have failed in accomplishing the object. Every species of troops have been tried; regulars, militia, and volunteers, horse and foot. They have made campaigns and fought battles for three years, and have done all that men could do under such circumstances; and they have suffered more than men ought to be required to suffer in such a war; and all without accomplishing the object. Three years have been consumed in military operations; and at what cost and with what results? At the cost in money of near \$20,000,000; in lives, of near forty officers killed, or died of their wounds, or of the climate; of many wounded; of nearly four hundred soldiers killed and wounded of the regular Army; besides heavy losses among the militia and volunteers. This is the cost! and what are the results? The results are four counties of Florida depopulated—the Indians ravaging the country from Cape Sable to the Okefinokee swamp—the frontiers of Georgia attacked—depredations carried to the suburbs of St. Augustine and Tallahassee—the light-house at Florida Point burnt and destroyed—shipwrecked mariners on the coast of Florida massacred—and all cultivation suspended over a large district of country, part of which was settled and cultivated under the dominion of Spain, when Florida was a province of that kingdom. These are the results after three years of military operations—after this great cost in money and in lives.

The inefficacy of campaigns and battles is proved; and the question is, what shall we do next? Shall we continue to call out thousands of volunteers to cooperate with the regular Army in the further prosecution of the war? Shall we continue to call upon the surrounding States for their annual supply of men and horses for this fruitless service? Shall we still project campaigns and battles? Our opinion is, that we shall cease with that mode of carrying on the contest; that we shall give up the idea of campaigns and battles; that we shall open our eyes to the truth of the problem that this is not a service for an army to be employed upon! that it is an unfit and impracticable service for an army; and that an armed occupation and settlement of the territory is the true way of expelling the Indians and pacifying the country.

This is the mode recommended and sanctioned by the Administration, and approved by the most experienced officers. The Secretary of War, in his report at the commencement of the session, suggests the plan. General Jesup, who has been so much employed, and rendered so much real service in Florida, fully approves it. The Surgeon General, Dr. Lawson, who has done double duty in Florida—commanding a corps and healing the sick and the wounded—also fully approves it. Governor Call, in a message to the Territorial Legislature, does the same. General Hernandez, a native of St. Augustine, engaged in several of the expeditions against the Indians, and a great loser by their depredations, also is full and explicit in favor of the new plan. The sentiments of all these gentlemen have been made known to the Senate, in written communications, addressed

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to the chairman of the Committee on Military Affairs, and printed and laid upon the tables of members. The change, then, which the bill proposes, has the approval of experienced officers, best qualified to give an opinion upon the subject.

The state of things in Florida cannot remain as they are. They cannot stand still in their present condition. We must do something; and it does seem to me that the plan proposed is not only the best, but, perhaps, the only mode of accomplishing what has been so long tried in vain. I hold it to be the best mode, in every aspect, under which the question can be considered, of expelling the Indians from Florida. In the first place, it is the cheapest mode. Considered in a mere pecuniary point of view—under the mere head of expense—and it must be far cheaper than the further employment of large bodies of militia and volunteers, in addition to the regular force disposable for that service. Almost the only expense would be in land; and land of which we have not the possession, and which the settlers must conquer for us before we can give it to them; and, with it, must conquer upwards of twenty million acres more for us. The whole quantity to be granted will be but three million two hundred thousand acres; its value to the United States nothing now, and only \$4,000,000 when these settlers shall have expelled the Indians from it. The quantity is but three million and a quarter of acres; only the eighth part of what the settlers will acquire for the United States; for the whole quantity of lands of which these Indians have the possession is about twenty-six million acres, and far the greater part of it public property. The settlers, then, are to be paid with a small part of their own earnings. Four million dollars' worth of land, to be conquered from the Indians by the settlers themselves, will constitute almost the whole expense. The rations, the ammunition, the transportation, the medicines, and the seed grains, all together, cannot cost half a million dollars; so that the total expense under the bill will be \$4,500,000; and this upon a certainty; for, unless the object is accomplished, no land will be earned.

In the next place, it is the most humane method of terminating this war. It is most humane to our own people; for it is terrible to employ our Army and our citizen soldiers—all of them valuable in themselves, and connected with parents, wives, and children, to whom their lives are both precious and necessary—it is terrible to employ officers, soldiers, and citizens upon a service which is but little above that of hunting wild beasts, and in which the killed and wounded undergo a species of assassination from an invisible hand, and in which no prisoners are made. It is most humane with respect to the Indians themselves; for the effect of the settlements will be to expel them from the country by the advance of population, and almost without bloodshed. The establishment of ten thousand cultivators in the country, occupying one or two hundred positions to command the coasts and all the healthy and valuable spots, will soon have its uniform effect upon the Indians. They will recede as the stations advance: they will retire beyond the Mississippi when they hear, from the Okefinokee swamp to Cape Sable, the sound of the ax, the crack of the rifle, and the fierce barking of the house-dog. With little effusion of blood on either side will this protracted contest, in this manner, be brought to a close. Considerations of humanity, then, demand its adoption. In the third place, it will be the most efficacious method. It will be no longer a struggle of the whites against the Indians, but of the Indians against the whites. The action of the war will be reversed. Now the Indians are the possessors of the country, and the effort is on the part of the whites to dislodge them from their fastnesses; then the whites will become the possessors, and it will be the business of the Indians to drive them out of their stations. This they can never do. A hollow square of block-houses, manned by four or five rifles each, and guarded by the faithful mastiff, is secure from attack or surprise from any number of Indians whatever. All the Indians in the United States could not take one of these stations. The plan which we recommend is, therefore, certainly the best in three essential features of cheapness, humanity, and efficiency.

It may be objected by some, Mr. President, that the plan is not practicable; that is to say, that ten thousand men cannot be found who will go to Florida upon the terms of the bill. To this I would answer, in the first place, that there is no knowing whether the plan will succeed or not, until it is tried. In the next place, I would answer that the objection furnishes no reason for voting against the bill, even if it could be known to be true; for the experiment can cost nothing unless it succeeds. The settlers can receive no rations unless they go to their stations: they can receive no land unless they remain there until the Indians are removed. It is, therefore, a bill which may do great good, and can do no harm. If it succeeds, everything is gained; if it miscarries, nothing is lost. It will be an innocent and costless experiment at all events. There is, therefore, no harm in trying it. So much for the objection even if founded in truth! But I deny its truth. I hold it to be unfounded; and that, in point of fact, the plan is every way practicable; that the ten thousand settlers will go—that they will maintain their position when they get there—will accomplish the object for which they go—and will do well for themselves, as well as render a great service to their country by going.

The settlers will go if the bill passes; the inducements are sufficient to carry them. Three hundred and twenty acres of land, selected by the settler himself out of twenty-six million acres, (for the large grants to the Duke of Alagon, the Count Panton Rostro, and Don Pedro de Vargas, are all declared null and void by the treaty of cession;) three hundred and twenty acres of land so selected out of so large a quantity, in a region of such valuable productions, must be a rich remuneration for two or three years residence in Florida, with all the other advantages which the bill proposes to confer. True, this land would be worth but \$400 to the Government; true, the Treasury would receive no more than \$400 if the three hundred and twenty acres should be sold; but the sum which the Government would receive would be no criterion of its value. It would be worth a far larger sum; it would be worth many dollars an acre to the settler—far more than he could earn in the same length of time by any pursuit or occupation which he could follow. Great is the intrinsic value of good land in the peninsula of Florida. Highly valuable it is for its productions and for its locality. Besides the rich products of cotton and sugar, and the famous Cuba tobacco, worth thirty dollars a hundred—besides these rich staples many of the most valuable tropical fruits are grown there; fruits, the cultivation of which is so easy and the value so great. The pine apple, the orange, lemons, limes, figs, the plantain, cocoa, with the most delicious grapes and melons, are all grown there. The capacity for producing these valuable crops and fruits give a great intrinsic value to the good lands of Florida, to say nothing of the live-oak and other fine timber which abound in many parts. Besides the land, the bill proposes other advantages to the settler; subsistence for one year, seed grains and vegetables, ammunition, medicines, reception of the sick in the military hospitals, transportation, aid in putting up block-houses, special protection while establishing the station, general protection afterwards, land to use before they get their own, and the benefit of all their own time and labor. Such are the advantages which the bill proposes, in addition to the three hundred and twenty acres of land; and surely there is no possible way in which a man by his own exertions—any young man able to bear arms, though not of age—can in so short a time, with so much ease to himself, without the use of capital, and by his mere individual personal exertions, make and clear so valuable an estate.

Great error prevails in the common estimate of the value of these Florida lands. By many, all the pine lands are condemned, when in fact much of them have a clay and marl foundation, and are of great value. Great bodies of savanna, extensive hammocks, rich swamps, alluvials, clay, and marl, are found, all adapted to valuable cultivation. On this head the letters of Dr. Lawson and General Hernandez are full and satisfactory.

The settlers will go, and when there will maintain themselves. Subsistence will be easy, for the first year the Government supplies it. In that time grain and vegetables will be produced. Cattle, swine, and fowls, will be introduced. The natural supplies of the country will contribute much towards the support of the inhabitants. The forests abound with game, with deer, turkeys, and quails; the waters are covered with aquatic fowls, and filled with fish, turtle, and oysters. It is the opinion of General Jesup, so declared in his letter which has been printed by order of the Senate, that the fisheries on the coast of Florida, in proportion to their extent, will prove as valuable as those of Newfoundland. Many indigenous vegetables are found; of which the wild potato, the brier root, the cabbage tree, the palmetto, and the wild arrow root, are the most considerable. The climate will admit of two crops of grain and vegetables within the year. The settler can find no difficulty in providing for his subsistence. He should go the first year without his family. His rations will be sufficient for himself that year; the second year his family will find their support in the produce of the crops, in the increase of cattle, swine, and fowls, and in the boundless supplies of the forest and waters.

The settlers can maintain themselves against the Indians. Even if they had no assistance from the United States troops, they could maintain their positions. They are to be formed into stations of from forty to one hundred men at each place. These stations will be a species of fortification, covering ground enough to shelter many people, and impregnable to Indians. The block-houses may be arranged into hollow squares, to include several hundred acres of ground for cultivation; or they may be formed into a line across a point, or along a coast, within the distance of rifle cross firing, with four or five men allotted to each house. Such stations could not be taken by force; and, with the faithful house dog for a sentinel, they could not be surprised. I hold a block-house to be impregnable against Indians. No number of Indians can take one of those houses, with four or five riflemen in it. It is the strongest defense in the world against small-arms. Of this, you, sir, [addressing himself to the Vice President, Colonel R. M. Johnson,] of this you have full knowledge, from the experience of the early settlers in Kentucky and Tennessee. Few or no block-houses were even taken there, the strength of the house securing it against force, and the vigilance of the mastiff securing it against stratagem. Our late southern Indian wars have furnished striking instances to the same effect, of which I will mention one. At the breaking out of the Creek war in 1813, the inhabitants on the Mobile and Alabama rivers collected into a station, which soon acquired a frightful celebrity. It was called Fort Mimms. A battalion of militia guarded the place, and a great number of families sought shelter within its huts and stockades. I was at the place a few months afterwards, and verified the facts of which I speak. Among other families under the shelter of this fort, was that of two brothers, their names Pearce, natives of one of the New England States. They were considerate, reflecting, clear-sighted men, cautious and brave.

In the Friday night preceding the Monday on which the fort was surprised, they were convinced, by the fierce and peculiar growling of the dogs, that the Indians were about—that they were examining the place preparatory to an attack upon it; and they were convinced, from the negligence which prevailed at the fort, that it might be surprised. These brothers had a saw mill two miles off, and for its protection a block house near to it. They concluded that they would be safer in their own block house, with their four or five rifles, than in a fort so negligently guarded. This was Friday night; on Saturday morning they acted on this belief; they removed their household to the block house; and, at twelve o'clock on Monday, Fort Mimms was surprised and taken. Hearing the firing, one of the brothers mounted a horse, rode down to the scene, sat in a cove of wood, saw the rifle, the knife, and the hatchet dispatching the children, the women, and the men, as the flames of the burning fort drove

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them out of the stockade into the open ground about. When the massacre was over, the Indians turned their steps to the block house of the Pearces. They examined it; they walked round it at a respectful distance; they went off; and those two brothers, with a few men in their employ, maintained their position during the whole war, without the loss of a life, and with the complete protection of their own property. This is an example, in point, to show the safety of a block house, and numerable others might be related. Entirely safe, then, will be the proposed settlers in Florida, even without the protection of a military force. But it is not intended to leave them without protection. The regular troops of the United States will remain in the country, occupying commanding positions, reconnoitering, marching, pursuing the Indians, and defending the settlers. There are now six regiments employed on that service; one of dragoons, two of artillery, and three of infantry. They comprise nearly four thousand men; and, even without the clause to that effect in the bill, there can be no question but that the Government will keep up a strong military force in the country, and give all possible protection, security, and defense to the settlers. Besides this land force, small vessels of war have been kept upon that station to succor troops and mariners, and will doubtless be continued there.

The settlers will find healthy positions for their stations. On this point the letter of the Surgeon General, Dr. Lawson, is full and explicit; and his skill as a medical man, and his knowledge of the country as having been in it, and at the furthest extremity of the peninsula, for nearly two years, make him a judge of the highest character, and a witness of the highest authority. He testifies to the salubrity of the stations which may be found at various points, and generally along the coasts, and particularly at the point of the peninsula itself. After describing a great number of healthy and fertile districts, desirable for settlements, he thus speaks of the immediate point of the peninsula:

"At Cape Sable there is a beautiful spot for a military post and depot for a colony, which should be established on a prairie running east and by north from that cape along the coast towards Cape Florida. This prairie runs immediately on the sea-shore for thirty-five miles, then turns a little north and to the interior of the country, extending, perhaps, twenty or thirty miles more in length. It appears to be an inclined plane, falling imperceptibly from the sea-shore to the everglades, a distance of fifteen or twenty miles, to the interior of the country. From what I saw of the products of the land on the cape and the islands in the vicinity, I am induced to believe that the soil of this prairie will produce in great perfection grain and vegetables of every kind, with sugar-cane, cotton, &c. Through the prairie there are numerous clumps and groves of trees, which will afford both fuel and building timber for the settlers. The keys and sandbars in front of the cape make an excellent harbor for steamboats and sail vessels drawing from six to ten feet water. The waters along this coast are full of turtle and fish of every kind, and the prairie and woods around abound in game."

"The immediate site of Cape Sable is evidently healthy, as are almost all situations directly on the sea-board; and I have no doubt that healthy positions can be gotten on the prairie, as the climate is delightful even in the summer season, from the prevalence of the sea breeze, or trade winds."

This description of the peninsula (said Mr. B.) puts a different face upon it from that which it had before borne. It is certain that it will sustain a large population, merely from agricultural pursuits, and independently of the commerce which its geographical position will command. The immediate point itself, heretofore believed to be barren sand, or insalubrious marsh, is here shown to be healthy, fertile, and beautiful, and furnishing good homes for two thousand settlers under this bill, at three hundred and twenty acres of land each.

Sir, the plan proposed by the bill is a good plan, and must succeed if it is tried. The men will go; they will maintain their positions; and the Indians will go away. It is the cheapest plan than can be devised; for, unless it succeeds, it will cost nothing. No rations will be issued unless the men go to the stations; no land will be granted unless they remain there until the Indians are expelled. It will cost nothing unless it succeeds; and in this it differs from all other plans which have been or can be devised. In all other plans the expense is certain, the success uncertain. If it does succeed, it will cost

but \$4,500,000, \$4,000,000 of which will be paid in land, of which the settlers will have to gain possession from the Indians; and, at the same time will gain possession of upwards of twenty million acres for the United States, over and above what will pay themselves. Compared to the heavy expense of campaigns against the Indians, this expenditure is comparatively nothing. Compared with the mere defense of the country and the surrounding settlements, now occupying six regiments of regulars, and always more or less of militia and volunteers, called out upon every alarm, and it will still be found to be far the cheapest. Manage as they may, unless the country is occupied by armed settlers, the mere defense of the frontiers in perpetual calls for militia and volunteers, will amount to a great sum annually; and, eventually, to far more than would be the whole expense of expelling the Indians and pacifying the country under this bill. The ten thousand men are not too many. It is a case in which both economy and humanity require an ample number to be employed at once. The country to be occupied is of great extent, abounding with fastnesses; and of a form to require the greatest number of men to protect it. It is upwards of four hundred miles in length, by above one hundred in breadth, with large swamps in many places, and presenting an outline of at least nine hundred miles, every part of which requires defense. Spread ten thousand men over this superfluous, and along this outline, in stations of from forty to one hundred each, and it will be found that the settlements will be sparsely enough scattered over it.

This is the plan, Mr. President, for the recovery and pacification of Florida. It is recommended by the Secretary of War, approved by the most experienced officers, and is practicable on its face. It is the plan on which we rely; and the question is, shall we adopt this plan, or do nothing, and leave the work to the regular troops, and to the militia and volunteers which, from time to time, may be called out? Experience shows that this mode of warfare can accomplish no results; that, at the end of three years, the population of four counties remain driven from their homes, the frontiers of Georgia lie open to incursion and massacre, the suburbs of Tallahassee and St. Augustine are penetrated and attacked, forty-one thousand square miles of our territory are ravaged by a savage foe; and a large extent of coast, including a cape which must be doubled, lying between the Gulf of Mexico and the Atlantic—between New Orleans and New York—is more unsafe to the American mariner than the savage shores of the most barbarian nations in any part of Africa, Asia, or New Holland. This state of things cannot be tolerated—cannot be permitted to continue. The United States Government owes defense to its citizens, and protection to its Territories. It owes protection and security to its commerce. We cannot give up the peninsula of Florida to a banditti of savages; we cannot surrender it to become a refuge to runaway slaves, marauding Indians, and to freebooters and pirates from the surrounding islands and keys of the Gulf of Mexico. We cannot permit a part of our own coast to remain more dangerous to our mariners than the coasts of the most distant and barbarian nation; we cannot suffer ourselves to be baffled in a contest with a tribe of savages. We must subdue these Indians; we must pacify and settle Florida. The plan we propose is the only one from which success, in any reasonable time, is expected. It is the only one which we now have to offer; and, having thus made an exposition of the principle of the bill, it would be very agreeable to me, and a course strictly parliamentary in itself, to take the sense of the Senate on the principle of the measure, unembarrassed with details, on a motion to strike out the first section, or to postpone the whole bill indefinitely. If there are Senators who object to the whole plan of the bill—to the whole idea of an armed occupation by settlers and cultivators—let them move to strike out, or to postpone. We shall then have the sense of the Senate upon the principle of the measure; and if that sense is against the whole measure, much time and trouble will be saved in avoiding all the labor of perfecting details.

## SETTLEMENT OF FLORIDA.

REMARKS OF HON. LEWIS F. LINN,  
OF MISSOURI,

IN THE SENATE, February 5, 1839.

The bill for the armed occupation and settlement of that part of Florida which is now overrun and infested by hostile bands of Indians, being under consideration—

Mr. LINN said there was great necessity of adopting this or some similar measure, and gave it as his opinion that, with the means heretofore used, we should not bring this unfortunate war to a close in less than half a century. We will accomplish no good by sending detachments of the regular army against these Indians. Our officers, it seemed to him, were too fearful of being beaten to act efficiently or to encounter them successfully. We must get men there who will be determined to subdue the Indians at all hazards. Let any one look back at the battle of Okechobe, and it would be obvious that there never was less military skill than was displayed on that occasion, that the errors committed on that day, arose from the fear on the part of the commanding general of being defeated by the Seminoles. Mr. L. said that he could scarcely trust himself to speak of that battle, for, generally speaking, it agitated him profoundly even to think of it. He was not certain that he ought to trust himself to speak of it at all, and the Senate would remember the reasons why, as a Missourian, he manifested feeling and discomposure in alluding to that battle. [Mr. L. alluded to the slaughter of the Missouri volunteers, and the attempt that was made to tarnish their reputation.] He was satisfied that the best defense for the great western frontier would be a cordon of just such men as his colleague had asked for in his bill. If you will give three hundred and twenty acres of land lying along that whole line of frontier, of one thousand two hundred miles in length, to every man who would settle on it, and engage in its defense, you would at once organize a force that would set at defiance those hordes of savages which the policy of this Government had accumulated on that border, and of whose formidable numbers his friend from South Carolina [Mr. Paeon] had spoken. Mr. L. here spoke in favorable terms of the bill introduced by one of the Senators from Arkansas, [Mr. FULTON,] setting apart a certain portion of land on that frontier as bounty lands for settlers who will engage in its defense. That whole frontier (Mr. L. said) was sparsely settled, and this state of things offered a temptation to marauding bands of savages to attack them. Build up a wall against the sixty thousand Indian warriors strung along that border, of hardy, brave, and enterprising pioneers, and your regular army will find employment in preventing the whites from encroaching on and overwhelming the Indians. And that should be the state of things. We are entitled to tranquility and safety, and they to permanent protection, that they may pursue the path which is to lead them to improvement in civilization, Christianity, and their concomitant blessings.

Mr. L. said he did not believe there was any danger of a general war with all the Indians on that frontier, unless we should have war with Great Britain, in which event we may look for it to a great certainty. At present we have a strong hold on many tribes, through large annuities secured to them by treaties, and which they will lose by going to war with the United States. But the danger now is, that some tribe on which we have no hold through their interests, may commence hostilities, and be joined immediately by clouds of young, turbulent, and active warriors, from neighboring tribes. If you will, Mr. President, give lands to persons who will pledge themselves to inhabit and cultivate the same for a certain number of years, and let them have choice land, you would find many, very many, in the South and West, actuated by pretty much the same motives which Toussaint or Christophe said governed the Yankees—that is, if a bag of coffee was hung up at the gates of the infernal regions, a Yankee would be found enterprising enough to go there and get it. So it was with the hardy pioneers of the West and Southwest. Tell them that you will give them a section or half section

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Treasury Notes—Mr. Potter.

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of first-rate land, and you will find plenty to go and take it, and keep it, too, in defiance of all the savages that may infest it. Place Colt's rifle in the hands of the settlers, and let them have a few dogs to give warning of their lurking places, and to start them from their coverts, instead of sending into the dark and tangled hammock your men, to be shot down by an invisible foe, and he would venture to assert that, in a very short space of time, a hostile Seminole would not be left in Florida.

He said he was confident the regular Army would not bring the war to a close in half a century. Neither the education nor habits of the officers or men qualified them for this kind of warfare, where abundance of hard knocks were given but no laurels to be gained. If the regiment that was held in reserve at the battle of Okechobe had been thrown upon one of the flanks of the enemy, and Colonel Foster's on the other, we would have been spared the pain of seeing our people shot down in the presence of a masked battery, and where all the noble efforts were unavailing; but the contest would have been ended at once, either by driving the Seminoles into Lake Okechobe in their rear, or forcing an immediate surrender. This, to us, bloody battle was ended at last, when Colonel Foster made an attack upon one of the flanks of the Indians. He said he did not know whether Colonel Foster made this movement on his own responsibility or under orders from his commander; but, if it was a voluntary act, he deserved the lasting gratitude of his country. The officers of our regular Army were generally gallant and accomplished gentlemen, and would, no doubt, distinguish themselves in a war with England, France, or any civilized Power; but they were not very efficient in Indian warfare. They considered that death, eternal death, to their military fame and character would be the consequence of their being defeated by a miserable band of untutored Indians, which, in his opinion, rendered them overcautious. If you want this war ended promptly, you must send men into Florida who can swim creeks, plunge into swamps and morasses, pillow their heads upon logs, sleep in mud and water, thread the forest and hammock, and undergo every hardship and privation; and the war will be closed only by such men.

## TREASURY NOTES.

SPEECH OF HON. W. W. POTTER,  
OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

February 18, 1839,

On the bill to amend "An act to authorize the issuing of Treasury notes to meet the current expenses of the Government," approved 21st of May, 1838.

Mr. POTTER said:

Mr. SPEAKER: The bill under consideration only carries out the provisions of the last session for an issue of Treasury notes. The amount required is necessary to meet the ordinary expenditures of the Government, without reference to any extraordinary expenditures which may be created, by further appropriations, during the present session. Prior legislation and appropriations heretofore made by Congress, under this auxiliary to the finances, were necessary, to enable the national Treasury to meet existing demands on it. The pensions granted to revolutionary soldiers, and those of the late war, take rank among the most sacred debts that a nation can contract with individuals, and creates an obligation of the highest and most important character for their prompt and faithful liquidation. Every motive of patriotism imperiously demands that the honor and faith of the Government should be sacredly preserved, and the promises made faithfully redeemed. Is the issue of Treasury notes required to place the Government in funds, to preserve its unsullied character, and perform its obligations? If necessary, then, a high sense of duty requires that this body, in making provision for the payment of the debt, should act promptly and efficiently. This, I take it, is the only true question presented for our consideration. The evidence of the existence of that necessity is not denied, and is abundantly

clear, from the reports on our tables. Although it is with unfeigned reluctance that I shall now, and have heretofore, voted for an issue of Treasury notes, yet that feeling is overcome by the necessity of the crisis. I have failed to discover the usual acumen and form of argument that characterizes the efforts of my honorable friends from South Carolina, in the objections urged against the immediate passage of this bill.

The prominent argument assigned against this provision for the liquidation of a fair and recognized claim on the public Treasury is because, forsooth, it will tend, in the other branch of the Legislature and in this, at the present session, to wasteful, extravagant, and unconstitutional appropriations. What! are we to presume that the passage of this bill will induce Congress to violate the letter and spirit of the Constitution, to embark in a profligate expenditure of the public money? A violent and forced presumption, which I am not prepared to make. The spirit of charity and forbearance forbids such presumptions against the integrity and purity of the American Congress. I would most respectfully remark to the honorable gentleman from Tennessee, [Mr. BELL,] that the course of the Pennsylvania delegation, in the last session of this Congress, in casting their votes on the Cumberland road bill, and on the appropriation to the Delaware breakwater, was strictly in accordance with the course of policy generally pursued by the delegation from that State in analogous cases, from the adoption of the Constitution. He is in error in thinking that a single member was influenced in casting his vote from the circumstances of the pending congressional elections in our State, or that now, when the elections are past, it will have the slightest effect in producing a different result.

Another subject has been commented upon in this debate, upon which I desire to offer a few remarks. I allude to the report submitted by the Committee of Ways and Means on the state of the Treasury and the expenditures of the Government. That report contains much that meets my decided approbation. The principles advanced in it, touching the lavish and wasteful expenditure of the public money which grew out of, and was fostered and cherished by the large surplus revenue accumulated in the Treasury, are germane to the approved doctrines of construction given by the Republican party to the Constitution. The danger of corruption to the simple republican institutions of our country, from having in the public Treasury immense amounts of surplus revenue, beyond the economical wants of the Government, are justly and forcibly portrayed. With a full and overflowing Treasury, the purity of the Government is endangered. Extravagance, the forerunner and prolific parent of corruption, steals, "like a thief in the night," into our expenditures, and insensibly saps our institutions. Civil and political rights are best protected, and the purity of the Government preserved, when the Federal powers are administered upon the basis of that rigid and economical expenditure contemplated by the framers of the Constitution, that glorious bond of union and sacred charter of our rights and liberties.

There is, however, one portion of that report from the accuracy of which I entirely dissent. I refer to the intimation that the principle of protection to the great navigating, agricultural, and manufacturing interests of the country, is an innovation upon our legislation, which first arose during and at the close of the late war. Unless I am greatly mistaken, a review of the history of legislation previous to that period will conclusively establish the fact that the principle was coeval with the Constitution itself; nay, the defect of the want of power in the Articles of Confederation authorizing the National Legislature to extend adequate protection to these primary interests of a free people was, in connection with others, one of the causes which led to the convention that framed the Constitution. In the debates in some of the State conventions, when the adoption of the Constitution was under discussion, the importance and necessity of such a delegation of power was ably and eloquently urged as an argument in favor of the Constitution. Virginia, under the articles of confederation, evi-

denced a desire to protect her commercial and agricultural interests. The futility of the effort, unless the adjoining States united and acted in concert, rendered it entirely impracticable. The entire commerce of the State would have been rapidly concentrated in the ports of Maryland and the adjacent States. The abortive attempt to regulate commerce, and protect thereby the interests connected therewith, demonstrated the importance of Congress possessing the power of general and uniform regulations, which unquestionably gave an impulse to the idea of constitutional reform. It was impossible for the States, acting without union, and in their separate capacities, to afford encouragement or give protection to these great interests, the existence and prosperity of which are essential to the freedom and independence of the country from foreign influence.

That the provisions of the Constitution, vesting in Congress "the power to lay and collect taxes, duties, imposts, and excise," and "the power to regulate trade," clothed that body with authority to protect the common agriculture and manufactures of the country, was urged by Mr. Dawes, in the convention of Massachusetts, who advocated the adoption of the Constitution, and the necessity of such provisions. He enforced it in the following language:

"Our manufactures are another great subject which has received no encouragement by national duties, and they never can by any authority in the old Confederation."

Again he observed:

"If we wish to encourage our own manufactures, to preserve our commerce, to raise the value of our own lands, we must give Congress the power in question."

A distinguished opponent to the Constitution, in reply, remarked:

"All we hear is, that the merchant and farmer will flourish, and that the mechanic and tradesmen are to make their fortunes directly, if the Constitution goes down."

It would seem, at that day, that friend and adversary concurred in the opinion that the power of protection would be vested in the Federal Government by the provisions of the Constitution. The second act to be found on your statute-book, after the adoption of the Constitution, solemnly declares, in its preamble:

"That it is necessary for the support of the Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares, and merchandise imported."

In that act, passed in 1789, you will find full and adequate protection given to the staples of the planting States. Cotton, indigo, and tobacco are protected by heavy duties; three cents per pound on cotton, sixteen cents per pound on indigo, and six cents per pound on tobacco. The coal of Virginia had a protection of two cents per bushel, and discriminating duties, in favor of merchandise imported in vessels built in and belonging wholly to citizens of the United States, were adopted.

In the modification and amendment to this act, passed in 1790, the same language relative to the protection of the leading interests of the country is preserved. And we find in the earliest annals of the legislation of the country the principle of protection recognized and sustained in the most emphatic manner. Such was deemed its magnitude and importance to the prosperity of the country, that it is placed on an equality and in juxtaposition with the necessity of the support of the Government; and the preservation of the faith and credit of the nation in the payment of the debts of the Revolution. The cultivation of cotton, the great staple of the South, which has grown and increased in importance and magnitude until it has overshadowed in value all the other exports of the country, in its infancy, received the cherishing and fostering care of the Government. This great agricultural interest, which has done so much to enhance the wealth, increase the prosperity, and, as a medium of exchange, to pay the European debt of the country under the most depressing and embarrassing circumstances, owes its palmy fortunes to the wise and judicious application of the protective system. The report of Alexander Hamilton (the first Secretary of the Treasury) on manufactures, early after the organization of the Government, carried, in some respects, the doctrine of protec-

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tion by bounties farther, or at least as far, as its most strenuous advocates have ever required. Mr. Madison's motion for commercial restrictions, in the House of Representatives, on the 14th February, 1806, emphatically declares "that the interests of the United States should be promoted by further restrictions and higher duties, in certain cases, on the manufactures and navigation of foreign nations employed in the commerce of the United States." The principle of the imposition of duties for protection standing forth as a naked column to the view of the eye, is enforced in this measure, proposed by that wise and patriotic statesman. The restrictive measures of Mr. Jefferson's administration, the embargo and non-intercourse, breathed hope into, and gave vitality to the great manufacturing interests. These were southern measures, sustained by enlightened statesmen from all the various sections of this widely extended country.

With those evidences of encouragement and protection to the navigating, manufacturing, and agricultural interests, existing on the records of national legislation anterior to the late war, how can any man yield an unqualified assent to the position taken in this report? The colonial policy of Great Britain was to prevent the colonists from spreading a sail upon the ocean, or manufacturing even a "hob nail." The declaration of independence and the successful termination of the revolutionary war severed forever the political vassalage which Great Britain ever held over this country. Yet, if we had remained dependent on her for a supply of all the munitions of war necessary for national defense, and for the clothing we wear, we would have still been in commercial pupilage and vassalage to that Power. No people can be free and independent who have not within themselves the means of defense against the invasion of a foreign enemy, and the necessary clothing and breadstuffs to protect and sustain its population. Grain, the great agricultural staple of the State I have the honor in part to represent, has received a protection of twenty-five cents per bushel. So abundant has heretofore been the supply, that it is only within the last year or two that any considerable amount of that article has been imported into the country. The peculiar circumstances that brought about this result will not, in all human probability, occur for years again. I would ask, are not the interests of an enlightened, intelligent, and bold yeomanry, the tillers of the soil, the stay and defenders of the rights and liberties of the country, worthy of the protection and encouragement of their own Government? Commerce, agriculture, and manufactures, are twin handmaidens, each necessary to the prosperity of the other. A common interest inseparably joins them together; when either languishes and is depressed, the others equally suffer. I am no advocate for excessive duties and high tariffs, which would again produce a bloated Treasury. All we require is uniformity and stability in your revenue laws, and such discrimination in the imposition of duties necessary to raise sufficient revenue to supply the economical wants of the Treasury as will best protect, preserve, and encourage, the great and leading interests of commerce, agriculture, and manufactures. I am no advocate for drawing money, by either direct or indirect taxation, out of the means of the people, unless it is wanted for the purposes of sustaining the Government and maintaining "the common defense and general welfare."

Mr. WILLIAMS, of Tennessee, called the gentleman from Pennsylvania to order, alleging that it was not in order to discuss the tariff on a bill for the issue of Treasury notes.

Mr. CRARY (who temporarily occupied the chair) decided that the gentleman was not out of order.

Mr. POTTER proceeded. I should have concluded, before this the observations which I had contemplated to make if the gentleman had not interposed. I but follow the example which those who preceded me had set in this debate. In my humble judgment, manufactures have suffered more from the uncertainty and fluctuations of legislation, from the want of reliance in the steadiness and continuance of any particular system of duties, than all the advantages derived by the high

duties imposed by the provisions of the acts of 1828 and 1832. Certainly and stability of legislation will enable them to accommodate their business to the existing state of the country. Give to these leading interests of the country that certain and moderate protection arising from the judicious arrangement of impost duties, necessary to raise revenue to supply the wants of the Treasury when the Government is administered on the most economical scale, necessary for the protection of the country and the advancement of its prosperity, and you will do more, infinitely more, for the certain and steady advancement of the agricultural and manufacturing interest than was accomplished by high tariffs, accompanied by incessant changes and violent political convulsions. Representing a great agricultural and manufacturing district, a sense of duty to my constituents has constrained me to make the remarks which have fallen from me. "Sufficient for the day is the evil thereof." Hereafter, when it becomes necessary to readjust the revenue laws and the tariff of duties, if I am honored by a seat on this floor, I trust I shall be enabled to enter upon that duty in the spirit of forbearance, conciliation, and compromise, which produced the Constitution under which we are assembled here; and that the interests of all sections of our common country may be preserved without essential injury to the interests of any.

My thanks are due to the House for the indulgence which has been accorded to me.

## ABOLITION PETITIONS.

SPEECH OF HON. THOS. MORRIS,  
OF OHIO,

IN THE SENATE, February 9, 1839,

On presenting certain petitions for the abolition of the slave trade in the District of Columbia, &amp;c.

Mr. MORRIS said:

Mr. PRESIDENT: I rise to present for the consideration of the Senate numerous petitions, signed by, not only citizens of my own State, but citizens of several other States, New York, Pennsylvania, Michigan, Illinois, and Indiana. These petitioners, amounting in number to several thousand, have thought proper to make me their organ in communicating to Congress their opinions and wishes on subjects which, to them, appear of the highest importance. These petitions, sir, are on the subject of slavery, the slave trade as carried on within and from this District, the slave trade between the different States of this Confederacy, between this country and Texas, and against the admission of that country into the Union; and also against that of any other State whose constitution and laws recognize or permit slavery. I take this opportunity to present all these petitions together, having detained some of them for a considerable time in my hands, in order that as small a portion of the attention of the Senate might be taken up on their account as would be consistent with a strict regard to the rights of the petitioners. And I now present them under the most peculiar circumstances that has ever probably transpired in this or any other country. I present them on the heel of the petitions which have been presented by the Senator from Kentucky, [Mr. CLAY,] signed by the inhabitants of this District, praying that Congress would not receive petitions on the subject of slavery in the District from any body of men or citizens but themselves. This is something new; it is one of the devices of the slave power, and most extraordinary in itself. These petitions I am bound in duty to present—a duty which I cheerfully perform; for I consider it not only a duty but an honor. The respectable names which these petitions bear, and being against a practice which I as deeply deprecate and deplore as they can possibly do, yet I well know the fate of these petitions; and I also know the time, place, and disadvantage under which I present them.

In availing myself of this opportunity to explain my own views on this agitating topic, and to explain and justify the character and proceedings of these petitioners, it must be obvious to all that I am surrounded by no ordinary discouragements.

The strong prejudice which is evidenced by the petitioners of the District, the unwillingness of the Senate to hear, the power which is arrayed against me on this occasion, as well as in opposition to those whose rights I am anxious to maintain, opposed by the very lions of debate in this body, who are cheered on by an applauding gallery and surrounding interests, is enough to produce dismay in one far more able and eloquent than, the lone and humble individual who now addresses you. What, sir, can there be to induce me to appear on this public arena, opposed by such powerful odds? Nothing, sir, nothing but a strong sense of duty, and a deep conviction that the cause I advocate is just; that the petitioners whom I represent are honest, upright, intelligent, and respectable citizens, men who love their country, who are anxious to promote its best interests, and who are actuated by the purest patriotism, as well as the deepest philanthropy and benevolence. In representing such men, and in such a cause, though by the most feeble means, one would suppose that, on the floor of the Senate of the United States, order, and a decent respect to the opinions of others, would prevail. From the causes which I have mentioned, I can hardly hope for this. I expect to proceed through scenes which will become this Hall; but nothing shall deter me from a full and faithful discharge of my duty on this important occasion.

Permit me, sir, to remind gentlemen that I have now been six years a member of this body. I have seldom, perhaps too seldom, in the opinion of many of my constituents, pressed myself upon the notice of the Senate, and taken up their time in useless and windy debate. I question very much if I have occupied the time of the Senate during the six years as some gentlemen have during six weeks, or even six days. I hope, therefore, that I shall not be thought obtrusive, or charged with taking up time with abolition petitions. I hope, Mr. President, to hear no more about agitating this slave question here. Who has begun the agitation now? The Senator from Kentucky, [Mr. CLAY,] Who has responded to that agitation, and congratulated the Senate and the country on its results? The Senator from South Carolina, [Mr. CALHOUN,] And pray, sir, under what circumstances is this agitation begun? Let it be remembered, let us collect the facts from the records on your table, that when I, as a member of this body, but a few days since offered a resolution as the foundation of proceedings on these petitions, gentlemen, as if operated on by an electric shock, sprung from their seats and objected to its introduction. And when, you, sir, decided that it was the right of every member to introduce such motion or resolution as he pleased, being responsible to his constituents and this body for the abuse of this right, gentlemen seemed to wonder that the Senate had no power to prevent the action of one of its members in cases like this, and the poor privilege of having the resolution printed, by order of the Senate, was denied.

Let the Senator from South Carolina before me remember that, at the last session, when he offered resolutions on the subject of slavery, they were not only received without objection, but printed; voted on, and decided; and let the Senator from Kentucky reflect that the petition which he offered against our right was also received and ordered to be printed without a single dissenting voice; and I call on the Senate and the country to remember that the resolutions which I have offered on the same subject have not only been refused the printing, but have been laid upon the table without being debated or referred. Posterity, which shall read the proceedings of this time, may well wonder what power could induce the Senate of the United States to proceed in such a strange and contradictory manner. Permit me to tell the country now what this power behind the throne, greater than the throne itself, is. It is the power of SLAVERY. It is a power, according to the calculation of the Senator from Kentucky, which owns \$1,200,000,000 in human beings as property; and if money is power, this power is not to be conceived or calculated; a power which claims human property more than double the amount which the whole money of the world could purchase. What can stand before

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this power? Truth, everlasting truth, will yet overthrow it. This power is aiming to govern the country, its constitutions and laws; but it is not certain of success, tremendous as it is, without foreign or other aid. Let it be borne in mind that the bank power some years since, during what has been called the panic session, had influence sufficient in this body, and upon this floor, to prevent the reception of petitions against the action of the Senate on their resolutions of censure against the President. The country took instant alarm, and the political complexion of this body was changed as soon as possible.

The same power, though double in means and in strength, is now doing the same thing. This is the array of power that even now is attempting such an unwarrantable course in this country; and the people are also now moving against the slave, as they formerly did against the bank power. It, too, begins to tremble for its safety. What is to be done? Why, petitions are received and ordered to be printed against the right of petitions which are not received, and the whole power of debate is thrown into the scale with the slaveholding power. But all will not do; these two powers must now be united; an amalgamation of the black power of the South with the white power of the North must take place, as either, separately, cannot succeed in the destruction of the liberty of speech and the press and the right of petition. Let me tell gentlemen that both united will never succeed. As I said on a former day, God forbid that they should ever rule this country. I have seen this billing and cooing between these different interests for some time past; I informed my private friends of the political party with which I have heretofore acted, during the first week of this session, that these powers were forming a union to overthrow the present Administration; and I warned them of the folly and mischief they were doing in their abuse of those who were opposed to slavery. All doubts are now terminated. The display made by the Senator from Kentucky, [Mr. CLAY], and his denunciations of these petitioners as Abolitionists, and the hearty response and cordial embrace which his efforts met from the Senator from South Carolina, [Mr. CALHOUN], clearly show that new moves have taken place on the political chess-board, and new coalitions are formed, new compromises and new bargains, settling and disposing of the rights of the country for the advantage of political aspirants.

The gentleman from South Carolina [Mr. CALHOUN] seemed, at the conclusion of the argument made by the Senator from Kentucky, to be filled not only with delight but with ecstasy. He told us that about twelve months since he had offered a resolution which turned the tide in favor of the great principle of State rights, and says he is highly pleased with the course taken by the Kentucky Senator. All is now safe by the acts of that Senator. The South is now consolidated as one man; it was a great epoch in our history, but we have now passed it; it is the beginning of a moral revolution; slavery, so far from being a political evil, is a great blessing; both races have been improved by it; and that Abolition is now dead, and will soon be forgotten. So far the Senator from South Carolina, as I understand him. But, sir, is this really the case? Is the South united as one man, and is the Senator from Kentucky the great center of attraction? What a lesson to the friends of the present Administration, who have been throwing themselves into the arms of the southern slave power for support! The black enchantment I hope is now at an end—the dream dissolved, and we awake into open day. No longer is there any uncertainty or any doubt on this subject. But is the great epoch passed? is it not rather just beginning? Is abolitionism dead? or is it just awakening into life? Is the right of petition strangled and forgotten? or is it increasing in strength and force? These are serious questions for the gentleman's consideration, that may damp the ardor of his joy if examined with an impartial mind, and looked at with an unprejudiced eye.

Sir, when these peans were sung over the death of Abolitionists, and, of course, their right to liberty of speech and the press, at least in fancy's eye, we might have seen them lying in heaps

upon heaps, like the enemies of the strong man in days of old. But let me bring back the gentleman's mind from this delightful scene of abolition death, to sober realities and solemn facts. I have now lying before me the names of thousands of living witnesses that slavery has not entirely conquered liberty; that Abolitionists (for so are all these petitioners called) are not all dead. These are my first proofs to show the gentleman his ideas are all fancy. I have also, sir, since the commencement of this debate, received a newspaper, as if sent by Providence to suit the occasion, and by whom I know not. It is the Cincinnati Republican of the 2d instant, which contains an extract from the Louisville Advertiser, a paper printed in Kentucky, in Louisville, our sister city; and though about one hundred and fifty miles below us, is but a few hours distant. That paper is the leading Administration journal, too, as I am informed, in Kentucky. Hear what it says on the death of abolition:

"ABOLITION—CINCINNATI—THE LOUISVILLE ADVERTISER.—We copy the following notice of an article which we lately published, upon the subject of abolition movements in this quarter, from the Louisville Advertiser:

"ABOLITION.—The reader is referred to an interesting article which we have copied from the Cincinnati Republican—a paper which lately supported the principles of Democracy; a paper which has turned, but not quite far enough to act with the Adamases and Slades in Congress, or the Whig-Abolitionists of Ohio. It does not, however, give a correct view of the strength of the Abolitionists in Cincinnati. There they are in the ascendant. They control the city elections, regulate what may be termed the morals of the city, give tone to public opinion, and 'rule the roost' by virtue of their superior piety and intelligence. The Republican tells us that they are not laboring Locofocos—but 'drones' and 'consumers'—the 'rich and well born,' of course; men who have leisure and means, and a disposition to employ the latter, to equalize whites and blacks in the slaveholding States. Even now, the absconding slave is perfectly safe in Cincinnati. We doubt whether an instance can be adduced of the recovery of a runaway in that place in the last four years. When negroes reach 'the Queen city' they are protected by its intelligence, its piety, and its wealth. They receive the aid of the *élite* of the Buckeyes, and we have a strong fiction in Kentucky struggling zealously to make her one of the dependencies of Cincinnati! Let our mutual sons go on. The day of mutual retribution is at hand—much nearer than is now imagined. The Republican, which still looks with a friendly eye to the slaveholding States, warns us of the danger which exists, although its newborn zeal for Whiggery prompts it to insist, indirectly, on the right of petitioning Congress to abolish slavery. There are about two hundred and fifty abolition societies in Ohio at the present time, and, from the circular issued at headquarters, Cincinnati, it appears that agents are to be sent through every county to distribute books and pamphlets designed to inflame the public mind, and then organize additional societies—or, rather, form new clans, to aid in the war which has been commenced on the slaveholding States."

I do not, sir, underwrite for the truth of this statement as an entire whole; much of it I repel as an unjust charge on my fellow-citizens of Cincinnati; but, as it comes from a slaveholding State—from the State of the Senator who has so eloquently anathematized Abolitionists that it is almost a pity they could not die under such sweet sounds—and as the South Carolina Senator pronounces them dead, I produce this from a slaveholding State for the special benefit and consolation of the two Senators. It comes from a source to which I am sure both gentlemen ought to give credit. But suppose, sir, that Abolitionism is dead: is liberty dead also, and slavery triumphant? Is liberty of speech, of the press, and the right of petition, also dead? True, it has been strangled here; but gentlemen will find themselves in great error if they suppose it also strangled in the country; and the very attempt in legislative bodies to sustain a local and individual interest, to the destruction of our rights, proves that those rights are not dead, but a living principle, which slavery cannot extinguish. And be my lot what it may, I shall, to the utmost of my abilities, under all circumstances and at all times, contend for that freedom which is the common gift of the Creator to all men, and against the power of these two great interests—the slave power of the South and banking power of the North—which are now uniting to rule this country. The cotton bale and the bank note have formed an alliance; the credit system with slave labor. These two congenial spirits have at last met and embraced each other, both looking to the same object—to live upon the unrequited labor of others—and have now erected for themselves a common platform, as was intimated during the last session, on which they can

meet, and bid defiance, as they hope, to free principles and free labor.

With these introductory remarks, permit me, sir, to say here, and let no one pretend to misunderstand or misrepresent me, that I charge gentlemen, when they use the word Abolitionists, they mean petitioners here such as I now present—men who love liberty, and are opposed to slavery—that in behalf of these citizens I speak; and, by whatever name they may be called, it is those who are opposed to slavery whose cause I advocate. I make no war upon the rights of others. I do no act but what is moral, constitutional, and legal, against the peculiar institutions of any State; but acting only in defense of my own rights, of my fellow-citizens, and, above all, of my State, I shall not cease while the current of life shall continue to flow.

I shall, Mr. President, in the further consideration of this subject, endeavor to prove, first, the right of the people to petition; second, why slavery is wrong, and why I am opposed to it; third, the power of slavery in this country, and its dangers; next, answer the question, so often asked, what have the free States to do with slavery? Then make some remarks by way of answer to the arguments of the Senator from Kentucky, [Mr. CLAY.]

Mr. President, the duty I am requested to perform is one of the highest which a Representative can be called on to discharge. It is to make known to the legislative body the will and the wishes of his constituents and fellow-citizens; and in the present case I feel honored in the confidence reposed in me, and proceed to discharge the duty. The petitioners have not trusted to my fallible judgment alone, but have declared in written documents the most solemn expression of their will. It is true these petitions have not been sent here by the whole people of the United States, but from a portion of them only; yet such is the justice of their claim, and the sure foundation upon which it rests, that no portion of the American people, until a day or two past, have thought it either safe or expedient to present counter petitions; and even now, when counter petitions have been presented, they dare not justify slavery and the selling of men and women in this District, but content themselves with objecting to others enjoying the rights they practice, and praying Congress not to receive or hear petitions from the people of the States—a new device of slave power this, never before thought of or practiced in any country. I would have been gratified if the inventors of this system, which denies to others what they practice themselves, had, in their petition, attempted to justify slavery and the slave trade in the District, if they believe the practice just, that their names might have gone down to posterity. No, sir; very few have the moral courage to record their names to such an avowal; and even some of these petitioners are so squeamish on this subject, as say that they might, from conscientious principles, be prevented from holding slaves.

Not so, sir, with the petitioners which I have the honor to represent; they are anxious that their sentiments and their names should be made matter of record; they have no qualms of conscience on this subject, they have deep convictions and a firm belief that slavery is an existing evil, incompatible with the principles of political liberty, at war with our system of Government, and extending a baleful and blasting influence over our country, withering and blighting its fairest prospects and brightest hopes. Who has said that these petitions are unjust in principle, and on that ground ought not to be granted? Who has said that slavery is not an evil? Who has said it does not tarnish the fair fame of our country? Who has said it does not bring dissipation and feebleness to one race, and poverty and wretchedness to another, in its train? Who has said it is not unjust to the slave and injurious to the happiness and best interests of the master? Who has said it does not break the bonds of human affection, by separating the wife from the husband, and children from their parents? In fine, who has said it is not a blot upon our country's honor, and a deep and foul stain upon her institutions? Few, very few, perhaps none but him who lives upon its labor, regardless of its misery, and even many whose local situations

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are within its jurisdiction, acknowledge its injustice, and deprecate its continuance; while millions of freemen deplore its existence, and look forward with strong hope to its final termination. SLAVERY! a word like a secret idol, thought too obnoxious or sacred to be pronounced here but by those who worship at its shrine; and should one who is not such a worshiper happen to pronounce the word, the most disastrous consequences are immediately predicted, the Union is to be dissolved, and the South to take care of itself.

Do not suppose, Mr. President, that I feel as if engaged in a forbidden or improvident act. No such thing. I am contending with a local and "peculiar" interest, an interest which has already banded together a force sufficient to seize upon every avenue by which a petition can enter this Chamber, and exclude all without its leave. I am not now contending for the rights of the negro—rights which his Creator gave him, and which his fellow-man has usurped or taken away. No, sir; I am contending for the rights of the white person in the free States, and am endeavoring to prevent them from being trodden down and destroyed by that power which claims the black person as property. I am endeavoring to sound the alarm to my fellow-citizens that this power, tremendous as it is, is endeavoring to unite itself with the moneyed power of the country, in order to extend its dominion and perpetuate its existence. I am endeavoring to drive from the back of the negro slave the politician who has seated himself there to ride into office for the purpose of carrying out the object of this unholy combination. The chains of slavery are sufficiently strong, without being riveted anew by tinkering politicians in the free States. I feel myself compelled into this contest, in defense of the institutions of my own State, the persons and firesides of her citizens, from the insatiable grasp of the slave power, as being used and felt in the free States. To say that I am opposed to slavery in the abstract, are but cold and unmeaning words. If, however, capable of any meaning whatever, they may fairly be construed into a love for its existence; and such I sincerely believe to be the feeling of many in the free States who use the phrase. I, sir, am not only opposed to slavery in the abstract, but also in its whole volume, in its theory as well as practice. This principle is deeply implanted within me; it has "grown with my growth, and strengthened with my strength."

In my infant years I learned to hate slavery. Your fathers taught me it was wrong in their Declaration of Independence, the doctrines which they promulgated to the world, and upon the truth of which they staked the issue of the contest that made us a nation. They proclaimed "that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that amongst these are life, liberty, and the pursuit of happiness." These truths, as solemnly declared by them, I believed then, and believe now. They are self-evident. Who can acknowledge this, and not be opposed to slavery? It is, then, because I love the principles which brought your Government into existence, and which have become the corner-stone of the building supporting you, sir, in that chair, and giving to myself and other Senators seats in this body—it is because I love all this, that I hate slavery. Is it because I contend for the right of petition, and am opposed to slavery, that I have been denounced by many as an Abolitionist? Yes; Virginia newspapers have so denounced me, and called upon the Legislature of my State to dismiss me from public confidence. Who taught me to hate slavery and every other oppression? Jefferson, the great and the good Jefferson! Yes, Virginia Senators, it was your own Jefferson, Virginia's favorite son; a man who did more for the natural liberty of man, and the civil liberty of his country, than any man that ever lived in our country; it was him who taught me to hate slavery; it was in his school I was brought up. That Mr. Jefferson was as much opposed to slavery as any man that ever lived in our country, there can be no doubt; his life and writings abundantly prove the fact. I hold in my hand a copy, as he penned it, of the original draft of the Declaration of Independence,

a part of which was stricken out, as he says, in compliance with the wishes of South Carolina and Georgia. I will read it. Speaking of the wrongs done us by the British Government, in introducing slaves among us, he says:

"He [the British King] has waged cruel war against human nature itself, violating its most sacred right of life and liberty in the persons of a distant people who never offered him, captivating and carrying them into SLAVERY in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel Powers, is the warfare of the Christian King of Great Britain. Determined to keep open a market where MEN should be bought and sold, he has prostituted his prerogative for suppressing every legislative attempt to prohibit or restrain this execrable commerce; and that this assemblage of horrors might want no fact of distinguished dye, he is now exciting those very people to rise in arms against us, and purchase that liberty of which he has deprived them by murdering the people on whom he also obtruded them, thus paying off former crimes committed against the liberties of one people with crimes which he urges them to commit against the lives of another."

Thus far this great statesman and philanthropist. Had his cotemporaries been ruled by his opinions, the country had now been at rest on this exciting topic. What Abolitionist, sir, has used stronger language against slavery than Mr. Jefferson has done? "Cruel war against human nature," "violating its most sacred rights," "piratical warfare," "opprobrium of infidel Powers," "a market where men should be bought and sold," "execrable commerce," "assemblage of horrors," "crimes committed against the liberty of a people," are the brands which Mr. Jefferson has burned into the forehead of slavery and the slave trade. When have I, or any other person opposed to slavery, spoken in stronger and more opprobrious terms of slavery than this? You have caused the bust of this great man to be placed in the center of your Capitol, in that conspicuous part where every visitor must see it, with its hand resting on the Declaration of Independence, engraved upon marble. Why have you done this? Is it not mockery? Or is it to remind us continually of the wickedness and danger of slavery? I never pass that statue without new and increased veneration for the man it represents, and increased repugnance and sorrow that he did not succeed in driving slavery entirely from the country. If I am an Abolitionist, Jefferson made me so; and I only regret that the disciple should be so far behind the master, both in doctrine and practice.

But, sir, other reasons and other causes have combined to fix and establish my principles in this matter, never, I trust, to be shaken. A free State was the place of my birth; a free Territory the theater of my juvenile actions. Ohio is my country endeared to me by every fond recollection. She gave me political existence, and taught me in her political school; and I should be worse than an unnatural son did I forget or disobey her precepts. In her constitution it is declared "that all men are born equally free and independent," and "that there shall be neither slavery nor involuntary servitude in the State, otherwise than for the punishment of crimes." Shall I stand up for slavery in any case, condemned as it is by such high authority as this? No, never! But this is not all. Indiana, our younger western sister, endeared to us by every social and political tie, a State formed in the same country as Ohio, from whose territory slavery was forever excluded by the ordinance of July, 1787—she, too, has declared her abhorrence of slavery in more strong and emphatic terms than we have done. In her constitution, after prohibiting slavery, or involuntary servitude being introduced into the State, she declares, "but as to the holding any part of the human creation in slavery, or involuntary servitude, can originate only in tyranny and usurpation, no alteration of her constitution should ever take place, so as to introduce slavery or involuntary servitude into the State, otherwise than for the punishment of crimes whereof the party had been duly convicted." Illinois and Michigan also formed their constitutions on the same principles. After such a cloud of witnesses against slavery and whose testimony is so clear and explicit, as a citizen of Ohio, I should be recreant to every principle of honor and of justice, to be found the apologist or advocate of slavery in any State, or in any country whatever. No, I cannot be so inconsistent as to say I am

opposed to slavery in the abstract, in its separation from a human being, and still lend my aid to build it up, and make it perpetual in its operations and effects upon man in this or any other country.

I also, in early life, saw a slave kneel before his master, and hold up his hands with as much apparent submission, humility, and adoration, as a man would have done before his Maker, while his master, with outstretched rod, stood over him. This, I thought, is slavery—one man subjected to the will and power of another, and the laws affording him no protection; and he has to beg pardon of man, because he has offended man, (not the laws,) as if his master were a superior and all powerful being. Yes, this is slavery—boasted American slavery—without which, it is contended even here that the union of these States would be dissolved in a day; yes, even in an hour! Humiliating thought, that we are bound together as States by the chains of slavery! It cannot be; the blood and the tears of slavery form no part of the cement of our Union; and it is hoped that by falling on its hands they may never corrode and eat them asunder. We who are opposed to, and deplore the existence of, slavery in our country, are frequently asked, both in public and private, what have you to do with slavery? It does not exist in your State; it does not disturb you! Ah, sir, would to God it were so—that we had nothing to do with slavery, nothing to fear from its power or action within our own borders, that its name and its miseries were unknown to us. But this is not our lot; we live upon its borders, and in hearing of its cries; yet we are unwilling to acknowledge, that if we enter its territories and violate its laws, that we should be punished at its pleasure. We do not complain of this, though it might well be considered just ground of complaint. It is our firesides, our rights, our privileges, the safety of our friends, as well as the sovereignty and independence of our State, that we are now called upon to protect and defend. The slave interest has at this moment the whole power of the country in its hands. It claims the President as a northern man with southern feelings, thus making the Chief Magistrate the head of an interest, or a party, and not of the country and the people at large. It has the cabinet of the President, three members of which are from slave States, and one who wrote a book in favor of southern slavery, but which fell dead from the press, a book which I have seen, in my own family, thrown musty upon the shelf.

Here, then, is a decided majority in favor of the slave interest. It was five out of nine judges of the Supreme Court; here, also, is a majority from the slave States. It has, with the President of the Senate, and the Speaker of the House of Representatives, and the clerks of both Houses, the Army and the Navy; and the bureaus have, I am told, about the same proportion. One would suppose that, with all this power operating in this Government, it would be content to permit—yes, I will use the word *permit*—it would be content to permit us, who live in the free States, to enjoy our firesides and our homes in quietness; but this is not the case. The slaveholders and slave laws claim that as property which the free States know only as persons; a reasoning property, which, of its own will and mere motion, is frequently found in our States; and upon which thing we sometimes bestow food and raiment if it appear hungry and perishing, believing it to be a human being; this perhaps is owing to our want of vision to discover the process by which a man is converted into a thing. For this act of ours, which is not prohibited by our laws, but prompted by every feeling, Christian and humane, the slaveholding power enters our territory, tramples under foot the sovereignty of our State, violates the sanctity of private residence, seizes our citizens, and, disregarding the authority of our laws, transports them into its own jurisdiction, casts them into prison, confines them in fetters, and loads them with chains, for pretended offenses against their own laws, found by willing grand juries upon the oath (to use the language of the late Governor of Ohio) of a perjured villain. Is this fancy, or is it fact, sober reality, solemn fact? Need I say all this, and much more, is now matter of history in the case of the Rev. John B.

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Mahan, of Brown county, Ohio? Yes, it is so; but this is but the beginning—a case of equal outrage has lately occurred, if newspapers are to be relied on, in the seizure of a citizen of Ohio, without even the forms of law, and who was carried into Virginia and shamefully punished by tar and feathers, and other disgraceful means, and rode upon a rail, according to the order of Judge Lynch, and this only because in Ohio he was an Abolitionist. Would I could stop here—but I cannot.

This slave interest or power seizes upon persons of color in our State, carries them into States where men are property, and makes merchandise of them, sometimes under sanction of law, but more properly by its abuse, and sometimes by mere personal force, thus disturbing our quiet and harassing our citizens. A case of this kind has lately occurred, where a colored boy was seduced from Ohio into Indiana, taken from thence into Alabama and sold as a slave; and to the honor of the slave States, and gentlemen who administer the laws there, be it said, that many who have thus been taken and sold by the connivance, if not downright corruption, of citizens in the free States, have been liberated and adjudged free in the States where they have been sold, as was the case of the boy mentioned, who was sold in Alabama. Slave power is seeking to establish itself in every State, in defiance of the constitution and laws of the States within which it is prohibited. In order to secure its power beyond the reach of the States, it claims its parentage from the Constitution of the United States. It demands of us total silence as to its proceedings, denies to our citizens the liberty of speech and the press, and punishes them by mobs and violence for the exercise of these rights. It has sent its agents into free States for the purpose of influencing their Legislatures to pass laws for the security of its power within such State, and for the enacting new offenses and new punishments for their own citizens, so as to give additional security to its interest. It demands to be heard in its own person in the Hall of our Legislature, and mingle in debate there. Sir, in every stage of these oppressions and abuses, permit me to say, in the language of the Declaration of Independence—and no language could be more appropriate—we have petitioned for redress in the most humble terms, and our repeated petitions have been answered by repeated injury. A power, whose character is marked by every act which may define a tyrant, is unfit to rule over a free people. In our sufferings and our wrongs we have besought our fellow-citizens to aid us in the preservation of our constitutional rights, but, influenced by the love of gain or arbitrary power, they have sometimes disregarded all the sacred rights of man, and answered in violence, burnings, and murder.

After all these transactions, which are now of public notoriety and matter of record, shall we of the free States tauntingly be asked what we have to do with slavery? We should rejoice, indeed, if the evils of slavery were removed far from us; that it could be said with truth that we have nothing to do with slavery. Our citizens have not entered its territories for the purpose of obstructing its laws, nor do we wish to do so, nor would we justify any individual in such an act; yet we have been branded and stigmatized by its friends and advocates, both in the free and slave States, as incendiaries, fanatics, disorganizers, enemies to our country, and as wishing to dissolve the Union. We have borne all this without complaint or resistance, and only ask to be secure in our persons, by our own firesides, and in the free exercise of our thoughts and opinions in speaking, writing, printing, and publishing on the subject of slavery that which appears to us to be just and right; because we all know the power of truth, and that it will ultimately prevail in despite of all opposition. But, in the exercise of all these rights, we acknowledge subjection to the laws of the State in which we are, and our liability for their abuse. We wish peace with all men; and that the most amicable relations and free intercourse may exist between the citizens of our State and our neighboring slaveholding States; we will not enter their States, either in our proper persons, or by commissioners, legislative resolutions, or otherwise, to interfere with their slave

policy or slave laws, and we shall expect from them and their citizens a like return, that they do not enter our territories for the purpose of violating our laws in the punishment of our people for the exercise of their undoubted rights—the liberty of speech and of the press on the subject of slavery. We ask that no man shall be seized and transported beyond our State in violation of our own laws, and that we shall not be carried into and imprisoned in another State for acts done in our own. We contend that the slaveholding power is properly chargeable with all the riots and disorders which take place on account of slavery. We can live in peace with all our sister States; if that power will be controlled by law, each can exercise and enjoy the full benefits secured by their own laws; and this is all we ask. If we hold up slavery to the view of an impartial public as it is, and if such view create astonishment and indignation, surely we are not to be charged as libelers. A State institution ought to be considered the pride, not the shame, of the State; and, if we falsify such institutions, the disgrace is ours, not theirs.

If slavery, however, is a blemish, a blot, an eating cancer in the body-politic, it is not our fault if, by holding it up, others should see in the mirror of truth its deformity, and shrink back from the view. We have not, and we intend not, to use any weapons against slavery but the moral power of truth and the force of public opinion. If we enter the slave States, and tamper with the slave contrary to law, punish us—we deserve it; and if the slaveholder is found in a free State, and is guilty of a breach of the law there, he also ought to be punished. These petitioners, as far as I understand them, disclaim all right to enter a slave State for the purpose of intercourse with the slave. It is the master whom they wish to address; and they ask and ought to receive protection from the laws, as they are willing to be judged by the laws. We invite into the arena of public discussion in our State the slaveholder; we are willing to hear his reasons and facts in favor of slavery or against Abolitionists; we do not fear his errors while we are ourselves free to combat them. The angry feelings which in some degree exist between the citizens of the free and slaveholding States on account of slavery are, in many cases, properly chargeable to those who defend and support slavery. Attempts are almost daily making to force the execution of slave laws in the free States; at least, their power and principles; and no term is too reproachful to be applied to those who resist such acts, and contend for the rights secured to every man under their own laws. We are often reminded that we ought to take color as evidence of property in a human being. We do not believe in such evidence, nor do we believe that a man can justly be made property by human laws. We acknowledge, however, that a man, not a thing, may be held to service or labor under the laws of a State, and if he escape into another State, he ought to be delivered up on claim of the party to whom such labor or service may be due; that this delivery ought to be in pursuance of the laws of the State where such person is found, and not by virtue of any act of Congress.

This brings me, Mr. President, to the consideration of the petition presented by the Senator from Kentucky, and to an examination of the views he has presented to the Senate on this highly important subject. Sir, I feel, sensibly feel, my inadequacy in entering into a controversy with that old and veteran Senator; but nothing high or low shall prevent me from an honest discharge of my duty here. If imperfectly done, it may be ascribed to the want of ability, not intention. If the power of my mind, and the strength of my body were equal to the task, I would arouse every man; yes, every woman and child in the country, to the danger which besets them, if such doctrines and views as are presented by the Senator should ever be carried into effect. His denunciations are against Abolitionists; and under that term are classed all those who petition Congress on the subject of slavery. Such I understand to be his argument, and as such I shall treat it. I, in the first place, put in a broad denial to all his general facts, charging this portion of my fellow-citizens with improper motives, or dangerous designs.

That their acts are lawful, he does not pretend to deny. I call for proof to sustain his charges. None such has been offered, and none such exists, or can be found. I repel them as calumnies double distilled in the alembic of slavery. I deny them, also, in the particulars and inferences; and let us see upon what ground they rest, or by what process of reasoning they are sustained.

The very first view of these petitioners against our right of petition, strikes the mind that more is intended than at first meets the eye. Why was the Committee on the District overlooked in this case, and the Senator from Kentucky made the organ of communication? Is it understood that anti-abolitionism is a passport to popular favor, and that the action of this District shall present for that favor to the public a gentleman upon this hobby? Is this petition presented as a subject of fair legislation? Was it solicited by members of Congress, from citizens here, for political effect? Let the country judge. The petitioners state that no persons but themselves are authorized to interfere with slavery in the District; that Congress are their own Legislature; and the question of slavery in the District is only between them and their constituted legislators; and they protest against all interference of others. But, sir, as if ashamed of this open position in favor of slavery, they, in a very coy manner, say that some of them are not slaveholders, and might be forbidden by conscience to hold slaves. There is more dictation, more political heresy, more dangerous doctrine contained in this petition than I have ever before seen couched together in so many words. We! Congress their own legislator in all that concerns this District! Let those who may put on the city livery, and legislate for them and not for his constituents, do so; for myself, I came here with a different view, and for different purposes. I came a free man, to represent the people of Ohio; and I intend to leave this as such representative, without wearing any other livery. Why talk about Executive usurpation and influence over the members of Congress? I have always viewed this District influence as far more dangerous than that of any other power. It has been able to extort, yes, extort from Congress millions to pay District debts, make District improvements, and in support of the civil and criminal jurisprudence of the District.

Pray, sir, what right has Congress to pay the corporate debts of the cities in the District more than the debts of the corporate cities in your State and mine? None, sir. Yet this has been done to a vast amount, and the next step is, that we, who pay all this, shall not be permitted to petition Congress on the subject of their institutions; for, if we can be prevented in one case, we can in all possible cases. Mark, sir, how plain a tale will silence these petitioners. If slavery in the District concerns only the inhabitants and Congress, so does all municipal regulations. Should they extend to granting lottery, gaming-houses, tippling-houses, and other places calculated to promote and encourage vice—should a representative in Congress be instructed by his constituents to use his influence, and vote against such establishments, and the people of the District should instruct him to vote for them, which should he obey? To state the question is to answer it; otherwise the boasted right of instruction by the constituent body is "mere sound," signifying nothing. Sir, the inhabitants of this District are subject to state legislation and State policy; they cannot complain of this, for their condition is voluntary; and as this city is the focus of power, of influence, and considered also as that of fashion, if not folly, and as the streams which flow from here irradiate the whole country, it is right, it is proper, that it should be subject to State policy and State power, and not used as a leaven to ferment and corrupt the whole body-politic.

The honorable Senator has said the petition, though from a city, is the fair expression of the opinion of the District. As such I treated it, am willing to acknowledge the respectability of the petitioners and their rights, and I claim for the people of my own State equal respectability and equal rights that the people of the District are entitled to: any peculiar rights and advantages I cannot admit.

I agree with the Senator that the proceedings

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on abolition petitions, heretofore, have not been the most wise and prudent course. They ought to have been referred and acted on. Such was my object, a day or two since, when I laid on your table a resolution to refer them to a committee for inquiry. You did not suffer it, sir, to be printed. The country and posterity will judge between the people whom I represent and those who caused to be printed the petition from the city. It cannot be possible that justice can have been done in both cases. The exclusive legislation of Congress over the District is as much the act of the constituent body as the general legislation of Congress over the States; and to the operation of this act have the people within the District submitted themselves. I cannot, however, join the Senator that the majority, in refusing to receive and refer petitions, did not intend to destroy or impair the right in this particular. They certainly have done so.

The Senator admits the Abolitionists are now formidable; that something must be done to produce harmony. Yes, sir, do justice, and harmony will be restored. Act impartially, that justice may be done; hear petitions on both sides, if they are offered, and give righteous judgments, and your people will be satisfied. You cannot compromise them out of their rights, nor lull them to sleep with fallacies in the shape of reports. You cannot conquer them by rebuke, nor deceive them by sophistry. Remember you cannot now turn public opinion, nor can you overthrow it. You must, and you will, abandon the high ground you have taken, and receive petitions. The reason of the case, the argument, and the judgment of the people, are all against you. One in this cause can "chase a thousand," and the voice of justice will be heard whenever you agitate the subject. In Indiana, the right of petition has been most nobly advocated in a protest, by a member, against some puny resolutions of the Legislature of that State to "whitewash slavery." Permit me to read a paragraph, worthy of an American freeman:

"But who would have thought until lately that any would have doubted the right of petition, in a respectful manner, to Congress? Who would have believed that Congress had any authority to refuse to consider the petitions of the people? Such a step would overthrow the Autocrat of Russia, or cast the Grand Seigneur of Constantinople his head. Can it be possible, therefore, that it has been reserved for a republican Government, in a land boasting of its free institutions, to set the first precedent of this kind? Our city councils, our courts of justice, every department of Government, are approached by petition, however unwelcome or absurd, so that its terms are respectful. None go away unread or unheard. The life of every individual is a perfect illustration of the subject of petitioning. Petition is the language of want, of pain, of sorrow, of man in all his sad variety of woes, imploring relief at the hand of some power superior to himself. Petitioning is the foundation of all government, and of all administrations of law. Yet it has been reserved for our Congress, seconded indirectly by the vote of this Legislature, to question this right, hitherto supposed to be so old, so Heaven deeded, so undoubted that our fathers did not think it necessary to place a guarantee of it in the first draft of the Federal Constitution. Yet this sacred right has been at one blow driven, destroyed, and trodden under the feet of slavery. The old bulwarks of our Federal and State constitutions seem utterly to have been forgotten which declares, 'that the freedom of speech and the press shall not be abridged, nor the right of the people peaceably to assemble and petition for the redress of their grievances.'"

These, sir, are the sentiments which make Abolitionists formidable, and set at naught all your counsels for their overthrow. The honorable Senator not only admits that Abolitionists are formidable, but that they consist of three classes. The friends of humanity and justice, or those actuated by those principles, compose one class. These form a very numerous class; and the acknowledgment of the Senator proves the immutable principles upon which opposition to slavery rests. Men are opposed to it from principles of humanity and justice; men are Abolitionists, he admits, on that account. We thank the Senator for teaching us that word; we intend to improve it. The next class of Abolitionists, the Senator says, are so, apparently, for the purpose of advocating the right of petition. What are we to understand from this? That the right of petition needs advocacy. Who has denied this right, or who has attempted to abridge it? The slaveholding power; that power which avoids open discussion and the free exercise of opinion; it is that power alone which renders the advocacy of the

right of petition necessary, having seized upon all the powers of the Government. It is fast uniting together those opposed to its iron rule, no matter to what political party they have heretofore belonged; they are united with the first class, and act from principles of humanity and justice; and if the mists and shades of slavery were not the atmosphere in which gentlemen were enveloped, they would see constant and increasing numbers of our most worthy and intelligent citizens attaching themselves to the two classes mentioned, and rallying under the banners of Abolitionism. They are compelled to go there, if the gentleman will have it so, in order to defend and perpetuate the liberties of the country. The hopes of the oppressed spring up afresh from this discussion of the gentleman.

The third class, the Senator says, are those who, to accomplish their ends, act without regard to consequences. To them, all the rights of property, of the States, of the Union, the Senator says, are nothing. He says they aim at other objects than those they profess—emancipation in the District of Columbia. No, says the Senator, their object is *universal emancipation*, not only in the District, but in the Territories and in the States. Their object is to set free three millions of negro slaves. Who made the Senator, in his place here, the censor of his fellow-citizens? Who authorized him to charge them with other objects than those they profess? How long is it since the Senator himself, on this floor, denounced slavery as an evil? What other inducements or objects had he then in view? Suppose universal emancipation to be the object of these petitioners: is it not a noble and praiseworthy object; worthy of the Christian, the philanthropist, the statesman, and the citizen? But the Senator says, they (the petitioners) aim to excite one portion of the country against another. I deny, sir, this charge, and call for the proof; it is gratuitous, uncalled for, and unjust towards my fellow-citizens. This is the language of a stricken conscience, seeking for the palliation of its own acts by charging guilt upon others. It is the language of those who, failing in argument, endeavor to cast suspicion upon the character of their opponents, in order to draw public attention from themselves. It is the language of disguise and concealment; and not that of fair and honorable investigation, the object of which is truth. I again put in a broad denial to this charge, that any portion of these petitioners, whom I represent, seek to excite one portion of the country against another; and without proof I cannot admit that the assertion of the honorable Senator establishes the fact. It is but opinion, and naked assertion only.

The Senator complains that the means and views of the Abolitionists are not confined to securing the right of petition only; no, they resort to other means, he affirms—to the *ballot-box*—and if that fail, says the Senator, their next appeal will be to the bayonet. Sir, no man who is an American in feeling and in heart, but ought to repel this charge instantly, and without any reservation whatever, that if they fail at the ballot-box they will resort to the bayonet. If such a fratricidal course should ever be thought of in our country, it will not be by those who seek redress of wrongs, by exercising the right of petition, but by those only who deny that right to others, and seek to usurp the whole power of the Government. If the ballot-box fail them, the bayonet may be their resort, as mobs and violence now are. Does the Senator believe that any portion of the honest yeomanry of the country entertain such thoughts? I hope he does not. If thoughts of this kind exist, they are to be found in the hearts of aspirants to office, and their adherents, and none others. Who, sir, is making this question a political affair? Not the petitioners. It was the slaveholding power which first made this move. I have noticed for some time past that many of the public prints in this city, as well as elsewhere, have been filled with essays against Abolitionists for exercising the rights of freemen.

Both political parties, however, have courted them in private and denounced them in public, and both have equally deceived them. And who shall dare say that an Abolitionist has no right to carry his principles to the *ballot-box*? *Who fears*

*the ballot-box*? The honest in heart, the lover of our country and its institutions? No, sir! It is feared by the tyrant; he who usurps power, and seizes upon the liberty of others; he, for one, fears the ballot-box. Where is the slave to party in this country who is so lost to his own dignity, or so corrupted by interest or power, that he does not, or will not, carry his principles and his judgment into the ballot-box? Such a one ought to have the mark of Cain in his forehead, and sent to labor among the negro slaves of the South. The honorable Senator seems anxious to take under his care the ballot-box, as he has the slave system of the country, and direct who shall or who shall not use it for the redress of what they deem a political grievance. Suppose the power of the Executive chair should take under its care the right of voting, and should proscribe any portion of our citizens who should carry with them to the polls of election their own opinions, creeds, and doctrines. This would at once be a deathblow to our liberties, and the remedy could only be found in revolution. There can be no excuse or pretext for revolution while the ballot-box is free. Our Government is not one of force, but of principle; its foundation rests upon public opinion, and its hope is in the morality of the nation. The moral power of that of the ballot-box is sufficient to correct all abuses. Let me, then, proclaim here, from this high arena, to the citizens not only of my own State, but to the country, to all sects and parties who are entitled to the right of suffrage, to the ballot-box! carry with you honestly your own sentiments respecting the welfare of your country, and make them operate as effectually as you can, through that medium, upon its policy and for its prosperity. Fear not the frowns of power. It trembles while it denounces you.

The Senator complains that the Abolitionists have associated with the politics of the country. So far as I am capable of judging, this charge is not well founded; many politicians of the country have used Abolitionists as stepping-stones to mount into power; and, when there, have turned about and traduced them. He admits that political parties are willing to unite with them any class of men, in order to carry their purposes. Are Abolitionists, then, to blame if they pursue the same course? It seems the Senator is willing that his party should make use of even Abolitionists; but he is not willing that Abolitionists should use the same party for their purpose. This seems not to be in accordance with that equality of rights about which we heard so much at the last session. Abolitionists have nothing to fear. If public opinion should be for them, politicians will be around and amongst them as thick and as noisy as the locusts of Egypt. The Senator seems to admit that, if the Abolitionists are joined to either political party, there is danger—danger of what? That humanity and justice will prevail? that the right of petition will be secured to ALL, EQUALLY? and that the long-lost and trodden African race will be restored to their natural rights? Would the Senator regret to see this accomplished by argument, persuasion, and the force of an enlightened public opinion? I hope not; and these petitioners ask the use of no other weapons in this warfare.

These ultra-Abolitionists, says the Senator, invoke the power of this Government to their aid. And pray, sir, what power should they invoke? Have they not the same right to approach this Government as other men? Is the Senator or this body authorized to deny them any privileges secured to other citizens? If so, let him show me the charter of his power, and I will be silent. Until he can do this, I shall uphold, justify, and sustain them, as I do other citizens. The exercise of power by Congress in behalf of the slaves within this District, the Senator seems to think no one without the District has the least claim to ask for. It is because I reside without the District, and am called within it by the Constitution, that I object to the existence of slavery here. I deny the gentleman's position, then, on this point. On this, then, we are equal. The Senator, however, is at war with himself. He contends the object of the cession by the States of Virginia and Maryland was to establish a seat of Government only, and to give to Congress whatever power was

necessary to render the District a valuable and comfortable situation for that purpose, and that Congress have full power to do whatever is necessary for this District; and if to abolish slavery be necessary to attain the object, Congress have power to abolish slavery in the District. I am sure I quote the gentleman substantially; and I thank him for this precious confession in his argument; it is what I believe, and I know it is all I feel disposed to ask. If we can, then, prove that this District is not as comfortable and convenient a place for the deliberations of Congress, and the comfort of our citizens who may visit it, while slavery exists here, as it would be without slavery, then slavery ought to be abolished; and I trust we shall have the distinguished Senator from Kentucky to aid us in this great national reformation. I take the Senator at his word. I agree with him that this ought to be such a place as he has described; but I deny that it is so. And upon what facts do I rest my denial? We are a Christian nation, a moral and religious people. I speak for the free States, at least for my own State; and what a contrast does the very streets of your capital daily present to the Christianity and morality of the nation? A race of slaves, or at least colored persons, of every hue, from the jet black African, in regular gradation, up to the almost pure Anglo-Saxon color. During the short time official duty has called me here, I have seen the really red haired, the freckled, and the almost white negro; and I have been astonished at the numbers of the mixed race when compared with those of full color, and I have deeply deplored this stain upon our national morals; and the words of Doctor Channing have, thousands of times, been impressed on my mind, that "a slave country reeks with licentiousness."

How comes this amalgamation of the races? It comes from slavery. It is a disagreeable annoyance to persons who come from the free States, especially to their Christian and moral feelings. It is a great hindrance to a proper discharge of their duties while here. Remove slavery from this District, and this evil will disappear. We argue this circumstance alone as a sufficient cause to produce that effect. But slavery presents within the District other and still more appalling scenes—scenes well calculated to awaken the deepest emotions of the human heart. The slave trade exists here in all its horrors, and unwhipped of all its crimes. In view of the very chair you now occupy, Mr. President, if the massy walls of this building did not prevent it, you could see the prison, the pen, the hell, where human beings, when purchased for sale, are kept, until a cargo can be procured for transportation to a southern or foreign market, for I have little doubt that slaves are carried to Texas for sale, although I do not know the fact.

Sir, since Congress have been in session, a mournful group of these unhappy beings, some thirty or forty, were marched, as if in derision of your members of Congress, in view of your Capitol, chained and manacled together, in open daylight, yes, in the very face of heaven itself, to be shipped at Baltimore for a foreign market. I did not witness this cruel transaction, but speak from what I have heard and believe. Is this District, then, a fit place for our deliberations, whose feelings are outraged with impunity with transactions like this? Suppose, sir, that mournful and degrading spectacle was at this moment exhibited under the windows of our Chamber: do you think the Senate could deliberate, could continue with that composure and attention which I see around me? No, sir; all your powers could not preserve order for a moment. The feelings of humanity would overcome those of regard for the peculiar institutions of the States; and though we would be politically and legally bound not to interfere, we are not morally bound to withhold our sympathy and our execration in witnessing such inhuman traffic. This traffic alone, in this District, renders it an uncomfortable and unfit place for your seat of Government.

Sir, it is but one or two years since I saw standing at the railroad depot, as I passed from my boarding-house to this Chamber, some large wagons and teams, as if waiting for freight; the cars had not then arrived. I was inquired of, when I

returned to my lodgings, by my landlady, if I knew the object of those wagons which I saw in the morning. I replied I did not; I suppose they came and were waiting for loading. "Yes, for slaves," said she; "and one of those wagons was filled with little boys and little girls, who had been bought up through the country, and were to be taken to a southern market. Ah, sir," continued she, "it made my very heart ache to see them." The very recital unnerved and unfitted me for thought or reflection on any other subject for some time. It is scenes like this, of which ladies of my country and my State complained in their petitions, some time since, as rendering this District unpleasant, should they wish to visit the capital of the nation as wives, sisters, daughters, or friends of members of Congress. Yet, sir, these respectable females were treated here with contemptuous sneers; they were compared on this floor to the fishwomen of Paris who dipped their fingers in the blood of revolutionary France. Sir, if the transaction in slaves here which I have mentioned could have made such an impression upon the heart of a lady, a resident of the District, one who had been used to slaves, and was probably an owner, what would be the feelings of ladies from the free States on beholding a like transaction? I will leave every gentleman and every lady to answer for themselves. I am unable to describe it. Shall the capital of your country longer exhibit scenes so revolting to humanity that the ladies of your country cannot visit it without disgust? No; wipe off the foul stain, and let it become a suitable and comfortable place for the seat of Government. The Senator, as if conscious that his argument on this point had proved too much, and of course had proven the converse of what he wished to establish, concluded this part by saying that, if slavery is abolished, the act ought to be confined to the city alone. We thank him for this small sprinkling of correct opinion upon this arid waste of public feeling. Liberty may yet vegetate and grow even here.

The Senator insists that the States of Virginia and Maryland would never have ceded this District if they had thought slavery would ever have been abolished in it. This is an old story twice told. It was never, however, thought of until the slave power imagined it, for its own security. Let the States ask a retrocession of the District, and I am sure the free States will rejoice to make the grant.

The Senator condemns the Abolitionists for desiring that slavery should not exist in the Territories, even in Florida. He insists that, by the treaty, the inhabitants of that country have the right to remove their effects when they please; and that, by this condition, they have the right to retain their slaves as effects, independently of the power of Congress. I am no diplomatist, sir, but I venture to deny the conclusion of the Senator's argument. In all our intercourse with foreign nations, in all our treaties in which the words "goods, effects," &c., are used, slaves have never been considered as included. In all cases in which slaves are the subject-matter of controversy, they are specially named by the word "slaves;" and, if I remember rightly, it has been decided in Congress that slaves are not property for which a compensation shall be made when taken for public use, (or rather slaves cannot be considered as taken for public use,) or as property by the enemy, when they are in the service of the United States. If I am correct, as I believe I am, in the positions I have assumed, the gentleman can say nothing, by this part of his argument, against Abolitionists for asking that slavery shall not exist in Florida.

The gentleman contends that the power to remove slaves from one State to another, for sale, is found in that part of the Constitution which gives Congress the power to regulate commerce within the States, &c. This argument is *non sequitur*, unless the honorable Senator can first prove that slaves are proper articles for commerce. We say that Congress have power over slaves only as persons. The United States can protect persons, but cannot make them property; and they have full power in regulating commerce, and can, in such regulations, prohibit from its operations everything but property; property made so by the laws of nature, and not by any

municipal regulations. The dominion of man over things, as property, was settled by his Creator when man was first placed upon the earth. He was to subdue the earth, and have dominion over the fish of the sea, the fowls of the air, and over every living thing that moveth upon the earth; every herb bearing seed, and the fruit of a tree yielding seed, was given for his use. This is the foundation of all right in property of every description. It is for the use of man the grant is made, and of course man cannot be included in the grant. Every municipal regulation, then, of any State, or any of its peculiar institutions which makes man property, is a violation of this great law of nature, and is founded in usurpation and tyranny, and is accomplished by force, fraud, or an abuse of power. It is a violation of the principles of truth and justice, in subjecting the weaker to the stronger man. In a Christian nation such property can form no just ground for commercial regulations, but ought to be strictly prohibited. I therefore believe it is the duty of Congress, by virtue of this power to regulate commerce, to prohibit, at once, slaves being used as articles of trade.

The gentleman says the Constitution left the subject of slavery entirely to the States. To this position I assent; and, as the States cannot regulate their own commerce, but the same being the right of Congress, that body cannot make slaves an article of commerce, because slavery is left entirely to the States in which it exists, and slaves within those States, according to the gentleman, are excluded from the power of Congress. Can Congress, in regulating commerce among the several States, authorize the transportation of articles from one State and their sale in another, which they have not power so to authorize in any State? I cannot believe in such doctrine; and I now solemnly protest against the power of Congress to authorize the transportation to, and the sale in, Ohio, of any negro slave whatever, or for any possible purpose under the sun. Who is there in Ohio, or elsewhere, that will dare deny this position? If Ohio contains such a recreant to her constitution and policy, I hope he may have the boldness to stand forth and avow it. If the States in which slavery exists love it as a household god, let them keep it there, and not call upon us in the free States to offer incense to their idol. We do not seek to touch it with unhallowed hands, but with pure hands, upraised in the cause of truth and suffering humanity.

The gentleman admits that, at the formation of our Government, it was feared that slavery might eventually divide or distract our country; and, as the BALLOT-BOX seems continually to haunt his imagination, he says there is real danger of dissolution of the Union, if Abolitionists, as is evident they do, will carry their principles into the BALLOT-BOX. If not disunion in fact, at least in feeling, in the country, which is always the precursor to the clash of arms. And the gentleman further says we are taught by holy writ, "that the race is not to the swift, nor the battle to the strong." The moral of the gentleman's argument is, that truth and righteousness will prevail, though opposed by power and influence; that Abolitionists, though few in number, are greatly to be feared; one, as I have said, may chase a thousand, and two put ten thousand to flight; and, as their weapons of warfare are not "carnal, but mighty to the pulling down of strongholds," even slavery itself; and as the ballot-box is the great moral lever in political action, the gentleman would exclude Abolitionists entirely from its use, and, for opinion's sake, deny them this high privilege of every American citizen. Permit me, sir, to remind the gentleman of another text of Holy Writ: "The wicked flee when no man pursueth, but the righteous are bold as a lion." The Senator says that those who have slaves are sometimes supposed to be under too much alarm. Does this prove the application of the text I have just quoted? "Conscience sometimes makes cowards of us all." The Senator appeals to Abolitionists, and beseeches them to cease their efforts on the subject of slavery, if they wish, says he, "to exercise their benevolence." What! Abolitionists benevolent! He hopes they will select some object not so terrible. Oh, sir, he is willing they should pay tithes of "mint and rue," but

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Abolition Petitions—Mr. Morris.

SENATE.

the weightier matters of the law, judgment and mercy he would have them entirely overlook. I ought to thank the Senator for introducing Holy Writ into this debate, and inform him his arguments are not the sentiments of Him, who, when on earth, went about doing good.

The Senator further entreats the clergy to desist from their efforts in behalf of abolitionism. Who authorized the Senator, as a politician, to use his influence to point out to the clergy upon what they should preach, or for what they should pray? Would the Senator dare exert his power here to bind the consciences of men? I think not. By what rule of ethics, then, does he undertake to use his influence, from this high place of power, in order to gain the same object, I am at a loss to determine? Sir, this movement of the Senator is far more censurable and dangerous, as an attempt to unite Church and State, than were the petitions against Sunday mails, the report in opposition to which gained for you, Mr. President, so much applause in the country. I, sir, also appeal to the clergy to maintain their rights of conscience; and if they believe slavery to be a sin, we ought to honor and respect them for their open denunciation of it, rather than call on them to desist; for between their conscience and their God we have no power to interfere; we do not wish to make them political agents for any purpose.

But the Senator is not content to entreat the clergy alone to desist; he calls on his countrywomen to warn them, also, to cease their efforts, and reminds them that the ink shed from the pen held in their fair fingers when writing their names to abolition petitions, may be the cause of shedding much human blood! Sir, the language towards this class of petitioners is very much changed of late; they formerly were pronounced idlers, fanatics, old women, and school misses, unworthy of respect from intelligent and respectable men. I warned gentlemen then that they would change their language; the blows they aimed fell harmless at the feet of those against whom they were intended to injure. In this movement of my countrywomen I thought was plainly to be discovered the operations of Providence, and a sure sign of the final triumph of universal emancipation! All history, both sacred and profane, both ancient and modern, bears testimony to the efficacy of female influence and power in the cause of human liberty. From the time of the preservation, by the hands of woman, of the great Jewish lawgiver, in his infantile hours, and who was preserved for the purpose of freeing his countrymen from Egyptian bondage, has woman been made a powerful agent in breaking to pieces the rod of the oppressor. With a pure and uncontaminated mind, her actions spring from the deepest recesses of the human heart. Denounce her as you will, you cannot deter her from duty. Pain, sickness, want, poverty, and even death itself form no obstacles in her onward march. Even the tender virgin would dress, as a martyr for the stake, as for the bridal hour, rather than make sacrifice of her purity and duty. The eloquence of the Senate, and clash of arms, are alike powerless when brought in opposition to the influence of pure and virtuous woman. The liberty of the slave seems now to be committed to her charge, and who can doubt her final triumph? I do not. You cannot fight against her and hope for success; and well does the Senator know this; hence this appeal to her feelings to terrify her from that which she believes to be her duty. It is a vain attempt.

The Senator says that it was the principles of the Constitution which carried us through the Revolution. Surely it was; and to use the language of another Senator from a slave State, on a former occasion, these are the very principles on which the Abolitionists plant themselves. It was the principle that all men are born free and equal, that nerved the arm of our fathers in their contest for independence. It was for the natural and inherent rights of man they contended. It is a libel upon the Constitution to say that its object was not liberty, but slavery for millions of the human race.

The Senator, well fearing that all his eloquence and his arguments thus far are but as chaff when weighed in the balance against truth and justice,

seems to find consolation in the idea, and says, that which opposes the ulterior object of Abolitionists is that the General Government has no power to act on the subject of slavery, and that the Constitution or Union would not last an hour if the power claimed was exercised by Congress. It is slavery then, not liberty, that makes us one people. To dissolve slavery, is to dissolve the Union. Why require of us to support the Constitution by oath, if the Constitution itself is subject to the power of slavery, and not the moral power of the country? Change the form of the oath which you administer to Senators on taking seats here; swear them to support slavery, and, according to the logic of the gentleman, the Constitution and the Union will both be safe. We hear almost daily threats of dissolving the Union, and from whence do they come? From citizens of the free States? No! From the slave States only. Why wish to dissolve it? The reason is plain—that a new Government may be formed, by which we, as a nation, may be made a slaveholding people. No impartial observer of passing events can, in my humble judgment, doubt the truth of this.

The Senator thinks the Abolitionists in error, if they wish the slaveholder to free his slave. He asks, why denounce him? I cannot admit the truth of the question; but I might well ask the gentleman, and the slaveholders generally, "why are you angry at me because I tell you the truth?" It is the light of truth which the slaveholder cannot endure; a plain, unvarnished tale of what slavery is, he considers a libel upon himself. The fact is, the slaveholder feels the leprosy of slavery upon him. He is anxious to hide the odious disease from the public eye; and the ballot-box and the right of petition, when used against him, he feels as sharp reproof; and, being unwilling to renounce his errors, he tries to escape from their consequences, by making the world believe that he is the persecuted, and not the persecutor. Slaveholders have said here, during this very session, "the fact is, slavery will not bear examination." It is the Senator who denounces Abolitionists for the exercise of their most unquestionable rights, while Abolitionists condemn that only which the Senator himself will acknowledge to be wrong, at all times and under all circumstances; because he admits that, if it was an original question whether slaves should be introduced among us, but few citizens would be found to agree to it, and none more opposed to it than himself. The argument is, that the evil of slavery is incurable; that the attempt to eradicate it would commence a struggle which would exterminate one race or the other. What a lamentable picture of our Government, so often pronounced the best upon earth! The seeds of disease, which were interwoven into its first existence, have now become so incorporated into its frame that they cannot be extracted without dissolving the whole fabric; that we must endure the evil without hope and without complaint. Our very natures must be changed before we can be brought tamely to submit to this doctrine. The evil will be remedied; and, to use the language of Jefferson again, "this people will yet be free." The Senator finds consolation, however, in the midst of this existing evil, in color and caste. The black race (says he) is the strong ground of slavery in our country. Yes, it is color, not right and justice, that is to continue forever slavery in our country. It is prejudice against color which is the strong ground of the slaveholder's hope. Is that prejudice founded in nature, or is it the effect of base and sordid interest? Let the mixed race which we see here, from black to almost perfect white, springing from white fathers, answer this question. Slavery has no just foundation in color; it rests exclusively upon usurpation, tyranny, oppressive fraud, and force. These were its parents in every age and country of the world.

The Senator says, the next or greatest difficulty to emancipation, is the amount of property it would take from the owners. All ideas of right and wrong are confounded in these words: emancipate property, emancipate a horse, or an ox, would not only be an unmeaning, but a ludicrous expression. To emancipate, is to set free from slavery. To emancipate, is to set free a man, not property. The Senator estimates the number

of slaves—men now held in bondage—at three millions in the United States. Is this statement made here by the same voice which was heard in this Capitol in favor of the liberties of Greece, and for the emancipation of our South American brethren from political thralldom? It is; and has all its fervor in favor of liberty been exhausted upon foreign countries, so as not to leave a single whisper in favor of three millions of men in our own country, now groaning under the most galling oppression the world ever saw? No, sir. Sordid interest rules the hour. Men are made property, and paper is made money, and the Senator, no doubt, sees in these two peculiar institutions a power which, if united, will be able to accomplish all his wishes. He informs us that some have computed the slaves to be worth the average amount of \$500 each. He will estimate within bounds at \$400 each. Making the amount twelve hundred million dollars' worth of slave property. I heard this statement, Mr. President, with emotions of the deepest feeling. By what rule of political or commercial arithmetic does the Senator calculate the amount of property in human beings? Can it be fancy or fact, that I hear such calculation, that the people of the United States own twelve hundred millions' (double the amount of all the specie in the world) worth of property in human flesh! And this property is owned, the gentleman informs us, by all classes of society, forming part of all our contracts within our own country and in Europe. I should have been glad, sir, to have been spared the hearing of a declaration of this kind, especially from the high source and the place from which it has emanated.

But the assertion has gone forth that we have twelve hundred millions of slave property at the South; and can any man so close his understanding here as not plainly to perceive that the power of this vast amount of property at the South is now uniting itself to the banking power of the North, in order to govern the destinies of this country? Six hundred millions of banking capital is to be brought into this coalition, and the slave power and the bank power are thus to unite in order to break down the present Administration. There can be no mistake, as I believe, in this matter. The aristocracy of the North, who, by the power of a corrupt banking system, and the aristocracy of the South, by the power of the slave system, both fattening upon the labor of others, are now about to unite in order to make the reign of each perpetual. Is there an independent American to be found who will become the recreant slave to such an unholy combination? Is this another compromise to barter the liberties of the country for personal aggrandizement? "Resistance to tyrants is obedience to God."

The Senator further insists, "that what the law makes property is property." This is the predicate of the gentleman; he has neither facts nor reason to prove it; yet upon this alone does he rest the whole case that negroes are property. I deny both the predicate and the argument. Suppose the Legislature of the Senator's own State should pass a law declaring his wife, his children, his friends, indeed, any white citizen of Kentucky, property, and should they be sold and transferred as such, would the gentleman fold his arms and say, "Yes, they are property, for the law has made them such?" No, sir; he would denounce such law with more vehemence than he now denounces Abolitionists, and would deny the authority of human legislation to accomplish an object so clearly beyond its power.

Human laws, I contend, cannot make human beings property, if human force can do it. If it is competent for our Legislatures to make a black man property, it is competent for them to make a white man the same; and the same objection exists to the power of the people in an organic law for their own government; they cannot make property of each other, and, in the language of the constitution of Indiana, such an act "can only originate in usurpation and tyranny." Dreadful indeed would be the condition of this country if these principles should not only be carried into the ballot-box, but into the presidential chair. The idea that Abolitionists ought to pay for the slaves if they are set free, and that they ought to think of this, is addressed to their

fears and not to their judgment. There is no principle of morality or justice that should require them or our citizens generally to do so. To free a slave is to take from usurpation that which it has made property and given to another, and bestow it upon the rightful owner. It is not taking property from its true owner for public use. Men can do with their own as they please, to vary their peace if they wish, but cannot be compelled to do so.

The gentleman repeats the assertion that has been repeated a thousand and one times—that Abolitionists are retarding the emancipation of the slave, and have thrown it back fifty or a hundred years; that they have increased the rigors of slavery, and caused the master to treat his slave with more severity. Slavery, then, is to cease at some period; and because the Abolitionists have said to the slaveholder, "Now is the accepted time," and because he thinks this an improper interference, and not having the Abolitionist in his power, he inflicts his vengeance on his unoffending slave. The moral of this story is, the slaveholder will exercise more cruelty because he is desired to show mercy. I do not envy the Senator the full benefit of his argument. It is no doubt a true picture of the feelings and principles which slavery engenders in the breast of the master. It is in perfect keeping with the threat we almost daily hear, that if petitioners do not cease their efforts in the exercise of their constitutional rights, others will dissolve the Union. These, however, ought all to be esteemed idle assertions and idle threats.

The Senator tells us that the consequences arising from the freedom of slaves would be to reduce the wages of the white laborer. He has furnished us with neither data nor fact upon which this opinion can rest. He, however, would draw a line, on one side of which he would place the slave labor, and on the other free white labor; and looking over the whole, as a general system, both would appear on a perfect equality. I have observed, for some years past, that the southern slaveholder has insisted that his laborers are, in point of integrity, morality, usefulness, and comfort, equal to the laboring population of the North—thus endeavoring to raise the slave, in public estimation, to an equality with the free white laborer of the North; while, on the other hand, the northern aristocrat has, in the same manner, viz: by comparison, endeavored to reduce his laborers to the moral and political condition of the slaves of the South. It is for the free white American citizens to determine whether they will permit such degrading comparisons longer to exist. Already has this spirit broken forth in denunciation of the right of UNIVERSAL SUFFRAGE. Will free white laboring citizens take warning before it is too late?

The last, the great, the crying sin of Abolitionists, in the eyes of the Senator, is that they are opposed to colonization, and in favor of amalgamation. It is not necessary to enter now into any of the benefits and advantages of colonization; the Senator has pronounced it the noblest scheme ever devised by man; he says it is powerful but harmless. I have no knowledge of any resulting benefits from the scheme to either race. I have not a doubt as to the real object intended by its founders, it did not arise from principles of humanity and benevolence towards the colored race, but a desire to remove the free of that race beyond the United States, in order to perpetuate and make slavery more secure. The Senator further makes the broad charge, that Abolitionists wish to enforce the unnatural system of amalgamation. We deny the fact, and call on the Senator for proof. The citizens of the free States, the petitioners against slavery, the Abolitionists of the free States in favor of amalgamation! No, sir! If you want evidence of the fact, and reasoning in support of amalgamation, you must look into the slave States; it is there it spreads and flourishes from slave mothers, and presents all possible colors and complexions, from the jet black African to the scarcely-to-be-distinguished white person. Does any one need proof of this fact? Let him take but a few turns through the streets of your capital, and observe those whom he shall meet, and he will be perfectly satisfied. Amalgamation indeed! The charge is made with

a very bad grace on the present occasion. No, sir, it is not the negro woman, it is the slave and the contaminating influence of slavery that is the mother of amalgamation. Does the gentleman want facts on this subject? Let him look to the colored race in the free States; it is a rare occurrence there. A colony of blacks, some three or four hundred, were settled, some fifteen or twenty years since, in the county of Brown, a few miles distant from my former residence in Ohio, and I was told by a person living near them, a country merchant with whom they dealt, when conversing with him on this very subject, that he knew of but one instance of a mulatto child being born amongst them for the last fifteen years; and I venture the assertion, had the same colony been settled in a slave State, the cases of a like kind would have been far more numerous. I repeat again, in the words of Dr. Channing, it is a slave country that reeks with licentiousness of this kind, and for proof I refer to the opinions of Judge Harper, of North Carolina, in his defense of southern slavery.

The Senator, as if fearing that he had made his charge too broad, and might fail in proof to sustain it, seems to stop short, and make the inquiry, where is the process of amalgamation to begin; he had heard of no instance of the kind against Abolitionists; they (the Abolitionists) would begin it with the laboring class; and if I understand the Senator correctly, that abolitionism, by throwing together the white and the black laborers, would naturally produce this result. Sir, I regret, I deplore, that such a charge should be made against the laboring class—that class which tills the ground, and, in obedience to the decree of their Maker, eat their bread in the sweat of their face—that class, as Mr. Jefferson says, if God has a chosen people on earth, they are those who thus labor. This charge is calculated for effect, to induce the laboring class to believe that if emancipation takes place, they will be, in the free States, reduced to the same condition as the colored laborer. The reverse of that is the truth of the case. It is the slaveholder now, he who looks upon labor as only fit for a servile race, it is him and his kindred spirits who live upon the labor of others, endeavoring to reduce the white laborer to the condition of the slave. They do not yet claim him as property, but they would exclude him from all participation in the public affairs of the country. It is further said that if the negroes were free, the black would rival the white laborer in the free States. I cannot believe it, while so many facts exist to prove the contrary. Negroes, like the white race, but with stronger feelings, are attached to the place of their birth, and the home of their youth; and the climate of the South is congenial to their natures, more than that of the North. If emancipation should take place at the South, and the negro be freed, from the fear of being made merchandise, they would remove from the free States of the North and West, immediately return to that country, because it is the home of their friends and fathers. Already in Ohio, as far as my knowledge extends, has free white labor (emigrants) from foreign countries, engrossed almost entirely all situations in which male or female labor is found. But, sir, this plea of necessity and convenience is the plea of tyrants. Has not the free black person the same right to the use of his hands as the white person; the same right to contract and labor for what price he pleases? Would the gentleman extend the power of the Government to the regulation of the productive industry of the country? This was his former theory, but put down effectually by the public voice. Taking advantage of the prejudice against labor, the attempt is now being made to begin this same system, by first operating on the poor black laborer. For shame! let us cease from attempts of this kind.

The Senator informs us that the question was asked fifty years ago that is now asked, can the negro be continued forever in bondage. Yes; and it will continue to be asked, in still louder and louder tones. But, says the Senator, we are yet a prosperous and happy nation. Pray, sir, in what part of your country do you find this prosperity and happiness? In the slave States? No, no! There all is weakness, gloom, and despair, while in the free States all is light, business, and activ-

ity. What has created the astonishing difference between the gentleman's State and mine; between Kentucky and Ohio? Slavery, the withering curse of slavery, is upon Kentucky, while Ohio is free. Kentucky, the garden of the West, almost the land of promise, possessing all the natural advantages, and more than is possessed by Ohio, is vastly behind in population and wealth. Sir, I can see from the windows of my upper chamber, in the city of Cincinnati, lands in Kentucky which, I am told, can be purchased from ten to fifty dollars per acre, while lands of the same quality, under the same improvements, and the same distance from me in Ohio, would probably sell from one to five hundred dollars per acre. I was told by a friend, a few days before I left home, who had formerly resided in the county of Bourbon, Kentucky—a most excellent county of lands, adjoining, I believe, the county in which the Senator resides—that the white population of that county was more than four hundred less than it was five years since. Will the Senator contend, after a knowledge of these facts, that slavery in this country has been the cause of our prosperity and happiness? No, he cannot. It is because slavery has been excluded and driven from a large proportion of our country that we are a prosperous and happy people.

But its late attempts to force its influence and power into the free States, and deprive our citizens of their unquestionable rights, has been the moving cause of all the riots, burnings, and murders that have taken place on account of Abolitionism; and it has, in some degree, even in the free States, caused mourning, lamentation, and woe. Remove slavery, and the country, the whole country, will recover its natural vigor, and our peace and future prosperity will be placed on a more extensive, safe, and sure foundation. It is a waste of time to answer the allegations that the emancipation of the negro race would induce them to make war on the white race. Every fact in the history of emancipation proves the reverse; and he that will not believe those facts, has darkened his own understanding, that the light of reason can make no impression; he appeals to interest, not to truth, for information on this subject. We do not fear his errors while we are left free to combat them. The Senator implores us to cease all commotion on this subject. Are we to surrender all our rights and privileges, all the official stations of the country, into the hands of the slaveholding power, without a single struggle? Are we to cease all exertions for our own safety, and submit in quiet to the rule of this power? Is the calm of despotism to reign over this land, and the voice of freemen to be no more heard? This sacrifice is required of us in order to sustain slavery. *Freemen*, will you make it? Will you shut your ears and your sympathies, and withhold from the poor, famished slave a morsel of bread? Can you thus act and expect the blessings of Heaven upon your country? I beseech you to consider for yourselves.

Mr. President, I have been compelled to enter into this discussion from the course pursued by the Senate on the resolution I submitted a few days since. The cry of Abolitionist has been raised against me. If those resolutions are abolitionism, then am I an Abolitionist from the soles of my feet to the crown of my head. If to maintain the rights of the States, the security of the citizen from violence and outrage, if to preserve the supremacy of the laws, if insisting on the right of petition as a medium through which every person subject to the laws has an undoubted right to approach the constitutional authorities of the country, be the doctrines of Abolitionists, they find a response in every beating pulse in my veins. Neither power, nor favor, nor want, nor misery, shall deter me from its support while the vital current continues to flow.

Condemned at home for my opposition to slavery, *alone and single handed here*, well may I feel tremor and emotion in bearding this lion of slavery in his very den and upon his own ground. I should shrink, sir, at once from this fearful and unequal contest, was I not thoroughly convinced that I am sustained by the power of truth and the best interests of the country.

I listened to the Senator from Kentucky with undivided attention. I was disappointed, sadly

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disappointed. I had heard of the Senator's tact in making compromises and agreements on this floor; and though opposed in principle to all such proceedings, yet I hoped to hear something upon which we could hang a hope that peace would be restored to the borders of our own States, and all future aggressions upon our citizens from the slave States be prevented. Now, sir, he offers us nothing but unconditional submission or political death; and not political alone, but absolute death. We have counted the cost in this matter, and are determined to live and die free. Let the slaveholder hug his system to his bosom in his own State; we will not go there to disturb him; but, sir, within our own borders we claim to enjoy the same privileges. Even, sir, here, in this District, this ten miles square of common property and common right, the slave power has the assurance to come into this very Hall, and request that we—yes, Mr. President, that my constituents—be denied the right of petition on the subject of slavery in this District. This most extraordinary petition against the right of others to petition on the same subject of theirs, is graciously received and ordered to be printed; psalms sung to it by the slave power; while the petitions I offer, from as honorable, free, high-minded, and patriotic American citizens as any in this District, are spit upon, and turned out of doors as an *unclean thing*. Genius of liberty! how long will you sleep under this iron power of oppression? Not content with ruling over their own slaves, they claim the power to instruct Congress on the question of receiving petitions; and yet we are tauntingly and sneeringly told that we have nothing to do with the existence of slavery in the country—a suggestion as absurd as it is ridiculous. We are called upon to make laws in favor of slavery in the District, but it is denied that we can make laws against it; and at last the right of petition on the subject, by the people of the free States, is complained of as an improper interference.

I leave it to the Senator to reconcile all these difficulties, absurdities, claims and requests of the people of this District, to the country at large; and I venture the opinion that he will find as much difficulty in producing the belief that he is correct now, that he has found in obtaining the same belief that he was before correct in his views and political course on the subject of banks, internal improvements, protective tariffs, &c., and the regulation, by acts of Congress, of the productive industry of the country, together with all the compromises and coalitions he has entered into for the attainment of those objects. I rejoice, however, that the Senator has made the display he has on this occasion. It is a powerful shake to awaken the sleeping energies of liberty, and his voice, like a trumpet, will call from their slumbers millions of freemen to defend their rights; and the overthrow of his theory now is as sure and certain, by the force of public opinion, as was the overthrow of all his former grand schemes, by the same mighty power.

I feel, Mr. President, as if I had wearied your patience, while I am sure my own bodily powers admonish me to close; but I cannot do so without again reminding my constituents of the greetings that have taken place on the consummation and ratification of the treaty, offensive and defensive, between the slaveholding and bank powers, in order to carry on a war against the liberties of our country, and to put down the present Administration. Yes, there is no voice heard from New England now. Boston and Faneuil Hall are silent as death. The free day laborer is, in prospect, reduced to the political, if not moral, condition of the slave; an ideal line is to divide them in their labor; yes, the same principle is to govern on both sides. Even the farmer, too, will soon be brought into the same fold. It will be again said, with regard to the government of the country, "The farmer with his huge paws upon the statute book, what can he do?" I have endeavored to warn my fellow-citizens of the present and approaching danger, but the dark cloud of slavery is before their eyes, and prevents many of them from seeing the condition of things as they are. The cloud, like the cloud of summer, will soon pass away, and its thunders cease to be heard. Slavery will come to an end, and the sun-

shine of prosperity warm, invigorate, and bless our whole country.

I do not know, Mr. President, that my voice will ever again be heard on this floor. I now willingly—yes, gladly—return to my constituents, to the people of my own State. I have spent my life amongst them, and the greater portion of it in their service, and they have bestowed upon me their confidence in numerous instances. I feel perfectly conscious that, in the discharge of every trust which they have committed to me, I have, to the best of my abilities, acted solely with a view to the general good, not suffering myself to be influenced by any particular or private interest whatever; and I now challenge those who think I have done otherwise, to lay their finger upon any public act of mine, and prove to the country its injustice or anti-republican tendency. That I have often erred in the selection of means to accomplish important ends I have no doubt; but my belief in the truth of the doctrines of the Declaration of Independence, the political creed of President Jefferson, remains unshaken and unsubdued. My greatest regret is that I have not been more zealous, and done more for the cause of individual and political liberty than I have done. I hope, on returning to my home and my friends, to join them again in rekindling the beacon-fires of liberty upon every hill in our State, until their broad glaze shall enlighten every valley; and the song of triumph will soon be heard, for the hearts of our people are in the hands of a just and holy Being, who cannot look upon oppression but with abhorrence; and He can turn them whithersoever He will, as the rivers of water are turned. Though our national sins are many and grievous, yet repentance, like that of ancient Nineveh, may divert from us that impending danger which seems to hang over our heads as by a single hair. That all may be safe, I conclude that the Negro will yet be set free.

## INTERFERENCE IN ELECTIONS.

SPEECH OF HON. R. STRANGE,  
OF NORTH CAROLINA,

IN THE SENATE, February 13, 1839.

On the bill to prevent the interference of certain Federal Officers with Elections.

Mr. STRANGE said:

Mr. PRESIDENT: I am not a volunteer in this debate. At the beginning of the session, the Senate thought proper to assign me a place on an important committee, to which the subject now under consideration was referred, and upon it the chairman of that committee presented a long and able report. To the credit of the exclusive authorship of that report, the chairman is entitled. Both its substance and its language are his own. But although I lay no claim to any part of the authorship of the report, I yielded it my hearty assent, and it is due to myself to show that I did not yield that assent hastily, or upon insufficient reasons. Upon the report the most extraordinary attack has been made; perhaps the most violent to be found in the history of this body. I had not the good fortune to hear the remarks made by the Senator from Kentucky, [Mr. CRITTENDEN,] but I listened attentively to the assault made upon the report by the Senator from Virginia, [Mr. RIVES,] who appeared to me to have wrought himself up to a most extravagant pitch of excitement. He spoke of the report as fraught with doctrines subversive of liberty, and so corrupting in their nature, that the Senate ought to undergo a lustration to purify itself from their contaminating effects. I listened to the Senator with equal surprise and disappointment. Surprise at the fury into which he seemed to have wrought himself, and disappointment at the result of his argument. I was not prepared to find his extravagant promises fall so far short of fulfillment, and little expected to see an advocacy of the bill result in its total abandonment.

The Senator stated he was so much surprised and bewildered at the reading of the report, that he was at a loss to know whether he was in the Senate of the United States or in the kingdom of France or of England. I am not at all disposed to question the truth of this statement, for it fur-

nishes the only mode known to me of accounting for the strange statements made by the Senator in relation to the report. No man in his sober senses, in the full possession of all his faculties, could take up that report and extract from it the doctrines ascribed to it by the Senator from Virginia. Those high faculties, that good sense which usually characterize that Senator, were for some reason in abeyance. He must have been, as he himself declares, bewildered; for I cannot suppose (the only remaining alternative) that the Senator would willingly misrepresent what he really understood. So perfect was the Senator's bewilderment, that he not only asserted that certain doctrines were set forth in the report which I insist are not to be found there, but pledged himself to the proof, and proceeded to read therefrom certain passages for that purpose. His first allegation is, that the report inculcates on the office-holders of the General Government the duty of intermeddling with the elections of the country, and is calculated to stir them up to greater exertions. If any one will take the trouble to examine that report, he will find that, so far from inculcating upon the office-holders of the Government improper intermeddling with the elections, its tendency is directly the other way. The following is one of the passages it contains, which is, I think, anything but a persuasion to intermeddle improperly in elections:

"That elections ought to be pure and incorrupt is a principle admitted by all, and no language can be too strong to express the abhorrence felt by the committee against any attempt to destroy this freedom and purity. He who is guilty of either, by bribing or corrupting voters, violating the ballot-box, or setting at naught its voice, forging or suppressing returns, or disobeying the laws enacted for securing any elective right, is guilty of treason against republican institutions, and ought to be regarded by all as a dangerous foe to liberty."

I will now proceed to review the passages cited by the Senator, and, so far as my memory serves me, read them all over again to the Senate. The first is as follows:

"The foundation of representative Government is based upon the intelligence of the citizen, and to insure that intelligence, it is both the right and the duty of every one freely to discuss and communicate, both publicly and privately, such matters as he may suppose will advance the public interest, or inform the public mind. One of the most salutary and effectual agents to promote such interest is an enlightened public opinion. To evolve such opinion, and to give form and direction to the general course of national policy and the future destinies of all, every citizen, whether intrusted with public office or not, has a like deep, abiding, and active interest, and no citizen is at liberty to withdraw himself from this high responsibility, inseparably connected with republican institutions. One of the most celebrated law makers of one of the ancient republics, declared every citizen infamous who refused to take part in the affairs of his country; and the word *idiot* derived from the language of that republic, bears through all time this impress of their institutions, denoting one who was destitute of the spirit or intelligence requisite for the discharge of this highest duty of a citizen."

"The elective right is not conferred by the Constitution of the United States, but belongs to representative Government, and springs from its very nature; and the very essence of that right, under our institutions, is the right of electing the members of the General and State Governments. The value and the advantages of this right, so far as respects the public, depend upon the knowledge of public measures, and of the qualifications of candidates for public trust, and, consequently, upon the equal and unrestricted freedom of discussing their comparative merits and demerits. The citizen who, by the choice of his fellows, is distinguished by being selected to perform official duties and trusts, is not thereby elevated above them nor degraded below them. He parts with no rights of citizenship, but remains an equal among equals; still connected with them by the strong and enduring ligaments of mutuality of rights and privileges. Under our Constitution the people, not the Government, possess the sovereignty, and the doors of office can be opened only by the powerful charm of the public voice, and no degrading sacrifice of any of the privileges of citizenship, or any separation from the community of rights, feelings, and interests, which bind the people to the Government, is required."

These positions are all general, including every citizen, and not asserting any peculiar rights or duties as belonging to office-holders in relation to elections. Can any dispassionate man discover anything, in any part of the foregoing passage, inciting office-holders to the exercise of improper influence in elections? Is it not true that enlightened public opinion is the basis upon which our institutions rest? Is it not true that free discussion is important to the formation of sound public opinion? And is it not the duty of every man, whether he holds an office or not, to contribute his mite towards enlightening the public mind, and giving to public opinion a direct and healthy cur-

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rent? And is it not also true that those who shrink from that duty are, for the most part, *idiots* in the more modern acceptation of that word, or men so thoroughly selfish as to be indifferent to everything but their own private concerns? Men so indolent by nature as to decline every species of exertion, or so devoted to the acquisition of fortune as to be totally unmindful of the public weal, so that affairs are so conducted as to enable them to feather well their own nests? The report goes on to say:

"The object of the bill is to render what is lawful and praiseworthy, and in strict conformity with both the letter and spirit of our institutions, for all citizens, criminal in a particular class, who have been honored by the confidence of the people of the whole States."

Where is the incentive in that passage to office-holders to intermeddle with elections? What is there in it not accordant with the strictest propriety? It states what every man must see to be the effect of the bill. It contains solemn truth which no man can doubt who is not willfully blind. The next passage to which the Senator calls our attention is:

"It is as well his inherent right as his duty to discuss and promulgate freely the measures of any Administration, and the character and conduct of those who support or oppose it, as well to control them by the censorship of public opinion, as to subject them to the test of the Constitution. In doing so, he may win the confidence of his fellow-citizens by his declared opinions, or may become identified with some great principle which conciliates their support. All this is innocent and praiseworthy, even if the motive is the acquisition of office, because it promotes the public good. Can it be wise, or even just, to punish as a crime, when a citizen utters office, what was patriotic and praiseworthy while he was seeking it? Yet why should office-seeking and office-holding be thus separated by arbitrary enactments, which bestow honors and confidence upon the one, and penalty and ignominy upon the other, for doing the same act?"

Now, is not all this just and true? Is it not sound doctrine? And would it be pretended by any one that a free discussion of public men and public measures should be forbidden to any citizen? Would any bill containing such a proposal, in plain and undisguised terms, meet with favor from any quarter? And yet all that is asserted in the passage quoted is, in substance, that no such restriction ought to be imposed. The next passage quoted in support of the first charge is the following:

"The committee can perceive no reason for the adoption by Congress of any restriction upon any of what they deem the inherent and inalienable rights of every class of citizens, merely because they have been honored with the confidence of the people."

And does any man see a reason why a citizen should be deprived of his inherent and inalienable rights, merely because he has been appointed to office? I challenge any man in the Senate to assume such ground. Neither the Senator from Virginia, nor any other member, dare assume it. And shall the report be denounced for asserting its untenability? Upon these passages it is that the Senator from Virginia has based his assertion that the report urges the office-holders to an improper interference in the elections of the country. And does not the bare reading of these passages dispel at once the plausibility of the charge? I have said I was surprised that the charge should have been made. But I admit I ought not to have been surprised. After what has occurred under my own observation, my capacity for surprise at any opinion uttered, or any language used by the Senator upon a political subject, should have been exhausted.

And now, having utterly failed to prove the dangerous nature of the report, the Senator goes on to say that he would not have felt himself so imperatively called upon to assail it, could he consider it as the mere work of the chairman of the Judiciary Committee, or even as the production of all the committee; but he regards it as an exposition of the opinions and sentiments of a whole political party—by which he evidently meant what is called the Administration party. Now, if the Senator intended to insinuate that any sentiment contained in the report was supplied from any source extraneous to the committee, that it was dictated by that Executive of whom the Senator seems to have conceived such a sudden, violent, and holy horror, he does great injustice to the committee, to the chairman, and still greater injustice to himself. But if he means no more than to assert that the report contains

only such doctrines and opinions as are entertained by a great political party of this country, he asserts what is strictly true. It does contain, upon the subject of which it treats, the opinions and doctrines of the purest party of which this country will ever boast; a party of which any man may feel proud to be a member; a party numbering in its ranks a Franklin, a Jefferson, a Madison, a Taylor, a Jackson, and a host of other stars, which have shone the brightest in the political galaxy of our country.

But the Senator further imputes to the report an attempt to degrade the States, and put them upon a level with the private corporations of their own creation. This charge seems to me to be quite as baseless and gratuitous as the one which preceded it. The Senator does not, as in the former case, cite the passages in which he fancies this lurking vice is to be found, but contents himself with making the charge; and I defy any man to point out a portion of the report that at all justifies the imputation. I have, for the purpose of detecting such a vice, if it exists, in vain ransacked the report from end to end. But two or three times are the State governments and corporations mentioned in connection, and in every instance, I believe, the Federal Government is found in the same company; so that if the leveling process is introduced at all, it is by leveling up as well as leveling down. But let the passages speak for themselves:

"While one set of functionaries under the Federal Government, and all those of the State governments, and the officers of the corporations of associated wealth, are left with an unrestricted freedom of speech and of the press, this bill puts gags and fetters upon a few proscribed men, in respect to public men and public measures. Why this discrimination? Are the proscribed officers more corrupt or liable to corruption than other office-holders? Is it to guard against the corrupting influence and patronage of the Federal Administration? If so, the effect of the bill would be still more objectionable, as in degrading them by taking from them the rights common to all others, it would prepare them to become the willing instruments of corruption or ambition. This bill would create a caste among office-holders, deriving their authority from the same high source, the people, and requiring the same high qualifications to discharge their duties."

Now, is there anything in this paragraph drawing a distinction between any classes of officers degrading to the governments of the States? Is it not, on the contrary, the drift of the passage, to disapprove of degrading distinctions which it alleges the bill will create?

"Why [says the report in another place] should those officers be rendered aliens, and be prohibited from the enjoyment of the social right of discussing political subjects, even under the protection of their own household gods, while the other functionaries of the Federal and State Governments, and the officers of the corporations of associated wealth, and the employees of private persons, are permitted to retain the full rights of citizens? This bill degrades the right of suffrage, the guardian of all political rights, by meting it out as a boon in different portions to different citizens, all equally worthy of trust, and distinguished by popular favor, and by placing it under an odious espionage."

Are there here any invidious distinctions or degrading comparisons drawn? On the contrary, are they not, as before, disapproved and complained of? The report goes on to say:

"The committee can find no scales in the Constitution in which to weigh the relative patriotism, integrity, and independence of the functionaries of the Federal and State Governments, and the officers of corporations, or the employees of individuals. They cannot believe that the employees of the Federal Government are more corrupt or corrupting than those of other bodies—corporate or politic, or of individuals."

Is not this precisely the reverse of what is charged? The report declares that greater honesty is not to be found in one class of citizens than another; or, if so, that the committee know of no means of ascertaining its existence: so far is it from placing the officers of the Federal Government upon any point of peculiar elevation, or degrading the State officers and those of corporations to a level below them, as is most unjustly charged by the Senator from Virginia.

From this topic the Senator launches forth into a philippic against what he is pleased to call modern Democracy, one of whose characteristics he charges to be a tendency to curtail legislative power and to extend executive. Democracy is just what it always has been under our institutions. Its distinctive principles consist in tracing political power to its true source, and circumscribing all the departments of the Government strictly within their constitutional limits; and as

experience has shown that legislative usurpation is of much more frequent occurrence than executive, against the former has its efforts, through the whole history of our country, been chiefly directed.

The Senator speaks of his early Democracy, and dates it back, I believe, as far as the year 1798, when, without meaning to compliment, I am sure the Senator must have been a very young politician. Against which, then, I pray you, were the celebrated resolutions of that period directed—legislative or executive usurpation? Was it not against the former? Was it not against a law passed by Congress, and not against any supposed misapplication, by the Executive, of power conferred by that law? Every one acquainted with the history of that transaction knows it is so. And we may be well assured, that while we are able to preserve the Constitution from legislative encroachment, we have nothing to fear from the Executive. If a despot should ever complete the overthrow of the institutions of American liberty, it must be when legislative violence has diminished their strength. And of the latter it is that Democracy is justly and particularly watchful. Its principles are now the same that they ever have been. Men may change, Mr. President, but principles never. Yea, men do change, and to justify or conceal their changes, endeavor to create confusion in principles themselves. The principles of the Democracy are now what they were in 1798, and the principles of its opponents are the same, also, however they may seek to disguise them under new names. The principles that distinguished the opponents of Democracy then are the principles that distinguish them now; and what would have made a Federalist of that day, and subsequently a Federal Republican, and still later a National Republican, makes a Whig now. Men may change their principles, and thus the Federalist of one day may be the Democrat of another. But it is only by changing his principles that a man becomes the one from having been the other. The principles themselves are as immutable as truth.

The Senator next goes on to charge the report with stirring up the people to rebellion against the law; and to establish that charge, cites from it the following passage:

"It deserves serious consideration, [says the report,] whether a law like this bill could ever be carried into execution at this day, and under our free institutions—a law which prostrates the freedom of thought, of action, of speech, and of the press, so far as respects a large portion of the most intelligent, respected, and meritorious of our citizens. The great body of the functionaries whom this bill would affect have been honored by the selection of the people, to discharge responsible duties, for their honesty, capacity, and fidelity to the Constitution. The habitual reviler of republican institutions, and of the capacity of the people for self-government, may in vain attempt to fix a stigma upon all officers who derive their appointments from the people, for the purpose of thus gradually undermining their confidence in the Government of their choice; but the people will always be found true to themselves, and will never submit to the execution of a law which deprives their fellow-citizen of his inherent, common, and equal rights simply because they had distinguished him by their favor and preference."

What is there here in the nature of an exhortation to the people to rebellion? What were the famous resolutions of 1798, but an appeal to the people to restore the breaches of the Constitution, not by force and violence, but by the exercise of their sovereign and constitutional powers? And does the Senator venture to complain of those resolutions? But this report does not go even so far as the resolutions; it makes no appeal to the people, but merely utters the voice of warning to this body against the passage of the proposed bill. By the will of our constituents we all profess to be governed, and the report only declares what its framer believes to be the immovable will of our common constituents.

But the Senator chooses to consider it a stirring up of the people, and this he denominates *Locofocoism*. Now, whether it is *Locofocoism* or not, it is solemn truth. This word *Locofoco* is one of those cabalistic terms which a certain class of politicians use to conjure up any accusation it may suit their convenience to fasten upon their adversaries. Its acknowledged unintelligibility relieves them from all obligation to explain, and it fixes a sort of undefined odium upon whomsoever or whatsoever they choose to denounce. Those who use it seem to attach to it no other

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idea than that of a *nomen generale* of whatsoever is odious and detestable to them in politics. At one time, it is agrarianism; at another, a general community of everything, unregulated by law; at a third, hostility to corporations; and at a fourth, it is made to signify a seditious stirring up of the people.

But the Senator doubts whether he is a competent judge of Federalism and Locofocoism. Now, I admit, in a philological sense, no man is competent to define Locofocoism; but if it is to be taken as the proper name of any political party in the country, the Senator is, I think, altogether too modest in disavowing his competency to speak of it. If there is any truth in the maxim, *experientia docet*, (experience teaches,) the Senator is unusually well qualified to speak of the parties of this country and to define them. He has avowedly belonged to two, and the evidences are pretty strong that he is now uniting himself to a third. He ought, therefore, to be well acquainted with what lies upon the surface of things, palpable to the eye of any discerning man; and if there be any party secrets or mysteries in any of the parties of this country, they, also, cannot fail to be known to him who had been initiated into all.

But, after all, these violent assaults upon the report of the committee are not so much to be wondered at. The report has been very troublesome to the gentlemen on the other side. It so far shook the confidence of the Senator who introduced the bill as to induce him to propose an amendment changing materially its character; and the Senator from Virginia is for abandoning the bill altogether, and substituting in its place a string of resolutions. A general must be much dissatisfied with his position who changes it in the face of an enemy; but this our adversaries ought not to be allowed to do; they have made an issue before the country, and they ought to be required to meet it. It is one of the artifices of war, when a party is weak at home, to endeavor to transfer the scene of strife to the territory of the enemy; and by a similar artifice do the gentlemen seek to turn away observation from the enormities of the bill by directing it to the supposed defects in the report; but to little purpose is it adopted. The report scarcely admits of defense, because, in truth, it has no assailable point. The Senator from Virginia is unquestionably a gentleman of ingenuity and talent, and has come to the onset with a hearty will, if possible, to demolish this report; but every assault made by him has signally failed. His blows were dealt with dexterity enough, but they were unaccompanied with the force of truth. The bill, on the other hand, is assailable at every position; and were a shot directed against every weak point, it would be converted into a perfect riddle—nay, it is uncertain whether it would even hang together.

The bill is founded on a total misconception of our institutions and of existing facts. It is a misconception pervading the whole Federal party. They strangely imagine that there is in the Federal Constitution a cure for all the ills of life. No evil can exist but the powers of this Government are thought competent to reach it. Like the oriental tent spoken of by the Senator from Missouri, [Mr. Benton,] which a man may carry in his waistcoat pocket, it may yet be spread forth so as to cover the army of Xerxes. This is the radical error of that party, and from this root springs forth a legion of errors. From this little fountain issue large streams correspondent in bitterness. The gentlemen read the Constitution as a certain personage is said to utter his prayers—backwards. So far from restricting its action to the province of granted powers, they seem to consider it omnipotent, except so far as its action is expressly restricted. Instead of forbearing to exercise Federal power where the right is doubtful, they exert it often where it is manifest it does not legitimately exist. This is, as I have said, their radical political mistake, and from it numerous errors have sprung up and overspread the land. Many of these errors have even taken possession of the Democratic ranks, and insinuated their corrupting influences into the purest Administration this country has ever seen. It is impossible to associate with bad men and not imbibed corruption. "Evil communications corrupt good manners," said an inspired man; and thus

it is that the Democratic politicians, daily associating with the Federalists, and often personally esteeming and admiring the men, become insensibly more or less tainted with their political heresies. It is no wonder, then, that we find it difficult to preserve the Democratic faith pure and unadulterated. Every Democratic Administration has found more or less Federalism creeping into its measures.

But even in an unlimited Government it is acknowledged, as a wise maxim, that much legislation ought to be avoided; that no law should pass until an existing evil, demanding correction, is apparent, and the remedy proposed seems likely to prove efficient, without creating evils greater than that it is intended to remove. The bill under consideration assumes that there is an evil, and proposes a remedy; and in the assumption of that evil, exposes one of the most dangerous and operative errors of the whole Opposition party, viz: that the people and the Government are foreign to each other, and may have separate and distinct interests. So much are they dazzled by British glory, and so accustomed are they to give credit to that country for all that we possess, that they can conceive of no political proposition which would be true in Britain and not true in this country. They forget that our Constitution was formed by the people, that it is, in truth, a mere social compact, and that it is one of the people who is employed in each office necessary to give efficiency to the compact; while the British constitution recognizes the king as the fountain of all honor and power, and all the guarantees of liberty it now contains, consist of concessions made from time to time by him. Here power and authority is entirely official; there it is personal as well as official. Here power and authority is continually falling back into the common mass, to be disposed of anew as it shall determine. There it has a perpetual existence, separated from the mass of the people, into whose hands it can never fall without a revolution. Confounding things so totally dissimilar, naturally leads gentlemen into further errors. They suppose that what is an evil in one country must necessarily be so in another where the same state of things exists, and that the same remedies are applicable. This would be all true, if their first supposition were not altogether erroneous; but, being so, all the conclusions drawn from it are misapplied. But of what does the bill complain? Of bribery? No! That is not practiced, or proper punishment for it is already provided. What, then, is the evil? It is stated in the caption of the bill: "A bill to prevent the interference of certain Federal officers in elections. To the end that the great powers given to the officers of the Federal Government, and other persons employed in its service, may not be used for the influencing of elections, which ought to be free and incorrupt."

Now, sir, what are those great powers given to Federal officers? Can any man point one of them out? Has the Senator in his bill told us what they are, or indicated even one of them? To use an expression of the Senator from Virginia, he has entirely pretermitted them. I deny their existence. They are among the phantoms which vivid imaginations have of late so frequently made to stalk across the political stage, to frighten men from their propriety. It would have been impossible for the Senator to point out these great powers to which he alludes, and he has therefore taken the more judicious course of assuming their existence as a matter needing no proof. Every man is conscious, in his own experience, of the effect this process has upon the mind. The use of the simple epithet "Cicero, the orator," is much more persuasive to the mind than Cicero was a great and distinguished orator, than the most labored argument. A like course is pursued in the construction of this bill. It assumes as a fact what requires proof, and ingeniously passing by the fact, states the principle also in such obscure terms, that the mind is not a little confused by the semblance of propriety and its real inconsistency with sound doctrine. No one will deny that if office-holders, or any other persons, endeavor to corrupt the voters at an election by bribes or promises, it would be grossly criminal; while at the same time any ar-

gument addressed to their reason and patriotism would be highly proper. If the office-holders use the former, their acts are grossly criminal, and they can doubtless be punished by the existing laws; but against the latter there is not, nor ought there to be, any law.

The bill assumes that great powers exist in Federal officers, which are applied unfairly to the control of elections; and this I deny, *toto calco*. This assumption of the bill is calculated to give force and circulation to one of the most dangerous errors in public opinion, now becoming too prevalent, that office-holders and office-seekers should be an odious class. Why should they be so. It is contrary to practice and opinion in the purest days of ancient liberty. It is contrary to sound opinion now. The man who devotes himself to the service of his country is no fit object for contempt. If a man seeks office by base and dishonorable means, or seeks to retain it when obtained, by any unfair devices, he is a base and dishonest man; but in the receiving or holding office itself there is no dishonor. He who serves his country on the field of battle is honored by all. If it could be ascertained that he had done so from base and dishonorable motives, respect would be withdrawn, and the finger of scorn pointed at him. But if, in that service, it could be discovered that he was moved by no higher consideration than "seeking the bubble, reputation, even in the cannon's mouth," he would be hailed with acclamation. And is it for the American people to think, or say, that he who seeks their favor by fair and honorable means acts unworthily? That he who aspires to distinction, by filling the offices which they confer, is not thereby seeking honor? It has been fashionable of late to hold such doctrines, and this bill follows up the idea, and endeavors to widen the gulf between the people and their official agents. And why has it become fashionable? There are two principal reasons: the one is, that a spirit of avarice is abroad throughout our land, and bending every soul to his sway, and leveling all distinctions but those which money can create. Wealth is the only true badge of honor, and as wealth is seldom obtained in faithful public service, public service has ceased to be honorable. The other reason is obvious. Many who desire office are disappointed, and, like the fox in the fable, cry out "sour grapes," while, like the same fox, they are ready enough to seize upon every cluster that hangs within their reach.

Sir, public opinion upon this subject is fast being perverted, and this bill is calculated to contribute greatly to that perversion. In the sequestered days of the Republic, it was an honor to serve the country in any capacity; and, in the language of the report, every man who shrunk from it was deemed an *idiot*. The man who seeks the service of his country by honorable means, should be honored. There is but one honorable mode of seeking it, and that is by discharging faithfully the duties of the station he already fills, and fitting himself to fill others well when called upon. Let those who denounce office-holders and office-seekers lay their hands upon their hearts, and answer, whether they do not desire office, and would not hold it if they might. Not one in a million could answer in the negative; and those few would be found mostly among the indolent, the sordid, or the misanthropic. Nothing can be more unfavorable to the stability of our institutions than the spread of this prejudice against office, which Federal men and Federal presses are active in propagating. I had the good fortune the other day to peruse the letter of the celebrated John Taylor, of Caroline, lately brought to the public attention, so replete with instructive matter. Speaking of the operations of the paper monopoly party, he says, among other things:

"It will distract the public mind, detach the national confidence, by falsehood and artifice, from its honest servants, and take advantage of the confusion generated by its own acts avowedly to erect monarchy, under the pretence of restoring order."

This is precisely what is now doing, and the great tendency of the bill under consideration, by stirring up suspicion between the people and their officers, and detaching the confidence of the former from their honest servants. This bill rests upon the basis that the interests of the people and their

officers are at variance; and, if that basis be false, the whole fabric must fall. No one would object to persons having common interests consulting together about those interests. The assumption, then, of an existing evil is erroneous; and the necessity, therefore, for a remedy, is without proof.

But passing by the evil for the present, let us look a little to the remedy proposed. Even allowing, for the sake of argument, the evil to exist at all, it is comparatively a small one, while the remedy proposed would introduce evils of the greatest magnitude. It would be like cutting off the head to relieve the toothache, or laying open the heart to diminish arterial action; it is striking at the very vitals of liberty to remove an unseemly pimple from her cheek. What are the evils which the bill would produce? They are numerous, and I will consider a few of them.

I. In the first place it introduces into our legislation the odious principle of distinction. It disunites the interests of the people and the office-holders, and places them on different grounds. The great principle of equality lies at the base of all our institutions, and distinctions, official or otherwise, except mere functionary distinctions, ought carefully to be shunned. If it were possible to have the functional operations of the social compact carried on without singling out individuals to perform them, it would doubtless have been done; and so far our institutions would have more approximated the perfection at which they aim. But it was impossible; and the mere distinction of holding office must necessarily exist.

But it is altogether unwise and foreign to the genius of our institutions to render this distinction more conspicuous; and it is, in principle, a matter of indifference whether this distinction be privative, or one of addition; and, indeed, it is doubtful whether the former is not the more mischievous of the two. For the robbery you practice upon the office-holders they will seek to indemnify themselves by assuming something to which they have no right, and their claim, with the aid of a little sophistry, will probably be sustained. "I am cut off from such and such privileges," they will argue, "and surely it is not unreasonable that I should enjoy such and such privileges in return." A generous people, in some moment of weakness, will allow the plea, and custom, if not law, will establish the right. Besides, it stifles the benevolent feelings of the man, and forces him to pursue, with more undivided aim, his own peculiar interest. Anything which segregates us, as it were, from our kind, or renders us unlike the rest of our species, weakens the claim which that species has upon our kindnesses and services, and separates our interests from theirs. Does not experience prove this in the case of deformed persons? Are they not, with some honorable exceptions, suspicious, malicious, and repulsive in their dispositions? Do they not seek to indemnify themselves, for the contempt which they most unjustly suppose is generally entertained for them, by noting with peculiar severity, the faults, the vices, the follies, and the defects of others?

Again: when distinctions, however degrading in themselves, are associated with honors, while all the other evil effects and degrading distinctions remain, it inclines the subject of this distinction to magnify the honor with which it is associated, and to set upon it an unjust value. The mutilated Asiatic who treads an eastern court forgets, for a time, the wrong done to his nature in contemplation of the honor and power which it brings him, and glories in his shame, and knows no sympathy for those whom an arbitrary monarch may commit to his cruel domination. Just so with the office-holder in this land, upon whom you fasten any degrading distinction. He comes at once falsely to estimate the honors with which it is associated, and strives, as rapidly as possible, to appropriate to himself all that comes within his reach. In the present healthy state of public opinion, a public officer, who assumes official pomp and consequence, is certain to have the finger of scorn pointed at him; and this fixes upon his mind an abiding sense that he has no property in his office, that he is a mere public servant, *pro hac vice*.

II. If this bill does not rend from their places

the pillars of the Constitution, it saps the foundation upon which they rest. It has been well remarked, that "the price of liberty is eternal vigilance." By this bill you propose to close the eyes, stop the ears, and seal the lips of those whose peculiar duty it is to watch, and whose positions enable them to watch to most advantage. Constantly employed in the public service, they acquire an intimate knowledge of public affairs and public men. They stand, as it were, upon an eminence, from whence they can look around and see danger approaching from afar, and from any quarter. False alarms they will doubtless often give. But in political matters, the story of the boy and the wolf does not apply. No matter how often the alarm is given, there will be plenty to listen to it; the difficulty is in procuring it to be given. How foolishly, then, should we act in stopping the mouths of those who are best situated for giving it! The proposal of the Opposition to pass this bill reminds me of the fable of the sheep and the wolves. While their dogs remained with the sheep they were in comparative safety; but when the silly sheep were persuaded to surrender their dogs as hostages, the wolves fell upon the sheep and devoured them.

III. But not only would the pillars of the Constitution be shaken by the passage of this bill, but a breach would be made in its own noble fabric. Congress has no right to pass any law not expressly authorized by the Constitution, or necessarily incidental to the exercise of some power expressly granted. So at least every Democrat in this body holds. Now, what clause in the Constitution expressly authorizes the passage of this law? To what granted power is it incidental? If the power exists in either form, under the Constitution, gentlemen can point out the clause in which the grant is contained. They have not done so, and I defy them to do it. Nay, not only is the act not authorized, but it is expressly forbidden. By the first article of the amendments to the Constitution it is declared that

"Congress shall make no law respecting the establishment of religion or prohibiting the exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

And is not, I would ask, the liberty of speech assailed by this bill? Does the Constitution make any exception to the exclusion of office-holders from the protection of this clause? Yet the Senator from Virginia says, let us hear no more of arguments drawn from the alien and sedition laws, and their fate under the denunciations of the people of this country. Why should we hear no more? Are not those laws and the present bill so similar that they might well pass for the offspring of the same parent? The bill, as it now stands, is subject to all the objections to the sedition law; and if modified as the Senator from Kentucky proposes, it will then become subject to all the objections to the alien law also. Let us look for a moment to the language of the sedition law:

"That if any person shall write, print, utter, or publish, or shall cause to be written, printed, uttered, or published," &c.

What is the language of the bill under consideration?

"That no marshal, &c., shall, by word, message, or writing, or in any other manner whatsoever," &c.

How similar in their objects the act and the bill. How immediately are both leveled at the liberty of speech and of free discussion. What, then, were the objections of the patriots of 1798 to the sedition law? I will read from that celebrated report of Mr. Madison:

"The second object against which the resolutions protest is the sedition act. Of this it is affirmed: 1. That it exercises a power not delegated by the Constitution. 2. That the power, on the contrary, is expressly forbidden. 3. That this is a power which, more than any other, ought to produce universal alarm; because it is leveled against the right of freely examining public characters and measures, and of free communication thereon, which has ever been justly esteemed the only effectual guardian of every other right."

The report then goes on to show that all these objections apply to the sedition law; and is it not obvious that they apply with equal force to the bill under consideration? And shall we pass a law containing all these odious features, which have been so fully exposed to the American peo-

ple, in the very able report from which I have read the extract? But I said, if the bill was amended as proposed by the Senator from Kentucky, the objections to the alien law would be brought to bear upon it also. What are those objections? I will call them to the attention of the Senate, from the same source to which I have just adverted:

"Of the alien act, it is affirmed by the resolution: 1. That it exercises a power nowhere delegated to the Federal Government. 2. That it unites legislative and judicial powers to those of the Executive. 3. That this union of power subverts the general principles of free government. 4. That it subverts the particular organization and positive provisions of the Federal Constitution."

It will be found by the reasoning in the report, under the second objection, (with which I will not occupy the Senate,) that the indefinite terms in which the law was couched, gave force, if not existence, to that objection. And with a law so indefinite as the one under consideration, commanding the President to dismiss from office all who shall be guilty of the acts against which the law may be supposed to be directed, will he not be constituted, to a certain extent, legislator, judge, and executive officer? No other judge, or even jury, intervenes to inquire into the facts; and so indefinite are the terms of the bill, that the field of construction is so wide as to amount to legislation, and then the President himself is to execute the law. The President first says what the law shall mean. He then adjudges the culprit to have violated it, as so construed, and finally performs the executive act of dismissal. If this is not confounding all the powers of Government in a single individual, it is difficult to conceive what would be. The bill under consideration, then, combines all the objections to both the alien and the sedition law, and ought to be subjected to the same condemnation, and will doubtless arouse the same popular indignation, should it become a law.

I know it may be said that this law operates upon a peculiar class only, and can never endanger the freedom of the citizens generally. The same might have been said of the alien law. But it was not said, or at least it was not successfully urged. And is it not obvious that, if the principle is once conceded, the security of all is gone? If Congress has a right to legislate with regard to one class of citizens, why may it not with regard to all upon the same subject? It is contended that this is a mere condition annexed to official tenure, and that Congress has a right to prescribe the terms upon which officers created by itself may be held. If the latter proposition be true to any extent, it can be so no further than may be necessary to insure official fitness and fidelity. It cannot be that Congress has an unlimited and capricious right to attach conditions to official tenure. If so, it might require a man to live single, to be deprived of some of his limbs or members, and, under the pretense of official conditions, compel him to submit to every species of tyranny and degradation, and to barter all his rights as a citizen, for the poor privilege of holding office. It is only quasi officers that any law can be made to operate upon, those who may hold office, which may not be made to operate upon every other citizen of the country. Can it be pretended that because a man accepts office, he is bound hand and foot to Congress, that he is so far segregated from the rest of the community, that Congress acquires over him a power greater than that of a master over a slave. All the powers of Congress are to be rigidly and rationally construed, and especially such as may be abused to the oppression and disfranchisement of any citizen.

But in reply to the objection against the removal from office, by the President, it is said that he already possesses that power to an unlimited extent, and this bill will add nothing to it. There is great fallacy in this reply. The present power of removal is held by the President, as the general executive officer of the Government, who is responsible to the people for its proper conduct; and ought, therefore, to have it in his power to dismiss any agent for whom he is not willing to be responsible; and when an officer is removed under that authority, it is only because the President judges him not qualified. His want of qualification may consist in moral delinquency, or in want of capacity, but, in either case, he is dis-

missed not as a punishment for the past, but as a security for the future. But the bill under consideration enjoins removal expressly as a punishment, and in so doing confounds all constitutional distinctions, and creates evils similar to those for which the odious alien law was responsible.

But the Senator from Virginia, [Mr. Rives,] in reply to the constitutional objection to this bill, cites several cases in which he supposes Congress has or may abridge the liberty of speech, and quotes, in the first place, the law passed at this session, prohibiting the carrying or sending a challenge to fight a duel. In the answer, it is proper to remark that this expression in the Constitution, "liberty of speech," has a specific and well-settled meaning, and is synonymous with the right of free discussion, the very thing against which the bill under consideration is leveled. But a right of free discussion is not involved in sending a challenge to fight a duel, which is a thing *malum in se*, and forbidden by the laws of every civilized nation. The right of Congress, therefore, to prohibit the sending a challenge, is not negated by that clause of the Constitution which forbids the passage of any law "abridging the freedom of speech;" and her right to legislate upon that subject within the District of Columbia is part of her general exclusive legislative power over this District, beyond which she has not attempted, and could not exercise it.

The Senator next supposes the case of an office-holder writing a letter or sending a message to a voter, by which he informs him if he will vote for such a man he will give him such an office; and asks if Congress cannot prohibit and direct the punishment of such an act? I answer, within the District of Columbia it can unquestionably. Such an act, if not actual bribery, it is so very like it that no moral distinction can be drawn between them; and I promise the Senator if he will introduce a bill to prohibit and punish such an act within the District of Columbia, I will willingly vote for it; and if I thought the power of Congress over the subject extended so far, I would vote for it throughout the Union. But how does it happen that no such provision is included in this bill? I suppose, either because no such thing has been practiced, or the laws in relation to it are already sufficiently penal. The Senator lastly refers to the case of a judicial officer going about among the crowd at a court-house, and soliciting jurors to give their verdict in a particular way; and the Senator asks if this would not be a breach of official dignity, and subject the transgressor to impeachment? Unquestionably it would; but as I see no similarity between the case supposed, and the one under consideration, it would be an idle undertaking to point out their differences.

IV. I now proceed to another objection to the bill under consideration, and that is, that it is based upon a radically false notion and estimate of the people of this country. A belief seems to pervade the whole Opposition party, that the people are stupid, ignorant, gullible, and altogether unfit for self-government, and require to be guarded by law against themselves. This I hold to be utterly untrue. If a man acquires influence among the people, it must be upon the strength of a character for integrity and devotion to the interests of the commonwealth, and a capacity for understanding well those interests. But so far from this influence being increased by his promotion to office, it is often, if not generally, greatly diminished. The people are, if anything, over suspicious, but it is erring on the safe side, and, therefore, I will not complain of it. Let them for a moment suspect a man to have any private interest in a question, and his influence, however great before, is at once paralyzed. This interest they are ready enough to suspect in an office-holder, whose established moral worth does not defy suspicion; and hence an office-holder is generally dead at the polls, if he does not actually injure the cause he attempts to support. All experience is in favor of this position, and wherever the Administration has most office-holders, there are its defeats the most signal. It is true, though an office-holder cannot be efficient in favor of the Administration under which he acts, he may be very much so against it. Apparently, then, he is acting against his interests,

and the soundest judgment would infer that nothing but the deepest convictions of right, founded upon unquestionable means of knowledge, would induce him so to act.

But a man advocating the administration under which he serves, is scarcely believed, although he backs his assertions by the most convincing proofs. The people are ready enough to adopt the idea that he who has the control of a man's bread, has the control of the man, and to act with correspondent distrust; and in that distrust is the true security against improper influence, and not in legislative enactment. It answers well in declamation to hold up this idea to the people "that control over the man's bread is control over the man," in order to keep them watchful, and the politician deserves no blame for so doing. But it is a fit subject only for declamation, as applied to the politics of our country; for however true as an abstract proposition, there are no facts to give it application. It is not true that the President has control over the bread of the office-holders, for he can neither increase nor diminish their salaries. It is true he may dismiss them from office, but he cannot do so without danger to himself, except upon sufficient reason. So far is it from being true that the President can exercise this control, that it has become exceedingly fashionable for the office-holders to be clamorous against him; and it is little less than a libel upon the people of this country to say that there is danger of their being controlled by the office-holders, or that they may be seduced by them into giving improper votes. A few individuals here and there may possibly be influenced, but no general control can be exercised. Man is frail in his best estate, and may be corrupted; and if the means existed to sufficient extent, bribery might control the elections. But stopping short of that, the agents of the Administration, should it think proper to employ any, would be worse than useless in procuring votes. Happily, the means of bribery are very limited, and the offense is already sufficiently checked by the laws of the States, who possess the only competent authority upon the subject.

V. But there is an objection to the bill, which, if possible, lies still deeper than those before noticed. Whether taken as it stands, or amended as proposed, it is essentially one of the most tyrannical measures ever proposed in this body. I. In the first place, it sets forth the offense proposed to be punished in terms so very indefinite, that an act, inconsiderable in itself, may become the subject of most enormous punishments. It is a maxim lying at the foundation of all wholesome government, that the punishment should, in the sense of the community, bear some proportion to the offense. This principle is by this bill utterly disregarded. If a man shall but say a certain candidate is well qualified for the office to which he aspires, he must, in the present form of the bill, be declared infamous, and fined \$500, and, either in its present or amended form, be dismissed from office. Now does any man perceive a just proportion here between the offense and the punishment? Well might the report say the people of this country would never consent to the execution of such a law. They never would agree that a man who holds an office emanating from them should be thus bowed down in a slavery more grinding than that of any African in the country.

2. It is tyrannical, in that it invades the sanctity of the private circle, and begets suspicion and jealousy and caution where the most unbounded confidence and freedom should forever reign. Under it a man's own household may furnish enemies for his destruction. As the bill stands, the hope of gain is held out to them to induce its members to become so; and, should one of them think proper to charge him falsely, there is no mode of rebutting the charge; he cannot prove a negative. The son may unwillingly be made the accuser of his own father; nay, in the progress of depravity, one may be found a swift witness in the destruction of a venerable parent. English history furnishes such instances. The consciousness that the slightest expression may be construed into a persuasion or dissuasion, will cause one member of the same family to look with

suspicion upon, and speak with caution before, another. The great value of our institutions of Government is the security and protection they throw around the domestic circle; but when they are rendered the destroyers of all its confidence and innocent freedom, they may truly be said to be worse than war, pestilence, and famine. Let us suppose a case: a venerable man, surrounded by sons and sons-in-law—one who has grown gray in the service of his country—is the holder of an office; his sons and sons-in-law hold conversation in his presence respecting some pending election, and he finds them all inclined to vote in favor of a man whom he knows to be a Catiline at heart, and ready to seize the earliest opportunity of prostrating the institutions of his country; yet is he condemned to silence, or doomed to endure the penalties of this ruthless law! Or, to make the case still stronger, one of these persons, who are by nature entitled to the fruits of his wisdom and experience, turns to him and asks his opinion. His lips are sealed; he dare not utter a word; and from one of the holiest offices of paternal love is cruelly cut off. Can a bill producing such results deserve any countenance from the Senate? Does it not fill every bosom with horror in their contemplation?

3. It is tyrannical, inasmuch as it interferes with the rights of common conversation among neighbors. If a man is so unfortunate as to hold an office, however intimate the footing upon which he may be with a friend, politics; that subject so interesting to every man under a free Government, must be altogether excluded from their conversation. It is impossible to conceive of tyranny more absolute than that which stands forth embodied in this bill.

4. Again, this tyranny is rendered doubly oppressive to its victims from its partial operation. Distinctions are made by it between different classes of office-holders. Misery loves company, and the sorrows of the captive are always embittered by contrasting his condition with that of those who are sporting in the air of freedom. Why is this distinction made among different classes of office-holders? Are those upon whom the law is intended to operate more likely to be mischievous than those who are left free from its fetters? Surely not. The humble officers are the subjects of the law, while the aristocratic officers are left free. The district attorneys, those gentlemen on whose lips dwell the notes of soft persuasion, are left at large to practice such electioneering arts as may suit them. Unfortunately, but few officers are found friendly to the Democratic cause: This is not the time or place to inquire into the reason, but it is a melancholy truth that a very large portion of the lawyers and merchants of the country are opposed to a Democratic administration of the Government.

5. A fifth objection to the bill is, that it forces upon the Executive removal from office. I speak not of it now as I did when I objected to it as an invasion of the Constitution similar to that of the alien law, but in a totally different point of view. How frequently do we hear upon this floor of Executive patronage, and what complaints are made whenever the President exercises his constitutional power of removal? It never happens but the motives of the President are impugned, and the torch of party strife is lighted. This bill proposes greatly to multiply and aggravate this evil. Whenever any one shall be removed under it, the elements of civil strife will be set in motion. Every man removed will have his friends, who will question the propriety of the act. They will conceive that a stigma has been unjustly placed upon one whom they esteem and love, and in their efforts to remove that stigma they will endeavor to hurl the magistrate from his place. Politicians will lay hold of this excitement, and political feuds, now sufficiently bitter, will more and more distract the nation. The fabled apple of discord, if caused to roll abroad through the country, could scarcely be more fruitful in the production of strife.

VI. Another objection to the bill is that it is calculated to degrade morally the holders of office. It will fix upon them a disgraceful mark, and lower them in their own estimation. Who does

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not know, who has not felt, the sustaining power of a consciousness of being held in high moral estimation by his fellow men against the pressure of temptation? As long as a man can maintain a consciousness of his own moral elevation, there is little danger of his falling into disgraceful acts; but as soon as you force him to place a low estimate on his own moral worth, you accomplish one step, at least, in his downward progress. When you fix on him the stigma of baseness, you go far towards preparing him for base deeds. Upon the general moral elevation of our citizens depends the permanency of our institutions. By degrading your officers, you tend towards the degradation of the people also. "A little leaven leaveneth the whole lump;" and with still more rapidity does moral contagion spread through society. This is, to me, a powerful argument against the bill.

But all arguments in favor of the bill having failed, an effort is made to rest it upon that which is always resorted to, for the support of that which has nothing else to sustain it—precedent. And from whence is the precedent drawn? From England! And at the very mention of the name of England, the heart of the Senator from Virginia [Mr. RIVES] seemed to be warmed with a sort of sacred fire, and he burst forth into an impassioned eulogium upon her institutions. I could not but be reminded of Mr. Hamilton's remark, that the British constitution, with all its corruptions, was the most perfect system of Government that ever existed. We have heard enough, in by-gone years, of English institutions—

Mr. RIVES disclaimed having eulogized British institutions as they existed. He spoke merely of the great principles they contained.

Mr. STRANGE. I certainly did misunderstand the Senator, as he has explained himself, as I doubt not, correctly. But it is not singular I should have misunderstood him, for the drift of the argument was calculated to mislead me. A precedent is cited from England, and the object is to give force to that precedent. The natural mode of doing so was to laud and commend to our favor those institutions, of which the precedent constituted a part, and not to eulogize mere abstract principles, which had no particular connection with the precedent. But let that pass. I believe myself the British constitution has many excellencies; but I believe, also, it is thoroughly soaked with corruption through all its pores. I do not believe, with the Senator, that the free principles of our Government were derived from the British constitution. Those great principles had their existence in the clear heads and pure hearts of the framers of our Constitution. They did not ingraft them into our Constitution because they were in the British. They eschewed the evils of the British constitution; but they did not throw away anything that was good because it happened to be there. I admit they surveyed the long track of ages, and gathered from it a large stock of experience. The history of England formed a portion of their study, and helped them in maturing their great designs; but the great principles upon which they acted existed without the British constitution. Our Constitution contains many things in common with the British, but it is purged of its corruptions; and I, for one, am unwilling to see them restored. Was it because British institutions were free and equal, and just in their operation, that our forefathers fled from the comforts of home and civilization to build up an empire in the western wilderness? I have always heard it was for a very different reason. It was, as I have learned, that they might rear a fabric of liberty, in which they might enjoy, unmolested, those rights and privileges inestimable to them, which the British constitution did not secure. But it is not only insisted that we ought to follow this English precedent, but that, in fact, there is a greater necessity for such a provision here than in England.

We are told, in substance, that liberty is in more danger from the encroachments of the President of the United States than from those of the King of Great Britain, and that because the one is elective and the other hereditary. And is this indeed so? It is wonderful, then, that our fore-

fathers, in their admiration of the British constitution, had not borrowed from it an hereditary monarch along with the other admirable features. It is strange they did not guard against the dangers of an elective Chief Magistrate. Their views, I fancy, must have differed from those of the Senator from Virginia. The Senator then proceeds to point out the enormities which gave rise to the precedent, and draws a glowing picture of the tyranny of the Stuarts. It is a little singular that, among the many tyrannical kings of England, whenever gentlemen wish to portray a tyrant, they pounce upon one of these unfortunate Stuart kings. I am not the advocate of the Stuarts, nor do I deny the right of the people of England to expel this family and choose their own rulers, but I must insist they were not the most tyrannical of the British kings, and that when Britain exchanged the weak and bigoted James for his ungrateful son-in-law, (to say the least of him,) they did not commit themselves to the government of one who was no less a tyrant. But what were the tyrannical acts of these odious Stuarts to which the Senator has called our attention? The first is cloaking with members of Parliament; and it is intimated that similar acts have been practiced in this country. When, I would ask? If the Senator had specified time and place, perhaps a more definite answer might be given to the charge. But how does the Senator know that it has been practiced? Has he anything but vague and uncertain rumor? I admit, if it has been practiced in the sense intimated by the Senator, "it is a grievous fault, and grievously should Caesar (or anybody else) answer it." But does the Senator speak *ex cathedra*? Does he mean to say it was practiced when he is supposed to have had, in a peculiar degree, the ear of the Executive? If so, he ought to have informed us of this before. There was a time when it was his right, and even his duty, to have made the disclosure. But after having slumbered upon, I will not say his rights, but his duty, for so long a time, it seems a little out of place to make the charge now. It forcibly reminds me of an anecdote which is said to have occurred some years ago in my own town.

There resided a certain preacher, remarkable for his eloquence, and equally so for his high estimate of his own powers. There also resided a lawyer, far advanced in life, who, although not much interested in matters of religion, yet for fashion's sake, or the pleasure derived from listening to the eloquence of the preacher, occasionally went to hear him, and especially of an evening, when a hearty dinner, washed down with a glass or two of good wine, rendered the lawyer rather inclined to doze. Under these circumstances, even the eloquence of the preacher, did not serve always to keep him awake. This rather nettled the divine, who could not bear to think that any intelligent listener could fall asleep under his exhortations. One Sabbath evening he took the lawyer to ask for this violation of decorum, and by way of enforcing his admonition, "Do you not know," said he, "that I will be called upon at the last day to testify against you for all these things?" "If you should be called upon," replied the ready lawyer, "I do not doubt you will willingly testify, for I have always heard the greatest rogues are apt to turn State's evidence." Now I do not mean to apply any opprobrious epithet to the Senator from Virginia, or to insinuate that he has acted dishonestly. I only mean forcibly to convey the idea that a man bringing such charges against an Administration of which he once formed a part, and with which he has since fallen out, does not stand in an enviable position. But if, as I believe, the Senator had nothing but idle rumor whereon to ground his charge, he is certainly to blame in lending the sanction of his name, from the place he occupies, to an accusation so grave, upon such authority, and basing thereupon a serious argument.

The next complaint against the Stuarts is, that circulars were issued advising, commanding, and seducing the people to vote for particular candidates; and the Senator again intimates that the same thing has been practiced in this country, and singles out the Secretary of War as the guilty person. He then burst forth into an impassioned

eulogy upon the distinguished gentleman whom he supposes to have been the victim of this interference. Now I am not at all disposed to question the merits of the gentleman on whom the eulogy is bestowed, or to deny its justice. But I must be pardoned for saying it is out of place at present, as the defeat of that gentleman has nothing to do with the subject under discussion. I have high authority for declaring that the charge against the Secretary is altogether founded in misapprehension. If the gentlemen on the other side have any cause to complain of him upon that subject, it is for refusing to intermeddle in the election. It is known to every one, that up to the time of his taking office under the present Administration, no man stood higher before the country, for his talent, his patriotism, and moral worth, than the Secretary of War. On an important occasion he signalized the honor of your flag, more than he could have done had he borne it in triumph over an ensanguined field. But no sooner does he become a member of the Administration, than the shafts of malice are leveled at his fame. Such is the Moloch spirit of party, and that, too, among those who cry out the loudest against party! Nay, more, upon the vague surmises of a party press, a charge is solemnly brought against him upon the floor of the Senate.

These were some of the evils complained of under the Stuarts, and this is the precedent of facts; and these evils, we are told, the *glorious Whigs* of that day attempted to remedy; and I fancied there was something in the manner and tone of voice, in the allusion to the *glorious Whigs* of that day, which seemed to glance off to the *glorious Whigs* of the present day, on this side of the Atlantic; and I thought there was an intimation that the *glorious Whigs* of this day should imitate the *glorious Whigs* of that in their noble achievements. There was a time, I think, when the Senator from Virginia would not be found cheering on the Whigs of the present day to any enterprise; when he would have looked upon any triumph of theirs as a triumph over the true interests of the country. What, then, has wrought this change in his opinion and feelings? But I do not desire to assume the office of catechist to the Senator, or to render him my political catechumen. I will content myself with the inquiry, if the Senator does not desire the triumphs of the Whigs of the present day, why this significant stress upon the *glorious Whigs* of England? But if the glorious precedent must be followed, why stop short? We have seen what was the precedent of fact; let us now see what is the precedent of law. It was not only that office-holders should not meddle in elections, but that they should not vote; and that no public contractor should sit in Parliament. If the precedent is to be our guide and reason for action, why stop short of the point to which it conducts? Is it the intention of gentlemen, when they have carried out the principle of prohibiting interference, to go still further, and adopt all the features of the precedent? There is great force and beauty and propriety in the favorite maxim of the Senator: "It is the first step that costs;" and never was there a time when this maxim more deserved to be heeded. Imagination, following the direction in which this bill points, is incapable of perceiving the termination of its course; but enough is perceived to make us start back with horror. But if gentlemen had thought of pressing their measure to the fullest extent of the precedent, they know that the people of this country are not prepared for such a step. This is a mere tentative measure. The people are first tried with a lighter chain; and when accustomed to that, the heavier will be applied. According to the remark of that great man, a part of whose essay I read from the Globe of yesterday, the tendency of this bill is to weaken the confidence of the people in their officers.

But there is, in truth, no parallel between the complaints of the Whigs of England of that day, and the Whigs of this country at this. The English Whigs complained of the personal interference of the King, or directly through his officers. But the bill is predicated upon a supposed interference of the office-holders, from their own head and imagination, and not upon the instigation of

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the President. If otherwise, the conclusion of the bill is most lame and impotent. It proposes to make the very man who procures the act to be done punish those who perpetrate it; as if, supposing the President to be so lost to a sense of propriety and official integrity as actually to employ his officers in the management of elections, he would hesitate to retain them in their places after it was done, in defiance of your law. The contrary expectation would be about as reasonable as that of the valiant knight of La Mancha, that his faithful Sancho would flagellate himself unmercifully with many stripes, that the fair Dulcinea might be disenchanted.

But the Senator cites us another precedent, drawn from the Constitution itself, which declares that no public officer shall have a seat in either House of Congress. But this does not meet the difficulties of the present case at all. There is no parity between a constitutional provision and a legislative enactment.

Another precedent is quoted from the laws of Virginia, which prohibit an officer under the United States from holding office under the State of Virginia; and the Senator might have cited similar precedents from other States; but this has nothing to do with the question. No one denies it, and the report assumes that the States have a right to legislate on this subject if they think proper.

"But [says the report] if any mischief has arisen or may arise from this source, the legitimate remedy must be sought and found in the legislation of the several States, whose constitutional duty it is to prescribe the privileges and immunities of their citizens, free from the control of Federal legislation."

But, sir, the subject is an exceedingly delicate one. I deny that any evil exists. But if it does, it had better be borne than to attempt its remedy by the means proposed. If I were conscious of some disease in the eye, however threatening might be its character, sooner than suffer it to be dealt with by an unskillful hand, I would take the chance of any result. This bill is one of the most dangerous assaults upon the integrity of our institutions I have ever known, and is well calculated, if it passes, totally to change them. It is highly mischievous in that by assumption, its tendency is erroneously to impress the public mind as to facts and principles. Now, I do not impute to the Senator from Kentucky, who framed the bill, any design to overthrow the institutions of his country. But I speak of the tendencies of the bill, and believe the state of mind under which it has been brought forward, is happily described in a short newspaper paragraph, which I will take the liberty of reading to the Senate:

"MR. CRITTENDEN'S BILL.—Parties, as well as individuals, are liable to monomania. They are apt to become insane upon particular points, and though a faction may never imagine itself to be a tea-kettle, or to have glass legs, it has been the case with persons who were specifically deranged, yet factions sometimes contrive to possess themselves of an idea which is scarcely less ridiculous. The universal Whig party of the United States is a curious instance of this. Having been continually defeated for a long series of years, under every variety of name and every assumption of principle that ingenuity could devise, they finally came to the conclusion that there must be some *diablerie* at work—that nothing less than a new element could possibly so often overthrow a body so rich in means, so able, and so remarkably clever. After long and close study which, like much philosophical investigation, overlooked obvious causes as too simple to produce great results, our opponents happened to think of "office-holders," and forthwith believed that they had reached the true reason of their vexatious failures. From that time to the present this compound word has been their resort on every occasion. When preparing for battle, they talk of office-holders, and when flying from the field in discomfiture, they still cry office-holders."

Now, sir, believing, as I do, and as I have had frequent occasion to remark, that if any one suffers from office-holders in elections it is the Administration party, I yet prefer submitting to the evil, such as it is, than to tamper with a subject so very delicate. I think the existing laws, if properly enforced, go far enough, and that an attempt to extend them further would threaten seriously constitutional liberty. I am for adopting the language of the English barons on a remarkable occasion, and hope the Senate will, with one voice, exclaim upon this subject, *Nolumus Americanas leges mutare*—We are unwilling to change the law of America.

## INTERFERENCE IN ELECTIONS.

SPEECH OF HON. JOHN NORVELL,  
OF MICHIGAN,

IN THE SENATE, February 16, 1839.

On the bill of Mr. CRITTENDEN to prevent the interference of certain Federal Officers in Elections.

MR. NORVELL said:

MR. PRESIDENT: Before I proceed to present my views of the bill now under consideration, I desire to perform an act of justice to my Whig friends on the other side of the Senate, and to a distinguished statesman of the Republican party, once a member of this body. It was the misfortune of that eminent statesman, in vindicating the removals and appointments made by President Jackson, to utter the sentiment that "to the victor belong the spoils." For that doctrine he has received the unqualified denunciations of the Opposition; and his party friends have shared an equal degree of condemnation for confirming, by their policy, the principle which he avowed. My purpose now is to show that Governor Marcy is not entitled to the credit of first proclaiming this as the rule of political warfare; that its origin is to be traced to a Whig source, and its example and practice to the Federal party of Massachusetts. In the second volume of the Life of Elbridge Gerry, written by James T. Austin, now the able Whig attorney general of that State, and the biographer of Mr. Gerry, I find these passages:

"Mr. Gerry entered upon the office of Governor of Massachusetts twenty-nine years ago. At that time, says his biographer, 'with the directors of political parties the long retirement of Mr. Gerry had given him no opportunity to become intimate. The changes which time had made in the members of the different departments of the Government, had left him almost without personal acquaintance with them; and the desire which his party had to place his name as a candidate at their head, had itself, if there had been no other reason, rendered his advance to the Chief Magistracy wholly independent of all conditions, stipulations, and expectancies. In his own political sentiments, matured as they were by time and experience, he was immovably confirmed; but in regard to individuals or parties, other than as they came recommended by character and conduct, he was impartial, unfettered, and independent. But, after all, what is the worth of a victory if the enemy are allowed to possess the spoils? Of what consequence is it who are masters of the field, so long as the vanquished retain their possessions? The battle between the great political parties had been fought at the ballot-boxes again and again, and constant defeat had embittered and exasperated the disappointed competitors. They beheld, for a long series of years, the honors and emoluments of office, the pride of place and the dignity of station, held by their political adversaries, until the reproach of being a Democrat was considered as impassable a barrier to public station as the want of moral character or intellectual ability.' 'The judicial department, the most stable and the most efficient in its operation, was, from the Chief Justice to the erior of the court, wholly in Federal hands. As a consequence of this the bar, with hardly sufficient exception to be noticed, added all the force of professional character to the Federal cause. The literature of the State, so far as it had official form, was under the same control. Colleges and learned societies seemed to have settled a sort of common law that the honors of science would be as inappropriately bestowed upon Democracy as the *chef d'œuvre* of taste upon the aborigines of the country.' It had been the policy of the Federalists to inspire the opinion, and it was probably their belief—for self-love is exceedingly credulous of praise—that in their ranks were all the talents, and all the learning, and all the moral character of the country; and as the Romans looked upon the rest of mankind as barbarians, so they were pleased to consider their fellow-citizens on the Democratic side as little better than the Goths and Vandals, in whose power had unfortunately fallen the heritage of the State."

The Senator from Massachusetts [Mr. WEBSTER] inquires from what book I have read these passages; and asks whether I do not know that Governor Gerry belonged to my party, and was turned out in one year? If the Senator had not been inattentive, he would have heard it distinctly announced that the book which I have just laid down was the biography of Elbridge Gerry, written by James T. Austin, the present attorney general of Massachusetts. It is the production of a modern Whig, sir, now in the enjoyment of "the spoils" of Federal victory. He it is, and not Governor Marcy, who first proclaimed "the spoils" doctrine, and demanded what was the value of a triumph if the vanquished were suffered "to retain their possessions?" He was describing the practice of the Federal party when in power, their proscription from office of every Democratic Republican, and their strict adherence to the prin-

ciple, that "to the victor belong the spoils." Sir, I do know that Governor Gerry was of my party. He was not dismissed in one year. He was re-elected; he acted in a spirit of liberality and conciliation towards his opponents during his first term; he deviated from that course in his second.

In the history of parties in England, we have memorable examples of the secession of leaders from their early friends, and the formation of alliances with ancient political adversaries. A cordial union for the common object, the destruction of the existing administration, has always naturally followed. On such occasions, the necessity of breaking down all party names, in order to form a strong body in opposition, has generally been well understood, and urged with mutual ardor and vigor. Ulterior views, and the division of spoils between the new allies, have been postponed until the common enemy has been vanquished. Party spirit, the agitation of variant principles, as between the different members of the coalition, have been deprecated; and measures which might bring them into common concert have been devised, and supported with zeal, until the compact has been consolidated, and capable of moving on with perfect union and harmony.

A conjuncture of this sort is now before our eyes. We see secessions here, and in some of the States, from the great Republican party of the country. We see a coalition formed and forming in the midst of us, to subvert the present Republican Administration. We see party names extinguished, the agitation of discordant principles hushed into profound silence, the ulterior views of rival chieftains suppressed from public observation, and the division of the spoils deferred until the power of parceling them out shall have been completely attained. And, sir, I am much mistaken if the bill before us be not a measure devised to enable the dawning Whig and Conservative coalition to meet on common ground, and to prosecute the war against us without the danger of agitation and discord among the allied leaders of Opposition.

This Government, Mr. President, has been in operation fifty years. It has rarely transcended its limited powers. When it has gone beyond its constitutional boundaries, it has been brought back to its republican tack. It has not interfered with the right of suffrage, which belongs exclusively to the States. The elective franchise, the liberty of speech and of the press, have been left to their regulation. The General Government, except during the short reign of terror in the days of Federal phrensy, acting in the spirit of its chartered grant of power, has abstained from invading any of the reserved rights of the States. The abuses committed at elections by public officers, during the administration of the elder Adams, goaded Mr. Jefferson into the utterance of impressive animadversions upon their conduct. He admonished those of his appointment against the imitation of the example which had been set them. He warned them of the consequences which would result from the pursuit of such a course of interference in the State elections. The distinguished leaders of the Republican opposition to the administration of the younger Adams directed public attention to the corrupting influence of executive patronage, through the medium of officers of executive appointment, upon the elections of the country: President Jackson considered it his duty to denounce the practice of bringing the influence of executive patronage to bear upon the freedom and purity of the elective franchise. But, sir, did Mr. Jefferson ever contemplate the passage of a law to prohibit public officers from freely expressing their opinions upon all political questions, which they might think proper to discuss? Did he propose anything as a remedy for the evil, more than the exertion of a moral influence, the menace of Executive displeasure, to restrain the public officers from improper interference in elections? Did the report of the Senator from Missouri, the speech of the Senator from Pennsylvania, the inaugural address of President Jackson, the report of the Senator from South Carolina, propose to check that interference by fines and perpetual disabilities?

Sir, in the most exasperated state of feeling

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against the outrages perpetrated by a few public officers at popular elections, it never entered the mind of a Republican statesman, till the present day, to pass penal and proscriptive laws for their prevention and punishment. It was reserved for these enlightened days, these times of Opposition purity, to suggest the extraordinary enactments proposed in the bill now before the Senate. The model for this measure, Mr. President, has been sought and discovered in British history. It has been drawn from the ancient code of omnipotent British parliamentary law. Principle for principle, word for word, letter for letter, the glorious model has been faithfully transcribed. Sir, there is no measure of proscription, there is no attack upon the freedom of individual opinion, there is no degree of punishment, which may not find its precedent in British history, in the reigns of the queens and kings in which the Senator from Kentucky has so industriously hunted up the prototype of his bill. If, says this bill, in effect, your public officer expresses an opinion, remove him from office. If he mingles with his fellow-citizens, and exercises his constitutional right to tell them what he thinks of men or measures, of this candidate or that candidate for their suffrages, fine him, and imprison him until he can pay the fine. If he advances an argument to his fellow-countrymen; if he persuades or dissuades him, cut off his head, sir; disable him from ever holding another public office. You will find precedents for all these things in British history, in the profligate reigns of male tyrants, and of female tyrants, too, in the fast-anchored isle.

Sir, what is the mischief of which the Senator from Kentucky [Mr. CRITTENDEN] complains; and what the remedy which his bill suggests for that mischief? The evil is "the interference of certain Federal officers in elections." Well, sir, I unreservedly admit that partial abuses have been committed in this way. I admit that partial evils spring from this source. But in this, as in the other affairs of human life, "all partial evil is universal good." As a matter of propriety and decorum, from feelings of self-respect and respect to public opinion, as representatives of the character and dignity of their Government, your public officers are morally bound to speak and to act, at all times, with decorum and due regard to their fellow-citizens. They are bound to abstain from noise and brawling in political contests. Some of them may occasionally fail in these proper observances. When they do so fail, the correction of the evil is found in public opinion. That invariably condemns them. That counteracts, with effect, the transgressions of the public officer. That excites to greater vigilance, to more zeal, to still more animated exertions, the citizen who witnesses and disapproves of any such misconduct. In the increased ardor of the contest, in the stronger excitement of opposition, the people find the appropriate remedy for the evil, and the ballot-box vindicates their rights, as well as public decency, from any outrage which may have been perpetrated upon them. Besides, sir, the office-holder may be safely left to the office-seeker in the conflict of elections. He who is in pursuit of a favorite object exerts more energy for its attainment than its possessor does to retain it. This is a universal principle of human nature. The Senator from Kentucky is mistaken in supposing that the office-seekers are on the same side with the office-holders. To a partial extent, his position on this point is true; but the great mass of aspirants for office, of those who are active in its pursuit, are in the opposition.

The Senator must remember the outcry with which these walls resounded during the whole administration of General Jackson, against the removals and appointments made by that Administration. That outcry, sir, was echoed and re-echoed from the Atlantic to the Mississippi, from the lakes to the Gulf of Mexico. The removals were declared to be offensive to public purity, to the patriotism and justice of the country, and to the spirit of the Constitution. The "victims" of this policy, as they were feelingly described, excited the warmest sympathies of Senators over the way. They were treated as martyrs to their principles and independence, and received with

open arms into the ranks of the Opposition. The removals were denounced as all wrong! The incumbents were entitled to a life estate in their places, unless they had failed in the fulfillment of their official duties. Such, then, was the Whig doctrine. The principle that "to the victors belong the spoils," was pronounced to be odious in the sight of God and man. Every term of obloquy was heaped upon the new appointments. The maledictions of the pure disciples of political Whig religion were poured forth upon every new man brought into office by General Jackson. The great power of this body was frequently invoked to veto the presidential nominations. Well, sir, a stranger in this republican land might suppose, from these facts and from the speech of the Senator from Kentucky, that no office-seekers were to be found among the Opposition; that its members were too pure to seek or accept of station; that not a patriot among them would deign to take an office from which any friend of the Administration had been removed for political cause. Mr. President, two years ago the little State of Rhode Island, one year since the State of Connecticut, three short months past the Empire State of New York, fell into the hands of the political friends of Senators over the way. And what was the immediate result? Sir, in Rhode Island and Connecticut the Republican incumbents were swept by hundreds from office, for political reasons alone. Was there any difficulty in finding pure and patriotic Whigs to supply their places? No, sir; the only difficulty produced by the emergency was in making selections among the crowds of hungry vultures, anxious to fatten upon the public crib. The atrocious injustice, the cruel tyranny, of removals from office, the suffering wives and children, the starving families, of the dismissed officers, were forgotten as things of by-gone days. Memory was bathed in the waters of Lethe, and no longer remembered what had been said and sung prior to the halcyon days of Federal triumph.

In New York, whose able Republican son had been stigmatized as the proclaimer of the "spoils" doctrine, towards whom no epithet of Federal reprobation was too strong for daily utterance, the first days of the Whig saturnalia have been celebrated by the proscription of some of the best public officers ever confided in by the people of that or any other Commonwealth. Sir, her accomplished Secretary of State, the able Comptroller of her financial interests, not less remarkable for his stern integrity and firmness than for his solid talents, the Treasurer, the Attorney General, known here as a man of great ability, and all others that could be stricken down, have been swept from the board; and no virgin timidity, no coy reluctance, no holy horror of removals for political cause, no contempt for the spoils of victory, have presented any obstacle to the elevation of patriotic and office-hating Whigs to the places vacated by these removals. Indeed, sir, the public journals tell us that a multitude of candidates were brought forward, and prepared to fill each and all of the stations. Mr. President, I think that, by this time, the Senator from Kentucky must be willing to admit that the office-seekers are not all on the side of the Administration, and that every opposition to every administration is filled with them. They are ten times more numerous than the office-holders; and they are generally more than a match at elections for the incumbents of public place. These two classes are antagonist interests, and may be relied on to counteract the improper efforts and practices of each other. Between them, the mass of an aspiring people, the public liberty and rights, are in very little danger from either.

The remedy for the evils which I have shown not to be very great, and susceptible of counteraction without the aid of penal laws, is very partially provided in the bill of the honorable Senator. "To the end," says the bill, "that the great powers given to the officers of the Federal Government, and other persons employed in its service, may not be used for the influencing of elections, which ought to be free and incorrupt," marshals, postmasters, land officers, public engineers, custom-house officers, and others connected with these branches of the public service, are

prohibited from persuading or dissuading any elector to give his vote at any election, State or Federal. They are prohibited from intermeddling or attempting to influence any of these elections; and for a violation of this enactment, the offending officer is subjected to a fine of \$500, and disabled from ever after bearing or executing any office or place of trust whatever under the United States. For the better encouragement of political informers, one half of the fine is to be paid as a reward for the discoveries and disclosures of that honorable description of spies upon the words and actions of their fellow-citizens. Shocking, sir, as this bill is to all my republican notions, of the equal rights of all classes of the American people, there is one thing about it which still more palpably indicates its avowed British origin. With regard to the Secretaries of Departments, the Attorney General, the district attorneys, the publishers of the laws, to say nothing of the members of this House and the other, the very public men who possess the greatest powers, and can exercise the most effective influence over the elections, State and Federal, are exempted from the operation, prohibitions, and penalties of this bill. Our elections may be neither free nor incorrupt from their influence, their persuasions or dissuasions, whether they be sent forth from these Halls in partisan speeches, or directed and brought to bear upon the people from the hundred batteries of the official press throughout the States. Precisely similar was the British statute from which this is taken. The Ministers of State, the Lords and Commons, the law officers of the Crown, might exert all their powers of influence at elections. They might, through their friends, spend thousands, and tens of thousands, to influence and control elections. No fine, no penalty, no disability, could be imposed upon them. They were too high to be reached even by the legislation of an omnipotent British Parliament. These invidious distinctions between the high and the humble, the exemption of the aristocratic few, and the punishment of the mass, who hold and enjoy office and place, may have well comported with the spirit of the British Government, but would not be tolerated in this country, if it were possible to suppose that this bill could ever become a law of the land. Our marshals, postmasters, and collectors, are equal in intelligence, and, I trust, in spirit, too, to those who occupy the highest stations of this Government. And, sir, they will be more wanting in manly feeling, less faithful to themselves than I think they are if they do not bear in perpetual remembrance the authors and supporters of this bill. They will, I trust, "nobly act what they nobly think."

But, sir, you have no power to pass the bill. No part of the Federal Constitution confers upon you any authority to interfere, directly or indirectly, with the elective franchise in the States. You have no right to prescribe the qualifications or conditions upon which any man may vote, either for President or Vice President, either for a member of Congress or a member of a State Legislature. It belongs to the States alone to prescribe the qualifications of voters. The Federal Constitution declares that the House of Representatives of the United States shall be chosen by the electors in each State qualified as electors of the most numerous branch of the State Legislature; that the Senate shall be chosen by the Legislatures of the several States; that the President and Vice President shall be chosen by electors appointed in each State, as its Legislature may direct; and that each House shall be the judge of the elections, returns, and qualifications, not of the voters, but of its own members. Congress is carefully excluded from all legislation as to the qualifications of electors of both the legislative and executive branches of the Federal Government. Congress can abridge neither the freedom of speech nor of the press. Your officers, in accepting appointments, do not cease to be citizens; they surrender none of their freedom of speech; they can be restrained only by that sense of propriety and decorum which every gentleman ought to feel, especially when both his own respectability and the character of his Government may be affected by his conduct. A law of Congress, prohibiting a public officer from debating political

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questions with his fellow-citizens, punishing him with fines and eternal disabilities for persuading or dissuading them in regard to their votes at elections, would far transcend the seditious law in the enormity of its transgression of the constitutional rights and liberties of the people. The seditious law simply provided for the punishment of slander and seditious publications. This bill enacts the punishment of innocent and laudable opinions expressed by the citizen, if he happens to be a public officer. Sir, no honorable man would accept appointment if this bill should become a law. No man of character, no freeman possessed of the spirit of "the noblest work of God" would deign to serve you in a public capacity with the terrors of this shocking bill of pains and penalties hanging over him. Your offices would fall into ignoble, degraded, and worthless hands. The man who would consent to serve you at the sacrifice of the most precious of his natural and constitutional rights, would merit the scorn and contempt of his fellow-citizens; they would shun and despise him;

"And put in every honest hand a whip,  
To lash the rascal naked through the world."

Sir, that merit, those qualities and talents, which entitle the citizen to confidence and public station, are by this bill menaced with proscription and disability, if their possessor shall dare to exercise the liberty of speech common to the humblest and most elevated member of society, and secured to all by a special provision in the Federal Constitution. A brand, sir, is fixed upon merit and ability. This bill divests several classes of public officers of all right to use the least freedom of speech in relation to great questions in which their own interests are as deeply involved as those of any of their fellow-citizens. Your postmasters and marshals, your collectors and land officers, are degraded, insulted, and menaced with the loss of caste in society. Sir, whence do you derive your power to invade the exclusive prerogative of the States, under the pretext of protecting the purity of their elections? Have they demanded your interposition? Have they failed in their duty to themselves? And if they had desired your interference; if they had omitted to protect the purity of the elective franchise, they would have no right to call upon you for the exercise of the extraordinary powers assumed in this bill, except through the medium of an amendment to the Constitution. Are you wiser, more virtuous, more pure, than your predecessors for fifty years past? Are you more enlightened? Have you a higher sense of virtue and patriotism than the illustrious framers of the Federal Charter, under which you occupy stations in this dignified assembly? Sir, we seem like children wanting some amusement for the occupation of our time and minds; and, in the absence of other employment, we have turned upon the parent States, to whom we owe our existence, the very breath of our lives in this body, to tear from them their peculiar, exclusive, and sacred guardianship over the elective franchise, the liberty of speech, and of the press.

But the Senator from Kentucky seems to justify the bill, on the ground that a distinction exists between the public officers and the citizens, and that the citizen possesses rights which ought not to belong to the officer. Sir, this argument is not only a fallacy, but is based upon an assumption not founded in fact. In accepting office, no man ceases to be a citizen. The possession of office neither weakens his intellectual faculties, his ability to discharge his social and political duties, nor does it take from him his equal rights and liberties as a citizen, under the constitution. Sir, under the pretense of preserving the purity of elections, this bill is a palpable attack upon the freedom of sentiment and opinion. Does the Constitution, in broadly and unqualifiedly prohibiting Congress from abridging the freedom of speech or of the press, confer upon Congress a power to punish twenty or thirty thousand of your most intelligent and honorable fellow-citizens for the exercise of that freedom? Does it give you any authority to send your informers into the domestic sanctuary, there to discover and report, for proscription and punishment, what a postmaster or collector may say to persuade or dissuade his neighbor or his son, with regard to his vote at a pending election?

The honorable Senator from Kentucky complains of the asperity and vindictiveness of the report of the Judiciary Committee on this bill, and thinks it extraordinary that it should be treated as a measure of Oriental despotism. He represents the bill as a very innocent and harmless affair, only prohibiting your public officers from persuading or dissuading their fellow-citizens in relation to their votes at elections, and rendering them answerable to the courts of justice for the commission of the offense of speaking on politics, so terrible to all good Whig patriots, and yet so common to all men, and to all parties, in this nation! Sir, the measure is the very essence of despotism over individual opinion, and is the worse for the reason that it inflicts a disgraceful punishment upon one class of citizens, for doing what all have a right to do, under the constitutions of the States and of the United States. For the expression of a judgment in favor of one candidate or against another, at an election, one description of public officers is fined and rendered forever incapable of holding any office, while others may say what they please, may persuade or dissuade any of their fellow-citizens with entire impunity, at all elections, and at all times.

But you, Mr. President, it seems, are restrained from voting in this body, except in the case of an equal division of its members; and, therefore, some of your rights have been taken from you; and, therefore, those of other public officers may be annihilated! Sir, is it possible that human ingenuity could so have tortured itself as to discover any analogy between your case and this bill? Does the Constitution make you a Senator? Does it confer upon you a right to mingle in debate, to speak and vote, in common with Senators? As well might the honorable Senator have illustrated his principle by alluding to the exclusion of the crowds who daily throng these galleries from the right of debating and voting in this Hall. No, sir; what you do here, what you are prohibited from doing here, flows from the Constitution of the land. But are you restrained, as this bill restrains other public officers, from freely discussing any election, from persuading or dissuading your fellow-citizens in your dwelling, upon the hustings at the polls? Is there one word in the Constitution, is there a word to be found in the law of nature or the law of God to punish any citizen, whether an officer or a private individual, for uttering his opinions of candidates selected to represent the interests of all, his own, as well as those of his country?

But collectors cannot be merchants; receivers cannot purchase public lands; marshals cannot buy property sold by them under execution. This, says the honorable Senator, proves that you may put restraints upon your public officers. Now, sir, if this were the fact, these restraints would have altogether a pecuniary character, and they would be designed to secure the fair and impartial execution of the official duties of the officer. They would not affect his opinions, his free soul, his right to speak, to utter his thoughts, to commune with his fellow-citizens. The collector could still purchase goods for himself and his family; the receiver could buy lands from his neighbor; the marshal could purchase property anywhere but at the sales where he officiates as the ministerial officer of justice.

But if these officers do not like the penalties of this bill, let them resign! Sir, this argument of the Senator reminds me of a similar observation made in the British House of Commons. Jack Fuller, alluding to the complaints made by the people against the measures of Parliament and the Ministry, exclaimed, in debate, without as much patriotism as piety, "Those who don't like England, damn them, let them leave it!" Sir, I beg pardon; it is not my oath—I never swear. The honorable Senator is equally patriotic. He tells the public officer whose feelings are outraged, whose spirit is attempted to be subdued and broken down by this bill, that if he does not like office upon these tyrannical and proscriptive terms, let him leave it! Yes, sir; let honest, high-minded, spirited men, who scorn your degrading penalties upon thought and speech, give up their offices, and let them be filled by the

base, the abandoned, the degraded outcasts of society. Let your bill drive the independent and honorable citizen from public station, and bring in the starving slave, who would sell his liberty of speech and his soul for the crumbs which fall from the public Treasury.

I cannot follow the honorable Senator through all his inappropriate and fanciful illustrations. Not one of them appeared to me to be applicable to the bill before the Senate. But, sir, he spoke of the Jacobinical doctrines of the report of my able friend from New Jersey. This, Mr. President, was an unfortunate epithet. I, sir, am not very old; but I am old enough to remember the language applied by the supporters of the alien and seditious laws to Mr. Jefferson and the other friends of liberty, who nobly resisted those tributary measures which distinguished that darkest period of our political history. They were denounced a levelers, anarchists, and Jacobins. My honorable friend from New Jersey may well feel proud of the same sort of denunciation from congenial sources. The bill before us is of a kindred nature with the seditious law. The report against it will descend to posterity with no Jacobinical taint upon it. It is a sound, able, Republican vindication of the equal political rights of the American people, whether they be in the walks of private life, or clothed with the honors of public office.

But, says the honorable Senator from Kentucky, the bill does not prohibit the public officer from voting. It does worse, sir. It requires him, if he votes at all, to creep to the polls like a guilty culprit, deposit his vote in the ballot-box, and return home, silent as the grave. He must not commune with his fellow-citizens. He must not assign to him his reasons for voting. He must truly act the part of a "mute," and not dare to open his lips to his friend or neighbor, lest he may be suspected of persuading or dissuading him. He must shrink from the manly bearing which nature and nature's God have stamped upon him, or suffer the pains and penalties, the fines and disabilities of this precious Whig bill. Sir, the Senator from Kentucky might as well have perfected the copy of his British model, by a clause forbidding the public officer to vote.

If, Mr. President, this interference of public officers in elections be so pernicious, so odious, in the eyes of gentlemen, how does it happen that Kentucky has passed no law to punish the executive officers of that State for persuading or dissuading others with regard to their votes? Why is it that no State in the Union has done so? The obsolete statute of New Jersey, cited by the honorable Senator, applies only to the candidates at elections. It does not apply to the officers generally of the State. It is well that it does not. If I comprehend the history of the late election in New Jersey, some of the officers, whose very fate depended on the result, not only intermeddled in the elections, but suppressed the votes of townships, in order to change that result from what it would have been, if the law, the duty of these officers, and common fairness and decency had been observed.

The honorable Senator from Virginia [Mr. Rives] the other day brought up his columns to the support of his friend from Kentucky. He performed various evolutions, moved down upon the positions of the Senator from New Jersey with all the force which he could bring to bear upon them, and closed his operations by an abandonment of the ground occupied by his ally! The resolutions of the Senator were a sorry stratagem to extricate his new political associates from the difficulty in which the bill had placed them. I trust, sir, that this Senate will not allow them to avail themselves of that stratagem, but will require them to stand or fall upon their own chosen ground.

The Senator considers this subject to be one of great importance to the liberties and destiny of this country. In his imagination, the report of my friend from New Jersey, is evidence that the madness of party is conducting us to the precipice of a despotism equal to that of the Stuarts in England, or the purpled tyrants of imperial Rome. He looks upon the report as a creed and doctrine fatal to public liberty; and his fancy already bodies forth some American Caesar, clothed

in imperial robes, crowned with the glittering diadem of royalty, and trampling down the freedom of the nation. Sir, language of this kind, on an occasion affording so little pretext for it, indicates a feverish state of feeling, which has driven the judgment of the honorable Senator from its moorings, but which may readily be explained by the peculiar circumstances in which he has been placed by a change of political position.

I concur with him in the importance of this proposition. It does, sir, strike at the liberties of a large portion of your most enlightened and most honored citizens. It does demonstrate the madness of party. It does prove that even in this sacred Hall, consecrated to equal and just legislation, an odious despotism over the right to speak and to act can be entertained. It does exhibit a disposition here to imitate the invidious and despotic legislation of the British Parliament. But, sir, I trust that a majority of this body will always be found prepared to resist all such propositions, and that they will permit no demagogue to drag the Senate into such palpable infractions of the Constitution. The honorable Senator complains that the report not only justifies the officers of Government in the exercise of the common right which belongs to every citizen, but incites them to intermeddle in elections. Sir, the report properly incites them to assert and vindicate their equal rights, attempted to be violated by this bill; and they would be unworthy of the character of American citizens, if they did not maintain those rights with manly firmness.

The Senator professes to be uninformed of the extent to which modern Democracy admits of an infusion of Federalism into it. My friend from New Jersey is quite able to defend himself from these insinuations. But I will tell the honorable Senator that his Democracy, his Republicanism, appears to have received a sufficient infusion of Conservatism to spoil its former purity; that, indeed, it has been merged in the modern Federalism with which the Conservatism of associated wealth so naturally amalgamates.

Sir, the honorable Senator alleges that the bill before you is of little importance; that the report upon it presents the true issue to the Senate. I do not wonder that gentlemen are anxious to divert public attention from this bill of pains and penalties. It cannot bear the touchstone of public sentiment; but no artifice can be permitted to change the issue from the bill to the report. The bill, sir, is the thing upon which the Senate has to give its vote, and the people to pronounce their judgment. The report will take care of itself. It is but a fair, forcible, and triumphant commentary on the bill, and will prove an extinguisher to it.

The Senator declares that the language of the report, inciting the people to a resistance of the provisions of this bill, is rank radicalism. Sir, radicalism has always been charged upon all oppositions to tyranny, to bank monopolies, and to all other aristocratic tendencies; and if hostility, if resistance, to this unjust and arbitrary bill, be radicalism, the whole mass of the people will, I trust, entitle themselves to the name of radicals.

The honorable Senator has imbibed, from his new position, fresh terrors of Executive patronage and of the Executive veto. He tells us that no King of England, for one hundred years, has dared to veto an act of Parliament; that if he had done so, a storm of public indignation would have swept him from his throne. It is easy, sir, to understand the present drift of the honorable Senator. That gentleman sustained General Jackson in his administration throughout. He has frequently, since he left his friend, called into requisition the example and authority of that illustrious patriot against the measures proposed on this side of the Senate. He supported the resolution expunging a previous vote of the Senate against General Jackson. No whisper of disapprobation was breathed by him in this Senate in relation to the Executive veto upon the bank and distribution bills.

Sir, the Senator has gained new light from new associations; and, after the alleged mischief has been done by the exercise of the executive veto; after he has participated in sustaining that veto, the honorable gentleman is now exerting him-

self to raise that storm of public indignation, which, he hopes, will sweep the Republican party, with whom he once professed it to be his pride to act, from their ascendancy in the councils of the nation. Sir, I regret to say, that our political history has furnished too many examples for the imitation of the Senator. He has too easily yielded to them. But I will tell him, for his consolation, that few Republican leaders who have gone over to the enemy have survived their desertion with reputation; few have acquired the honors, fewer still the confidence, of the Republican party of the country. Unless he retrace his steps, the Senator will have to look elsewhere for confidence; he will have to rely upon other suffrages for the gratification of his ambition.

The Senator, if I understood him, committed a great mistake in his speech of Tuesday. He seemed to suppose that the Virginia and Kentucky resolutions were mainly directed against the increase of executive patronage. Sir, they were mainly intended to check the assumption of legislative power, in derogation of the rights of the States, by the Congress of the United States. The increase of executive patronage was condemned as the inevitable result of that unconstitutional legislation. The honorable Senator, I fear, is a worse interpreter of the Virginia and Kentucky resolutions than my friend from New Jersey, with all the imputed infusion of ancient Federalism into his Democracy. He is now fighting the battles of republican liberty. The Senator has gone over to Philip and his Macedonian phalanx.

Mr. President, I protest against the effort of the Senator to identify the cause of banks and bank monopolies with the State governments. It is true, that the States have been by degrees entrapped into excesses upon this subject. They have been caught in the toils of associated wealth. But many of them have seen their error, and are retracing their steps. The free banking system, either by its success or its failure, will, I hope, extricate State legislation from the pernicious influence which has been too long exercised over it by the banking power.

But the Senator asks, do not the State laws prohibit State officers from holding Federal appointments? Does not the Federal Constitution prohibit certain officers from being elected to seats in this or the other branch of Congress? And are not these disqualifications? Sir, I am surprised that an argument so inapplicable to the enactments of this bill should have been advanced by any Senator on this floor. The Federal Constitution, the State laws, do prohibit, as they ought to prohibit, the same individual from holding incompatible offices. They do not punish him for speaking or acting at elections.

The honorable Senator from Virginia charges a high officer of the Government with the avowal of the principle that, in making appointments, he selects his political friends alone. No Administration could be successfully conducted without a general adherence to this principle. He accuses another high officer of interfering in an election in South Carolina. Sir, what are the facts? I am informed that the friends of a candidate for Congress in that State [Mr. LEGARE] attempted to influence votes in his favor by representing the Secretary of War to be his friend. A gentleman addressed a letter to the Secretary on the subject, and inquired whether the candidate in question was a supporter of the Administration? The answer was, that Mr. Poinsett did not regard him as such. Now, sir, while the name of the Secretary could be clandestinely used on the side of the Conservative candidate, it was all right and proper; but the moment that the Secretary of War was forced into the declaration that he did not regard the gentleman as a friend of the Administration, then the honorable Senator sees in the conduct of that high officer an interference in elections dangerous to public liberty!

The honorable Senator from Virginia has renounced the principles of Democracy. He said, in his speech last evening, that he was not a Democratic Republican; that he did not belong to the Democracy of the country. Sir, I thank him for making the avowal. He has thrown off the mask; he is not of the people; he is against being gov-

erned by the people. We shall now understand him; he has changed sides; he has appropriately placed himself in the society of those gentlemen so far advanced in life that they disclaim the *knavery of Democracy*. The Senator declares that Democratic Republicanism does not belong to the soil of Virginia. Sir, I think I have a right to pronounce the allegation a libel upon her character. Democratic principles, the binding authority of the people, the doctrine of the equal and inalienable rights of the people, subsist nowhere in greater force than in Virginia. Sir, the Senator has retrograded behind the spirit and principles of the age. Democracy, radical Democracy, as near an approach as possible to the enforcement of the popular will, is the spreading light of the times. It is a principle dear to every true Republican.

Sir, permit me, in the language of a late eloquent writer, to say to the Senator that this principle "lies at the foundation of all our institutions." The party must become truly Democratic. "It must go for the whole people; against all monopolies; against all exclusive privileges; against all aristocratic measures; in favor of mild and equal laws; in favor of equal rights, of education, literature, arts, and philosophy. It must plant itself upon the essential equality of man; upon the fact that there is something divine in every man. It must be ever on the side of freedom; sympathize with the oppressed, with all who are struggling for their rights. It must be high toned and moral; confiding in the people, and still more in the immortal vigor of truth and justice." Sir, the man who renounces these principles may well declare that he does not belong to the Democracy of the country. "Parties, merely as parties," says the same profound writer, "are nothing to the masses. Individuals, as individuals, are nothing to them. A Clay, a Webster, a Van Buren, a Calhoun, are nothing to them, any further than they are impersonations of great principles. Show them that this or that man embodies in himself the cause of millions; that in raising him to office the cause of the million is secured, and then, as the representative of that cause, does he become of importance." And let me add, sir, in the prophetic spirit of the same author, that if the present Chief Magistrate "fail in his Administration, it will be because he may fail to identify himself with the popular cause. Let him be really and truly the representative of that cause, and no power on earth can prevent his reelection." The party, sir, can spare the man who disavows the principles of Democracy, as here delineated.

The honorable Senator has frequently expressed his admiration of Edmund Burke. He is not only his admirer, but his imitator. He proudly disdains to answer certain Senators on this floor. Who gave him a right to place himself above any gentleman sent here by a sovereign State? Such an assumption of disdain of his equals, on an occasion of deserting his friends, and disavowing what they supposed to be his Democratic principles, illustrates the temper and political character of the Senator, who has closely followed his great model in these respects. Upon Burke's defection from the English Whigs, Cooke remarks that,

"Although a Whig from political connection, from a concurrence of views upon certain great questions, and from a disapproval of the Tories, he was, nevertheless, never in his heart a friend to popular Government. With the most extended views of philanthropy, he hated the people. His philosophic mind shrank from a contact with the vulgar. To him nothing was so disgusting. He would labor for the advantage of the crowd, but he must be allowed to dispense his blessings from above. So genuine an aristocrat in heart was with great difficulty kept within the pale of Democracy."

Gentlemen may run out the parallel.

The honorable Senator passes a glowing eulogy upon England and English institutions, and declares that we have derived from that glorious country, and her magna charta and bills of rights, all that is valuable in our institutions. Sir, when I heard this extravagant encomium pronounced upon the British institutions and the British Government, I was prepared to expect any change on his part. I could not be surprised at his renunciation last night of the principles of Democracy. That I may not be accused of misapprehending the Senator on this subject, I beg leave to read

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the version of his remarks given by his friend in the Baltimore Patriot. Baltimore Opposition journals have, of late, become good authority with the honorable Senator. The reporter says:

"Mr. Wall, with the genuine spirit of a demagogue, had sneered at the legislation of England affording a precedent for this bill, and said, 'such a plant may be indigenous in such a soil.' Mr. Rives noticed this remark, and repelled the sneer and the argument in one of the most glowing, impassioned, and effective passages I ever listened to. 'What soil,' he exclaimed, 'the English soil, the Anglo-Saxon soil? In what soil would we expect to find such a plant indigenous? In what soil has the tree of liberty flourished more than in England? Is it not the land of our glorious ancestors, whence they brought the most valued principles of our Constitution, their love of liberty, and hatred of tyranny and defiance of oppressors, and, above all, that sturdy spirit, which, if now revived, would be the salvation of our present institutions? Whence did your fathers imbibe the principles of the Declaration of Independence, of our bills of rights, and of the great charter of our liberties? Whence but from England? Is that land to be thus dishonored?'"

Sir, the honorable Senator from South Carolina [Mr. PRESTON] was even more extravagant than this in his rapturous plaudits upon the British constitution. He distinctly intimated that liberty was not a native of our soil. We brought it with us from England. It was written in our hearts by our illustrious Anglo-Saxon ancestors. Their institutions, says the honorable Senator, constitute the most magnificent fabric of liberty ever erected under the wide circle of the sun. This oriental language of admiration is not original with the Senator. It was uttered fifty years ago by the father of ultra-Federalism. In his treatise upon the American constitutions, he pronounced the British constitution to be "the most stupendous fabric of human invention." These gentlemen are taking us back to the days of Adams and Hamilton, when admiration of Great Britain was the predominant feeling of their party. They disparage our people and our institutions. We are not indebted to England for our liberty. That tree is indigenous to every soil. It springs up spontaneously in the heart of every man. Liberty is the gift of God to every human being. We are indebted to ourselves, and to our own intrepid revolutionary ancestors, for the freedom we enjoy, and the Democratic institutions which secure that liberty. The sword won those glorious trophies against all the valor and all the insolence of British mercenaries, British tyranny, and British oppression.

Sir, the author of the "History of Party in England" has this passage in reference to the coalition between Mr. Fox and Lord North. I recommend it to the attention of the honorable Senator from Virginia.

"The occurrence of this coalition [says Cooke] is greatly to be deplored, as an example to men who, without any of the power, may nevertheless feel inclined to imitate the errors of Fox. It is to be deplored as a blot upon the character of a great man, as a precedent which strikes at the foundation of political morality, and as a weapon in the hand of those who would destroy all confidence in the honesty of public men."

Mr. President, let me console the honorable Senator in his new position, which he has sufficiently defined to render it quite intelligible, with a quotation from the defense made for himself by Mr. Fox:

"If [said that statesman] men of honor can meet on points of general national concern, I see no reason for calling such a meeting an unnatural junction. It is neither wise nor noble to keep up animosities forever. It is neither just nor condid to keep up animosity when the cause of it is no more. It is not my nature to bear malice, or to live in ill-will. My friendships are perpetual; my enmities are not."

The honorable Senator has sufficiently demonstrated that his enmities are not perpetual. Whether his friendships are so, I leave to the decision of those who have so long and so painfully listened to his denunciations of the measures of his former party friends, witnessed his gradual change of principle in important respects, and seen his adoption of the very language of the Opposition in relation to the exercise of the Executive veto by President Jackson.

Sir, the animation and perseverance of the Senator in his hostility to his early friends are worthy of a better cause. The Senator from New York, two days ago, called up his bill to protect the public moneys in the hands of receiving and disbursing officers. In the face of the prophetic declaration of the Senator from Pennsylvania, assented to by the Senator from Massachusetts,

that another bank explosion must soon take place, the gentleman, quick as thought, rose in his place, and offered a substitute to the bill, requiring the public money to be deposited in banks. The second failure of the Mobile Branch Bank, with more than half a million of the funds of the Government in its custody, is disregarded by the Senator, and he seems determined again to place us at the mercy of banks.

The Senator tells us that he has not changed his principles, nor deserted his party. They have abandoned their principles. He stands where he has always stood. Sir, how often have you and I heard excuses of this sort urged in justification of apostasy? Why, sir, the Senator has become the leader of the party on the other side of the Senate. He has put himself into the front ranks of the Opposition. He is their child and their champion. But he denies that he has entered into any coalition with them. I know not that he has made written stipulations with them, but we must judge the tree by its fruit; his bears that only which is palatable to them.

The Senator from South Carolina [Mr. PRESTON] alleges that the principle of this bill is "to prevent the interference of certain Federal officers in elections," and that the report of the committee ought to have recommended a bill to enforce that principle. Sir, all this sophistry to blind the people to the real character of the bill can be of no avail. The principle of the bill is to deter certain public officers from speaking, writing, or publishing their sentiments on any subject having a bearing upon elections, under the penalty of \$500 fine, and perpetual disability to hold any place or station under this Government. The character of the bill is that of an invidious, odious, unconstitutional prohibition of thousands of the freemen of this nation from the exercise of those rights which belong to all our citizens. The bill is a direct attack upon the free and independent exercise of the elective franchise.

The Senator repeats a trite remark, that the young man who is not a Democrat is a fool, and that the old man who is a Democrat is a knave. Well, sir, the honorable Senator is neither young nor old. What, then, is he in politics? I should like to hear him define his position.

Sir, the Senator from Kentucky closed his remarks by an appeal to the patriotism and pride of this body. He implored us to sanction this bill, that it might stand among the recorded honors of the Senate, as a monument to its wisdom and virtue, in all time to come. He desired that this Hall might become the honored place where this great sacrifice should be made. Mr. President, this Senate is composed of the ambassadors of the several States, specially sent here as the guardians of their reserved rights and sovereignty. If they were to sanction this bill, they would be faithless to their trust; they would authorize the infraction of the exclusive powers of the States, the liberties of the people, and the independence of the citizen. They would, indeed, render this Hall the dishonored place, where that monstrous sacrifice would be made. And the extinction of individual freedom, the obliteration of the traces of State sovereignty, and the humiliation of the character of this Senate, would constitute a monument of its contempt for the Constitution of its country, and of its degrading subserviency to the domineering will of a party minority, in all ages to come.

## INTERFERENCE IN ELECTIONS.

SPEECH OF HON. W. H. ROANE,  
OF VIRGINIA,

IN THE SENATE, February 15, 1839,

On the bill to prevent the interference of certain Federal officers with elections.

Mr. ROANE said:

Mr. PRESIDENT: I desire to address the Senate this evening. I have purposely left my own seat, come round to this side of the Chamber, and occupied the vacant chair of the Senator from Mississippi, [Mr. WALKER,] now absent, in order to be near my friend from Michigan, [Mr. NORVELL,] whom I wished to persuade to yield to me his just title to the floor. He had, on one or two previ-

ous occasions, yielded it to others; and but for peculiar circumstances, I would not have now appealed to his liberality. I most sincerely thank him for generously yielding to the peculiar considerations I have presented to him. I am aware, sir, that at this late hour of the evening—[Here propositions were made to adjourn, if Mr. ROANE desired it.] He said no; he hoped that the Senate would not adjourn, but would permit him to proceed this evening. Yes, sir, this 15th day of February, of all the days in the year, is that on which I desire to be heard. This day emancipates me from those considerations of delicacy which, for some time past, have restrained me from saying what I now consider myself free to say, however painful it may be to say it.

Mr. President, a stern sense of that duty which I owe to myself, to those who sent me here, and to those with whom I am here associated in political feelings and principles so congenial to my own, will not permit me longer to maintain that silence which, at all times, I so anxiously desire to observe in this august assembly. My situation here has been, for a long time past, one of pain and delicacy: of pain, because, on the great momentous questions of national policy which have been agitated in this Chamber from the first moment I took my seat in it, I have been constrained, by every dictate of my judgment, every feeling of my heart, and every consideration of patriotism to differ totally from my colleague, with whom I had so fondly and sanguinely, and, I think, justly expected to cooperate on all national, political, and party questions. Finding, to my pain and sorrow, that such cooperation has not existed, I have heretofore, for reasons which will be obvious to the Senate, to the country, and to my colleague, contented myself with giving a silent vote. Those reasons no longer exist. That delicacy, growing out of the peculiar relation which my colleague has for some time past borne towards our mutual constituents, has been this day removed by the action of the General Assembly of Virginia; and I feel that malignity itself cannot now charge me with an effort to intermeddle in that relation.

Besides, sir, my colleague has but very recently fully "defined his position." The course which he has recently hastened to take, the time which he has selected, and the zeal, to say nothing of the temper, which he has manifested in defining his position, would render a longer silence on my part obnoxious to the suspicion that I assented to his views, or was incompetent or afraid to utter a dissent. Sir, I differ from him as wide as the poles; and, in expressing that dissent, I take leave, in his own strong language, to say that I too am an "unterrified Senator of the unterrified Commonwealth of Virginia;" and mean this evening, with the blessing of God, to "define my position" in characters which "he that runs may read." There shall be no doubt about it; no equivocation, no mental reservation, no non-committalism, shall, with my consent, obscure it. I define it, sir, not because I believe that a human being who knows me well can doubt it, but because those who never knew me, and those who are to come after me, when adverting to this memorable chapter in our national history, in which it has been my destiny to bear a part, might, peradventure, draw improper inferences from my total silence. I do not object, sir, to the time my colleague has selected to define his position. The General Assembly of Virginia, my immediate constituents, and whose servant I am, are now in session, and watching with a scrutinizing eye our deliberations in this Chamber. To that Legislature—to a Whig Legislature, as it has been reputed to be—I boldly define my position.

In these days, when novelty and change are all the rage, I can have no hope that the definition I shall give can carry with it the pleasure which that given by my colleague will convey to those for whom it was intended. Of this I am certain, that it will lack one of the best ingredients of every pleasure—surprise. I dare say that my position will be found to be the same plain, old-fashioned, and, I would fain believe, straightforward one which I have held from the first moment that I entered into the service of the people. I have no highland fling to throw off, no ground and lofty tumbling with which to amuse, and no brilliant

somersault with which to delight and astonish any person. Mr. President, if I should speak less of the bill which is the immediate subject of deliberation for the Senate, than of other matters, I find my apology and excuse in the many examples which have been set me in this Chamber, and in the comity invariably extended by the Senate to its members. With this introduction, and with a view that I should not seem to have been inattentive to the important, the vital bill now on your table, I beg leave to make a few remarks in regard to it.

Sir, I agree with my colleague in regard to that bill, only so far as he represents it to be one of great and of pervading importance. None could be more so. I might well leave the report of the Committee on the Judiciary, which has, in a masterly manner, exposed the dangers of this bill, to the luminous speech of its author, the honorable Senator from New Jersey, [Mr. WALL,] in defense of its positions; and the bill itself, and the arguments in its favor, to the masterly, and, in my opinion, unanswerable speech of the honorable Senator from Pennsylvania, [Mr. BUCHANAN.] Anything from me now would be but a vain attempt to "add a perfume to the violet." But, sir, I differ so totally and entirely from my colleague on this question, that I cannot, and will not forbear to notice some of his points. And, sir, first and foremost, I beg leave to say that I utterly differ from him in the doctrine he urges in defense of this bill, and has often pressed on other occasions—of the "duty of the Government to take care of the people." Sir, I repudiate and utterly deny any such doctrine. It is at war with the genius of our institutions; it is at war with the spirit of the Constitution; it is at war with all my observation and understanding of the practical operation of our Government, from the year 1789 to the present moment. It was the intention of those who framed it, to make this, as near as possible, a Government of the people, identified with them, and finding its only support in their virtue, affections, intelligence, and wisdom. The doctrine, sir, that it is the duty of the Government to take care of the people, is a doctrine much better suited to that country which has a "king that can do no wrong," and a Legislature that is "omnipotent," than to this country, where all the power of the Government is granted by the people; and that power not specifically granted, is specially reserved to them. Sir, England has been glorified in this Chamber, and held up as the fountain of our liberty, and the proper model for our imitation. I will, by-and-by, touch upon that view taken by my colleague; for the present I will only remark on this one great essential difference between the liberty of the people of England and this country. It is this: That all the liberty which the people of England enjoy is by grants forced and extorted from their Government; whilst all the power possessed by the Government of America has been cautiously and sparingly granted by the people, who retained to themselves all that is not plainly and clearly granted. Sir, I acknowledge not this doctrine of the "duty of Government to take care of the people." There is no knowing the dangers and excesses to which it might not lead. I adopt, as my creed, precisely the reverse of such a doctrine, and say that it is the duty of the people to take care of their Government. The Government belongs to them, and not they to the Government. So much, sir, hastily, for this point.

Sir, what is the bill on your table? It proposes to make it highly penal for certain persons holding offices under the General Government to give their opinion, except by a vote at the polls, about any public election whatever, whether for the General or State governments! And this bill is advocated by my colleague! Sir, I do most cordially agree with my honorable friend from Pennsylvania [Mr. BUCHANAN] when he calls it a gag law, and pronounces it to be worse than the "sedition law." That law went to abridge the freedom of the press, and permitted the truth to be given in evidence; and this goes directly and openly "to abridge the freedom and liberty of speech," which is so sacredly guarded by the Constitution. "None of these enumerated office-holders," says the bill, "shall persuade or dissuade any elector to give, or not to give, a vote!" Persuade,

sir, means to advise; and advice is most frequently the mere expression of opinion. And, sir, we are told that one hundred thousand freemen of America are to be put under the ban of this odious law, and subjected to the surveillance of the million of base informers, who, by it, are to be rewarded with money for eavesdropping, and distorting and reporting the generous impulses of the freemen of your States, to whom alone is left the power to legislate on the great right of suffrage. There is not a State in this Union that has not legislated on it; that has not passed laws to protect its freedom, and to punish its abuse.

But, sir, why is it that this bill has not embraced all the officers of the General Government? Why has it omitted the highest, who, from their station, their talent, and frequently their wealth, might be supposed to have influence on their countrymen? It has assailed those who, its advocates say, owe their bread to the Government. Yes, sir, we have heard a great deal about custom-house officers, about weighers and gaugers and tidewaiters, as if their "persuasion" or "dissuasion" was to control the destinies of elections. Sir, when we see men filling the second most elevated station in the world interfering in elections—nay, sir, endeavoring to promote their own to the very highest station, it is mockery, indeed, to pass a law to muzzle, to gag, and silence weighers, gaugers, tidewaiters, and quill-drivers! And at last, sir, what is, or has ever been, the power and influence of these "legions," these "Pretorian bands," as my colleague calls them? In the cities, where Government officers are most numerous, the Administration has been defeated. Look to New York, Boston, Philadelphia, Baltimore and Richmond. Indeed, sir, look throughout every village even, where "two or three are gathered together" in commerce, and you will see how impotent are all your public officers against the all-corrupting power and influence of money; and yet, sir, we cannot prevail upon these gentlemen, who are willing to abridge the freedom of speech of these poor impotent public officers, to aid us in any effort to rescue the Government and the people of this country from the foul and cruel dominion of associated wealth—of monopolies, of banks. But what does the experience of bygone times say about the dangerous and omnipotent influences of these public officers—these train-bands, these cohorts, and such names, with which they are designated? Surely no one will say that it was by their mighty influence that Washington, Jefferson, Madison, and Monroe were kept in office for eight years! And how was it, sir, that the elder and the junior Adams each went by the board, and were merged, and drowned, and sunk forever in the ocean of popular indignation? Their "legions" of public officers were impotent to save them. All their patronage was of no avail.

But why, sir, should I be assailing this bill on these details, when it is to its principles I object? Why should I attack it on the facts I have stated, when, if they were all untrue and unfounded, I should be opposed to it. I am opposed to it, sir, because it is unconstitutional. I am opposed to it because the Congress of the United States have no right to pass any law "abridging the freedom of speech." Nay, I go further, and say they have no right to pass any law abridging the freedom of election, which great subject is left with the States; and it is of the very essence of that freedom, the "right of freely examining public characters and measures, and of free communication among the people thereon." But, sir, this truth is gotten over on the present occasion by a view which, as far as my memory serves me, was not presented by any of the sagacious and bold defenders of the "sedition law." That view is taken by my colleague. It is, that the office-holders are no portion of the people, embraced by the provisions of the Constitution, or whose rights are defended by the celebrated report of Mr. Madison! He informs the Senator from New Jersey [Mr. WALL,] that he does not understand that great work; that he has read it to but little advantage if he does not see that public officers are no portion of the people, contemplated in that unequal defense of constitutional right! I, sir, like my friend from New Jersey, have also read this glorious document, [holding Madison's Report in his hand]—this

little book, which I once heard John Randolph call his political BIBLE—to but little purpose, if one hundred thousand free citizens, (the number mentioned by my colleague,) who have rendered themselves respectable enough in their various callings of life to become public officers, are at that moment cut off from the great constitutional rights secured, without exception, to all the people! Officers of the Government not a portion of the people! The proposition is startling; it is, to me, monstrous! I hardly know how to refute it. But, sir, I turn to this sacred paper, the Constitution. You will there find that the word people is mentioned six times, and six times only. I will be as little tedious as possible; but let us look into it. The first time the word occurs is in the preamble: "We the PEOPLE," &c., "to secure the blessings of liberty to ourselves and posterity," &c. Now, sir, it is evident that no office-holders of the Government could be members of the convention that created it; yet, sir, if my colleague's doctrine is correct, that the office-holders are not a portion of the people, it would inevitably follow that those men who now hold offices under the General Government, who are the "POSTERITY" of the then people of the United States, are not entitled to the "blessings of liberty," which that charter intended to secure to "themselves and posterity."

The second occurrence of the word is in the second section of the first article: "Members, &c., shall be chosen every second year, by the PEOPLE of the several States, and the electors in each State," &c. Now, sir, in this place the people are mentioned without restriction; and such of them as are electors, by the State laws, are secured in all the qualifications granted by the laws of the State; and there is no law in any State that I know of—certainly not in Virginia—that deprives Federal officers of any of the rights of other electors.

The third instance occurs in the first amendment to the Constitution: "Congress shall make no law abridging the right of the people peaceably to assemble," &c. Now, sir, if the officers of the Federal Government are not a portion of the people, they lose this inestimable privilege.

The fourth occurrence of this word people in our charter is in the second amendment: "A well regulated militia, &c. The right of the people to bear arms shall not be questioned." Who does not perceive that, under this extraordinary doctrine advanced by my colleague, no public officer embraced in this bill can keep a firelock?

The fifth time this word people is written in the Constitution, is found in the fourth amendment: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be questioned." What security have the poor public officers against search and seizure, if this monstrous doctrine, that they form no portion of the people, is to prevail?

The sixth and last time in which the word people is to be found in the Constitution, is in the tenth amendment: "The powers not delegated to the United States, &c., are reserved to the States, respectively, or to the people."

I am sorry, Mr. President, to have been thus tedious. Who does not see, from this plain, simple reading of the Constitution, that an officer of this Government, who ought to feel at least that he is a freeman, is cut off from every right which this Constitution meant to secure to freemen, if this new and astounding doctrine be true? But, Mr. President, I must pass to other points, as I have much to say on other matters besides this bill.

My colleague says "he does not look upon the report against this bill as the work of an individual, but as a concerted system to sustain the Executive by THE PARTY!" Strange language this from that source. May I ask him what he means by "the party?" What party, sir, does my colleague speak of? It is too early for him to be talking with emphasis about "the party." Such language may evince his feeling towards the "Executive" he is so distressed to see receiving support, but I must be permitted to say that it can have no further effect. It is "ad captandam," and can only be intended to aid in breaking down this Administration. My colleague asks the

Senator from New Jersey, [Mr. WALL,] with a flourish, if "we are to understand that Democracy will bear an infusion of Federalism?" I answer yes. Yes, sir, true Democracy will bear an infusion of that Federalism which, when our country is warring with a foreign or a domestic foe, girds on its armor, and, sword in hand, goes forth to the battle-field to encounter its foes, instead of convening at Hartford, or anywhere else, to sell the country to the invading enemy. Good Democracy will bear an infusion of that Federalism which, in all times, will advocate and sustain the inalienable rights of man, the freedom of conscience, the freedom of the press, and of religion, and of speech. My Democracy will bear an infusion of all that; and if my colleague's will bear an infusion of the principles contained in the bill under discussion, I can only say that his is a very different Democracy from mine, or from any I had ever supposed him to possess. I consider this bill much worse than the memorable sedition law. That assailed the freedom of the press, and permitted the truth to be given in evidence. But, sir, this is a *gag law*; it is a direct violation of the Constitution, because it abridges the freedom of speech, and is demoralizing in its tendency, by creating a host of miserable spies and informers. My colleague objects to the able report of the committee, because, as he says, it intimates that such a law might be resisted, and asks who would resist a law passed with all the constitutional forms? I say to him, sir, that I would. I say to this Senate, and to the world, that I would not regard constitutional forms when the substance was wanting—the Constitution violated, and my liberty usurped. *Forms!* talk not to me of forms! The alien and sedition laws had all the forms of the Constitution; and had I been on the theater then, I would have resisted them to any and every length, if reason and truth had not timely prevailed over tyranny and injustice. And, sir, should the odious bill on your table become a law, and I ever become a public officer, there is no torture, no rack which the inventive genius of cruelty could devise, which should compel me to relinquish the rights which it proposes to usurp.

My colleague complains of some comparison which has been made between the officers of the Government and bank officers; he contrasts them, and gives the preference to the latter, as being *State officers*, inasmuch as banks are "*State institutions*;" and he asks if it is Democratic to deify them? He further tells us that Mr. Jefferson revered "*State institutions*;" therefore, of course, Mr. Jefferson revered *State banks*! Sir, I have no hostility to banks; I would do them no violence or injustice; let them go on, and trade and speculate and shock and convulse the country from time to time; I have nothing to say; but, in the sense which my colleague means, I totally deny that they are *State institutions*. On the contrary, unless they are checked by legislative power, or unless, as has ever been my hope, the evil shall cure itself, they will overshadow, and ultimately overawe, your legitimate, constitutional *State institutions*—the Departments of the Government.

My colleague has informed the nation that he was the *protégé* of Mr. Jefferson. I stand here to rescue that great apostle of liberty from the imputation that he revered these *State institutions*—these *State banks*. I undertake to say that not a word that ever escaped his lips or his pen warrants the imputation; on the contrary, he thought them inimical to liberty and to virtue. In the many volumes which John Taylor, of Caroline, wrote, there is scarcely a page on which he does not denounce them; and Mr. Jefferson has solemnly said that that great man had never written a word to which he did not give his assent. He said he had read his writings annually, and recommended to the rising youth of the country to do the same. But my colleague says that "*State rights*" "*implies jealousy of Executive power*!" It is strange to me how any person professing, as he does, to understand and to admire this little volume, (Madison's Report,) can have fallen into so gross an error. I have only time to refer him to that report, to prove how utterly erroneous is the position. It inculcates on the States a jealousy of their reserved rights against *all* and *every* department of the General Government, and ut-

terly repudiates the idea of special and exclusive danger from the *Executive*; and who does not know Mr. Jefferson's opinions on this subject? He speaks of danger to *State rights* from all the departments of the Federal Government, but says:

"The judiciary is the subtle corps of sappers and miners, working under ground to undermine the foundations of our confederated fabric."

No, sir; this *exclusive jealousy of Executive power* is not sustained by the Constitution, or any of its coterminous expounders. It is a part of modern machinery, worked on the prejudices of the people, by those who want the very power they thus repudiate.

My colleague says, "officers of the Government are not officers of the people." This, to me, is a new and strange doctrine! Whose officers, I ask, are they? Whose officer is he at this moment? Whose officer was he when he was Minister to France? Why, surely, the officer of the people of the United States. According to his doctrine, that no man not immediately selected by the people is their officer, they have no other officers of the Federal Government except the members of the House of Representatives; for even the President and Vice President are chosen indirectly by them to act for them, and are directly responsible to them at the great and controlling bar of public opinion.

My colleague speaks of that "*atrociously corrupt doctrine*," that "*to the victors belong the spoils*." Now, Mr. President, I have never paid the least regard to many of these phrases, seized upon by party newspapers and electioneers, and often perverted from their true sense. The one quoted, and that about "*glory enough for one day*," and hundreds of others, are unworthy of attention. I know not to whom is attributed the above expression; the first time I ever saw it in print, over a responsible signature, was in a letter signed by the Senator from New York, [Mr. TALLMADGE.]

Mr. TALLMADGE said it was marked with inverted commas.

Mr. ROANE. Be it so. I know not whence came the quotation, or whether the gentleman used it at the time in irony, or derision, or approval. Let it all pass.

My colleague says, "if Mr. Jefferson did not dismiss from office, it was because no instance of interference in elections occurred." Now, sir, I can never forget the hue and cry raised against that great man for turning out the Federalists whom his predecessor had foisted into every department of the Government. When complaints were loudest against him for so doing, he asked what he was to do? for that "*none resigned, and but few died*." General Washington had declared that "*it would be a sort of political suicide to put into office men whose political tenets were adverse to the measures of the General Government*." What would that immortal patriot have thought of the odious provisions of the bill before us? But Mr. Jefferson's circular to public officers has been read and appealed to in justification of this bill. That circular only speaks of the public officers so interfering as to *control* the free exercise of the elective franchise. It speaks not of *advice* or *persuasion*. No, sir; that great man, who thought there was no danger to our institutions as long as "*reason and truth are left free to combat error*," could never have sanctioned this bill. His remedy was to turn out faithless or incompetent officers, whether that infidelity or incompetency arose from intermeddling in elections, or from any other cause. When did he ever recommend to Congress to pass such a law? He knew they had no such power, and that he had ample power to make all his subordinates behave themselves. My colleague asks, when did a minister of England or France ever interfere in an election, as did the Secretary of the War Department last fall, by writing a letter to South Carolina? Now, sir, I have no very intimate acquaintance with ministerial doings in England or France, but I am yet to learn of that scrupulous nicety, that fastidious delicacy on the subject of elections claimed for them by my colleague. I have read, with inexpressible disgust, of the foul corruption openly practiced to secure a seat in the House of Commons of Great Britain. Seats in that body are purchased. Great

as seems the salary of your President, instances exist of a much larger amount being paid by a candidate for a seat in the House of Commons. That country, sir, where not one man in many thousands is entitled to suffrage, can, in no manner, form the illustrations for us which gentlemen are so urgently pressing. I respect not the British examples about elections or office-holding.

But, Mr. President, to the other point. I know nothing of the letter of Mr. Poinsett, which has been so harshly spoken of by my colleague. I know not when, to whom, or about what, it was written, or whether it was an original or a responsive letter, and, therefore, cannot defend or condemn its contents. But this much I will say: no man cares or thinks less than I do about what is called *dignity of office*. The office of Senator of the United States has, by many, been considered in that aspect as second only to that of the President; and I am yet to learn that a Secretary of a Department, having a temporary residence in this city, is to be rendered odious for writing a political letter to his native State, where he has left for a time only, his friends, his property, and all his dearest rights, while a Senator may, with perfect propriety, write letters to a distant State, in which he has no such stake or interest. It will be readily perceived that I allude to a letter written to Pennsylvania, pending an important State election.

Mr. President, I must omit many things I might say in reply about this bill; and say that I utterly disagree with my colleague as to all his mighty compliments on the British system, as affording examples for us. No man is more disposed than I to pay the just tribute to those immortal patriots, who have occasionally risen in that nation, and fallen martyrs to the true spirit of freedom. Locke, Sidney, Russell, Hampden, and others, will be ever dear to the friends of liberty; but I deny that it is to them we owe our freedom. In support of this doctrine, so warmly pressed, allusion has been made to the early settlers of our country. I deny that any support for such principles can be drawn from those men who first landed on the barren rock of Plymouth, the burning sands of Carolina, or the Island of Jamestown. Their history affords no countenance to this doctrine. They fled from the persecution and oppression of that Government, now so lauded by American Senators; they preferred to encounter hunger, and all the terrors of savage man and wild beasts, than to submit longer to the oppression of that Government which is, in this Chamber, exhibited as a model for our imitation. These people were persecuted and oppressed for two hundred years by that Government; they, with filial obedience, during that whole period, were unresisting; but at length were obliged to raise their hand against a cruel parent, and fight, yes fight, for the liberty and freedom we now enjoy. And am I, sir, by subscribing to all the fulsome compliments to the British Government, to charge upon my glorious ancestors the crime of *parricide*? No, sir; no, sir. I totally deny the truth of the contrast which has been drawn between the two Governments in favor of England. In the conflicts of the Revolution, in the appeals then made to the justice of the mother country, and in drafting our public papers, reference might well be had to British *Magna Charta*, and to the writings of Locke, and other British patriots. But that time is passed away; we have a *Magna Charta* of our own, a glorious one—written. Yes, sir, written with a pencil of light. Here it is, sir, [holding aloft the Constitution.] By that sacred instrument do I choose to be guided, without any reference whatever to British "*Magna Charta*," or British usages; and when ever any measure is proposed, I am willing to adopt the golden rule laid down in Madison's Report to test its constitutionality. "The first question is, whether the power is expressed in the Constitution?" If it be, the question is decided. "If it be not expressed, the next inquiry must be, whether it is *properly an incident to an expressed power, and necessary to its execution*," &c. If by this rule the bill before us is tested, it cannot gain favor with the American people. Nor have we further use for the wrappings of Locke to define our liberty. We have those of

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Jefferson, Madison, Taylor, and hundreds of others, whose paths we can safely follow.

Sir, those who are perpetually quaffing from the pure fountains, as they call them, of Locke and other British writers, but too frequently, before their thirst is slaked are found drinking from the muddy pool of Filmer; yes, sir, the exploded doctrines of Filmer; that man is not capable of self-government lies at the bottom, and is the necessary inference from all these fine theories drawn from British writings and British practices. My colleague should recollect, in all his learned, and, in my opinion, mistaken applications from England to this country, this great essential difference between the two Governments, which constitutes our great shield. There they have septennial elections and a hereditary monarch; here we have frequent elections and twenty-six separate, independent governments, all watching with ceaseless vigilance the movements of each other, and of the General Government, common to them all; and, sir, if my colleague could look with the same Democratic eye of faith and admiration for the precepts of the immortal Jefferson he has so often professed, he would admit that there is nothing in the character or history of his life, or in any word in his writings, that does not put upon the whole British system the seal of his abhorrence and detestation. Yet, sir, is that system quoted in this Senate as a model for imitation, and as an argument in favor of the present extraordinary and abominable bill! I could cite innumerable passages from the writings of Jefferson to sustain me, if time permitted; but I am admonished to draw to a close on this subject, and pass on to others. I am, sir, a Democrat of the school of 1798. I have never changed my name or my principles. My colleague well recollects Mr. Jefferson's prophetic history of the change of names which the old Hamiltonian Federalists would assume; but I doubt whether his prophetic spirit could keep pace with the extended nomenclature of the present day.

Mr. President, one word more about this jealousy of Executive power. I have shown that it is against Federal power, in all its departments, that the States ought to be jealous. What has been the history of the Government as to this point? Every two years shows you great changes in the popular branch of your Government; and they are very often occurring here by the power of a vigilant people. Yet, sir, in a period of fifty years, there have been only two instances in which the President of the United States has not given satisfaction to his constituents; only twice, in the thirteen elections we have had of a President, have the people expressed their disapprobation of his conduct. Your Congress has passed unconstitutional laws; one or more judges have been impeached; but there has not been an instance yet in which the President of the United States has been impeached. No, sir, with all the bitter opposition which each of them has encountered, not one has yet been impeached! Then, why all this railing against the danger of Executive usurpation? Who does not see that it is unfounded, and all for party aggrandizement? Sir, when, some few years ago, an honorable Senator from Kentucky, now in my eye, [Mr. CLAY,] offered to the Senate a resolution condemning and censuring, in strong terms, the official conduct of the then President of the United States, it was deemed to be a sort of quasi impeachment of that high officer, and my colleague promptly stepped forward, and, by an able speech and an efficient vote, aided to expunge the resolution from your Journals, on which it had been recorded; and yet, sir, he is now alarmed at the mighty "persuasive" powers of these poor gaugers, weighers, and tide-waiters! He is frightened about Executive patronage!

Sir, I must pass on. My colleague, on this subject, as on many others, admonishes us against the "mad dominion" of party spirit. Yes, sir, very much has he said about motives, about party and party tactics and party dictation, and about patriotism and elevated, statesmanlike views, and all that. Not less strange than new is it to hear him thus railing against party!

I have nothing, sir, to do with the patriotism or motives of any gentleman. I only claim for myself all that any Senator can ask and receive on that score; while I set up no special claim to

those great statesmanlike views, rising above all party feeling; of which we are so often reminded by my colleague; and whilst I boast not of a patriotism warmer, or motives purer, than those of others, yet, sir, am bold to say, that I am utterly unconscious of ever having been actuated by any vote given in this Chamber by any other consideration than a free, independent, and unbiased desire to promote the public good. I came into this Chamber, and am at this moment, as free as any man in it to pursue on all questions which may arise whatever course my own conscience and judgment shall indicate as most conducive to the best interests of the nation. I had no consistencies to establish, no inconsistencies to reconcile, no resentments to gratify, no heart-burnings to appease, no favors to ask, no hopes to indulge, no fears to allay, and, thank God, no ambition to gratify. I brought with me no bantling scheme of my own; and have most patiently and attentively listened to all that have been proposed by others, to give ease to the public mind, and promote the great interests of our beloved country. And if, sir, like the fabled *Monus*, there was a glass in my bosom, I would not hesitate to permit all the world to look in upon the operations of my heart, in regard to the great national questions we have agitated in this Chamber. But, Mr. President, candor requires that I should admit that, on such an inspection, it would not be found that those operations were beyond the reach or influence of party. I admit, sir, that they are much controlled by party feelings. I pretend not to be beyond or above the influence of party. I am a party man, and glory in being so; for my heart tells me that my party feelings are the result of an honest and an ardent, though, perhaps, mistaken or misguided, patriotism. I doubt not the word of any gentleman who says he is not influenced by party feelings. But, sir, it is almost inconceivable to me, how any man, who has taken an active part in the late political turmoils of the day, can be free from its influence. Whoever he may be, his temperament is very different from mine, and, I believe, from that of nine tenths of the people of this country, and of England too; and I go further, and say that neither of these countries would long preserve their liberty but for party spirit, and that the great principle of self-preservation will always afford a timely check to its mad or dangerous excesses. Of this truth we have recently had an exemplification at Harrisburg, in Pennsylvania, which is consolatory to every lover of the liberty and union of America. Mr. President, in connection with this subject of party spirit, which my colleague now so bitterly reprobates, and in order fully to define my position in regard to some of the leading topics of the day, I beg leave to be permitted to take a brief and rapid review of the present Administration of the Federal Government, and its supporters and opponents.

Throughout America we have recently passed through a convulsive struggle to form a new executive administration. Violent, indeed, was that struggle. That party who, for eight long years, had so bitterly opposed all, ay, sir, indiscriminately all the leading measures of the late Administration, made a bold, grand, and well concerted effort to elect a Chief Magistrate entertaining their own feelings and opinions. Their opponents were equally active and untiring in their exertions to elect one who would, in the main, pursue the course of that reviled Administration; ay, sir, if you choose so to have it, who would "follow in the footsteps of his illustrious predecessor." They succeeded in those exertions, and elected the present Chief Magistrate. I, sir, in Virginia, in my individual capacity, took a zealous and open part, within my limited sphere of action, in aiding to bring Martin Van Buren, of New York, to the station he now so ably fills, and was one of the organs of Virginia, in her electoral college, to bestow upon him the vote of that ancient Democratic Commonwealth. In that memorable contest, we encountered all that excited, nay, madened, party spirit could address to the ignorance, to the fears, the prejudices, or interests of a virtuous people. The vocabulary of epithet was exhausted and heaped upon us. The foulest names ever given to a party were freely bestowed upon us by our adversaries, and the fairest that ever

adorned the friends of liberty were assumed for themselves; but all, all, sir, would not do. The people could not be intimidated or deluded; they could not be "persuaded or dissuaded;" they could not be led or driven to abandon those evident principles of republicanism they had so long and so dearly cherished. In vain, sir, had they been told that Andrew Jackson was a *despot*, a *knave*, and a *fool*; in vain had they been told, in one breath, that he was a *self-willed*, *obstinate*, *indomitable tyrant*, and in the next, that he was a *cypher*, a *supple tool*, a mere *automaton*, vilely used by others; and in vain, also, were they told by these same men that the promises of *Martin Van Buren* could not be relied on; that he was falsehood and treachery personified; that, notwithstanding his oft-declared opposition to a national bank, he would, in his first message to Congress, recommend one in its most odious form, to be located in his favorite city of New York; and that, mauler all his honeyed words and fair promises about *southern rights*, and the sacred *compromises* of the Constitution, he would, before he was warm in the presidential chair, show himself to be in heart and deed, a *northern Abolitionist*, and much more such prophetic stuff, which I will not waste your precious time to recapitulate. Has he verified the forebodings of these men in any one of these particulars? I ask his friends, and I ask his foes; and for their complete and entire falsification, I appeal to the three calm, luminous, statesmanlike, republican messages he has already sent to the Congress of the United States; and I furthermore appeal to his whole conduct, both public and private, since he has filled the presidential chair.

I have, it is true, heard much difference of opinion about the correctness and practicability of his views in regard to the finance and currency of the country; but I have heard no man yet doubt their constitutionality, or complain of the temper or manner in which they have been submitted to the consideration of Congress. And here permit me, sir, for myself, to say, that I have heard no man yet (and I have listened attentively to all that has been said here, and read much that has been written) who has answered the lucid arguments by which he has sustained them, or shaken the firm, republican, constitutional ground on which his recommendation of an independent Treasury, in which to keep the people's money secure from the clutches of bank or other speculators, is based. Mr. President, believing Martin Van Buren to be a republican, and a statesman of the first order, I came into Congress with a predisposition, nay, sir, I might almost say with a pledge, and predetermination, to support his administration, not right or wrong, sir; no, sir; not to "register his edicts;" no, sir, for I abhor and loath all dependence and vassalage as much, or more, than those who now boast most loudly of their independence and patriotism and disinterestedness. I came here elected by those who contributed to elect him; and I came, sir, I repeat, determined to support his administration as far as I possibly could, with a safe conscience, and not to abandon it for light and trivial causes; and, above all things, for any cause personal to myself. This course, I undertake to say, was expected from me by every man of every party in Virginia. I have thus far given to it an honest support; and, in so doing, my conscience and my judgment sustain my course. Nor, sir, has it been necessary to my support of his administration, that I should concur in all his views and recommendations, any more than that I should have deemed it proper to become its bitter opposer, because I differed with him on any one measure of policy. That, sir, I have done, and am at all times free to do. It cannot be expected that there can, in the nature of the human mind, be a universal concurrence of opinion on every subject, even among those who generally agree. The whole country knows my course, from the first moment I took my seat in the Senate to the present time, in regard to the great subject of the public lands, on which I have differed entirely from many of my political friends; and, sir, had I been associated with my colleague during the administration of General Jackson, when he recommended the same policy in regard to them which is advocated by his successor, I should

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have differed with him then with the same cordiality with which he now concurs with me.

But, sir, a difference with the Administration on this great subject has not for a moment indicated that it was my duty to oppose it out and out, and affiliate myself with those who avow "*uncompromising hostility to Martin Van Buren.*" No, sir; I have gone on steadily to give to his administration an honest and a conscientious support; and let me add, sir, that as long as I shall remain here, and the President shall advocate the true principles of the Constitution and republican doctrines, as he has thus far done, that support will be continued with unabated zeal and pleasure. Does this, sir, define my position? No, sir; not as fully as I desire. My colleague, who has from time to time, and little by little, "*defined his position*" towards this Administration, and recently in a manner which none here present doubt or misunderstand, was with me, or rather I should say I was with him, as far as I had an opportunity to know, (and I had many,) in every thought and feeling, during the late warmly-contested presidential election; and, for the life of me, I cannot see why it is that we are now so wide apart in those thoughts and feelings about the Administration and administrators of the Government. I know of no public reasons for this difference, and much less of any private ones. But, sir, either I or my colleague have entirely changed our positions, since we were sent hither; and I am reluctantly driven to put myself upon my country, to say whether it is I who have changed, as is roundly charged by my colleague upon all the friends of the Administration.

Mr. President, before I came here as a Senator, I was personally unacquainted with Martin Van Buren. My colleague knew him intimately; he had served with him in public life; he had stood shoulder to shoulder with him in this Chamber, in resisting the powerful and combined assaults which were made on the great measures of Jackson's administration; he had zealously supported his election to the Presidency; he had voted for me as one of the electors of Virginia, substantially pledged to vote for him; and I have no hesitation in saying, that amidst all the foul charges brought against this then personal stranger to me, the support which my colleague thus gave him strengthened my confidence in the correctness of the vote I had given for him at the polls, and afterwards bestowed upon him as a member of the electoral college. On my arrival here as a Senator, I determined to endeavor, during my stay in this city, to form a personal acquaintance with the President, and to judge for myself in regard to the many charges which had been brought against him. Accident has afforded me a fuller opportunity for this investigation than I could have anticipated; and, sir, I have scanned, with a scrutinizing eye, as far as my poor abilities would enable me, the character, opinions, and conduct of the man. I have, sir, when "*the curtain of ceremony was drawn to the skies,*" and when it was utterly impossible for him to know the operations of my mind, "*tented him to the quick.*" I have looked, but looked in vain, sir, for all those leading characteristic traits non-committalism and management and intrigue and "*mighty magic,*" wherewithal he was so loudly charged. I believe, sir, that his first message to the Congress of the United States has hushed forever all the croakings about his non-committalism; and that all the slang about his magic arts ceased as soon as it was found powerless to dupe and deceive the people.

Does any one pretend that the President has as yet violated any of the principles which those who elected, expected him to maintain? Let the continued, the untiring and remorseless opposition of the far greater part of those who opposed his election answer the question; let those of them who now give either the cold, reluctant approbation of silence, or are willing to receive, as a "*good half-way house,*" the once by them denounced and reviled "*pet bank*" "*experiment,*" answer the question. And how is it, why is it, that I find my colleague now pulling kindly in the traces with these gentlemen, and charging upon the President "*duplicity and deception?*" But, sir, he says he was the friend—the best friend—of the President, for that he advised him beforehand—nay,

sir, he warned him—not to recommend to Congress his scheme of a sub-Treasury. Ay, sir, he advised the President, and he did not follow his advice; he warned him, and he did not heed his warning, but went on to discharge his high duty according to the dictates of his own judgment and conscience.

Sir, suppose that some kind friend, (and would that he could have found such a one,) knowing or suspecting that my colleague intended to recommend to Congress his favorite "*pet bank scheme,*" had gone to him and told him that it was an exploded experiment; that it had been already fully and fairly tried, and, in his own impressive language, "*had signally and mournfully failed,*" and advised and warned him not to submit it; and that, notwithstanding all this, he thought it his duty to do as he did, and propose it to the nation: does he think that that friend should have manifested towards him the feeling and temper which he, on all occasions, now evinces towards the President?

My colleague has opposed all and every scheme thought of for the custody and disbursement of the public money, except the one which he introduced, which has notoriously met with less favor in Congress and elsewhere than any other yet suggested. He condemns, with unmeasured censure, the President for again recommending to the consideration of Congress a financial plan, which, my colleague says, has been repudiated by the voice of Congress and the nation. He knows that the people have not yet finally or fully passed upon that plan. He knows that it has twice received the sanction of this body, and each time been defeated by a small majority in the other House of Congress; and yet, strange to tell, he who urges this objection to the President's plan, thus sustained, is perpetually pressing on Congress and the nation a scheme which, besides himself, finds but one supporter in the Senate, and very few, indeed, in the other House of Congress, or elsewhere—as though his plan had been less repudiated by the nation than the one submitted by the President, or the President of the United States was less authorized than he to "*recommend to the consideration of Congress such measures as he shall judge necessary and expedient.*" My colleague is opposed to the Bank of the United States, because, I presume, it is unconstitutional. He is opposed to the sub-Treasury, because it will increase *Executive patronage*, because it will create two currencies—one for the people, the other (the best) for the office-holders! and, I suppose, because he advised and warned the President not to recommend it; and as to a special deposit scheme, he says that is all a humbug. Nothing, sir, nothing but his own dear scheme of "*State-rights banks,*" or "*bank State rights,*" I forget which he called it, will do for him; and I am free to say that, after the fullest attention I have been able to bestow upon all that he has said in favor of this his darling pet, I can distill from it nothing more than this: that having, on the emergency occasioned by the removal of the deposits in 1834 from the Bank of the United States, voted for the experiment of the State banks as fiscal agents, he is consistent in voting for them again. Yes, sir, every change has been rung on the inconsistency of those who voted for them then, and now, that they have "*signally and mournfully*" failed to answer the desired purpose, are opposed to trusting them a second time; whilst I have heard from my colleague not a word of reproof against those who then denounced his scheme as fraught with corruption and ruin to the country, and now "*damn it with faint praise,*" or stigmatize it as "*a good half-way house.*" Half way where? half way to what? Why, sir, half way between that constitutional Treasury and that unconstitutional bank, between which, my colleague says, he would pause long before he would make an election!

Mr. President, I beg leave further to define my position, by saying that every day's reflection and observation—nay, that "*recent events,*" if my colleague prefers the phrase—confirm me in my conviction that the money of the people paid for the support of their Government, and no other purpose, should be kept in a Treasury independent of, and uncontrolled by, any other Government, or the creatures of any other Gov-

ernment on earth; and that I will try every possible, feasible scheme which wise, patriotic statesmen can devise, before I will confide the public treasure—the taxes paid and intended by the people for specific purposes—to the uncontrolled custody (as uncontrolled it must be, for I agree with my colleague that a general scheme of special deposits is all a humbug) of any bank; and least of all of banks who owe their existence and allegiance to other Governments, and whom we cannot, therefore, supervise, regulate, control, or punish. If you cannot exercise these powers in regard to these banks, when curators of the public money, it seems most clear to my mind that it should not be intrusted to them; and if you can, it is equally clear that we may bid an eternal adieu to all State rights, except what my colleague is pleased to denominate "*bank State rights.*" Far be it from me, sir, now to go into anything like an argument in favor of the sub-Treasury. That task has long since been ably performed by others. Its principles are before the people; and, like the principles of constitutional liberty and reform on other great occasions, may be slow, but will be sure. It has always been sufficient for me that the system is supported by the plain principles of common sense and common honesty, and is notoriously the only mode contemplated by the framers of the Constitution, who denied to the Government the aid of a national bank, and therefore could not have contemplated or anticipated that of State banks in conjunction with the national Treasury.

Further, sir, to define my position, in contradistinction to that of my colleague, and that which he now occupies in contradistinction to the one he occupied a few years ago, I beg leave to read to the Senate an extract or two from a speech delivered by him in this Chamber in the year 1834, on the occasion of the removal of the deposits. I know, sir, that efforts have been recently made to explain away that speech to mean something very different from what its words clearly import. If he has not, since that speech was delivered, changed his opinion and shifted his ground, then, indeed, is language a most imperfect exponent of thought. I certainly have not changed my opinions on the subject of that speech—it was about gold currency. I shall never forget the pleasure with which I read it, and what golden opinions it obtained for my colleague with the entire Democracy of Virginia, or what heavy denunciations it brought upon him from those with whom he is now cooperating to make this a bank-paper Government. But to the extracts. He then said:

"Of all reforms, social, political, or economical, required by the great interests of the country, that which is most urgently demanded, and which promises in its accomplishment the largest results of utility, security, and public benefit, is beyond comparison the RESTORATION of the Government to what it was intended by the framers of the Constitution to be—a hard-money Government. We are too much in the habit, Mr. President, of regarding the evils of a paper system as necessary and incurable, and of being content with the delusive palliation of these evils, supposed to be derived from the controlling supremacy of a National Bank."

"Whatever influence such an institution may be supposed to exert in preserving the soundness of the currency, that object would be much more effectually promoted by a return, as far as PRACTICABLE, to a metallic circulation. The first step towards that return is to let the Bank of the United States go down. The ordinary channels of circulation being thus supplied with gold and silver, the Government would be prepared, without hardship to the public creditor, to require payment of its dues in specie, and thus realize a reform, than which none could be more deeply interesting, in every aspect, to the safety and prosperity of the country."

"I conjure gentlemen, then, with ability so eminently fitted for this great work, to leave the Bank of the United States to its fate, and bring forward their powerful aid in an effort to restore the Government to its true constitutional character and destination—that of a SIMPLE, SOLID, HARD-MONEY Government."

Can language possibly be more plain, intelligible, or impressive than this? Sir, when I read this part of that memorable speech of my colleague, I thought of John Randolph, whose dulcet and peculiar tones of voice, methinks, I can still hear ringing in my ears: "*This is a hard-money Government—give me gold and silver—none of your trash—none of your rags—none of your paper money.*" These were the sentiments of that distinguished man, than whom, none better knew, or more sacredly revered, the meaning and spirit of the Constitution. These were the sentiments of the fathers and cotempo-

aneous expounders of the Constitution; and, sir, they were the sentiments of my colleague, when he delivered his speech, in 1834, if I can understand plain English. Yet, sir, I know it has been recently attempted so to explain the above extract, as to give to it a meaning totally different from that which I gave, when I read it first, and which I give now. The word *PRACTICABLE* is seized upon to pervert its true meaning, and make this a Government of STATE BANK PAPER MONEY. Mr. President, *cotemporaneous* construction of language is frequently, and most justly, resorted to in cases of doubt or difficulty. It has been a most efficient aid in settling doubtful phrases in our glorious Constitution. We are not without that aid in the present difficulty. Three days after the above speech of my colleague was delivered, Mr. WEBSTER, in a speech on the removal of the deposits, said:

"The second suggestion is that which was made by the honorable Senator from Virginia, [Mr. RIVES.] That honorable member pledges himself to bring forward a proposition, having for its object to do away with the paper system altogether, and to return to an entire metallic currency. I do not expect that the honorable member will find much support in such an undertaking. More gold and silver currency, and the entire abolition of paper, is not suited to the times. The idea has something a little too Spartan in it. We might as well think of going to iron at once. If such a result as the gentleman hopes for were even desirable, I regard its attainment as utterly impracticable and hopeless. I lay that scheme, therefore, out of my contemplation."

Mr. CLAY, in a speech on the same subject, said:

"And what are the remedies proposed by those in possession of the Government? None—none. Idle and visionary and chimerical schemes are, indeed, sometimes thrown out; but even they are not seriously proposed. A member, not now in his seat, [Mr. RIVES,] had suggested one of those schemes, which is to banish all paper circulation, and to resort exclusively to hard money. A more wild and impracticable project never entered into the head of man."

Here is *cotemporaneous* construction for you. With the understanding of two such men, present on the occasion of delivering this speech, with my own understanding of it at the same time, and that of every human being who I heard speak of it, I must be excused for not yielding my opinion to any quibble about the meaning or import or bearing of a single word. I should like to know, sir, whether my colleague is now in favor of the "*hard money Government*" the framers of the Constitution intended to make ours? I should like to know the advent of the time when he now thinks it will be *practicable* to "return to a metallic circulation?" As he advised, the Bank of the United States, which he considered the great impediment to his political and financial millennium, was permitted to go down. And I should like, furthermore, to know whether he expects his litter of State banks, trading on all the revenues of the Government, are likely to supply the "*ordinary channels of circulation with gold and silver*," and to aid in the "effort to restore the Government to its true constitutional character and destination—that of a simple, solid, hard money Government?" But, Mr. President, I will not longer dwell on this topic, but go on to define my position in regard to others.

I read attentively, at the earliest opportunity, the report of the Secretary of the Treasury, in answer to the call of my colleague on that officer, in regard to the manner of his executing the law authorizing him to sell the bonds of the Bank of the United States. And here, sir, permit me to remark, that I have not the least doubt but that the course of my colleague on that occasion was strictly parliamentary, because it was permitted; but it was certainly novel and unusual, to say the least of it. On that call he made a long speech, condemning in unmeasured terms that officer on the very points on which, by the permission of the Senate, he was about to seek information. Yes, sir, my colleague made three long speeches against the Secretary of the Treasury; in the first, he prejudged him without hearing; in the second, he condemned him without a trial; and in the third, he attempted to execute him without the "benefit of clergy."

Mr. President, it is a mournful fact, that, owing to the imperfection of language, there is nothing which the wisest man can indite that ingenuity cannot pervert to mean something totally different from what the author intended to

convey; and had I, sir, perhaps, read the Secretary's report with the same querulous temper and morbid feeling which seems to possess my colleague in regard to that officer, and also possessed the same ingenuity in collating and construing language to mean exactly what I wish it to mean, I, too, might have discovered black spots, and picked many flaws in it. But I do declare, that after an attentive perusal, with a sincere desire to see them, that report did not strike me as being in any manner obnoxious to the severe criticism and harsh rebukes which my colleague had in anticipation bestowed upon it. After his second speech, his review of the document, in which he confidently asserted that its appearance had fulfilled all its predictions about it, I read it a second time with increased attention, and a similar desire to detect its vices; and I was alike unsuccessful in discovering the frauds and cheats and juggling by which it had been characterized. Nothing upon earth is further from my mind than to believe that Government has any the remotest idea of forming any the slightest connection with the banks, further than is justified by existing laws, is demanded by the creditors themselves of the Government, or grows out of the necessity arising from the neglect, nay, sir, I may almost say the refusal, of Congress to provide and designate sufficient depositories for the funds of the Government. If such an intention were manifested, it would, sir, be for those with whom I act to complain, and complain they would. It would seem to me that it would be a source of pleasure to my colleague, unless, indeed, he goes entirely for victory, and will not use banks at all, except in the precise manner, and to the precise extent, he may think right and proper.

Sir, one of these bonds was sold. There is the solemn, written contract for cash. But my colleague denies that any cash was paid, because, I suppose, the Spanish milled dollars were not lugged all the way from Philadelphia to this city, and counted out to the Treasurer. The money, sir, was wanted for immediate use; and why? Because, sir, Congress sat here from the first Monday in December, 1837, to the 9th day of July, 1838, and did not, till the last moments of the session, make provision to meet the debts of the nation; most of them, too, growing out of appropriations made by that very Congress, when they knew there was not money on hand to meet them. That is the reason the money was wanted for immediate use; but it was not wanted here. It was wanted in Florida, on the Canadian frontier, and at distant points in the far West, and elsewhere, to pay your Army and Navy, and other public creditors; and was, in my opinion, wisely and prudently left in Philadelphia, whence it could be with facility and certainty, and "without cost or charge" to the Government, remitted when or where it was wanted. Sir, is a sale less a cash sale, because my convenience or my interest induces me to leave the proceeds in the hands of the purchaser, subject to my order? My colleague seems to think that the terms of the law, "cash in hand," or "ready money," would require that the Secretary of the Treasury, or the Treasurer, should have *actually* received into his hands, should have *fingered* the millions of dollars. Sir, this sale was, to all intents and purposes, a cash sale; it so purports to be in the solemn written contract; it so proved to be, both to the Government and the bank; and ought so to appear to my colleague above all others, as it was for specie, or its equivalent—that is, the notes of specie-paying State banks, which he thinks "as much a constitutional currency as gold and silver," (which I do not.)

Mr. President, it is no part of my present plan to go into an analysis or minute defense of the report of the Secretary. That work has been so luminously and efficiently performed by my friend from New York, [Mr. WRIGHT,] that a further prosecution of it would be supererogation. This, however, I will say, that after the most careful examination of his conduct, I do deliberately think that when the situation of the country, the peculiar embarrassments of the currency, the emptiness of the Treasury in consequence of the failure of Congress timely to provide ways and means to meet their heavy drafts upon it—his

entire privation, ever since the spring of 1837, of the ordinary depositories of the public money, added to the many other difficulties he has had to encounter, shall be duly and impartially estimated—he ought, and will receive the thanks of the country for his steady, patient, and untiring labor, and for his firm, persevering, and successful efforts to keep the currency of the country, as far as existing laws permit, within the range and meaning and limitation of the Constitution. But, Mr. President, the whole tenor and temper of the speeches of my colleague prove, beyond all doubt, on the mind of any man who heard them, that it was not the humble Secretary at whom his barbed and poisoned shafts were aimed. On a former, and a memorable occasion, when another Secretary of the Treasury was the object of bitter denunciation in this Chamber, and was held to be responsible for acts required by the President to be done by him, my colleague proved that the Secretary was but the arm, the organ of the President; and but a few days ago, he said that the present incumbent was his mere "cat's paw." It is not with a "cat's paw" that he has been intending to deal on the present occasion. No, sir, he had higher game in view. It was at the President he aimed his javelin; no man who heard him can doubt it. And, sir, nothing that he said more astonished me than to hear him—yes, sir, him above all other men—reiterating the stale slang about *Executive patronage*, and the "purse and the sword," and chanting over again the old "doleful jeremiad" about "a power behind the throne greater than the throne itself."

Mr. President, I know nothing about this wonderful thing called *Executive patronage*. I have never tasted of it, and cannot, therefore, speak of its blighting influence on the moral character and independence of those who bask in its sunshine. There was a time, a few years ago, when it was said to be used to its utmost extent. Complaints of its use, and its abuse, were louder during a portion of General Jackson's administration than ever before, or since. My colleague was in Congress at that time. I do not recollect that he then raised his voice against this corrupting influence; but I do recollect that he received a pretty good slice of the patronage of that day. During the same Administration, when a hero, a military chieftain, a conqueror, a warrior, indeed, who had done bloody service with his sword, sat in your presidential chair, there was a prodigious outcry about this same danger from the "purse and the sword" in the hands of the Executive. My colleague was then a member of this body, and boldly stepped forward to prove that such an idea was absurd and ridiculous, inasmuch as the power to raise money, (the purse,) and the power to raise armies, (the sword,) were both, by the Constitution, confined to Congress. The honorable Senator from Kentucky, in my eye, [Mr. CLAY,] will recollect how fiercely my colleague contested this point with him, and how clearly he put down the inference he had erroneously drawn from an expression of Patrick Henry about the States having parted with the "purse and the sword," by showing that Mr. Henry only meant to say that the States had given to Congress the power to raise money and to raise armies. And, after all this, is it not most strange, passing strange, that now, when a man of peace—a meek, mild, placid man—one whose whole life has been devoted to civil pursuits, and who, I dare say, never had an epaulet on his shoulder or a sword upon his thigh, is the President of the United States, my colleague should feel alarmed about the "purse and the sword" being in the hands of the Executive. Sir, I can scarcely realize this. There is something amusing in the thought of danger from the sword in the hands of our little President. Why, sir, he could hardly lift a grenadier's broadsword; but, sir, it is the danger from these "legions" of officers, these "Pretorian bands," whom our President is to head, sword in hand, and march to the Capitol, that has seized upon the imagination of my colleague. I hope he will get over his uneasiness on that score; and I assure him that it is too late in the day to frighten the people by such talk. If they could not be alarmed by the sword of Andrew Jackson, they will not be afraid of his pacific successor.

But this other terrible thing that we used, in

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days of panic memory, to hear so much about, and which my colleague has revived, this "power behind the throne greater than the throne itself." Perhaps, sir, if, when my colleague put himself behind the "throne," as he informs us he did, and gave his "advice and his warning," they had been followed, and he thus, in his opinion, became the "power behind the throne greater than the throne itself," we might not now hear from him all these deep lamentations, these bitter denunciations, these fearful forebodings, with which he is attempting to excite the public mind. When, some days ago, I heard my colleague allude to certain Senators on this side of the Chamber in a sarcastic, if not a sneering manner, as the pillars of this Administration, it filled me with strange feelings. I could not inquire where I was and to whom I was listening. Before and at the time, sir, when I was sent to the Senate by Virginia, I know well that that State claimed the proud honor of having on this floor a pillar of this Administration. Yes, sir; a lofty, bright, adamantine pillar; a pillar which had heretofore stood firm and unshaken against the many rude shocks, violent assaults, and wily arts of Whiggery. That pillar was my colleague. I was sent here to twine around and support it; I was sent here to cheer him on in that career which had already rendered him as dear to the Democratic party of America as it had rendered him hateful to the self-styled Whig. My support, I well know, could be but feeble indeed, except in the honest zeal with which it would be rendered; feeble as it might be, little did I think, and deeply have I been disappointed and mortified to find that it has been totally rejected. Feeble as I am, I will stand alone in this Chamber as the pillar of the Democracy of Virginia; and should the edifice be battered down over my head, and crush me to the earth, I had rather be the smallest fragment of such a pillar, which can be raked up from the rubbish, than to be the loftiest and proudest triumphal column which those who contribute to beat it down can ever erect upon its ruins.

Sir, my colleague, strange to tell, deploras most bitterly anything like party? He says "party, party; I go for my country!" Sir, this was an exclamation worthy of Brutus or Cato; but we do not, now-a-days, often see such men as they. Sir, I take no exception to the remark, although the assertion by any one gentleman, that he goes for his country may carry with it the inference that those who differ with him do not. No, sir, I take no exception, because the only way in which we can go efficiently for our country is through the medium of party; and, sir, because there is such a universal admission by the contending parties in this country, that each has at heart the good of the country, that whenever I hear a man who deems it necessary to say that he cares not for party, that he goes for his country, it does not, in the slightest degree, strengthen my estimation of his patriotism. No, sir; far from it. Far be it from me to deny, sir, that my colleague has gone for his country. I have labored too often and too zealously to shield him from the immolating wrath of the Whigs, and to contribute to his elevation, to have doubted that fact. Sir, he has been highly and justly honored by his country. But he should never forget that it was party which conferred upon him all those honors. Sir, I know of no man who has been more emphatically the child, the nursling of party, than my talented colleague. It was party that first sent him, a young man, into the Legislature of Virginia, where it had sent me a few years before. It was party that sent him to the Congress of the United States in the other end of this Capitol—the Democratic party. It was party that sent him thence as Minister to France—the Democratic party. It was party which, on his return to America, sent him to the Senate of the United States—that same Democratic party. It was party that drove him out of this Chamber—THE WHIG PARTY! It was party, sir, the same old Democratic party, that sent him back into it, and it will be party—a new party—the Neutral party, that will send him—I know not where—my sagacious and oft-prophetic friend from Connecticut [Mr. NILES] thinks to the Treasury Department; or, as it is in parlance, often called here, the Exchequer—(a custom, I

think, "more honored in the breach than in the observance")—perhaps, for aught I know, to the White House itself; or mayhap to the dignified chair you now fill, in which some—not I; no, not I sir—but in which some say he might be now calmly, quietly, and contentedly sitting if he had not been jostled out of it.

But, sir, to this neutral party. I must, in furtherance of my object, to define my position, say something of it. I wish it to be most distinctly understood, that there is no neutrality in regard to party politics in my composition; and, such is my temperament, that I cannot well conceive how any man (as I before said) who has borne an active share in the storm of party politics which has long raged in our country, can possibly enjoy that state of blessed quiescence and composure. When my colleague first began to file off from those ranks in which he had long stood a prominent and active member, he called himself a *Conservative*. Yes, sir; we heard then of nothing but the *Conservative party*—*Conservative*—a sweet, a honeyed word. But in a little time, those of us who did not agree with this conservative party were called "SUBSERVATIVES," a very harsh and bitter word. These Conservatives, however, soon began to lose much of their sweetness, and became very spicy, and again changed their name, and called themselves the "Spartan band." Yes, sir, we saw the Spartan band, with Leonidas at their head, forcing their way through the strong hosts of Democracy, over to the Whig camp; and now that they "read their title clear" to rank in that camp, they again change their names, and call themselves *Neutrals*—yes, Neutrals; and we now hear, as if from *Jupiter Tonans* himself, of nothing but the *thunder of the armed neutrality*. Now, Mr. President, I have said that I never was, and am not, a neutral in party politics. Should I ever become one; (which is very improbable,) I do sincerely hope that I may be enabled, with Christian meekness, to fold my arms and say, "God bless the Commonwealth;" or, if that divine feeling is denied me, that I may, with the justice of Aristides, and the impartiality of Cato, look upon the battle-field, and suffer no consideration whatever to induce me, in my necessary intercourse between the great belligerents, to deal in articles "contraband of war." And above all things, if the great law of nature and justice, self-defense, shall drive me to arm as a neutral, that I may endeavor to deal my blows with strict impartiality; and, if anything, look rather with a kindly eye to those who had ever been my friends and allies, and with one of suspicion and fear to that party who, through all time, had hated and reviled me. I do not mean, sir, to question or impeach the impartiality with which my colleague will discharge the delicate duty of a neutral armed at all points. I trust that it will be his intention to be strictly impartial in the blows which he says he will have to deal out on the right and the left. I do not know how deeply wounded or how keenly pained have been the great belligerent Whig party, by the blows he has already inflicted on them; but candor compels me to say, that their adversaries, the Administration party, have felt that his sword "was sharper than a serpent's tooth."

But, sir, it may not be amiss to look a little further into this thing of a third party, no matter by what name they may call themselves. None that has ever arisen in this country, or in England, has lived long as a distinct, independent party. It is not consistent with the nature of man, or with the institutions of either of these countries, that such parties can long maintain a distinctive, separate existence; and if a minority or third party could long exist in this country, and wield the power set up for this aforesaid "armed neutrality," to regulate and control the conduct of the other two great parties—that is, to rule the will of the great majority of the people—I, for one, should think it a most deplorable case indeed; and have no hesitation in saying, that the pretension thus set up for this party is more dangerous to the liberty of the people, and more directly hostile to the principles of our blessed Constitution, than any I have ever yet heard urged against them.

Do you, sir, recollect the memorable third party, yclept the *minority party*, that sprung up about

the year 1806? I am sure you do, much better than I. John Randolph of Roanoke was at the head of that party; yes, sir, John Randolph, the great, the talented, the proud, the daring John Randolph, was its head and founder. Compared to any minority party, before or since, it was greatly superior, both in talent and numbers. And what became of it? It melted away; and in a few years not a trace or vestige of it was left:

"Like the snow falls in the river;

A moment white, then gone forever."

It was fierce and formidable for a while; but it soon lost all its strength and dissolved, and its members took their stations in one or the other of the two great contending parties of the day; which, most assuredly, with some slight shades of difference growing out of the altered condition of the country, and a change of name, were the same identical two parties that fought the battle of 1798, and are now again struggling for ascendancy. It may be worthy of remark, as to that minority party, to state that John Randolph, with all his talents and zeal and fiery temper and love of conquest, never set up the pretension to "an armed neutrality." He laid no claim to the delusive inference, speciously drawn by sophistical analogy, and with diplomatic subtlety, from the position of Queen Catherine of Russia—to control the destinies of the nation, and subject the will of the majority to the power of a small minority of the people. No, sir; John Randolph of Roanoke, with all his peculiarities, was, in many respects, one of the purest republicans America has ever had. He adhered with pertinacious nicety to the principles of the Constitution as its framers intended them, and not as its latitudinous construers would have them to be; and, above all things, he valued the great principle at the root of all our institutions, that the *majority* should govern the minority; and however haughty and aristocratic he might seem in his personal carriage, he more than once, in a manner and under circumstances which evinced his devotion to that great principle, bowed to the "majesty of the people," when ostracised by a majority of their suffrages. No, sir; the great object of the third party, headed by John Randolph, in the year 1806, was to change the minority into a majority; and in that way, and that only, to rule the country. Failing in that plan, the party was dissolved, without a resort to arguments drawn from the position of *Queen Catherine of Russia*, to break in upon the great principle which lies at the foundation of our institutions. No, sir; John Randolph scorned, knowing that he was in a minority, to exert power in any other way. He scorned to hold the balance and, as did the monkey in the fable who weighed for the two cats, pinch off first from the one scale, and then from the other, till he had robbed them of all their cheese.

Sir, the longest-lived minority party I have ever heard of is the one which has existed for some years past in France, under the name of the *third party*. What has been its history? In reading, a short time ago, an extract from a French newspaper, I was struck with its speaking of the "Sofa party." I at first supposed that a fourth political party had risen up in France to confound their confusion; but, on reading a little further, I discovered that the writer was speaking of the same old French third party that has made so much noise in the world; and which had acquired the cognomen of the "SOFA PARTY," because—what do you suppose, Mr. President, was the cause? Why, sir, because they are now so reduced in numbers that they can all sit together on a sofa! Such, sir, will be the fate of this *Conservative party*, this *Spartan band*, this *armed neutrality*. They may, sir, have to sit for a season on what, I believe, in some of our churches is denominated the *anxious bench*; and may, perhaps, be required to subscribe their faith, and give in their experience, before they can gain full admission into the temple of the great church militant of Whiggery, and take their seats on the sofa, alongside with the fathers and elders of that renowned sect.

Mr. President, I am truly sorry that I have been compelled to break silence at all, on this occasion, and pained to be compelled to break it in strains which may not be agreeable to my colleague; but it is the misfortune of this life that most of our sacred duties are of a painful charac-

25TH CONG....3D SESS.

Punishment of Defaulters—Mr. Hubbard.

SENATE.

ter. The one which I have been constrained to discharge this evening is of that description. Being so, I have postponed its discharge to the last moment, and to a period when none could say that I was interfering in the relations now existing between him and our mutual constituents. No, sir; I have been perfectly content that, without any the least interference on my part, he should manage those relations in his own way. I have meant no personal offense to him. This is not the place in which I would seek to indicate such a feeling, if I entertained it. My difference with him is entirely of a political character; and it has been my pride, and frequently my boast, that that difference had not disturbed our personal relations. I only seek, sir, and this is the only time, according to my notions, (which may have been fastidious,) in which I could find the opportunity to present myself fully and fairly to our mutual constituents, in the antagonistical position which it has been, most unexpectedly and painfully, my misfortune to hold towards my colleague, from the first moment I entered this Chamber to the present. I stand where I did when I was sent hither by Virginia. He, however, has thought proper, at this critical moment, to throw himself, with all his great weight, into one of the scales of that balance in which we are both to be weighed; and it is not in my nature, sir, to permit that in which he has left me to stand alone to "kick the beam," without a solitary feeble struggle to maintain its equipoise.

No man, Mr. President, in this Senate cares less than I do about retaining his seat in this Chamber. I would not, sir, to hold it for life, make an overture for the Whig vote of the Legislature of Virginia, or permit, knowingly, a single man in that Commonwealth to doubt my opinions in regard to this Administration, or any of the leading measures or men of the day. To the Whigs, as a party, I am utterly and absolutely opposed; as individuals, no man is disposed more fully and more liberally to appreciate them than I. Some of the dearest friends of my heart are of them. Both in the General Assembly of Virginia and throughout that Commonwealth, there are Whigs, as they call themselves, whose friendship I am proud to enjoy. I have long enjoyed it. They know that I never did, and never will deceive them.

Now, sir, by way of summing up, and recapitulating the definition I have desired to give of my position, in terms not to be doubted, or misunderstood by any, I take leave to say, that as AT PRESENT ADVISED, I prefer Martin Van Buren as the next President of the United States to any man who, to my knowledge, has been as yet named or thought of as his successor. I give him this preference because I thus far, in the main, approve of his administration of the Government; because he is in favor of a strict construction of the Federal Constitution, as laid down in Madison's celebrated report; because he is opposed to the bank, a bank, or any bank established by Congress, or any other department or power of the General Government; because he is opposed to a system of internal improvement by the General Government; because he is opposed to a protecting tariff, and is for quadrating, as near as possible, the revenue of the country to a reduced expenditure of public money, so as never again, if avoidable, to have a large surplus fund in the Federal Treasury, with which to debauch the State governments and demoralize the people. And, last, though not least, I am for him because he is a "NORTHERN MAN WITH SOUTHERN FEELINGS." Thanks to him for the stand he timely and magnanimously made, and is ever ready in the hour of need or peril to make, for the sacred compromises of the Constitution in regard to that great, vital, and delicate subject which is at this moment a burning torch in the hands of the vile incendiaries of the temple of our liberty and the Union. He did not, sir, wait till the battle had been fought and won before he defined his position to the vile Abolitionists. He stood side by side with us during the "heat and burden of the day." No southern man ought ever to forget his stand on that question.

Mr. President, my colleague has very frequently advised and invoked the Administration members of the Senate, of whom he knows me to be one,

to bethink themselves, and pause in their mad career of party, and change their course. Let me now, in turn, most earnestly and most anxiously implore him to pause; yes, sir, to pause—for it is not too late—and reconsider his position and return to the fold of his old Democratic Republican friends, companions, admirers, and supporters. I do assure him that there is not one of them who is not grieved to part with him, and is not still willing to give him the fraternal hug, and forgive and forget all that has passed. We have required no sacrifice by him of his opinion or his conscience on any isolated measures. We are all prone to differ from each other in opinion, and it is the part of charity and kindness to think nothing of minor differences. There is nothing—I know it—there is nothing about which my colleague was ever more mistaken than in the intimation, if not the assertion often made by him, that there was a settled purpose to drive him from the ranks of the Administration party. When the first symptoms of his disaffection were manifested, no mother ever treated her infant babe with more tenderness than his old political associates in this Chamber were disposed to treat him; and they endeavored, to the utmost of their power, and by all their conduct, to afford him no pretext of that kind, if he should ultimately determine to abandon our camp. And may I say to my colleague, that if any newspaper editor or scribbler, or "organ," has injured or slandered him, he should have put it down to the freedom, if not to the licentiousness, of the press; and that, under any circumstances, it is far below the "elevated, statesmanlike feelings" he professes, to make their abuse a justification for leaving a party with whom he has so long cooperated, and who would so willingly have continued in fellowship with him; and of his cooperating with those between whom and him there has been, for an equally long period, a reciprocal hostility of the strongest character.

But, sir, if my colleague will not or cannot continue in communion with us, we may deplore, but we cannot help it. And, sir, as, on a recent occasion, my colleague, imagining that he saw a marriage about to be solemnized between the Government and the Pennsylvania Bank of the United States, assumed, in the "name of his country, to forbid the bans," so, sir, should I perceive that a marriage is about to be solemnized between my colleague and the great Whig party, as I certainly believe will be, unless there is the most cunning coquetry on the one side, or should be a cruel jilting on the other, I will assume, in the name and behalf of the Democracy of my country, to confirm and ratify the bans, and give him away in marriage, (and certainly I never expected to stand sponsor to a runaway match;) and, sir, I will, on the solemn occasion, say to his new spouse that we have parted reluctantly with one of our dearest and most favorite children; that if he is treated with kindness and distinction he will be a valuable acquisition to his new connection, for that his dowry is rich indeed, consisting of all those precious family secrets which we never impart to any of our children, except to those of them who, we have good reason to think, will never quit the household, or marry out of the family.

Mr. President, I have done. I have discharged a painful duty. If any one thing, more than all others, could alleviate the painful task, it is the kind and profound attention with which the Senate, exhausted by a session of unusual length, have honored my remarks. My heart assures me that I shall never forget the compliment.

## PUNISHMENT OF DEFAULTERS.

## SPEECH OF HON. H. HUBBARD,

OF NEW HAMPSHIRE,

IN THE SENATE, February 21, 1839,

On the bill providing for the better security of the Public Monies, and for the punishment of Public Defaulters.

Mr. HUBBARD said:

Mr. PRESIDENT: The Senator from Massachusetts has presented to the Senate extracts from various acts of Congress, defining particularly

the duties of certain officers connected with the Treasury Department, alleging that so express and well-defined were these duties, that it was impossible that there could have been any defalcation of any custom-house officer existing for any considerable length of time, without discovery and detection at the Department, had there been a faithful discharge of official duty. The Senator has not, in direct terms, charged upon Secretary of the Treasury any such dereliction of official duty; but the tenor and general character of his remarks, if not so designed, were calculated to make an impression upon the public mind that the recent defalcations in New York and elsewhere were to be attributed to the want of discharging properly and seasonably that supervisory power which the head of the Department was bound, as the Senator says, to exercise. And the Senator has contended that there is no necessity for further legislation on this subject; that we have law enough; all that is required is greater fidelity and diligence in the execution of the law.

It is my purpose, Mr. President, to show, and I trust that I shall be able to show most conclusively, that the Secretary of the Treasury, in the discharge of his appropriate duties, could no more have discovered the frauds which have been practiced upon the accounting officers by collectors and receivers than any member of this Senate; that, with the returns of collectors' accounts for settlement, he has nothing to do. Under the laws of Congress, the Secretary of the Treasury could not, without usurpation, exercise any control over the officers to whom they were made. Both classes were beyond his reach. He had no agency in their appointment, nor could he have any influence in their removal. They were accountable to a higher officer in our Government for the performance of their respective official functions. From the examination which I have given to this subject, I do not hesitate to declare, in the most unqualified manner, that, whatever may have been the faults of others, the Secretary of the Treasury, in the discharge of his official trust, could not have known of existing defaults in any officer charged with the collection of the public revenue; that there is no neglect of official duty to be imputed to him; that there is no sin of omission, or of commission, in reference to this subject, chargeable upon the head of the Department.

Before, Mr. President, I proceed to show the importance, the indispensable necessity, of further legislation upon this subject; of the additional legal provisions, which may not only lead to the discovery of frauds in the conduct of collectors and receivers, but which shall also bring to certain punishment all such offenders; before I advert to the penal provisions of the bill now before the Senate, the punishment which awaits the offender, the ignominy and disgrace consequential upon the seizure of the public money, I will proceed at once to show what are the provisions of existing laws touching the duties of the Secretary of the Treasury, and of the accounting officers of the Department, in order to make good my declaration that no blame can properly attach to the Secretary for any defalcation which may have arisen under his administration of that Department.

The act establishing a Treasury Department was approved September 2, 1789; and this act prescribes with minute exactness the duties of all the officers which then constituted that Department. The officers were a Secretary of the Treasury, a Comptroller, an Auditor, a Treasurer, a Register, and an assistant to the Secretary of the Treasury, which assistant shall be appointed by the Secretary. The second section defines all the duties of the Secretary:

"It shall be the duty of the Secretary of the Treasury to digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; to prepare and report estimates of the public revenue and the public expenditures; to superintend the collection of the revenue; to decide on the forms of keeping and stating accounts and making returns; and to grant, under the limitations hereinafter established, or to be hereinafter provided, all warrants for money to be issued from the Treasury, in pursuance of appropriations made by law; to execute such services relative to the sale of the lands belonging to the United States as may be by law required of him; to make reports, and give information to either branch of the Legislature in person or in writing, (as he may be required,) respecting all matters referred to him by the Senate or House of Representatives or which shall appertain to his office,

and generally to perform all such services relative to the finances as he shall be directed to perform."

These constitute all the duties devolving upon the Secretary of the Treasury, under the act of 1789, when that Department was first established. And what is their sum? It would seem to be difficult to misapprehend the precise meaning of the terms of the section contained in the act above recited.

1. "He is to prepare and lay before Congress at the commencement of each session, a report on the subject of finance, containing estimates of the public revenue and public expenditures." "He is to recommend plans for the support of public credit," &c.

"He is to superintend the collection of the revenue." This, I admit, was the express provision of the act of 1789; and from this superintending power, vested as it was in the Secretary of the Treasury, the Senator from Massachusetts infers that that officer must have been derelict in the performance of that part of his duty, or he would have been able to have discovered and exposed the frauds which had been practiced for such a length of time by the returns of the collector of customs at New York. Let us examine this matter, and let us see whether this supervisory power has not, in effect, been taken from the Secretary of the Treasury, and devolved upon another, in pursuance of an act of Congress. It will be recollected that, by the act of 1789, there was provision made for an assistant secretary, to be appointed by the Secretary himself. By the act of the 8th of May, 1792, it will be found that the "Secretary of the Treasury shall direct the superintendence of the collection of duties on imports and tonnage, as he shall judge best; that the present office of assistant to the Secretary of the Treasury shall be abolished; and that instead thereof there be an officer in the Department of the Treasury, to be denominated Commissioner of the Revenue, who shall be charged with superintending, under the direction of the head of the Department, the collection of the other revenues of the United States," &c.

Under this discretionary power, given by this act to the Secretary of the Treasury, it will be found that, by a circular letter of October 25, 1792, the immediate superintendence of the collection of the duties on imports and tonnage was committed to the First Comptroller of the Treasury; but this delegation of power did not include the disposition and payment of moneys accruing from such duties. At this period of our history—as early as 1792—terminated the superintending power over the collection of the duties on imports and tonnage, created by the act of 1789, and those very duties were transferred, in pursuance of law, to, and vested in, the First Comptroller, who has exercised that power under every Administration, from that period to the present time.

It cannot, then, be alleged, with even the shadow of truth, that the Secretary of the Treasury is justly chargeable for gross neglect of official duty in failing to exercise a superintending power over the collectors of the customs, when that power was, in pursuance of law, transferred to another officer in the Department. It cannot be said that the Secretary of the Treasury stands justly chargeable for the defalcations which have recently occurred, and which were undiscovered and undetected, when, by the laws of Congress, that officer is expressly excluded from exercising any jurisdiction whatever over the subject.

My purpose, Mr. President, is to defend the Secretary of the Treasury from the unmeasured and unwarrantable abuse which has been cast upon that officer in Congress and out of Congress—here and elsewhere—for an alleged neglect of official duty with reference to the recent defalcations which have taken place in the city of New York. Whatever may have been the fault of others, the head of the Treasury is blameless. Whatever may have been the neglect of other functionaries, the head of the Treasury Department has never failed to perform his *whole duty*, with all fidelity and integrity. I know him well; we were educated at the same institution; native citizens of the same State; practicing attorneys in the same courts; fellow-laborers in the same Legislature; and no man who is not less familiar with the official history of that man than I am, but must do him the justice to say, that fidelity

and integrity, and the most untiring industry, are prominent characteristics of the present Secretary of the Treasury, in the execution and discharge of the responsible duties of public office.

But what further duties were imposed upon the Secretary of the Treasury, under the act of 1789, from which it can, by any possibility, be inferred that he was to exercise any supervision over the officers of the customs, so as to be enabled, from time to time, to ascertain the exact state of their public accounts? It is said, and said with truth, that "he is to decide on the forms of keeping and stating accounts and making returns;" but it will be found, on referring to the same act, that in the first instance, the Comptroller was "to report to the Secretary the official forms of all papers to be issued in the different offices for collecting the public revenue, and the manner and form of keeping and stating the accounts of the several persons employed therein." This was the business of the Comptroller. He was charged with the superintendence of the collection of the duties on imports, and it became his peculiar duty to submit to the Secretary the forms which he had presented, for his (the Secretary's) approbation. This was all; and it seems to me to be idle to contend that, inasmuch as the Secretary was to decide on the forms of keeping and stating accounts, and making returns, that he thereby must necessarily make himself, and should make himself, acquainted with the true condition and state of the accounts of the revenue officers, from time to time. The fact is otherwise, and is known to be otherwise. With those accounts the Secretary could not, without a usurpation of power, interfere. Nor could he, in any way or manner, interfere with the specific returns which were made to the accounting officers of the Treasury.

I will endeavor to show to whom those returns were to be made, and by whom they were to be examined. But before doing this, I will proceed and show some further duties the laws of Congress have imposed upon the Secretary of the Treasury. By the act of 1789, and by the act of the 25th of April, 1812, the Secretary of the Treasury is charged with the performance of certain duties in relation to the public lands; but the returns of all sales are made to the Commissioner of the General Land Office. By the act of 10th of February, 1820, the Secretary of the Treasury is required to lay before Congress, on the first Monday of December, annually, or as soon thereafter as possible, the statistical accounts of the commerce of the United States with foreign countries for the preceding year; and, by referring to various acts of Congress, it will be found that certain, but well defined, duties have been, from time to time, imposed upon the Secretary of the Treasury; but I state, fearless of contradiction, that, from 1792 to the present time, there cannot be found a single statutory provision requiring the Secretary of the Treasury, or giving any authority to that officer, to supervise the returns of the collectors of the customs, or in any way or manner to control the accounts of collectors and receivers.

But, Mr. President, we are not left in the dark upon this subject. While the law has defined the duties of the Secretary of the Treasury, it has, with equal precision, defined the duties of the accounting officers of the Treasury Department. And, first, what was the duty of the First Auditor of the Treasury imposed by the express terms of the act of 1789? and what were the duties of the First Comptroller as imposed by the same act? There can be no mistake in this matter. The terms of the act are plain, and whoever is disposed may easily understand its provisions; and, unless there is a disposition to "pierce the Secretary of the Treasury for the sins of others," unless there is a disposition to charge home upon him the default of every subordinate officer, the inspection and fair consideration of those provisions cannot fail to produce conviction, that not upon the Secretary of the Treasury is to be charged any neglect of official duty, by reason of which any portion of the public money has been fraudulently diverted to private use.

By the act of 1789 it is made the duty of the Auditor "to receive all public accounts, and, after examination, to certify the balance, and transmit the accounts, with the vouchers and certi-

cate, to the Comptroller, for his decision thereon: *Provided*, That if any person whose account shall be so audited be dissatisfied therewith, he may, within six months, appeal to the Comptroller against such settlement."

It, therefore, most clearly results that the Secretary of the Treasury can have nothing to do with the receipt, examination, and adjustment of these accounts of the collectors of the customs; for that duty is imposed upon the Auditor, by the same act which requires the Secretary of the Treasury to submit to Congress an annual statement of the public finances. The Auditor is required to receive and examine these accounts, with the vouchers; and there is no other officer designated in the acts of Congress to whom these accounts, with the vouchers, shall, in the first instance, be transmitted. They are not only to be received and examined with the vouchers, but they are to be adjusted and audited by the Auditor; and a certificate of balance in all cases, with the accounts and vouchers, is to be transmitted, not to the Secretary of the Treasury, for his revision, but to the Comptroller, who is to reexamine all accounts settled by the Auditor, and "to certify the balances arising thereon," not to the Secretary of the Treasury, but to the Register, whose duty it shall be "to preserve such accounts, with their vouchers and certificates;" and whose further duty it is "to transmit to the Secretary of the Treasury copies of the certificates of balances of accounts adjusted, as is herein directed." The accounts, with the vouchers, are nowhere required to be placed with the Secretary of the Treasury, for his examination; but simply a certificate of balances is transmitted to that officer, to enable him not only to make drafts to satisfy the public creditors, but also to enable him to make his annual statement to Congress of receipts and expenditures. It does seem that this highly vigilant and most faithful public officer has been most unjustly assailed with reference to this matter.

I again say that, with the accounts and the vouchers of the collectors of the customs, the Secretary of the Treasury has as little to do as any member of this Senate. I speak not without some authority upon this matter. The time was when it was supposed that the Secretary of the Treasury, from the fact of his being the head of the Treasury Department, had an appellate jurisdiction over this whole subject; and the time was when it was supposed that the President of the United States, from the fact of his being the highest officer under our Government, must necessarily possess a controlling influence over the decisions of those subordinate officers, the Auditor and the Comptroller; and on sundry occasions an appeal has been taken from the decision of the Comptroller to the President himself; and that, too, with reference to these very accounts, the consideration and final decision of which were imposed upon the Auditor and Comptroller by the express terms of the act of 1789, and which duty has not at any subsequent period been in the slightest degree abated or altered. This appeal to the President drew forth the opinion of the law officer of the Government, in relation to the power of the President over that subject, according to the existing laws of the land.

I will subjoin the opinion of the then Attorney General, Mr. Wirt, and I will also add to that, the opinion of the late Attorney General, Mr. Taney, upon the same subject. From their legal opinions, as well as from the language of the act of 1789, there is no room even to doubt that the accounting officers of the Treasury, the Auditor and Comptroller, have the sole and the exclusive jurisdiction over this whole subject, and that their decision is final, and that it is without the power of any other officer of the Government to alter or reverse their decision. Congress, and Congress alone, can grant relief, if injustice has been done to the officer rendering the account. I believe that in no instance, since the act of 1789, has the Secretary of the Treasury undertaken to reexamine the adjudications of the Comptroller. In the language of the ordinance of the 11th of September, 1781, "that, when an account is audited in the manner described, it shall be reported to the Comptroller; and any person who shall think himself aggrieved by the judgment of the Auditor, shall have the privilege of appealing to

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Punishment of Defaulters—Mr. Hubbard.

SENATE.

the Comptroller. In all such appeals, the decision of the Comptroller shall be conclusive." Such were the provisions incorporated into the act of 1789; and in perfect accordance with those provisions has been the opinions of the two Attorneys General above referred to.

In October, 1823, Mr. Wirt gave an opinion, showing that the President has not power to interfere with the duties of the accounting officers of the Treasury; and, if the President can exercise, in pursuance of law, no such power, it will be in vain to urge that such a power of necessity appertains to the office of the Secretary of the Treasury.

"Let us carry this principle to the laws which regulate the settlement of public accounts. In the original organization of the Treasury Department (Laws U. S., vol. 2, p. 48,) the duties of the officers are designated specifically. There was one Auditor and one Comptroller. The duty of the Auditor is declared to be to receive all public accounts, and, after examination, to certify the balance, and transmit the accounts, with the vouchers and certificate, to the Comptroller, for his decision thereon; with this proviso, that if any person be dissatisfied therewith, he may, within six months, appeal to the Comptroller against such settlement. Here the right of appeal stops; there is no proviso for an appeal to the President. With regard to the Comptroller, it directs that it shall be his duty to superintend the adjustment and preservation of all public accounts, to examine all accounts settled by the Auditor, and certify the balances arising thereon to the Register; no right of appeal from his decision to the President."

Again:

"Thus, in every instance, the decision of the Comptroller is declared to be final; and it is manifest that the law contemplated no further examination, by any officer, after such decision.

"How will it be possible for the President to perform these great duties, if he is also to exercise the appellate power of revising and correcting the settlements of all the individual accounts which pass through the hands of the accounting officers? Let it be remembered that, out of the vast multitude of these accounts which are annually settled by these officers, there are very few which are settled to the entire satisfaction of the claimants; and if every dissatisfied claimant has a right to appeal to the President, and to call upon him to revise and correct the settlement, the President would be constrained to abandon the great national objects which are committed to his peculiar care, and become the accountant general of the Government. Nor, if he should devote himself exclusively to the minor object, would he be able to accomplish it: for the whole duties of the five Auditors and two Comptrollers would be accumulated upon him in the last resort, together with all their responsibility for the correctness of the settlements; and, under this responsibility, he would have to perform, single-handed and alone, the whole work which the Legislature has found it necessary to partition out among those seven officers, aided by their respective retinues of clerks.

"My opinion is, that the settlement made of the accounts of individuals, by the accounting officers appointed by law, is final and conclusive, so far as the Executive Department of the Government is concerned. If an individual conceives himself injured by such settlement, his recourse must be to one of the other two branches of Government—the legislative or judicial."

*Extract, on the same subject, from an opinion of Roger B. Taney, late Attorney General of the United States, dated April 5, 1832.*

"These laws, as well, indeed, as those which preceded them on the same subject, appear to me not to contemplate any appeal to the President, and I think, therefore, that the decision of the Comptroller in this case is conclusive upon the executive branch of the Government, and that the President does not possess the power to enter into the examination of the correctness of the account, for the purpose of taking any measures to repair the errors which the accounting officers appointed by law may have committed. The party who supposes that justice has not been done to him, must seek relief in court, when a suit is brought against him, or may bring his claim to the consideration of Congress; and these, in my opinion, are the only means of redress left to General Taylor, if the accounting officers have erred in their decision."

But let us examine this matter a little further, in order to show that the Secretary of the Treasury can have no concern with the rendition, the settlement, or the final disposition of these accounts of the collector. It will appear that he has no power over the subject in the event that such officers fail to make the returns required by law. By the act of the 15th of May, 1820, it is provided:

"That when any collector of the revenue, receiver of the public money, or other officer, who shall have received the public money, before it is paid into the Treasury of the United States, shall fail to render his account or pay over the same, in the manner or within the time required by law, the Comptroller shall cause to be stated the account of such collector, receiver of public money, or other officer, exhibiting truly the amount due to the United States, and certify the same"—

not to the Secretary of the Treasury, but—  
"to the agent of the Treasury, who is authorized to issue a warrant of distress against such delinquent officer."

And under the act of the 29th of May, 1830,

these statements are required to be made to the Solicitor of the Treasury, for the self-same object. But in all this proceeding the Secretary of the Treasury has no concern; and it is done, and often done, without his knowledge, certainly without his direction. The very organization of these respective offices excludes the idea that the head of the Department can have any concern with the examination and disposition of the accounts of collectors. While to the office of the Secretary may be attached ten or a dozen clerks, to the office of the Auditor on whom devolves, in the first instance, the receipt and examination of accounts with the Government, more than one hundred clerks are attached. And to the office of the Comptroller, whose duty it is to reexamine and ultimately to decide thereon, there is at least one fourth of the clerical force attached to his office which belongs to the Auditor's, and double of that which belongs to the office of the Secretary proper.

In May, 1832, a resolution passed the Senate,

"That the President of the United States be requested to cause to be prepared, and laid before the Senate at the commencement of the next session of Congress, a plan for the reorganization of the Treasury Department, with a view to simplify the form of settling and keeping the accounts, and of rendering them more intelligible; of a more equal distribution of the labor and duties; and for abolishing some of the subordinate branches, and reducing the number of clerks in the Executive Departments."

This resolution was referred by the President to the present head of the Treasury Department; and at the commencement of the session of Congress in 1834, the present Secretary of the Treasury presented a detailed report, recommending a reorganization of that Department. Under the head of simplifying the forms of settling and keeping the accounts, and of rendering them more intelligible, the Secretary proposed some important changes in the duties of the Auditors and of the Comptrollers, with a view to the correction of any errors they might commit in the final settlement of public accounts. He also strongly recommended that there should be a commissioner of customs, and that the Comptroller should be relieved from that particular duty; and that he should be charged exclusively with those duties appropriately connected with the settlement and final controlling of accounts with the Government. The creation of such an office, with the appropriate duties defined as they were in that report, could not fail to impose proper checks in the disbursement of the public money, and in passing upon public accounts. But the recommendations of the Secretary were disregarded; for it will be found that the bill which was presented to Congress, consequent upon that report, did not contain the provisions which the Secretary had so strongly recommended. I have alluded to this fact to show that the attention of Congress has been recently directed to this subject; and yet no change whatever, in the mode of receiving and examining public accounts, has been made. It is the same now as it has been ever since 1789.

There is no doubt that, by a general regulation at the Treasury Department, all collectors and receivers of the public moneys are requested to make monthly returns of the aggregate of the receipts and expenditures at their respective offices, and in the districts where a large amount of the public revenue accumulates, weekly statements of their aggregate balances are requested to be made. But, Mr. President, for what purpose are these statements requested to be made? To enable the Secretary to compare them with the returns made to the accounting officers, in order to see whether they agree, or, if not, whether they furnish any intrinsic evidence that there is a wrong, an attempt to conceal the truth in these returns? No, sir; these abstracts, these statements of balances, are made to the Secretary for a totally different purpose, to enable him to discover at once the actual state of the public finances; to enable him to determine where he can draw, with propriety, to satisfy the public creditor, and to furnish him with the means of making to Congress his annual financial report. For the same purpose, the Secretary requires monthly statements of the aggregate amount of bonds, in order that he may be enabled to judge all the means of the Department; and, under the old systems, when bonds taken for customs were

twelve, eighteen, and twenty-four months, such returns would enable the Secretary to present, with great precision, what would be the amount of the receipts from those sources in any one year; but since 1832, when the credits were reduced to three and six months, and when at least twenty-five per cent. of the duties on imports are received in cash, it has not been so easy or so certain to calculate on the amount of the annual receipts as it was formerly, under the old system of exclusive and of long credits. But it cannot fail to impress every man that these returns of balances cannot lead to the discovery of fraud where fraud exists, or to detect fraud where fraud is purposed. The running account with the vouchers are never transmitted to the Secretary, for the best of all reasons, that he has never been charged with their examination and adjustment.

In the Secretary's report, to which I have already referred, speaking of a possibility that a combination among officers, or an accident escaping the vigilance of officers, might lead to an improper withdrawal from the Treasury of some part of the public money—whereupon he remarked that, to guard against this, it might be advisable to require, by a standing law, what has been heretofore, at least on two occasions, (in 1794 and 1801,) that is, a periodical examination, by a committee of Congress, into the actual condition of the Treasury. That examination, going beyond the forms and records—beyond the face of all the accounts kept, and even the publication, required by the Constitution, of the receipts and expenditures of all public money—should, in a special manner, whenever the slightest suspicion exists, extend to a close inquiry into the settlement of any accounts; the occasion for every allowance; the rules and extent of all discretionary expenditures; the evidences of the actual amount of the money in the Treasury; or any other circumstance which would tend to detect error, or lead to salutary improvements in any of the existing laws." These all-important suggestions were alike disregarded by Congress. Defalcations had alarmingly occurred under former Administrations, and to guard against any such recurrence, as well as to prevent any improper withdrawal of the public money from the Treasury, the recommendations to which I have referred were submitted, and submitted in answer to a call from the Senate itself. But there has been since no action of Congress upon the subject; and if defalcations have arisen, and those defalcations cannot be charged upon any neglect of official duty in any public officer, it may fairly be considered whether the fault does not lay at the door of Congress—whether there has not been a great omission of public duty in this respect, on the part of the legislative branch of the Government. In view of this matter, and in the discharge of what they believed to be their duty, most emphatically urged upon us by recent events, the Committee on Finance have presented to the Senate the bill now under consideration. I do not propose to go into an examination of its details; that has already been done; but as a whole, it will furnish those guards for the safe-keeping of the public money, which have long been wanted. It will prevent any appropriation of the public funds to private use; it will most effectually lead to the discovery of any frauds which may be attempted by collectors and receivers in making their returns; and what is of the utmost importance, it imposes a severe penalty upon the transgressor. Not only will the accounting officers, if this bill shall be passed, be able to detect fraud, but also to bring to punishment the offender.

The Senator from Massachusetts says that there is law enough, but the fault is in the execution. Then, sir, every Administration, from 1789 to the present period, has been in fault. No, sir; there is a want of legislation upon the subject. More checks are demanded, and more guards are required, to preserve the public money in the hands of collectors, for the exclusive use of the Government. How stands the fact? What has been our history in relation to the defaults of public officers?

I have read the document about which much has been said elsewhere in the course of the present session. I refer to House document No. 111, and which was submitted to the House of Repre-

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Settlers in Creek Indian Country—Mr. Chapman.

Ho. of Reps.

representatives in January, 1839; and, if I rightly recollect, that document contained the names of one hundred and fourteen persons who had been collectors of the customs, and were returned as public defaulters. Nine tenths of those defaults occurred under the Administration previous to the last Administration. The laws which the Senator has recited were then in full force; they did not prevent defaults then; they did not then lead to the discovery of frauds. The same laws cannot now effectuate those objects; there is a defect in the law, and that defect the present bill is intended to supply. Why were not those laws sufficient to prevent the defaults of General King, of Mr. Wingate, of General Upham, and of Mr. Swanton? They occurred under the administration of the younger Adams, when those laws were in full force. Why were they not sufficient to detect the default of Robert Arnold, who stands recorded as a defaulter to the amount of more than eighty thousand dollars, with an official bond amounting only to five thousand dollars. This default also occurred under the administration of Mr. Adams; and, from my recollection, the report states that there is no expectation that this amount will be reduced by subsequent receipts. I mention these facts to show that the existing acts of Congress are not sufficient to prevent these frauds, and to preserve in safety the public money for the use of the Government. The imposition is practiced in the return itself; and, if the collector of the customs can induce some half dozen clerks to conceal the fraud, he can make, as he has from time to time made, such false returns to the accounting officers, and furnish to the Secretary weekly such false statements of the aggregate balances as to prevent the discovery and the detection of the fraud. But pass this bill, and you impose such a perfect system of well-ordered checks and guards that no collector, of himself, can make a false return without an immediate discovery of his fraud.

Up to 1835, a practice prevailed that, when the Auditor received the quarterly yearly returns from the collectors, &c., &c., the clerk in the Auditor's office having these returns in charge, was in the habit of handing those returns to a clerk in the office of the Secretary of the Treasury, for the sole purpose of entering the footings, so as to show officially to the Secretary the amount of available means at the end of every quarter, to answer the same object, in fact, which the weekly and monthly statements to the Secretary from the collectors, of the aggregate balances, were intended to answer. No vouchers were ever handed with these official returns, and no means could thereby be afforded to the Secretary of the Treasury to detect the fraud, if fraud existed. The only way, as I have before stated, of detecting the fraud, is by a careful examination and comparison of the accounts with the vouchers at the Auditor's office.

This practice is now discontinued, and I have heard it said, among other things, by way of charge against the Secretary of the Treasury, that this was done at the instance of the Secretary. The practice, sir, was discontinued by the clerk in the Auditor's office; and, from inquiry, I have not been able to learn that the oldest clerks in the office of the Secretary of the Treasury ever knew that these returns from the Auditor's office were made for the purpose of making an examination or comparison with any returns which may have been made direct to the Secretary himself. No such comparisons were ever made under any Administration. No such returns were ever made for any such purpose to the Secretary's office from the office of the Auditor.

I cannot close my remarks without again referring to the House document No. 111, in order to show that the existing laws do not afford sufficient checks and guards, and that further legislation is indispensably necessary, with a view to the security of the public money. That document states that William Brown, a collector at New Orleans in 1809, was a defaulter to the amount of more than \$107,000; and if I have a right recollection of that case, he became a defaulter, and had actually absconded before the date of the last letter of instructions to him from Mr. Gallatin, the then head of the Treasury Department. Although there had been some little informalities as to the time of making his weekly

statement of balances, &c., yet neither from the face of the accounts themselves, nor from any other source, was the Secretary of the Treasury led to suspect that all was not right in the case of this defaulter.

And as the present Secretary's circular to certain receivers has been somewhat severely, and, I think, unjustly animadverted upon, I will take the liberty to transcribe Mr. Gallatin's letter to Mr. Brown, in order to show that the present Secretary has high authority for the course he pursued, and that the sentiments, and even the language, of Mr. Gallatin, in his letter to Mr. Brown in 1809, reproving him for some omissions of duty, are very similar to the language used by Mr. Woodbury in his circular, wherein he undertook to complain for some omissions of official duty, and recommending, properly, in my judgment, a different course, rather than reporting the individual as unworthy of place—and who ought at once to be removed from office. I subjoin a copy of Mr. Gallatin's letter to Mr. Brown:

TREASURY DEPARTMENT, December 4, 1809.

SIR: I have this day received eight weekly returns from you, from the 1st of July to 31st August last, with sundry other returns, some of which bore the post mark of November 13. As the standing instructions of this Department respecting weekly returns, and the particular instructions to you upon that subject, contained in my letter of the 25th of June last, have not been complied with, I take the liberty to repeat that it is indispensable that the weekly returns should be weekly made, and put in the post office immediately after the end of the week to which the return relates.

I have also this day received from the cashier of the office of discount and deposit your receipt for \$100,000, taken up from him under the authority contained in my letter of the 9th of March last. It was not my intention, and the tenor of that letter implies it, that the whole of this sum should be drawn at once; but that, after the moneys in your hands were exhausted, you should draw on the bank, from time to time, to meet the debentures, as they should be presented to you for payment. If, therefore, you have not paid away, for debentures, the whole of that sum of \$100,000, together with the sums remaining from your collections, and which appear to have amounted, on the 31st of August, to \$23,000, you will be pleased, immediately on the receipt of this letter, to refund to the office of discount and deposit as much as may remain in your hands; and will continue, as fast as any moneys come into your hands, to apply them, from week to week, to the reduction of the balance of the advance from the bank, until it is wholly repaid.

I have received no statement of the debentures issued, nor any intimation from you of their amount. From the time when the money was taken up by you, I presume they were issued in the month of September. No statement for that month has been received, although the statement of debentures issued in the subsequent month of October came to hand by the last mail. This is an irregularity which ought not to have taken place. As you are not ignorant of the manner in which all your returns to this Department ought to be made, I must request your particular attention that no omissions or irregularities be permitted hereafter to occur.

You will be pleased to acknowledge the receipt of this letter by the first mail after its arrival.

I am, very respectfully, your obedient servant,  
ALBERT GALLATIN.

WILLIAM BROWN, Esq., Collector, New Orleans.

Mr. President, I have said all that I wish to say. My object in rising was to defend the Secretary of the Treasury from charges which had been so often made, and constantly reiterated against him, on account of some knowledge which it is supposed that officer had of the late defalcations in New York, in such time as to have enabled him to expose the fraud, and to have convicted the wrong doer. It has been my purpose to show that a faithful and vigilant discharge of the appropriate duties of that officer could not, by any possibility, enable him to discover or detect any frauds which any collector, in his official returns, might intend to practice. I have endeavored to show that to the accounting officers of the Treasury belong, and exclusively belong, not only the receipt, examination, and final adjustment of such accounts, but I have also shown that to the First Comptroller belongs the business of superintending the collection of the duties on imports and tonnage, and that so specific are the duties of the Secretary of the Treasury, as pointed out by the existing laws, that without undertaking at his mere motion to perform the official duties of other officers, he could not have discovered any falsities or frauds contained in the return of the collectors of customs or of any of the receivers of the public moneys.

As the friend of the Secretary of the Treasury, I look forward with entire confidence to the publication of the report of the committee of investigation, who have this whole subject in charge;

and if justice shall be done to that distinguished officer in that report, as I cannot doubt it will be, I have every reason to believe that he will be entirely exonerated from all blame and from every unworthy imputation. I am perfectly aware of the nature and character of the charges which have been made and circulated against the Secretary of the Treasury, with reference to the recent defalcations in New York, and with reference to other defaults which have recently occurred. But, sir, let the report come; let the truth, the whole truth, and nothing but the truth, be faithfully presented to the American people; let party prejudice be laid aside, and a just account given of these transactions, and I have no doubt that it will be discovered that these charges against, and these attacks upon, the public conduct of the Secretary have been made without right and without authority.

It is known to you, Mr. President, it is known to me, it must be known to us all, that most extraordinary allegations have been made against the Secretary, pending the present session of Congress, in this Senate, and out of this Senate. If, sir, there was any reliance to be placed on popular rumor, if the public journals of the times could be regarded as the faithful chronicles of passing events, long before this we had a right to expect to have had the Secretary of the Treasury arraigned before this Senate to answer for high misdemeanors to be preferred against him by the House of Representatives. I have felt some solicitude, some anxiety, to have such a proceeding instituted against my friend. It would be to him the proudest day in his whole life. He would then have the opportunity to meet his accusers face to face; and he would then be able to show forth that integrity of character, that uprightness of purpose, which belongs to him—to convince his accusers, and to satisfy the American people of the great injustice done him.

In conclusion, Mr. President, all that I have to say is, that those who have been so prolific and constant in their charges against the Secretary of the Treasury, have mistaken their aim; for, notwithstanding the attacks which have been made upon, and which are, day following day, repeated against him on this floor and in another part of this Capitol, but little impression is made abroad. It is manifest that intelligent and patriotic portions of the community, (while those things are going on here,) are giving to the Secretary the most gratifying evidence of their unshaken confidence in him, and of their fixed determination to give support to his public and official acts.

#### SETTLERS IN CREEK INDIAN COUNTRY.

#### REMARKS OF HON. R. CHAPMAN, OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,  
February 25, 1839.

Mr. CHAPMAN, from the Committee on the Public Lands, reported a bill from the Senate for the relief of certain settlers in the country acquired from the Creek Indians, who lost their improvements, to which they were entitled under the pre-emption law of 1834, by the location of the reservations for chiefs and orphans of that tribe, with an amendment.

Mr. C. said that the amendment reported only changed the phraseology, not the sense, of the bill; and he hoped it would be concurred in. He said that, as the session was so near a close that this bill might not be reached if ordered to the Committee of the Whole, which was the usual course, he asked the House to consider it at once, since it proposed no appropriation, and therefore did not, under the rules of the House, require commitment.

Mr. LINCOLN, having moved to commit the bill, insisted that it proposed an appropriation of land, and consequently was embraced within the rule requiring commitment as much as if an appropriation of money was proposed.

Mr. CHAPMAN said he lamented the necessity, at this time, of resisting the motion to commit; but as that course would probably, if adopted, defeat the bill, he was constrained to oppose it. He said that, as the vote on the motion pending

would probably decide the fate of the bill, he must ask the House to indulge him in making a brief explanation of its provisions, and the peculiar claim to relief the individuals had for whose benefit it was intended. He was never disposed to waste the time of the House, especially when so little remained in which to transact the great amount of important public business, and would promise not to consume as much in stating the merits of the bill, as the gentleman from Massachusetts [Mr. LINCOLN] had in the technical objection he had made to its consideration at this time.

After the treaty with the Creek Indians, these settlers had removed into the territory acquired, and made valuable improvements on fertile land. Indeed, he had been informed that they are much the most valuable improvements in the country. At the passage of the preemption law in 1834, they were completely embraced within its provisions; and, at the time of the first land sale in the Creek country, (in January, 1834,) they were actually settled on their improvements. At that time, the chiefs' and orphans' reserves, authorized by the Creek treaty to be selected, had been already located by Colonel Bright, the agent appointed for that purpose, but upon unimproved though fertile land. After this, and while these settlers were peaceably residing on their own improvements, not even subject to be divested by these contingent locations, (for they had been selected by the agent,) that agent was prevailed upon to remove the locations he had at first made for the chiefs and orphans, and place them on the valuable improvements of these settlers, only rendered more valuable than the lands before located on by the labor and expense of these industrious and enterprising citizens. Mr. C. said it was not certain but that these injured settlers might have successfully resisted the authority and binding effect of the change of locations; but they were too poor to undertake a controversy so expensive; and were forced to give up their homes, and, with their families, seek shelter elsewhere, relying on the justice of this Government to make them compensation for their losses.

Mr. C. said, that very soon after he had the honor of holding a seat on this floor, he had brought this subject before Congress, and made a report, accompanied by a bill for the relief of these settlers. That bill had been again and again reported by him to this House, but, like many other important measures that propose to relieve only one class of citizens, he had found it impossible to get it directly considered. The bill he had reported proposed nothing more than those individuals were justly entitled to. But still it proposed much more than this. That bill proposed an absolute grant to those settlers of one quarter section of land, subject to private entry, by paying the fees of office only; or a quarter section of other land not settled upon, at Government price. This bill proposes no grant, but only authorizes such settlers who establish the facts I have stated as the ground of their claim by proof, to enter any land at Government price not settled upon.

The advantage this bill proposes is inconsiderable indeed, for in the country to which they are confined, I assure the House, but little land worth more than Government price can be found, if any, not now settled upon. But still they propose to take this bill, rather than submit to further delay, or get nothing.

Mr. C. said he could show precedents for a grant, without price, of three hundred and twenty acres to each settler in Arkansas, under similar circumstances; but for these citizens no such benefit is asked, nor, indeed, anything that can possibly prejudice the Government, for no land sells for more than a fraction over the minimum price, and they are required to pay that much.

Mr. C. said that on several occasions this bill has passed the Senate, and has been lost in this House, either for want of time, or for some objection made to it here. One objection has been heretofore that, under its provisions, a great many might claim who are not entitled. This bill guards against any such frauds; however, since the last session, proof has been made of all who are entitled, which is now on your table, and the whole number does not exceed sixty or

sixty-five. He knew most of them personally, and more honest, industrious, respectable citizens cannot be found in any country, nor none more meritorious. He was conscious of having most earnestly pressed the claims of these citizens, since he had been a member of this body. No opportunity had been suffered to pass unimproved, to obtain for them that justice he had been satisfied they were entitled to, before he had a seat here. He had been less fortunate in this House than the able and efficient Senators from his State, in the other, had been in their efforts, and consequently some had insinuated a want of zeal on his part, in pressing this measure; but he would not regard such insinuations, and should, in despite of them, continue to urge their claims.

Pending the motion of Mr. LINCOLN to commit, Mr. WILLIAMS, of North Carolina, moved to lay the bill on the table; which motion prevailed.

#### PUBLIC LANDS.

### SPEECH OF HON. A. G. HARRISON, OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,  
February 15, 1839,

Vindicating the doctrines and principles contained in certain resolutions submitted by him to the select committee to whom was referred the report of the Secretary of the Treasury upon the subject of the public lands.

The following are the resolutions of Mr. HARRISON:

*Resolved*, That the powers of the Federal Government result from the compact to which the States are parties, limited by the plain sense and intention of the instrument constituting that compact, and are no further valid than they are authorized by the grants enumerated in the compact.

2. That State sovereignties are only diminished by powers specifically enumerated in this compact, or by such as are necessary to carry the specified powers into effect.

3. That there being no terms or conditions mentioned in the Constitution by which new States coming into the Confederacy should be bound or restricted, each and every State, whether now or old, as a member of this Confederacy, has "the same rights of freedom, sovereignty, and independence, in all respects whatever," as another; and is as completely sovereign, to all intents and purposes, as it was, or would have been, had the Union never been formed, except only so far as it has given certain rights and powers to the General Government, enumerated in the Constitution, for specified purposes.

4. That the right of exclusive jurisdiction to the utmost limits of State territory is an unqualified and undeniable attribute of sovereignty; and as by the nature of the reserved rights, and the terms of the Constitution, no one State has a greater portion of reserved rights than another, so no other power whatever has any right to interfere, by legislative enactment or otherwise, with the property or rights of property which lie within the acknowledged limits of any of the States, since these are subjects of a local character, and appropriate only for local legislation.

5. *Resolved, therefore*, As the States of this Confederacy, "in all respects whatever, are equally free, sovereign, and independent," no conditions being imposed or required by the Constitution upon those that might be admitted into the Union, that all restrictions and conditions upon the new States, on their admission, being opposed to the fundamental principles and analogies of the Government, and not sanctioned by the Constitution, are null and void; and that each new State, upon being admitted into the Union, being "as free, sovereign, and independent as the other States, in all respects whatever," was solved, by the act of admission, from all terms, conditions, restrictions, and limitations whatever, whether under deeds of cession, ordinances, or compacts, and became, *ipso facto*, the absolute, unqualified, and uncontrollable sovereign of the soil lying within its respective limits and jurisdiction.

Mr. HARRISON said:

Mr. SPEAKER: In the investigation which I propose to make of the doctrines and principles set forth in the resolutions which I submitted to the select committee to whom the subject of the public lands was referred, I deem it proper to state, at the threshold, that no extraneous influence whatever induced me to introduce these resolutions, which have been so unceremoniously denounced as "startling, monstrous, and extraordinary." I consulted no human being on the subject. I had no secret or disguised object in view, either personal or political. It was not my wish or intention that the resolutions should be connected with any party, or any influence that was now agitating the country; nor did I look forward to any feeling of popular favor that might be attained by their introduction, since it is my unalterable determination not to apply again for a seat upon this floor upon the expiration of the time I have yet to serve. I have been actuated

by higher motives, and influenced by considerations of a more comprehensive and patriotic character. It is my sober and deliberate conviction that these resolutions contain a true exposition of the relative powers and rights of the new States, and advance no doctrine that is not sustained by the Constitution, by the early documentary history of the country, and by all the fundamental principles and analogies of the Government.

The gentleman from Virginia [Mr. ROBERTSON] and myself differ widely on the questions involved in this subject. Were I to admit his premises, I should be forced to adopt his conclusions. But I go behind all the positions he has taken, and contend, and shall endeavor to show, that the compacts made between the General Government and the several States that made the cessions, upon which he seems to rely with so much confidence, do not give the power to bind and restrict us, as has been exercised towards us; that they could not give the powers claimed, because, having been made during the existence of the Articles of Confederation, that instrument positively prohibited, and the Constitution of the United States, coming into existence upon the dissolution of the Articles of Confederation, nowhere authorized, the exercise of such powers. I go further: I not only maintain the doctrine that these compacts do not give the powers which are claimed, and if they did, that they are void, because against the express letter of the Articles of Confederation, which were the paramount law of the land at the time these compacts were made; but also, that it never was the intention of those who framed those articles that the Federal Government should have the power of owning the lands lying within the limits of a State: in fact, sir, so far from entertaining any such idea, that they did, in the most positive and unequivocal manner, express a contrary intention. And this I will prove from facts that occurred at that period, constituting a portion of the history of that day, which cannot be met, contradicted, or denied.

In the examination of these resolutions we must look closely at the nature and character of our Government, its Constitution, the object and extent of the powers granted, and of the rights and powers of the several States anterior and subsequent to the formation of the Confederacy. It is in this way that I mean to examine the subject, and endeavor to establish all the principles which I have advanced.

The Federal Government is the creature of the States, made by them for their common benefit; and the Constitution of the United States the great charter of Federal power. The beauty of the system is, that the Federal Government, having been created for certain great national purposes, which could not have been attained so well without a common Union, deriving all its powers from the States that formed it, can exercise none but such as are specifically granted and enumerated in the instrument that contains these powers. And if we desire to know whether the General Government can exercise a particular power, the only guide that we have in making such inquiry is the Constitution. The powers, therefore, of the General Government are binding, so far as they are given, and all laws, compacts, treaties, and ordinances, made without authority from the Constitution, are void.

In section third of article fourth of the Constitution of the United States, we find the power that is given for the admission of new States. It is contained in one short line. It says, "new States may be admitted into the Union." The language is plain and simple. No power is found connected with the power to admit which authorizes the General Government to impose conditions and restrictions upon the new States when admitted into the Union. Now, as the Constitution is an instrument containing delegated powers only, authorizing the Federal Government to exercise such alone as are specifically granted and enumerated, I call upon gentlemen opposed to me on this subject to inform me how, and from whence they get the power to impose conditions upon the new States, which were not and cannot be imposed upon the original thirteen. Is not the power for the admission of the new States full

and perfect? Was it left unfinished by the wise men that made the Constitution? Or did they mean that the power expressly granted of admitting new States should carry along with it others of a broader and more unlimited character not enumerated in the grant?

The Constitution says, "the powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Now, the power to impose conditions upon the new States is not a delegated power—it cannot be found in the Constitution. And if it be not a delegated power, by what authority are these conditions imposed upon us? The compacts, even if they intended to give such a power, could not do so, as the powers in the Constitution could not be enlarged, altered, or diminished by any compact or ordinance whatever.

With these general remarks upon the character and principles of our Government, I shall proceed to a particular examination of those compacts by which it is contended the new States are bound. But it may be proper to look into the causes which led to these compacts, before examining the compacts themselves, as calculated to explain the objects which were to be gained.

Before and during the revolutionary war many of the States laid claim to a vast extent of vacant territory. These claims excited murmuring and discontent among those who had no such claims, or whose claims were not so clear. They contended that, as the war was carried on by the common sacrifice of blood and treasure, the lands belonging to the Crown of Great Britain should, upon the successful issue of the war, become the common property of all the States, and go to discharge the debt incurred by the war. To quiet the discontent that prevailed, and to obviate the difficulties and troubles that were constantly rising in view, Congress appealed to those States that laid claim to this vacant territory to cede it to the Federal Government, for the purpose of allaying the heartburning which was then corroding the peace and disturbing the good feeling of the Confederacy. No cession was made before the appeal of Congress on the subject; and it is by reference to the acts of Congress alone that we can rightly understand the real objects which they had in view in appealing to the States to make the cession.

The first movement on this subject was the resolution of the 6th September, 1780. This may be regarded as the first dawning of the light which afterwards breaks upon us in full blaze from other acts that followed.

"That having duly considered the several matters to them submitted, they conceive it unnecessary to examine into the merits or policy of the instructions or declaration of the General Assembly of Maryland, or of the remonstrance of the General Assembly of Virginia, as they involve questions, a discussion of which was declined on mature consideration, when the Articles of Confederation were debated; nor, in the opinion of the committee, can such questions be now revived with any prospect of conciliation; and it appears more advisable to press upon those States which can remove the embarrassments respecting the western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the General Confederacy; to remind them how indispensably necessary it is to establish the Federal Union on a fixed and permanent basis, and on principles acceptable to all its respective members; how essential to public credit and confidence, to the support of our Army, to the vigor of our councils and success of our measures, to our tranquillity at home, our reputation abroad, to our very existence as a free, sovereign, and independent people; that they are fully persuaded the wisdom of the respective Legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States, and so necessary to the happy establishment of the Federal Union; that they are confirmed in these expectations by a review of the aforementioned act of the Legislature of New York, submitted to their consideration; that this act is expressly calculated to accelerate the Federal alliance, by removing, as far as depends on that State, the impediment arising from the western country, and for that purpose to yield up a portion of territorial claim for the general benefit: Whereupon,

"Resolved, That copies of the several papers referred to the committee be transmitted, with a copy of the report, to the Legislatures of the several States; and that it be earnestly recommended to those States who have claims to the western country, to pass such laws, and give their delegates in Congress such powers, as may effectually remove the only obstacle to a final ratification of the Articles of Confederation; and that the Legislature of Maryland be earnestly requested to authorize their delegates in Congress to subscribe the said articles."

It is unnecessary to dwell on the language of

this report and resolution. The object is manifest. To pay the debt incurred by the war, and to silence the murmuring that was beginning to break forth into audible and serious complaint, was the design of Congress in making the appeal to the States. On the 10th of October, 1780, Congress again addressed the States on the subject. This resolution, it will be seen, is stronger in its terms, and more direct in its meaning, than that of the 6th September:

"Resolved, That the unappropriated lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct Republican States, which shall become members of the Federal Union, and HAVE THE SAME RIGHTS OF SOVEREIGNTY, FREEDOM, AND INDEPENDENCE AS THE OTHER STATES; that each State which shall be so formed shall contain a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit. That the necessary and reasonable expenses which any particular State shall have incurred, since the commencement of the present war, in subduing any British posts, or maintaining posts or garrisons within and for the defense, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed."

The language here employed is of a most striking character. Congress solemnly promises the States, upon relinquishing their claims, that the territory so ceded "shall be settled and formed into distinct republican States, which shall become members of the Federal Union, and HAVE THE SAME RIGHTS OF SOVEREIGNTY, FREEDOM, AND INDEPENDENCE AS THE OTHER STATES." What were "the rights of freedom, sovereignty, and independence" which belonged "to the other States" at that time? How far, and to what extent, were the old States free, sovereign, and independent, at this particular period in the history of our country? "The rights of freedom, sovereignty, and independence," which then belonged to them, is our inheritance at this day, which cannot be taken from us by any power on earth. And the compact with Virginia does not conflict with, or in any degree impair, the rights here mentioned. In truth, it confirms all that was promised. The States not yet complying with the earnest appeals that had been made, Congress again addressed them on the same subject, April 18, 1783, through the means of a committee appointed for that purpose, of which Mr. Madison was chairman. Still unsuccessful, Congress made another appeal to the States, in the resolution of the 29th April, 1784, which is in more precise language than the former resolution, as Congress explains, in a definite manner, what was intended by the resolution of 10th October, 1780. This is the resolution:

"Congress, by their resolution of September 6, 1780, having thought it advisable to press upon the States having claims to the western country a liberal surrender of a portion of their territorial claims; by that of the 10th of October, of the same year, having fixed conditions to which the Union should be bound on receiving such cessions; and having again proposed the same subject to those States in their address of April 18, 1783, wherein, stating the national debt and expressing their reliance for its discharge on the prospect of vacant territory, in aid of their resources, they, for that purpose, as well as to obviate disagreeable controversies and confusions, included in the same recommendations a renewal of those of September 6th and of October 10th, 1780, which several recommendations have not yet been complied with:

"Resolved, That the same subject be again presented to the same States, (to the attention of,) that they be urged to consider that the war being now brought to a happy termination by the personal services of our soldiers, the supplies of property by our citizens, and loans of money from them as well as from foreigners, these several creditors have a right to expect that funds shall be provided on which they may rely for their indemnification; that Congress still consider vacant territory as an important resource; and that, therefore, the said States be earnestly pressed, by immediate and liberal cessions, to forward these necessary ends, and to promote the harmony of the Union."

I would here call the particular attention of the House to the language that is here employed. It says:

"Congress, by their resolution of September 6th, 1780, having thought it advisable to press upon the States having claims to the western country, a liberal surrender of a portion of their territorial claims; by that of the 10th October of the same year, HAVING FIXED CONDITIONS TO WHICH THE UNION SHOULD BE BOUND ON RECEIVING SUCH CESSIONS," &c.

What "conditions?" By what was the Union to be bound on receiving such cessions? Why, sir, that new States should be made out of the territory so ceded, which should be admitted with

"THE SAME RIGHTS OF FREEDOM, SOVEREIGNTY, AND INDEPENDENCE AS THE OTHER STATES." This was one of the conditions. The other was, that the territory ceded should constitute a source of revenue to pay the debt incurred by the Revolution. Now, if the conditions were fixed by the resolution of October, 1780, by which the Union should be bound on receiving these cessions, I ask, how can they be altered or changed? They still exist for the benefit of the States that were to be carved out of this territory, and which were to be admitted into the Union. These resolutions show not only the motives which impelled Congress to ask that the cessions should be made, but also the consideration which was offered as an inducement to the States to make the cessions. These historical facts are particularly important, as it is presumable they contain all the reasons which influenced Congress to address the States upon the propriety of making the cessions, and especially as they are antecedent to the cessions, as well as the Constitution of the United States.

The cessions, upon these earnest and repeated applications of Congress, were made; and, as it is my object to examine these deeds of cession with a rigid scrutiny, to discover if there be anything in them incompatible with the "rights of freedom, sovereignty, and independence" which were promised and guaranteed to the States that might be admitted into the Federal Union, I shall take up and comment upon the deed of cession made by Virginia, as a sample of the whole.

In treating of these deeds of cession, it must be borne in mind that they were compacts made by and entered into between two parties; and also that they were made during the existence of the Articles of Confederation. For, in the examination of these compacts, it will be found that there are expressions in them which cannot be understood without reference to the Articles of Confederation.

It cannot be denied that the State making the cession had the right to impose the conditions, if conformable to the Articles of Confederation, and that the Government accepting them could not afterwards enlarge, add to, or diminish the terms of the cession, without the consent of the other party. Being a compact between two parties, it required the consent of both to make any alteration. What were the conditions upon which Virginia ceded her territory? They were, first, that the ceded territory should be laid out into distinct republican States, which should be admitted into the Union "with the same rights of freedom, sovereignty, and independence as the other States," and also that the lands ceded should be a common fund for the benefit of the United States, to be disposed of according to their usual respective proportions in the general charge and expenditure. These are the two important conditions mentioned in the compact with Virginia; the first conforming to and complying with the conditions that were fixed in the resolution of Congress of the 10th of October, 1780, as explained by that of the 29th of April, 1784. It was upon these conditions that Congress accepted the deed of cession from Virginia. They cannot be altered without the consent of the other party. And if, in the course of this investigation, it should be discovered that in the acts of Congress admitting new States into the Union, there are other conditions than those contained in the deed of cession, they are null and void, because not authorized by the original deed, and the General Government had no power whatever, without the consent of Virginia, to alter the terms and condition of the cession.

There is one most remarkable feature in this deed of cession. Virginia not only cedes all her right, title, and claim to the soil, but to the jurisdiction.

For the purpose of calling the attention of the House to this point, I will read the clause that contains it:

"Be it enacted by the General Assembly, That it shall and may be lawful for the delegates of this State to the Congress of the United States, or such of them as shall be assembled in Congress, and the said delegates, or such of them so assembled, are hereby fully authorized and empowered, for and on behalf of this State, by proper deeds or instruments in writing, under their hands and seals to convey, transfer, assign, and make over unto the United States in Congress assembled, for the benefit of the said States, all right, title, and claim, AS WELL OF SOIL AS JURISDICTION, which this

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Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being to the northwest of the river Ohio, subject to the terms and conditions contained in this before-recited act of Congress of the 13th day of September last; that is to say, upon condition that this territory so ceded shall be laid out and formed into States, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit; and that the States so formed shall be distinct republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence, as the other States."

What was that jurisdiction before the cession? When the property, and in possession of the State of Virginia, it was full, complete, and absolute. No other power could limit, restrict, or interfere with it. Where is it now? Does the General Government possess it as full and absolute as Virginia had it before the cession? No, sir. None will venture to advance such doctrine. Where is it then? It was a thing that existed before the cession, and it must still exist somewhere. If it be not found with the General Government, it must be with the States; and if with the States, how came it there? By compact? By any arrangement or understanding between the General Government and the States? None of these. It fell to the States as one of the reserved rights. By the magical influence of sovereignty it attached itself to the powers of the States as being one that was not delegated to the General Government. In reference to jurisdiction as an attribute of sovereignty, Vattel, in his book on the law of nations, says:

"The general domain of the nation over the lands she inhabits is naturally connected with the empire; for, in establishing herself in a vacant country, the nation certainly does not intend to possess it in subjection to any other Power; and can we suppose an independent nation not vested with the absolute command in her domestic concerns? Thus we have already observed (book 1, sec. 205) that in taking possession of a country, the nation is presumed to take possession of its government at the same time. We shall here proceed further, and show the natural connection of these two rights in an independent nation. How could she govern herself, at her own pleasure, in the country she inhabits, if she cannot truly and absolutely dispose of it? And how could she have the full and absolute domain of a place where she has not the command? Another's sovereignty, and the rights it comprehends, must deprive her of the free disposal of that place. And to this eminent domain, which constitutes a part of the sovereignty, (book 1, sec. 244,) and you will the better perceive the intimate connection existing between the domain and the sovereignty of the nation. And, accordingly, what is called the *high domain*, which is nothing but the domain of the body of the nation, or of the sovereign who represents it, is everywhere considered as inseparable from the sovereignty."

"The sovereignty united to the domain establishes the jurisdiction of the nation in her territories, or the country that belongs to her. It is her province, or that of her sovereign, to exercise justice in all the places under her jurisdiction, to take cognizance of the crimes committed, and the differences that arise in the country."

Here, sir, we have a definition given of the term "jurisdiction," such as must satisfy every one does not belong to the General Government over lands which it claims, lying within the limits of a State. And it is clear that the exercise of such a power on the part of the Government would utterly annihilate every vestige and feature that characterize a State. Mr. Henry, in the debates of the Virginia Convention on the adoption of the Federal Constitution, speaking on the subject of giving up the navigation of the Mississippi, says:

"France has guaranteed to us our sovereignty, and all its appendages. What are its appendages? Are not the rivers and waters that wash the shores of a country appendages inseparable from the right of sovereignty?"

Governor Randolph, in the same debate, said:

"It will, moreover, be contrary to the law of nations to relinquish territorial rights. There is a prohibition naturally resulting from the nature of things, it being contradictory and repugnant to reason and the law of nature and nations to yield the most valuable right of a community, for the exclusive benefit of one part of it."

Mr. Nicholas also said:

"The deprivation of territorial rights was obviously repugnant to the law of nations."

But, sir, I have still other authority of a high character, bearing directly on the point, to which I would particularly call the attention of the gentleman from New York, [Mr. PARKER,] who was a member of the select committee to whom this subject was referred, as the authority I am about to read is a decision of the supreme court of the State of New York, delivered by Chief Justice Spencer. The case was this: a murder

was committed at Fort Niagara, lying within the limits of the State of New York. The man was tried for the murder, found guilty, and sentenced according to the laws for the crime he had committed. The case was taken up to the supreme court, upon the ground that the State authorities had no jurisdiction of the case, inasmuch as the crime was committed at a place which was the property of the United States. I will now read that part of the decision which relates to the point in question:

"Their possession of this post must be regarded, therefore, as a possession for the State, not against it; it was a friendly occupation, not in derogation of our rights; and we regard it as a fundamental principle that the rights of sovereignty are never to be taken away by implication. In the case of the United States *vs.* Bevens, (3 Wheaton, 388,) Chief Justice Marshall said: 'The power of exclusive legislation, under the eighth section of the first article of the Constitution, which is jurisdiction, is united with cession of territory, which is to be the free act of the States.' The correctness of this remark is fully admitted; and if the United States had the right of exclusive legislation over the fortress of Niagara, they would have also exclusive jurisdiction; but we are of opinion that the right of exclusive legislation within the territorial limits of any State can be acquired by the United States only in the mode pointed out in the Constitution—by purchase, by consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. The essence of that provision is, that the State shall freely cede the particular place to the United States, for one of the specific and enumerated objects. This jurisdiction cannot be acquired tortuously, or by disseisin of the State; much less can it be acquired by mere occupancy, with the implied or tacit consent of the State, when such occupancy is for the purpose of protection."

"The third section of the fourth article of the Constitution of the United States is clearly adapted to the territorial rights of the United States, beyond the limits or boundaries of any of the States, and to their chattel interests, and it therefore drops the expression of exclusive legislation."

Now, sir, I would ask if anything could be stronger, or more directly in point than this which I have just read? The court not only takes the ground that there is but one way in which the Government can acquire or hold lands within the limits of a State, which is by consent of the State; but also, that this acquisition must be for one of the specified and enumerated purposes mentioned in the eighth section of the Constitution of the United States. And they say that the third section of the fourth article has clearly a reference to the territorial rights of the Government beyond the limits of the States, &c. Sir, can language be stronger or plainer than this? Am I not sustained in the broadest position I have taken in my resolutions. I feel confidence, by such high authority, that animates to the struggle, and lifts me above the power of ridicule, as well as the mortification of defeat.

I come now, sir, to the last important condition in this deed of cession. It is:

"That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American Army, shall be considered a common fund for the use and benefit of such of the United States as have become members of the Confederation or Federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever: Provided, That the trust hereby reposed in the delegates of this State shall not be executed, unless three of them, at least, are present in Congress."

To understand this rightly, we must go back to the time when the Articles of Confederation were the paramount law of the land, and look at the state of things that existed at this particular period of our history. The eighth article of the Articles of Confederation says:

"All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common Treasury, which shall be supplied by the several States, in proportion to the value of all the land within each State, granted to, or surveyed for, any person, as such land, and the buildings and improvements thereon, shall be estimated, according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint."

"The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States, within the time agreed upon by the United States in Congress assembled."

This explains the expression in the deed, "according to their usual respective proportions in the general charge and expenditure." Each State was to pay its proportional part of the expenses of the Government, according to the proportion

mentioned in this article, and the State, not the Government, as is now the case, alone had the right of levying and collecting the taxes necessary to pay her proportion. Now the part just quoted from the deed of cession did not mean, and does not say, that the Federal Government should have the power to hold lands within the limits of a State; for the ninth article of the Confederation, which expressly says that "the territory of no State shall be taken for the benefit of the United States" forbids it. All that was meant by it was, that the proceeds of the land sold, lying "beyond the limits of the States," should go into the general Treasury, according "to their usual respective proportions in the general charge and expenditure." Suppose, then, a new State had been admitted into the Union during the existence of the Articles of Confederation, what would have been the extent of her sovereignty? Exactly that which was the extent of the sovereignty of one of the old States. And how could this have been ascertained? By a reference alone to the second and ninth articles of the Confederation. The second article says:

"Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not, by this Confederation, EXPRESSLY DELEGATED to the United States in Congress assembled."

And the ninth article says:

"Provided also, That no State shall be deprived of territory for the benefit of the United States."

Can any language be used more direct and pointed than that found in the two articles quoted, to show that a State coming into the Union under the Confederation, would be equal in all the attributes of sovereignty with the old States, and that the territory of no State could be taken for the benefit of the United States? In other words, that the Federal Government had no power to hold lands within the limits of any of the States. The compact, if it is supposed to conflict with the Articles of Confederation, could give no new power, nor alter in any manner whatever the powers which had been vested in the Federal Government by the Confederation. The sovereignty of no State, therefore, could have been limited, as the Confederation did not permit it, and the deed of cession or compact with Virginia did not and could not grant it; and the new State, had one been admitted, would have come into the Confederacy with "the same rights of freedom, sovereignty, and independence as the other States." If further proof is wanting on this head, I have that at hand which, it seems to me, is conclusive and irresistible beyond the power of human contradiction. After the adoption of the Confederation, several of the States, not satisfied with many of its provisions, made objections to joining the Confederacy, and consequently remained out of it for some length of time. Among these were Rhode Island and New Jersey, who seemed to object particularly to that clause of the ninth article of the Confederation which says:

"Provided, also, That no State shall be deprived of territory for the benefit of the United States."

The objection of Rhode Island, is as follows:

"In the ninth article, at the end of the second paragraph, after the words 'for the benefit of the United States,' add 'provided, nevertheless, that all lands within these States, the property of which, before the present war, was vested in the Crown of Great Britain, or out of which quit-rents arise, payable to said Crown, shall be deemed, taken, and considered as the property of these United States, and be disposed of and appropriated by Congress for the benefit of the whole Confederacy, reserving, however, to the States within whose limits such Crown lands may be, the entire and complete jurisdiction thereof.'"

Rejected—ay 1, noes 9. The objection of New Jersey is in the following language:

"The ninth article provides that no State shall be deprived of territory for the benefit of the United States. Whether we are to understand that by territory is intended any land, the property of which was heretofore vested in the Crown of Great Britain, or that no mention of such land is made in the Confederation, we are constrained to observe that the present war, as we always apprehended, was undertaken for the general defense and interest of the confederating Colonies, now the United States. It was ever the confident expectation of this State that the benefits derived from a successful contest were to be general and proportionate; and that the property of the common enemy falling in consequence of a prosperous issue of the war, would belong to the United States and be appropriated to their use. We are therefore, greatly disappointed in finding no provision for empowering the Congress to dispose of such property, but especially the vacant and unpatented lands, commonly called

the Crown lands, for defraying the expenses of the war and for such other public and general purposes. *The jurisdiction ought, in every instance, to belong to the respective States within the charter or determined limits of which such lands may be seated*; but reason and justice must decide that the property which existed in the Crown of Great Britain, previous to the present Revolution, ought now to belong to the Congress, *in trust for the use and benefit of the United States*. They have fought and bled for it in proportion to their respective abilities; and, therefore, the reward ought not to be predilectionally distributed."

These objections were made and rejected in 1778. Here, sir, we find the text of all the speeches and reports which have been made from that day to this on the subject of the public lands. The objections of these States are the very pith and marrow of all that has been said and urged in favor of the old States to what are called the public lands. Mark the language that is used. They are willing that jurisdiction, entire and complete, shall belong to the States in whose limits the lands may lie, but they require that the property in the soil shall be the common property of all the States. If this ninth article did not forbid that any other power should hold a property in the soil of a State, why object to it? If it be said that it was meant to apply to those States that had large claims to vacant territory, what is there in this or any other part of the Confederation that forbids the same application to a new State, had one been admitted during the existence of the Confederation? It applied equally to all; there was no exception, and these States knew the fact; and therefore it is that we find them urging in such earnest and pathetic strains the claims which they considered they had to this vacant territory, and which, by this article, was unjustly withheld from them.

Mr. ROBERTSON said, as he did not desire to reply to the gentleman from Missouri, he hoped he should be allowed to correct the extraordinary misapprehension into which the gentleman had fallen in regard to the effect of the proviso in the ninth article of the Confederation and the deeds of cession.

Mr. HARRISON assenting,

Mr. ROBERTSON proceeded. I purposely avoided, sir, all commentary upon the differences subsisting among the States in the early period of our revolutionary struggle, on the subject of the western lands, because I considered those differences finally adjusted by the compacts of cession and the Federal Constitution. It was immaterial whether the lands belonged to this Government or to the States which claimed them, since, in either case, the terms of the compacts and the provisions of the Constitution must be carried into effect. But if the gentleman will go beyond these instruments, he will find that Virginia claimed all the lands within the limits of her ancient charters long before the Confederacy was formed; and actually proclaimed these as her rightful boundaries in her State constitution, adopted prior to the declaration of American independence. Early in 1778, her Legislature authorized the raising of a regiment for the defense of her western frontier. Colonel Clark was appointed to command it, and reduced the forts of Kaskias and St. Vincennes, both of them, at the time, in the possession of the British, adding the right by conquest to that by grant. The Articles of Confederation were signed in July, 1778. In resisting the pretensions of the other States, Virginia denied that the United States held any territory, but in right of some one State, and relied on the proviso in the ninth article, referred to by the gentleman from Missouri, as reserving her sovereignty and jurisdiction within her limits. Without that proviso, she would not have acceded to the Confederacy. And it is strange that the gentleman from Missouri should rely on that or any other article of the Confederation to defeat the rights it was intended to secure, more especially when, as he himself tells us, that article was objected to by some of the States, and their objections overruled with but one dissenting voice.

There is nothing in the Articles of Confederation to sustain the argument that all the lands within the limits of the States belong to the State in which they be. The expression is, that *no State shall be deprived of territory for the benefit of the United States*. But that is a very different proposition. The territory within the new States was ceded to the United States before those new

States were created. It belonged then to the United States, and their disposition of it consequently does not deprive any State of territory; since no State can be deprived of what does not belong to it. These deeds of cession were equally as obligatory as the Articles of Confederation. We must comply with the conditions of the grant or restore the property. But, sir, the Articles of Confederation were abrogated by the Federal Constitution, which, as I have shown, ratified the compacts of cession. The ordinances made under those compacts, the very terms on which the new States have been admitted into the Union, and their own State constitutions, all declare that they shall never interfere with the primary disposition of the soil by the United States. Can any obligation then, sir, be more binding?

Nor is there anything in the objections of New Jersey and Rhode Island, referred to by the gentleman from Missouri, to support his idea that the Federal Government cannot hold lands within a State. If anything, they prove exactly the reverse. Those States proposed that a cession should be made of the soil to the Confederacy; the States making it to retain the jurisdiction. This offer was evidently intended as a concession to induce a surrender. It was not accepted. But the offer itself proceeds upon a ground at war with the principle asserted by the gentleman from Missouri; for it necessarily supposes that the right of soil might be in the United States as to lands within the limits of a State, while the State retained the right of jurisdiction.

Mr. HARRISON. The gentleman's explanation, I think, does not avail him. It was before Congress that the objections of Rhode Island and New Jersey were made, who alone had the right to determine upon the matter. They rejected the objections; and stronger negative testimony cannot be brought, in my opinion, to show the clear intention of Congress that no such power was granted by the Confederation as that claimed by the gentleman. But, sir, I cannot now digress to notice the gentleman's explanation further at this time. I must resume the subject where I left off when the gentleman asked me to give way. I was then speaking, I believe, of the objections of New Jersey. There is one fact connected with the objections of this State—a most strange and extraordinary circumstance—which must lead the mind irresistibly to the conclusion, that the views which I have taken on this subject are correct; and in inviting the attention of the House and of the country to the fact to which I have just alluded, I must say that the personal regard which I entertain for the delegation from that State, and the respect which I would wish always to show to the States of this Confederacy, forbid me from using that language which the occasion would otherwise call for, and justify. Sir, what is the spectacle now exhibited by the State of New Jersey before this nation and before the world? Why, sir, that she is guilty of a *suppression veri* in a report made during this very winter, by her Legislature, upon the subject of the public lands, in which, in pretending to quote the objections made by her in 1778, she leaves out three of the most important lines in that objection. And these lines, Mr. Speaker, are in the middle of the objection, before and after which she goes on to make the quotation. The lines left out commence at the words "the jurisdiction," &c., and go to the word "but," inclusive, which immediately precedes the words "reason and justice," &c. Sir, is this fair play? Is it honorable for a sovereign State of this Confederacy to be guilty of such an artifice?

Mr. RANDOLPH asked leave to explain.

Mr. HARRISON yielding the floor,

Mr. RANDOLPH said, lest he might not have another opportunity, he would ask leave to explain. He said he had not observed the discrepancy noticed by the gentleman from Missouri till this moment; yet the explanation was obvious. The report of 1839 purports to give a mere "extract" from "a statement of reasons" of the Legislature of 1778, against ratifying the Articles of Confederation; it neither gives the commencement nor conclusion of the sixth objection, but, beginning in the middle of a sentence, it quotes only so much of the objection as refers to the reason thereof, leaving out the three lines

relating to what had been a vexed question, viz: where the jurisdiction over the public lands should be. That, the Legislature thought, had nothing to do with the object of the quotation, nor, in fact, since the cession of the States and the adoption of the Constitution, with the subject-matter of the objection itself. Her only omission, then, is that of two inverted commas, which would have divided the quotation instead of leaving it entire.

Mr. HARRISON. I am aware, sir, that the question made by the late Legislature of that State does not commence with the sixth objection, nor end with it. But, from the place where the quotation was commenced, down to the conclusion of it, the whole of the objection is continuous, in language and meaning, and therefore important. And I am sure that no disinterested mind can look at the omission without readily seeing that it was purposely made. She had the best of all reasons for making the omission, for the lines that were omitted contained the essence of the doctrines I am now contending for, which she found to be a stumbling-block to the great object she had in view. Sir, the conduct of the Legislature of New Jersey, on this occasion, fortifies me in all my views, and gives me the strongest assurance in the force and power of my positions by the tacit acknowledgment she had thus secretly made.

But, Mr. Speaker, the ordinance of 1787 is referred to, and is made to cut a conspicuous figure in this debate. This, as well as the compact, is relied upon as a source from whence the power is derived of stripping the new States of those rights of freedom, sovereignty, and independence, which belong to the other States. This, too, like the deed of cession from Virginia, was made during the existence of the Confederation, and had an immediate reference to it, as will be seen upon examination of some of the striking and important provisions of that instrument.

I do not mean to assert the doctrine that the ordinance, upon the adoption of the Constitution, became null and void; nor will I admit, as some contend, that it is not only binding, but *unalterable*, in its provisions. It is immaterial to me, in this discussion, in what light it is regarded. In either point of view, my purpose will be equally answered. But I must confess it is a strange document to be called a compact; for "it is ordained and declared that the following articles shall be considered as articles of compact between the original States and the people and States in the said Territory, and forever remain unalterable, unless by common consent," &c. It is not declared to be a compact made between two existing parties, able and competent to contract, but simply ordained that "the following articles shall be considered as articles of compact," &c. It is, besides, a very strange idea that a compact can be made by one party only; for the people "in said Territory" were not represented; they had no agent to act for them; none that could attend to and take care of their interests; and as for the States "in said territory," there was not one in existence at the time; so that the General Government, in the usual exercise of its kind and paternal care, made a compact with a party that had no existence; and most amply provided, I must in candor confess, for its own particular interests in the outrages which it committed, in anticipation, upon the rights of the States that were yet to come into the Union, and for whose admission such liberal and generous provisions were so amply provided.

But, sir, good or bad, binding or not, I maintain that this ordinance, so far as it conflicts with the deed of cession, or imposes restrictions not to be found in the deed of cession, is void; because, the deed being a compact made between two parties, it cannot be altered, in any respect, without the consent of the other party. Independently of this, the new States have a right to demand the fulfillment of your promises according to the letter of your bond, and you cannot escape by falling back upon powers which it requires no ingenuity to prove are arbitrary and tyrannical. The simple question in this stage of our investigation is, does the ordinance impose conditions not found in the deed of cession? This no one can doubt or deny, as the fourth article not only

prohibits the new States from interfering with the primary disposal of the soil, but actually takes from them the privilege of imposing a tax upon the lands claimed by the Government—a right that has always been regarded as an inherent attribute of sovereignty. These restrictions are directly opposed to all that is contained in the deed of cession, and, I contend, are void, because not authorized by that instrument, nor imposed with the consent of Virginia.

That the consent of Virginia is necessary to make any change in her compact with the Government, is conclusively proven by the fact, that the Government, wishing to alter the terms of the deed, applied to the State of Virginia for that purpose, and her consent was obtained. Here, sir, is the resolution of Congress in which the application I speak of was made:

*"Resolved, That it be, and it hereby is, recommended to the Legislature of Virginia to take into consideration their act of cession, and revise the same so far as to empower the United States in Congress assembled to make such a division of the territory of the United States, lying northerly and westerly of the river Ohio, into distinct republican States, not more than five, nor less than three, as the situation of that country and future circumstances may require; which States shall hereafter become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the original States, in conformity with the resolution of Congress of the 10th of October, 1780."*

Virginia gave her consent in an act of her Legislature of the 30th December, 1788, allowing the alteration only which is to be found in the fifth article of the ordinance. Why was it necessary to apply to Virginia to have this alteration made, if the compact was not equally binding upon both parties, and could not be changed or altered without the consent of both? If it was necessary to make the application to have an alteration made in one particular, is it not equally incumbent to make a similar application to have any others made? If the ordinance altered the deed of cession, or undertook to extend and enlarge its powers, the proposition is clear to my mind that not only is the ordinance void, so far as the alteration goes, but the ordinance itself, supposing it to be a compact, upon every acknowledged principle of construction within the range of civil and national jurisprudence, is also void, for having violated the solemn engagements of the deed of cession, which were unrepented, still in full force and effect, and which were prior in point of time, and paramount in its obligations, to this ordinance.

But admitting that the ordinance is binding; if binding in part it is binding for the whole, and if binding upon us, so also is it upon the General Government; for, according to the doctrine of some gentlemen, it is *unalterable* without common consent, and this consent has never been given. Now, let us test it according to this doctrine, and see how far it is compatible with the change produced in the Government by the adoption of the Constitution, and what are, in fact, the present rights of the new States under this *unalterable* and *unaltered* compact. To show this point clearly, and the consequences of this preposterous doctrine, I must call your attention to a portion of the fourth article of this instrument:

*"The said territory, and the States which may be formed therein, shall forever remain a part of this Confederacy. &c. The inhabitants and settlers in the said territory shall be subject to pay a part of the Federal debts contracted, or to be contracted, and a proportional part of the expenses of Government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States, and the taxes for paying their proportion shall be laid and levied by the authority and direction of the Legislature of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled."*

The mode here mentioned of levying and collecting taxes is the mode adopted by the Confederation; and if the ordinance be *unalterable*, that is the only mode now by which taxes can be raised off of the new States. The alternative is inevitable. The change in the character of the Government produced by the adoption of the Constitution, according to the doctrine that the ordinance is *unalterable*, did not, and could not, affect this article, because there is no clause in the Constitution which specifically alluded to and altered the provisions of this article; and the Constitution of the United States, if it did not

affect the ordinance as an *integral* thing, did not, therefore, affect it in any of its parts. If it be true, therefore, that the ordinance is *unalterable*, I ask why is it you have not complied with the provisions in this article, which you bound yourselves to perform, and which was required of you by all that is sacred in the obligations that flow from reciprocal engagements? It is you that have disregarded plighted faith and your own solemn stipulations.

But this ordinance is inconsistent with itself. It says, in one part, that "whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its Delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever." And in another part, it not only contains the prohibition that the new States shall not interfere with the primary disposal of the soil, but asserts, in imperious language, that "no tax shall be imposed on lands the property of the United States." Does this arbitrary edict, forbidding the new States from exercising one of the highest and most unquestionable attributes of sovereignty, place us "on an equal footing with the original States, in all respects whatever?" Is the power to tax, of the original States, limited or restrained in any particular? Can it be done? Has the General Government the power to lay even the smallest restrictions on their right to do so? If such a power does exist, with what propriety can it be said that we are upon "an equal footing in all respects whatever with the original States?" The practical explanation which you have given of this stipulation, renders it supremely ridiculous to every intelligent and disinterested mind.

As the Articles of Confederation expired with the birth of the Constitution, it becomes a grave question how far the adoption of the Constitution affected the condition of things which existed under the Confederation. That the change most materially affected the relative powers and rights of the States and the Federal Government, will not be disputed. The powers of the Federal Government, like those under the Confederation, being granted only, were greatly enlarged. That the change which the formation of the Constitution produced in the character of the Federal Government, altered also the nature of the relations which subsisted with the Government under these compacts, is, to my mind, equally clear. To comprehend this rightly, we must take a survey of the objects contemplated by the change; of the powers that were granted; the rights that were affected, and the consequences that were produced.

The Constitution, like the Articles of Confederation, is an instrument containing powers granted for specific and enumerated purposes, only more full and extensive than those in the Confederation. The second article of the Confederation says:

*"Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States in Congress assembled."*

—showing conclusively that no power could be claimed or exercised unless "expressly delegated." The clause in the Constitution differs in language only. It says:

*"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."*

Both instruments contain none but delegated powers, allowing the exercise of such only as were expressly mentioned and enumerated. And the peculiar and striking characteristic of both is, that they were the creatures of another power, and had, and could have had, no existence until called forth by the *fiat* of the States that formed the Confederacy.

Now, in reference to the compacts so often alluded to, had it been the intention of the framers of either to retain and exercise the power of owning and disposing of the lands lying within the limits of a State, it would have been expressed in so many words, in terms that could not have been misapplied and language that could not have been misunderstood. There was every inducement to be explicit; they were framing an instrument that was to contain a grant of powers

for specific and enumerated purposes; and were, at the same time, embodying in the same instrument the powers that were necessary to carry out and accomplish the great objects for which the Confederacy was formed.

If it was intended that the General Government should hold a property in the soil within the limits of a State, how easily could it have been so expressed, especially as the ninth article of the Confederation had prohibited the territory of any State being taken for the benefit of the United States. This was a strong reason why, if they meant that such a power should belong to the Federal Government, it should have been expressed plainly and unequivocally in the Constitution as one of the powers belonging to the Government.

In fixing and defining the grants and limitations of power between the two, could anything have been more just and prudent than the explicit avowal on the part of the framers of the Constitution, that this was a necessary power, and should belong to the Federal Government? Certainly not. And the omission to make this one of the specific and enumerated grants of power, is conclusive that it was not asked for, and never was intended to be claimed.

I have thus, so far as relates to the grant of the power in question, been reasoning from analogy. I will now recur to historical facts to show that it never was the intention of the fathers of the country to give such a power to the Federal Government as the one now claimed.

In the Federal Convention, when discussing the propriety of admitting new States into the Union, and fixing the terms upon which they should be admitted, propositions to give the power now claimed were submitted and rejected. Regarding the debates that took place, and the various propositions that were submitted in the Convention, as a proper, and perhaps the best, exponent we can get, in all doubtful questions, as to the real intention and meaning of the Convention, I will now trouble the House with a few extracts from the Journals of that body to show that I am correct in the positions I have taken. It is well known, as a historical fact, that Maryland objected to coming into the Union for several reasons, and did not come into the Union until all the others had joined it. One of the propositions made by this State, which had been raised as an objection on her part, and which was submitted to the Convention which formed the Constitution of the United States, is this:

*"The Legislature of the United States shall have power to erect new States within, as well as without, the territory claimed by the several States, or either of them, and admit the same into the Union: Provided, That nothing in this Constitution shall be construed to affect the claim of the United States to vacant lands ceded to them by the late treaty of peace."*

Here we have a broad proposition, comprehending in its scope all that is now claimed; a proposition clear in its object, plain in its terms, and direct in its meaning. Had it been adopted, the question as to the property of the United States, in the lands lying within the limits of the new States, would have been definitively settled. If it had been the intention to give the power which is now claimed, why was it rejected? Is more positive evidence wanting of the intention of the Convention than this? For, if they intended to confer such a power upon the Federal Government, why reject the identical proposition which undertook to give it? It is impossible to bring stronger testimony to show that the powers over the new States, mentioned in the ordinance, were not intended to be embraced in the Constitution. And therefore I say the change produced by the adoption of the Constitution in the character of the Government, annulled and set aside this ordinance.

But let us trace a little further the proceedings of the convention on this subject, and it will be seen that every step corroborates my position. On the same day it was moved and seconded to add the following clause:

*"Nor shall any State be formed by the junction of two or more States or parts thereof, without the consent of the Legislature of such States, as well as of the Legislature of the United States."*

Upon which it was moved to add the following:

*"Provided, nevertheless, That nothing in this Constitu-*

tion shall be construed to affect the claim of the United States to vacant lands ceded to them by the late treaty of peace."

This was withdrawn, and the following offered:

"Nothing in this Constitution shall be construed to alter the claims of the United States or of the individual States to the western territory; but all such claims may be examined into and decided upon by the Supreme Court of the United States."

This, on motion, was postponed, and the following presented and adopted, and which now constitutes the third section of the fourth article of the Constitution:

"The Legislature shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. And nothing in this Constitution contained shall be so construed as to prejudice any claims, either of the United States or of any particular State."

Now, sir, I would ask why all these various propositions, commencing with one that was broad enough to include beyond any doubt the power now contended for, if it had been the intention and object of the convention to give such a power to the General Government? Can any other meaning be given to the third section as it now stands, by any rule or principle of fair construction, than what has been given it by the supreme court of the State of New York, that it meant only such vacant territory of the United States as was "beyond the limits or boundaries of the several States?" None, none, sir, can be given. The construction of that court cannot be successfully met, and the whole proceedings of the convention which I have just read lead irresistibly to the conclusion that the power claimed was not given, and never was intended to be given, to the General Government. The proceedings in the convention that formed the Constitution bear a striking resemblance to the proceedings of Congress on the objections of Rhode Island and New Jersey to the ninth article of the Confederation. Both clearly show that the intention of giving such a power to the General Government as the one now set up never was entertained; nay, more, so far from entertaining it, that they actually rejected, in both instances, the very propositions which were brought forward to confer the power.

But to show, further, that the Constitution paid no regard to the ordinance, it is only necessary to show that the ordinance is in direct opposition to the Constitution. You will recollect, Mr. Speaker, that I referred, in the course of my remarks, to the fourth article of the ordinance, with the view of showing the particular mode by which taxes, going into the common Treasury, were to be collected from the new States that might be formed out of this new territory. This mode is identical with that mentioned in the Confederation. The new States, by the fourth article of this "unalterable" compact, were to pay taxes according to the proportion mentioned in the Confederation. Now, if the Constitution did not alter this compact, which was "unalterable," this is still the mode, and the only mode, by which you can collect taxes from the new States. There is none other, because the Constitution not affecting this compact, which was ordained to be "unalterable," this compact is still binding upon the country, in all its parts and provisions, as the paramount law of the land. If this view of the subject be correct, then, even supposing the compact, otherwise considered, to be binding upon us, I contend that it is void, because the Government has failed to comply with the solemn engagements which devolved upon it by the provisions of this fourth article. But, sir, can we really suppose that the framers of the Constitution would have permitted such a discrepancy to exist on the subject of collecting its taxes as that found in this article, and that which now exists under the Constitution? We have still further evidence in that clause of the Constitution which gives to the Government the power of holding land within the limits of a State, with its consent, for certain purposes, such as arsenals, dock-yards, &c., that it was not the intention of the framers of the Constitution that further power than is there expressed and conferred should be exercised by the Government over the territory of a State. For can it be supposed, will any one allege, that they were so neglectful of their duties, so forget-

ful of the interests of their country, and so unmindful of the powers necessary to be granted, if they intended to claim and exercise the right to the soil lying within the limits of a State, as to omit to give, in express terms, the specific power which is now set up by implication?

Upon the supposition that the lands within the new States belong to the General Government, I desire to know whether, being the property of the Government, the Government has "exclusive jurisdiction" over them or not? And if not, why? The land, according to the doctrine of the day, is as much the property of the Government as though the Government had acquired it under the particular section in the Constitution which gives to the Government the power of holding lands within the limits of a State, with the consent of said State, for some one or other of the specific purposes enumerated in the particular section to which I allude. And why not, therefore, exercise "exclusive jurisdiction?" If the power is not given to exercise "exclusive jurisdiction," why not exercise "jurisdiction" under the third section of the fourth article? If you have a right to the lands according to the Constitution—and I deny that you can get it any other way—why not exercise "jurisdiction?" As a test upon this point, I would particularly call the attention of State-rights men to the views which I am now submitting. The General Government has the right—which, so far as I know, has never been doubted—of constructing works of internal improvement within the District of Columbia. Why? Because the power to do so is expressly given. So, also, has the Government the power to construct and carry on such works in the Territories. Why? Because the land within the Territories is the absolute and undoubted property of the United States; and, by the third section of the fourth article, the Congress of the United States has power to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States.

Now, as the General Government can exercise the power of constructing works of internal improvement within the District of Columbia, I wish to know of those gentlemen who believe that the General Government has no power to construct such works within the limits of a State, whether the Government, being the owner of the lands, has or can exercise such a power within those new States where the lands belong to the Government? If it can, then the Constitution is one thing with the old States, which cannot be extended or enlarged, and another thing with the new States, that may be stretched like a piece of gum elastic. But, if no such power can be exercised within those States where the lands belong to the General Government, I call upon those gentlemen to inform me why it cannot be done. Within the Territories of the United States, where the lands are the property of the General Government, such a power can be exercised. But the lands lying within the limits of the new States belong, also, to the Government, and I ask why is it that this same power cannot be equally exercised in either case, since in both the Government has the exclusive property to the soil? The right to the soil is no more limited in the one case than in the other. But the right of the Government to exercise jurisdiction and its legislative powers is not equally great in both instances. Why? Where is the prohibitory clause in the Constitution that forbids it? Do not gentlemen see the force of the position, and the application of the argument? I leave the point for them to settle.

Before leaving this branch of the subject, I must call your attention to another striking circumstance in the history of these compacts. It is a remarkable fact, that Virginia herself has given, in practice, an interpretation to the compact, which sustains the position I have assumed. By the terms of the compact, a certain tract of country lying within the limits of the present State of Kentucky, between Green river and the Tennessee river, were specifically set apart for the Virginia troops upon the Continental establishment, and in case the quantity should prove insufficient, the deficiency was to be made up "in good lands, to be laid off between the rivers Sciota and Little Miami." The lands lying be-

tween Green river and the Tennessee river were not applied agreeably to the terms of the compact. Virginia, in giving her assent to Kentucky becoming a State of the Union, permitted Kentucky to use and appropriate these lands as her own. Kentucky has sold these lands, and applied the proceeds to her own benefit. What right had Virginia, directly or indirectly, to permit the State of Kentucky to claim and sell these lands for her own benefit, if it be true that the compact is binding, and the lands ceded under the compact are the common property of the United States, and are to be disposed of for their benefit alone? It may be replied that these lands were not ceded. Grant it. But if the lands ceded were ceded for the common benefit of all the States, Kentucky having claimed as her own the lands lying between the Green river and the Tennessee river, how could "the deficiency" be made up without intrenching upon those that were ceded for the common benefit of all? The lands which lay between the Sciota and the Little Miami were not to be touched until those in Kentucky had been exhausted. And as those in Kentucky were not applied in the way contemplated by the compact, it is impossible that the lands lying between the Sciota and the Little Miami could be sufficient to make up the deficiency, without taking more than was originally expected under the compact, and the common fund had, of course, to be taken to supply the deficiency. Why did Virginia permit this? For what reason did she permit Kentucky to claim and dispose of, for her own benefit, those lands that were specifically set apart to pay her own soldiers on the Continental establishment? She could have done it upon no other ground than that the lands, upon the admission of a State, included within the limits of that State, became absolutely the property of the State; or that the compact did not bear, and was never meant to bear, the construction which more recent times have given it.

But, sir, it may be said that my arguments and reasoning apply only to the States made in the Northwestern Territory, and not to those embraced within the limits of the territory acquired from France. I proceed to give a passing notice to this point.

By the third article of the treaty between France and the United States it is provided that

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities, of citizens of the United States."

Here, sir, you find an express provision for the inhabitants of the ceded territory to be incorporated in the Union, according to the principles of the Federal Constitution, and nowhere any power given to impose conditions or restrictions. The charter of their rights was as broad as the principles of the Federal Constitution, and there were no compacts or ordinances to cramp their energies and entangle them in the mazes of political absurdity.

But, sir, let me ask, and I ask the question emphatically, why impose conditions and restrictions upon the new States? Where is the necessity? For what reason are they to come into the Union fettered and handcuffed? The very act of imposing these conditions and restrictions is an acknowledgment of their sovereignty, and that, by virtue of their sovereign rights, they would otherwise be entitled, indisputably, to the right to the soil without them. If, then, without these restrictions, they would be free and sovereign, the question naturally occurs, to what extent free and sovereign? Beyond that of the old States? Impossible. It is forbidden by the Constitution. Less so than the old States? Neither can this be. The Constitution is the equal guarantee in both cases. What, then, would be the real extent of their freedom and sovereignty? Why, sir, that they would be "AS FREE AND SOVEREIGN AS THE OLD STATES." What are we to understand by the freedom and sovereignty of the old States? The Declaration of Independence will tell us what was meant by this freedom and sovereignty anterior to the formation of the Confederacy. The Articles of Confederation will inform us of their extent under the Confederation; and a reference

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Public Lands—Mr. Harrison.

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to the Constitution will furnish us a guide for the purpose of learning what they now are. The Declaration of Independence says:

"We, therefore, the representatives of the United States of America in Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare that these united colonies are, and of right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all allegiance to the British Crown; and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as FREE AND INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, AND TO DO ALL OTHER ACTS AND THINGS WHICH INDEPENDENT STATES MAY OF RIGHT DO."

Here, sir, you have a full and unequivocal explanation of what was meant by "free and independent States" at that day. And it must not be forgotten that the word "State" is applied to Great Britain, evidently meaning by the application of the term that it was an independent Power. If, then, these States had all the attributes of sovereignty which belong to other independent Powers, how far was that sovereignty limited by the Confederation? Exactly to the extent mentioned in the second article. Now, sir, I put the question to the House and the country, are the new States, with the conditions and restrictions that are imposed upon them, as free, sovereign, and independent as the old States? No, sir, they are not. And the conclusion is inevitable that all such conditions and restrictions are therefore void.

But, sir, I am answered by some, and told that we are bound by our compacts—the compacts we made with the General Government at the time of our admission into the Union. I reply, by asking if any compact, ordinance, or treaty, can give a new power to the Constitution? Can it enlarge, diminish, or in any respect whatever modify the powers of the Constitution? They must conform to the Constitution, and not the Constitution to them. There is no use for a Constitution if such means can change its character. The Constitution never had and never can have but such as are *granted* powers. The power must be delegated, or it cannot be used. But the States—the new States—gave up certain rights and powers. Did they, indeed? Upon whose stern demand were they given up? We were forced to do it, or not allowed to come into the Union. But, granting that they did give up what you required of them, can the General Government receive them? By what authority can she receive rights and powers which diminish the freedom and independence of the new States, and enlarge the sphere of her own? If a State can give up one power to the General Government, she can give up another, until all are given up; and if a new State can do this, there is nothing to prevent one of the old ones from doing the same. And, sir, if such a thing can take place, then the General Government can destroy the Constitution, and break down all its barriers, by the simple contrivance of compacts. One of the rights which we have given up, is the right of taxing your lands, a right which belongs to and is inseparable from sovereignty. It is the right which gives to a State the power of carrying on its operations. It is the salient principle of political existence; the fundamental element of the life, the action, and the vigor of all communities.

If it be true that we have given up the rights as contended for, then indeed have we not only given up sovereign rights which belong to the other States of this Confederacy, but also that inherent right of self preservation which belongs to every people, and lies at the bottom of all Governments. You have, for instance, in the States of Louisiana, Arkansas, and Missouri, immense bodies of land subject to inundation, and covered with impenetrable swamps, that are the fruitful sources of disease and death. They have been untouched ever since the country was acquired from France, without an effort on your part to remove the evil. According to your doctrine, we, although free and independent States, being as free, sovereign, and independent as the old States, cannot do it, because the lands are yours, and any attempt on our part to do so would be a trespass upon your domain, which might, perhaps, subject us to an action for trespass committed upon so

much of your lands covered with water. Have we no power to abate such a nuisance without being called to an account for it? Have we not the right, common to all Governments on earth, of taking care of our people and preserving their health and their lives from the contagious effects of such loathsome and fatal nuisances? Will any man here tell me that a community of people may exist as a government without the power of protecting itself from destruction? I turn with disgust from the thought. It is an inherent, indefeasible, and inalienable right, which we cannot give away, and which cannot be taken from us without sweeping from under us the very foundations upon which are built the liberties of all just Governments.

According to the right which you claim, you fetter us in such a way as to deprive us, too, of all the means of moving on with the march of the age in all those works of internal improvement which constitute the glory of those who have undertaken them; those works which are almost annihilating distance and time, infusing a new life into society, reorganizing the elements out of which it is composed, and developing powers and resources which the startled senses can scarcely yet realize. We cannot construct a road or dig a canal without your permission. The lands are yours, and we would be violating public faith if we dared to exercise those common attributes of sovereignty which belong to all Governments—of carrying on a system of internal improvement, according to our own will. We cannot improve the condition of our people; we cannot contribute to our own prosperity; we cannot increase the facilities of communication for either traveling or carrying our surplus produce to market; we cannot develop our resources; we can do nothing that an independent State ought to do. Wherever we turn we see your iron grasp; wherever we move we feel its power. Should we desire to construct a road or dig a canal, we must do as you did when you were, as we are now, colonies of an unrelenting Power, to propitiate whose favor, and to get what your very necessities required, you were compelled to kneel in the attitude of a servile applicant, beseeching and supplicating at the footstool of power for those as favors which nature and nature's God gave you as your rights. If we want but the right of way to construct a work of internal improvement, in the bountiful overflows of your kindness and generosity, we must supplicate you year after year, and bear with unrelenting humility the taunts which are always thrown upon us, that we design secretly to "plunder" you, or that it is the project of some knavish speculation. Sir, to my knowledge, application has been made to you, time after time, for the right of way only to construct a railroad from the Iron Mountain, in my State, one of the greatest natural curiosities in the known world, to the Mississippi river; and to this hour we have not yet succeeded in this most modest and moderate request.

It is thus, sir, that we are deprived of all those facilities which lead on to the advancement and prosperity of a people, and stimulate them to noble exertion.

But, in another point of view, I contend that the compacts which you have made with the new States are void, for a non-compliance on your part of those stipulations which you have obligated yourselves to perform.

It will be seen, by a reference to all the compacts made between the new States and the General Government, that the Government bound itself to apply a certain portion of the money arising from the sales of the lands to construct roads from the waters of the Atlantic to the several States respectively. The States, on their part, agreed to certain conditions that were required, and which are mentioned in the compact. Have you kept your promises with the States? Have you observed the obligations which you solemnly stipulated to perform? Where are the roads you were to make? Many of these compacts have been made for more than twenty years; and, with the exception of the Cumberland road through Ohio, Indiana, and Illinois, you have not made a move, nor have you even evinced an intention of making a move, towards fulfilling the solemn obligations of your plighted faith. Tell

me not of the promises that would be broken, the faith that would be violated by the propositions I have introduced. Where is your own faith? Have you kept it? What excuse can you render to the injured States who have relied so long and so implicitly on your plighted word? Have we not, in every instance, and to the very letter, kept all the promises we made you? Have you ever complained of us for a violation of faith? And yet we are constantly having homilies preached to us about the observance of public faith! The conditions and stipulations which were entered into at the time of the admission of the States were mutual and concurrent. They were made for the reciprocal benefit of both parties. We have performed, on our part, all that you required, and all that can be demanded. You have done nothing; and in the face of this gross violation of your own obligations, you give us a lecture about the importance of preserving public faith. Now, sir, by every principle of the construction of compacts, where there are mutual obligations to be performed by both, a non-compliance on the part of one for an unreasonable length of time, of those engagements which the party was bound to perform, discharges the other party from the performance of his obligations, and completely and effectually annuls the agreement.

But some gentlemen take the ground that there is no power in the Constitution that authorizes the General Government to construct works of internal improvement. If there be none, then these compacts are void, because the Government entered into an engagement to fulfill an impossible obligation—to execute a power which did not belong to them, the consideration for which formed the stipulations which the States, on their part, assumed. When gentlemen who hold this doctrine talk of our violating public faith, they have reason to be more prudent and circumspect when they look upon this act of the Government—an act that transcends in enormity a breach of promise, or a violation of faith; for, having no power to carry out and perform its obligations, it was the double act of fraud and deception to come under such responsibilities.

I know, sir, that my doctrines are unpalatable. Many are startled and seem terrified at the boldness of my propositions. But, sir, the doctrine is not new. Would to God I could claim to be the author of it. It has justice, truth, and reason as the eternal foundation upon which it rests, and defies the test of human scrutiny, and the searching analysis of the profoundest ability. The same doctrine has found advocates in other quarters, and in other times. Ohio took the ground in a memorial to Congress, in which, although she was asking the permission of Congress to sell her sixteenth section, she claimed it as an *inherent* right to do, of her own accord, all that she requested of Congress. And where is Ohio now? Faithless to all her former professions and doctrines, she has taken sides with those that denigrate us plunderers and land pirates. Rich in population, rich in resources, with but a few acres of the public lands remaining unsold within her limits, she turns traitor to all her former principles, and, with gracious complacency, undertakes to preach to us lectures upon the enormity of violating public faith! This is the unkindest cut of all. And I cannot think of it without being forcibly reminded of the memorable expression of Cæsar in the hands of his assassins, when his eye caught the form of his friend Brutus among them, "*Et tu Brute.*"

Tennessee also took the same ground after she became a State, and the difficulty which grew out of it between her and North Carolina, as the lands lying within her limits were to go mainly for the benefit of North Carolina, was not settled until in 1806, when, by an act of Congress, the matter was compromised and arranged.

Indiana in 1829 assumed the ground as broadly as I have done, without qualification or reservation. Whether she is to act the part of Ohio I will not say; but I must acknowledge I have my suspicions.

Louisiana and Illinois seem, from certain memorials of theirs, to be strongly inclined to the doctrine, although they have not assumed the doctrine in broad terms. But, sir, it is not alone the new States, or those from the new States,

that have taken this ground. Some gentlemen from the old States, as eminent for their standing as their acknowledged abilities and talents, have taken and advocated the same doctrines; and I am proud of the opportunity of bringing to my aid the names of such men as Tazewell and John Taylor of Caroline, who have afforded to the world a practical illustration of their sincerity in the State-rights doctrine, by openly avowing and advocating the doctrines I speak of.

Now, sir, I feel no hesitation in saying, if I had not the long established prejudices of the House and of the country to contend against, if it were not for the *sacra auri fames*, the accursed thirst for gold, whose rapacious spirit is devouring and swallowing up all that is pure and holy in the great and fundamental principles of our Government, I should confidently expect to reach their convictions, and to break forever the power of that incubus which has been so long pressing down upon our bosoms, stifling our breath, repressing our energies, paralyzing our efforts, and blasting all our hopes. I should expect to see us very soon occupying that position of equality among the States of this Confederacy, which is its broad foundation, and upon which the whole structure is erected, entire in its form, and perfect in all its parts. Tell me why it is that you see every State represented equally in the Senate of the United States, but upon the beautiful and sublime idea that equality in rights, equality in power, equality in sovereignty, is the all-pervading and life-giving principle of this Confederacy?

Sir, let me say to you, if you would consult your own interests—if you would look to the great cause of human advancement, and to the onward principles of genuine liberty—if you would steadfastly fix your eye upon the true causes of a nation's glory—upon those elastic springs in the action and conduct of man, which, like the little rivulets that burst from the mountain's side, and move on their placid course to swell the volume of the mighty river, contribute to enlarge the circle of the power, the wealth, and the greatness of a people, you would at once release your grasp, and draw out from our sides the iron claws which have been so long fastened in our vitals.

Let me beg you to look at and examine the document I hold in my hands. Here is that which tells a nation's power, and speaks a people's wealth. It contains estimates of the exports and imports of New Orleans and Mobile, which the Secretary of the Treasury was kind enough to furnish me upon an application I made to him for the purpose of using it on this occasion. It speaks a language more eloquent and more forcible than any I can employ. It points out to you in letters of light your true policy. Considering how we have been cramped and oppressed by your course towards us, the facts which it conveys can scarcely be credited. I will give the aggregate, without wearying your patience with the details. The aggregate of the gross amount of duties secured in the district of New Orleans from the 31st of December, 1804, to the close of the year 1837, is \$35,093,965 81. At Mobile, \$1,332,143 90. The aggregate amount of exports from New Orleans, from the 1st of October, 1820, to the 1st of September, 1837—a period of about seventeen years—is \$290,160,409; and the amount of imports for the same length of time is \$138,351,357. In the district of Mobile the exports are stated to be \$53,508,999, and the imports \$4,460,101. Here, sir, you see the source of our wealth, which may give you some faint idea of our power and resources. Can a parallel be found anywhere in the whole bounds of our vast country? The exports from New Orleans are more than double the imports, and from Mobile about twelve times the amount of imports. The duties which accrue from these sources bring you more clear revenue than the millions of the public lands you have sold.

If, under the peculiar circumstances of embarrassment and oppression which much the larger portion of the great valley of the Mississippi has labored under, we can exhibit to you such proud results, let me ask you to consider what we would have been, what you would have been had we been placed under different circumstances, with

more latitude for exertion, more freedom for enterprise? But with the power which you claim, and which you have so perseveringly exercised, of unlimited authority over the public lands within the limits of the States, you have with it unlimited authority over our wealth, prosperity, and happiness. We are cramped, fettered by the strong arm of inexorable power, whose shackles we cannot break. You have locked up our resources by reservations, and denied to us the very gifts and bounties of Heaven by the rigor of your system. You have even denied to us the salt of the earth, by reserving from sale the saline lands and salt springs, and hermetically closed in the bowels of the earth the untold and incalculable wealth which lies embossed in its depths. Nay, more; instead of disposing of the lands according to the express terms of the deeds of cession, you have withheld them from sale, expecting an enhancement in their value by our industry and labor; and thus in another respect violated an obligation and disregarded a plighted faith which had their birth with the deeds of cession. And instead of disposing of the lands, as you should have done, according to the compact, you descended to the low and contemptible business of leasing your lands, thus creating a system of landlord and tenant—a state of ignominious dependence between the Government and the citizens of the country, wholly incompatible with the genius, the spirit, and the principles of the Government. Give it up. Abandon it forever. Raise us up from that state of colonial degradation, deliver us from that condition of humiliating vassalage in which the exercise of unfeeling power has so long kept us. Assume for once in the history of the country your own proud and elevated position, in exercising only such legitimate grants of power as were expressly given you, and thus fulfill the high destinies which the holy enthusiasm of the consecrated fathers of the country expected of you.

All that we ask is, to be equal with the other States of this Confederacy in freedom, sovereignty, and independence. Grant us only this, and you will see this whole country, like the giant that gathered strength in his wrestle with Hercules every time he touched the earth, spring up, with an elastic bound, to new vigor and power, and the proud galaxy that adorns your stars and your stripes shine forth with a rich splendor which nothing but regenerated liberty can give. Enable us to make our roads and canals, to carry on our works of internal improvements, to manage our own internal police, as our genius and necessities may require, and you will soon witness the wonderful change which the uncontrolled and plastic power of self-government can alone accomplish, the waste lands speedily sold and settled, the desert made to smile and blossom as the garden, the country improved and cultivated to its utmost limits, industry stimulated, labor rewarded with rich returns, the people prosperous and happy, and the country rich in every blessing. What a guarantee to the perpetuity and stability of the Government, living in the hearts of its own people, and borrowing its own luster and glory from their proud, prosperous, and independent condition! And permit me to tell you that, deep and firm as may be the foundations of our country, still deeper will they be made by the policy which is before you. Let me beseech you to cast aside your prejudices, to throw off from your eyes the scales which have so long blinded you, and come up to this mighty and momentous question with nothing but the holy impulses of patriotism directing your heart; and you will see inscribed upon our banners TRUTH and JUSTICE, as all for which we would appeal to you, or ask at your hands. Our strength will be yours. The glory that may surround us will radiate its effulgence to every portion of our common country, and the same destiny that awaits us and our children will be indissolubly connected with your own; and should any great event, in the changes of life and the vicissitudes of the affairs of nations, ever take place to pull up the deep foundations of our Government, and tear down our noble edifice, let me tell you that, in the general wreck of the liberties of the country, the last spark will be found flickering on the plains of the West, in the domiciles of the humble tillers of the earth.

## INTERFERENCE IN ELECTIONS.

SPEECH OF HON. J. BUCHANAN,  
OF PENNSYLVANIA,

IN THE SENATE, February 14, 1839,

On the bill to prevent the interference of certain Federal Officers with Elections.

Mr. BUCHANAN said:

Mr. President: The question raised for discussion by the bill now before the Senate is very simple in its character. This bill proposes to punish, by a fine of \$500—the one moiety payable to the informer and the other to the United States—and by a perpetual disability to hold office under the United States, any officer of this Government, below the rank of a district attorney, who “shall, by word, message, or writing, or in any other manner whatsoever, endeavor to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of any person to be elector of President and Vice President of the United States,” or to be a Senator or Representative in Congress, or to be a Governor or Lieutenant Governor, or Senator or Representative, within any State of the Union, “or for the choice of any person to serve in any public office established by the law of any of the States.” The officers of the United States against whom the penalties of this bill are denounced, consist of marshals and their deputies, postmasters and their deputies, receivers and registers of land officers and their deputies and clerks, surveyors general of the public lands and their deputies and assistants, collectors, surveyors, naval officers, weighers, gaugers, appraisers, or other officers or persons concerned or employed in the charging, collecting, levying, or managing the customs, or any branch thereof; and engineers, officers, or agents, employed or concerned in the execution or superintendence of any of the public works.

The Senator from Kentucky, [Mr. CRITTENDEN,] before he commenced his remarks, moved to amend the bill by striking from it the pecuniary penalty and perpetual disability against these officers, and substituting, in their stead, the penalty of a removal from office by the President, upon the production of evidence satisfactory to him that any of them had been guilty of the offense. Now, for myself, I shall not vote for this amendment. I will not take advantage of the amiable weakness of my friend from Kentucky, in yielding to the solicitations of others that which his own judgment approved. I will more especially not give such a vote, because the proposed amendment makes no change in the principle of the bill. There is a beautiful harmony and consistency in its provisions as it came fresh from its author which ought to be preserved. I shall not assist in marring any of its fair proportions. Let it remain in its perfect original form, and let his friends upon this floor come up to the baptismal font, and act as its sponsors; and let its avowed principles be recognized as the established doctrines of the political church to which they are all devoted. No, sir, no; if a village postmaster should dare to exercise the freedom of speech, guaranteed to him by an antiquated instrument called the Constitution of the United States, and have the audacity “to endeavor to persuade any elector” to vote for Martin Van Buren, or what would be a much more aggravated offense, dissuade any good Whig from voting for the other distinguished Senator from Kentucky, [Mr. CLAY,] a mere forfeiture of his office would bear no just proportion to the enormity of the crime. Let such a daring criminal be fined \$500; let him be disqualified forever from holding any office under the Government; and let him be pointed at as a man of blasted reputation all the days of his life. With honest Dogberry, in the play of “Much ado about Nothing,” I pronounce the offense to be “flat burglary as ever was committed.”

There is another reason why I shall vote against the amendment. An issue has been fairly made between the Senator from Kentucky and my friend from New Jersey, [Mr. WALL,] who, from what we have heard in the course of this debate, has but a few shattered planks left on which he can escape from a total shipwreck of

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his fair fame. In mercy to him I would not remove any of them. Let him have a chance for his life. He has dared to make a report against the bill in its original form, as it was referred to the committee of which he is the chairman; and for this cause has encountered all the withering denunciations of the Senators from Kentucky and Virginia, [Messrs. CRITTENDEN and RIVES.] In justice to him, the aspect of the question should not now be changed. Let us, then, have the bill, the whole bill, and nothing but the bill, against which his report was directed.

It would seem almost unnecessary to discuss the question whether this bill be constitutional or not; as the Senator from Kentucky, throughout the whole course of his argument, never once attempted to point to any clause of the Constitution on which it could be supported. It is true that he did cite some precedents in our legislation which he supposes to have a bearing on the subject; but which, I shall undertake to prove hereafter, are wholly inapplicable. The Senator from Virginia [Mr. RIVES] has gone further into the argument, and has attempted to prove that this bill is constitutional. At the proper time I shall endeavor to furnish the proper answer to his remarks. By-the-by, this Constitution is a terrible bugbear. Whilst a member of the other House, I once heard an old gentleman exclaim, when it was cited against one of his favorite measures, "what a vast deal of good it prevents us from doing!" After this bill shall have passed it will be a bugbear no longer, so far as the freedom of speech or of the press is concerned. It will not then alarm even political children.

The gentlemen have a precedent for their bill. Yes, sir, they have a precedent in the sedition law; but it does not go far enough for their purpose. That law, which is the only true precedent on which this bill can be founded, and on which alone it can be sustained, permitted every man to write and to publish what he pleased concerning public men and public measures, and only held him responsible in case his charges should prove to be false. But this bill is a gag law. It goes to the fountain at once, and prohibits the officer not only from writing, but from speaking anything good, bad, or indifferent, whether true or false, on any subject whatever which may affect any pending election, from that of a President down to a constable. It has a much broader sweep than the sedition law, which did not interfere with the liberty of speech, however much it may have abridged the freedom of the press. Indeed, among the more enlightened despotisms of Europe, I know not one which prohibits the freedom of speech on all public subjects; it is only in free and enlightened America that we propose actually to insert the gag. The sedition law was bad enough, God knows; but it extended only to the use of the pen, not to that of the tongue. There is, therefore, no parallel between the two cases.

Had it not been for the existence of the sedition law, I should have supposed it to be impossible that there could have been two opinions in regard to the utter unconstitutionality of this bill. The Constitution, in language so plain as to leave no room for misconstruction, declares that "Congress shall make no law abridging the freedom of speech or of the press." The rule is universal. There is no exception. This bill proposes not only to abridge, but utterly to destroy the freedom of speech and of the press; to interdict their use altogether to the enumerated officers, on all questions touching the election of any officer of the Federal or State Government. A plain man would naturally suppose that, barely to state the contradiction between the Constitution and this bill was to decide the question. Not so. An ingenious and astute lawyer, in favor of a liberal construction of that instrument, can, by inference and ingenuity, confer powers upon Congress in direct violation both of its letter and its spirit, and of which its framers never once dreamed. Such was the power to pass the sedition law. That law ingrafted one limitation upon the freedom of the press. It, in effect, changed the meaning of the general terms, "Congress shall make no law abridging the freedom of speech or of the press," and excepted from their operation any law which might be passed to punish

libels against the President, the Government, or either House of Congress. The present bill, in principle at least, proceeds much further. It excepts from the general prohibition of the Constitution the power of punishing all persons holding offices under the Government of the United States who shall dare either to speak or to write at all on questions which may affect the result of any election. This interpolation must be inserted, before gentlemen can show any power to pass the present bill. They cannot advance one step in their argument without it. This Constitution can never be construed according to the meaning of its framers but by men of plain, well-informed, and practical judgment. Common sense is its best expounder. Ingenious men disposed to raise one implication upon another in favor of Federal power, and to make each previous precedent the foundation on which to proceed another step in the march towards consolidation, may soon make it mean anything or nothing. The liberties of this country can only be preserved by a strict construction of the enumerated powers granted by the States to Congress.

Before I proceed further in my argument against the constitutionality of this bill, it will be proper that I should develop some of its latent beauties. I desire to delineate a little more precisely its character—to present some of its striking features, and to show what it is in principle, and what it will prove to be in practice.

There are twenty-six sovereign States in this Confederacy, united by a Federal compact, called the Constitution of the United States. Each individual elector in this country sustains two distinct characters. He is a citizen of some one of the States, and he is also a citizen of the United States. He is bound to perform the duties of a good citizen both towards his own State and towards the United States. Now, what does this bill propose? In the older States of this Confederacy, all the Federal officers which we have in the interior are postmasters. It is true that at our ports of entry there are custom-house officers; but in Pennsylvania, for example, from the Schuylkill to the Ohio and to Lake Erie, our people scarcely feel their connection with the General Government, except through the medium of the Post Office Department. These postmasters are very numerous. They are planted at every village and at every cross road. They are agents for disseminating information throughout the country. I might probably say that in nine instances out of ten the office is scarcely worth holding, on account of its pecuniary emoluments. In most cases, the postmaster accepts it for the accommodation of his neighbors. Now, this postmaster is generally a man of property and of character, having a deep stake in the community, and in the faithful administration and execution of the laws. Two candidates are presented to the people for office; say that of a justice of the peace.

If one of these village postmasters should, in the exercise of his unquestionable rights as a citizen of Pennsylvania, advise his neighbor to vote for one of these candidates, and against the other, this bill dooms him to a fine of \$500, and to a perpetual disqualification from ever holding any office under the Government of the United States. No matter whether the merits which he may have ascribed to one of the candidates be true as Holy Writ, and the delinquencies which he may have charged against the other may be susceptible of the clearest proof, this will not arrest the vengeance of the bill. He is doomed to remain mute, although his dearest interests may be involved, or incur its penalties. A gag is to be put into his mouth, and he is to be punished if he dare to express a preference for one candidate over the other. And let me tell the gentleman, these postmasters hold all sorts of political opinions. In my own State a considerable proportion of their number are Whigs and Antislavery, opposed to the present Administration. I might cite other examples to depict the enormity of this bill, but I consider it wholly unnecessary. I might ascend from the justice of the peace or the constable, through all the gradations of elective office, State and Federal, to the President of the United States, and show that, at each ascending grade, the violation of the rights of the citizen becomes more

and more outrageous. I might enumerate the weighers and the gaugers, and the other proscribed classes of inferior office-holders, and paint the mad and wanton injustice which this bill would inflict upon them. But enough.

The man who would accept office upon such terms must forfeit all self-respect, and would become at once a fit tool for corruption and for despotism. He must be degraded in his own eyes, and degraded in the eyes of his fellow-citizens below the rank of a freeman. If you desire to depreciate the Government itself under which we live, you cannot do it more effectually than by placing such a stigma on its officers.

Why, sir, you could not, by any possibility, carry such a law into execution. If it should pass to-morrow, it would fall a dead letter upon your statute-book. I would not advocate a forcible resistance to any law, and do not believe that such was the intention of my friend from New Jersey, [Mr. WALL,] when he spoke of resistance; but does not the Senator from Virginia know that laws may be passed of a character so odious that nobody could be found to carry them into execution? Such are all laws which are entirely opposed to the spirit of the age, and the united and overwhelming current of public opinion. I firmly believe this to be the character of the present bill.

But suppose me to be mistaken in this opinion, and that the law could be carried into execution, what would be the consequences? The doomed officer, the postmaster, the weigher, or the gauger, is placed in the midst of a thinking, acting, busy population. Everything around him is proceeding with the impetuosity of steam. Public opinion is marching onward with giant strides. The officer is talked at and talked to, daily and hourly, by the surrounding multitude, whilst the law compels him to close his lips in silence. Under such circumstances, it would be impossible for human nature long to refrain. What then? If he utters a syllable on any of the exciting political topics of the day, and these are all involved in the perpetual canvass which is proceeding for offices, high and low, he is at once seized upon by some harpy of an informer. This bill offers a most tempting bribe to such eavesdroppers. It would soon call into existence such a race, to dog and surround every officer, and to catch up every incautious word which might be construed into an endeavor to persuade or dissuade an elector. Each individual in society is stimulated by this bill to become a common informer, by the tempting offer of a bribe of \$250 in each particular case. The proscribed officer thus becomes his prey, and, in most cases, will be glad to compromise with him for the payment of a great part, or the whole, of the penalty of \$500, in order to avoid the stigma of perpetual disability to hold any office under this Government.

There is another remark which I desire to make on this branch of the subject. Whenever you attempt to violate the plain letter and spirit of the Constitution, a thousand evils, of which you have never dreamed, present themselves in the perspective. This law can alone be executed by the courts of the United States. Where are they situated? In the large States, such as Pennsylvania or Virginia, they are held at great distances from each other. A postmaster in either of these States, the income of whose office does not exceed fifty dollars per annum, may be dragged from home, a distance of one hundred and fifty or two hundred miles, to stand his trial under this bill before a Federal court. The expense would be enormous, whilst he is obliged to appear before a tribunal far from the place where his character and that of his prosecutor, are known and appreciated. Under such circumstances, he would almost be certain to become the victim of the common informer, under this most unjust and unconstitutional law. He would either be convicted, or compelled to buy his peace at almost any price.

In conferring the powers enumerated in the Constitution on the Federal Government, the States expressly reserved to themselves respectively, or to their people, all the powers not delegated by it to the United States, or prohibited by it to the States. Now I would ask the Senator from Kentucky when, or where, or how, has the

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SENATE.

State of Pennsylvania surrendered to Congress the right of depriving any of her citizens, who may accept office under the General Government, of the freedom of speech or of the press? Where is it declared by the Constitution, either in express terms, or from what clause can it be fairly inferred, that Congress may make a forfeiture of the dearest of all political rights an indispensable condition of office? Each one of the people of Pennsylvania, under her constitution and laws, is secured in the inalienable right of speaking his thoughts. The State, as well as each individual citizen, has the deepest interest in the preservation of this right. I ask the gentleman to lay his finger on the clause of the Constitution by which it has been surrendered. Where is it declared, or from what can it be inferred, that because the States have yielded to the Federal Government their citizens to execute public trusts under the General Government, therefore they have yielded the rights of those citizens to express their opinions freely concerning public men and public measure? The proposition appears to me to be full of absurdity. In regard to the qualifications of electors, the States have granted no power whatever to the United States. This subject they have expressly reserved from Federal control. The Legislatures of the States, and they alone, under the Constitution, possess the power of prescribing the qualifications of the electors of members of the House of Representatives in Congress. They have reserved the same power to themselves in regard to voters for the choice of electors for President and Vice President.

What, then, does this bill attempt? To separate two things which reason and the Almighty himself have united beyond all power of separation. You might as well attempt, by arbitrary laws, to separate human life from the power of breathing the vital air, as to detach the elective franchise from freedom of thought, of speech, and of the press. In this atmosphere alone can it live and move and have its being. To speak his thoughts is every free elector's inalienable right. Freedom of speech and of the press are both the sword and the shield of our Republican institutions. To declare that, when the citizens of a State accept office from the General Government, they thereby forfeit this right to express an opinion in relation to the public concerns of their own State and of the nation, is palpable tyranny. In the language referred to in the report, "it puts bridles into their mouths and saddles upon their backs," and degrades them from the rank of a reasoning animal. The English precedent of the Senator was wiser, much wiser, in depriving these officers of the right of suffrage altogether. It does not attempt to separate, by the power of man, two things which Heaven itself has indissolubly united.

If, therefore, the Constitution contained no express provision whatever prohibiting Congress from passing any law abridging the freedom of speech or of the press, I think I have shown conclusively that the power to pass this bill could not be inferred from any of its express grants of power. But the Constitution is not silent on the subject. Before its adoption by the States, it was dreaded by the jealous patriots of the day, that the Federal Government might usurp the liberties of the people by attacking the liberty of speech and of the press. They, therefore, insisted upon the insertion of an express provision, as an amendment, which, in all time to come, would prevent Congress from interfering with these inestimable rights. The amendment to which I have referred was adopted, and these rights were expressly excepted from the powers of the Federal Government. And yet, in the very face of this express negative of Federal power, we find the Senator from Kentucky coming forward with his bill declaring direct war against any exercise of the freedom of speech and of the press by those citizens of the States who happen to be office-holders under the General Government.

But, says the Senator from Virginia, Congress possess, and have exercised, the unquestionable power of creating officers under the Constitution; and they may, therefore, annex to the holding of these offices such a condition as that prescribed

by the bill, or rather the amendment of the Senator from Kentucky. Now, sir, what is this but to say that Congress may declare that any citizen of Pennsylvania who accepts a Federal office shall take it upon condition that it shall be forfeited the moment he exercises the dearest political right guaranteed to him and every other citizen by the Constitution of the United States. Can Congress impose any such condition upon an office? If they can, they can repeal the most solemn provision of the Constitution, and render it a dead letter in regard to every person in the employment of the General Government. All mankind may then speak and publish what they please, except those individuals who have been selected, I hope, generally, for their integrity and ability, to execute the important public trusts of the country.

The Senator from Kentucky has adduced several precedents to prove that similar powers have been already exercised by Congress in other cases. Let us examine them for a moment. Congress, says he, has declared that an Indian agent who shall himself trade with the Indians, shall be punished for this act. But why? It is because this agent is vested with the power of granting to our citizens licenses to trade with the Indians, and thus to take care that they shall not be imposed upon and cheated. To allow him, therefore, to trade with them himself, would be to make him a judge in his own cause, and to withdraw from them that protection which the law intended. Besides, Congress have received from the States, by the Constitution, the power to regulate commerce with the Indian tribes. The whole subject is thus placed under their control. What, then, is this precedent worth? Is not the trading of an Indian agent with the Indians an express and palpable violation of a duty necessarily involved in his office? Can anything be clearer than the power and the duty of Congress to punish him for this offense? But what interference can there be between the performance of the duties required by law from a postmaster, or from any other of the proscribed officers, and his expression of an opinion to his neighbor, either for or against any candidate for public office? If the postmaster, for example, performs his whole official duty, if he receives and delivers the letters intrusted to his care, and regularly settles his accounts with the Department, what human power can arbitrarily place a gag in his mouth, and declare that he shall be punished for exercising the freedom of speech and of the press, upon the pretext that the exercise of these rights of a freeman are inconsistent with the duties of his office? You might just as well punish him or deprive him of his office for speaking or writing on natural philosophy or mathematics, or any other scientific subject. You would have the same power to violate that clause in the Constitution conferring upon every man the free exercise of religion, and punish him for expressing his opinion on religious subjects, for attending prayer meetings or bible societies, or for endeavoring to persuade or dissuade any member of the religious society to which he belongs in relation to the choice of its pastor. The principle is precisely the same in both cases. Your whole power hath this extent—no more. You can punish the officer for neglecting or for violating the duties which appropriately belong to his office. You cannot repeal the Constitution by declaring it to be an official duty that he shall abandon the constitutional right of speaking his thoughts upon any subject whatsoever, whether religious, scientific, or political. In other words, you have no right to declare that he shall become a slave when he becomes an officer.

A similar answer, if it were necessary, might be given to the Senator's other precedents. Officers of the customs are prohibited from owning any vessel or cargo under a pecuniary penalty. And why? Because they themselves are to direct and superintend the entry of vessels and cargoes belonging to other persons, and the collection of duties; and to allow them to transact this business for themselves, would be to make them judges in their own cause. It would be an evident violation of the duty naturally attached to their office. But will any one contend that their

constitutional freedom of speech, in regard to candidates for office, is incompatible with the proper entry or unloading of vessels engaged either in foreign commerce or the coasting trade?

So the register of a land office is prohibited from entering lands in his own name; or, in other words, from selling lands to himself.

Such are the precedents which the Senator has cited to justify himself in depriving the officers embraced by his bill of the right of freedom of speech and of the press.

But I do not mean even to rest the constitutional question here. From the very nature of the Constitution itself, two great political parties must ever exist in this country. You may call them by what names you will, their principles must ever continue to be the same. The one, dreading Federal power, will ever be friendly to a strict construction of the powers delegated to the Federal Government and to State rights. The other, equally dreading Federal weakness, will ever advocate such a liberal construction of the Constitution as will confer upon the General Government as much power as possible, consistently with a free interpretation of the terms of the instrument. The one party is alarmed at the danger of consolidation; the other at that of disunion. In the days of the elder Adams, the party friendly to a liberal construction of the Constitution got into power. And what did they do? Among other things, in the very face of that clause of the Constitution which prohibited Congress from passing any law abridging the freedom of speech or of the press, they passed the sedition law. What were its provisions? It punished false scandalous, and malicious libels against the Government of the United States, either House or Congress, or the President, by a fine not exceeding two thousand dollars and imprisonment not exceeding two years.

At the present day it would be useless to waste the time of the Senate in proving that this law was a violation of the Constitution. It is now admitted that Congress, in passing it, had transgressed their powers. If any principle has been established beyond a doubt by the almost unanimous opinion of the people of the United States, it is that the sedition law was unconstitutional. Such is the strong and universal feeling against it, that if it could now be revived, the authors would probably meet a similar fate with those deluded and desperate men in France who have themselves lately fallen victims upon the same altar on which they had determined to sacrifice the liberty of the press.

The popular odium which followed this law was not so much excited by its particular provisions, as by the fact that any law upon the subject was a violation of the Constitution, and would establish a precedent for giving such a construction to it as would swallow up the rights of the States, and of their people, in the gulf of Federal power.

The Constitution had declared that "Congress shall pass no law abridging the freedom of speech or of the press." Its framers well knew that, under the laws of each of the States composing this Union, libels were punishable. They, therefore, left the character of all officers created under the Constitution and laws of the United States to be protected by the laws of the several States. They were afraid to give this Government any authority over the subject of libels, lest its colossal power might be wielded against the liberty of the press. Congress were, therefore, prohibited from passing any law upon the subject, whether good or bad. It was not merely because the law was unjust in itself, though it was bad enough Heaven knows, that the indignant Republicans of that day rose against it; but it was because it violated the Constitution. It expired by its own limitation in March, 1801; but not until it had utterly prostrated the political party which gave it birth.

Now, sir, I shall say a few words concerning the Virginia and Kentucky resolutions of 1798: although the Senator from Virginia may consider it sacrilege in me to discuss this subject. I have at all times, ever since I read and understood these resolutions, held to the political doctrines which they inculcate; and I can assure the Sena-

tor I have studied them with care. I will read a few extracts from the Virginia resolutions. The General Assembly, in the third resolution,

"Doth explicitly and peremptorily declare, that it views the powers of the Federal Government, as resulting from the compact, to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, and as no further valid than they are authorized by the grants enumerated in that compact."

And in the fourth resolution they express their deep regret

"That a spirit has, in sundry instances, been manifested by the Federal Government to enlarge its powers by forced constructions of the constitutional charter which defines them."

In regard to the sedition law, they declare that its passage was the exercise of

"A power not delegated by the Constitution; but, on the contrary, expressly and positively forbidden by one of the amendments thereto; a power which, more than any other, ought to produce universal alarm, because it is leveled against that right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed the only effectual guardian of every other right."

Now, sir, what is the essence, what is the root of all these resolutions? It consists of one plain, clear, fundamental principle, from which all others proceed as branches. It is this: that patriotism—that the permanence of our institutions—that all the principles of correct construction require that the Federal Government shall be limited to the express powers granted to it by the States, and that no implied powers shall ever be exercised, except such as are evidently and plainly necessary to carry the express powers into effect. This is the foundation, the corner stone, the vital principle of all the Virginia and Kentucky resolutions. It was because the sedition law violated this principle that the republican statesmen of Virginia and Kentucky opposed it with such a determined spirit. It was, as Mr. Madison says in his report, because such a loose construction of the Constitution as would bring this law within its pale, would lay the foundation from which the friends of a strong central Government might proceed to rob the States and the people of their liberties, and establish a consolidated Government. It was the first stride towards a limited monarchy.

The Federalists of that day honestly believed that the Government should be strengthened at the center, and that the pulsations of the heart were not powerful enough to extend a wholesome circulation to the extremities. They, therefore, used every effort to enlarge the powers of the Federal Government by construction. This was the touchstone which then divided parties, and which will continue to divide them until, which God forbid, the Government itself shall cease to exist.

Now, sir, if I have correctly stated the principle which runs through all the Virginia and Kentucky resolutions, I would ask whether the bill now before the Senate is not a more palpable violation of this principle than the sedition law. I shall now proceed to establish this position.

In the first place, then, the sedition law did not interfere with the freedom of speech. The citizen might speak what he thought, and say what he pleased, without subjecting himself to its penalties. Under the despotisms of Europe there is a strict censorship over the press. Everything written for publication must undergo the supervision and correction of a Government censor before it can be published. In the most despotic countries, however, some indulgence is granted to the liberty of speech on political questions. The bill establishes more than a universal censorship over the freedom of speech. It compels the officer to be silent altogether on political questions. He dare not utter a word without incurring its penalties. In this country, every public question connects itself with our elections. If there be two candidates for any State Legislature, and the election should turn upon internal improvements, or the division of a county, the officer is as much exposed to the universal sweep of this bill, in case he utters a word in favor of the one or against the other, as though it were the presidential election. He is equally doomed to silence in the one case as in the other. Such tyranny is unknown to the sedition law.

Whilst I was abroad, some years ago, I heard an anecdote highly creditable to the King of Prussia, who, although a despot, is, by his subjects, called a Democratic King. The revolutionary war of Poland against Russia was then raging, and the Polish subjects of the Prussian King were highly excited in favor of their brethren under the dominion of Russia. They talked very freely in favor of taking part in the contest; of casting off the Prussian yoke, and uniting with their brethren in reestablishing the independence of Poland. The counselors of the King advised him to prohibit and punish this freedom of speech; he answered that he would do no such thing; that he would suffer them to express their opinions, and that there was less danger that they would rise against his Government than if they remained silent. This was the remark of a liberal and wise man, who had been instructed in the school of adversity.

But, in this favored land of liberty, in the nineteenth century, we are about to deny to our citizens the privilege of speaking their thoughts. This is the first attempt which I have ever known or read of, either in England or this country, to punish the expression of opinions relative to candidates for office as a crime. If ever this was done in England, even in the reigns of the Tudors or the Stuarts, it must have been a Star Chamber offense. In the more enlightened despotisms of Europe they will learn, with astonishment, that a bill has been introduced into the Senate of the United States proposing to punish a postmaster for expressing his opinion in favor of a candidate for office, as if this were an enormous crime, with a fine of five hundred dollars, and a perpetual disability to hold any other office under the Government. Even under the common law of England, oral slander is not punishable as a crime. The party injured by it is left to his private remedy.

In the second place, the sedition law, although it did abridge, did not, like this bill, totally destroy the freedom of the press. The sedition law deprived no man of the right or the power, in the first instance, to write and publish to the world any strictures upon the Government which he might think proper. To be sure, if, in exercising this privilege, he violated the truth, he was made responsible to its penalties. This bill reaches the very fountains of thought. Its object is to prevent its victims from speaking or writing at all. No matter how innocent, or praiseworthy, or true, may be the conversation or the publication, still if it can be construed into an endeavor to persuade any elector to give his vote for a particular candidate, he is doomed to a fine of \$500, and a perpetual disability to hold office.

Again: under the sedition law, the accused was permitted to protect himself against its penalties, by giving the truth of his charge in evidence. Any individual who had accused the President of the United States of being a bad and dangerous man, who was aiming a blow at the liberties of his country, and desired to usurp the powers of the Government by a latitudinarian construction of the Constitution, was protected by this law from all responsibility, provided he could prove the truth of these allegations to the satisfaction of a court and jury of his countrymen. Not so the present bill. If a postmaster, or a land officer, or a weigher, or a gauger, should endeavor to dissuade any elector from voting for a particular candidate, and should say that this candidate has been guilty of a crime, and therefore his election would be dangerous to the country, and is brought before a court and jury for trial under this bill, he must be convicted, although he may be able to prove the truth of his charge by evidence as clear as a sunbeam. The old English maxim, "the greater the truth the greater the libel," is again revived, with some show of reason; because the language of truth would be more powerful in persuading or dissuading an elector than that of falsehood. Although every member of the court and the jury might personally know that what the accused had uttered was the truth, yet, under the provisions of this bill, they would be bound to convict and sentence him to suffer its penalties.

I think I have thus established my position, that

this bill is worse, and more glaringly unconstitutional, than the sedition law.

I now approach the argument of the Senator from Virginia in favor of the constitutionality of this bill. The old argument in favor of the sedition law, as stated by Mr. Madison in his report, was that the general phrases in the preamble and one clause in the Constitution, were sufficiently powerful to extend the limited grants of power contained in the body of the instrument, and to confer upon Congress the authority to enact any law they might think proper for the common defense and the general welfare. This doctrine has long since been exploded, and was not adverted to by the Senator from Virginia. We are informed, by the same authority, that another argument used was, that all the State Legislatures had passed laws for the punishment of libels; and that, therefore, the same power belonged to the Government of the United States. A similar argument could not be urged by the Senator in support of this bill; because no State Legislature ever has, and I will venture to say no State Legislature ever will pass such a bill as that now before the Senate. To what argument then did the Senator resort? I shall endeavor to state it fairly. He asks, if a judge were to use the freedom of speech or of the press in canvassing the merits of a cause before the people, which it would become his duty afterwards to decide, would it be an abridgment of this freedom to punish him for such conduct? I answer, certainly not. But does not the gentleman perceive that the offense in this case is substantive and independent, and amounts to a total violation of his official duty, for which he ought to be impeached? The language, oral or printed, which he has used, is the mere agent which he has employed in the commission of the offense. This argument is a begging of the question; for it assumes that, under the Constitution, Congress possesses the power to punish one citizen for persuading another, by fair argument, to give his vote for or against any candidate for office. This is the very principle to be established.

Again he asks, suppose one of the officers embraced by the bill were to use the freedom of speech or of the press, in saying to an elector, if you will give your vote for such a candidate, I will procure you an office: would not such an officer be punishable? I answer, certainly he would, under the State laws; because this would be an attempt to procure a vote by corrupt and improper means. It is a distinct offense, the punishment of which in no manner interferes with the liberty of speech or the press when exercised to accomplish constitutional purposes. A similar answer might be given to his interrogatory in regard to giving a challenge, by word or by writing, to fight a duel. The last question, which capped the climax of his argument, was, if a man be guilty of a false and malicious libel against an innocent person, may you not punish him, under the Constitution, without invading the freedom of speech or the press, because it is not the words he may use which you punish, but the falsehood of the charge, the evil intention, and the injury inflicted? I ask the Senator if this argument is not a justification of the sedition law to the fullest extent? I have taken down the Senator's words, and cannot be mistaken in their meaning. What did the sedition law declare? That the authors of "false, scandalous, and malicious" libels, with the evil intentions enumerated in the act, should incur its penalties. It was not the mere words published that were punished, but it was their falsehood, their malice, and their evil intention. The constitutionality of the sedition law is, therefore, embraced not only within the spirit, but within the very words, of the Senator's argument. Has he not, however unconsciously, defended the sedition law? This argument, to my knowledge, never occurred to those who passed that law; but it is one which, if well founded, would give us the power to-morrow to pass another sedition law.

Do not Senators perceive that the passage of this bill would utterly disfranchise a large and respectable class of our people? Under it, what would be the condition of all the editors of your

political journals, whose business and whose duty it is to enlighten public opinion in regard to the merits or demerits of candidates for office? Pass this law, and you declare that no editor of a public paper, of either party, is capable or worthy of holding any of the proscribed offices. He must at once either abandon his paper, and with it the means of supporting himself and his family, or he must surrender any little office which he may hold under the Government.

And yet this bill is supported by my friend from Virginia, who, to use his own language, "has been imbued with the principles of democracy, and a regard for State rights, from his earliest youth." If such a charge should ever be made against him hereafter, his speech and his vote in favor of this bill will acquit him before any court in Christendom where the truth may be given in evidence. I yet trust that he may never vote for its passage.

Every measure of this kind betrays a want of confidence in the intelligence and patriotism of the American people. It is founded on a distrust of their judgment and integrity. Do you suppose that when a man is appointed a collector or a postmaster he acquires any more influence over the people than he had before? No, sir! On the contrary, his influence is often diminished instead of being increased. The people of this country are abundantly capable of judging whether he is most influenced by love of country or love of office. If they should determine that his motives are purely mercenary for supporting a political party, this will destroy his influence. If he be a noisy, violent, and meddling politician, he will do the Administration under which he has been appointed much more harm than good. Let me assure gentlemen that the people are able to take care of themselves. They do not require the interposition of Congress to prevent them from being deceived and led astray by the influence of office-holders. Whilst this is my fixed opinion, I think the number of Federal officers ought to be strictly limited to the actual necessities of the Government. Pursue this course, and, my life for it, all the land officers and postmasters and weighers and gaugers which you shall send abroad over the country can never influence the people to betray their own cause. For my own part, I entertain the most perfect confidence in their intelligence as well as integrity.

That office-holders possess comparatively but little influence over the people, will conclusively appear from the brief history of the last two years, the period during which this dreaded man, Mr. Van Buren, has been in office. What has all this alarming influence of the office-holders effected at the only points where they are to be found in any considerable number? In the city of Philadelphia, notwithstanding all the influence of the custom-house, the post office, and the mint, the majority, at the last election, against the Administration was tremendous, being, I believe, upwards of four thousand. The Pretorian guards, as they have been called, performed but little service on that day in that city. On the other hand, look at the interior of Pennsylvania. There the Governor, whose patronage within the limits of the State was as great, under the old constitution, as that of the King of England, had filled every office with enemies of the present Administration. Of this I do not complain; for, whether right or wrong, it has been the long-established practice of both political parties. It is true that many of the postmasters were friendly to the Administration; but it is equally certain that a large proportion of them warmly espoused the cause of the Opposition. What was the result? Those yielding this vast patronage were entirely routed, notwithstanding the exertions of the office-holders. Gentlemen may quiet their alarms, and be assured that the people cannot be persuaded to abandon their principles by the influence of men in office.

Again: let us look at the State of New York for another example. There the Albany Regency were seated in power. The Democratic party was well drilled. All the office-holders of the State and of the city were friendly to the Administration. Besides, in my opinion, they fought in the righteous cause; and this same abused Albany Regency, who were their leaders, was composed of as able and as honest men as were ever at the

head of any State government. What was the result there? With all this official power and patronage, both of the State and Federal Governments, we were beaten, horse, foot, and dragoons. There is not the least necessity for passing an unconstitutional law to save the people from the influence of the office-holders.

Have we not been beaten in all the large cities of the Union, where only there are Federal officers in any considerable number? What has been our fate in New York, Philadelphia, Boston, Baltimore, and New Orleans? We have been vanquished in all of them. The hobgoblins and chimeras dire respecting the influence of office-holders which terrify gentlemen, exist only in their own imagination. The people of this country are not the tame and servile creatures who can be seduced from their purpose by the persuasion of the office-holders. It is true that in 1828 I did say that the office-holders were the enlisted soldiers of that Administration by which they were sustained. This was too strong an expression. But admit them to be enlisted soldiers; and whilst I do not deny them some influence, there is no danger to be apprehended from it as long as there is virtue and intelligence among our people.

And here I hope the Senator from Kentucky will pardon me for suggesting to him an amendment to his bill. He has, I think, made one or two mistakes in the classification of his officers; though, in the general, it is sufficiently perfect. The principle would seem to have been to separate what may be called the aristocracy of office-holders from the plebeians. Those of the elevated class are still permitted to enjoy the freedom of speech and of the press, whilst the hard working operatives among them are denied this privilege. The heads of Departments and bureaus, the officers of the Army and Navy, the superintendents and officers of our mints, and our district attorneys, are not affected by the bill. These gentlemen are privileged by their elevation. They are too high to be reached by its provisions. Who, then, ought to care whether weighers and gaugers, and village postmasters, and hard-handed draymen, and such inferior people, shall be permitted to express their thoughts on public affairs? I would suggest, however, that the collectors of our principal sea-ports, the marshals of our extensive judicial districts, and the postmasters in our principal cities, receive compensation sufficient to enable them to figure in "good society." They ought to rank with the district attorneys, and should be elevated from the plebeian to the patrician rank of office-holders. They ought to be allowed the freedom of speech and of the press. As to the subordinate officers, they are not worth the trouble of a thought.

To be sure, there is one palpable absurdity on the face of the bill. Its avowed purpose is to prevent office-holders from exercising an influence in elections. Why, then, except from its operation all those office-holders who, from their station in society, can exercise the most extensive influence, and confine its provisions to the humbler, but not less meritorious class whose opinions can have but a limited influence over their fellow-men? The district attorney, for example, is excepted—the very man of all others who, from his position and talents, has the best opportunity of exerting an extensive influence. He may ride over his district, and make political speeches to secure the election of his favorite candidate. He is too high a mark for the gentleman's bill. But if the subordinates of the custom-house or the petty postmaster at the cross roads, with an income of fifty dollars per annum, shall dare, even in private conversation, to persuade an elector to vote for or against any candidate, he is to be punished by a fine of \$500, and a perpetual disability to hold any office under the Government. Was there ever a bill more unequal or more unjust?

Now, sir, I might here, with great propriety, and very much to the relief both of my audience and myself, leave this subject; but there are still some other observations which I conceive it to be my duty to add to what I have already said. Most of them will be elicited by the very strong remarks of my friend from Virginia; for I trust that I may still be permitted to call him by that name.

He and I entered the House of Representatives

almost together. I believe he came into it but two years after myself. We soon formed a mutual friendship, which has ever since, I may say, on my part, with great sincerity, continued to exist. We fought shoulder to shoulder, and his great powers were united with my feeble efforts in prostrating the administration of the younger Adams. General Jackson came into power; and, during the whole period of that administration, he was the steady, unwavering supporter of all its leading measures, except the specie circular and his advocacy of the currency bill; and, on that bill, I stood by him, in opposition to the Administration. Whilst this man of destiny was in power—this man of the lion heart, whose will the Whigs declared was law, and whose roaring terrified all the other beasts of the forest, and subdued them into silence—where was then the Senator from Virginia? He was our chosen champion in the fight. Whilst General Jackson was exerting all this tremendous influence, and marshaling all his trained bands of office-holders to do his bidding, according to the language of the Opposition, these denunciations had no terrors for the Senator from Virginia. Never in my life did I perform a duty of friendship with greater ardor than when, on one occasion, I came to his rescue from an unjust attack made against him by the Whigs, in relation to a part of his conduct whilst Minister to France. After holding out so long together, ought he not, at least, to have parted from us in peace, and bade us a kind adieu? In abandoning our camp, why did he shoot Parthian arrows behind him? In taking leave of us, I hope not forever, is it not too hard for us to hear ourselves denounced by the gentleman in the language which he has used:

"He is amazed and bewildered with the scenes passing before him. Whither, he asks, will the mad domination of party carry us? His mind is filled with despondency as to the fate of his country. Shall we emulate the servility of the Senate and people of Rome? You already have your Pretorian bands in this city."

I might quote from his speech other phrases of a similar character; but these are sufficient. I do not believe that any of these expressions were aimed at me personally; yet they strike me with the mass of my political friends, and I feel bound to give them a passing notice.

And why, let me ask the Senator, why did he not sooner make the discovery of the appalling danger of Executive influence? Is there more to be dreaded from that cause under the present Administration than under that which is past? Is Martin Van Buren more formidable than General Jackson was? Let his favorite author, de Tocqueville, answer this question. He says:

"The power of General Jackson perpetually increases, but that of the President declines; in his hands the Federal Government is strong, but it will pass enfeebled into the hands of his successor."

Do we not all now know this to be the truth? Has not the Government passed enfeebled into the hands of his successor? We see it and feel it and know it from everything which is passing around us. The civilian has succeeded the conqueror; and, I must be permitted to say, has exercised his high powers with great moderation and purity of purpose. In what manner has he ever abused his patronage? In this particular, of what can the gentleman complain?

In February, 1828, I did say that the office-holders were the enlisted soldiers of the Administration. But did I then propose to gag them? Did I propose to deprive them of the freedom of speech and of the press? No, sir, no! Notwithstanding the number of them scattered over the country, I was not afraid of their influence. On the contrary, I commended the Administration for adhering to its friends. I then used the following language:

"In my humble judgment, the present Administration could not have proceeded a single year, with the least hope of reelection but for their patronage. This patronage may have been used unwisely, as my friend from Kentucky [Mr. LETCHER] (and I am still proud to call him my friend, notwithstanding our political opposition) has insinuated. I have never blamed them, I shall never blame them, for adhering to their friends. Be true to your friends and they will be true to you, is the dictate both of justice and of sound policy. I shall never participate in abusing the Administration for remembering their friends. If you go too much abroad with this patronage for the purpose of making new friends, you will offend your old ones, and make but very insincere converts."

What was my opinion in 1828, when I was in the Opposition, is still my opinion in 1839, when I am in the majority. I say now, that the Administration which goes abroad with its patronage to make converts of its enemies, at the expense of its friends, acts both with ingratitude and injustice. Such an Administration deserves to be prostrated. Although neither from principle nor from feeling am I a root and branch man, yet, in this respect, I adopt the opinion of General Washington, the first, the greatest, the wisest, and the best of our Presidents. I prefer him either to General Jackson or to the great Apostle of American liberty. This opinion, however, may proceed from the relics of old Federalism. On this subject General Washington says:

"I shall not, whilst I have the honor to administer the Government, bring a man into any office of consequence, knowingly, whose political tenets are adverse to the measures which the General Government is pursuing; for this, in my opinion, would be a sort of political suicide. That it would embarrass its movements is certain."

Now, sir, if any freak of destiny should ever place me in one of these Executive Departments, and I feel very certain that it never will, I shall tell you the course I would pursue. I should not become an inquisitor of the political opinions of the subordinate office-holders, who are receiving salaries of some eight hundred or a thousand dollars a year. For the higher and more responsible offices, however, I would select able, faithful, and well tried political friends, who felt a deep and devoted interest in the success of my measures. And this not for the purpose of concealment; for no public officer ought to be afraid of the scrutiny of the world; but that they might cheerfully cooperate with me in promoting what I believed to be the public interest. I would have no person around me, either to hold back in the traces, or to thwart and defeat my purposes. With General Washington, I believe that any other course "would be a sort of political suicide."

In executing the duties of a public office, I should act upon the same principles that would govern my conduct in regard to a private trust. If the Senator from Virginia were to constitute me his attorney, to transact any important business, I should never employ assistants whom I believed to be openly and avowedly hostile to his interests.

But, says the Senator, you already have your Pretorian bands in this city. He doubtless alludes to the office-holders in the different Departments of the Government; and, I ask, is Mr. Van Buren's influence over them greatly to be dreaded? If, sir, the President relies upon such troops he will most certainly be defeated. These Pretorian bands are, to a great extent, on the side of the Senator from Kentucky and his political friends. I would now do them great injustice if I were to call them the enlisted soldiers of the Administration. Whilst General Jackson was here they did keep tolerably quiet, but now I understand that many of these heads of bureaus and clerks use the freedom of speech and of the press without reserve against the measures of his successor. Of course, I speak from common report. God forbid that I should become an inquisitor as to any man's politics. It is generally understood that about one half of them are open enemies of the present Administration. I have some acquaintance with a few of those who are called its friends; and among this few I know several who, although they declare they are in favor of the reelection of Mr. Van Buren, yet they are decidedly opposed to all his prominent measures. Surrounded by such Pretorian bands, what has this tyrant done? Nothing—literally nothing. I believe he is the very last man in the country who can justly be charged with using his official patronage to control the freedom of elections. His forbearance towards his political enemies in office will unquestionably injure him to some extent, and especially in those States where, under the common party law, no person dreams of being permitted to hold office from his political enemies. His liberality in this respect has been condemned by many of his friends, whilst he is accused by his enemies of using his official patronage for corrupt political purposes. This is a hard fate. The Senator must, therefore, pardon me, after having his own high authority in favor of General Jackson's adminis-

tration, if, under that of his successor, I cannot now see the dangers of Executive patronage in a formidable light.

There was one charge made by the Senator from Virginia against the present Administration which I should have been the first man to sustain, had I believed it to be well founded. Had the President evinced a determination, in the face of all his principles and professions, to form a permanent connection, in violation of law, between the Government and the Bank of the United States, or any other State bank, he should, in this particular, have encountered my unqualified opposition. In such an event, I should have been willing to serve under the command of the Senator against the Administration; and hundreds and thousands of the unbought and incorruptible Democracy would have rallied to our standard. I am convinced, however, from the reports of the Secretaries of the Treasury and of War, and from the other lights which have been shed upon the subject, that "their poverty, and not their will, consented" to the partial and limited connection which resulted from the sale of the bond to the Bank of the United States. Such seems to have been the general opinion on this floor, because no Senator came to the aid of the gentleman from Virginia in sustaining this charge. "Where was Roderick then?" Why did not the Senator from Kentucky come to the rescue, and sustain his friend from Virginia in the accusation against the Administration of having again connected itself with the Bank of the United States?

The Senator from Virginia has informed us that in his State a law exists prohibiting any man who holds office under the Federal Government from holding, at the same time, a State office. This law prevents the same individual from serving two masters. A similar law, I believe, exists in every State of this Union. If there is not, there ought to be. The Federal and State Governments ought to be kept as distinct and independent of each other as possible. The General Government ought never to be permitted to insinuate itself into the concerns of the States, by using their officers as its officers. These incompatible laws proceed from a wise and wholesome jealousy of Federal power, and a proper regard for State rights. I heartily approve them. Then, sir, if there be danger in trusting a postmaster of the General Government with the commission of a magistrate under State authority, how infinitely more dangerous would it be to suffer the Administration to connect itself with all the State banks of the country? What immense influence over the people of the States could the Federal Government thus acquire! Suffer it to deposit the public money at pleasure with these banks, and permit them to loan it out for their own benefit, and you establish a vast Federal influence, not over weighers and gaugers and postmasters, but over the presidents and directors and cashiers and debtors and creditors of these institutions. You bind them to you by the strongest of all ties—that of self-interest; and they are men who, from their position, cannot fail to exercise an extensive influence over the people of the States. I am a State-rights man, and am therefore opposed to any connection between this Government and the State banks; and last of all to such a connection with the Bank of the United States, which is the most powerful of them all. This is one of the chief reasons why I am in favor of an independent Treasury. And yet, friendly to State rights as the Senator professes to be, he complains of the President for opposing such a connection with the State banks, and thereby voluntarily depriving himself of the power and influence which must ever result from such a union.

There are other reasons why I am friendly to an independent Treasury; but this is not the proper occasion to discuss them. I shall merely advert to one which, in my opinion, renders an immediate separation from the banks indispensable to the public interest. The importation of foreign goods into New York since the commencement of the present year, very far exceeds according to our information, the corresponding importations during the year 1836, although they were greater in that year than they had ever been since the origin of our Government. This must at once create a large debt against us in England.

Meanwhile, what is our condition at home? New York has established what is called a free banking law, under whose provisions more than fifty banks had been established in the beginning of January last, and I know not how many since, with permission to increase their capital to \$487,000,000. These banks do not even profess to proceed upon the ancient, safe, and well established principle of making the specie in their vaults bear some just and reasonable proportion to their circulation and deposits. Another and a novel principle is adopted. State loans and mortgages upon real estate are made to take the place of gold and silver; and an amount of bank notes may be issued equal to the amount of these securities deposited with the Comptroller. There is no restriction whatever imposed on these banks in regard to specie, except that they are required to hold eleven pence in the dollar, not of their circulation and deposits united, but of their circulation alone. Well may that able officer have declared, in his report to the Legislature, that "it is now evident that the point of danger is not an exclusive metallic currency, but an exclusive paper currency, so redundant and universal as to excite apprehensions for its stability." The amount of paper issues of these banks, and the amount of bank credits, must rapidly expand the paper circulation, and again produce extravagant speculation.

The example of New York will have a powerful influence on the other States of the Union. Already has Georgia established a free banking law; and a bill for the same purpose is now before the Legislature of Pennsylvania. If the signs of the times do not deceive me, we shall have another explosion sooner, much sooner than I had anticipated. The Senator from Massachusetts [Mr. WEBSTER] nods his assent.

Mr. WEBSTER. I think so also.

Mr. BUCHANAN. This paper bubble must, from its nature, go on rapidly expanding, until it reaches the bursting point. The recent suspension of specie payments by the branch bank of Mobile, in the State of my friend from Alabama, [Mr. KING,] may be the remote and distant thunder, premonitory of the approaching storm. This is all foreign, however, to the subject before the Senate. I desire now to declare solemnly in advance, that if this explosion should come, and the money of the people in the Treasury should again be converted into irredeemable bank paper and bank credits, the Administration will be guiltless of the deed. We have tried, but tried in vain, to establish an Independent Treasury where this money would be safe, in the custody of officers responsible to the people.

There is one incident in relation to the Bank of the United States which my friend from Virginia may be curious to know. Under the Pennsylvania charter it was prohibited from issuing notes under ten dollars. I had fondly hoped that this example might be gradually followed by our Legislature in regard to the other banks, until the time should arrive when our whole circulation under ten dollars should consist of gold and silver. The free banking law of New York has enabled the bank to nullify this restriction. Under this law it has established a bank in the city of New York, the capital of which may be increased to \$50,000,000, and has transferred to the Comptroller of that State Michigan State loan to the amount of \$200,000. And what notes, Mr. President, do you suppose it has taken in lieu of this amount of loan? Not an assortment of different denominations, as the other banks have done, but forty thousand five dollar notes. These five dollar notes will be paid out and circulated by the bank at Philadelphia; and thus the wise ten-dollar restriction contained in its Pennsylvania charter is completely annulled.

If, therefore, I could believe for a moment that this Government intended to form a permanent connection with the Bank of the United States, and again make it the general depository and fiscal agent of the Treasury, even if no other principle were involved than that of the enormous increase of Executive patronage which must necessarily follow, I should at once stand with my friend from Virginia in opposition to the Administration. But I would not go over with him to the enemy's camp. I have somewhere read a

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eulogy on the wisdom of the Catholic church for tolerating much freedom of opinion in non-essentials among its members. A pious, an enthusiastic, and an ardent spirit, which, if it belonged to any Protestant church, might produce a schism, is permitted to establish a new order, and thus to benefit, instead of injuring, the ancient establishment. I might point to a St. Dominick and a Lovola for examples. Now, sir, I admit that the Whig party is very catholic in this respect. It tolerates great difference of opinion. Its unity almost consists in diversity. In that party we recognize "the Democratic anti-Masonic" branch. Yes, sir, that is the approved name. I need not mention the names of its two distinguished leaders. The peculiar tenet of this respectable portion of the universal political Whig church is a horrible dread of the murderers of Morgan, whose ghost, like that of Hamlet's father, walks abroad, and revisits the pale glimpses of the moon, seeking vengeance on his murderers. I wish they could be found, and punished as they deserve. Though not Abolitionists in the mass, they do not absolutely reject, though they may receive with an awkward grace, the overtures and aid of the Abolitionists. In my portion of the country, at least, the Abolitionists are either incorporated with this branch of the party, or hang upon its outskirts. The Senator from Virginia and myself could not, I think, go over to this section of the party, nor would we be received by it into full communion. The Senator from Kentucky [Mr. CLAY] will, I think, find to his cost that he has done himself great injury with this branch of the Opposition, by the manly and patriotic sentiments which he expressed a few days ago on the subject of abolition.

Then comes the Whig party proper, in which the Senator from Kentucky stands preëminent. I need not detail its principles. Now, I humbly apprehend that even if the President of the United States should determine to ally himself with the bank, and force us to abandon him on that account, neither the Senator from Virginia nor myself could find refuge in the bosom of this party. We have both sinned against it beyond forgiveness. We were both in favor of the removal of the deposits—an offense which, with them, like original sin, "brought death into the world, and all our woe." For this no penitence can atone.

Again: we both voted for the expunging resolution; which, in their opinion, was an act of base subservency and man worship, and, withal, a palpable violation of the Constitution. So dreadful was this offense, that my friend from Delaware [Mr. BAYARD] will never get over it. He has solemnly pledged himself to cry aloud and spare not, until this foul blot shall be removed from the Journals of the Senate. I should be glad to know why he has not yet introduced his annual resolution to efface this unsightly stain from the record of our proceedings?

In short, we should be compelled to form a separate branch of the Whig party. We should be the deposit-removing, expunging, force bill, anti-bank, Jackson Whigs. We should carry with us enough of locofocoism and other combustible materials to blow them all up. They had better have a care of us.

I hope the Senator may yet remain with us, and be persuaded that his old friends upon this floor do not resemble either the servile band in the Roman Senate, under the first Cæsar, or that which afterwards degraded themselves so low as to make the favorite horse of one of his successors high priest and consul. He can never be fully received into the communion of the faithful Whigs. Although the fathers of the church here may grant him absolution, yet the rank and file of the party throughout the country will never ratify the deed.

I was pleased to hear the Senator from Virginia, on yesterday, make the explanation which he did to the Senator from North Carolina, [Mr. STRANGE], in regard to what he had said in favor of the British Government. I cheerfully take the explanation. I did suppose he had pronounced a high-wrought eulogy upon that Government; but it would not be fair to hold him, or any other Senator, to the exact meaning of words uttered in the heat and ardor of debate.

I agree with him that we are indebted for several of our most valuable institutions to our British ancestors. We have derived from them the principles of liberty established and consecrated by Magna Charta, the trial by jury, the right of petition, the *habeas corpus* act, and the revolution of 1688. And yet, notwithstanding all this, I should be very unwilling to make the British Government a model for our legislation in republican America. Look at its effects in practice. Is it a Government which sheds its benign influence, like the dews of Heaven, upon all its subjects? or is it not a Government where the rights of the many are sacrificed to promote the interests of the few? The landed aristocracy have controlled the election of a majority of the members of the House of Commons, and they themselves compose the House of Lords. The main scope and principal object of their legislation was to promote the great landed interests—that of the large manufacturers, and the fund holders of a national debt, amounting to more than seven hundred and fifty millions sterling. In order to accomplish these purposes, it became necessary to oppress the poor. Where is the country beneath the sun in which pauperism prevails to such a fearful extent? Is it not known to the whole world that the wages both of agricultural and manufacturing labor are reduced to the very lowest point necessary to sustain human existence? Look at Ireland—the fairest land I have ever seen. Her laboring population is confined to the potato. Rarely, indeed, do they enjoy either the wheat or the beef which their country produces in such plentiful abundance. It is chiefly sent abroad for foreign consumption.

The people of England are now struggling to make their institutions more free; and I trust in God they may succeed; yet their whole system is artificial; and, without breaking it down altogether, I do not perceive how the condition of the mass of the people can be much ameliorated. In the present state of the world, no friend of the human race ought probably to desire its immediate destruction. We ought to regard it rather as a beacon to warn us, than as a model for our imitation. We ought never, like England, to raise up by legislation any great interests or monopolies to oppress the people, which we cannot put down without crushing the Government itself. Such is now the condition of that country. I am no admirer of the British Constitution, either in Church or State, as it at present exists. I desire not a splendid Government for this country.

The Senator from Virginia has quoted with approbation, and sustained by argument, a sentiment from De Tocqueville, to which I can never subscribe. It is this: that there is greater danger, under a Government like ours, that the Chief Magistrate may abuse his power, than under a limited monarchy; because, being elected by the people, and their sympathies being strongly enlisted in his favor, he may go on to usurp the liberties of the country with their approbation.

Mr. RIVES rose and explained. Mr. BUCHANAN. From the gentleman's explanation, I find that I did not misquote either his proposition or his argument. I am sorry he speaks under the dominion of so much feeling. I have none at all on the present occasion. I shall proceed, and, at the proper time, and, I trust, in the proper manner, give my answer to this proposition.

The Senator has introduced De Tocqueville as authority on this question; and, in order to give greater weight and luster to this authority, has pronounced him superior to Montesquieu. Montesquieu was a profound thinker, and almost every sentence of his is an apothegm of wisdom. He has stood, and ever will stand, the test of time. I cannot compare De Tocqueville with Montesquieu. I think he himself would blush at such a comparison.

I may truly say that I have never met any Frenchman or Englishman who could understand the complicated relations existing between our Federal and State Governments. In this respect, De Tocqueville has not succeeded much better than the rest. I am disposed to quarrel with him for one thing, and that is, that he is opposed to the doctrines of the Virginia and Kentucky resolutions. He is one of those old Federalists, in

the true acceptance of that term, who believe that the powers of the General Government are not sufficiently strong to protect it from the encroachment of the States. Hence one great object of his book is to prove that this Government is becoming weaker and weaker, while those of the States are growing stronger and stronger; and although he does not think the time near, yet the final catastrophe must be, that it will be dissolved by its own weakness, and the people at length, tired of the perpetual struggles of liberty, will finally seek repose in the arms of despotism. This result, in his opinion, is not to be brought about by the strength, but by the weakness, of the Federal Government. I might adduce many quotations to this effect from his book, but I shall trouble the Senate with but a few. He says, in summing up a long chapter on this subject:

"I am strangely mistaken if the Federal Government of the United States be not constantly losing strength, retreating gradually from public affairs, and narrowing its circle of action more and more. It is naturally feeble, but it now abandons even its pretensions to strength. On the other hand, I thought that I remarked a more lively sense of independence, and a more decided attachment to provincial government, in the States. The Union is to subsist, but to subsist as a shadow; it is to be strong in certain cases, and weak in all others; in time of warfare it is to be able to concentrate all the forces of the nation and all the resources of the country in its hands; and in time of peace its existence is to be scarcely perceptible; as if this alternate debility and vigor were natural or possible."

"I do not foresee anything, for the present, which may be able to check this general impulse of public opinion; the causes in which it originated do not cease to operate with the same effect. The change will therefore go on, and it may be predicted that, unless some extraordinary event occurs, the Government of the Union will grow weaker and weaker every day."

Again:

"So far is the Federal Government from acquiring strength and from threatening the sovereignty of the States, as it grows older, that I maintain it to be growing weaker and weaker, and that the sovereignty of the Union alone is in danger."

And again:

"It may, however, be foreseen even now, that, when the Americans lose their republican institutions, they will speedily arrive at a despotic government without a long interval of limited monarchy."

Speaking of the power of the President, he says:

"Hitherto, no citizen has shown any disposition to expose his honor and his life in order to become the President of the United States, because the power of that office is temporary, limited, and subordinate. The prize of fortune must be great to encourage adventurers in so desperate a game. No candidate has as yet been able to arouse the dangerous enthusiasm or the passionate sympathies of the people in his favor, for the very simple reason that, when he is at the head of the Government, he has but little power, but little wealth, and but little glory to share amongst his friends; and his influence in the State is too small for the success or the ruin of a faction to depend upon the elevation of an individual to power."

Now, if this greater than Montesquieu is to be believed, and his authority is to be relied upon by the Senator from Virginia, whence his terror and alarm lest the power of the President might be strengthened by the influence of the lower class of Federal office-holders at elections? Why should they be deprived of the freedom of speech and of the press, upon the principle that the power of Mr. Van Buren is dangerous to the liberties of his country? The gentleman's lauded authority is entirely against his own position. Now, for my own part, I differ altogether from De Tocqueville. Although I do not believe that the power and patronage of the President can with any, even the least, justice, be compared with that of the King of England, yet from the very nature of things, from the rapid increase of our population, from the number of new States, from our growing revenue and expenditures, from the additional number of officers necessary to conduct the affairs of the Government, and from many other causes which I might enumerate, I am convinced that the Federal Executive is becoming stronger and stronger. Rest assured he is not that feeble thing that De Tocqueville represents him to be. Federal power ought always to be watched with vigilant jealousy, not with unjust suspicion. It ought never to be extended by the creation of new offices, except they are absolutely necessary for the transaction of the public business.

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The Whigs will be astonished to learn that, in the opinion of this author, General Jackson has greatly contributed, not to strengthen, but to weaken Federal power.

"Far from wishing to extend it the President belongs to the party which is desirous of limiting that power to the bare and precise letter of the Constitution, and which never puts a construction upon that act favorable to the Government of the Union; far from standing forth as the champion of centralization, General Jackson is the agent of all the jealousies of the States; and he was placed in the lofty situation he occupies by the passions of the people which are most opposed to the central Government."

He states the means adopted by this illustrious man for destroying his own power. They are:

- "1. Putting down internal improvements.
- "2. Abandoning the Indians to the legislative tyranny of the States.
- "3. Destroying the Bank of the United States.
- "4. Yielding up the tariff as a sacrifice to appease South Carolina."

In this list he mentions the abandonment by Congress of the proceeds of the sales of the public land to the new States to satisfy their impotency. These States will be astonished to learn that Mr. CLAY's land bill, to which they were so violently opposed, gave them the greatest part of the revenue derived from this source; and my friend from Missouri [Mr. BEXTON] will doubtless be much disappointed to hear that President Jackson had completely adopted the principles of this bill. De Tocqueville has communicated this information to us, and he is high authority. Hear him:

"Congress has gone on to sell, for the profit of the nation at large, the uncultivated lands which those new States contained. But the latter at length asserted that, as they were now fully constituted, they ought to enjoy the exclusive right of converting the produce of these sales to their own use. As their remonstrances became more and more threatening, Congress thought fit to deprive the Union of a portion of the privileges which it had hitherto enjoyed; and, at the end of 1833, it passed a law by which the greatest part of the revenue derived from the sale of lands was made over to the new western republics, although the lands themselves were not ceded to them."

And, in a note to this passage, the author says:

"It is true that the President refused his assent to this law; but he completely adopted it in principle. See message of 8th December, 1833."

Here, sir, is a fair sample of the information which passes current in Europe in regard to us and our institutions, and this proceeds from the modern Montesquieu! Had he been a genuine Montesquieu, I think he would have said, General Jackson has strengthened the Federal Government by arresting it in its career of usurpation, and bringing it back to its ancient constitutional course. Thus all danger of collision, or even of jealousy, between it and the States has been avoided; and, within its appropriate sphere, every clog has been removed from its vigorous action. It has thus become more powerful. Love of the Union is a sentiment deeply seated in the heart of every American. It grows with his growth, and strengthens with his strength; and never was it stronger than at the present moment. One great cause of this is, that General Jackson has denied himself every power not clearly granted by the Constitution; whilst he has, with a firmness and energy peculiar to himself, exerted all those which have been clearly conferred upon the General Government. But enough of this.

Now, sir, I cannot agree with the Senator from Virginia, according to the explanation which he has given, that there is greater danger of usurpation by an elective President than by a limited hereditary monarch. His was an argument to prove that, in this respect, a limited monarchy has the advantage over our republican form of Government. If this be true, then our Government, in one particular at least, is worse than that of England. Now, sir, upon what argument does the gentleman predicate this conclusion? Does he not perceive that it is upon an entire want of confidence in the people of the United States? He fears their feelings may become so enlisted in favor of some popular Chief Magistrate who has been elected by their suffrages, their passions may become so excited, that he may ride upon their backs into despotic power. Now, I do not believe any such thing. I feel the utmost confidence in the people. As long as they remain intelligent and virtuous, they will be both able and willing to defend their own cause, and protect

their own liberties from the assaults of a usurper, whether they be open or disguised. Their passions will never drive them to commit suicide upon themselves. It is true the people may go wrong on some questions. In my opinion, they have recently gone wrong in some of the States; but I rely upon their sober second thought to correct the evil. On a question, however, between liberty and slavery, until they are fit to be slaves, there can be no danger.

The Senator has expressed the opinion, with great confidence, that ours is a far stronger executive Government than that of England; and has sustained this opinion by an enumeration of office-holders, and an argument to which I shall not specially refer. Let any man institute a comparison between the two, and he will find that this is but the creation of a brilliant imagination. I got a friend in the Library, last evening, to collect some statistical information for me on this subject. Even now, in the time of peace, the British army exceeds one hundred and one thousand men, including officers; and their vessels of war in commission are one hundred and ninety-one. How will our Army of twelve thousand men, and our Navy, consisting of twenty-six vessels in commission, compare with this array of force, and this source of patronage? The officers of the British army and navy, appointed by the Crown, hold seats in Parliament, and engage actively in the business of electioneering. No law prohibits them from exerting their influence at elections; and the bill of the Senator from Kentucky, in this respect, bears a close resemblance to the act of Parliament. No jealousy is manifested in either towards the higher officers. It is only those of the humble class who are deprived of their rights.

On the 5th of January, 1836, the public debt of Great Britain and Ireland amounted to £760,294,554 7s. 2d. sterling, say, in round numbers, \$3,600,000,000. The interest of every man who owns any portion of this vast national debt is involved in and identified with the power of the British Government. It is by the exertion of this power alone that the annual interest upon this money can be collected from the people. In order to pay this interest and sustain the Government, there was collected from the British people, in the form of customs and internal taxes, during the year ending on the 5th January, 1836, the sum of £52,589,992 4s. 6½d. sterling; say, in round numbers, \$252,000,000. What a vast field for patronage is here presented! How does our revenue, of some twenty or twenty-five million dollars, compare with this aggregate? Then there is the patronage attached to the East and West Indies, to the Canadas, and to the British possessions scattered all over the earth. The Government of England is a consolidated Government. It is not like ours, composed of sovereign States; all whose domestic officers are appointed by State authority. The King is the exclusive fountain of office and of honors and of nobility throughout his vast dominions. What is the fact in regard to the General Government? With the exception of post officers, its patronage is almost exclusively confined to the appointment of custom-house officers along our maritime frontier, and land officers near our western limits. Throughout the vast intermediate space, a man may grow old without ever seeing a Federal civil officer, unless it be a postmaster. I adduce these facts for the purpose, not of proving that we ought not to exercise a wholesome jealousy towards the Federal Government, but for that of showing how unjust it is to compare the power and patronage of the President of the United States with that of the King of England. You might as well compare the twinkling of the most distant star in the firmament of heaven with the blaze of the meridian sun. May this ever continue to be the case!

I will tell the Senator from Kentucky how far I am willing to proceed with him in punishing public officers. If a postmaster will abuse his franking privilege, as I know to my sorrow has been done in some instances, by converting it into the means of flooding the surrounding country with base libels in the form of electioneering pamphlets and handbills, let such an officer be instantly dismissed and punished. If any district attorney should either favor or oppress debtors to

Government for the purpose of promoting the interest of his party, he ought to share a similar fate. So if a collector will grant privileges in the execution of his office to one importer, which he denies to another, in order to subvert the views of his party, he ought to be dismissed from office and punished for his offense. I would not tolerate any such official misconduct. But whilst a man faithfully and impartially discharges all the duties of his office, let him not be punished for expressing his opinion in regard to the merits or demerits of any candidate. Above all, let us not violate the Constitution in order to punish an officer.

The Senator from Virginia has of late appealed to us often to rise above mere party, and to go for our country. Such appeals are not calculated to produce any deep impression on my mind; because, in supporting my party, I honestly believe I am, in the best manner, promoting the interest of my country. I am, but I trust not servilely, a party man. I support the present President, not because I think him the wisest or best man alive, but because he is the faithful and able representative of my principles. As long as he shall continue to maintain these principles, he shall receive my cordial support; but not one moment longer. I do not oppose my friends on this side of the House because I entertain unkind feelings towards them personally; on the contrary, I esteem and respect many of them highly. It is against the political principles of which they are the exponents that I make war.

I support the President because he is in favor of a strict and limited construction of the Constitution, according to the true spirit of the Virginia and Kentucky resolutions. I firmly believe that if this Government is to remain powerful and permanent, it can only be by never assuming doubtful powers, which must necessarily bring it into collision with the States. It is not difficult to foresee what would be the termination of such a career of usurpation on the rights of the States.

I oppose the whig party because, according to their reading of the Constitution, Congress possess, and they think ought to exercise, powers which would endanger the rights of the States and the liberties of the people. Such a free construction of the Constitution as can derive from the simple power "to lay and collect taxes," that of creating a national bank, appears to me to be fraught with imminent danger to the country. I am opposed to the party so liberal in their construction of the Constitution as to infer the existence of a power in the Federal Government to create and circulate a paper currency for the whole Union, from the clause which merely authorizes Congress "to regulate commerce with foreign nations and among the several States, and with the Indian tribes." Such constructions would establish precedents which might call into existence other alien and sedition laws; and it is such a construction which has given birth to the bill now before the Senate, denying the freedom of speech and of the press to a respectable portion of our citizens.

Should the time ever arrive when these principles shall be carried into practice, and when the Federal Government shall control the whole paper system of the country, either by the agency of a national bank or an immediate issue of its own paper, our liberties will then be in the greatest danger. In addition to the constitutional patronage of the President, confer upon him the influence which would result from the establishment of a national bank, and you may make him too powerful for the people. Such a bank, spreading its branches into every State, controlling all the State institutions, and able to destroy any of them at pleasure, would be a fearful engine of Executive power. It would indissolubly connect the money power with the power of the Federal Government; and such a union might, I fear, prove irresistible. The people of the States might still continue to exercise the right of suffrage; all the forms of the Constitution might be preserved, and they might delude themselves with the idea that they were yet free, whilst the moneyed influence had insinuated itself into the very vitals of the State, and was covertly controlling every election.

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Maine Boundary Question—Mr. Buchanan.

SENATE.

## MAINE BOUNDARY QUESTION.

## DEBATE IN THE SENATE,

TUESDAY, February 26, 1839.

A message was received from the President of the United States, together with documents, on the subject of the recent and existing difficulties between the people and authorities of Maine and New Brunswick. The message and documents were read throughout, and concurred most precisely with the accounts of these matters heretofore published. It further appeared that the British Minister, Mr. Fox, had, in a communication to the United States Executive, declared, in concurrence with the Lieutenant Governor of New Brunswick, that it was well known that the whole of the disputed territory had been placed under the exclusive jurisdiction of British authority, and that it was bound so to remain by an express agreement between the two Powers; and on this ground Mr. Fox demanded that Maine should be ordered to withdraw her troops from the territory. The President altogether and expressly denied the existence of any such agreement, either express or implied, and called on Mr. Fox to point out the passages or stipulations on which this assumption was founded, whereupon Mr. Fox declared the two Governments at direct variance on this point, entered his "protest in the most formal manner" against the ground thus taken by the President, that no such agreement existed, and declared his intention, forthwith, to communicate with his Government on this point, and wait for further instructions. The message maintained that the correspondence between the two conflicting parties expressly disproved the existence of any such agreement, and showed that each was to exercise the rights and jurisdiction which they already possessed, without any attempt at their advance, so as to avoid collision. It also maintained that Maine had a right to arrest the depredators on the territory, and intimated an intention of the President to endeavor again to settle the difficulty by referring it to the arbitration of a third Power. But if the authorities of New Brunswick should persist in maintaining by force the assumption of exclusive jurisdiction over the territory, the President would then consider that contingency as having arisen in which it would be proper for a State to call for aid from the General Government. It further appeared that the President had recommended to the Executive of Maine to disband her troops as the first step to be taken toward a return to a peaceful negotiation of the controversy.

Mr. BUCHANAN said that, in rising to move the reference of this message and these documents to the Committee on Foreign Relations, he deemed it his duty to submit a few observations to the Senate. In this whole matter his ardent desire was, that the Government of the United States might pursue such a course, if this could be done with honor, as to preserve peace between the two countries; and, if that object could not be accomplished, that our course might be so firm, consistent, and dignified, as to secure the universal approbation of our constituents. He desired that our cause might not only be just in itself, but that it might be conducted in such a manner as to leave no doubt of its justice among the people of all political parties of the country; because he believed they were all actuated by the same desire to preserve untarnished the honor of the nation. If war must come, we should endeavor to inspire a unanimity of sentiment among the American people; and then, in a righteous cause, we should be irresistible.

In regard to our title to the disputed territory, he had but little to say. It was sufficient for him to declare most solemnly that, of all the important questions he had ever been called upon to examine, this was the most free from doubt. In this opinion he was happy to have been sustained, at the last session of Congress, by the unanimous concurrence of the Committee on Foreign Relations, and the unanimous vote both of the Senate and House of Representatives. After the adoption of the resolutions, in the beginning of July last, to which he referred, he had fondly hoped that the British Government would long ere this have entered seriously into a negotiation for the

settlement of this question; but he was sorry to say that the same procrastination and delay which had hitherto characterized their conduct still continued to exist. He was happy, however, now to learn, from the note to Mr. Forsyth from Mr. Fox, which had just been read, that he anticipates an early settlement of the general question. He hoped that in this particular Mr. Fox might not be mistaken, and that his belief rested upon sufficient reasons within his own knowledge.

In the brief remarks which I have to make, I wish to present a few points, to which I ask the serious attention of the Senate. The whole of the present difficulty on the frontiers of Maine seems to have arisen from an entire misapprehension, on the part of the British Government, in regard to the question of exclusive jurisdiction over the disputed territory. Sir John Harvey seems to have proceeded entirely upon this ground. I was no little surprised when I read his letter to the Governor of Maine, which asserts that, by an agreement between the two Governments, the territory in dispute was to remain under the exclusive jurisdiction of England until the controversy should be determined; because I had supposed that if any fact had been established beyond dispute by the correspondence between the parties, from the day when the Senator from Kentucky, [Mr. CLAY,] as Secretary of State, addressed his first note to the Minister of the British Government on this subject until the present moment, it was, that their claim to exclusive jurisdiction had always been resisted by the United States. From the very nature of things, no such agreement, either express or implied, could ever have been sanctioned by this Government without national degradation. What is the true statement of the case? Two neighboring and friendly nations have a dispute respecting the title to an intermediate district of territory between their acknowledged limits; and by far the greater part of this territory is a wilderness. Now, what is the course, and the only course, which the very nature of such a question would point out? It is this: that, whilst the dispute continued, each party should retain possession of that portion of the territory which had been previously in its actual possession, and the remainder should not be placed under the exclusive jurisdiction of either.

Now, sir, unless I am greatly mistaken in my reading of the documents, such an understanding has uniformly existed between this Government and England, and has hitherto guided the conduct of both parties. Nay, more, sir; there is an express agreement upon this subject, if I understand the English language. After the Senate had rejected the award of the King of Holland, it became necessary to open a negotiation with England for the purpose of settling this disputed question. At the conclusion of Mr. Livingston's note to Mr. Bankhead, of the 21st July, 1832, written with this view, he says:

"Until this matter shall be brought to a final conclusion, the necessity of refraining on both sides from any exercise of jurisdiction beyond the boundaries now actually possessed must be apparent, and will, no doubt, be acquiesced in on the part of his Britannic Majesty's provinces, as it will be by the United States."

Did the British Government reject this friendly proposal? Did they then, as Mr. Fox does now, assert any claim to exclusive jurisdiction? No, sir, no. Sir Charles Vaughan, in his answer to Mr. Livingston, dated on the 14th of April, 1833, assures him—

"That his Majesty's Government entirely concur with that of the United States in the principle of continuing to abstain, during the progress of negotiation, from extending the exercise of jurisdiction within the disputed territory beyond the limits within which it has hitherto been usually exercised by the authorities of either party."

Now can language be more explicit than this? A distinct proposition arising out of the very nature of the question, was thus made by Mr. Livingston, and it was distinctly accepted by Sir Charles Vaughan. Is not this, then, an express agreement between the parties? I had, therefore, good cause for astonishment when I saw the claim set up by the British Government to the exclusive jurisdiction over the disputed territory. I cannot help believing that when Sir John Harvey and the British authorities come to review this subject, they will arrive at a different conclusion.

In that event, our present alarming difficulties will be speedily adjusted.

Now, sir, this being the state of the question, what rights remained to each party? It is true that, pending the controversy, no exclusive jurisdiction can be exercised by either. But suppose a band of lawless trespassers intrude themselves into this disputed territory, and proceed to destroy its value by the plunder of its timber, the chief article which renders it valuable, are both parties obliged to stand by and look tamely on, whilst these depredations are committed, without making any effort to prevent them? Had not either party the right to drive away the trespassers, without giving any reasonable cause of offense to the other? To make the case familiar, let me suppose that my friend from Missouri [Mr. LOWN] and myself own adjoining plantations, and that a controversy has arisen between us respecting the title to some timber land along our boundaries. In order to live at peace, we agree that, until the question of title shall be settled, we will each refrain from taking possession of the property in dispute. Now, sir, would this agreement prevent either of us from driving away lawless trespassers from the timber land to which we both claimed title? The two questions are parallel. It appears to me that both these Governments have a concurrent right, not against each other, but against lawless intruders. I admit that in such a case each ought to act with the most perfect good faith towards the other, and retire within their acknowledged limits the moment the object is accomplished. To drive away trespassers should never be made a pretext for holding permanent possession of the territory in dispute.

Now, sir, what has Maine done? She has merely sent her land agent, with a sufficient force, into the disputed territory, under the authority of her Legislature, to expel the trespassers, who were engaged in cutting down and removing the timber. The resolution of the Legislature hath this extent—no more. In my opinion, it was perfectly correct. It does anything but authorize an array of military force for the purpose of assuming exclusive jurisdiction over the territory. It is merely the employment of the land agent and the sheriff, with a sufficient force, to expel the intruders. It is true this force was armed, because the trespassers were armed, and had declared their purpose of resistance. The amount of the appropriation made to carry this resolution into effect was only \$10,000. Surely Sir John Harvey was mistaken in supposing that this force, led by the land agent and the sheriff, went to the disputed territory for the purpose of taking and holding permanent possession of it in defiance of the British Government, and in violation of the subsisting agreement between the two countries.

But, sir, as a man of candor, I will say that, in one respect, I could desire that the Governor of Maine had acted in a different manner from what he has done. His message to the Legislature, and their resolution upon it, meet my entire approbation. The only cause of regret which I have is, that he did not send a copy of the message and resolution to the Governor of New Brunswick. This might have been communicated to him confidentially; and thus the trespassers could not have received notice of the intentions of Maine in time to make their escape. Had he acted in this manner, it would have placed him entirely in the right; and no pretext could have been afforded to Sir John Harvey for mistaking the character and object of the expedition. It is true that, in point of fact, it would perhaps have made no difference, as he has expressly declared that he was instructed by his Government to maintain exclusive jurisdiction over the territory, and that it was his fixed determination to obey this instruction. Still, if this communication had been made to him, it is possible no difficulty might have arisen.

There is a third and most important point to which I would call the attention of the Senate. The Governor of New Brunswick has expressed his determination to maintain exclusive jurisdiction over the disputed territory by military force; and the President of the United States, in his message, has expressed an equal determination to resist any such attempt. He has declared that if Sir John Harvey should invade this disputed territory, he will consider it a case which, under

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the Constitution and laws, will make it his imperative duty to call out the militia for the purpose of repelling this invasion. Should both parties adhere to their determination, a collision becomes inevitable. The question, then, for the Senate to determine, is, shall the military seizure and occupation of this territory by the British Government, under the pretext that they have a right of exclusive jurisdiction over it, be resisted by force? Can we tamely submit to such a violation of our rights? Is there any other honorable alternative left? Is there a Senator within the sound of my voice who will doubt for a single moment on this question? I sincerely believe there is not.

I do not yet believe that Sir John Harvey will persist in a determination which would be an equal violation of our sovereign rights, and of the express agreement of his own Government. But ought any expectation that he will recede, to induce Congress to adjourn without furnishing the President with the means of repelling such an invasion? I think not. Congress cannot be convened before September, because until then several of the States would be without Representatives. In the mean time, actual war with a powerful nation may be forced upon the country, without the President having the means of resistance. A liberal contingent appropriation ought, therefore, to be made before we adjourn.

I have thus presented the three points to the Senate which I deem worthy of their deep and solemn consideration. Have the British Government any right to the exclusive jurisdiction over the disputed territory? If they have not, has Maine violated any right of that Government by expelling these lawless intruders? Shall we resist by force any attempt to take military possession of the disputed territory whilst the negotiation is pending?

Mr. B. then moved the reference of the message and accompanying documents to the Committee on Foreign Relations.

Mr. WEBSTER said this was so novel, so unexpected, and so important a matter, that it unquestionably demanded the gravest consideration of the Senate. Mr. W. was among those who never entertained a doubt that the right to this disputed territory was in the United States. It had appeared to him from the first that this was perfectly clear; so clear, that the controversy never seemed to him hardly to reach the dignity of a debatable question. But as the matter was now in dispute, and as a negotiation was in progress, with a view to settle it, it, of course, became this Government not to resort to any final measures for establishing its own rights by its own power until the means of negotiation should be exhausted, or the negotiation closed. Mr. W. concurred in most or all that had been said by the gentleman from Pennsylvania. He knew of nothing in the whole history of this controversy from which it could be made out that there was an explicit agreement, or any agreement at all, with the British Government, according to which the jurisdiction over the disputed territory, pending the question, was to remain exclusively with Great Britain; and it was to be regretted that the representative of her Majesty, who insists upon the existence of such an agreement, had pointed to no passage in the negotiation between the two countries, nor to any other paper or document, where such agreement is to be found, or how it is to be made out, or could be established by implication. Instead of this, he had contented himself with a formal protest, and with a reference of the whole matter to his Government at home, and has thus left it. The American Secretary, on the other hand, had given his decided negative to the fact of any such agreement; he denies that there was any such agreement, either explicit or implicit; he thinks there is a great mistake on the other side, and the scope of his observations in his letter, as is evident, was to call on the other side to show the stipulation by which exclusive jurisdiction was thus to remain with Great Britain. But the British Minister had not, in his reply, shown any evidence whatever of any agreement; but, on the contrary, had made the denial of the American Secretary the subject of a formal protest, and had ended with a declaration that he would wait for further instructions from

his Government at home. It is certainly not unreasonable to say, that as the British Minister expresses his surprise at the fact that the American Secretary does not admit or recognize an explicit agreement, he should be able to show where such agreement may be found.

Mr. W. also entirely agreed that it would have been becoming that the two Governments should have had a conference and consultation upon the subject before any one step should have been taken in any way which should look hostile, by causing the appearance of armed men on the frontier, whether as a civil posse or military force. A communication might have been made, notice in some way might have been given, so that apprehension might have been allayed, and one party might have seen the object of the other, and have understood that the proceeding was for the interest of both.

Under present circumstances, in the predicament in which the Government was placed by these occurrences, if it should be the pleasure of the gentleman from Pennsylvania to present resolutions expressive of the opinions of the Senate on the subject, Mr. W. would certainly give them his very serious consideration, with an earnest desire that the rights of Maine be maintained, and with a deep anxiety that hostilities should be avoided. Or if, instead of taking that course, the honorable gentleman chose to wait for the present, there might be, and Mr. W. hoped there would be, early advices from the scene of operations of a more favorable aspect; and, in the mean time, a contingent appropriation might be made, by placing in the hands of the President the means of defending the country in case of necessity. For this, most certainly, Mr. W. would vote, and he hoped that this whole subject would now go to the Committee on Foreign Relations. That committee could obtain, whenever it shall see fit, an expression of the views of the Senate upon the whole subject.

Mr. W. proceeded to say that it was now nearly a twelvemonth since he had expressed the opinion in concurrence with others, and indeed with every gentleman who had expressed an opinion on this subject, and also in concurrence with resolutions unanimously passed by the Senate, that it was time, high time, even then, and more emphatically is it high time now, that this question should be settled. He did not now rise to impute blame; but the remark of the member from Pennsylvania was perfectly just, that seeing it was the unanimous opinion of Congress, twelve months ago, and of perhaps every intelligent man in the United States, not only that the right to this territory was with the United States, but that it was a most clear and plain case, and seeing the posture which that negotiation had assumed towards the close of the last session, it is proper for me to express the opinion that there was a ground of reasonable expectation on the part of the United States and of Maine, that there should have been some substantial, direct, and practicable proposition from Great Britain before this time for the settlement of the question. The controversy must be terminated, and ought to be terminated, without further delay.

Mr. DAVIS said he concurred with his colleague that it was quite time this matter was settled. It was time because the great right of the parties was perfectly clear. And there was yet another reason why it was high time that this question should be settled—one which would account for all the existing agitation and disturbance; and that was, because there could be no such formal agreement actually entered into as to exclusive jurisdiction as had been alleged by Sir John Harvey, and under no such agreement, even if it existed, could things remain without collision. It was wholly impossible; and what had been stated by the Senator from Pennsylvania would prove that it was wholly impossible that there should be such an agreement without conflict and difficulty. One statement of the case was this: that the two parties were in dispute about the boundary, and they had agreed substantially that neither should extend their jurisdiction, or take any step by which it should be enlarged or extended. That was about the amount of this statement; and put it in that form, or in the other which had been described

by the Senator from Pennsylvania, that each party was to have exclusive jurisdiction over that portion of the territory over which it had before been exercised, and what was that portion? Where had the United States and where had Great Britain before held jurisdiction? and where were their and our boundaries? Out of this very question had arisen a conflict of opinion, which had gone on till Sir John Harvey now insisted that Great Britain held jurisdiction over the whole of the disputed territory. And what was the whole of the disputed territory? Great Britain even for herself had not settled this question. She had gone from one point to another, but had never marked or claimed to any known boundary. She had once marked a line on the map, but this was found too absurd for the King of the Netherlands, and he rejected it. He also decided that the treaty was so vague in its description that the true line could not be ascertained. Since then, Great Britain has also abandoned her line on the map, and adopted the doctrine of the King, that, as the true line cannot be identified, one must be agreed on, and assumes it must give her more or less of our territory, but no one knows how much. She has fortified herself behind this opinion, unjust and ill-founded as it is. She goes for the whole disputed territory.

But supposing Sir John Harvey was correct in regard to an agreement as to exclusive jurisdiction: where could he find the limits of the disputed territory? He might include Portland, or go to the line of New Hampshire. Mr. D. made these remarks to show that the two countries could not live in this state of things without the necessity of a conflict, for the jurisdictions will and do run together. We had therefore learned one thing, for we had arrived at the result that we could not go on under such circumstances.

One word more, and Mr. D. would have done. If it was expected by Great Britain that, in consequence of her claim of right, any part of this territory would be ever ceded to her, she would never attain that object. The right of Maine and of the United States was so clear that they never could, consistently with their own honor, yield their right to any of the territory. It could never be done; and therefore Mr. D. hoped that Great Britain would look further into the subject; and, seeing the proofs, which were satisfactory to our minds—so much so that we cannot doubt—and had placed the subject beyond all question, she would then withdraw; and that thus an adjustment would be arrived at of difficulties which had now become of a most serious character.

We shall never (said Mr. D.) reach a point less embarrassing; for obstacles will and must, from conflicting jurisdictions, multiply; irritation and excitement will increase, and we shall soon reach obstacles insurmountable. It is therefore time it was settled; and if this collision shall produce that desirable event, he could hardly regret its occurrence.

Mr. CLAY, of Kentucky, said, having before had some official connection with this subject, and feeling a deep interest in the affairs relating to the northeastern boundary, he would make a few observations; and he began by expressing the very great gratification which he had derived from the pacific and moderate tone of the message of the President on this subject. And if, in the spirit of this message, measures should be adopted by the Executive hereafter, Mr. C. hoped that war between the two countries would be averted.

On the question of the title of the State of Maine to the disputed territory, Mr. C. had heretofore expressed himself in the most explicit terms, and that right he could never doubt for one moment. Maine could not even have a clearer and more absolute right to the disputed territory than she had already; and, for one, Mr. C. was ready to resort to the military force of the country, whenever pacific means should be entirely exhausted—when diplomacy should prove wholly inadequate to secure to Maine and the United States what rightfully belonged to them. Mr. C. would be just as ready to resort to the ultimate means of obtaining redress as he would be if a portion of Kentucky had been taken possession of by a foreign Power.

But, while Mr. C. said this, he must add that

the Government of the whole country must decide when and in what manner it would maintain the rights of the members of the Confederacy; and, for one, Mr. C. could not consent, on such a solemn occasion as that of a war with a foreign Power, or on any other occasion, that the will of one of the twenty-six members of the Confederacy should control the entire Union, or that one should draw the entire Union, without their consent, into a war with a foreign Power. As it was the exclusive right and duty of this Government to protect, by war, the rights of the whole, the Government of the whole must judge as to the proper time and manner of enforcing that right.

In regard to the course of Maine, there were some circumstances which Mr. C. saw occasion to regret. He concurred with the Senator from Pennsylvania that some prior notification ought to have been given as to the purpose of Maine in sending an armed force to the Arnostook. It ought to have been given to the Executive of the United States, or to that of New Brunswick, one or both; and if it had been given, the present difficulties might possibly have been avoided. Mr. C. was opposed, notwithstanding, to the claim of exclusive jurisdiction over the territory on the part of Sir John Harvey, and he wished also that Sir John Harvey had fallen under no misconception of the real object which Maine had in view. Notwithstanding that the resolution of Maine to expel intruders and trespassers was adopted in secret session, that it had not been communicated, as it safely might have been, to the Government of New Brunswick or the United States, was much to be regretted.

But with respect to the claim of exclusive jurisdiction by Great Britain over this territory, which had been asserted by the British authorities both at New Brunswick and Washington, so far from there being any such agreement, the truth was, that the British were wholly excluded from such jurisdiction, for neither party had a right to jurisdiction over the unoccupied portion of the territory, as might be seen by the documents now and heretofore communicated to the Senate; and over all portions of the territory that were occupied, jurisdiction was to remain and be maintained as it was, both as regarded the holding of jurisdiction and the possession of property, and neither party was to make any advances to strengthen or increase their jurisdiction or possession; and if all this was so, then so far from Great Britain having any right of jurisdiction, she was excluded, as well as the United States, from all possession and jurisdiction over the unoccupied portion of the territory.

And did not the Senate recollect the correspondence on the subject of a large force being recently marched by the British through this territory? And what did Great Britain say when this was done? She alleged as an excuse that it was only for the purpose, not of occupying the territory, but of reaching a higher and exterior destination, and felt it necessary to notify the Government of the United States of the movement. On that occasion, Mr. C. had insisted that this notice and apology by Great Britain was not sufficient, and that she ought first to have asked and obtained the direct and express consent of the United States before marching her troops over the disputed territory. Now, if she had the exclusive right of jurisdiction, as had been maintained by Mr. Harvey and Mr. Fox, where was the necessity, in that case, of her giving any notification at all of her marching her troops over the disputed territory? This fact of a notification proved absolutely that Great Britain had not then set up any such claim; and it was very remarkable how this claim had arisen, and how soon and how much it had been strengthened. Mr. Fox had now represented it to stand on an *explicit* agreement, and, when called upon to point it out, he could only refer to his own Government. This claim was very extraordinary, and would be found wholly untenable.

In regard to the proceedings of Maine, a great deal was due to the feelings of a State whose rights had been so long held in question. This negotiation had been protracted much longer than was desirable, and he thought there had been recent delays which required from Great Britain some satisfactory explanation. Her late troubles

in her American provinces might be some excuse, and it was evidently the true policy of the United States to press her at such a moment. Mr. C. did not know how far our Executive had acted on that policy, and had urged her to a settlement of this question; but it had so happened that nearly a year had passed while these difficulties in Canada continued, and no proposition whatever, as far as Congress was concerned, had come from Great Britain on this subject. He trusted that, drawing wisdom from what had now occurred in consequence of delay, and from the great and imminent hazard of a war, the two Governments would hasten the question to a final settlement.

In regard to the documents which had now been read, Mr. C. thought the Government here ought to enter into some arrangement by means of which existing difficulties might be quieted, and depredations on this territory might be suppressed; and he did not know by what authority the Governor of Maine could undertake to enter into any species of compact or agreement with a foreign Power or Province. He, therefore, thought it better that the President or his authorized agent should make an arrangement by which trespassers should be removed, and this property protected till the question should be settled.

Mr. C. concurred with the Senator from Pennsylvania that his subject should go to the Committee on Foreign Relations; and if an appropriation ought to be made, it could be done, although it had not been asked for by the President. Mr. C. was ready, at whatever price, to secure the peace of the country, and maintain the rights of Maine to her jurisdiction and territory.

Mr. WALKER observed that the matter was one of such momentous consequence to the country, that it became the Senate to proceed with caution and circumspection, surveying the whole ground before they took any final proceedings in relation to it. It struck him that there was one important matter in this controversy that had not been noticed by any gentleman who had taken part in this debate. While the negotiations were pending with a hope of bringing the controversy to a happy conclusion, Great Britain had given secret instructions to the Governor of the Province of New Brunswick to enforce the right of that country to exclusive jurisdiction over the whole of this disputed territory. Now, instead of this being an advance to an adjustment of the difficulties between the two countries, it was rendering that event more uncertain. Instructions had been given, for the first time, by the Government of Great Britain, to the Governor of New Brunswick, which never had been communicated to the Government of the United States, to enforce exclusive jurisdiction to this country. Now, as this matter was to be referred to the Committee on Foreign Relations, he would say one word in reference to this part of the subject. In one point (said Mr. W.) we all concur, that the territory in dispute is within the limits of the State of Maine. In another point we also concur, and that is that Great Britain has no right to the exclusive jurisdiction, and that she is attempting to enforce, by secret orders, a right which she has not hitherto advised us that she claimed.

Now, what is the state of affairs? We are told by the Governor of New Brunswick that he is instructed, and that he is prepared to enforce that exclusive jurisdiction with all the power of the British Government at his disposal. We are told, also, that the State of Maine is determined to resist any such attempt should it be made; and for that purpose the Governor has called out a portion of the military force of the State. Now, without there should be some yielding on the part of the Governor of New Brunswick, or the authorities of Maine, a collision must take place between these two adverse parties. Then, a portion of the territory of the sovereign State of Maine is invaded with all the power of the British Government; and what are we to do? As an act of justice to the State of Maine and to the whole country, can we adjourn without taking measures to prevent the citizens of Maine from being slaughtered by the British troops without the adequate means of resistance? I hope this collision may never take place—I pray to God that it may not; but I am prepared to vote an appropriation to

meet the contingency apprehended, and assist the people of Maine in repelling the threatened invasion.

Mr. NORVELL said he rose to a single point. If he stood here alone, he should take his stand to express his unqualified approbation of the whole course of the Governor and Legislature of Maine on this subject. They could have taken no other course with honor to the State. It was time that this boundary difficulty had been definitively adjusted. This Government had been too long sleeping on it; and if the Governor and Legislature of Maine had not made a movement, demanded by the necessity of protecting their property as well as their jurisdiction, we should still have been asleep on the subject. He rejoiced that they had shown a becoming sensibility, firmness, and courage, with regard to their rights; and he hoped the Committee on Foreign Relations would indicate some means, or recommend some decisive measure, to bring this great question to an immediate issue.

Mr. WILLIAMS, of Maine, said that Senators were unable to perceive how it was that Sir John Harvey or the British Minister, Mr. Fox, could assert a claim to exclusive jurisdiction in the disputed territory, resulting from any agreement or understanding between this Government and Great Britain; and while Mr. W. denied that any such agreement was ever made, yet he could easily conceive that such agreement might be as well proved as the claim of the British Government was proved to any portion of the territory in dispute, and in the same way; it was not that there is any foundation for either claim, but by *diplomatic correspondence*, by which alone Great Britain had succeeded in bringing into dispute the treaty line, about which there was no uncertainty, and which this Government never should have suffered to be a subject of dispute or negotiation. The independence of the United States might as well have been brought into question, after the treaty of peace, as the established limits of one of the States, according to its ancient and known boundaries; but it had been suffered to be made a question, and, for the last twenty-five years, a subject of negotiation and diplomatic correspondence, in which alone is to be found any pretense for the British claim to any portion of the disputed territory; and, in the course of that negotiation and correspondence, there have been claims and pretenses enough advanced on the part of Great Britain, and generally denied by this Government, to furnish as good a claim on their part to exclusive jurisdiction as there is to the territory itself. And it is not to be denied that this Government, for the sake of preserving peace, and in the hope of settling the boundary, has yielded to many assumptions by British diplomatists which we may find cause to regret. The agreements and understandings as to the possession and jurisdiction are not very explicit, and have been repeated in so many forms that it is difficult for any one to comprehend precisely what was intended; and, although he would by no means admit that they sustained the claim now set up by the British authorities to exclusive jurisdiction, yet he could easily imagine that the British Government would insist that they do so; and it will be a long time before they will agree that they do not sustain that claim. We have already declared the British pretensions to the territory in dispute to be *unfounded*; we now deny that there has been any agreement by which the British authorities can claim exclusive jurisdiction; but let another period of twenty years' negotiation pass on, and who can say what will be the result upon either point?

The Senator from Kentucky thinks that Maine should have given notice to the General Government of her intention to proceed against the trespassers, before carrying into effect her resolves in the manner she did; and the Senator from Pennsylvania regrets that her Governor did not send to Sir John Harvey a copy of her resolutions, and notice of her intentions to execute them? Why so? Is not Maine a sovereign State, and has she not the right to make and execute her laws for the preservation of her property within her own limits, without first giving notice to this Government, or to the Government of a neighboring province? Has not Maine the right to determine for herself

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when and in what manner she will exercise her authority within her own territory? Is she to submit to this Government, or to a foreign Government, her views of the expediency or necessity of employing a force to sustain her civil officers in the execution of their duty, before she may be permitted to do it? Suppose she had done as the Senators seem to think she ought to have done, and, in the one case, this Government had advised or directed her to stay her hand: do you think, Mr. President, that she would have been bound to obey such advice or direction, and suffer foreign plunderers to have carried off her property? Or, in the other case, that Sir John Harvey should have *advised* or *commanded* her to treat her laws as a dead letter, because he had a warden to look after trespassers, to seize the timber, and to put the proceeds into the "disputed territory fund;" think you that Maine would have yielded to such advice or command? Would you, or any honorable Senator here, desire her thus to disgrace herself? Did Sir John Harvey ever think it due to Maine to give notice to her that he would appoint a warden of this territory? or that that warden would seize timber or arrest trespassers on the disputed territory? Never; then why ask Maine to do so?

The Governor of Maine, as was his duty, has undertaken to execute the laws of the State within the limits of the State, and was under no obligation to communicate his intention of doing so to any man or to any Government, and is amenable only to his constituents. In the execution of this duty the Governor is met by the demand of a foreign Government to stay his hand, on the assumption that the exclusive jurisdiction in the disputed territory belongs to that Government, and is notified that, unless he withdraw his land agent and force from that territory, an armed force will be employed to expel them. Why this claim to exclusive jurisdiction? Where is the agreement of which Sir John Harvey and the British Minister speak? The existence of such agreement is denied to Sir John, and he is asked to point it out. He has not yet answered. It is denied to her Majesty's Minister, (Mr. Fox,) and he is called upon for the evidence to sustain his assertion. After the lapse of two days, he sends us his protest against our denial, and informs us that he will send home and obtain the directions of her Majesty's Government. If her Majesty's Ministers cannot find it, what then? Will Sir John be called home, and his acts disavowed? Will her Minister be recalled, and the claim to exclusive jurisdiction be abandoned? No, sir, no. We have now the authority of this Government for saying that no such exclusive jurisdiction in the disputed territory exists in Great Britain as Sir John and Mr. Fox pretend, and the acts of the Governor of Maine are sustained. We have the assurance of the Governor and of the Legislature of Maine that her laws shall be executed, and that her force will not be withdrawn so long as she has means of resisting an attack upon them. Should Sir John Harvey proceed to execute his threat, the blood of the hardy sons of Maine will be freely shed before Sir John's purpose can be accomplished. It has been said that Maine should not have hazarded the peace of the nation upon the boundary question while that was a subject of negotiation; and one Senator has said that he had no idea of the nation being drawn into a war by the rash proceedings of any State.

Mr. President, how is this question of boundary a subject of negotiation? Has Great Britain, since the rejection of the advice of the King of the Netherlands, ever consented to open a negotiation as to this boundary line, upon the basis of the treaty of 1783? Not at all. Ever since 1832 this Government has been pressing the Government of Great Britain to enter into such a negotiation, and that Government has constantly refused it, insisting that the treaty line was so defectively described that it was impossible to locate it, and has constantly endeavored to obtain a conventional line instead of the treaty line. And what has been the result? In January, 1838, the British Government proposed to this Government to form a convention for the appointment of a commission to make certain explorations, without authority to decide the question, and to report their

doings to each Government. That proposition was accepted nearly a year ago, much to my regret, and what has come of it? We learn by the annual message of the President that nothing had been done. In answer to a very recent call of the Senate, we are told that no correspondence has been had upon the subject since the annual message. Hence, their own proposition, made more than a year ago, and accepted more than ten months ago, has fallen to the ground, is not attempted to be carried out, and may well be regarded a dead letter. The truth is, there is no negotiation that can or will settle the line, and there will be none till the necessities of the case shall bring it about; and however much the horrors of war are to be deplored, this boundary question must be settled, and recent events may accomplish that object, peaceably, I hope; but if the territory justly ours cannot be defended and preserved to us but by arms, then, Maine says, and the nation will say, it must and shall be defended.

Mr. TALLMADGE moved the printing of the message and documents, with five thousand extra copies of both; which was accordingly ordered.

The message and documents were then referred to the Committee on Foreign Relations.

## PARTY POLITICS.

REMARKS OF Mr. RIVES and Mr. ROANE,  
OF VIRGINIA,

IN THE SENATE, February 15, 1839.

Mr. ROANE having concluded his speech, Mr. RIVES rose and requested Mr. NORVELL to yield him the floor. He would make an earnest appeal to the courtesy of that gentleman, as he considered it due to himself to reply to what he conceived to be a personal attack by his colleague.

Mr. NORVELL replied, certainly he would yield the floor, if it was the intention of the Senator to go on with his remarks at once. He had three times already yielded the floor to gentlemen who made the request of him; and the Senator from Virginia [Mr. Rives] could not expect him to yield it for to-morrow.

Mr. RIVES said it was his intention to reply at once. He confessed that he had never, in the whole course of his life, been so much astonished as he had been at the unprovoked and unjustifiable attack of his colleague. Had a thunderbolt fallen at his feet, he could not have been more surprised. His surprise at the extraordinary course which his colleague had thought proper to take, was only equalled by his regret; a regret, excited not by any personal injury inflicted on him, but for the injury inflicted on the reputation which belonged to their common mother, Virginia, for all that was generous and chivalric. Although his colleague and himself had differed on important political questions for the last two years, yet they had always been on the most cordial and friendly terms; and never did he, until this moment, apprehend any other than the most friendly feelings. What was he to think of the manner of the attack made on him and the time chosen for it? His colleague had spoken of the friendly and kind feelings he had entertained for him, and ascribed his silence hitherto to motives of delicacy; and yet he had come forward with a preconcerted attack on him for his course for the last two years; an indictment enumerating all his offenses against the party for the last two years. Why, he would ask, did he reserve and treasure up all his indignation and excitement to this moment? Was this delicacy? Did not his colleague know that now, at this very moment, in the Capitol of Richmond, his political enemies were consummating the sacrifice begun here? Yes, sir, (said Mr. R.), now, at this moment that my colleague has chosen to enumerate all the offenses which I have committed for the last two years, the altar is prepared where I am to be immolated as the victim. His colleague no doubt had intelligence of this fact.

Mr. ROANE here interposed, and said that his information received heretofore, and that which he had received to-day, was of a different character. It left him no reason to doubt of the reelection of his colleague.

Mr. RIVES continued. His colleague had selected the 15th day of February, 1839, the day when his political friends at Richmond were, perhaps, doing public execution to me! Just as I am in what he and his party may call the last agonies of political dissolution, but which I look on as the proudest moments of my life—just as I am about to depart to another stage of existence, he rakes up from every forgotten source a long catalogue of political sins for the last two years, and presents them to rack my conscience and distract my mind! Is this delicacy? Is this what might be expected from a colleague—a man, too, from the Old Dominion? He had heard from several sources that his colleague had sent, under his own frank, to various parts of Virginia, many copies of the virulent and outrageous attack made on him by the Senator from Connecticut, [Mr. NILES,] which was so entirely void of argument or reason that he had disdained to reply to it. Was this a proof of his delicacy? He did not complain of this as being beyond the privilege of his colleague; but when Mr. ROANE claimed credit for delicacy in the Senate, it is somewhat remarkable that he was not actuated by the same motive and feeling out of the Senate.

His colleague had spoken of his Democracy, which was now, it seemed, the distinction which the dominant party arrogated to itself. He had never said that he was a Democratic Republican. That title was unknown to our glorious fathers; the simple word *Republican* was their title, and it was his. This Government of ours is a Republic, not a Democracy. *Democrat* was the title bestowed on Republicans by the revilers of republicanism, and was never assumed by the Republicans, at least south of Mason and Dixon's line. The distinguished ancestor of the gentleman, in whom the State of Virginia took such just pride, had never called himself a Democrat.

Mr. ROANE. To which of my ancestors does the gentleman allude?

Mr. RIVES. To the late Judge Roane.

Mr. ROANE. You are mistaken, sir. He was a Democrat. He gloried in being a Democrat.

Mr. RIVES continued his remarks, commenting on the efforts that were making in Richmond to defeat his election; again alluded to the speeches of the Senator from Connecticut, which he said his colleague had franked to the members of the Virginia Legislature; and said that he had heard that his colleague had written letters to the members of the Legislature having the same object in view.

Mr. ROANE remarked that his colleague had expressed a great deal of surprise and astonishment at what he was pleased to consider a wanton and unprovoked personal assault on him; but he, himself, had more cause for astonishment, that his colleague should think proper thus to characterize the remarks he had just made, and which, in his opinion, and he would fain believe in the opinion of every member of the Senate, were distinguished by great temper, moderation, and forbearance. After an almost total silence of nearly two years, while his colleague and himself had been in a state of opposition on the most important questions, he had chosen, at this time, the most appropriate of all others, to define his position more clearly; and in doing so it was necessary for his own vindication, it was due to their mutual constituents, and to the occasion itself, that he should touch upon the course of his colleague, and point out distinctly and clearly where they differed, and the causes of their difference. He declared most solemnly that he had been governed by no personal feelings whatever, and that nothing had been said by him that had not been called for by a solemn though painful sense of duty.

From motives of the most perfect delicacy he had hitherto refrained from making the remarks that he did, and the restraint he had imposed on himself had been so strict as to excite in the mind of his friends some surprise, and perhaps caused them to misapprehend his motives. It was on this day, for the first time, that he considered the restraints which delicacy towards his colleague had imposed on him were released. His information left him no reason to doubt the fact that his colleague had been reelected by a Whig

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Legislature of the State of Virginia; and as his colleague had thought proper to define his position in a manner that would, no doubt, be gratifying to that party, he had chosen this day to define his position in as clear a manner, little caring for the effects it would have on his colleague's new friends. Nothing would ever have induced him to open his lips on the subject of the course taken by his colleague, while the election yet remained in doubt; but the day of election having been fixed, and believing, as he firmly did, that it was decided, every restraint was removed.

My colleague complains of the time and manner of the remarks I have thought proper to make. He thinks I ought to have availed myself of the many occasions that have presented themselves, and that I should have defined my position without attacking him. Now, sir, I beg leave to say that I have never complained of the time or times which my colleague had selected for his many developments, and I must claim to be the sole judge of the time when I choose to define finally and fully to our mutual constituents my own position; and, sir, I thought, and therefore choose to define it in contrast to that of my colleague's; it suited me to define it that way in preference to any other.

His colleague had been induced to believe that he had written letters to the members of the Virginia Legislature calculated to oppose his reelection. This, he took the occasion promptly to declare, was untrue. He had written but two letters, and these were strictly confined to answering inquiries that had been made of him, and were not intended in any manner to influence his election. In both of them, the delicacy of my relation to my colleague was adverted to as a reason why nothing I might say, even in reply, should be brought to bear upon his pending election. He had scrupulously refrained from any correspondence with his numerous friends on the subject. But his colleague had objected to him that he had franked to members of the Legislature, in the course of the session, the speeches of a member of this body, which contained an attack on him. It is true that he had franked such speeches, as well as many others, and documents of various kinds, to the members of the Virginia Legislature; but in doing so, he exercised a right exercised by his colleague and every Senator on that floor. He had considered it his duty to send information that he, in his judgment, deemed valuable to his constituents; and when he did this, he did it without distinction of party. When he sent documents to one member of the Legislature, he sent them to all—to Whigs as well as Democrats. His colleague, in the course of his remarks, had taken him to task for speaking of the Democracy of the country, and for calling himself a Democratic Republican; denying that he himself was ever a Democratic Republican, or that the Virginia Republicans of 1798 had ever been known as Democrats. Mr. R. said that his colleague, in the nice distinctions which he had drawn, would hardly suppose that he was ignorant of the meaning of the terms Democrat, Federalist, Oligarch, and Aristocrat. Sir, (said Mr. R.,) I have never known a man in my life who was willing to acknowledge himself an Aristocrat or an Oligarchist.

I well know, sir, the impracticable attempt had never been made to form a perfect Democracy in this great empire. Sir, it could not exist even in this ten miles square; no, sir, we claim not the Democracy of Sparta or Athens; but, sir, I do contend that it was the intention of those who framed and adopted the Constitution, to create a democratic Republic; ay, sir, a popular Government, a Government of the people, as contradistinguished from one not controlled by the people. Sir, I have never yet met with an American citizen, native or naturalized, who did not claim to be a republican. Oh, yes, sir! that is a general phrase. It will embrace all of all parties. But who, sir, does not know that when the two opposite parties first drew to a head under Mr. Jefferson and Mr. Hamilton, one was styled the Democratic Republican party, in opposition to the Federal Republicans, who favored a latitudinous construction of the Federal Constitution, and whose doctrines have ever evinced a distrust in the capacity of the people for self-government.

Mr. RIVES said the remarks of his colleague confirmed his impression that his colleague had not followed the promptings of his own heart in this business. The reproaches of his party had urged him on. He believed that when Mr. ROANE's mind had recovered its usual sober tone, he would feel how gratuitous had been the assault upon him.

He again alluded to the probability of his soon leaving the Senate. Had the situation of his colleague and himself been reversed, he could not have made the attack on such a day, nor could he have sent off an abusive speech against his colleague, as had been done, without sending off its antidote in reply.

Mr. ROANE. One word, Mr. President. I take occasion to assure my colleague that he is utterly and totally mistaken in supposing that I have been prompted or influenced in the course I have pursued this evening by any person whatever. My colleague is perfectly ignorant of me if he supposes that every member of this Chamber, or all the people on the earth, could have instigated me to an act which he did not approve. Sir, I alone, and of my own motion, have done, at my own proper time, and in my own manner, what I have done. Not a human being in this Chamber knew, or, I believe, suspected, that I intended to address the Senate. Sir, whenever I may repent of the course I have taken, as is intimated by my colleague, I shall have the frankness and magnanimity to apprise him. I again repeat that my quarrel with my colleague is not personal on my part, but entirely political. If that assurance, made by me more than once, is not received, why, sir, I must be constrained to say, that I cannot care for it.

Mr. NILES remarked that he was sorry that his poor speech should have been drawn into the controversy between the two honorable Senators from Virginia. Among the "private griefs" of the Senator over the way, [Mr. Rives,] and the complaints he has preferred against his colleague—that of his having sent, under his frank, Mr. N.'s speech to his constituents—seems to be regarded as one of the greatest magnitude. The Senator characterized that speech as virulent and abusive—so much so, that he had not, and should not, reply to it. That (Mr. N. said) was a matter which concerned the Senator, and not himself. He can reply to the speech or not, as he pleases; that is a question for him to decide for himself. But he was surprised to hear that his speech had given the Senator so much uneasiness, when it is deemed to possess so little merit as not to be deserving of a reply. And he regretted that his friend [Mr. ROANE] should be censured for distributing his speech to his own constituents. He held himself responsible for his own sins, and did not wish them transferred to his friend from Virginia. The Senator on the other side of the Hall [Mr. Rives] seemed to regard his speech as a sort of contraband article, which could not be lawfully distributed.

Whether the speech was virulent and abusive or not, was a question which he should not undertake to decide; he left that question to the judgment of the Senate, and the intelligence of the country. But he wished to remind the Senator that the speech was delivered in reply to two speeches of his, and, if it was virulent, the virulence originated with the gentleman himself. If his (Mr. N.'s) speech was more violent, abusive, or, in any respect, unjust towards the Senator, than his speeches to which it was a reply, he was never more mistaken in his life. The gentleman's speeches were filled with virulence, crimination, and denunciation of the Administration, and made in advance of the facts upon which they were pretended to be founded. They charged the Secretary of the Treasury with deliberate fraud, and represented him as a "cat's paw" to the Secretary of War. The supporters of the Administration on this floor, were, by application at least, charged with being the tools of party, and the vassals of the President. Their motives were impeached, and it was boldly insinuated that they had no higher motives of action than party interests, and the "rallying cry of party." Such was the language the Senator applied to the members of the Administration and its supporters on this floor; and yet the Senator complains that his (Mr. N.'s)

speech was virulent and abusive. He was aware that those who are most unreasonable and abusive towards others, were often the most sensitive to abuse themselves. But, with what justice the Senator complains in this case he would cheerfully submit to the Senate and the country.

## EXPENSES OF INVESTIGATING COMMITTEE.

REMARKS OF HON. S. W. MORRIS,  
OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

February 28, 1839.

On the expenses of the investigating committee, the House being in the Committee of the Whole on the State of the Union.

Mr. MORRIS said:

Mr. CHAIRMAN: I believe that the question now before the committee is on the amendment offered by the gentleman from Massachusetts, [Mr. FLETCHER,] the effect of which will be to direct the marshals to be more precise in returning the age of the people composing this great Confederacy; and the main argument relied on in support thereof is the great importance of the "statistical information" to certain insurance companies, by which they may be enabled to calculate the value of lives, not for the possessors, but as it may affect the value of their stock on 'Change. Now, sir, my votes here, in the absence of my speeches, no not designate me as one of those who are over-anxious to legislate for the special benefit of corporations. I cannot, therefore, sanction the amendment with my vote, because I believe it will unnecessarily enlarge the duties of the marshals, and render their returns inconveniently voluminous. I am, however, in favor of so extending the requisitions for statistical information, that this committee, this House, and the people, the corporators of this nation, should be fully informed of the "statistics" connected with "investigation committees;" of investigations conducted by committees selected by a secret ballot, chosen in a mode by which the action of the Representative is fully and completely hidden from the constituent; of investigators, who are themselves the first and most prominent in denouncing all expenditures not authorized by some positive enactment, or which savor of extravagance. Sir, I commend all this holy indignation, and doubt not its sincerity. Were my powers of expression but half equal to the thoughts that crowd my mind, I could even "call thunder from the region of frost," and instantly annihilate all investigators whose examples do not accord with their precepts.

I understand, Mr. Chairman, that we are now in Committee of the Whole on the state of the Union, and that, therefore, the range of debate is coextensive with our vast Confederacy. Nay more, sir, that we may be allowed to skip across the north or south Atlantic, to speak of matters and things in general; and even to "define a position" that is of itself undefinable.

Such, Mr. Chairman, I understand to be the latitude of debate allowed in this Committee of the Whole on the state of the Union; and I therefore propose to attempt to define my position, as an humble member of the Committee of Accounts, of a standing committee appointed by the rules of this body, and which has unfortunately come into collision with the grand investigating committee on the supremely splendid Swartwout defalcation.

On the merits or demerits of Mr. Swartwout I have naught to say. I go for smaller game, for a simple inquiry into a matter of the per diem allowance demanded by the investigating committee; and in conducting that inquiry, I mean to define my position, the position of the Committee of Accounts; and, if the patience and courtesy of this committee is accorded me, I will also define the position of the investigating committee, so that its whereabouts shall be no longer a matter of doubt to any inquiring friends.

Mr. GRANT called Mr. M. to order, and remarked on the waste of time in allowing him to make a speech for his constituents.

Mr. MORRIS. Mr. Chairman, I cannot ex-

tend my thanks to the honorable gentleman from New York, for his gratuitous remark that I was wasting the precious time of this committee by making a speech for my constituents. Sir, I have a stronger hold on the confidence and affections of my constituents than to deem it necessary to make a speech here, and on this floor, to gain additional, or retain former, favor. They know, from past experience, that, if need requires it, I can and have effectively advocated their interests, and never yet proved derelict to political principles the profession and practice of which has carried me triumphantly through more than one severe political contest. Away, then, with the suggestion that I am speaking for effect at home. I am strong enough there to need no other advocate than a continuance of my steady opposition to men and principles, as heretofore evinced in my political career, and to support those which both they and I prefer from choice and conviction.

But, Mr. Chairman, I ask to be allowed to continue my remarks. I demand it from the courtesy of this committee; for a member who is but a tyro in debate here; for one who has never yet trespassed on your time. I demand it, sir, to enable me to "define my position." And I ask you, sir, why should I, an humble member of the Committee of Accounts, be denied the privilege of a short time to define my position, when the Goliaths of debate have, repeatedly, occupied nearly the whole of a day's session in defining their position, when it is matter of notoriety to all, that their position was undefinable, and that these six-hour speeches, in either wing of this Capitol, did not contain a sentence on the question before the Chair. Sir, I must be allowed to say, that these professional gentlemen, these gentlemen whose peculiar vocation is to spin out definitions without number, from undefinable positions, do not mete out to me as I have measured to them, when they thus endeavor to interrupt, with a hope, or intention, perhaps, to prevent, by their frequent and loud calls of "Order!" the definition of positions that I mean to make, if allowed to proceed in my remarks. But, sir, should the galled jade so wince as to compel me to resume my seat before the aforesaid definition is fully made, I promise them that, though I am thus rendered incapable of giving ready pay for a sixpence, I can and will draw for a shilling; and, on this subject, Mr. Chairman, in an hour's time, this evening, with the help of my good grey-goose quill, I can and will assuredly draw for at least half a crown.

The CHAIRMAN here peremptorily called Mr. M. to order; but the question being put, he was allowed to proceed.

Mr. MORRIS: Mr. Chairman, I am not well versed in the tactics of this body, and feel greatly at a loss what motion to offer you, which will allow me to take a peep "in order" at investigating statistics. A friend suggests to strike out the enacting clause, which I now move, and following the example of an expert tactician, in so doing, I promise not to detain you more than five minutes, which, by strict Tennessee measurement, means three quarters of an hour.

Sir, I am perfectly sensible that I am, and have been, out of order in the train of my remarks, strictly speaking, but not practically so. I am also aware that I ought not now, at this late period of the session, to unnecessarily intrude myself on the courtesy of the committee, so generously extended to me, and will therefore proceed to define "the position" as briefly as possible.

The following resolution was this morning offered by an honorable member from Maryland:

"Resolved, That the Committee of Accounts be instructed to settle and certify the accounts of the members of the committee of investigation into the defalcation of Samuel Swartwout and others, on the same principles as regulated the settlement of the accounts of the investigating committee on the late Bank of the United States."

Well, sir, this resolution simply, in its terms, and in apparent accordance with an adopted and settled principle of this House, passed, without any remark, and almost, as a matter of course, by acclamation, whilst I, my humble self, was endeavoring to reach the Speaker's ear by vociferating "Mr. Speaker" at the very top of my voice. I failed in this, as I also did, to attract his attention, by waving aloft my position account.

Some friend near me moved a reconsideration of the vote just taken; the reconsideration was refused by a large majority, a vast proportion of whom, I verily believe, acted on the supposition that they were but supporting a long established usage, the practical effect of which, I am confident, was not understood by three fourths of those who voted on the question.

Mr. Chairman, I will now, as briefly as possible, give the history of the deed at arms, in which the little Committee of Accounts ventured to "couch a lance" with the investigating committee.

The following account was presented by the investigating committee:

House of Representatives,  
To Select Committee on Defalcations, Dr.  
Cash paid Astor House for sixteen and a half days' board of six members, namely: Messrs. Harlan, Wise, Smith, Curtis, Hopkins, Dawson, and Mr. Fendall, their clerk, (wines and liquors not included).....\$400 10  
Extra charge for rooms, lights, fuel, &c.....110 00  
Paid messenger.....6 44  
Messrs. Owens, Foster, and Wagener's bill at American Hotel.....210 00  
Mileage, five hundred miles each for nine members.....1,800 00  
Same for clerk.....200 00  
\$2,726 54

The above bill was withdrawn by the chairman in consequence, I suppose, of the determined opposition of the Committee of Accounts against allowing the charge for mileage, and the following bill was substituted:

House of Representatives of the United States,  
To Select Committee on Defalcations, Dr.  
February, 1839. To cash paid Astor House and American Hotel for use of rooms for committee, lights, fires, and attendance.....\$260 00  
Cash paid black man for services as messenger.....6 44  
Traveling from Washington to New York and back, two hundred and fifty miles each way, five hundred miles, at eight dollars for every twenty miles for each member of committee, namely: Messrs. Harlan, Wise, Curtis, Dawson, Hopkins, Smith, Owens, Foster, and Wagener, \$200 each.....1,800 00  
Do. do. for Mr. Fendall, clerk.....200 00  
\$2,266 44

I certify to the correctness of the above.

J. HARLAN, Chairman.

Now, Mr. Chairman, I do not mean to say that the first account, as given now by me, is strictly correct, because it was withdrawn by the chairman on presenting the second account; but I do assert that the sum of \$2,726 54 (the items being from memory) does not vary ten dollars from the original bill, which the committee were all willing to pass, except as to the mileage; and in lieu of this, we were ready to allow them fifty dollars each, a sum that we all knew, from personal and actual experience, would abundantly cover all reasonable legitimate expenses of traveling from this place to New York and back. This bill, if settled and certified by the committee on their principles, would have given to each member of the investigating committee the sum of \$6 13 per diem, supposing them to have been absent twenty days, which, I believe, the time they were absent from this place.

On presentation of the second account, amounting, as before stated, to \$2,266 44, the Committee of Accounts were reluctantly induced to yield, and allow the gross amount of \$1,600, and directed their chairman to say this was the utmost, unless a particular account was presented, in which case we should exercise a liberal and sound discretion in passing on its items.

Sir, I beg you to bear in mind that the bare suggestion of an exhibition of an itemized account was scouted at, almost as an indignity offered to high minded and honorable gentlemen. Sir, individuals do exist of an extremely sensitive character, men who will start at their own shadows. But I have yet to learn on what principle it is that expenses incurred in the public service can, or ought to be, of a nature not to be exhibited to, and passed upon, by a committee whose peculiar province it is "to superintend and control the expenditures of the contingent fund of the House of Representatives, and to audit and settle all accounts which may be charged thereon;" and in connection with this part of my "position," why was it that a certified copy from your Register of

the Treasury, of the bill of a former committee of investigation, was deemed necessary to accompany the first statement? Did those gentlemen who offered it discover it in the course of their investigation of abuses? or did they deem the Committee of Accounts so entirely void of knowledge of their appropriate duty, and deficient in sound and liberal discretion, as to be unable to act without the light and force of this precedent, which was thus laid on their table in advance of any objections? I will not stop to inquire how far papers of this description ought to be the rules for the government of the Committee of Accounts; but I can assure you, Mr. Chairman, that we will not be bound by what our unbiased judgments pronounce to be bad precedents, and that this is not the first case wherein we have felt ourselves compelled to depart from the "line of safe precedent."

Sir, this liberal allowance of \$1,600 for the expenses of nine members and their clerk, for twenty days, being a per diem to each of eight dollars, is rejected, and the resolution offered by the gentleman from Maryland is unexpectedly sprung upon a regular standing committee of the House, and has been forced through in a most unusual manner; and the loud demand of that committee to state the case to this House, was refused by a large majority. Mr. Chairman, I have never yet known a standing committee treated with so little attention; a committee, too, whose special province it is to audit, settle, and control the expenditures of this body, could not be allowed sufficient time to express their views on the very business committed to their supervision. With propriety may we complain; but, sir, I will waive that, and ask gentlemen if they are or were aware of the practical effect of the resolution? Do they know that by this resolution they have agreed to pay the investigating committee a sum of \$2,266 44 for their personal expenses during a period of twenty days; which, according to my arithmetic, is equal to a per diem of \$11 33? Why, Mr. Chairman, I am unable to perceive how it was possible for these gentlemen to swallow so many of the good things of the Astor House, and yet attend laboriously, sedulously, as we all know they did, in producing, in concocting, the twenty thousand ponderous octavos under which Stockton, Stokes, and Company are doomed to stagger. But, Mr. Chairman, to be serious on a grave question, I cannot, for my life, define the position of the members of this investigating committee as being other than that of persons who live in glass houses, and who have thoughtlessly thrown stones at the passers by, forgetting that reaction is sometimes even stronger than action.

We have all listened, or, at least, are supposed to listen, to a vast amount of declamatory eloquence on the corruption, the reckless extravagance, of other branches of this Government, whilst our own thoughtless profusion is passed unnoticed. I say profusion, Mr. Chairman, lest I may excite the sensitive feelings of certain gentlemen, and be supposed to have trespassed against the dignity and privileges of this august body, than which nothing is further from my thoughts and intentions; for I would not, designedly, use an expression that could be tortured into an invasion of the vocabulary that is alone admitted on the sunny side of Dixon and Mason's line.

We learn, Mr. Chairman, from high authority, that "the laborer is worthy of his hire." To withhold the just earnings of any one has never been the desire of the Committee of Accounts. But for what purpose shall that committee again assemble and examine the validity of claims presented to them, if, at a moment unexpected by any member of that committee, this House assumes to overrule our action, and, without even examining the force and application of a pretended precedent, increases the compensation of a few members of our body to \$19 33 per diem, and sternly refuses the poor the common courtesy of listening to a mere explanation. Such reform as this is worse than the calamity they would have investigated; in truth, the remedy is worse than the disease.

The principle is to be considered as being now established by a solemn vote of this House, that,

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Board of Navy Commissioners—Mr. Parmenter.

Ho. of Reps.

hereafter, the per diem compensation to investigating committees who may choose to travel out of this District is to be at least \$19 33. But there is a little question yet undecided. Will the people sanction it? The hard hand toils laboriously for a scanty pittance, and, by the sweat of the brow, earns his daily bread. To him you mete out a twentieth part of this sum, as the abundant reward of labor; for ourselves, however, there is no sum too large not to be assumed with avaricious grip as falling short of self-estimated services. Sir, this doctrine, this practice, will not satisfy the yeomanry of the country; neither will they countenance such unwonted extravagance, but hold those who authorized it responsible for so palpable a violation of every principle of economy and even-handed justice.

Mr. Chairman, I have been charged with designing to speak to my constituents. Sir, I have repelled the insinuated motive as being, in my case, entirely inoperative. Yet I would fain desire that every man in my district could read these remarks, nay, more, sir, I would desire that your constituents, the constituents of each and every member of this body, may have an opportunity, not of reading my speech, but of knowing the self-estimated value of our own services.

In conclusion, Mr. Chairman, it seems that I have occupied the time, if not attention of the committee longer than I ever supposed it at all probable; and I wish you and your constituents to know that whilst we are preaching economy, reform, and retrenchment by the hour, we hesitate not to pay ourselves, at least such of us as are investigators of abuses, the moderate per diem of \$11 33, in addition to the usual and statue per diem of eight dollars, and a mileage of the same amount for every twenty miles.

Let us have more example and less of precept. Away with this system of pound precept and penny example! And ere we again undertake to remove the mote, let us be cautious we are not ourselves stumbling over a beam.

Mr. Chairman, I thank you and the committee for the indulgence that has been granted to me; and trust that I have fully defined my own position, as also that of the Committee of Accounts, and last, though not least, the position of the grand investigation committee into the defalcations of Swartwout and others. Sir, I withdraw the motion to strike out the enacting clause of the bill.

BOARD OF NAVY COMMISSIONERS.

## SPEECH OF HON. W. PARMENTER, OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

February 15, 1839,

On the motion to strike out from the general appropriation bill all appropriations for the Board of Navy Commissioners.

Mr. PARMENTER observed that, after so much discussion of the question now before the committee, and after the clear views presented by the chairman of the Committee on Naval Affairs, [Mr. INGHAM,] he should have felt reluctant to trespass upon the time of the committee, and would not, were it not for the fact that, in the section of country where he resided, and particularly in the State of Massachusetts, the people felt a deep interest in the Navy. He thought it incumbent on him, representing a district where the operations of the Navy Department were carried on as extensively as at any place in the United States, to state his views on the proposition now before the committee.

From Massachusetts the Navy has had more seamen than from any other State in the Union. Her extensive navigation engaged in foreign and domestic trade, and the important and valuable branch of her industry—the fisheries—have enabled her to contribute to the strength and efficacy of the Navy in a much more than ordinary proportion, and, therefore, in the same ratio in which she has supplied seamen; and as her interests are concerned in the success of our Navy, it is natural that her sympathies and feelings should be enlisted. Nearly, or quite half of all the navigation of the country belongs to New England at this

time, and this arm of the national defense has, as it ought to be, always been watched and favored in a peculiar degree.

I cannot anticipate that the Board of Navy Commissioners is to be abolished in this indirect mode, because the question is too important to a great branch of the public establishment to be decided without a very full examination of all the various considerations connected with it, and that have a bearing upon it. But as the introduction of the amendment proposed by the gentleman from New York has led to a very free and full debate, there is some fear that the opposition to the Navy Board may go beyond what is intended, and excite some doubts with regard to the utility and management of the whole naval system, and thus bring into discredit, to some extent, the Navy itself—a result which all, I can have no doubt, wish to avoid, who know its importance for the national good and protection of the commerce of the country, and feel pride in the honor it has added to the fame of the country by its achievements and victories.

It is assumed that the Navy of the United States has retrograded in its essential qualities under the present Navy Board; that our ships are badly constructed; that the discipline has become unwise; that the expenditures have been injudicious; and that there is a want of responsibility in the Navy Department, in consequence of the present organization.

In the district I represent, there is one of the most extensive and best regulated navy-yards in the Union—that at Charlestown; and, although I have had frequent intercourse with officers and others having a knowledge of the subject, I have never heard complaint of want of skill on the part of the Navy Board in matters properly appertaining to their profession. The regulations of the yard are good, which was not the case before the board was established, and the system of operations in the building and repairing of vessels has not been a subject of complaint. It appears to me that, in matters of opinion, there is no good ground for objecting to the board. Naval architects differ on the subject. One constructor will prefer one model, another a different one; and, as to the form of vessels, some prefer strength, and think that quality the most important; some fast sailing, and some capacity for comfort and convenience of crews, and so on. But, surely, those who have sailed in our ships of war, in all climates and at all seasons, who have fought our battles, who have lived on the ocean from their boyhood to advanced life, ought to be competent to decide what form of construction will unite in the best way all the various requisites of an efficient ship of war. The character of seamen, their wants, habits, and necessities, none can know without experience; and, in the adoption of such plans as will best promote the different objects in view, experienced naval officers must undoubtedly be the best qualified.

Gentlemen point out particular instances of poor vessels, but, after all, it is often but a difference of judgment. We all have our partialities and preferences on this subject. A northern built ship is apt to be considered the best model at the North; a southern at the South. One architect prefers one mold, another a different one, and so through the whole catalogue; but it has not been shown that any ships are useless, that any have not been, or are not now, valuable acquisitions to the Navy, excepting, perhaps, the steam vessel *Fulton*. I do not know much about her. I was on board her once, when she was at the navy-yard here. If she be a failure, there is an apology from the fact that she was the first experiment.

But, Mr. Chairman, I do believe there is a radical defect in the organization, and that it arises from the impropriety of the various duties assigned by law to this board. The law gives too much duty and too much power to the Navy Commissioners. Their power is almost unlimited, and extends to the whole concerns of the Navy.

Mr. REED remarked that everything was subject to the superintendence of the Secretary of the Navy and President, and that the fourth section of the law reserved the power of the Secretary.

Mr. PARMENTER. I am aware of those provisions, but practically they have, like all other reservations of the kind, been ineffectual and inoperative. The law is very full in pointing out the powers and duties of the board, and has, to be sure, this general reservation; but the law seems to contemplate that the Navy Commissioners should perform the duty. The old law establishing the Navy Department is very brief. The fourth section of the law, besides, may be fairly construed to relate only to the employment of vessels.

The Navy Commissioners were originally intended to be a board of council, to advise with the Secretary of the Navy on the naval concerns of the country; with certain powers having reference to the rules of discipline in the Navy, fixing the models of ships to be built, planning their internal apartments, having a general superintendence of docks and navy-yards, attending to the equipment and armament of vessels, and similar duties, directing the distribution of stores and materials in such manner as the service required. And I do not see but that the public interest would be better advanced by modifying the law, and placing the Board of Navy Commissioners upon the original ground intended—the performance of such duties as were peculiarly within the competency of naval officers. A reference to the various reports which have been made on this subject will show the views entertained. I would refer to the papers printed in the volume of State Papers on Naval affairs.

But the law of 1815 establishing this board has given a power of a very different description. Let us look at it for a moment. I throw out, to a great extent, the reservation of general superintendence for the Secretary of the Navy over the doings of the board, because it has not and could not well be exercised. The commissioners have, by their rules, placed all the means of information within their own power on naval matters.

This law, although brief, is very comprehensive. The first section provides:

"That the President of the United States be, and he hereby is, authorized, by and with the advice and consent of the Senate, to appoint three officers of the Navy, whose rank shall not be below a post captain, who shall constitute a Board of Commissioners for the Navy of the United States, and shall have power to adopt such rules and regulations for the government of their meetings as they may judge expedient; and the board so constituted shall be attached to the office of the Secretary of the Navy, and, under his superintendence, shall discharge all the ministerial duties of the said office relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the naval establishment of the United States; and the said board shall appoint their own secretary, who shall receive in compensation for his services a sum not exceeding \$2,000 per annum, who shall keep a fair record of their proceedings, subject at all times to the inspection of the President of the United States and the Secretary of the Navy."

I have read the whole of this section, because there is scarcely a line which is not important in connection with this subject. It provides for a permanent board, the tenure of office not limited, although that question was agitated some years afterwards, but for reasons then stated, was not altered. The board is to consist of post captains in the Navy. They are to discharge the ministerial duties of the office of the Secretary of the Navy "relative to the procurement of naval stores and materials." Under this provision, I understand, the commissioners make all contracts and bargains for the supplies of the Navy. Nothing, it appears to me, can be more unsuitable to their station. Post captains in the Navy, whose dispositions, characters, and habits are so diametrically opposed to a duty of that kind; whose trade it is to fight when their country calls; who are of a class of men prodigal and careless to a proverb, appointed to cheapen with the merchant and mechanic the supplies and labor required for the service of the Navy. It is uncongenial with their vocation. It would appear derogatory to all whose bosoms have thrilled with pride and exultation at the glorious deeds of these heroes of the deep, to witness them bargaining for a bolt of canvas, a barrel of beef, or any other supplies. It is, in my judgment, all wrong for that duty to be performed by them, and it surely never could have been contemplated; but such is the practice under this law. If this were remedied it would take off many of the objectionable points in this case

And, sir, it strikes me, it would, in some considerable degree, obviate the difficulties suggested by the gentleman from South Carolina, [Mr. PICKENS,] who gave as one of the reasons for abolishing the board, that he preferred bureaus; that young and active men should be there to perform the duties. I believe with him that, in many of the duties performed by the board, the qualifications ought to be such as are possessed by younger men.

It is said that, in my part of the country, it requires a pretty active mind, and body, too, to make good bargains. I suppose it does everywhere else. Now, if we can retain the services of this board on subjects which, from their experience, they understand better than others can, and it makes no material addition to the expenses of the nation, it is to be considered whether they had better not be retained. I would have a bureau for the contracts, with which the Commissioners of the Navy should have no connection. These supplies can be made very definite, and the duty could be attended to with as much precision as that of the Commissary of the Army or the contracting department of the Post Office. The component parts of a ration are all specified, and everything wanted for a ship of war, from the truck to the keelson, may be named with as much ease as a post route may be defined. Proposals might be issued for cordage, provisions, medical stores, ship chandlery, and so through the whole, the articles examined by, and delivered to, the naval store-keepers, and such other officers as may be appointed; and the commissioners, when called upon to direct the equipment of a vessel, should present to the Department what was necessary, and have nothing to do with the trading part of the establishment. It properly appertains to men of different pursuits. Besides, if this alteration of the law should be made, it would remove one of the difficulties of the gentleman from Virginia, [Mr. MALLORY,] who has said considerable about bad supplies.

The next points are the construction and armament of vessels. Notwithstanding all I have heard, I am not convinced that experienced officers of the Navy are not the most proper men to judge of the proper model, or rather the proper requisites, and, of course, the proper way, a ship of war should be built. They know what is most needed for the security of the armament, and how much strength may be necessary to enable the guns to be worked with safety and effect; the value of the sailing properties of a vessel; the importance to the health of a crew of suitable accommodations; how much and how little of each of these and other considerations, which are often conflicting, can be dispensed with. All these are points to be considered in building a man-of-war. The equipment may also be in the line of their duty, as I think, profitably; men of experience can best understand what is wanted for the variety of service to which the Navy is called. In hot climates and on cold stations, distant or near, the kind of provisions and outfits are materially different, and can be well understood by none but men of experience, and ought to be overseen by officers upon whom a greater responsibility rests than the officer of the ship, whose regard for personal convenience and comfort might sometimes interfere with proper economy.

The last power specified in the law is that which gives to the Navy Board control over the employment of vessels of war; a power which ought never, in my judgment, to be exercised except by Congress or the President and Secretary of the Navy. How extensive this authority has been used by the board, I do not know, but it is a proper subject of inquiry. The employment of public vessels is a question of State policy, and the Board of Navy Commissioners may give us good ships and designate the proper equipment, but it is for those who control the policy of the nation to say how they shall be employed. It is not proper or necessary for this board to direct the arrival or departure of ships of war on a cruise or expedition: doubtless in this important matter the President or Secretary of the Navy is consulted; but still the law granting such authority, with the general reservation of power to the Secretary, ought to be modified. I do not see why, if the Commissioners of the Navy choose, they

cannot dispatch the ships of the Navy as they please. I believe they regulate the ports to which they are to return most generally.

This section winds up with a general commission to the board to conduct all other matters connected with the naval establishment of the United States. Under this general authority, together with the power conferred by the second section of this law, regulations have been adopted by which the whole of the naval concerns, civil and military, have been brought under their direction.

In the second section of this act it is provided:

"That the said Board of Commissioners, by and with the consent of the Secretary of the Navy, be, and are hereby, authorized to prepare such rules and regulations as shall be necessary for securing a uniformity in the several classes of vessels and their equipments, and for repairing and refitting them, and for securing responsibility in the subordinate officers and agents; which regulations, when approved by the President of the United States, shall be respected and obeyed until altered and revoked by the same authority, and the said rules and regulations thus prepared and approved shall be laid before Congress at their next session. It shall also be the duty of said board, upon the requisition of the Secretary of the Navy, to furnish all the estimates of expenditure which the several branches of the service may require, and such other information and statements as he may deem necessary."

With this great power conferred by Congress, why complain of the Navy Board, and not look into the source of the evil—the law? Why find fault with the Secretary of the Navy, when the law recognizes so fully the propriety of vesting in the Navy Commissioners this power? Is it not manifest that, by the terms of the law, the commissioners had the whole management of the Navy given them, and after they had adopted their regulations, which I will refer to presently, and once obtained the assent of the Secretary and President, they were irrevocable, excepting by themselves? These regulations, when once approved, are to continue in force until revoked by the same authority—that is, the Navy Board. If the duties of this board had been confined to the objects for which it was thought necessary—to aid, by their experience and skill, in promoting the good of the service in branches where it required knowledge which none but those who had commanded ships of war could possess—I verily believe no fault would be found, and that the board would be considered eminently useful. The same reasons exist now for its continuance which existed for its formation. The principal one of which was, that a board composed of a suitable number for consultation and advice should be subject to the call of the head of the Navy Department, to which might be given definite power in relation to the building and equipment of the vessels of the Navy. Each captain has his own peculiar views, and hence it would be difficult to concentrate the requisite information, and obtain correct conclusions, without an interchange of opinion; therefore a board is more necessary and proper than a bureau, and is not attended with much additional expense, as officers of the Navy must be taken. The terms of the law, that they are to be officers of a high grade in the Navy, not lower than post captains, show the precise object of their appointment in its theory; and the qualifications required are different from any other officers in the Department. I fear it would not be safe to subdivide the duties in relation to the service which was originally intended, and, therefore, I prefer modifying the law to abolishing the board.

I have referred to the regulations laid before Congress in April, 1816, not for its supervision by Congress—that power was given away by the law—but merely for information. The code is very voluminous, containing more than ninety pages octavo. It gives the Navy Commissioners a very large direction of this great branch of the national expenditures, between five and six millions annually. With the exception of sometimes leaving the option of reports from subordinate officers to the Navy Board and Secretary of the Navy, and, in a few instances, to the Secretary alone, every officer is responsible to the Navy Board.

It begins with regulations about repairs of ships, the extent and time of these repairs to be directed by the board; and then follow several pages of regulations for the officers of ships and commandants of navy-yards, master of the yard,

shipwright, purser, and naval storekeeper. This last officer is not in the service of the Navy, but has charge of the stores and materials. The proper authority for him to be answerable to is the Secretary of the Navy; his business is a matter of account, and should be on the books of the Department. Then there are various duties for the commanders of vessels requiring "a correspondence with the Secretary of the Navy as well as with the Board of Navy Commissioners."

We find next many provisions in relation to discipline, salutes, and ceremonies, all of which are probably very proper; and regulations, also, about appointments, stores, and provisions; the mode of punishment of seamen in the Navy; allowances to officers for furniture; rules about rations; directions for the navy agent, a disbursing officer, and a great many other rules which it is not necessary to repeat. But I will make a remark in relation to two or three points. I would suggest that these regulations are, many of them, of such a nature that they ought to be the subjects of laws enacted by Congress. Correspondence on the affairs of the Navy should be with the Secretary of the Navy. The accountability for expenditures of money and provisions and stores ought not to be regulated by the Navy Commissioners.

The ground I take on the proposition is that the naval service requires the assistance of the advice and counsel of experienced naval officers of nautical science; that the Board of Navy Commissioners, with their duties properly defined, would be useful to the service, and that their powers and duties should be restricted to matters within their peculiar qualification, as this is the only reason why their services are necessary. That it is premature to act upon this important subject in this incidental manner; at the same time the discussion is important as leading to an investigation and examination of the whole subject; and the next Congress will have an opportunity to judge whether the board can be retained beneficially to the service under a revised system, or whether the good of the Navy will require a discontinuance.

In looking over the public documents a few days since, when the bill was up for commencing a dry dock in Brooklyn, New York—a question of great importance, as leading to a vast expenditure if continued to other yards—I was forcibly struck with the deficiency of documents in relation to the Navy, notwithstanding it is the object of more than one fourth of the ordinary expenditures of the nation. For all practical legislation, it seems to me that all now existing which would be useful for future action might be contained in an every day document. Report upon report, volume upon volume, we have in relation to lands and other important interests, but on the affairs of the Navy the information is exceedingly meager. With other strong objections to a dry-dock in Brooklyn, I had stated some days ago that the commissioners several years since reported that Brooklyn was not a proper place for a dry-dock, because on the bar there were but twenty-two feet of water at low tide, and it was not safe for a heavy frigate. I was met by a reply that a new channel was recently discovered. I know that; but where is the account of the soundings of the new channel? It is only two or three feet deeper than the old one, and a ship-of-the-line draws four feet of water more than a frigate.

Mr. REED. A ship-of-the-line passed through, and had two or three feet to spare. Lieutenant Gedney says it is thirty-one feet deep.

Mr. PARMENTER. The Navy Commissioners reported there were only twenty-two feet on the bar at low water. This is the information on the subject officially.

Mr. INGHAM. Instead of twenty-two feet, I have evidence incontestable that it is thirty-one feet.

Mr. PARMENTER. All the documents on file show that the depth is only twenty-two feet at low water. I have examined the chart of the Gedney channel; it is only between two and three feet deeper than the old channel. I know the tide flows there six feet. If you add that, it will of course make thirty feet at the top of high water, but that is a nice calculation in making choice of a harbor for a dry-dock.

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Expulsion of Mr. Duncan—Mr. Elmore.

Ho. OF REPS.

While I am on this subject, I will say a word about the ship-of-the-line Ohio passing through. I do not doubt that there is a great difference between watching the opportunity of spring tides and a time after an easterly swell, and taking such chance as may offer.

Mr. INGHAM. I can show that the largest ship ever on the ocean can beat in.

Mr. PARMENTER. Then we want proper reports to inform us. I know that the frigate President, during the war, struck on the bar in the old channel, and was captured in consequence.

Mr. HOFFMAN. She ran out of the channel. Mr. PARMENTER. But there are no official reports. Perhaps we ought not to blame the Navy Commissioners for not furnishing reports, if not called upon. They are not required to do so by law, as other executive officers are.

I hope the amendment will not prevail, and that the board will remain as it is at present, until Congress shall alter the law.

One word to my friend from Pennsylvania, [Mr. PETRIKIN,] who has made a local allusion. He is right in saying that the Democratic party have befriended the Navy, and he alludes to a proceeding of a branch of the government of my own State. He says they declared it "unbecoming a moral and religious people to rejoice at our naval victories during the late war." I have no disposition to palliate, in any shape, this degrading and discreditable proceeding. The disgrace is wiped out as far as it can be, but I remember those days. This was the act of heated partisans. The people, of all parties, condemned it. The whole community, at that very time, in Massachusetts, were heaping honors upon the naval heroes who had shed so much glory on the nation. Massachusetts is the fast friend of the Navy, so is the Democratic party, but they wish to correct errors and abuses.

## EXPULSION OF MR. DUNCAN.

## SPEECH OF HON. F. H. ELMORE,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

February 23, 1839,

On the resolutions offered by Mr. PRENTISS, of Mississippi, and Mr. THOMPSON, relative to a communication published in the Globe by ALEXANDER DUNCAN, a member of the House.

Mr. PRENTISS, of Mississippi, offered the following resolution:

*Resolved*, That this House proceed forthwith to inquire, 1. Whether ALEXANDER DUNCAN, a member of this House from the State of Ohio, be the author of a certain publication or publications under his name, in relation to the proceedings of this House, and certain members thereof, published in the Globe newspaper of the 19th instant. 2. Whether, by said publication or publications the said ALEXANDER DUNCAN, has not been guilty of a violation of the privileges of this House, of an offense against its peace, dignity, and good order, and of such grossly indecent, ungentlemanly, disgraceful, and dishonorable misconduct, as renders him unworthy of his seat in this House, and justly liable to expulsion from the same.

Mr. THOMPSON moved to amend by substituting for it the following:

*Resolved*, That ALEXANDER DUNCAN, a member of this House, having avowed himself the author of an article published in the Globe of the 19th instant, grossly libelous of honorable members of this body, that the said ALEXANDER DUNCAN be reprimanded by the Speaker, in the presence of the House.

Subsequently Mr. THOMPSON modified his proposed amendment so as to read as follows:

Whereas, ALEXANDER DUNCAN, a member of this House from the State of Ohio has, in his place, acknowledged himself to have written and caused to be published in the Globe newspaper of the 19th instant, the following writing, to wit: [Here the publication was inserted.] Therefore,

*Resolved*, That the said ALEXANDER DUNCAN has, in the premises, subjected himself to the just censure of this House, and that he be reprimanded therefor by the Speaker in the presence of the House.

The amendment was accepted by Mr. PRENTISS as a modification of his motion.

Mr. ELMORE addressed the House as follows:

Mr. SPEAKER: As I have voted somewhat differently at the different stages of this proceeding,

and as it is one of great importance, I have requested the gentleman from Pennsylvania to withdraw his motion to lay the whole subject on the table, that I may give my reasons for the votes I have given, and that which I shall give, in support of his motion, which he has made me promise to renew at the conclusion of my remarks.

The resolutions first offered by the gentleman from Mississippi [Mr. PRENTISS] were to me, sir, startling and of an extraordinary character. After his speech, and the reply of the gentleman from Ohio, [Mr. DUNCAN,] who was implicated by the resolutions, I voted for the first motion to lay the whole subject on the table, because I believed the House had no jurisdiction of the matter; each party had been heard, and the business of the country was pressing. The House refused to lay it upon the table, and the debate went on, assuming an extraordinary range and character. When the second motion to lay on the table was made, the day was already nearly exhausted, and the accused had made an unsuccessful attempt to get the floor for reply; and, as a willingness, if not a desire, was thus exhibited on both sides to prosecute the discussion, I joined reluctantly in the vote against the motion. But, sir, the question is now on a very different footing; an angry debate of mischievous latitude and range has had a whole day, and every reason for its continuance is at an end; and, as I shall vote for the motion to lay the whole subject upon the table, I will now, sir, proceed to give my reasons for that vote.

The first motion, Mr. Speaker, contemplating the expulsion of the gentleman from Ohio, could not stand even in the judgment of its mover. The acceptance by him of the modification proposed by my colleague, is, sir, a concession, a great concession, to cooler thoughts and wiser reflections. The proposition of expulsion, the highest and most oppressive punishment in the power of this House, for the most flagitious crime, was too untenable to stand the "sober second thought" of a night. But, sir, great as has been this concession, it has not stripped the subject of its difficulty, nor given to this House what neither the Constitution of the country, the laws of the land, nor the rules it has adopted for its own government and proceedings, have conferred.

What right, Mr. Speaker, has this House to sit in judgment on either one of the citizens of the Commonwealth, or one of its own members? Only, sir, where that citizen or that member has violated its rules or its privileges. It is only as a question of privilege that this House can for one moment entertain this resolution. If the privileges of this House have been infringed by the member from Ohio, this House has jurisdiction; if they have not been infringed, the House has none, and its attempt to exercise it will be oppression and usurpation.

I turn, sir, to those who have proposed these various resolutions, and to those who sustain them, and I demand of them, upon what ground do they assume jurisdiction to try and punish the gentleman from Ohio? Put your hands upon the rule of this House, upon the law of the land, or upon the clause in the Constitution, which gives you the right, the jurisdiction, the power. Where is it—what is it?

Mr. WISE. Look at the fifth section first article of the Constitution, as follows:

"Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member."

Mr. ELMORE. I expected the very answer, Mr. Speaker, which my friend from Virginia has given me. I have the very clause lying open before me. I have had it in my memory and reflection ever since the first note of this movement was sounded by the gentleman from Mississippi. I will, sir, examine it to the bottom presently.

Mr. PRENTISS. Will the gentleman permit me to call his attention to the case of giving a challenge?

Mr. ELMORE. I shall certainly, sir, notice that case, too, in the course of my remarks; and that the House may see, and the gentleman understand, that I have never entertained any stunted ideas of its power, privileges, and dignity, I will ask the Clerk to read the paragraph marked with a pencil, from a report I had the honor to

lay before the House at its last session, on a question of privilege:

"The privileges of members of Congress are not personal or private rights, but public trusts, assigned to the station and office for great public purposes and utility; they are the privileges of that multitude of persons in whose room and place the member is specially chosen, and of whose rights, power, and dignity, he is the delegated representative. His constituents, in all matters of public concern pertaining to his station and place, have the right to such privileges for their representative as will secure to them its entire service, without hindrance, peril, or molestation. The House of which he is a member has a right to his presence, counsel, and aid, in conducting the arduous and responsible duties of a common Government; and the people of the whole Union have the like rights and interests in the full, free, and unrestricted services of every member of the great national council which directs their affairs. The privilege of a member not being his own, but the right and privilege of his constituents, the House, and the country, it is not merely his right, but it is his duty, to maintain and assert it; and if he waive or surrender it, he violates a duty he owes to all these obligations, and himself commits a breach of the privileges of the House of which he is a member."

I have there, sir, expressed, upon mature deliberation, my opinions of the privileges, rights, and dignity of this House, and of its duty, and the duty of every member of it, on all occasions to assert and maintain them; to maintain them in their purity and vigor, with law and by law. I have reconsidered these views, and there is not one word I would retract, change, or modify. And, sir, whilst I would thus maintain them in purity and vigor, I conceive that no more fatal stab could be given to those rights, that dignity, and these vital privileges, than will be given by this House itself, if it makes a false step in this proceeding, and usurps a high prerogative, not given by law nor Constitution, to degrade one of its own members, and, in his person, to trample upon the constituency of freemen he represents. If, in a free and constitutional Government, anything is more likely than another to strip its Legislature of that high moral influence it should exercise over an enlightened nation, and which is worth more to it and to the country than volumes of parchment powers and whole armies of soldiers, it will be the assumption of privileges not conferred, and the usurpation of powers never granted for their maintenance, and which are, in their nature, inconsistent with the freedom and simplicity of republican institutions. Though the acts of a multitude, they are not less of the essence of despotism.

The magnitude of this question swallows up all consideration of persons. I do not rise, sir, to vindicate, excuse, or palliate the conduct of the gentleman from Ohio; it is a private affair, on which I express no opinions. The member from Ohio, and those who accuse him, are not of a feather's weight in comparison with it. I do not look at them, but over and above them. The issue is one of the highest and most elevated principle, and honored and esteemed as they may all be, of greater, immeasurably greater, importance than any one, or all of them put together. It is a great question of rights, of constitutional liberty. It goes to the very foundation-stone of our institutions, and is fraught with mighty consequences to every member of this body, and to every free citizen he represents. Deeply impressed with its importance I shall now turn, sir, to the immediate question, which I shall discuss with the freedom its magnitude demands, and without reference to the persons involved, beyond their necessary connection with the principle.

I again repeat, emphatically, the questions before put to those who sustain this resolution, upon what rule of this House, upon what principle of law, upon what article of the Constitution, do you ground your proceedings and derive your power? The gentleman from Virginia, [Mr. WISE,] a little while ago, answered, by referring me to the fifth section, first article, of the Constitution. I will now examine that article upon every member of its sentences and every grant of power. "Each House may determine the rules of its proceedings." There, sir, is the first grant. Has the House adopted rules of its proceedings? Yes, sir, here are the rules in my hand. Which of these rules have been violated?

Mr. PRENTISS. Look into the laws of Parliament.

Mr. ELMORE. Sir, I acknowledge, to a certain extent, the authority of parliamentary pre-

cedents and law, but, never, sir, to the arbitrary extent to which its privileged orders have carried it; nor, where its monarchical and aristocratic features come in conflict with rules or principles of constitutional liberty, essential to the existence of freedom in a Republic. We, sir, have adopted written rules for our proceedings; and I have in vain called upon gentlemen to show one of these rules which has been violated. Are we, under the examples of the British Parliament, which has no restraint upon its power, but claims and exercises *unlimited authority*, to step beyond the Constitution and our own written rules, constitute ourselves a *censor morum*—look into the private conduct of our members, and, at a discretion as arbitrary as it would make us odious, arraign and try every member whose habits or principles may be disagreeable to us? Shall we exercise, in defiance of the Constitution which protects it, a censorship over the freedom of his pen, and of the press? The right to discuss men and measures? Let it not be said there is no remedy but here for violations of private feelings, for coarse or vulgar or unbecoming publications. The courts, both of civil and criminal jurisdiction, are open; and if they were not, this House has no right to assume either their appropriate duties nor those of a court of honor, when its own privileges are not violated.

The next power given by this section of the Constitution is "to punish members for disorderly behavior." Disorderly behavior where, sir? Does any man doubt, or has it ever been doubted, that it was here, sir, in the proceedings of this House or its committees? For interrupting the business of the country, interfering with or obstructing its Legislature in its high duties?

But the remaining power given is in words larger and more unlimited: "And, with the concurrence of two thirds, expel a member;" and this, sir, was the indication of the first resolution; an indication ominous and without precedent in this land of law and liberty.\* Is it, will it be, pretended that this power of expulsion is a power to do it without good cause? Is it left to the House to exercise it in caprice? Is there no reasonable rule to be observed in its exercise?

If the power is to be considered a naked unqualified power, you may exercise it with or against reason. There is no restraint, no safety. You may expel a member because his coat is not cut in the fashion—because he turns his toes in, instead of out when he walks—because his attitudes are not graceful, nor his voice melodious—or because his principles do not please you, or his politics offend. Or, sir, you may follow him out of this House; spy into his private behavior; impeach him of immoral conduct; of degrading and debasing habits; of being a debauchee, a drunkard, or a gambler; or of conduct even more

revolting, and bring him up in this House, and expel him under this section. No, sir, no. The proposition is too monstrous. The moment you act on principles so vague and undefined, you leave the landmarks of law, and are in the dim and shadowy regions of discretion, ever unpropitious to constitutional and well-regulated liberty. In naked truth, you create a despotism. You are, sir, substituting the will of a majority for the law, and turning loose that majority to act as prejudice, the passions of the moment, angry and excited by party collisions and party objects, may hurry them to establish precedents which you in turn may be ground down under, when your opponents gain the ascendancy. The experience of all time and the wisdom of ages tell us to bridle the passions and fortify the judgment. Could the framers of the Constitution have intended to reverse this rule, and give in this section unlimited license to power? Never, sir, never. Then, sir, let this House pause before it acts upon this vague authority—or who, sir, will be safe in or out of your walls?

This is not all. The power given is "to expel." The resolution proposes "to censure ALEXANDER DUNCAN." Even thus softened down to conciliate support, this resolution is, in my judgment, unconstitutional. I see no right, no power in this House to pass it.

But, sir, even if there was a power in the House to act, still I will say it was deserving of grave consideration whether it would be expedient to exercise it. The power to do so, at best, is of exceedingly doubtful right. Whether the privileges of the House go beyond those expressly granted in the Constitution, or where they have been defined by rules of the House, or by law solemnly passed, has been frequently and much questioned by some of the best minds in the country. I shall not here enter into that wide field, further than to say that I go with neither extremes of opinions on this subject. I neither go for the unlimited parliamentary discretion nor for disarming either House of Congress of the power of self-protection. I should consider this House reduced to the most deplorable helplessness and contempt, if it had not the power to protect itself and its members while in the discharge of their high duties, to shield them from violence or impediment. It has ample powers for doing so. I have heretofore spread upon the records of this House my opinions on this subject. I then said, sir, and I now repeat, that "while it is essential for the vindication of the privileges and dignity of the House, that its power shall be sometimes exercised, it should be done *only in cases of strong necessity*, and never carried beyond what is absolutely and imperiously required by the existing emergency." There is a wise jealousy against power in this country. Its proneness to abuse is well understood by the people. The dictate of a wise moderation should admonish us to forbear its exercise in doubtful cases, especially when they involve vital questions of high political and personal rights. In moments of calmness the judgment of all men will agree to this. When this House undertakes to assert privilege and exert power, it should be a *clear case of right and duty*; it should be with deliberation, not passion—in defense, not in vengeance; and its action should be tempered by as much of the spirit of moderation, nay of indulgence even, for the infirmities of nature, as can be made to comport with what is due to justice and its own dignity. Nor should the House forget that it is itself the accuser, the law-maker, the witness, the prosecutor, and the judge in its own case, and that from its sentence there is no appeal.

I ask the House if this proceeding is in the calm spirit of judicial inquiry? If the boisterous and angry passions which have been heaving and tossing the judgment of members to and fro since it began, bursting over the legitimate boundaries of calm and decorous debate, have fitted us to decide this grave and important matter with the caution and prudence its magnitude demands? Is it the calm judgment of the House, or excited feelings, which has brought this case up for trial? Do we not all see the difficulty which gentlemen have, to define the offense of the member from Ohio; to point to the law he has transgressed? What is it that has made him amenable to the

judicial action of the House? He is not arraigned because he has committed any offense within these walls against the rules of its proceeding, or the law, or the Constitution? Has he impeded the action of this House, or its committees, or any member of it, in the discharge of their duties? Has he assaulted, challenged, or obstructed, or disabled the House, its committees, or any member of it, so that they, or any one of them, have been hindered for one moment from free and full service to the country and their constituents? No, sir; not so. However great his offense may be considered against other tribunals, against this, the only one alleged or put in issue by his accusers, is the publication in the *Globe*—just such an offense as is daily and hourly committed in every newspaper, and as will be to the end of time in every free country; just such a publication as got the Senate of the United States, in 1800, into its difficulty with William Duane, the editor of the *Aurora* newspaper. That editor, a Republican, made strictures on the Federal Senate, which it resented as "false, defamatory, scandalous, and malicious," and an attack on their high privileges. He was summoned to their bar to be tried for it; and, eventually, refusing to appear, he was arrested by warrant from the Senate and punished—for what? do you suppose, sir; the breach of privilege? No, sir; no, they dared not do that; but they punished him for a *contempt in not appearing, in obedience to their order, at their bar*. Over that they had jurisdiction, but on "sober second thought" they *let fall* the question of privilege, and ended the affair by passing the following resolution:

"Resolved, That the President of the United States be requested to instruct the proper law officer to commence and carry on a prosecution against William Duane, editor of a newspaper called the *Aurora*, for certain false, defamatory, scandalous, and malicious publications in said newspaper, of the 19th of February last past, tending to defame the Senate of the United States, and to bring them into contempt and disrepute, and to excite against them the hatred of the people of the United States."—*Senate Journal*, vol. 3, page 98.

Thus, sir, even in that day of Federal usurpation, did the free principles of the Constitution achieve a triumph, and the Senate, with all its aristocratic tendencies, feel itself compelled to yield its untenable and high-handed procedure to a rule of conduct more conformable to the constitutional rights of the people. Let us pause here, sir, ere we are caught in the like predicament, and compelled to retrace our steps, or, if we persist, are rebuked and condemned by an enlightened and indignant public opinion.

The gentleman from Mississippi called my attention to the case of a challenge. I have, in the report, from which the clerk read an extract, stated my opinion, that "to challenge a member to fight a duel, during the session of Congress, while he is attending to his public duties, is a breach of privilege;" and I have, sir, in that report, given my reasons fully for that opinion, to which I refer the gentleman. But, sir, why this question now? Has it anything to do with the proposed measure against the gentleman from Ohio? Has any challenge passed? No, sir. Is the member from Ohio to be punished for what he has not done? In the resolution, which is the indictment, not one word is said of a challenge. The cause alleged is, that "he had written, and caused to be published in the *Globe* newspaper, the following publication," &c. Why, then, whilst in the resolution he is charged, and on trial, for the offense of writing and publishing this article in the *Globe*, are we referred to the doctrine of privilege embraced in challenges? Is it, sir, that while we hold the member on trial, under one charge, which is not tenable in law, he may be convicted under the other, for which there is law? The case made against him cannot be varied. It is there written in due and solemn form. It proposes to punish, for no act done in this House, nor within its privileges, nor as a member, but out of it, in the exercise of his rights as a citizen, and for which he is answerable to the courts of law, for all improper indulgence. Take jurisdiction of this case, and you are at sea. The same principle will cover every newspaper attack upon a member of the House. Punish him, and you may punish all offending in like cases. How many will have to be tried by you? Can you count

\* At the time these remarks were made, the case of Matthew Lyon, of Vermont, was not remembered. There are some striking coincidences calculated to excite inquiry into times and principles. It occurred on the same day forty years before, under the Presidency of John Adams. The sedition law, in violation of the constitutional freedom of discussion and the press, had been enacted by the Federal party. Matthew Lyon had attacked the measures of the Government, then in the hands of the Federalists, and censured them with a freedom which is now of every day's occurrence. He was prosecuted; tried in the Federal courts; convicted; and fined and imprisoned. The Republicans of his State elected him a member of the House of Representatives of the Congress of the United States, in which the Federalists had a majority. On the 20th of February, 1799, he appeared and took his seat, when a resolution was immediately moved in the following words:

"Resolved, That Matthew Lyon, a member of this House, having been convicted 'of being a malicious and seditious person, and of a depraved mind, and wicked and diabolical disposition, and of wickedly, deceitfully, and maliciously, contriving to defame the Government of the United States, and of having with intent and design to defame the Government of the United States, and John Adams, the President of the United States, and to bring said Government and President into contempt and disrepute, and with intent and design to excite against said Government and President the hatred of the good people of the United States, and to stir up sedition in the United States, wickedly, knowingly, and maliciously written and published certain scandalous and seditious writings or libels,' be therefore expelled this House."

On the 22d of February, the vote was taken—ayes 49, noes 45. The Republicans resisted this arbitrary measure, and amongst the noes it is grateful to see the names of the old patriots of the party, Abraham Baldwin, Cabell, the Chabornes, Findley, Gallatin, Heister, Livingston, Nathaniel Macon, Nicholas, Thomas Sumpter, Varum, and others. (See vol. 3, reprint doc. H. R., pp. 484, 487, 488.)

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Citizens in Oregon—Mr. Linn.

SENATE.

them, or the cost? What editor of a newspaper will be exempt? Who, indeed, will be safe from your inquisition?

Could you succeed, there is an end of the freedom of the press and the freedom of discussion; but, sir, you cannot succeed; it could not be done with Duane in the iron rule of the sedition law, much less can it be done now, when popular rights and constitutional law have achieved so many triumphs, and are as well known as they are dearly prized by the people.

Mr. MENEFEE asked the attention of Mr. ELMORE to the following extract from Mr. DUNCAN's publication in the *Globe* of the 19th of February:

"On the 16th and 17th of January last, I made some remarks in the House of Representatives on the resolution to appoint a committee to inquire into the defalcations of Samuel Swartwout, which remarks were soon after published in the *Globe*, and have since been published in pamphlet form. Mr. STANLY, of North Carolina, followed me in reply. At the commencement of his remarks, he insinuated that I was an Abolitionist. I promptly pronounced the insinuation a base falsehood and a foul detraction, whether it dwelt upon the lips of the unprincipled calumniator, or floated on the breeze in the corrupt, poisonous, and slanderous Federal sheets of the day. My intention at the time was to insult the member; so he understood me; so all who heard me understood me. My meaning was that the member was a base liar and a foul calumniator; and the only reason that he was indirectly thus denounced was, because the rules of the House prohibited me from doing it directly, without laying myself liable to its censure. All this, too, was well understood at the time; and for this intended and well understood insult I held myself in readiness to give the member any satisfaction which he might have the moral courage to seek. But no disposition to seek redress was manifested within the time I had a right to expect it, or within the time it might be expected, from a man who had any regard for his honor or reputation. So I was disposed to let the member go for what I believe him to be, a mean poltroon and a base liar; and which I believe he may, at any time and in any place, be pronounced with impunity."

Mr. M. said: I now call on the gentleman from South Carolina to note the fact disclosed by the member from Ohio, in the extract read from his publication, that he did, *in this Hall, from his place, as a member of this House, in debate, and in what he acknowledges he knew to be a violation of the rules*, utter what is here printed, with the intention to insult the gentleman from North Carolina. And now I ask, sir, if this does not constitute such an offense as is punishable by the rules of this House?

Mr. ELMORE. I reply, no, sir; it does not come under any law or rule of this House; but if it did, sir, it is not applicable to the case we are trying. The gentlemen who have originated and matured this proceeding have made a totally different charge. It was made carefully—presented deliberately—and, after a day's debate, and a night's reflection, modified to its present shape; it is couched in the clearest and most unequivocal language. There it is, sir, perfected in the resolution on your table; and, so far from being for words spoken here, it is expressly for words "written and caused to be published in the *Globe* newspaper." That resolution is the indictment, the declaration, the record of the gentlemen, precisely as they have chosen to present the case. The pleadings are made up, and the issue joined, in their own words, and on their own ground. It is not, I repeat, sir, for words spoken here in this House, but for words written and published out of the House. They cannot now swerve from, or vary the issue.

Mr. MENEFEE. I desire to call the attention of the gentleman from South Carolina to this point: the member from Ohio, in his publication in the *Globe*, declares that it was his intention to insult the gentleman from North Carolina in what he said in the House, and has repeated in this publication. He yesterday, in his place in this House, avowed what is here published, and declared that it was his intention to insult the gentleman from North Carolina. This avowal is proof of the intention, and was made in the House. Does not that give jurisdiction?

Mr. ELMORE. It is all in vain, Mr. Speaker. Skilled as he is, adroit and practiced in this kind of warfare, the gentleman from Kentucky cannot escape, nor extricate those he acts with, in this way. With all his address, it is too late now to change the issue. There it is, sir, in the resolution, exactly as they have deliberately chosen to present it. It cannot be shifted, twist-

ed, or changed from what it is. No, sir; not even by this new offense, heretofore unheard of in criminal jurisprudence. We are now told that it is not for the original sin he is to be punished, but for the proof his avowals or confessions here yesterday afford. Not for saying, or writing, or publishing, but for confessing the act. If this is law or justice, I have studied legal rights to little purpose. The experience of much practice, and some reading, has been entirely thrown away; for never yet have I seen or heard of such a principle.

There is even yet another answer, not less conclusive, in the laws of this House. Grant, sir, that the resolution on your table does not read as it is written, and that while it says ALEXANDER DUNCAN shall be "reprimanded by the Speaker," for writing and publishing, it really means for speaking the words complained of on this floor. Even then, sir, I tell the gentleman this House cannot now punish the member for it. The rules of the House make the law of the case, and I cite the gentleman from Kentucky the 26th rule, which is in the following words:

"26. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's desk; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken."

The proposition of the gentleman from Kentucky is in direct and palpable violation of that rule. This, sir, is the natural result of error. The original movement was wrong, untenable, indefensible. On a night's reflection it was abandoned for the modified resolution of my colleague; and that, sir, being equally indefensible, the gentleman from Kentucky comes to the rescue with a suggestion which will ride over the rules of this House, the Constitution, and the law, to strike down the member from Ohio. It will not do, sir. Through all its mutations, under all its modifications, it is not in the power of all the talents and skill of the movers to conceal the true character and bearing of this extraordinary and alarming measure; nor, if they succeed here, will we be able to justify to the people this precedent of dangerous usurpation, this unwarrantable violation of representative rights.

There is also, Mr. Speaker, one other consideration which demands the attention of the House. If this body determines to go out of its own curtilage, to examine into the conduct of a member, to sit in judgment on the words he writes and publishes of another member, or of this House, how much more is it bound to take cognizance of words of similar import when uttered on its own floor, in its own proceedings, and in its own ear? I mean, sir, nothing personal, I intend no offense to any one. How often is this House the theater of such exhibitions! Nay, sir, even this very debate has poured out in this Hall floods of denunciatory language, comporting, in my humble opinion, neither with the decorum of debate nor the dignity of this body. It is ringing now in our ears, and admonishing us how deeply we may commit ourselves in this very proceeding. I am, sir, at all times, ready to join in enforcing the rules of the House to prevent personalities; and if they are insufficient, to support amendments which will make them sufficient. I agree with all my heart to what fell heretofore from my friend from Maryland, [Mr. JENIFER,] that such rules should be adopted as will compel members to refrain from personalities. This is most especially called for now, since you have passed the law against dueling.

But to recur to the argument. If you punish the member from Ohio for improper language written and printed out of the House, upon what principle of equal and impartial justice can you refuse to punish language equally objectionable uttered in the House and in its public proceedings? Is it not more your duty to preserve order and decorum in your sessions? Is not your character more deeply implicated by not doing it? Let us be under no mistake in this matter. The world will say justly, if we adopt this resolution, that we should be bound to bring the rule into the House, and give it here its fullest application. Are we prepared for the consequences?

Have gentlemen considered to what it would lead them?

I consider, Mr. Speaker, that at this late period of the session, it is exceedingly injudicious to go further in this business, over which we have, in my opinion, no jurisdiction. It is a waste of the time which should be devoted to the mass of highly important public business on your table, in idle and mischievous debate, which can result in nothing beneficial to us or the country. I believe we have no jurisdiction over the matter; but if we had, it is of so frail and doubtful a tenure that it would be the part of wisdom at all times to decline its exercise. It is now, in this juncture of affairs, our duty to pass it by. To justify us in departing from this course, the fact of violation of privilege should be clear, the law beyond dispute, the offense perfect, and the necessity for punishing it fully established. None of these appear in the present case.

Before I conclude, Mr. Speaker, I will notice one other ground commented on by the gentleman from Mississippi, [Mr. PRENTISS.] He held up the law just passed against dueling, and charged that the publication of the gentleman from Ohio was calculated to produce a violation of its provisions. I hold that law now in my hand, and I have looked over its provisions. While I find ample powers given to the courts of justice to take preventive measures to arrest such proceedings, and to punish all who may be concerned in them, I see no power given to this House to punish a member under it—more especially, too, before he has given or accepted a challenge. To undertake to enforce that law in this House would be to usurp the powers and duties of the courts on which you have conferred them. That law leaves the powers of this House exactly where it found them—neither enlarged nor diminished. We have gained no new privileges under it, and it is no authority for this House in its proceedings. Let us leave it to the courts to which it belongs, and attend to our own appropriate duties.

I have said already more than I intended when I rose; and in compliance with the promise exacted by the gentleman from Pennsylvania, I renew the motion for the previous question.

## CITIZENS IN OREGON.

REMARKS OF HON. L. F. LINN,  
OF MISSOURI,

IN THE SENATE, February 22, 1839.

The Senate having taken up the bill providing for the protection of citizens of the United States residing in the Oregon Territory, or trading on Columbia river or its tributaries—

Mr. LINN said that he had, some days since, given his views at large on the merits of this bill, to which he had little now to add. In the course of that debate, he had ventured to prophesy that our difficulties with Great Britain would only be adjusted by war, as the causes for hostilities were rapidly accumulating, and old sores were in a state of irritation.

Great Britain does not hesitate to lay her hands on a portion of the State of Maine, because it suits her convenience, and to which she has no more right, in point of fact, than I would have to my friend's [Mr. PRESTON] property in South Carolina. In truth, she has not even a shadow of a claim to any portion of Maine.

But when did Great Britain ever refrain from taking possession of any country or position she deemed necessary to the advancement of her commercial interests, or to furnish food for her national vanity? Our friends of the northeast do not seem to relish British dominion or jurisdiction. They do not appear willing to permit their noble forests of pine and other timber to be cut down and carried to market by the New Brunswickers. They know the value of their trees; they calculate the value of each to a cent; they know the value of their soil, of their property, and of their Government, too well, not to be willing to fight for them. England has just as little claim to the Territory of Oregon as she has to Maine. By the conventions of 1819 and 1823, it was agreed that both countries should have concurrent possession and jurisdiction; but, Mr.

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President, this has been, and is now, a nullity to us; for Great Britain, through the medium of the Hudson's Bay Company, has built and armed several forts, equipped ships, erected houses, and improved farms; and opened a trade with all the tribes of Indians on the western slope of the Rocky Mountains, as far south as the Gulf of California. Their hunters and trappers have penetrated all the valleys and glens of the Rocky mountains, scattering arms, munitions of war, and fomenting discontent against the United States in the bosoms of those distant Indian tribes. They have driven our people from the Indian trade, which yielded seven or eight hundred thousand dollars per annum, and even pushed their operations east of the Rocky mountains to the great Mississippi valley. To all of these aggressions we tamely submit. They have ruined our fur trade, and seem disposed to appropriate the forests of Maine to their own use.

I was mistaken when I said we quietly submit to these injuries. Our Yankee friends to the northeast are now showing a proper degree of indignation at British insolence and outrage, and manifesting a proper degree of war spirit. This is right; for I believe, with the member of the Irish Parliament, (when she had one,) that the best way to avoid danger, is to meet it plump in the face. The English now claim exclusive possession and jurisdiction over a part of the State of Maine, have entire possession and use of the Oregon territory, and have extended their laws over it, even to the confines of Missouri and Arkansas. Not satisfied with these aggressions, they liberated the slaves of southern gentlemen, when the ship that contained them was wrecked on the reefs of the Bahama Isles. Mr. President, if all our complaints and causes for collision with Great Britain were put together, I think the world would bear us harmless should we resort to the ultimate redress for wrongs. *And should we ever take place between the two countries, I hope it will not cease until she is driven from the continent.*

For my part, when I look back to the period when our sailors had to carry passes when traversing the wide ocean—which pass was often torn up and thrown in the sailor's face by some upstart midshipman, who impressed him into the British service in defiance of his American protection, as it was called; to the murder of our citizens in our own waters, in the sight of our own shores; to the burning and plundering of our ships on the public highway of nations, the ocean; the arming and exciting the Indians to murder and scalp our women and children, and devastate our frontier, with a thousand other insults and injuries, past and present, we have received at her hands, no wise, I assure you, Mr. President, disposes me to forget and forgive so haughty, insulting, grasping, and unjust a Government.

As regards this bill, I shall make no motion, leaving it in the hands of the Senate, as many esteemed friends around and near me seem to think that, at this critical moment, the passage of the bill might be misconstrued. But I pledge myself not to permit our claims to this territory to slumber.

Mr. President, I am far, very far, from desiring war with Great Britain; but I would not avoid it by a truckling policy or a mean submission to insult or injury.

On motion of Mr. WRIGHT, the bill was committed to the Committee on Foreign Relations.

## PUBLIC LANDS.

SPEECH OF HON. A. J. PARKER,  
OF NEW YORK,IN THE HOUSE OF REPRESENTATIVES,  
February 19 and 20, 1839.

The following resolutions, reported by the Select Committee on the Public Lands, being under consideration:

*Resolved*, That the committee report to the House, and ask leave to be discharged from the further consideration of the subject-matters referred to them, and that the journal of the committee be reported and published.

*Resolved*, further, That the committee deem it inexpedient to take further steps on the subject of the public lands this session;

Mr. PARKER said: As a member of the se-

lect committee on the public lands, and as a Representative from a State having so large an interest in the disposition of that subject, I may claim a small portion of the time of the House, while I state the reasons which led me to concur in the report of the committee, and why I shall oppose the amendatory propositions of the gentleman from Missouri [Mr. HARRISON] and the gentleman from Virginia, [Mr. ROBERTSON.] I occupy, Mr. Speaker, a middle ground between these two gentlemen, by no means yielding to the extraordinary doctrine of the former, and equally unconvinced of the propriety of the measure advocated by the latter. The fifth resolution of the member from Missouri, is as follows:

*"Resolved, therefore, As the States of this Confederacy, in all respects whatever, are equally free, sovereign, and independent," no conditions being imposed or required by the Constitution upon those that might be admitted into the Union, that all restrictions and conditions upon the new States, on their admission, being opposed to the fundamental principles and analogies of the Government and not sanctioned by the Constitution, are null and void; and that each new State, upon being admitted into the Union, being "as free, sovereign, and independent as the other States, in all respects whatever," was absolved, by the act of admission, from all terms, conditions, restrictions, and limitations whatever, whether under deeds of cession, ordinances, or compacts; and became, *ipso facto*, the absolute, unqualified, and uncontrollable sovereign of the soil lying within its respective limits and jurisdiction."*

He claims that all the public lands lying in the new States belong, of right to those States—that the ownership of the soil of the vacant lands necessarily results from the sovereignty of a State, and is inseparably connected with its political jurisdiction. This is a bold doctrine, Mr. Speaker, but I believe it is not entirely new.

Several years ago, when a graduation bill was under discussion in the Senate, an amendment involving the same principle was proposed by a Senator from Indiana, but, after some discussion, it was withdrawn. I am told, also, that a pamphlet was published, about the same time, by a Governor of one of the western States, in which the same doctrine was advocated. But in all the discussion that has taken place on this floor on the subject of the public lands, no such monstrous proposition has ever before been asserted. It may be a very convenient doctrine for the gentleman from Missouri, and I doubt not his argument will meet the cordial approbation of those whom he represents. The glittering prize he exhibits may for a time dazzle the eyes of his constituents, and prevent their looking on this question with impartiality. If the principle contended for is recognized, the State of Missouri would immediately become the owner of more than thirty-three million acres of the public land now remaining unsold within its limits. But I cannot believe it will ever receive the sanction of this House or of the nation.

If the doctrine cited from Vattel by the gentleman from Missouri, [Mr. HARRISON,] viz: "that the ownership of the soil of all the waste lands is a necessary attribute of the sovereignty of a State," was ever applicable to the lands in this country, it could only have been when we were emerging from the condition of colonies, and assuming the position of independent States. It was then that these States, as they became sovereign, became at the same time the owners of all the unappropriated lands within their limits. From this source is derived the present title of the Federal Government, resting entirely upon contract, and not upon any assumed exercise of jurisdiction. At the time of the Revolution, the public lands (with the exception of those since purchased from France and Spain) were claimed by the States, and these claims constituted the principal obstacle in forming the Confederation. Several of the States, that made no claim to the vacant lands, contended that they should be considered the common property of the United States, and Maryland did not yield her assent to the Articles of Confederation until March, 1781.

The first movement on the subject of ceding the unappropriated lands, was made by the State of New York, in March, 1780, when the Legislature of that State passed an act tendering to the United States a cession of its claims to the western territory.

This was followed by resolutions of Congress, one of which, passed on the 10th of October, 1780, contained a pledge as to the manner in which the

lands that might be ceded by the States should be disposed of, and was as follows:

*"Resolved*, That the unappropriated lands which may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the Federal Union," &c.

In consequence of this pledge, and relying on the good faith of the Federal Government, cessions were made by the several States that claimed the unappropriated land.

The deed of cession from the State of New York was executed on the 1st of March, 1781; one of the conditions of which was, that the lands ceded "shall be and inure for the use and benefit of such of the United States as shall become members of the Federal alliance of the said States, and for no other use or purpose whatsoever."

The Virginia deed of cession, which was executed on the 1st March, 1784, contained the following condition:

*"That all the lands within the territory as ceded to the United States," &c., "shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the Confederacy or Federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever."*

A similar condition was contained in all the subsequently executed deeds of cession; the deed of Massachusetts being executed in 1785, of Connecticut in 1786, of South Carolina in 1787, of North Carolina in 1789, and of Georgia not till 1802.

On the 13th of July, 1787, Congress passed an ordinance for the government of the territory of the United States northwest of the river Ohio, the fourth article of which contained the following provision:

*"The Legislatures of those districts or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulation Congress may find necessary, for securing the title in such soil in the bona fide purchasers. No tax shall be imposed on lands the property of the United States," &c.*

It is contended by the gentleman from Missouri that this part of the ordinance of 1787 is void and inoperative, because it is, as he says, a violation of the compact with Virginia, inasmuch as the deed of cession from Virginia does not expressly authorize the United States to retain the unsold land in the new States, and to hold it exempt from taxation. Now, I deny that this clause in the ordinance is at all inconsistent with the deed from Virginia. On the contrary, these lands could not be held as a "common fund," for the use and benefit of all the States, as required by the deed, except in the manner specified in the ordinance. To surrender the lands to the new States would violate the condition of the deed of cession, by depriving the old States of their share in this common fund. Such a disposition of the public lands would not operate for the benefit of all the States, "according to their usual respective proportions of the general charge of expenditure;" and as evidence that Virginia understood her deed of cession as authorizing the Federal Government to retain the right of soil in the unsold lands in the new States, I call the attention of my friend from Missouri to some resolutions passed by Congress as early as the 23d April, 1784, relating to the new States that should be formed in the Northwest Territory, in which the same reservations as to the right of soil, and holding the lands exempt from taxation, were expressly made. These resolutions were passed during the month next succeeding that in which the cession was made. The acts were almost simultaneous; and the same delegates from Virginia, who executed the deed of cession, were members of the Congress that passed the resolutions. It cannot, therefore, be supposed there existed at that time any difference of opinion as to the right of the General Government to make these reservations.

Mr. HARRISON said that the provisions of the ordinance of 1787 were never sanctioned by the State of Virginia.

Mr. PARKER. I will satisfy the honorable member from Missouri that he is in error on this point. On the 30th of December, 1788, an act was

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passed by the General Assembly of Virginia ratifying and confirming the fifth article of the ordinance of 1787. In that act the fifth article of the ordinance is recited at length. One clause of that article is in these words:

*"Provided, The constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles."*

Thus, by ratifying the fifth article, the General Assembly of Virginia, in fact, confirmed the whole ordinance in regard to the principles and terms upon which new States were to be formed in the Northwest Territory. So much for the allegation that the proceedings under the ordinance have been in violation of the compact with Virginia.

This last argument of the gentleman cannot apply to the State of Missouri. That State formed no part of the lands ceded by Virginia. It was included in the purchase from France, and paid for out of the national Treasury. His objection would only be applicable to the land lying east of the Mississippi and north of the Ohio, for that was the only territory affected by the ordinance of 1787. The same reservations, however, have been made by Congress in all cases on the admission of new States, whether the territory was ceded by the States for the common benefit, or paid for out of the common Treasury.

I also understood the gentleman from Missouri to urge that the ordinance and subsequent acts of Congress making reservations of the land were void, because there were no agents or representatives on the part of the Territory.

Mr. HARRISON explained by saying that the ground he had assumed was, that the compacts by which the new States were admitted were void, as there was but one party to the compact capable of contracting.

Mr. PARKER. Then, Mr. Speaker, this is, in substance, a plea of *infancy*, and before I proceed to discuss it, I will call the attention of the House to the first clause of the third section of the fourth article of the Constitution, which provides:

*"The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States."*

Th acts of Congress on this subject are, therefore, constitutionally binding, and no assent on the part of a Territory or the inhabitants of a Territory is required. But if it is necessary to go further, there is enough to show that valid compacts have in all cases been entered into. Take Missouri for example. On the 6th of March, 1820, an act was passed by Congress prescribing the terms on which Missouri might become a State, and authorizing the calling of a convention to frame a constitution. The usual conditions, that "the Legislature of that State should never interfere with the primary disposal of the soil," and that "no tax should be imposed on lands the property of the United States," were exacted. These conditions were assented to by the people of Missouri, in convention, on the 19th July, 1820, and were recited and expressly acknowledged in the tenth section of the constitution framed at that time. But if a plea of such a character is interposed—a plea of *infancy*, for the purpose of avoiding a fair and express contract, on the ground that Missouri was not a State at the time of the contract, then I call your attention to the fact that Missouri, after she became a State, and while exercising the full powers of sovereignty, expressly ratified the contract she had made during her minority. In an act passed by the Legislature of that State on the 1st of March, 1825, for the purpose of raising revenue, the unsold lands are admitted to be the property of the United States, and are declared exempt from taxation. I have not examined the statutes of the other new States for the purpose of showing that similar laws have been enacted in all of them; but of that fact I suppose there can be no doubt; and I am not aware that any attempt has ever been made, in any of them, to tax the lands belonging to the General Government.

It was also objected that the reservations made by Congress were unconstitutional. So far from it, sir, the rights of the Federal Government to the public domain are expressly reserved by the third section of the fourth article of the Constitu-

tion, which, on the subject of the territory of the United States, provides that

*"Nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular States."*

This left the rights of all parties to these lands precisely as they existed before the adoption of the Federal Constitution, and was no doubt intended to protect the rights of the United States to their lands under the deeds of cessions, and also the rights of North Carolina and Georgia, which had not at that time ceded to the General Government. The lands of the United States continued to be held as a common fund for the benefit of all the States, and the ownership of all the unappropriated lands became complete in the Federal Government, when the deeds were subsequently executed by North Carolina and Georgia.

For the purpose of showing that the convention which framed the Constitution did not intend the General Government should retain the disposal of the soil of the vacant lands, reference has been made to the proceedings of the convention, by which it appears the following amendment was proposed by the delegates from Maryland on the 30th of August, 1787:

*"The Legislature of the United States shall have power to erect new States within, as well as without, the territory claimed by the several States, or either of them, and admit the same into the Union: Provided, That nothing in this Constitution shall be construed to affect the claim of the United States to vacant lands ceded to them by the late treaty of peace."*

This amendment was rejected, eight States voting in the negative, and only three in the affirmative. It is now urged that, in consequence of the rejection of this amendment, it is fair to infer the convention did not intend the United States should retain the right to these lands. At best, this is a negative argument, and rests entirely upon inference. Yet, I confess, it struck my mind with some force, and it was not until I had carefully examined the proceedings of the convention, that I became satisfied it was entitled to no weight. To what was this amendment proposed? Not to the Constitution as it now exists; if it had been, the inference would be legitimate; but it was offered as an amendment to the draft of a constitution, reported by a committee of five, which was then under discussion. At that time, the clause of the Constitution to which I have referred, and which reserved the claims of the United States to these lands, had not been adopted; but it was proposed and adopted on the same day, after the rejection of the amendment alluded to, and in place of it, only one State voting in the negative.

The gentleman from Missouri also cited the case of the People vs. Godfrey, reported in seventeen, Johnson's Reports; and with an air of triumph that denoted his confidence in the correctness of his position, called my attention to the opinion there expressed by the supreme court of my own State. Courtesy, therefore, requires me to point out to him its inapplicability to the question before us. The only point made in that case was whether the State courts or the Federal courts had jurisdiction of a murder committed in Fort Niagara; and that question arose, not under that section of the Constitution to which I have already referred, but under another section of that instrument, viz: the eighth section of the first article, which provides that Congress shall have power to exercise exclusive legislation in all cases whatsoever "over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings." The court says the right to exclusive legislation is exclusive jurisdiction, which I freely concede; and it was held by the court that the State courts had jurisdiction of the offense charged, because it did not appear the United States had ever acquired title and jurisdiction by purchasing the fort with the consent of the Legislature, in the mode pointed out in the Constitution.

Apply this doctrine to the new States. Missouri has the right to exclusive legislation within her limits, and she therefore has the exclusive jurisdiction. But does it follow that she must, therefore, be the exclusive owner of the soil? I

can by no means subscribe to this doctrine of *eminent domain*. I cannot admit that the reservation by the United States of the right to the "primary disposal of the soil," is at all inconsistent with the sovereignty of the new States. Political jurisdiction does not necessarily carry with it the right of soil. In Maine, a large portion of the vacant lands is still owned by Massachusetts. Is the ownership of these lands, by Massachusetts, inconsistent with the sovereignty of the State of Maine? Was New York any the less sovereign when the State of Massachusetts owned lands within her limits? Or did it detract from the sovereignty of Ohio, that Connecticut owned the "Western Reserve" in that State? On the contrary, the distinction between jurisdiction and right of soil is expressly recognized. If land for a fort be purchased by the United States, the right to the soil is usually obtained from an individual, but the jurisdiction is conferred by act of the State Legislature. In the deeds by which the States conveyed the vacant lands to the United States, this distinction is fully recognized, the expression used being "all right, title, and claim, as well of soil as of jurisdiction." On the 28th April, 1800, an act was passed by Congress, authorizing the President to convey, by letters patent, to the State of Connecticut, all the right and title of the United States to the soil of that tract of land called the "Western Reserve," on certain conditions; one of which was, that Connecticut should release to the United States its *jurisdictional claim* to the same tract of land. This condition was complied with, and deeds were accordingly executed by both parties. It cannot be necessary to cite other instances, in which jurisdiction and right of soil in vacant lands, have been transferred separately, and vested in different States.

But the Federal Government, by the several compacts with the new States, has continued to hold the public lands exempt from taxation, and this is characterized as an act of injustice and oppression. As an answer to this charge, I have only to say that the grants to the new States, as a compensation for this exemption, have been more than an equivalent; they have been liberal in the extreme. By the terms of admission, each new State is entitled to one thirty-sixth part of the lands within its limits for the support of common schools. Under this provision alone, the new States and Territories have become the owners of nine million three hundred and five thousand two hundred and eighty-seven acres. In addition to this, four hundred and eighty-four thousand three hundred and twenty acres have been granted to the new States for colleges, academies, and universities; thirty-five thousand three hundred and eighty-nine acres for seats of government and public buildings; three hundred and twenty-nine thousand six hundred and twenty-nine acres for salines; two million five hundred and thirty-five thousand seven hundred and thirteen acres have been granted for roads and canals; making an aggregate of twelve million six hundred and ninety thousand three hundred and thirty-eight acres of land conveyed to the new States and Territories. It is further provided that each new State shall have the benefit of five per cent. of the net proceeds of the sales of land within the State; and this now amounts to nearly four million dollars. As to the States north of the Ohio river, two per cent. of this sum was to be expended, under the direction of Congress, in constructing roads leading to these States. This has furnished the pretense for the construction of the Cumberland road, upon which more than six million dollars have already been expended by Congress, although the two per cent. reserved would amount to but little over a million and a half of dollars.

I do not complain of these grants of land to the new States; I have only called the attention of the House to them, to refute the charge of injustice that has been made; to prove the liberality that has been exercised; to satisfy, if possible, even the gentleman from Missouri himself, that his State has been provided by the General Government with means of education and internal improvement, infinitely more ample than any one of the old States has enjoyed. The rapid advancement of these new States in wealth, population and improvement, furnishes conclusive

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evidence that the General Government has been actuated by no narrow policy in regard to their interests. I fully appreciate the merits of the hardy and enterprising settlers of the West, and I would continue to protect their interests as far as justice to others will allow. I would secure the right of preemption in all cases to the occupant, and, if practicable, I would have the sales confined to actual settlers. This could only be done by passing preemption laws in advance, as an inducement to settling on the public lands and requiring continued occupation and cultivation, to entitle the claimant to preemption. There is danger that immense tracts of the public domain will fall into the hands of rich capitalists, and that a dependent tenantry, with its consequent evils, will be, to some extent, entailed upon a portion of the now unsettled lands of the country. More than two hundred and thirteen million acres still remain unsold in the new States and Territories; and when this vast domain shall have become covered with a denser population, there will yet remain more than seven hundred million acres, lying still further west, to which the Indian title has not yet been extinguished.

I have now, Mr. Speaker, answered, I trust satisfactorily, the arguments of the gentleman from Missouri, [Mr. HARRISON.] Some attention is due to the amendment proposed by the honorable member from Virginia, [Mr. ROBERTSON.] Indeed I believe that is the principal question that ought to occupy the attention of the House, and in regard to which the select committee of one from each State was appointed. He proposes to strike out the resolution reported by the committee, and insert the following:

*"Resolved by the Senate and House of Representatives in Congress assembled, That hereafter the Secretary of the Treasury shall cause separate accounts to be kept of all moneys paid into the Treasury on account of sales of the public lands, to be disposed of in the manner herein provided, unless otherwise by law specially directed, viz: he shall, on the 1st day of July succeeding the next census, and thereafter semi-annually, on the 1st day of January and July in every year, divide all the said moneys then in the Treasury among the several States of the Union, in the ratio of their Federal numbers: Provided, nevertheless, That nothing herein contained shall be construed to prohibit the appropriation of the proceeds of the public lands, or such portion thereof as may be requisite to meet the necessary expenditures of the Government for any year in which the receipts from customs and other sources of revenue shall be estimated to fall below—million dollars, and when it shall be deemed proper, on that account, to apply the said proceeds, by special appropriation, to supply the deficiency and meet those expenditures: Provided, also, That, in the event of a war between the United States and any foreign Power, the said semi-annual division shall cease, and be suspended during the continuance of such war: Provided, moreover, That nothing herein contained shall be construed to impair the right and obligation of Congress, whenever it shall satisfactorily appear that benefits from the use of the public lands, or the proceeds thereof, have been heretofore, or shall be hereafter, conferred on particular States, to extend as far as practicable to each and all the States, in their due and just proportions, who may require or be willing to accept them, similar benefits, upon the same or equivalent terms."*

"Mr. DUNN moved to amend the amendment of Mr. ROBERTSON by inserting before the first proviso:

"First paying to the States in which such lands are situated twelve and a half per cent. of the proceeds of public lands sold within such States respectively."

This amendment proposes the adoption of a system of distribution of the proceeds of the sales of the public lands; and taken in connection with the further amendment of the gentleman from Indiana, [Mr. DUNN,] bears a strong resemblance to the bill generally known as "CLAY'S land bill," which passed both Houses of Congress, and was returned with objections by the President in 1833. That bill was limited to five years in its operation, and no limitation is proposed by this amendment. With the view of showing that the people of New York are in favor of a distribution, the gentleman from Virginia has referred to resolutions adopted by the Legislature in 1831, as being the last expression of its opinion on this subject. In this he is mistaken. On the 24th of March, 1834, the following resolution was passed by the Assembly of the State of New York:

*"Resolved, That we approve the message of the President of the United States dated December 4, 1833, returning, with his objections, to the Senate, the bill entitled 'An act to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and to grant land to certain States.'"*

The vote on the adoption of the resolution was—88 in the affirmative, 8 in the negative.

Eleven to one opposed to "CLAY'S land bill." That is, I believe, the last resolution of the Legislature of New York on the subject of the public lands.

I shall not follow the gentleman from Virginia into an examination of the resolutions that have been passed in other States, for the purpose of ascertaining whether he may not have been equally misinformed in regard to them. I will only remark, that if other States expressed themselves in favor of a distribution several years ago, I doubt much whether it is fair to take that as the existing sentiment at this time, when the revenues derived both from lands and customs are inadequate to meet the wants of the national Treasury. It will be found that such resolutions were passed when there was a full Treasury—perhaps a surplus—and they cannot be considered as evidence of public sentiment at this time.

It strikes me as very extraordinary that such a proposition should be brought forward at the present time, when our national Treasury is exhausted; when there are still unredeemed two or three millions of Treasury notes, issued during the last year; when we have found it necessary, within the last few days, to extend the act so as to authorize the issue of more Treasury notes to meet the expenses of the current year; and when the revenue from customs is rapidly decreasing under the compromise act of 1833. The greatest reductions of the tariff under that act are yet to take place, and do not reach the minimum until 1842. Yet it is proposed to deprive the General Government of one entire branch of its revenue, at a time when it is indispensable to its exigencies. I do not say, Mr. Speaker, that this movement is made for political effect; yet I could not fail to mark the fact that, simultaneously with the introduction of the resolution in this House, at the present session, a distinguished Senator from Kentucky [Mr. CLAY] introduced in the Senate a similar proposition, as an amendment to the graduation bill. Nor could I fail to perceive that it was calculated, if it was not designed, to affect the approaching presidential contest. I was impressed by the remark made yesterday in this House by an honorable gentleman from Maryland, [Mr. HOWARD,] that the most important bills have always been acted on by Congress during the year next preceding a presidential election. It has been upon such occasions that measures of policy, from which it was believed strength might be gathered for an approaching contest, have been pressed with most earnestness. I do not charge that any such motive has prompted the agitation of this subject at this time, with a view to press it still more zealously at the next session of Congress; of that I leave the public to judge; but I do think the proposition is calculated to hold out expectations to the States which, in the present condition of our national finances, cannot be realized; that it is *ad captandum* in appearance, addressed to the cupidity of the States; and that it cannot bear the test of scrutiny.

By reference to the last annual report of the Secretary of the Treasury, it will be seen he estimates the amount of revenue that will probably be received from customs in 1842 at ten or twelve million dollars. Now it cannot be supposed this sum will be sufficient to defray the expenses of the Government. In the present condition of the country, with the most rigid economy in expenditures, it can hardly be supposed the expenses of the Government will fall much short of \$20,000,000. If the revenue from the sales of lands in 1842 should amount to \$5,000,000, this added to the highest sum named by the Secretary of the Treasury, would amount to \$17,000,000, probably not enough to meet the wants of the Government. But we are required to divide the \$5,000,000 among the States. Of course, there is at least so much deficiency in the National Treasury. How is this deficiency to be supplied? By direct taxation? The gentleman from Virginia has been silent upon this subject. Surely, if he proposes to take from the public Treasury the money that is needed for national purposes, he ought to instruct us how to meet the deficiency. Is it intended to distribute among the States, and to collect the same amount by direct taxation from the people? Or is it proposed to collect it by indirect

taxation, by again raising the tariff, and thus compelling the people to pay the tax by paying a higher price for every article they find it necessary to purchase? It would hardly seem best to distribute the money, if it is to be immediately collected back again at an increased expense.

Let us look at the effect of dividing the \$5,000,000 under such circumstances. In the first place, twelve and a half per cent. is to be deducted and given to the States in which the lands lie. This amounts to \$625,000, and leaves for distribution only \$4,375,000. Suppose the distributive share of New York to be one sixth, (for the exact proportion is not material to our inquiry,) that State would receive \$729,166. Now, how is it with supplying the deficiency of \$5,000,000 in the Treasury? One sixth is to be collected from New York, and this amounts to \$833,333. The expense of collecting could not be less than twelve and a half per cent., and this amounts to \$104,165—making an aggregate to be collected from the people of that State of \$937,498—being \$208,332 more than the share distributed to that State. If this system is carried into practice, it will be found that the sum to be collected will be at least twenty-five per cent. more than the sum distributed. For every dollar that is given to the State, \$1 25 is to be collected from the hard earnings of the people.

It may be said I have estimated the revenue from customs in 1842 too low; perhaps it is so. If the importations are large, it may amount to \$14,000,000; add to this \$5,000,000, as the revenue from the sales of lands, and you have \$20,000,000, the sum needed for the expenses of Government. In dividing the sum of \$6,000,000, after deducting \$750,000, for the exclusive benefit of the new States, New York would receive only \$875,000, whilst the State would have to raise, including expenses of collection, \$1,125,000. This is the economy of the proposed system.

But it may be said the resolutions provide for a deficiency in the revenue. In what manner? Why, they provide, that if the receipts from customs fall below a given sum, "and when it shall be deemed proper on that account," the proceeds of the sales of the lands may be applied by special appropriation to supply the deficiency; that is, Congress shall have power by special appropriation so to apply them. Congress would have the power without this provision, but Congress might not anticipate the deficiency. It might occur when least expected. Congress, too, has the power to call on the States for the money deposited with them under the act of 1836; but it is doubted whether that power will ever be exercised.

There is another objection to this plan. Why should the new States receive twelve and a half per cent. more than the old States out of the proceeds of these sales? Such a distribution would be a violation of the most solemn compacts between the General Government and the States. These lands were to constitute a common fund for the use and benefit of all the States "according to their usual respective proportions of the general charge and expenditure," and were "to be disposed of for that purpose, and for no other use or purpose whatsoever." Why this unequal distribution? It cannot be an allowance for the supposed more rapid increase of population in the new States, for it is not proposed to distribute till after the next census.

But why is it necessary to the interests of the States that distribution should be made? The money arising from sales of lands has been applied towards the extinguishment of the national debt, and to the ordinary and extraordinary expenses of Government. Does not every State enjoy the full benefit of its share, by having it applied to pay its proportion of these debts and expenses? As long as the revenue from this source is applied for national purposes, it saves the necessity of calling on each State to contribute, and thus every State enjoys the benefit, in proportion to what would be "its share of the general charge and expenditure."

If "Clay's land bill" had become a law, what would now have been the State of the national finances? By a report of the Secretary of the Treasury, which I now hold in my hand, it appears there would now have been a national debt

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of over \$48,000,000, in case the proceeds of the land sales had been distributed according to the provisions of that bill; and a deficiency of more than \$19,000,000, if the money deposited with the States, under the act of 1836, is still considered as available to the Treasury. Let us pause before we adopt a measure that shall again involve us in a heavy national debt. It is evident that, for several years to come, not a dollar can be spared for distribution. And why are we called on to legislate on this subject so long in advance? The adoption of this measure will be in time when the state of the Treasury will justify it. The duty of deciding on this question does not devolve on us. It will belong to those who shall represent the people on this floor when this source of revenue can be spared from the Treasury without sacrificing the interests of the nation, and without imposing unnecessary taxes upon the people.

## PUBLIC LANDS.

## DEBATE IN THE SENATE,

TUESDAY, January 8, 1839.

The bill for the graduation and reduction of the price of the public lands being under consideration, and Mr. YOUNG having addressed the Senate as given in the Globe of January 22—

Mr. CRITTENDEN made some remarks on the impropriety of taking notes of what Senators might say in the warmth of debate, for the purpose of holding them responsible for the language on subsequent occasions, and characterized it as uncorroborated, &c.

Mr. YOUNG said, by way of rejoinder, the Senator from Kentucky [Mr. CRITTENDEN] objects to my taking notes of what may be said by honorable Senators in their places here, of words spoken in the heat of debate, often incautiously and unguardedly. Mr. President, I, too, would condemn such a practice in ordinary cases. I willingly admit, with the Senator, that words spoken in the heat of debate, incautiously or unguardedly, ought not to be treasured up in this way for use in our cooler moments. But, sir, this was an extraordinary case. The Senator from Kentucky [Mr. CLAY] had stood forth as the prominent opposer of the preëmption bill, and had, on more than one occasion, used such expressions as I attributed to him towards the settlers upon the public lands in the new States. I took it, therefore, that he had used them deliberately, and was not disposed to take back a word that he had uttered. I being from the West, sir, a Representative from a new State, supposing that, on some future occasion, it might become necessary to make reference to that debate, took note of what was said, as near as I could, in the very language of the speaker, in order that I might be accurate, and not subject myself to the charge of misrepresentation, which has been made in the course of this debate.

The Senator complains that in all this there is a want of courtesy, which should, on all occasions, characterize our intercourse on this floor, regardless of party predilections. Sir, perhaps the Senator is right. I know, Mr. President, that a degree of courtesy highly creditable to this body does, in general, prevail here. I only wish, sir, that it was more universal. But does this charge, under all the circumstances, come with a good grace from that side of the Chamber? How often, within the short period in which I have been honored with a seat on this floor, have I heard the Senator's colleague, [Mr. CLAY], when speaking of the political organization of this body, exclaim with emphasis, that, constituted as this Senate was, he had nothing to hope or expect from it! And what is this, sir, but a denunciation of the whole Administration party here as being either servile to Executive dictation, or something equally improper? Let those, therefore, who would inculcate the doctrine of courtesy on this floor, set me the example. In relation to the notes which I took on the occasion referred to, and to which I made reference in the course of my remarks to-day, it is due to myself to say with what view and for what purpose they were taken down. They have not been published in the newspapers here or else-

where; no one has a copy of them, and but few have seen them. I may have shown them on a few occasions, but most frequently at my own home, in my own domestic circle, as well to the Senator's [Mr. CLAY] own political friends as my own. But, sir, they were not taken for any purpose of electioneering, as has been supposed, as I am not in the habit of making stump speeches over the country. Sir, is it a subject-matter of reproach that I should defend my constituents against what I consider unjust and unmerited denunciation?

Mr. President, the people of the new States do not consider themselves as trespassers or violators of the law in going upon and fixing their homes upon the public lands. They are not trespassers. It is true, sir, that the act of Congress of 1807, prohibiting settlements upon the public lands under certain penalties, has not been repealed, but it has become obsolete—long since inoperative, at least in practice. Since their settlements have been legalized, and their improvements secured to them under the various preemption laws from 1813 down to the act of the last session of Congress, they consider, and not without reason and precedent, that they have the tacit consent of the General Government to go upon these lands, to make their farms upon them, and to occupy them in peace when made; and such, sir, has been the practice since my residence in Illinois, now twenty years and upwards; and no one on the part of the Government has, within that period, to my knowledge, offered to turn them away from any lands to which the Indian title had been extinguished. No, sir; so far from it, they have from time to time been quieted in their possessions, and allowed the preference in the purchase of the land in the manner I have mentioned.

The Senator [Mr. CRITTENDEN] says that the condition of the squatters in Kentucky, of which I made mention in commenting upon his honorable colleague's Richmond speech, was totally dissimilar from that of the squatters on the public lands in the new States; that in Kentucky the squatter went upon the land with his title in his hand, in the firm belief that he was the rightful owner of the land; whereas the squatter upon the public land went upon it in the full knowledge that it not only did not belong to him, but that, in so doing, he was violating the law. I cannot, Mr. President, perceive any substantial difference in the parallel of the two cases.

The squatter in Kentucky believed that he had a title, when in point of fact, he had not. He made his improvements in good faith, believing that he was the owner of the land, and in the expectation that he was to enjoy them when made, and his children after him, and it was hard to turn him out without either making him full compensation for his labor, or permitting him to become the purchaser from the true owner at the assessed value of the land in its unimproved state, at the time he first went upon it. This, sir, was but fair, but reasonable and just, as was conclusively shown by the argument of the Senator's colleague, in his Richmond speech in 1822, from which I have quoted. And how, sir, is it with the squatter in the new States? He, too, went upon the land, as he believed, with the tacit consent of the Government; he made his home upon it; incorporated his labor with the soil, and rendered it productive, in the firm belief that the Government would give him the preference in the purchase at the minimum price of \$1 25 per acre, when it should be brought into market; that the same indulgence which had been extended to others since the year 1813, would also be extended to him. I now ask the Senator [Mr. CRITTENDEN] if there would be any more propriety in turning him away as a trespasser, without full compensation for his labor, because he had no title under such circumstances, than there would be in the case of the Kentucky squatter whose title had been found to be defective?

Sir, there was a time in Illinois, during the early part of the territorial form of government in that country, when the registers of the land offices were authorized to grant "permits" to persons to settle upon the public lands, upon their paying some small amount of money in consideration of the privilege; but such instructions have long since

ceased to be given to the registers; and, in my judgment, taking the whole practice of the Government together, this law of 1807 should be considered as obsolete, for this purpose at least, and ought not now, at this late day, to be interposed as a barrier to the settlement and improvement of the country. Sir, I have never heard of the first attempt on the part of the Government to enforce that law, except in a few cases where a very few persons only had gone upon the lands that had been reserved as lead mine lands, to be leased by the Government, or upon Indian lands to which their titles had not been extinguished.

Mr. President, since I commenced these remarks in defense of the position I occupy in this debate, an extract from the speech of the honorable Senator from Indiana, [Mr. TIPTON], on the subject of the preëmption bill of the last session, has been placed in my hands, containing the Senator's [Mr. CLAY] own declaration as to what he did say on the occasion referred to; and, for the purpose of showing that I did not misrepresent him in attributing expressions to him which it has been intimated he did not utter, I beg leave to read the extract to the Senate:

"Mr. TIPTON said: I will repeat, as nearly as I can, what was told me yesterday; and if I go wrong, he [Mr. CLAY] can correct me. I understood that he denounced the settlers on the lands as a lawless banditti of land robbers, unjustly grasping at the public treasure."

"Here Mr. CLAY rose and said, that he would repeat what he did say on the occasion referred to by the honorable Senator from Indiana: he did say that the squatters on the public lands were a lawless rabble; that they might as well seize upon our forts, our arsenals, or on the public treasure, as to rush out and seize upon the public lands."

Here, sir, is an exposition of what was said by the honorable Senator, [Mr. CLAY], in his own words, as taken down by the honorable Senator from Indiana, [Mr. TIPTON]; and in what does it differ as to the material part of my statement, as quoted here to-day? Mr. President, in the course of a very few remarks which I made at the last session, I read at my table here, from the notes I had taken, from this same paper used here to-day, a portion of these same expressions which I have attributed to the honorable Senator, [Mr. CLAY]; and I did not understand him as then denying them.

Mr. CLAY said it was untrue that any such paper had been shown to him; that he did not know that such a paper was in existence, until very recently informed by a member of the other House, from Illinois, that such a one had been used to his prejudice by the Senator from that State, [Mr. YOUNG], during the recess of Congress; and he was also understood as denying the correctness of the statement.

Mr. YOUNG said he did not say that he had shown the paper to the Senator, [Mr. CLAY], but he did say that he had read from the same paper at the last session, at his table, when the Senator from Kentucky [Mr. CLAY] was in his seat, and must have heard him. He may not have seen the paper in his hand, but certain it is he (Mr. Y.) read from it a portion of the same expressions which he attributed to him to-day, and he did not then understand him [Mr. CLAY] as denying them, or as disposed to take back a word that he had said.

Mr. President, I do not undertake to say that the expressions attributed to the Senator [Mr. CLAY] were used in connection, as I have them noted, and as I read them. They were used in the course of his remarks, and such only were taken down, as he went along, as were deemed most exceptionable and offensive to the settlers on the public lands. When he had concluded, and before I left my seat, I made the copy from them used here to-day, and at the last session. All that I have now to add, is, that whether the Senator from Kentucky [Mr. CLAY] saw the paper or not, the statement it contains, as read from my place to-day, is correct and true, and very nearly in his own language as I understood him. It is for the Senate to judge whether I have misrepresented him or not.

Mr. LINN, (in an audible voice.) It is true, every word of it.

Mr. TIPTON observed that he did not rise to prolong the debate; but as his position on a former occasion did not seem to be understood, he thought it right to make a brief explanation. He would just state how it happened that he

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made any remarks with regard to the speech of the Senator from Kentucky, which he did not hear. When the preemption bill was under discussion at the last session, he was absent for a short time in a committee-room, preparing a bill, and when he returned to his seat in the Senate, the Senator from Kentucky was reading from a newspaper. He (Mr. T.) inquired of a friend what was going on, and was told the Senator from Kentucky was reading a newspaper published in Indiana, and had been saying hard things of his (Mr. T.'s) constituents. The next day he took occasion to reply to the remarks made by the Senator from Kentucky, defending the squatters on the public lands, and quoted the words which he was informed the Senator from Kentucky had used. A few days after this the Senator from Kentucky called his attention to a report of his (Mr. T.'s) speech as published in the newspapers, and stated that he did not use the words there attributed to him. He repeated words which he said he used on the occasion referred to. I adopted his own words, and they were published in the pamphlet copy of my speech. If these are the words now quoted by the Senator from Illinois—and I believe they are—they are the very words furnished by the member from Kentucky. He surely has no just grounds to complain of these words being now repeated. Now, from what has been said to-day, it might be inferred that I used words in my speech which I retracted next day; but the fact is, I had nothing to do with the correction but to tell the truth. When a thing is said or done here, I have no other object than to let the truth go to the people concerning it.

## MAINE BOUNDARY QUESTION.

## DEBATE IN THE HOUSE.

TUESDAY, February 26, 1839.

The message of the President of the United States on the subject of the troubles on the north-eastern boundary line of the United States having been received, and, with the principal documents accompanying it, having been read,

Mr. HOWARD moved the reference of the message and documents to the Committee on Foreign Affairs; that they be printed, and that the committee have leave to sit during the sittings of the House.

Mr. THOMPSON moved the printing of an extra number of the message and documents. He said it gave him special pleasure, in this instance, that his peculiar position on the floor was such as left him at liberty freely to censure any acts of the Administration which appeared to him to deserve censure, and as freely to praise where its acts merited commendation. There was one point at which all party feeling ceased. Whenever our Government was engaged in any controversy with another Government, he cast to the winds, he trampled beneath his feet, every consideration but that it was *our own Government*. In this case, he could commend the Administration most justly. He thought that its whole course in regard to this matter was wise, just, patriotic, and honorable. None could take more pleasure in saying this than he did.

As to the question of right, he should degrade himself by discussing it. The House had unanimously voted that our right to the country in question was clear and indisputable. On the point of right, we had already passed the Rubicon. We must stand by our determination, and never give it up unless for a just equivalent. The point of honor must be maintained at all hazards, as it always has been: What was the condition we were now thrown into? The soil was ours; and though there was not any State in the Union (judging from what he knew of her) that he would not rather couch a lance with than this very State of Maine, yet she was not to be left to fight her own battles; we must see the adversary off her soil; then we should settle our own disputes. A more frivolous pretense of right never was set up than that of Great Britain to this land. It all amounted to this: she wanted a right of way through a part of our territory, because it would be a great convenience to her in uniting her provinces. There was a tone and temper in that let-

ter of Sir John Harvey which, he confessed, raised his feelings as an American. To talk to us and say, "go out, or I will soon bring a force that will put you out!" Mr. T., if he was going out, would stop on hearing such language. If he had taken his leave and made his bow in a gentleman's house, he had no idea of being kicked out of the front door. Mr. T. was acting under no excitement, however. He had long expected that this thing would come. The honorable and venerable gentleman before him [Mr. ADAMS] had believed the same. Yet none could more regret the necessity for hostilities than he should. He came from the portion of the Union where the storm would spend its fiercest and greatest fury. The country might expect an instant seizure of Cuba, or an alliance with Texas. There was no knowing when such a contest, once begun, would stop. But stop or begin when and where it might, our rights must be maintained. Never could we think of giving up any the least portion of our soil under belligerent threats from any quarter. He exhorted gentlemen to devote themselves to this question. It was most vitally important; it could scarce be, but blood had already been shed; the chances of actual collision seemed to be as twenty to one; there remained but part of one week in which to act. He trusted, if a war must come, that the spirit of the country would not be crushed by a state of utter unpreparedness to meet the contest.

Mr. PEARCE did not rise to speculate about war, the seizure of Cuba, or anything of the kind. The subject should go to the Committee on Foreign Affairs, who, he did not doubt, would examine it with that calmness which its importance demanded. He had risen to repel the assertion of the gentleman from South Carolina, that his peculiar position was so felicitous as to afford him alone, of all the House, the opportunity freely to censure or freely to applaud the Administration, as its acts might deserve.

Mr. THOMPSON said the gentleman was wholly mistaken. He had used no such language, nor thrown out any such idea.

Mr. PEARCE said the gentleman had certainly spoken of his peculiar position, and of its affording the opportunity freely to censure or to praise.

Mr. THOMPSON. I have already said that I did not. If the gentleman chooses so to understand me, he may. It was a gross misunderstanding of my language.

Mr. PEARCE again referred to Mr. T.'s language, and said his own impression was strengthened by that of every one around him; but if the gentleman disclaimed the sentiment, Mr. P. had nothing more to say.

Mr. EVANS said the momentous importance of the matters communicated in the message and papers which had been just read, must be his apology for asking the attention of the House, for a few moments only, although he was aware of the vast amount of public business yet to be transacted, and of the shortness of the time which remained to perform it. The peculiar and responsible position in which the State he and his colleagues represented here was placed by the proceedings now officially made known to Congress, seemed to him imperiously to require that the course she had pursued and the ground she had occupied should be distinctly and clearly understood. He was aware that, in some quarters, and among a portion of the public journals, it was thought Maine had been too precipitate, and had proceeded with a degree of rashness which the circumstances of the case did not call for. He desired to place her conduct in this respect right in the eyes of the House and of the country.

Many things are contained in the message which I rejoice to hear; which I have not heard before for many years, and which I heartily commend; yet I cannot forbear to say that the leading sentiment which the reading of these papers impresses upon my mind is, that the President does not fully appreciate the exigency of the occasion. He underrates the emergency, the critical condition, the imminent danger of our pacific relations with Great Britain. He seems to think it does not admit of "doubt" that such representations may be made to the Lieutenant Governor of New Brunswick and to the Governor of Maine, by the united counsels of the British Minister and him-

self, as will at once dispel all apprehensions and lead to most peaceable results.

Mr. E. feared it was altogether too late to indulge such anticipations. If collision had not actually taken place before this time, it was scarcely possible it could be prevented many days longer. Had the House attentively listened to the reading of the documents? Had gentlemen weighed the contents of the communications which had passed between Governor Fairfield and Sir John Harvey? Had they considered the proclamation issued by the latter? If so, they will perceive that both parties declare, in the most absolute and unqualified terms, their determination, on the one hand, to expel the American forces by arms and with the bayonet from their position on the Aroostook, and, on the other, to maintain it at every extremity, and at all hazards. Sir John is committed in the face of the world, and, as he says, bound by the most explicit orders from his Government to carry this determination into execution; and Governor Fairfield says, if Maine falters now in maintaining her possessions against any force which she can successfully resist, no language can speak the depth of her ignominy and disgrace. Such is the position, deliberately taken on both sides, of the respective Governors of the Territories now in arms against each other. And what is the feeling of the people; of the people on both sides of the line? We learn, as well from the proclamation of Sir John Harvey as through other channels, that upon the first receipt of intelligence in the Provinces of the movements of the authorities of Maine in arresting the trespassers upon the territory, they flew to arms to defend them. Notwithstanding their entire confidence in the zeal, readiness, and ability of Sir John Harvey, to maintain what they denominate their rights, they would not wait for orders. They broke open lawlessly the public arsenals at Woodstock, armed themselves, and rushed to the field, with the avowed purpose of driving the civil authorities of Maine from the territory they occupied.

Sir, we all know that the feeling of the Province is highly exasperated against us; it has long been so. Such is the state of things on the British side of the line. How is it on ours? The Legislature of the State, with entire unanimity, sustains the determinations of the Governor. Public opinion sustains them also. Troops are flocking by thousands to the conflict, determined to stand for the rights of their State; and stand they will, depend upon that, sir. All unprepared as she was for such a conflict, Maine has now put her armor on, and she will not be recreant to her cause. Now, sir, in such a state of things, what ground is there for indulging so confident an expectation as the message expresses, that any representations which can be made will arrest collision, and that by arms? I repeat, I do greatly fear the President vastly underrates the critical condition of our affairs. I fear he does not appreciate the peril that awaits our peaceful relations. On what ground does he expect to avert the impending collision? On what he very rightly termed the "long forbearance" of Maine hitherto. And on this ground he presumes that she will forbear yet longer. But no, Maine forbears no more. Her rights—her rights: these she demands; these she will have.

Mr. E. was surprised, but gratified, on hearing the gentleman from South Carolina [Mr. THOMPSON] vent his indignation against the use of such language as had been employed by the British Governor; surprised, because it seemed to be new to him; gratified, that he was prepared to resist it. At the last session, Mr. E. had urged and entreated action on the part of Congress in this matter, and on that occasion he had read this very language, and had stated that it had been used toward the State by Sir John Harvey and Sir Archibald Campbell, also, years ago. In 1837 he used language yet stronger. It was sent here, but it passed unheeded. When Maine had claimed as a right; had urged, had entreated, nay, had almost begged, that Congress would consider and act on this state of things, it had been in vain. Sir John Harvey had told the Governor, in 1837, that he had peremptory and positive orders from his Government to maintain possession of the

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disputed territory at all hazards; that he should do it; and if all the power of the British arms in America was necessary to that purpose, it would be placed at his command. He had told the House, at the last session, and a Senator from Maine had stated the same in the other House, and this had been repeatedly communicated to the President, and, moreover, we most expressly told you, that unless the bill then pending, which provided for the running of the boundary line, should pass, this very identical result which had now taken place would inevitably happen. It had happened. And now gentlemen seem to be aware of it for the first time! He had told the House over and over that it would happen; that the only way to preserve peace was to pass the bill he introduced last year, but he had spoken to unwilling ears and almost to vacant seats. Nobody would listen to his remonstrances. Now these very things had come upon the country; and now the President said that the past long-suffering exhibited by Maine induced him to believe that she would yet forbear, and that the whole affair would be easily adjusted. Mr. E. begged the House to examine the facts calmly, and then to tell him how much more she was to put up with; how much longer she was to be patient and unresisting under repeated and aggravated wrongs. It was proper that the views of the State should be known as to the imminency of the danger, as a guide by which the Executive might be aided in his anticipations and decisions.

There were in the documents accompanying the message some things Mr. E. was delighted to see. The Secretary of State has now told the British Minister that the ground that he, as well as the Governor of New Brunswick, proceeded upon was altogether untenable; and that was, the assumption of a subsisting agreement to permit the territory to remain under the exclusive jurisdiction of Great Britain. He assures him no such agreement or understanding ever existed. Mr. E. rejoiced that the hour had at length come when the Government spoke out on this subject. He took it to be true. The delusion is dispelled. I hold the Government to this declaration, now and hereafter. But Mr. E. said he was sorry that any ground whatever for such an assumption had been given in the past negotiations. One of the grounds of his complaint last year against the Government had been the tacit submitting to such a claim without instantly repelling it. The claim had been advanced and advanced again, in all the communications from the British Government. Maine always denied it; she had called upon the Government to deny it; but her call had never been answered; her complaints and remonstrances had been unheeded till this very hour.

And what had been done by the British authorities under this pretended agreement? Of all the many arrogant acts which had been founded upon it, he would produce but one, and he adduced it in proof of how far the State had been humbled and brought down by this groundless assumption.

In 1831, the Legislature of Maine had incorporated a town within this territory now in dispute; all the forms of law had been observed, and when our own citizens, under the warrant of that law, proceeded to exercise their functions in relation to the town thus created by their own State Government, they had been arrested and incarcerated in the jails of New Brunswick. And when Maine, under these degrading circumstances, had appealed to the President, and when all the proceedings were shown to have been perfectly regular, and the demand was made that the General Government should protect the State and her citizens, what had been done? The President had replied that the case would call for very different action if the first departure from the understanding between the two Governments had not proceeded from the persons who had been arrested. Maine had then asserted her right to proceed in the exercise of her own sovereignty, as she herself saw fit. Yet the General Government never had so much as demanded the release of the men thus seized and imprisoned; and an unhappy phrase, then employed inadvertently by the Executive of Maine, had given occasion to the President to yield to some extent to the assumptions

of Great Britain. The Governor of Maine had said that what had happened had taken place "unexpectedly" to him, and thereupon the President had turned round and disavowed the proceedings of the State, as the acts of rash and inconsiderate individuals; stating also that Maine herself disavowed them; and he thereupon requested as a favor, the release of the men by the British authorities. Great Britain had instantly seized upon the idea thus put forward and had forthwith granted a formal pardon to these American citizens for the offense they had committed against his Majesty's authority; and the President had returned his thanks to the British Government for the readiness with which this condescending favor had been accorded! Now, thank God, however, the President of the United States held language more becoming his station; he now tells the House that it belongs to Maine herself, and to her only, to judge of the exigency of the case calling for her interference. She is to be the judge of her own policy and course of action, and we shall have no more disavowals. That was the doctrine now. Mr. E. rejoiced to hear it. He was glad that the idea of an informal arrangement and understanding that Great Britain was to have exclusive jurisdiction over the disputed territory was repudiated and utterly denied. Let it never be heard of hereafter.

A brief description should be given of the state and history of the existing controversy—I do not mean the boundary controversy, but of the present collision—that the whole matter might be rightly understood. This he would now endeavor to present to the House.

It was known, he presumed, to all, that the territory in dispute was situated in the extreme northeastern corner of the State of Maine, and that it lay on both sides of the river St. John, which, running in a southeasterly course, divides the territory into two portions; that lying on the northeastern bank of the stream being about two fifths, and that on the southwestern side being about three fifths of the whole. The entire tract contained about six million acres. It was quite true that on the northern side of the St. Johns there existed a settlement on the Madawaska river, (a tributary of the St. Johns,) within which Great Britain had, at various times, in some degree, exercised authority and jurisdiction, practically; but the right of jurisdiction, even there, had always been strongly contested by Maine. It should be understood that the whole territory in question lay remote from the densely-settled portion of the State, two hundred miles away in the wilderness, on the Madawaska; therefore Great Britain has been permitted to continue in possession, though her right was constantly and formally denied by that State. There was, as he had said, another large district of the territory which lay south of the St. Johns, upon another of its tributary streams, called the Aroostook; and it was the valley of this stream which was the theater of the present disturbance. This portion of the territory lay nearer to the settled part of the State than the Madawaska settlement. As to the question of jurisdiction in this Aroostook settlement, the authority of Maine and of Massachusetts had both been exerted there for a long period. The movement of Maine at this time to expel intruders and exert authority was no new movement. She has taken no fresh authority in her hands. As many as thirty years ago, Massachusetts had caused surveys to be made of certain portions of this territory, divided it into townships, made grants to individuals, and others to corporations, and the grantees had entered on possession, and held it without any disturbance or interruption from the British authorities.

When the claim of jurisdiction was first put forth by Great Britain, it had been done in a very modest way. It was only that both parties should abstain from exercising any jurisdiction within the territory. That was the first step. Then came the next advance; which was a proposition that neither party should "extend" its jurisdiction over the territory. This was not very alarming, though Maine resisted such curtailment of her rights. In a few years the claim took a new form: neither party was to extend its jurisdiction. Oh, no! But what was the jurisdiction at present exercised? Then it was that

Great Britain put forth the monstrous pretension that her jurisdiction extended over the whole territory and every part of it; a pretension for which she advanced the most extraordinary argument. The misfortune had been that our own Government did not at once repudiate this claim the moment it was set up. True, they did not assent to it; but they did not rebuke and refute it with the sternness and explicitness the occasion demanded; and thus new demands, new interpretations, were put forth from year to year, and new extensions of jurisdiction by the provincial authority. One evidence of this Mr. E. had commented upon last session, and which he was afraid had not yet been sufficiently reprobated by the Executive. As long ago as 1832 or 1833 the British had appointed an officer with the title of warden of this territory; and in communicating to the British Minister here certain complaints made by this warden against the operations of Maine and Massachusetts, he said that the warden had been appointed with the knowledge and concurrence of the President of the United States, and that it was a most remarkable thing that he should have been interfered with in the exercise of his authority, when he was acting in obedience to the wishes, and he might almost say the instructions, of both Governments.

Mr. E. had said that Massachusetts had made grants within the Aroostook territory thirty years ago. Other grants have been made by the State of Maine since the separation from Massachusetts, and sales have been made of timber. Trespassers have been expelled, and the timber seized and sold by Maine; and no attempt has been made to interfere with this exercise of authority until very lately, and none whatever to prevent it by force. The British authorities have scarcely ever interfered there. In 1828 or 1829, a British peace officer had attempted to serve on an American citizen within that territory civil process, issued by the courts of New Brunswick. The consequence was, that fifteen or twenty of the settlers got together and drove the officer out of the territory, and the process was abandoned. The settlers considered themselves on American soil, and successfully, then, resisted the assumption of authority over them. No attempt was made to punish this act.

And what was Maine doing now? She was making grants in this very territory. Within two or three years past she has constructed a road extending some miles into the territory; and it was at the termination of that road where the forces of the State were now stationed. The British Government had, indeed, remonstrated against these acts, but rather feebly; the remonstrance, in fact, was more like a protest that this should not be construed into an admission by them of our right of jurisdiction, than like an assertion of her own right.

Mr. E. said he would answer an inquiry just propounded to him by a gentleman near, [Mr. POTTER.] A portion of the disputed territory belonged to the State of Maine; a portion of it to the State of Massachusetts, and the remainder to the two States jointly.

A word or two more as to the exercise of jurisdiction over the Aroostook territory. The report of the land agent of the State to the Legislature of Maine, made on the 1st of January of the present year, informed that body that in April preceding he had gone upon the territory, and served process on certain persons there engaged in the cutting of timber; had broken up their encampments, and taken away their teams, &c. The report gave a very minute account of his proceedings. He had gone on again in October, for the same purpose, and with the same success. There he had met the British warden, Mr. McLaughlin, who offered no obstruction. The agent communicated to the warden all he had done, very particularly; and Mr. McLaughlin had then observed that he (Mr. McL.) had come there for the same purpose. There had been no harshness of language or feeling on either side. There was no collision, offered or threatened; and the result had been that the land agent expressed his conviction that there would be no resistance made to such proceedings as these, further than a formal protest to save the question of jurisdiction. These were the proceedings the last year; and was the

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Maine Boundary Question—Mr. Adams.

Ho. of Reps.

State now to be told that she must not do the same thing this year? that it was rash to do so? The depredations on timber during the present year had been enormous. What was the State to do in such an emergency? Submit quietly, or again attempt to arrest the plunderers? She sent her land agent again to do the same thing this year as she had done the last, and which she had then done without molestation. No attempt had then been made to stop his operations by British authority, and Maine had no reason to expect it now. She went with a civil force for civil purposes.

But what had taken place? The trespassers were strong handed; they had seized the agent, and transported him no one at first knew whither. Maine expected, and had a right to expect, that if he had been carried over the lines he would be immediately released. She had no reason to apprehend that the lawless acts of the trespassers would be adopted by the Government. But so far from her reasonable expectations being fulfilled, the land agent himself, and others who had been aiding him, have been imprisoned in the province of New Brunswick, and are held as high State offenders under the law of nations and of treaties. What next? Sir John Harvey sends a demand to Governor Fairfield that the American force shall be immediately withdrawn; that Maine shall no more attempt to arrest the operations of the trespassers, and shall utterly cease all jurisdiction and possession; and he bases his demand on the assumed agreement between the British and American Governments, that Great Britain shall retain exclusive possession of the territory until the disputed question of boundary should be finally settled. It has already been shown that there never had been such an agreement. It was an assumption without proof. The most that could be pretended was, that both parties should stand as they were until the question was determined. It was a new and a most audacious step; now for the first time taken by the British authorities, so far as regards the Aroostook territory. The announcement of such a claim was not, indeed, a new thing; but the practical attempt to enforce it by arms was new. This provincial Governor threatened an instant interference by the military forces of Great Britain. Was Maine to submit to this? Was she to cower before the threat? to abandon, to be driven back in ignominy and disgrace? Never! never!

Mr. E. said he should not argue the question of the right of Maine to the territory, and the whole territory. That had been solemnly affirmed by Congress. Congress had declared that Maine had a right to the soil as clear as daylight; and the message now asserts her right to judge of the exigency which calls for her interference. She has judged, and the case is therefore fully made out.

Gentlemen had pressed the great importance of preserving pacific relations with Great Britain. Mr. E. would go as far in honorably preserving those relations as any man. War had no charms for him. The question is, what is the best mode of preserving peace? Is it to yield to every indignity till, having been repeated, and repeated without resistance, they came at last to be claimed as matter of right—as matters of agreement? Is Maine now to be told that, if she raised a finger in support of her rights, the British arms are to be brought forth against her? Was that the way to preserve pacific relations between the two countries? Give Mr. E. leave to tell gentlemen that this identical crisis had been foreseen, foretold, and, in his opinion, had been brought upon us, by the neglect, if not by the pusillanimity, of the General Government.

Mr. HOWARD here asked leave to suggest, in the most respectful manner, to the honorable gentleman from Maine, whether it was for the honor and the interest of Maine, in this matter—whether it was wise in one of her Representatives—to introduce reflections of this kind against a past Administration, and thus lead off the attention of the House upon a collateral issue? He must, of course know, that such accusations would be met, and the House engage in a dispute which was wholly irrelevant. If the present Administration did what the gentleman approved, and had

now taken the ground he supposed they ought to take, why go out of his way to attack an Administration now past? Mr. H. entertained great personal respect for the gentleman, and would suggest to him, in the most friendly manner that such reflections had better, on all accounts, be omitted.

Mr. EVANS said he was not now making accusations or attacks upon the course of the past Administration. That was not his object. He had done so at the last session, and had vainly endeavored to rouse a sense of justice in the House. His object was to show that Maine had not been rash in this matter, and to express his firm conviction that if Maine had been then treated as she ought to have been, this crisis would never have occurred. Had the bill which Mr. E. introduced, and against which the gentleman from Maryland [Mr. HOWARD] had set himself in determined opposition, been passed, this difficulty never would have taken place. He had shown how cruelly Maine had been aggrieved, and had pointed out a practical, pacific, and effectual remedy; but the House had refused to adopt it. He did not say this for the sake of complaining, or accusing anybody; but he wished to fix the truth deeply and strongly on the minds of gentlemen, so that justice may at length be done, and peace hereafter preserved, if the present crisis be safely passed.

If any still thought that the State had taken a rash step, they have not looked into the history of the fact; they have not reflected on the repeated indignities she has endured from the subordinates of a foreign Government, and which she had in vain endeavored to induce their own Government to repel. Things had now reached that point that nothing was left her but either to surrender at once, or to stand for her rights like men. I cannot forbear again to advert to the bill of last session. What was the reason it did not then pass? Was it not because a new negotiation was then on foot? This was in June; and yet, had not this House been told in December, that not one word had passed between the two Governments in the matter since? And, within a few days, have they not again been told that nothing has yet been done? Our Government had pressed its negotiation, I trust, but in vain.

He considered then, all this talk about new preliminaries of new negotiations as intended merely to amuse the State, and induce her to remain passive a little longer. There was, in fact, no negotiation going on. It had, practically, been suspended now for six years. Had not the President himself told the House that the question of boundary was at this moment further from being settled than it had been at the close of the Revolution? Had not Maine waited long enough? She thought so. All her people thought so; and the ground she had taken she would occupy. If Sir John Harvey had formed a similar determination, collision was inevitable; and every thinking man must admit the exigency to be great. It calls for prompt and wise action. Any expectation of amicable arrangement, founded on longer procrastination, was out of the question. If any gentleman thought that it would be enough for the General Government to tell the State of Maine that something should be done, but she must, in the mean time, wait, and be very quiet, they deceived themselves. Maine would do no such thing; could do no such thing. The crisis was one which called for action; and such action as should satisfy the world that Maine was not to be left to manage this matter alone. The very idea that she would be so left by the General Government had done more than anything else to push this aggression to its present height. The British Government were under the impression that Maine was abandoned by the Government of the United States. Mr. E. had read in the *Albion*, a very respectable English paper published in this country, an expression of the utmost confidence that the whole proceeding of Maine would be formally disavowed by the American Government, and that she would be left to fight out her puny battle on her own resources. Such delusion must be dispelled. I warn gentlemen not to permit so fatal an error to go abroad. Let our conduct show that it is a preposterous error. Mr. E. trusted that the American Con-

gress would now say to the world that it was *their* affair, and they would maintain it as becomes the honor of their country. What ought to be done Mr. E. would not now pretend to say; he left that to those around him, in whose wisdom and experience and patriotism he had the fullest confidence.

Mr. ADAMS now rose to speak, when Mr. PETRIKIN demanded the previous question.

[Cries of "No!" "No!" "Withdraw it!" "Withdraw it!" from all quarters of the House.]

Mr. P., after some hesitation, withdrew the motion.

Mr. ADAMS then said that he had but a very few words to say, and would occupy the House but a very few minutes. [Go on!] He assured the House that he entirely concurred in almost every word of what had just been said by the honorable gentleman from Maine.

The SPEAKER here desired many members, who had gathered round Mr. A.'s seat, to resume their places. Order being restored,

Mr. ADAMS repeated the declaration that he concurred heartily in almost every word that had just been uttered by the gentleman from Maine. If in anything he fell short, it was in this, that he was willing to wipe out even from his memory that part of the course of the Administration which the gentleman had censured. He was willing to forget that, in consideration of the pledge given in the message that the rights of Maine and of Massachusetts, and all else respecting this matter which the United States had a right to demand, would be pressed by the Executive power.

But Mr. A. had risen chiefly in consequence of one word in the message which related to the State of Maine. From the single reading at the Clerk's table, which was all the opportunity Mr. A. had had to learn its contents, he was not quite sure that he had distinctly understood the passage to which he wished now to refer. He only desired that the Committee on Foreign Affairs should ascertain whether his impression, which he would now state, was correct, and, if it were, that they would apply the necessary remedy. Concurring as he did in the general tenor of the message, as perfectly expressive of a determination on the part of the Executive Government to maintain inviolate the rights of the nation, still there was also in it a tenor of advice, of counsel, to the State of Maine, in regard to which Mr. A. would confess he should have been more satisfied if the message had not been quite so conciliatory, to use no harsher term. He referred to the counsel given to Maine by the President, to retract what she had done; and this not on the ground of its being considered the action of the Executive Government of the United States. This appeared to Mr. A. very much like putting the responsibility of all that had been done upon Maine alone; and it appeared further to authorize that State to do what Mr. A. doubted greatly that she had any constitutional power to do, viz: to make an arrangement with the Governor of New Brunswick, founded on mutual explanations. It proposed, in fact, a negotiation between Maine and New Brunswick, to which the United States Government was not to be a party. Mr. A. had risen simply to request an examination of the papers by the Committee on Foreign Affairs; he desired that that committee should scrutinize these communications, to see if that was the recommendation given; and if it was, then he should think it was the duty of the House to recommend to the President that he would appoint some person to act for the United States in this advised accommodation.

It seemed to Mr. A. that the President had recommended Maine to negotiate with New Brunswick for a compromise, thus throwing the responsibility on the State of Maine which ought to be assumed by the President of the United States. It was, he believed, a new thing in constitutional history, that a President of the United States, having here, resident at the seat of Government, the Minister of a foreign Power, with whom he might at any time hold communication, should correspond with a distant part of the Union on a point at issue between that distant portion of the Union and an adjacent portion of the dominions of the foreign Power represented

by that Minister, and say to her, "settle this matter between yourselves; you had better do what to you shall seem best about it; consider the great danger that must attend a state of warfare, and make it up between yourselves."

And besides, it did appear to Mr. A., from the tone of the correspondence which had taken place between the Governors of Maine and New Brunswick, that they were not exactly the parties who were in a temper fit to settle a disputed national question between themselves, without any representative of the General Government to stand by Maine in the arrangement. This seemed, on the part of the Government, the assumption of a sort of neutral position. He hoped no such thing was intended; he hoped he had not correctly understood the matter; but that the letter of Mr. Forsyth to the Governor of Maine would be thoroughly examined, and, if it contained no such idea, that the Committee on Foreign Affairs would so report to the House, or else that they would have an understanding with the Executive, so that all danger from that quarter might be removed.

Mr. CRARY here moved the previous question; but the House refused to second it—ayes 48, noes 89.

Mr. LINCOLN said that the peculiar position which he had occupied in relation to one of the States most immediately and directly interested would not permit him to remain silent during the discussion of a subject so deeply important to the country. It was this intrinsic importance of the subject which alone induced him to throw himself upon the indulgence of the House for some remarks which naturally grew out of the position which his State might seem to occupy in this matter before the country.

Mr. L. stated that an appeal had been made to the Executive by the State of Massachusetts on the very point now in controversy; and it could not have escaped the observation of every member how that appeal had been responded to. Possibly some misapprehension might have grown out of the manner in which the appeal in question had been met. This was no new subject of complaint with that people, or with their Government. It had been his painful duty, for years, to contemplate it as one of the most unpleasant portions of his public concern. There had been a former period when the peace of the country was as much threatened as at present; at that time, one of the citizens of the United States had been taken from his own dwelling, (from what the law declared to be his castle,) and carried off like a felon, and incarcerated in a British prison. As great a degree of excitement had pervaded the public mind then as now. It had then been Mr. L.'s lot to participate in the great responsibility of those counsels, which, in the good providence of God, had proved instrumental in preserving the national peace; and possibly from this very reason he could not but anticipate at present a like favorable issue. He had listened with unminged satisfaction to the language of the official communication which had just been laid before the House; and he did believe that, if the sentiments and the temper which marked that executive message should influence the counsels of the two Houses of Congress, all danger of a rupture of the public peace would be happily removed.

Were it proper to go into a view of the causes which had led to the existing difficulties, it would not be difficult to justify the ground taken by our own Government in regard to the disputed territory. There could not remain a doubt in the mind of any reasonable being that the rectitude of the claims of the State of Maine to the possession of that territory, as an integral portion of her soil, were beyond all just controversy. Nobody who would look into the facts could doubt that the true boundary line between that State and the adjacent British possessions was as clearly defined on the actual face of the country as it was in the language of the treaty of 1783. But while he held most strongly that the right of Maine to the jurisdiction of this portion of her territory was irrefragable, still he could not but think that a little more forbearance on her part would better have comported with the dictates of sound discretion and enlightened patriotism. He believed that the State of Maine would discredit her own

wisdom, violate her own interest, and do injustice to the patriotism of the nation, if she should refuse a little longer to forbear, in the hope that the last fatal resort for the redress of national grievances might be avoided. What was the cause of the present discussion? An attempt to exercise jurisdiction over a portion of country, in regard to which there might have been on either side a misconception as to the right of the other party. Was it a strange thing that such a misconception should exist? Was this a matter to be wondered at, when for ten consecutive years it had been a debatable subject, each nation claiming jurisdiction over the same portion of the soil? In 1832, the Secretary of State of the United States addressed an official communication to the States of Maine and Massachusetts, demanding of them an account of their reasons for an encroachment by their respective agents on this very territory—a letter from no less distinguished and temperate an individual than Louis McLane, inquiring how it came to pass that a land agent of the State of Massachusetts was found on the waters of the Aroostook. Now, if the Government of our own country could feel itself justified in asking such a question, was it very marvelous that some misconception on the same subject should exist on the part of the British Government.

Mr. L. hoped he should not be misconceived for a moment. He intimated no doubt, for he had no doubt, as to the justice of the claims of the State of Maine; he admitted them to their utmost extent; and he would sacrifice all that was dear to himself, and much that was dear to the country, before he would consent she should give up one iota of her demand, in submission to the claim of a foreign Government. And he would now say, in behalf of his own State, although she had not buckled on her armor at the indication of her sister, she would be none the less true to her, and none the less firm in defending her and her rights, when it became necessary that she should place herself by her side in the front of battle.

In 1833, this British land agent, McLaughlin, preferred the same claims as he did now; and Mr. L. held in his hand a document which would show that his claims were then as much a ground of complaint and remonstrance on the part of Massachusetts.

The extent of these pretensions might be gathered from the representations made by Mr. McLaughlin, subscribing himself "Warden of the disputed territory," in a communication addressed to Sir Archibald Campbell, under date of the 28th of September, 1833; from which Mr. L. read the following extract:

"Since I have the honor of the appointment of Warden of the territory, I have endeavored, as much as possible, to prevent trespasses being made by the cutting of pine timber, &c., and which, I am happy to say, has been generally effected, as it is well known that there are now large quantities still standing adjacent to the line, from Mar's hill to the Great falls; which would otherwise have been removed."

"The subject to which I must now beg the honor to call the attention of your Excellency, is that of an infringement of the understanding between the Government of Great Britain and the United States, during the settlement of the question of boundary, by the land agents of the States of Massachusetts and Maine, who are not only holding out inducements to the subjects of both countries to cut pine timber on the territory in my charge, by paying them a duty of two shillings and six pence per ton, but have entered into contracts for opening two roads to intersect, one fifty miles from its confluence with the St. John, and the other thirty miles; both of which are either to be completed this fall or early in the next season."

"It is unnecessary, and probably might be considered improper on my part, to advert to the conduct of these agents; but your Excellency must be well aware of the trouble it occasions in the performance of my duty; and certainly there does appear something exceedingly inconsistent that the land agents of these States should attempt to counteract the wishes—nay, I may almost say, the instructions—of both Governments to an officer who has been appointed to prevent collision between them."

This representation had been made (said Mr. L.) the occasion of a demand, by Mr. McLane, of an explanation from the Governor of Massachusetts of the exercise of a right of supervision over the property of the Commonwealth in the disputed territory, in the following language:

"Sir: I have the honor to transmit, by the direction of the President, a copy of a note from Sir Charles R. Vaughan, Envoy Extraordinary and Minister Plenipotentiary of his Britannic Majesty, dated the 20th instant, accompanied by a copy of a letter from Sir Archibald Campbell, Lieutenant Governor of New Brunswick, to Sir Charles R. Vaughan,

and also of a letter from Lieutenant J. A. McLaughlin to Sir Archibald Campbell, complaining of the conduct of certain land agents of the States of Maine and Massachusetts in the territory in dispute between the United States and Great Britain. I am instructed to state that it would be a source of regret to the President should this complaint prove to be well founded; and in causing it to be communicated to your Excellency, it is his earnest wish that the necessary steps may be promptly taken by the proper authorities of Massachusetts to enforce a due obedience to the terms of the existing arrangement between the Government of the United States and that of Great Britain in regard to the disputed territory."

There was something more than an admission of a concurrent jurisdiction on the part of Great Britain; a taking to task, even, of the Executive of Massachusetts for interposing a preventive authority for the protection of the property in the lands. The Secretary of State of the United States alludes "to the terms of the existing arrangement;" an arrangement which, if it means anything, must have reference to the "wardenship" of the territory claimed by McLaughlin, and made the subject of Sir Archibald Campbell's communication. It was true (continued Mr. L.) this claim of British jurisdiction, now for the first time distinctly put forth, was not submitted to by the Government of Massachusetts. The wardenship of the territory by the British agent was resisted; and, in the most earnest language of remonstrance, the Federal Government was admonished that it would not be recognized by the Government of the State. To show the opinion then entertained of this extraordinary claim, Mr. L. said he would take the liberty to read the protest made by the Executive of Massachusetts to the Secretary of State against any such pretension.

Mr. L. then read from a letter of the Governor of Massachusetts to Mr. McLane, under date of November 1, 1833, the following extract:

"I cannot but earnestly protest against the authority of any appointment on the behalf of His Majesty's Government, which may be regarded as a claim to the exclusive protection of this property, or be deemed an acquiescence, on the part of the United States, in interference, under color of a wardenship of the disputed territory, with that direction to its improvement which the governments of Massachusetts and Maine, respectively, may see fit to give to their agents. The rights of soil and jurisdiction over it are in the States, and forbearance to the exercise of these rights for a season, from mere prudential considerations, a respectful regard to the wishes of the General Government, or comity towards a foreign nation, is not to be construed into a readiness to surrender them upon the issue of any proposed negotiation."

Also, an extract from an executive communication of the Governor of Massachusetts to Mr. McLane, under date of November 15, 1833:

"No occasion has been given, on the part of the government of Massachusetts, for the representations transmitted to you by his Majesty's Minister; but, on the other hand, that there is cause to remark that his Majesty's officers of the Province of New Brunswick, by the seizure and sale of timber cut by trespassers on the Aroostook, and afterwards in the rightful custody of the agent of this Commonwealth, have been the first to violate the existing understanding upon the subject. Indeed, sir, the unsettled state of the question of boundary is daily becoming more and more embarrassing to the exercise of the unquestionable right of property with us. The most desirable improvements of the country are repressed, and the settlement and cultivation of an extensive and valuable territory altogether prevented. A spirit of dissatisfaction and irritation is increasing between the border inhabitants of the State and Province respectively, and there is reason to apprehend that the governments of Massachusetts and Maine will find it as difficult to forego much longer jurisdiction over the property as to deny to their citizens their urgent demand for its occupation and enjoyment."

Here was evidence both of a claim to jurisdiction on the one hand, and a direct protest on the other, against the act of the British authorities in appointing a warden, as he was denominated, who should interfere to prevent the improvement of the territory, or interfere in any manner with the property of Maine or of Massachusetts. Yet, from the year 1833 to 1839, this warden had been maintained in office by the British Government. And now it was held that an act naturally enough consequent upon his appointment was a just foundation for a declaration of war; and this without allowing any opportunity for explanation.

Mr. L. could not believe that war was at all necessary. If the jurisdiction was proved to be in the United States, it must result from the line of boundary as described in the treaty of 1783. This was to be settled in its practical application upon a survey and an appeal to the monuments, both natural and artificial, which clearly defined the course of that line as intended by the treaty.

It did not become Mr. L. to question the motives, nor perhaps the wisdom of the measures, on the part of the State of Maine, which had led the country into the present exigency; but it did occur to him, as the Representative of a State deeply interested in the issue, that we ought not at once to rush into the conflict; and he must be permitted to say that the measures taken by the Executive Government of Maine were not such as were best calculated to effect a settlement of the question consistently with the peace of the nation. Had the Governor or the Legislature of that State directed a different course to be pursued, should we now have been met by the threatening language and the military array of the British authorities? To capture a few, or even many trespassers, was it necessary to carry into this disputed territory two hundred bayonets and a six-pounder? Certainly, this would furnish to a jealous opponent some little ground to suspect that the object was something other than to capture trespassers who were stealing logs and dragging them over the lines. And if, in consequence, there had been a military array called out to meet this show of force on our part, might it not have been the result of misunderstanding, which a little temperate explanation would remove? It was obvious that the two parties had mutually mistaken the intentions of each other; and it was but reasonable to entertain a hope that the difficulty might be compromised.

Mr. L. observed that, in this matter, he acted under a higher responsibility than some gentlemen in that House; and this made him the more forward in making the suggestion that it was best to forbear and to conciliate. He rejoiced the subject was proposed to be sent to a committee on which there was a Representative from the State of Massachusetts.

The present Governor of Massachusetts, in his late message, had manifested a high-minded regard to the interest and the honor of the State. He was possessed of intelligence quite adequate to a just apprehension of the whole subject, while in his firmness, coolness, and enlightened patriotism, all would confide; and he had declared that, after the subject had been referred to the General Government, if an appeal should be made to Massachusetts, she stood ready to lend her whole force to the maintenance of the national rights and honor. Massachusetts had preferred taking counsel of the wisdom of this legislative body, rather than of the excited feelings of those whose vicinity to the scene excluded, in some degree, that calm, collected, and dispassionate view of the whole subject which the crisis so eminently demanded. Mr. L. invoked for her course, on this occasion, a calm and considerate judgment. He had risen that it might be seen that at least one Representative from a region more especially interested in the controversy, was willing to commend to the House and the nation a spirit of conciliation and forbearance.

Mr. CUSHING said that, in the present stage of this business, he had but a very few remarks to make; and in what he wished to say he should endeavor to feel admonished of the extreme tenderness of the question, and of the critical position of the country.

He could not enter into the merits of the controversy between the United States and Great Britain, in regard to the northeastern boundary. He could not condescend to debate any further that point. The United States has already discussed it too long; or, if there was to be any more discussion of that point, this House was not the place for it. This House had, in common with the Senate, unanimously adopted a resolution affirming, in the most ample terms, the territorial rights of Maine and Massachusetts; the resolution of the House being in the following emphatic words:

*Resolved*, That after a careful examination and deliberate investigation of the whole controversy between the United States and Great Britain, relative to the northeastern boundary of the former, the House of Representatives do not entertain a doubt of the entire practicability of running and marking that boundary in strict conformity with the stipulations of the definitive treaty of peace of 1783; and entertain a perfect conviction of the justice and validity of the title of the United States to the full extent of all the territory in dispute between the two Powers.<sup>22</sup>

With which resolution before us, he should consider it indecorous, and a needless waste of

time, to reopen that question here before this House.

But I desire (said Mr. C.) to call the attention of gentlemen to the precise merits of the new and incidental question which has now grown up, that the true state of the facts may be understood in all quarters, misapprehensions corrected, and the responsibility for the result rest with Great Britain, where it justly belongs.

Neither the House nor the country, it seems to me, is fully alive to the delicacy of the relations of Great Britain and the United States at this moment. The message, as suggested by the gentleman from Maine, [Mr. EVANS,] does not, on the face of it, seem to indicate a full perception of this, or come up to the apparent exigency; though reasons of State may have called for and may justify some suppression in this respect on the part of the President.

But how stands the fact? We have these threatening events in the Northeast, and these new pretensions of the colonial authorities of Great Britain, to show what is doing there. How is it in the North? We have heard much of the success of a distinguished pacificator in restoring a peaceful state of things there; but the fires of indignation along that whole line, which the misuse of Great Britain and the misconduct of the ruling party in Upper and Lower Canada have awakened, are smothered, not extinguished; and it needs but the touch of a spark to rekindle them into a devouring flame, to spread like lightning from Maine to Michigan. In the Northwest we find Great Britain tampering with the Indians under our jurisdiction; keeping them in her pay; subsidizing them; supplying them with munitions of war; preparing them, as of old, to dash upon our frontier settlements, and to subject these anew to all the horrors of savage warfare. How is it in the West? Is not the whole of the vast country in and beyond the Rocky Mountains intruded upon and usurped by the subjects of Great Britain? And, as if the British Government did not mean that any part of the United States should want cause of offense against it, we find it striking a deadly stab at the dearest of the vital interests of the whole South.

Under these circumstances, while I deprecate angry collision on the northeastern frontier as deeply as any one can, yet I tell gentlemen it behooves them to look over the whole ground. Unless the all-grasping spirit of universal encroachment on the part of Great Britain be arrested, either by moderation in her councils, or by fear, the time must and will come, when her power and ours cannot coexist on the continent of North America. And I say this, that the House may duly appreciate the importance of the present contingency.

Now, in regard to this controversy, I shall exclude, so far as possible, all expression of the natural feelings of indignation which the pretension of Great Britain is calculated to awaken. That pretension is the monstrous one that the treaty of peace of 1783 was a grant or concession by Great Britain to the United States; that it was a deed of land from her to us; and whenever doubts arise concerning its import, the construction is to be in favor of the grantor; and that we, the people of the United States, hold the soil on which we dwell, not by the colonization and settlement of it which our forefathers accomplished at their own hazard, not by inheritance, derived from that generation to the succeeding one, not by the victories of the Revolution and by conquests on the field of battle, but by mere grant and concession from the favor of Great Britain. The same pretension she undertakes to apply to all the rights appertaining to the soil and sovereignty of the United States, such as the fisheries and the navigation and use of the seas adjoining North America. So that, whenever Great Britain chooses to lay claim to any part of the United States, no matter how groundless and scandalous may be the claim, no matter if the tract of country she sets up a claim to, be, and always has been, occupied by us, at that instant, on the mere setting up of the claim, her right as the ancient sovereign of the United States is revived, and she is to be intended to be in the possession, constructively, of the country claimed, and, though not in fact having the possession, is to be suffered to

take possession of it, and to exercise exclusive jurisdiction over it until she may choose to give up her claim; converting us, the people of the United States, as the gentleman from Virginia [Mr. WISE] truly suggests to me, into the mere tenants at will of Great Britain. That is the point on which this present controversy, this claim on the part of Great Britain to the exclusive possession of the valley of the Aroostook, hinges.

This pretension was, for the first time, asserted by Sir Charles Vaughan, in 1827, in a letter to Mr. Clay. He said:

*"The territory is still in dispute; the sovereignty and jurisdiction over that country have consequently remained with Great Britain, it having been in the occupation and possession of the Crown previously to the conclusion of the treaty of 1783."*

Mr. Clay indignantly repudiated the idea that whatever territory in North America Great Britain claims, she is to be regarded as having occupation and possession of constructively, as the mother country, and demanded that

*"The Government of New Brunswick should cease from the exercise of all and every act of exclusive jurisdiction within the disputed territory, until the question of right is settled."*

Our Minister in Great Britain was instructed to meet and rebut this pretension in the most decisive terms. He did so. It was attempted to be maintained by the Earl of Aberdeen in behalf of Great Britain, with the weapons of diplomatic chicanery and old mother country insolence, which belonged to such a pretension; for it is indeed a point impossible to be yielded by the United States; it is vital to our very independence; we might as well return to colonial vassalage again at once, as give up the assertion of our coequal independence, and of the coequal rights of soil flowing from it, which is the fundamental principle of the treaty of peace.

Now for the application of this principle. From 1783 to 1816, no mortal man heard of a claim of Great Britain covering the valley of the Aroostook. The whole of the claim, indeed, to the disputed territory, so called, is a progeny of the war of 1815. It is a belligerent device—the attempt to get possession of a tract of country lying between New Brunswick and Lower Canada. What is not hers by right, and what she could not obtain by conquest or purchase, she has endeavored to obtain by diplomacy. The claim itself is groundless and absurd; but, making the claim, she proceeds to claim the possession also, by virtue of the pretension I have stated. On no other ground can Sir John Harvey undertake to exercise exclusive jurisdiction on the Aroostook. The lands there are held under grants of Massachusetts or Maine, going back more than thirty years. The governments of Massachusetts and Maine have had jurisdiction there down to the present time, surveying the land, giving permits to cut timber, removing trespassers and the like, just as upon lands within the undisputed limits of Maine. The exclusive jurisdiction of New Brunswick in this region has never been asserted and enforced as against Maine. For it is to be remembered that this dispute has happened on the Aroostook. The arrest of individual citizens of Maine, which have heretofore taken place, have been in the Madawaska country. The Madawaska is a northerly branch of the St. Johns, the Aroostook a southerly one, and the valley of the latter is in the southernmost portion of the disputed territory, which the King of the Netherlands assigned to the United States. I suppose it is on this account that Great Britain has practiced more forbearance in regard to the Aroostook than the Madawaska, and in the former has refrained hitherto from the attempts to enforce exclusive jurisdiction, which she has practiced in the latter. At any rate, the House will admit Great Britain has no right of exclusive jurisdiction; that her claim of right is founded on a pretension utterly and palpably untenable; that she has neither right of exclusive possession, nor exclusive possession in fact.

Has the Government of the United States made any agreement conferring on her the right (temporarily or otherwise) to the exclusive possession of this territory? I shall not go back to cast reflections on the Government of the United States. It has, in my judgment, much atoned for past

error by the decision of its present course. A new crisis has arrived. I stand upon the correspondence between Mr. Forsyth and Mr. Fox, to which this affair has given rise. Whatever misconception there may have been concerning this, on the part of any officer of the British Government, or in this country, there is, at any rate, no such agreement. Great Britain can plead misconception no longer. She must now enter upon a new course of measures. She has not exercised hitherto exclusive or forcible jurisdiction on the Aroostook; she must now cease to claim the right to do so hereafter, under this pretended agreement, which the United States never made. And the conclusion to which I come on the whole matter is this: the understanding actually had has either been misconceived, or willfully misinterpreted, by the British authorities or officers in America. It does not seem even to have been so understood in England. At the very outset of the affair, in 1827, the proposal for an understanding, it appears, came from Mr. Canning, who "suggested the propriety of abstaining on both sides, pending the suit, from any act of sovereignty over the contested territory." Here is the suggestion of the understanding. And whatever statements of it occur in the correspondence of the subordinate functionaries of the two Governments from that time to this, I have a remarkable declaration, made by Lord Palmerston, the present Foreign Secretary, in a debate in the House of Commons, on the 24th April, 1837, as I find it reported in the London Times:

"Sir R. Peel said: Is the province of Maine in the occupation of any part of the disputed territory?"

"Lord Palmerston replied: The disputed territory, or at any rate the greater part of it, is in our occupation at present, upon the understanding that neither we nor any other party, shall exercise any of the rights belonging to permanent territorial sovereignty."

"Sir R. Peel. I do not see how any arrangement of that sort can be made. The land must be occupied by one party or the other. Is it occupied entirely by British subjects?"

"Lord Palmerston. It is not settled at all at present; it is occupied by vast forests of wood, and it is understood that neither party is to cut the wood until the differences are settled in one way or the other."

These two declarations are each very different from that of Sir John Harvey, who undertakes an assertion by force of exclusive jurisdiction, not only unsupported by, but in direct opposition to the declaration of Lord Palmerston. In resisting this pretension of Sir John Harvey, the Government of Maine is right, as he is wholly wrong in making the pretension. It is a pretension which cannot and will not be tolerated by the United States.

In regard to the conduct of the government of Maine, there is one important consideration to be borne in mind. There is a question of State rights at the bottom of this. I have heard it denied whether Maine had any constitutional power to do what she has done. Such is not my reading of the Constitution. Each State has an indefeasible right to the integrity of her territory, which the United States cannot curtail but with her consent. Each State has an indefeasible right to defend the integrity in arms, if need be, by her own force, if that of the United States be not at hand. Struck, she must and should strike. Such is the sacred right of self-preservation, sanctified by the great charter of the Union, and by the first principles of human action, which are superior to all the constitutions on earth. The Constitution contains the following clause:

"No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign Power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

I shall not inquire whether the Governor and Legislature of Maine did or not start in the best possible manner. That is a question passed. The wheel of time has rolled over it, and, in the progress of events, we have reached another and a graver issue. Sir John Harvey is in the act of invading the State of Maine, and invading it under pretensions which neither the peace nor the honor of the United States can tamely endure. The State of Maine possesses, under these circumstances, full constitutional power to arm in her own defense, and to withstand and repel hostile invasion. The power is expressly given to

her by the Constitution; and herein, at least, the law is not silent amid the din of arms. She had the power, and she has judged, as she might and must, whether or not the exigency had arrived for the exercise of the power; and, having armed herself, has invoked the aid of the Federal Government in defense of the integrity of her own soil and that of the United States.

Of the part which it now becomes the duty of Congress to perform, I shall say nothing at present, because I do not wish to anticipate or prejudge the action either of the Committee on Foreign Affairs or of the House.

Mr. PICKENS rose and said he desired to trespass for as short a time as possible upon the attention of the House. The subject under their consideration was painfully delicate and deeply interesting. He desired to say nothing that would precipitate us, directly or indirectly, into that which all wise men would like to avoid. Mr. P. regretted that gentlemen had thought it necessary to go into the details of the past history of this controversy; he would rather avoid that at present. He had listened with profound attention to what had fallen from the venerable gentleman from Massachusetts, [Mr. ADAMS,] and he entirely agreed with him in one observation particularly, and that was, that at present he was willing to "forget the past." It was a remark full of wisdom and patriotism. He also desired to forbear an examination or censure of what had occurred in the progress of this unpleasant controversy. Mr. P. would prefer to meet the present state of the question—to stand upon the issues now made—and act under the circumstances with which we were surrounded. The gentleman [Mr. ADAMS] had observed that he understood the message of the President, now before us, made a proposition to leave the adjustment of this controversy to the governments of Maine and New Brunswick, &c. In this he thought the gentleman had misunderstood the message.

Mr. P. had had no opportunity of judging its contents, except by the hasty reading given of it by the Clerk at the desk; and he had conversed with no gentleman as to its substance; but he understood that part which the gentleman referred to as rather advising and expressing a hope that both the Governors of Maine and New Brunswick might pause, and that those who had been captured on both sides might be mutually released, and that the militia ordered out might be peaceably disbanded. It was rather an expression of desire that things might take this direction, and the affair be terminated, than leaving it, as was supposed, to New Brunswick and Maine to settle and adjust it. This was his understanding of that part of the message.

But the gentleman [Mr. ADAMS] had pronounced the message too pacific for him. Now, the pacific tendency of it (if it were so) was to him (Mr. P.) its highest recommendation. He thought it was due to the dignity of the matters involved that it should be pacific. He could see no objection to its pacific character at present. He deprecated the allusions made to the probability of war; we should move with delicacy on that point. He had listened with deep pain to that portion of the remarks of the gentleman from Maine [Mr. EVANS] which intimated that, if the President supposed that peace could be preserved, he was mistaken. The gentleman had said it was now too late for that, for the conflict of arms had already taken place, in all probability, on the frontier. He hoped and trusted that in this the gentleman was mistaken. Others had made similar remarks.

He earnestly desired that peace might be preserved; and he had no doubt it could be. Imbecility and indecision now, at this juncture, would bring war; but decision and firmness would preserve peace and our honor too. As to the controversy of the past, he would desire to say but little; he would, however, take this occasion to say that he had examined it, and, as to the question of the location of the true line, under the treaty of 1783, there was not a jury of twelve men, even in England, who, under oath, could refuse us a verdict upon the facts of the case; it was a question too clear for controversy. And as to the possession of the particular section of country where the conflict had taken place, it had for thirty years been settled by our citizens under grants from Massa-

chusetts. The pretensions of exclusive jurisdiction set up by Great Britain arose from the ground that she considered our sovereignty as commencing only from the Declaration of Independence or the treaty of peace; and that, therefore, in all disputed territory, she would exercise jurisdiction from the claims of prior sovereignty. This, Mr. P. considered rather a fiction. The treaty of 1783 was signed by independent equals.

He would here say in the past Maine had been wronged—deeply wronged—by whom he would not now say; but he would say she had also wronged herself.

The gentleman from Massachusetts [Mr. CUSHING] had alluded to other points of difficulty between us and Great Britain, and to one in which the South was vitally interested. Yes; he held in his hand the correspondence recently published between the British Cabinet, through Lord Palmerston, with our Minister and Government; it related to the vessels that had been driven by storm upon the coast of Bermuda, with slaves from this section of country, destined for New Orleans, and which had been seized by the British authorities and liberated.

The SPEAKER intimated that it was not in order.

Mr. PICKENS said he did not intend to discuss it. The British Cabinet, in this correspondence, had taken the ground distinctly, and so communicated it to our Government, that they could not, under any circumstances, recognize the right of property in persons. They had consequently, in the case of one of the vessels, (the Enterprise,) positively refused indemnity, because it happened after their act of emancipation to the West India Islands.

Mr. P. had perused this correspondence with the deepest indignation. The Government had, by it, set up the right to decide for us in what our property should consist. It struck a high-handed blow at our independence. But he would forbear to pursue the subject, and only say that, rather than submit to its arrogant assumptions, he would prefer to see the country, from the Patapsco to the Sabine, laid low in one smoking ruin. This was one amongst the many points at issue between us and Great Britain, to which the gentleman [Mr. CUSHING] had alluded. The controversy on the northeastern boundary had presented a tangible issue before us, and, he thought, the more decided the movements were, the better for the peace of the two countries. He thought the strong military movements of Maine, if conducted with judgment, would tend to prevent conflict; that if only small numbers on both sides, and equally divided, were to meet, there would be greater danger of conflict of arms. He, therefore, differed from the gentleman from Massachusetts furthest from him [Mr. LINCOLN] in his censure upon the Governor of Maine in his call for a strong armed force.

Mr. LINCOLN said that Mr. P. had misunderstood him; that he referred to the first movement to drive off trespassers, and merely said that that was a military movement.

Mr. PICKENS was glad to understand this from the gentleman; and what he intended to advance was, that the most decided movements at this juncture would be, in the end, the most peaceable. He deprecated anything that might finally tend to war between us and Great Britain; he hoped there would be no occasion to make that last sad appeal. But if it was to be forced upon us, he would pledge his all upon the contest. In this matter, to a transient observer, at first sight, Maine might seem to be alone interested; but we are all bound together under a sacred compact; we belong to a common Confederacy, and have a common country; and although I represent a remote section, yet the cause of Maine is our cause. And if war must come, (which may God in His mercy avert!) although it would be desolating in its effects to my section of country, yet we had met such events before. Our treasure had been advanced, and our blood shed, in a war for those who were remote from us; we could do it again, notwithstanding their unkindness to us. Not only does our honor call in the present case, but it is so "nominated in the bond;" and dreadful as its effects may be upon my country, yet you shall cut from

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Maine Boundary Question—Mr. Everett.

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me the "pound of flesh," although it should take from my heart the last "drop of blood." The crisis calls for prudent, wise, firm councils. Mr. P. regretted that some gentlemen seemed to speak as if war was certain. He did not think so. He judged from the message and papers now before us that there would be no permanent conflict. He felt assured that the interests of the two countries were deeply identified in peace, and their wisdom and justice would preserve it.

But if we were to be dragged into a war, the world should know that we would go into it as one man.

Mr. SERGEANT said he had but a very few words to say. The gentleman from Maine [Mr. EVANS] had made a remark he (Mr. S.) did not assent to; though, in other respects, that gentleman had shown that he thoroughly understood this subject, and that he felt it as deeply as he understood it. The remark was to this effect: that the Executive of the United States did not seem to comprehend the exigency of the occasion, nor to have acted up to it. If this remark were applied to the past, I do not know that I should differ much from the gentleman from Maine. I do believe—nay, I am fully convinced—that, for some years past, the various exigencies which have arisen, or been threatened, in relation to this matter, however obvious, have not been looked at as carefully, nor acted upon as energetically, by the Government here in Washington, as they ought to have been; and hence it has happened (as any one who will trace the history of this controversy may readily perceive) that, for ten years past, the British Government and its officers have, unfortunately, been allowed to take up errors at our expense, until at last they have endeavored to persuade themselves of one great and ruinous error, the immediate cause of our present difficulty and danger. It is this: that there has been an understanding, or a sort of agreement or compact, of some sort or other, express or implied, by which, pending the controversy in relation to the boundary line, they were to have exclusive jurisdiction over the disputed territory. To that error the exigency of the present occasion (too striking and serious to escape observation) has drawn the attention of the Executive, and he has corrected it; and, with it, he has corrected the Governor of New Brunswick, and taken from that officer the whole ground on which he stood; for, if I understand him correctly, the Governor of New Brunswick justifies himself entirely on the ground that there is an agreement between the United States and his country, by which the latter is to have exclusive jurisdiction over this territory. That, then, is precisely and distinctly contradicted in the message of the President; and henceforward the Government of the United States takes the ground that Maine has taken, namely, that no such jurisdiction exists. I believe thoroughly that there is not, and has not been, any such agreement or understanding. It is impossible. I believe it, not only on the high authority of the gentleman from Massachusetts, [Mr. LINCOLN,] but on authority which I find in our own history.

Eleven years ago there was a correspondence on the same subject between the then Secretary of State, Mr. Clay, and Sir Charles Vaughan, the British Minister here. Looking to that, you will find no allusion, even to such an understanding; but the Minister of England takes the ground of their right, not their understanding; and the argument is to this effect: that, before the treaty of peace, the possession and sovereignty of the whole were in the Crown of England, and that they so remained until the right of the United States is established—that is until the line is settled; for I cannot otherwise understand the argument that they remain there until we establish our legitimate right to dispossess them. But there is the root of all this. Sir Charles Vaughan did not pretend to any understanding; he goes upon what he asserts to be the right. The Government of the United States, to this day, denies the right of jurisdiction on the part of England; and Mr. Clay, in his letter written in the year 1828, protests against such a claim. Now, after this protest of 1828, the thing having been slept over from that time to this, Great Britain has wrought up this alleged, but

entirely unfounded, claim of right growing out of her alleged jurisdiction with an express understanding between the two Governments. I cannot account for it on any other ground than this: that there has been of late a seeming acquiescence on the part of the United States, or rather a want of decided contradiction. But there never was such an acquiescence as to justify the claim of jurisdiction by Great Britain on the ground of understanding. This may be a difficult, and, as one would suppose, a dangerous question in the form in which recent incidents present it; but neither of these considerations furnishes any reason why it should not be carefully examined and decided; on the contrary, there is every motive for decision. Indecision, procrastination, is the cause of this frontier conflict, if any has taken place. Indecision on the part of the General Government is the cause of blood being shed, if any has been shed. Now, I say that the Government of the United States does at length comprehend the present emergency, because a result has come, as every man who watches the course of things carefully cannot fail to see, in which every step that is taken may precipitate us into a condition which all would avoid, if with honor it can be avoided, and which, if it does come, as the gentleman from South Carolina [Mr. THOMPSON] says, comes because it must come. No man ever invited it. War is always a calamity, and not to be sought.

But the case, such as it is, is to be looked in the face with a firm but prudent regard. The honor of the nation must be maintained. The peace of the nation must not be heedlessly jeopardized. Steps having been taken on the part of the government of Maine and of the local Government of Great Britain, we ought now to know and make known what the United States—the nation—will do. We should no longer be left in doubt whether Maine is to go on alone; whether she is to be left to take care of herself, or do as she may think fit. Unless the Government of the United States in some way make known what it deems to be its rights, and the extent to which it will go in support of them, you will have a war there, whether you desire it or not. For aught we know, you may have a war there at this very moment. But if the United States, looking to these rights as national rights, with the weight of her authority as a nation, announces her determination, then, at once, a new character is given to the controversy—a character of solemnity and power to command respect. From that moment, those who have looked lightly upon the fact of a few militia being sent out of the State of Maine into this territory, will regard the matter in a different aspect; and surely no Governor of New Brunswick, in such a state of things, will venture to say to the Government of the United States what the present Governor of that Province has said to the Governor of Maine, nor to hold out such threats as he has done. Sir, this is a complicated case. I do not mean to enter into the question as to this land being claimed by cession or grant. That is a pretext of Great Britain. It is a fallacy. There was no grant or cession. The land was taken by conquest, in war, as in other cases of conquest; and the treaty of peace defined the boundaries and fixed the limits, as in all other wars. Within those limits we acquired by our own strength, and not by grant. We acquired it as we acquired our independence—by the favor of Heaven upon our arms in a just cause. It is ours, as our independence is. Great Britain says she has a right to the possession until we can show a better one. In law, the possession has always been in us. There was no actual possession, and in that case the possession follows the right.

I have said the question is complicated. We have a national question about boundary, but this question involves in it the question of territory of two States of the Union. If the boundary is established according to our claim, what is within it belongs to Massachusetts and Maine; if not, their dimensions will be proportionally reduced. If, I say, our claim is not correct, the soil is theirs; the jurisdiction is theirs; and they have a right to peaceable possession, and that, too, within a reasonable time. We are bound to aid them and enforce their just rights, by settling the question

of the line, and to restore to them the possession and enjoyment of that which is theirs. How long are they to wait? We must not trifle with their rights and interests. The national question, fixing the United States boundary, might admit of delay. It is for ourselves alone. But the rights and interests of Massachusetts and Maine impose upon us a duty we must not neglect. If we do, I will not say they may not take care of themselves in such way as they best can.

But, sir, another serious consideration arises in connection with this latter point. It is this: that just exactly as the decision of the question is procrastinated, new pretensions are set up, every one of which you have to unravel. I hope the last of them is now disposed of; and that the message of the President, and the declaration of Congress, will place the question in such a position as to convince the people of the United States, as well as the Government of Great Britain, that it must be brought to a speedy settlement; and I do hope, whatever else may happen, that the admonition furnished by the present collision will have a proper effect on the two Governments; and if both duly appreciate and take it to heart, as a matter which seriously touches the peace and welfare of both, in a right spirit, I have no fear that anything has yet occurred to prevent a just and amicable settlement.

But it is most evident that the management of this controversy, involving the peace and honor of the nation, ought not to be suffered to fall into hands of less authority or strength than those of the nation. The nation must furnish the counsels, and the nation must furnish the force. We must decide the momentous questions of peace and war, and the Executive is bound to take care that they be not committed to others. Above all, they must not be left to chance; to casual collision of trespassers, or to local or subordinate authorities, to involve us in war, by bringing about a state of things which may leave us no choice. The Government of the United States must do its duty—promptly, fully, and effectually; or leave to the State of Maine the benefit (if such it be) of the argument, that she must take care of her own interests in her own way.

The Committee of Foreign Affairs will now have charge of this grave subject. It will be for them, looking at it in all its bearings, to indicate the course which, in their opinion, is due to the occasion. This Government must be placed in front. It must be the party. Its whole authority and power must be put forward to calm irritation, to allay tumult, to give pause for reflection, and afford assurance that justice will be done, cost what it may cost. In this way I have no doubt peace may be preserved, and our rights secured.

Mr. EVERETT said he had desired the message should have been committed without debate. Events may have transpired which would present a new aspect to the question. Before this hour a change has unquestionably taken place—either a conflict, or the parties have taken positions in which none was to be expected. If a battle has been fought, a state of war exists. If the parties have withdrawn their forces from the disputed territory, the immediate dispute is at an end. In this state of uncertainty he thought all debate premature, and worse than useless. It tended to produce a premature excitement. And who could answer for the effects of the excitement that might originate here on the country, in connection with other causes of excitement? Look at your whole northern frontier, in connection with the Canada question. The gentleman from South Carolina [Mr. PICKENS] has alluded to a subject of deep interest to the South. Who, I repeat, can answer for the effect of the excitement that may be produced by a premature debate in this House? The magnitude of the subject overrides all party considerations. It is a question of peace or war with one of the most powerful nations. Who can estimate its duration or its consequences? It should be well considered. A day or two will put us in possession of all the facts; and he had hoped that until then all debate would have been suspended. On this occasion he had not expected an exciting debate from members of the States immediately interested. They now ask the aid of the United States, to whose unimpassioned judgment he had hoped they would

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SENATE.

have submitted their claims. Least of all had he expected to have heard opinions in advance from a gentleman who was not only interested in the question, but also a member of the Committee on Foreign Relations. He must say to that gentleman that, in his opinion, he had disqualified himself from acting on the committee on this question; and he expressed a hope that he would, on this occasion, withdraw from it. For one, he should be unwilling to take his opinion as a safe direction for the action of this House.

Mr. CUSHING rose for explanation. The gentleman from Vermont was proceeding in a pretty cavalier way to disqualify and disfranchise him (Mr. C.) from acting on the Committee on Foreign Affairs, because of what he had said on the pending question. He desired him to put his finger on the part of his remarks open to any such exception. It was news to him that a member from any State was not to speak on a subject which particularly concerned the interests or honor of his State; or that a member of a committee was precluded from discussing the class of topics appertaining to such committee. Just the contrary. Did the gentleman from Vermont abstain from speaking in regard to Indian affairs when before the House?

Mr. EVERETT. I gave way to permit the gentleman to put a question, not to interpose a speech. I will answer his question. I shall not put my finger on any part of his speech; I put my hand on his whole speech.

I repeat, sir, I deprecate any premature excitement here or in the country. A debate has been entertained; a debate tending to produce deep excitement, under which the subject was about to be committed to the Committee on Foreign Relations; whose report, as well from the individual character of its members as from their official stations, would have a commanding influence over the action of this House and over the opinions of this country. If anything I can say will be heeded by the committee, I would present to them some considerations on which I desire they may report. I am aware how unpopular and unpatriotic it may seem to some to attempt to arrest the excited feelings of the House; but my only desire is that we deliberate before we act. I do not intend to give my opinions in advance, but to present to the committee some subjects for consideration.

I would call their attention to the controversy. What is it? I do not understand from the message that it involves the ultimate right of Maine to the disputed territory. Her right, in the opinion of this House, is unquestionable. This House has so resolved. Yet, on the part of Great Britain, the right is not conceded. It remains a subject of controversy. That controversy is not the one now at issue. I regret, sir, that it is not the issue; that issue ought to have been made long ago, and decided. I ask the attention of the committee to the real issue. Is it not this: That British subjects, without the license of either Government, are committing trespasses—cutting timber—on the disputed territory? Maine contends for the right, in common, to drive them off. Great Britain contends for the exclusive right to remove them. Is not this the direct question in issue? And does it involve any further question than this, who has the possession of the disputed territory until the question of right between the United States and Great Britain is settled—Great Britain claiming the exclusive right, and Maine claiming a right in common? Does it not, then, come back to the issue; who shall drive off the trespassers? I again express my regret that a question should have arisen on a point so collateral to the great subject of dispute.

The next consideration that I would suggest is as to the right of Maine to compromise the United States to war. Here I desire to be understood, that if a foreign nation should invade the undisputed territory of a State, such State may instantly expel the invader, and that it would be the duty of the United States to furnish instant aid if required. But in the present case, however clear, in our opinion, may be the right of Maine to the territory, yet as between the United States and Great Britain the question of right is unsettled. It is a question of boundary, depending on a treaty; a question yet in controversy. Setting aside all pretense of any agreement as to the pos-

sition, (which I may notice hereafter,) is not this the situation of the question, as between the United States and Great Britain? Is not the right of possession, as well as the right of soil, yet in dispute? And between what parties is the controversy? Is it not between the parties to the treaty under which the controversy arises—a controversy as to the boundary between the two nations?

Mr. HOWARD rose to make an inquiry. The gentleman from Vermont (Mr. EVERETT) had alluded to the claim set up by Sir John Harvey of exclusive jurisdiction over this territory. The suggestion which the gentleman had made, whether this must not be considered as an affair altogether belonging to the Government of the United States, was one well worthy of consideration. But the inquiry which Mr. H. wished to put to the gentleman from Vermont was this: whether the claim on the part of Sir John Harvey to exclusive jurisdiction was not to the exclusion of the authorities of the United States as well as of the authorities of Maine?

Mr. EVERETT. Certainly; the British claim the right to exclusive possession; and this gives it a stronger claim to be considered a national question. Is it then competent for the State of Maine to become a direct party in the controversy? Is it not, in every part of it, a controversy exclusively between the United States and Great Britain? Has Maine any more right to interpose on a question of the right of possession than of the right of soil? I had occasion at the last session to refer to this subject, in the debate on the Cherokee treaty. The Executive then advanced the doctrine that a State could interfere with the execution of a treaty. I then suggested this case as one to which the doctrine would apply, and to its consequences.

I am aware, sir, that these suggestions call on the committee to question the leading principle of the message. As I understand it, from the reading at the table, it fully sanctions the right of Maine to interpose in the controversy. If this be correct, I again express my regret that Maine had not chosen to make the grand point of the controversy; that, instead of sending an armed force to drive off trespassers, she had not taken possession of the whole territory, to which we have resolved she has an undoubted right.

There is another subject I would recommend to the consideration of the committee. I take it for granted that, in point of fact, there never was any agreement by which the exclusive possession of the disputed territory, until the right was settled, was conceded to Great Britain. I understand from the message there is no trace of such an agreement in the diplomatic records of the Department; and no one will regard any verbal arrangements, should such be alleged to have been made. Taking this, then, for granted, I ask the committee to ascertain what have been the acts of the parties; whether Great Britain has claimed any such agreement, and whether we have admitted it, or acquiesced in the claim; and if it should appear that Great Britain has claimed it, and complained of its infraction, and this we have acquiesced, or even apologized, how far this may be authority for the present claim of exclusive jurisdiction, or at least for the Governor of New Brunswick to make the claim. Whether we have not, by our own acts, conceded to Great Britain what she had no right to demand by express agreement.

I have one article more to recommend to the consideration of the committee.

I find from the message that the Governor of New Brunswick bases his right to resist the force of Maine on the alleged agreement of our Government to their exclusive possession of the country *ad interim*. He makes this point in his dispatch to the British Minister here. The British Minister insists on this claim; our Government denies it, and calls for the proof. The issue is then made on this agreement. The British Minister refers to his Government; in substance, he says he has not the evidence, but has sent home for it. All, then, is made to depend on the production of the proof—of the evidence of the agreement. I ask the committee to consider whether, at this point, we had not a right to claim that the controversy on the part of Great Britain should have been sus-

pended until the evidence was produced? Ought the correspondence to have ceased at the point it did? Ought not the Executive to have replied to the last letter of Mr. Fox, by a demand of a withdrawal of the British troops until the evidence was produced? How could he have resisted the demand? He had the power to give the order. He represents the British Government in all its relations with the United States. The issue is made by him. If there was no agreement, all pretense of justification is at an end. We accepted the issue; if there was such an agreement, he is right, and we are wrong. We demand the evidence, and on our demand he was bound to stay all proceedings until the evidence was produced. I ask the consideration of the committee particularly to this question: why was not this demand made?

I have submitted these considerations, not only for the reflection of the committee, but for the country. On a question so important, on which there is so little time to deliberate, when we may be so soon called to act, I have thought it proper to present such considerations as seemed to me proper to aid us in arriving at a just conclusion. I said, in the commencement, that I should offer suggestions, not opinions. I, for one, shall endeavor to profit by every suggestion or argument from any quarter; and trust that we shall arrive at such conclusions as the honor and best interests of the country require.

## ARMED OCCUPATION OF FLORIDA.

REMARKS OF HON. T. H. BENTON,  
OF MISSOURI,

IN THE SENATE, February 18, 1839,

On the bill for the Armed Occupation and Settlement of Florida, in reply to Mr. CLAY.

Mr. BENTON said:

Mr. PRESIDENT: The objections made by the Senator from Kentucky (Mr. CLAY) to the efficiency of the plan proposed by the bill was matter of opinion, and could very properly be met by other opinions. The Senator thinks the proposed plan will be inefficient—that it will not accomplish the object. This is his opinion. Precisely contrary to that is the opinion of General Jesup, Governor Call, General Hernandez, the Surgeon General, (Dr. Lawson,) General Gadsden, and many others who have been engaged in the Florida war. By all these officers the bill is believed to present not only an efficient, but almost the only effectual mode of getting the Indians out of Florida, and recovering the possession of forty-one thousand square miles of our territory. This is the opinion of officers of experience—officers who have been engaged in the arduous service of expelling these Indians. It is their unanimous opinion; and I content myself with opposing this unanimous opinion of experienced officers to the solitary opinion of Senators on this floor who have never been nearer to Florida than they now are.

The Senator from Kentucky objects to the grant of land to the settlers, but does not propose to substitute anything for it. The land is the pay to the settlers for occupying, cultivating, and defending the country. If the land is denied them they get nothing, and it is not to be expected that men will go into such a service for nothing. Pay in money is out of the question. If the bill had proposed it we should have had almost a panic at the thoughts of a new army of ten thousand men. The bill sedulously avoids the idea of an army. It proposes cultivators, and gives them the appropriate compensation due to cultivators. It proposes land, and if that is refused the bill is destroyed.

The Senator from Kentucky further objects to the grants of land to the settlers, upon the ground that they will waste and squander it—will sell their claims for a trifle—and will derive no benefit from them; and he instances the case of the soldiers of the late war who sold their claims for twenty or thirty dollars each. Granted that such was the fate of the soldiers' bounty land, and granted that such would be its fate again, under a similar grant, to regular soldiers, and yet nothing could be more absurd than to infer the same of

these settlers. In the first place, the Florida settlers are to be—not soldiers—but cultivators; the land they are to receive is not a bounty for enlistment, but the pay which they are to receive at the end of their service. It is the object for which they labor, and the reward which is to compensate them for their toil and risk. They go to the country to get it. They stay there until they get it. They choose it themselves; and, when they choose it, it is to live upon it. How different was the case of the soldiers from all this. They had no choice of their land; it was distributed to them by lot; and tens of thousands of the grants were not worth a cent; the soldiers were at an immense distance from the land—a thousand miles or more from it—they knew nothing about it—in many instances were not able to get to it—they were beset by temptations and discouragements—and gave up for a trifle what they knew nothing about. A most defective law permitted evasions, and the sales, though nominally declared void before the patent issued, were easily made to assume a valid form.

All this is different in this bill. These settlers will not be, like disbanded soldiers, scattered through the towns and cities, a prey to speculators, but they will be at their stations in Florida—in their block-houses among Indians—where no speculator will ever come. Instead of a lottery drawn by a boy to distribute unknown lands among them, every settler, if alive, must make his own choice, and, if dead, his heir-at-law, and not a purchaser, must make it for him. The entry cannot be made by a purchaser, assignee, attorney, or anybody whatever, but the settler, if alive, and, if dead, by his heir-at-law. After the entry is made, there can be no alienation of the land, even by judicial sale, until twelve months after a patent issues; and if attempted to be alienated, a ready, perfect, cheap, easy, and certain method is provided for invalidating such alienations. In this respect the bill before the Senate differs from all that have preceded it. So that there is not the least danger that these settlers will squander their lands. They are not soldiers, but tillers of the earth, and, therefore, will hold on to their share of the earth. They do not take their land by lot, but by choice, and therefore they know what they get. They are not a thousand miles off, but at the spot, and ready to enter on their land. They must make the entry, or the land cannot be had. They cannot alienate for a year after the patent issues, when they will know the full value of their property. For all these reasons, the objection of the Senator from Kentucky can have no application to these settlers, however just it might be in relation to regular soldiers.

Mr. B. then read the sections of the bill which related to the grant of land to the settlers, to corroborate the statements which he had made, and called upon the Senate to mark the effectual manner in which they secured his rights. The following were the sections read:

"Sec. 2. *And be it further enacted*, That, at the return of peace and removal of the Indians, each settler who shall have complied with these conditions, or his widow and heirs-at-law, in the event of his death, shall be entitled to a bounty of three hundred and twenty acres of land, to be selected from any of the public lands in the district in which he settled, in the peninsula of Florida, or east of the Suwannee river, or adjacent keys and islands; the said selection to be made by the settler according to priority of settlement, so that first settlers shall have first choices; but, when two or more settlers in the same district shall have settled on the same day, priority of choice between them shall be decided by lot.

"Sec. 4. *And be it further enacted*, That, as soon as the surveys can be safely commenced, all the public lands east of the Suwannee, and also in the peninsula of Florida and in the neighboring keys and islands fit for cultivation, shall be surveyed; and land offices shall be opened for receiving, in addition to their other duties, the entries of the settlers who can prove a compliance with the conditions mentioned in this act, and, to aid such proof, copies of the book containing the names of the settlers shall be deposited in such offices.

"Sec. 5. *And be it further enacted*, That one land office shall be opened in the district of country north of the latitude of the mouth of the Withlacoochee; another in the district south of that line and north of a line drawn across the peninsula from the southern extremity of Tampa Bay; and a third in the district south of that line and including the remainder of the peninsula; and the settlers within these respective districts shall each be confined to his own district in selecting and entering his bounty land.

"Sec. 6. *And be it further enacted*, That the bounty lands hereby granted shall be free of taxes, and inalienable, even by judicial sale, until the patent issues, and also

for one year thereafter; the said patent shall issue to the original settler if alive, and if dead, it shall then issue to his heirs-at-law and widow, if he has left a widow, to be held and divided by them according to the laws of Florida; and every alienation of any such bounty land, even by judicial process, made before the issuance of the patent, or within one year thereafter, shall be null and void; and the intrusive possessor, by virtue of any pretended sale, lease, devise, gift, or transfer, contrary to this act, may be turned out of possession at any time by an action of ejectment in the name of the original settler or of his widow and heirs-at-law, or any one or more of them, or in the name of any subsequent purchaser, after the said land becomes legally alienable; and full damages shall be recovered in the same suit against the intrusive possessor as a trespasser and dis-seizor."

Having read these sections of the bill, Mr. B. appealed to the Senate to say if the objection of the Senator from Kentucky was not entirely inapplicable. The case was wholly different from that of soldiers of the regular Army. What happened to these soldiers cannot happen to the settlers under the bill. They would not sell their lands for a trifle, if they could; and they could not, if they would. The widow and the heirs-at-law, or the settler himself, or any subsequent purchaser, after the land was alienable, can easily set aside the sale; and that without limitation of time, and recover in the same suit, all the intermediate rents and profits. If the soldiers' bounty lands of the late war had been placed under the same guards, and they had been required to go and make their own selections and their own entries, they would never have been squandered away for a few dollars in hand.

#### INTERFERENCE IN ELECTIONS.

#### SPEECH OF HON. J. C. CALHOUN, OF SOUTH CAROLINA,

IN THE SENATE, February 22, 1839,

On the bill to prevent the interference of certain Federal officers in elections.

Mr. CALHOUN said:

Mr. PRESIDENT: I belong to that political school which regards with a jealous eye the patronage of this Government, and believes that the less its patronage the better, consistently with the objects for which the Government was instituted. Thus thinking, I have made no political move of any importance, for the last twelve or thirteen years, which had not for its object, directly or indirectly, the reduction of patronage. But, notwithstanding this, I cannot bring my mind to support this bill, decidedly as I approve of its object. Among other difficulties, there is a constitutional objection, which I cannot surmount, and which I shall, without further remark, proceed to state and consider.

This bill proposes to inflict the penalty of dismission on a large class of the officers of this Government, who shall electioneer, or attempt to control or influence the election of public functionaries either of the General or State Governments, without distinguishing between their official and individual character as citizens; and the question is, has Congress the constitutional right to pass such a law? That, again, involves a prior and still more general question: has this Government the authority to interfere with the electoral rights of the citizens of the States?

In considering this general question, I shall assume, in the first place, what none will deny, that it belongs to the States separately to determine who shall, and who shall not, exercise the right of suffrage; and, in the second, that it belongs to them, in like manner, to regulate that right; that is, to pass all laws that may be necessary to secure its free exercise on the one hand, and to prevent its abuse on the other. I next advance the proposition, which no one in the least conversant with our institutions, or familiar with the Constitution, will venture to question, that as far as citizens are concerned, this right belongs solely to the States, to the entire exclusion of the General Government, which can in no wise touch or interfere with it without transcending the limits of the Constitution. Thus far there can be no difference of opinion.

But a citizen may be also an officer of this Government; which brings up the question, has it the right to make it penal for him to use his official

power to control or influence elections? Can it, for instance, make it penal in a collector, or other officer, who holds a bond, in his official character, on a citizen, to threaten to enforce it, if he should refuse to vote for his favorite candidate? I regard this proposition as not less clear than the preceding. Whenever the Government invests an individual with power, which may be used to the injury of others, or the public, it is manifest that it not only has the right, but that it is in duty bound to prevent its abuse as far as practicable. But it must be borne in mind that a citizen does not cease to be one in becoming a Federal officer. This Government must, accordingly, take special care, in subjecting him to penalties for the abuse of his official powers, that it does not interfere in any wise with his private rights as a citizen, and which are, as has been stated, under the exclusive control of the States. But no such care is taken either in this bill or the substitute proposed by its author. Neither makes any distinction whatever between the *official* and *private acts of the officer as a citizen*. The broadest and most comprehensive terms are used, comprehending and subjecting all acts, without discrimination as to character, to the proposed penalty. Under its provisions, if an officer should express an opinion of any candidate, say of a President who was a candidate for reelection, whether favorable or unfavorable, or to whisper an opinion relating to his administration, whether good or bad, he would subject himself to the penalty of this bill, as certainly as if he had brought the whole of his official power to bear directly on the freedom of election. That a bill containing such broad and indiscriminate provisions, transcends the powers of Congress, and violates, in the officer, the electoral rights of the citizen, held under the authority of his State, and guaranteed by the provision of the Constitution which secures the freedom of speech to all, is too clear, after what has been said, to require additional illustration. It cannot pass without enlarging the power of the Government by the abridgment of the rights of the citizen.

But, it may be replied, that there are instances where the Government has subjected its officers to penalties for acts of a private character, over which the Constitution has given it no control. Such undoubtedly is the fact, and its right to do so, in the instances referred to in the discussion, cannot be denied; but all such cases are distinguished from that under consideration by lines too broad to be mistaken. In all of them the acts prohibited were, in the first place, such as were incompatible with the official duties enjoined; as in the case of the prohibition of commissaries to purchase or deal in articles similar to those that are made their official duty to purchase, in order to prevent fraud on the public. And in the next, the acts prohibited involved only civil rights, belonging to the officer as an individual, and not political rights, which belong to him as a citizen. The former he may yield at pleasure, without discredit or disgrace, but the latter he cannot surrender without debasing himself, and giving up a sacred trust vested in him, by the State of which he is a member, for the common good; nor can this Government demand its surrender, without transcending its powers and infringing the rights of the States and their citizens.

It may also be said that, in most cases, it would be impossible to distinguish between the official and the political acts of the officer, so as to subject the former to penal restraints without interfering with the latter; and that it would, in practice, render ineffective the admitted right of the Government to punish its officers for the abuse of their official powers. It may be so; but little or no evil can result. Whatever defect of right this Government may labor under, in such cases, is amply made up by the plenary power of the States, which has an unlimited control over the electoral rights of its citizens, whether officers of this Government or not. To them the subject may be safely confided. It is they who are particularly interested in seeing that a right so sacred shall not be abused, nor the freedom of election be impaired. We must not forget that States and the people of the States are our constituents and superiors, and we but their agents; and that if the right in question be abused, or the freedom of

election impaired, it is they, and not we, who must mainly suffer, and who of course are the best judges of the evil and the remedy. If the policy of the States demands it, they may impose whatever restraint they please on the Federal officers within their respective limits, in order to guard against their control or influence in elections; and, if it be necessary, to divest them entirely of the right of suffrage. To those who are so much more interested and competent to judge and act on this subject than we are, I am for leaving the decision as to what ought to be done, and the application of the remedy. Entertaining these views, I am forced to the conclusion that this bill is unconstitutional, and if there were no other reason to oppose its passage, would be compelled to vote against it.

But there are others sufficiently decisive to compel me to withhold my support, were it possible to remove the constitutional objection. So far from restricting the patronage of the President, should the bill become a law, it would, if I mistake not, greatly increase his influence. He has now the almost unlimited power of removing the officers of this Government—a power, the abuse of which has been the subject of much and, in my opinion, of just complaint on the part of the Chamber to which the mover of this bill belongs, on the ground that it was calculated to increase unduly the power and influence of that department of the Government. Now what is the remedy this bill proposes for that evil? To put restrictions on the removing power? The very reverse. To make it the duty, as it is now the right of the President to remove, and in discharging this high duty he is made the sole judge, without limitation or appeal. The fate of the accused would be exclusively in his hand, whether charged with the offense of opposing or supporting his administration. Can any one, the least conversant with party morals, or the working of the human heart, doubt how the law would be executed? Is it not certain that it would be most rigidly enforced against all officers who should venture to oppose him, either in the Federal or State Governments, with a corresponding indulgence and lenity towards those who supported him? A single view, without prolonging the discussion, will decide. Should there be a President of such exalted virtue and patriotism as to make no discrimination between friend and foe, the law would be perfectly useless; but if not, it would be made the pretext for indiscriminate removal of all who may refuse to become his active and devoted partisans; and it would thus prove either *useless*, or *worse than useless*.

With the object which the mover of the bill has in view, it seems to me he ought to take the very opposite course, and instead of making it the duty of the President to remove, he ought to impose restrictions on the power of removal, or to divest him entirely of it. Place the office-holders, with their yearly salaries, beyond the reach of the Executive power, and they would, in a short time, be as mute and inactive as this bill proposes to make them. Their voice, I promise, would then be scarcely raised at elections, or their persons be found at the polls.

But suppose the immediate object of the bill accomplished, and the office-holders rendered perfectly silent and passive: it might even then be doubted whether it would cause any diminution in the influence of patronage over elections. It would, indeed, greatly reduce the influence of the office-holders. They would become the most insignificant portion of the community, as far as elections were concerned. But just in the same proportion as they might sink, the no less formidable corps of office-seekers would rise in importance. The struggle for power between the ins and the outs would not abate in the least in violence or intensity, by the silence or inactivity of the office-holders, as the amount of patronage, the stake contended for, would remain undiminished. Both sides—those in and those out of power—would turn from the passive and silent body of incumbents, and court the favor of the active corps that panted to supplant them; and the result would be an annual sweep of the former, after every election, to make room to reward the latter, and that on whichever side the scale of victory might turn. The consequence would be

rotation with a vengeance. The wheel would turn round with such velocity that anything like a stable system of policy would be impossible. Each temporary occupant that might be thrown into office by the whirl, would seize the moment to make the most of his good fortune before he might be displaced by his successor, and a system (if such it might be called) would follow not less corrupting than unstable.

With these decisive objections, I cannot give my support to the bill; but I wish it to be distinctly understood that, in withholding it, I neither retract nor modify any sentiment I have expressed in relation to the patronage of this Government. I have looked over, since the commencement of this discussion, the report I made as chairman of a select committee on the subject in 1835, and which has been so frequently referred to in debate by those on the opposite side of the Chamber, and I find nothing which I would omit, if I had now to draw it; but much which time and reflection would induce me to add, to strengthen the grounds I then assumed. There is not a sentence in it incompatible with the views I have presented on the present occasion.

I might here, Mr. President, terminate my remarks, as far as this bill is concerned; but as the general question of patronage is at all times one of importance under our system of Government, and especially so, in my opinion, at this present juncture, I trust that I shall be indulged in offering my opinion somewhat more at large in reference to it.

If it be desirable to reduce the patronage of the Government, (and I hold it to be eminently so,) we must strike at the source—the root, and not the branches. It is the only way that will not in the end prove fallacious. The main source of patronage may be found in the powers, the revenue, and the expenditures of the Government; and the first and necessary step towards its reduction is to restrict the powers of this Government within the rigid limits prescribed by the Constitution. Every extension of its powers beyond would bring within its control subjects never intended to be placed there, followed by increased patronage and augmented expenditure and revenue.

We must in the next place take care not to call the acknowledged powers of the Government into action beyond the limits which the common interest may render necessary, nor to pervert them into means of doing what it was never intended by the Constitution we should have the right to do. Of all the sources of power and influence, prevention of the powers of the Government has proved in practice the most fruitful and dangerous, of which our political history furnishes many examples, especially in reference to the money power, as will appear in the course of my remarks.

After restricting the powers of the Government within proper limits, the next important step would be to bring down the income and expenditures to the smallest practicable amount. It is a primary maxim under our system, to collect no more money than is necessary to the economical and constitutional wants of the Government. We have, in fact, no right to collect a cent more. Nothing can tend more powerfully to corrupt public and private morals, or to increase the patronage of the Government, than an excessive or surplus revenue, as recent and sad experience has abundantly proved. Nor is it less important to restrict the expenditures within the income. It is, in fact, indispensable to a restricted revenue, as the increase of the former must, in the end, lead to an increase of the latter. Nor must an exact administration, and a rigid accountability, in every department of the Government, be neglected. It is among the most efficient means of keeping down patronage and corruption, as well as the revenue and expenditures, just as the opposite is among the most prolific source of both.

It is thus, and thus only, that we can reduce effectually the patronage of the Government, to the least amount consistent with the discharge of the few, but important duties, with which it is charged, and render it what the Constitution intended it should be, a cheap and simple Government, instituted by the States, for their mutual security, and more perfect protection of their liberty and tranquility. It is the way pointed out

by Jefferson and his associates of the Virginia school, which has ever been distinguished for its jealous opposition to patronage, as the bane of our political system, as is so powerfully illustrated in the immortal documents so frequently referred to in this discussion—the report to the Virginia Legislature on the alien and sedition law, in the year 1799.

But there is, and ever has been, from the first, another and opposing school, that regarded patronage with a very different eye, not as a bane, but as an essential ingredient, without which the Government would be impracticable; and whose leading policy is, to enlist in its favor the more powerful classes of society, through their interest, as indispensable to its support. If we cannot take lessons from this school, on the question of reduction of patronage, we may at least learn, what is of vast importance to be known, how and by what means this school has reared up a system, which has added so vastly to the power and patronage of the Government, beyond what was contemplated by its framers, as to alarm its wisest and best friends for its fate. With the view of furnishing this information, so intimately connected with the object of these remarks, I propose to give a very brief and rapid narrative of the rise and progress of that system.

At the head of this school stands the name of Hamilton, than which there is none more distinguished in our political history. He is the perfect type and impersonation of the national or Federal school, (I use party names with reluctance, and only for the sake of brevity,) as Jefferson is of the State-rights Republican school: They were both men of eminent talent, ardent patriotism, great boldness, and comprehensive and systematic understanding. They were both men who fixed on a single object far ahead, and converged all their powers towards its accomplishment. The difference between them is, that Jefferson had more genius, Hamilton more abilities; the former leaned more to the side of liberty, and his great rival more to that of power. They both have impressed themselves deeply on the movements of the Government, but as yet Hamilton far more so than Jefferson, though the impression of the latter is destined in the end, as I trust, to prove the more durable of the two.

It has been the good fortune of the school of which Mr. Jefferson is the head to embody their principles and doctrines in written documents, (the report referred to and the Virginia and Kentucky resolutions,) which are the acknowledged creed of the party, and may at all times be referred to in order to ascertain what they are in fact. The opposite school has left no such written and acknowledged creed, but the declaration and acts of its great leader have left little doubt as to either its principles or doctrines. In tracing them a narrative of his life and acts need not be given. It will suffice to say that he entered early in life into the army of the Revolution, and became a member of the military family of Washington, whose confidence he gained and retained to the last. He next appeared in the Convention which framed the Constitution, where, with his usual boldness, he advocated a President and Senate for life, and the appointment by this Government of the Governors of the States, with a veto on the State laws. These bold measures failing, he retired from the Convention, it is said, in disgust; but afterwards, on more mature reflection, became the zealous and able advocate of the adoption of the Constitution. He saw, as he thought, in a scheme of Government which conferred the unlimited power of taxing and declaring war, the almost unbounded source of power in resolute and able hands; hence his declaration that, though the Government was weak in its organization, it would, when put in action, find the means of supporting itself; a profound reflection, proving that he clearly saw how to make it, in practice, what his movements in the convention had failed to accomplish in its organization.

Nor has he left it in doubt as to what were the means on which he relied to effect his object. We all recollect the famous assertion of the elder Adams, that the "British Constitution," restored to its original principles, and freed from corruption, was the wisest and best ever formed by man; and Hamilton's reply, that the British Constitu-

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tion, freed from corruption, would be impracticable, but, with its corruption, was the best that ever existed. To realize what was intended by this great man, it must be understood that he meant not corruption in its usual sense of bribery. He was too able and patriotic to resort to such means, or to the petty policy this bill is intended to prevent. Either of these modes of operation was on too small a scale for him. Like all great and comprehensive minds, he acted on masses, without much regard to individuals. He meant by corruption something far more powerful and comprehensive; that policy which systematically favored the great and powerful classes of society, with the view of binding them, through their interest, to the support of the Government. This was the single object of his policy, and to which he strictly and resolutely adhered throughout his career, but which, whether suited or not to the British system of Government, is, as time has shown, uncongenial and dangerous to ours.

After the Constitution was adopted, he was placed at the head of the Treasury Department, a position which gave full scope to his abilities, and placed ample means at his disposal to rear up the system he meditated. Well and skillfully did he use them. His first measure was the adoption of the funding system, on the British model; and on this the two schools, which have ever since, under one form or another, divided the country, and ever will divide it, so long as the Government endures, came into conflict. They were both in favor of keeping the public faith, but differed as to the mode of assuming the public debt, and the amount that ought to be assumed. The policy of Hamilton prevailed. The amount assumed was about eighty million dollars, a vast sum for a country so impoverished, and with a population so inconsiderable as we then had. The creation of the system, and the assumption of so large a debt, gave a decided and powerful impulse to the Government, in the direction in which it has since continued to move, almost constantly.

This was followed by a measure adopted on his own responsibility and in the face of law, but which, though at the time it attracted little attention or opposition, has proved the most powerful of all the means employed in rearing up and maintaining his favorite system. I refer to the Treasury order directing the receipt of bank notes in the dues of the Government, and which was the first link in that unconstitutional and unholy alliance between this Government and the banks, that has been followed by such disastrous consequences. I have, Mr. President, been accused of extravagance in asserting that this unholy connection with the paper system, was the great and primary cause of almost every departure from the principles of the Constitution, and of the dangers to which the Government has been exposed. I am happy to have it in my power to show that I do not stand alone in this opinion. Our attention has lately been attracted by one of the journals of this city, to a pamphlet containing the same sentiment, published as far back as 1794, the author of which was one of the profoundest and purest statesmen to whom our country has ever given birth, but who has not been distinguished in proportion to his eminent talent and ardent patriotism. In confirmation of what I assert, I will thank the Senator from North Carolina, near me, [Mr. STRANGE,] to read a paragraph, taken from the pamphlet, which contains expressions as strong as any I have ever used in reference to the point in question.

Mr. STRANGE read as follows:

"Funding and banking systems are indissolubly connected with every commercial and political question, by an interest generally at enmity with the common good. In the great cases of peace and war, of fleets and armies, and of taxation and navigation, their cries will forever resound throughout the Continent. Whereas the undue bias of public officers is bounded by known salaries, and persons not freeholders are hardly, if at all, distinguishable from the national interest. One observation is adduced in proof of this doctrine. Paper fraud knowing the restiveness of liberty when oppressed, is under an impulse to strengthen itself by alliances with legislative corruption, with a military force, and with similar foreign systems. War with Britain can be turned by it to great account. In case of victory, a military apparatus, united to it by large arrears, and an aversion to being disbanded, will be on hand. In case of defeat, paper will constitute an engine of Government analogous to the English system. Can republicanism safely intrust a legis-

lative paper junto with the management of such a war? If it does, no prophetic spirit is necessary to foretell that paper will be heaped upon liberty, from the same design with which mountains were heaped upon the giants by the dis-solute junto of Olympus."

Mr. CALHOUN. The next movement he made was the boldest of the whole series. The union of the Government with the paper system was not yet complete. A central control was wanting in order to give to it unity of action, and a full development of its power and influence. This he sought in a national bank, with a capital of \$10,000,000, to be composed principally of the stock held by the public creditors; thus binding more strongly to the Government that already powerful class, by giving them, through its agency increased profit and a decided control over the currency, exchanges, and the business transactions of the country. On the question of chartering the bank, the great battle was fought between the two schools. The contest was long and obstinate, but victory ultimately declared in favor of the national Federal school.

The leader of that school was not content with those great achievements. His bold and ardent mind was not of a temper to stop short of the end at which he aimed. His next movement was to seize on the money power, and he put forth able reports, in which he asserted the broad principle that Congress was under no other constitutional restriction in the use of the public money but the general welfare, and that it might be appropriated to any purpose whatever, believed to be calculated to promote the general interest, and as freely to the objects not enumerated as those that were specified in the Constitution. To this he added another and perhaps more dangerous assumption of power, that the taxing power, which was granted expressly to raise revenue, might be used as a protective power for the encouragement of manufactures, or any other branch of industry which Congress might choose to foster; and thus it was in fact perverted from a revenue to a penal power, through which the entire capital and industry of the Union might be controlled. Congress was not prepared at that early stage to follow so bold a lead, but the seed was sown by a skillful hand, to sprout when the proper season arrived.

When he retired from office no controlling mind was left to perfect the system which he had commenced with such consummate skill and success; and shortly after, under the administration of the elder Adams, the alien and sedition acts, and the quasi war with France, as it was called, followed the violent and precipitate measures of less sagacious and powerful minds, and which in their reaction expelled their authors from power, and raised Jefferson to the Presidency.

He came in as a reformer; but, with the most ardent desire and the highest capacity to effect a reformation, he could do little to change the direction which his rival had impressed at the outset on the political machine. Economy, indeed, was introduced, and the expenditures reduced, but the ligatures which united the Government with the paper system were too strong to be bursted. The funded debt, though greatly reduced by him, could not be extinguished. The charter of the United States Bank had still half its turn to run, and the use of banks and bank notes in the fiscal transactions of the Government had taken too strong a hold to be superseded at once. In the mean time, the agitation caused by the gigantic conflict between France and England reached our distant and peaceful shores, and the Administration was almost exclusively occupied in efforts to prevent aggressions on our rights, and preserve our neutrality. To effect that, every expedient was attempted; negotiation, embargo, non-importation, and non-intercourse, but in vain. War followed, and with it all hopes of carrying out the reform contemplated by Jefferson when he came into power failed.

When peace arrived, the country was deeply in debt. Capital and industry had taken new direction in consequence of the long interruption of our foreign commerce, and the public attention was completely diverted from the questions which had brought into conflict the two great political schools, and which had so long divided the country.

The season had now arrived when the seed

which had been so skillfully sowed by Hamilton, as has been stated, began to germinate, and soon shot forth with the most vigorous growth. Duties came to be imposed without regard to revenue, and money appropriated without reference to the granted powers. Tariff followed tariff in rapid succession, carrying in their train a profusion of expenditures on harbors, roads, canals, pensions, and a host of others, comprehending objects of almost every description. In such rapid succession did the protective duties follow, that, in 1828, in the short space of twelve years after the termination of the late war, they reached the enormous amount of nearly one half of the aggregate value of the entire imports, after deducting the reshipments. Beyond this point, the system never advanced and fortunately for the country it did not. Had it continued its progress a few years longer, the enormous patronage which it placed at the disposal of the Chief Magistrate would have terminated our form of Government by enabling him to nominate his successor, or by plunging the country into a revolution, to be followed by disunion or despotism, as was foretold would be the consequence in the report to the Legislature of Virginia, so often referred to, if the system it reprobated were carried out in practice. But, happily, with the tariff of 1828, the reaction commenced, and has been ever since progressing. How or by whom it was commenced, and has been urged forward to the present point, this is not the proper occasion to state. All I propose now, is to trace its progress, and mark the point at which it has arrived.

The first step of this retrograde movement was the overthrow of the administration of the younger Adams. He came into power on the extreme principles and doctrines of the Federal national school, and on them he placed the hope of maintaining his elevation. For the truth of this assertion I appeal to his inaugural address and his messages to the two Houses at the openings of the annual sessions; and to expel his Administration from power was, of course, a preliminary and indispensable step towards the restoration of the principles and doctrines of the opposite school, and fortunately this was effected by a decided majority at the expiration of his first term.

The next step was the final discharge of the funded debt; and for this important step, at so early a period, the country is indebted principally to a friend, now, unfortunately, no more—the amiable, the talented, the patriotic Lowndes—the author of that simple, but effective measure, the sinking fund act, passed shortly after the termination of the late war.

But the most formidable of all the obstacles—the source of the vast and corrupting surplus, with its host of extravagant and unconstitutional expenditures, the protective tariff, still remained in full force, and obstructed any further progress in the reaction that had commenced. By what decided and bold measures it was overcome is well known to all, and need not be told on this occasion. It is sufficient to say that, after a long and desperate struggle, the controversy terminated in the compromise act, which abandoned the protective principle, and has, I trust, closed forever what has proved in this Government a most prolific source of power, patronage, and corruption.

The next step in the progress, was the overthrow of the Bank of the United States—the center and soul of the paper system—a step that may justly be regarded as not inferior to any other in the whole series. That was followed by the deposit act of 1836, which transferred to the treasuries of the States the vast surplus, which continued to flow in upon us, notwithstanding the great reduction under the compromise act. This decisive measure disburdened our surcharged Treasury, and has forced on this Government the necessity of retrenchment and economy, and thereby has greatly strengthened and accelerated the reaction. So necessary is the reduction of the income to reform, that I am disposed to regard it as a political maxim in free States, that an impoverished Treasury, once in a generation at least, is almost indispensable to the preservation of their institutions and liberty.

The next stage in the progress was the suspension of the connection between the Government

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and the banks, in consequence of the suspension of specie payments. This occasion afforded an opportunity to strike the first blow against that illegitimate and unholy alliance. It was given decidedly, boldly, and vigorously, but still with only partial success. The interest in favor of maintaining the connection was too powerful to be overcome at once; but though not broken the tie is greatly weakened, and nothing now is wanting to sever forever this fatal knot, but to follow up what has already been done by persevering and energetic blows.

This is the point to which the reaction has already reached; and the question now to be considered is, to what point ought it to be urged, and what are the intermediate obstacles to be overcome? I am, for myself, prepared to answer. I have no concealment; my aim is fixed. It is no less than to turn back the Government to where it was when it commenced its operation in 1789; to obliterate all the intermediate measures originating in the peculiar principles and policy of the school to which I am opposed, and which experience has proved to be so dangerous and uncongenial to our system; to take a fresh start, a new departure, on the State-rights Republican track, as was intended by the framers of the Constitution. That is the point at which I have aimed for more than twelve years, and towards which I have persisted during the whole period, to urge my way, in defiance of opposing difficulties, dangers, and discouragements, and from which nothing shall drive me, (while in public life,) till the object at which I aim is accomplished. By far the most formidable difficulties are already surmounted. Those that remain are comparatively insignificant.

Among these, the most important and difficult by far is, to separate the Government from the banks, but which, after the blows the connection has received, will require not much more than unyielding firmness and perseverance. This done, the great work of fleeing the Government entirely from the paper system on which Hamilton laid the foundation of his whole system, will have been achieved.

The next is to carry out, in the revision of the tariff, which must take place at the next or succeeding session, the provisions of the compromise act, that there shall be no duty laid but what may be necessary to the economical and constitutional wants of the Government. Should this be accomplished, there will be an end to the protective system, with all the evil that followed and must ever follow in its train. Nor can I believe, after what we have experienced, and what has been said during this session, that there will be any insuperable difficulty in effecting an object so intimately connected with the peace and tranquility of the Union.

Having freed the Government from the paper and protective systems, the next step in importance is, to put a final stop to internal improvements, the construction and improvement of harbors, and the extravagant waste on what we are pleased to call the pension system, but which has departed from every principle justly belonging to such a system. No Government was ever before burdened with an expenditure so absurd and monstrous. It confounds all distinctions between the deserving and the undeserving, and yearly draws millions from the Treasury without any just claim on the public bounty, and ought to be both arrested and reformed.

A single step more brings the Government to the destined point; I mean a thorough reformation in the administrative department of the Government. I doubt not but that every branch needs reform. There are, doubtless, numerous defalcations in addition to those brought to light. The fault has been more in that system, a brief narrative of which I have given, than in those who have been charged with the administration of the Government. For years money was as dirt. The Treasury was oppressed with it, and the only solicitude was how to get clear of what was considered a useless burden. Hence the vast increase of expenditures; hence the loose and inattentive administration of our fiscal concerns; hence the heavy defalcations. Nor are these remarks confined to the executive department of the Government; they apply to all, to the two

Houses of Congress as well as to other branches. But there is no longer a surplus. The Treasury is exhausted, and the work of retrenchment, economy, and accountability, is forced on us. Reform in the fiscal action of the Government can no longer be delayed, and I rejoice that such is the fact. Economy and accountability are virtues belonging to free and popular Governments, and without which they cannot long endure. The assertion is preëminently true when applied to this Government; and hence the prominent place they occupy in the creed of the State-rights and Republican school.

Having taken these steps, every measure of prominence, originating in the principles or policy of the national Federal school will become obliterated, and the Government will have been brought back, after the lapse of fifty years, to the point of original departure, when it may be put on its new track. To guard against a false steerage thereafter, one important measure, in addition to those enumerated, will be indispensable, to place the new States, as far as the public domain is concerned, in a condition as independent of the Government as the old. It is as much due to them as it is indispensable to accomplish the great object in view. The public domain within these States is too great a stake to be left under the control of this Government. It is difficult to estimate the vast addition it makes to its power and patronage, and the controlling and corrupting influence which it may exercise over the presidential election, and through that, the strong impulse it may receive in a wrong direction. Till it is removed, there can be no assurance of a successful and safe steerage, even if every other sinister influence should be removed.

It would be presumptuous in me, Mr. President, to advise those who are charged with the administration of the Government what course to adopt; but, if they would hear the voice of one who desires nothing for himself, and whose only wish is to see the country prosperous, free, and happy, I would say to them, you are placed in the most remarkable juncture that has ever occurred since the establishment of the Federal Government. By seizing it, you may bring the vessel of State to a position where she may take a new tack, and thereby escape all the shoals and breakers, among which a false steerage has run her, and bring her triumphantly into her destined port, with honor to yourselves and safety to those on board. Take then your ground boldly; avow your object; disclose your measures; and let the people see clearly that you intend—what Jefferson designed to do, but from adverse circumstances, could not accomplish—to reverse the measures originating in principles and policy uncongenial to our political system—to divest the Government of all undue patronage and influence—to restrict it to the few great objects intended by the Constitution—in a word, to give a complete ascendancy to the good old Virginia school over its antagonist, which time and experience has proved to be foreign to our system of Government—and you may count with confidence on their support, without looking to any other means of success. Should they take such a course at this propitious moment, our free and happy institutions may be perpetuated for generations; but, if a different, short will be their duration.

On this question of patronage, let me add, in conclusion, that, according to my conception, the great and leading error in Hamilton and his school originated in a mistake as to the analogy between ours and the British system of Government. If we were to judge by their outward form, there is, indeed, a striking analogy between them in many particulars; but if we look within, at their spirit and genius, never were two free Governments so perfectly dissimilar. They are, in fact, the very opposites. Of all free Governments that ever existed—no, I will enlarge the proposition—of all Governments, free or despotic, that ever existed, the British Government can bear the largest amount of patronage, the greatest exaction and pressure on the people, without changing its character, or running into revolution. The greater, in fact, its patronage, the stronger it is, till the pressure begins to crush the mass of population with its superincumbent weight. But directly the opposite is the case with ours. Of all

Governments that ever existed, it can stand under the least patronage, in proportion to the population and wealth of the country, without changing its character or hazarding a revolution. I have not made these assertions lightly. They are the result of much reflection, and can be sustained by conclusive reasons drawn from the nature of the two Governments; but this is not the proper occasion to discuss the subject.

## ABOLITION PETITIONS.

## SPEECH OF HON. ELY MOORE,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

February 4, 1839,

On presenting a remonstrance from citizens of the District of Columbia against the reception of abolition petitions, &c.

Mr. MOORE said:

Mr. SPEAKER: I present to the House a remonstrance, signed by some several hundred citizens of this District, against the reception of petitions from citizens of the States praying for the abolition of slavery in the District of Columbia. The memorialists represent that they regard Congress as the local legislature of this District, standing in the same relation to the citizens of the District that a State Legislature does to the citizens of a State; and that they claim the right to advise or instruct the Congress, as their local legislature, on all subjects relating *exclusively* to the local interests and municipal institutions of the District; and, further, that they regard the interference of persons residing without the limits of the District, by petition or otherwise, as *intrusive* and *unwarrantable*; and claim the paternal protection of Congress against such interference with their rights and interests. I concur with the views of the memorialists, and shall proceed to vindicate them to the best of my abilities.

I believe, Mr. Speaker, I am justified in the declaration that since I have had the honor of a seat in this body, at least one third of our time has been unnecessarily wasted, or mischievously employed—I will not undertake to say which—in debating petitions, resolutions, &c., &c., touching the abolition of slavery in the District of Columbia. In other words, if I am correct in the views which I would beg leave to submit to the consideration of the House before I take my seat, we have, for the last four sessions of Congress, consumed a large portion of our time in discussing a subject over which the Federal Legislature, in their *Federal capacity*, have no jurisdiction. If this be so, is it not time that we pause? nay, is it not high time that we so change our course of action on this exciting and vexatious subject as to reject, outright, all petitions and memorials praying for the abolition of slavery in the District of Columbia? It is well known to the members of this House that all attempts to suppress discussion on this subject have proved utterly abortive. And so long as we continue to receive petitions from the citizens of the States on the subject of slavery, so long will our time, as heretofore, be occupied in agitating this question. Nay, it must be apparent to all, now that abolitionism has assumed a political character, that this perplexing subject will become, from year to year, more and more embarrassing to the Federal Legislature, unless there shall be found sufficient firmness in a majority of its members to shut down the gate at once upon all petitions of an abolition character. And, sir, permit me to say that I am not altogether confident the American people do not attach undue importance to the "right of petition," when understood in a broad and political sense; in that sense, I mean, in which it has ever been regarded in England. When I hear gentlemen on this floor declaim with so much warmth and energy on what they are pleased to call the "*blessed, sacred, and inestimable right of the people to assemble and petition for redress of grievances*," I am sometimes inclined to believe that their zeal is not exactly according to knowledge, and that they have not duly considered the character and genius of our free institutions.

It is true, and to my mind it is as strange as it

is true, that the Congress of 1789 deemed proper to propose an amendment to the Constitution recognizing "the right of the people peaceably to assemble and petition the Government for a redress of grievances." The statesmen of that day, as well as those of the present, were too much in the habit of looking to England, not only for precedents, but for political principles and practices. And from that source did they derive their ideas concerning the sanctity and importance of the right of the people to assemble and petition their Government. That the right of petition has ever been held dear and sacred by the oppressed and down-trodden subjects of Great Britain, is not to be marveled at. Nothing could be more natural than that a people, whose political franchises had been wrenched from them by the iron hand of despotic power, should esteem it a boon to be graciously permitted to assemble and make known their wrongs, and to petition, to supplicate, for redress. It was the only avenue to the throne which tyranny had left them; the only mode to obtain, or rather to solicit, redress, which the Sovereign had vouchsafed them. The grievances complained of by British subjects—I speak particularly in reference to by-gone times—were mostly general in their effects and political in their character, and originated with the Government; and the only general or political remedy, if remedy it could be called, which the subjects were permitted to apply, was to assemble and petition the Crown relative thereto. Hence, ever associated with the "right of petition" is the idea of an expression of the public sentiment, or of the public will. But with what propriety this identical idea has been transferred to the American Constitution, I confess I am at a loss to determine.

In England, especially in the reign of King John, of "Magna Charta" memory, and of the first three Henrys, the people loudly and earnestly clamored for the right of petition, because their voice could only reach the throne through the medium of supplication—of petition. It was the omnipotency of the prince on the one hand, and the impotency of the subject on the other. Under such circumstances, it was not only natural but politic for the subject to address the sovereign in the abject language of supplication—of petition. But, sir, does it become American freemen, the sovereign people—in whom all power resides—to approach their Representatives, their agents, their servants, the creatures of their own making, with the abject, servile language of petition, prayer, supplication? No, sir, no! Thank God! it is the peculiar province, the proud privilege of the American people, to speak to those in power, on all subjects of general political moment, in the potent and authoritative language of instruction—of dictation. And who will affirm that the right to instruct, to dictate, does not supersede the poor privilege to petition? What, sir; shall it be deemed a privilege for the creator to supplicate the creature? The master to petition the servant? Why, sir, this would be inverting the order of things with a witness. I hold that it is not befitting the American people to address the language of prayer, of petition, of supplication, to any power save that of Almighty power. When freemen pray, let them supplicate the only power superior to their own—the God of the universe!

But, sir, it is not my intention to dwell longer, at this time on this subject. On some future day I may enter fully into a discussion of this question. It shall now be my object to prove—admitting the right of petition, as I now do, in all its length and breadth—that the citizens of the States have no right to petition Congress to abolish slavery in the District of Columbia. Let no man charge me with a desire to strangle the right of petition in order to make out my case. I hold that I am not obnoxious to the charge. I am the last man that would attempt, by word or deed, directly or indirectly, to embarrass or abridge the legitimate exercise of any valuable right. Nor, sir, would I bring any important privilege into disrepute or contempt by the abuse of it. And I contend that it is as much an abuse of this privilege for the citizens of the States, and especially the non-slaveholding States, to petition the American Congress to abolish slavery in the District of Columbia, as it would be for such citizens to petition the Parliament of Great Britain, or the

French Chamber of Deputies, for a like purpose; or as it would be for the citizens of Maine to petition the Legislature of Virginia to abolish slavery within the limits of that State. No man in the possession of his wits, having the least acquaintance with the character of our Government, will assert that it would be a denial of the right of petition for the Legislature of Virginia to reject petitions from the citizens of the State of Maine, praying for the abolition of slavery. And if it would not be a denial of the right of petition in this case, how can it be a denial of that right for the Legislature of this District to reject petitions of like import from citizens of the States? Would it not be equally proper for the citizens of the District of Columbia to petition the Legislature of Massachusetts to pass laws for the relief and amelioration of the condition of the laborers employed in the manufactories of that State, as for the citizens of Massachusetts to petition Congress to abolish slavery in the District of Columbia? If a rejection of petitions would not be a denial of the right of petition in the one case, how could it be so in the other? For I contend, and shall show most conclusively, that the citizens of the District of Columbia have the same right to interfere in the internal police of Massachusetts that the citizens of Massachusetts have to interfere in the internal police of the District of Columbia.

It will be perceived by the House, from what I have stated, that I regard Congress as the local legislature of this District; standing in the same relation, in one respect, to the citizens of the District, as do the State Legislatures to the citizens of the States. Entertaining this opinion, then, I contend that the rejection by Congress of petitions, coming from citizens of any of the States, praying for the abolition of slavery in the District of Columbia, is no more a denial of the right of petition than it would be for the Legislature of Maryland or of Arkansas to reject petitions coming from citizens of Vermont or Rhode Island, praying for the abolition of slavery. It will be conceded by all—at least by all professing the Democratic faith—that "every free citizen must be represented;" and that the power of the representative is derived from the will of the represented. This elementary principle of the American Constitution forms the basis of all legislation. This being so, it follows that the free citizens of this District "must be represented." Previous to the cession of the "ten miles square," by the States of Maryland and Virginia, the citizens of these States residing within the present limits of this District were represented by the respective Legislatures of these States. And as neither Virginia nor Maryland had the power so far to disfranchise their citizens as to deprive them of "the right to be represented," that right, of course, remains unimpaired. The States making the "cession" could delegate no power to Congress which they themselves did not possess; consequently, Congress can exercise no power by virtue of the "acts of cession," which it would not have been competent for those States to have exercised. The citizens of the District of Columbia, therefore, like all other free citizens, are entitled to be represented. And as they are not represented by the States which made the "cession," they must, necessarily, be represented by Congress, to whom the "cession" was made. But what must be regarded as decisive on this point, is the fact that Congress may tax the citizens of the District of Columbia, just as a State Legislature may tax the citizens of a State. Sir, the character and genius of our free Government preclude, repudiate, and abhor the idea of taxation without representation. Sir, the Congress of the United States are the representatives of the citizens of the District of Columbia. Congress, as a legislative body, exercise two species of legislative power over this District; the one Federal, the other municipal. The first, limited as to its objects, but coextensive with the Union. The last, unlimited as to objects, but inoperative beyond the territorial limits of this District.

The relation in which Congress stands to the citizens of the District, therefore, is twofold. First, as the representatives of the whole Union; and second, as the local Legislature of the District. In the latter capacity, Congress stand precisely in the same relation to the citizens of the District as the State Legislatures do to the citi-

zens of the States; and, consequently, are as much bound, in all their acts affecting merely this District, to obey the will of the people residing within the limits of the District, as are State Legislatures to obey the will of the citizens of the States. Without the consent of the people of the District, therefore, Congress have no right to abolish slavery within its limits. Congress, as the Federal Legislature, acting in their federative capacity, have no more right to abolish slavery in the District of Columbia than they have to abolish slavery in the State of South Carolina. If Congress possess the power at all, they can only exercise it as the local Legislature of the District, and in pursuance of the will of the citizens residing within the limits of the District. To affirm the contrary, to assert that the municipal institutions, the domestic or local rights and interests of the citizens of the District of Columbia are subject to the arbitrary will and control of the citizens of remote, distinct, and independent States or communities, or, which is in effect the same, of Congress, is to assert that the people of the District do not possess the right of self-government, and that the power of Congress over them and theirs is plenary and absolute. Who will avow this openly? Who will say in direct terms, that Congress, or the citizens of remote States, through their immediate Representatives in Congress, may rightfully and constitutionally interfere with and control the whole internal police of the District, in defiance of the wishes and regardless of the remonstrances of its citizens? Who, I ask, will openly confess himself the advocate of doctrines and principles so alien to the character and genius of our Government, so fraught with tyranny and despotism, and so utterly repugnant to the great principle upon which our institutions are founded—the right of the people to be represented, or, in other words, the right of the people to self-government? Let him who would strike at the rights of a community remember that the blow would be equally dangerous to liberty as if aimed at the rights of individuals.

I shall be told, of course, that, by the sixteenth clause of the eighth section of the first article of the Constitution of the United States, Congress have "exclusive jurisdiction over the ten miles square." Well, sir, how are we to understand this exclusive legislative power? Why, sir, in the first place, it was evidently the intention of the framers of the Constitution to exclude from the territory embracing the seat of the Federal Legislature the jurisdiction of the States which should cede such territory, as well as all other State authority. And, in the second place, that Congress, as the local Legislature of such District, should assume the jurisdiction and exercise the legislative powers surrendered up by the States which made the "cession;" and Congress, in pursuance of this right of "exclusive jurisdiction," exercise the same legislative functions over the District of Columbia, when acting in their local capacity, that the State Legislatures do over the States. When Congress, therefore, act in pursuance of their exclusive legislative power over the "ten miles square," they abandon their national functions, and assume the functions of a local or State Legislature; and all the laws passed by Congress when acting in this local capacity are limited in their operation to the territory comprising the "ten miles square;" just as the laws enacted by a State Legislature are inoperative beyond the limits of such State. In other words, laws passed by Congress in their local legislative capacity, are no more obligatory beyond the bounds of this District, than are laws passed by the Legislature of Maryland, for example, binding beyond the limits of Maryland. In this opinion I am fully sustained by a decision of the Supreme Court of the United States. The court decided that the tickets in a lottery authorized by a law of Congress within the District of Columbia, could not be vended in the State of Virginia, in contravention of the laws of that State. (*Cohens vs. Virginia*.)

The general or national powers which Congress exercise over, and which are binding upon, the States, were delegated by the States; and the powers of "exclusive legislation," which Congress exercise over the District of Columbia, and which are effective only within the District, were

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Abolition Petitions—Mr. Moore.

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derived from the States of Maryland and Virginia, by virtue of certain acts in which they ceded to Congress this District. Had Congress been invested with no other power than that of *exclusive legislation* over the "ten miles square; could there be any question with regard to the extent of their power? Or would it have been alleged in that case that all laws passed by Congress were essentially national in their character, and operative without, as well as within, the limits of the District? I presume not, sir; because the power of *exclusive legislation* which Congress exercise over the District of Columbia can be of no *greater extent* than if such power had been the *only one conferred*. Congress cannot exercise exclusive legislative power over the States, because of the reservation of power to the States, or to the people thereof. Even over the "ten miles square" the power of Congress is limited by the acts of "cession." With what propriety, then, can it be contended that because a law is passed by Congress, it is, therefore, a law of the United States, and of universal obligation? No, sir; whenever Congress legislate in virtue of their local and exclusive jurisdiction over the District of Columbia, they act as a local or municipal Legislature; and the acts passed by them in that capacity are limited in their operation to the territory of the District. A law of Congress, to have the effect of a law of the United States, must be passed in execution of some of the Federal powers, or, in other words, in pursuance of delegated power. But all laws of Congress passed in virtue of the power to exercise exclusive legislation over the District of Columbia are local or municipal in their character, and cannot operate extra-territorially, or beyond the limits of the District. True, there are certain laws passed by Congress which have a local reference to this District, and which proceed from the delegated powers with which Congress are invested. Acts appropriating money for the erection of public buildings, &c., are of this description. These acts, although local in their immediate operation, have reference to national objects, are passed in virtue of the general legislative powers, and are general or national in their character.

Congress can exercise no power, by virtue of the sixteenth clause of the eighth section of the Constitution, over the District of Columbia that it would not have been competent for Maryland and Virginia to have exercised prior to making the cession. The "exclusive powers of legislation," therefore, possessed by Congress over the "ten miles square," are of the kind which were never delegated to the General Government, but reserved to the States. To say that the power of exclusive legislation conferred upon Congress by the sixteenth clause of the eighth section of the Constitution embraced any of the general powers contained in any of the fifteen preceding clauses of the eighth section, would be to charge the framers of the Constitution with granting a repetition of powers by distinct articles. This is not to be presumed; neither is it to be presumed that the framers of the Constitution conferred upon Congress Federal powers concurrent with existing State powers. No, sir; the framers of the American Constitution, as wise and patriotic men, conferred no powers upon Congress that were calculated to beget strife and contention, and instead of promoting, mar the harmony which ever ought to subsist between the National and State Governments; and equally wise and cautious were they in combining the Federal and local or State powers in such manner as that Congress, in discharging the double functions of a Federal and State Legislature, should not confound nor produce a collision between these powers or functions. Thus Congress, I repeat, as the General or Federal Legislature, exercises the general powers delegated by the States; and, as a local or State Legislature, exercises, from time to time, the reserved and undelegated powers pertaining to the States. In the former capacity, Congress may declare war or make peace, "coin money, and regulate the value thereof," &c., but cannot legislate with regard to the local wants and interests of this District; but in the latter capacity, Congress may incorporate companies, build bridges, open streets; in a word, supply the wants and meet the exigencies of the District, precisely in

the same manner that a State Legislature may do with regard to a State. And the laws passed by Congress in this State or local capacity are necessarily limited in their operation to the District of Columbia, precisely as a State law is confined in its operation to the State limits. If the laws passed by Congress in their local legislative capacity had the effect of United States laws, the banks of this District would be United States banks, and the insurance companies United States insurance companies.

The District of Columbia is, in all respects, whether as a sovereignty or as a community, as much independent of the Federal Legislature, when acting in their Federal capacity, as are Georgia and North Carolina, or as those States are of each other. The Federal Legislature, therefore, as such, possess no more power over the subject of slavery within the limits of this District than they do over that subject within the limits of those States. Consequently, Congress are no more bound to receive petitions from the citizens of the States praying for the abolition of slavery in the District of Columbia than the Legislature of a sovereign and independent State would be bound to receive petitions from the citizens of another sovereign and independent State; or, than the Legislature of a State would be bound to receive petitions from the citizens of the District of Columbia, touching the domestic interest and internal police of such State. Hence the popular fallacy with regard to the right of petition. The question is not as to the right of petition, but as to the destination or direction which petitions should take. Admitting that citizens of a State have a right to petition their Legislature, touching any subject of grievance over which the Legislature may have jurisdiction, and that the citizens of the United States have also a right to petition the Federal Legislature on all subjects of a Federal character, does it follow, therefore, that the citizens of one State have a right to petition the Legislature of another State, concerning its domestic institutions and internal police? Or, that citizens of the United States have a right to petition the Federal Legislature on a subject that is not Federal, but strictly local in its character, and with which the petitioners have no right to intermeddle? Certainly not. And as the citizens of Vermont or Connecticut, for example, have no more right to interfere with the domestic institutions of the District of Columbia than they have with the domestic institutions of the State of Maryland or Virginia, which is just none at all, they might, with the same propriety, petition the Legislatures of those States to abolish slavery within their limits, as to petition the local Legislature of this District to abolish slavery within its limits. And as it would not and could not be considered a denial of the right of petition on the part of the Legislature of either of those States to reject such petitions, so neither could it be regarded as a denial of such right for Congress, the local legislature of the District of Columbia (and it has been already shown that it is only in this local capacity that Congress can have jurisdiction over the subject at all) to reject similar petitions from citizens of those or any other States.

It matters not, therefore, whether Congress have the power to abolish slavery within the District of Columbia or not, as Congress is not bound, in either case, to receive petitions from the citizens of the States touching the subject of slavery within this District—such citizens having no right to interfere with this or any other subject of internal police within the District. What, sir, could it be regarded as a denial of the legitimate exercise of the right of petition on the part of Congress, to reject petitions from citizens of the States praying Congress to narrow or widen the streets in this city, or in the city of Georgetown, or of Alexandria, or to repeal the charters of the incorporated companies within this District, or otherwise to change, alter, or in any way affect the municipal institutions or internal police of the District? No man, I apprehend, will so allege; and why not? For the reason, sir, that the petitioners would have no right or authority to intermeddle with the local rights and interests of an independent community—a community as absolutely independent of the petitioners, in all the respects just men-

tioned, as are the municipalities of France. And, as the institution of slavery in the District of Columbia, as well as in the slave States, is, in all respects and to all intents and purposes, local in its character, Congress are no more bound to entertain petitions from citizens of the States asking for its abolition, than if such petitions related to the municipal institutions of a foreign country. If Congress would not be bound to receive petitions in the one case, they would not in the other; and, consequently, if it would not be a denial of the right of petition to reject, in the one case, it would not be so in the other. I repeat, then, that whether Congress have the power to abolish slavery within the District of Columbia or not, it cannot be regarded as a denial of the right of petition for Congress to reject petitions from citizens of the States, praying for the exercise of such right, no more than it would be for them to reject petitions from the subjects of a foreign Power asking for similar action. Were the institution of slavery in the District of Columbia general and national in its character, instead of being, as it is, strictly and essentially local and municipal, then would the citizens of the States, I grant, be authorized to petition the National Legislature concerning it, and the National Legislature, recognizing the right of petition, would be bound to receive such petitions, if couched in respectful language. But under our existing form of government, and under existing circumstances, Congress are not bound, and in truth have no legitimate right, to entertain petitions from individuals residing without the limits of this District touching the abolition of slavery, or any other subject of a local and municipal character, affecting merely the citizens residing within the District.

Such being my views, then, I can but regard those petitioners—resident of the States—praying Congress to abolish slavery in the District of Columbia, as guilty of an impertinent and unwarrantable interference with the rights, privileges, and interests of a free and independent community. And so long, sir, as I entertain my present opinions, I shall feel constrained to reprobate any action on the part of Congress which may be calculated to give countenance and encouragement to such mischievous and audacious interference. Sir, by receiving these petitions, we tacitly yield our assent to acts of aggression on the rights of those whom it is our peculiar duty and province to defend and protect.

Let Congress promptly reject all petitions emanating from citizens of the States, praying for the abolition of slavery in the District of Columbia, and this corroding and wide spreading evil will be speedily arrested. The Halls of Congress, sir, have been converted into abolition laboratories, where this accumulating mischief is compounded and refined, where it receives its point and potency, and whence it is fulminated upon the country.

But again, sir, Congress have no constitutional authority to abolish slavery in the District of Columbia, without the consent of the slave owners. The Constitution declares that "no person shall be deprived of his property without due process of law; and that private property shall not be taken for public use without compensation." An attempt to render this language of the Constitution more explicit or more emphatic, by any comments of mine, could but be regarded as a reflection upon the intelligence of this House. If Congress cannot constitutionally take private property, except it be for public use, and only then by making compensation to the owners thereof, and this is the only true and legitimate construction, by what authority can they wrest from citizens of the District their private property? Such acts unquestionably would be without the shadow of constitutional warrant. The advocates of abolitionism, therefore, in order to surmount this constitutional impediment to their schemes, must show, in the first place, that the citizens of the District of Columbia constitute no part of the citizens of the United States; and, in the second place, that slave property is not private property. Whenever they shall successfully do this, I will admit that the American Constitution affords no guarantee against the violation of the rights of property, and that Congress may, constitutionally abolish slavery in the District of Columbia, with-

out the consent of the slave owners; but not till then.

If the citizens of this District may have one species of property wrested from them by the high hand of power, what security have they that their property, of whatsoever kind, will not share a similar fate? But this supposition cannot be tolerated for a moment. The doctrine strikes at the very root of all free government, and is, to all intents and purposes, subversive of the social compact. In the language of the Supreme Court—

"There are acts which the Federal or State Legislatures cannot do without exceeding their authority. There are certain vital principles in our free, republican Government, which will determine and overrule an apparent and flagrant abuse of legislative power; as to authorize manifest injustice by positive law, or to take away that security for personal liberty or private property, for the protection whereof the Government was established. An act of the Legislature contrary to the great, first principles of the social compact, cannot be considered a rightful exercise of legislative authority. The obligation of a law, in governments established on express compact and on republican principles, must be determined by the nature of the power on which it is founded. A few instances will suffice to explain. A law that punished a citizen for an innocent action, or that was in violation of an existing law; a law that destroys or impairs the obligation of the lawful private contracts of citizens; a law that makes a man a judge in his own case; or a law that takes property from A and gives it to B. It is against all reason and justice for a people to intrust a Legislature with such powers, and therefore it cannot be presumed that they have done it. The Legislature may enjoin or permit, forbid or punish; they may declare new crimes, and establish rules of conduct for future cases; but they cannot change innocence into guilt, or punish innocence as a crime, or violate the rights of an antecedent lawful private contract, or the rights of private property. To maintain that our Federal or State Legislatures possess such powers, even if they had not been expressly restrained, would be a political heresy altogether inadmissible in our free, republican Government."

The principles here affirmed by the Supreme Court are unquestionably sound, and they apply as well to the citizens of this District as to those of the States. Congress, therefore, can do no act affecting the rights of property in the District, that they are prohibited to do in the States. With what propriety, then, can it be contended that Congress are bound to receive petitions on a subject upon which they have no constitutional right to act? Suppose individuals should petition Congress to pass a "law respecting an establishment of religion, or prohibiting the free exercise thereof," or, to "abridge the freedom of speech or of the press," would it, or could it be regarded as a denial of the right of petition for Congress to reject such petitions? No sane man will so aver; because the petitioners would, in effect, require Congress to violate the Constitution. And would it not be equally a violation of the Constitution for Congress to pass an act depriving individuals of their property without "due process of law?" or to take "private property" without "just compensation?" Most unquestionably it would. Let us consider, then, for a moment, the nature of the demand made upon us by the Abolitionists; and let us see whether that demand be in accordance with their sturdy pretensions to piety and patriotism or not? They petition, besiege, and implore us—to do what? Why, sir, to repudiate the principles of the Federal compact; to violate the national faith; to violate the rights of private property; to trample upon the Constitution which we have sworn to support, and consequently to pollute and blacken our souls with the terrific crime of perjury! Yes, sir, all this do the Abolitionists require at our hands, when they ask us to abolish slavery—"as a great moral evil!"—in the District of Columbia.

But this is not all. The Abolitionists design to effect the abolition of slavery in the States also; and it is worse than idle—it is dishonest and insolently hypocritical in them to pretend that their schemes and efforts are limited to the District of Columbia and the Territories. Everybody knows, and many of the Abolitionists themselves confess that such is not the fact. It is as much their intention to accomplish the abolition of slavery in the States as in the Territories or in this District. Such being the case, then, let us examine, for a moment, the nature and tendency of the abolition movement. It will be acknowledged by all that, prior to the organization of the Federal Government, the States were, in all respects, and to all intents and purposes, sovereign and independent

States or nations, and, as such, no one State, of course, could interfere with the rights or internal police of another State, without a violation of international law. An attempt, therefore, on the part of Massachusetts, for instance, to abolish slavery in Georgia, would have been truly and properly regarded by Georgia as an aggression upon her national rights, an assault upon her State sovereignty, and as a virtual denial of her independency as a State or nation. What would have been true then, would be equally true now. Any interference on the part of Massachusetts with the subject of slavery in Georgia, is as clearly wrong—as much an infraction of international law—since the formation of the Federal Government, as it would have been prior to that event. The States, under the Constitution are as essentially and as absolutely sovereign—where their sovereignty is not limited by the Constitution—as they were before the formation of the Constitution. And as slavery exists in the States—not by virtue of the Constitution, but by virtue of State sovereignty alone—it necessarily follows that it is without and beyond the power of the Federal Government to abolish it. Congress have no more right to interfere with the institution of slavery in the States than they have to interfere with the internal institutions of a foreign Power. The power to abolish slavery in the States never having been delegated to Congress, cannot be exercised by Congress without a violation of the Federal Constitution. On the subject of slavery, the States are not only independent of each other, but also of the General Government. The States having reserved to themselves all the rights of sovereignty, not directly and explicitly conceded to the Federal Government, they are just as free to exercise those reserved rights as if such Government had never been established. This proposition I hold to be self-evident. The right to hold slaves not having been ceded to the General Government, but retained by the States, it follows that an attempt on the part of the citizens of the non-slaveholding States, or of Congress, to interfere with the institution of slavery in any of the slaveholding States, would be a violation of the rights of sovereign and independent States or nations, and, of consequence, in direct and positive contravention of international law.

The Abolitionists, by warring against the rights and sovereignty of the States, encourage a violation of the national faith, sanction the infraction of law, and endanger the stability and integrity of the Federal Union. "In taking this ground," to adopt the language of one of the most original thinkers and energetic writers of the age,\* "they (the Abolitionists) set the law at defiance, and are either a mob or a band of insurrectionists. In taking this ground, they justify all the lawless violence against which they have so vehemently declaimed. If one class of the community may set the laws at defiance, why may not another? If the Abolitionists may set at naught the international law, which gives the slaveholding States the exclusive jurisdiction of the slave question, why may not other citizens say they have a right, by mob law, to prevent them, if they can, from doing it. It were not difficult to convict the Abolitionists of preaching the very doctrines the mobocrats attempt to reduce to practice. They ought not, therefore, to think it strange that they have been but in too many instances the victims of lawless violence. When a portion of the community take it into their heads that they are wiser than the law, and commence the performance of acts in contravention of law, they ought to be aware that they open the door to every species of lawless violence, unchain the tiger, and must be answerable for the consequences."

What must be the certain and inevitable tendency of the abolition movement, and what its moral and political results, if its progress shall be onward and its march be throughout the Union? The consequences, alas! must be but too apparent and appalling to all reflecting men—to all who prize the Union—all who love America. The efforts of the Abolitionists, whether triumphant or not, cannot fail to rock the battlements, if not

rive the foundations of the Republic. In the name of Liberty, they seek to overthrow her last fortress—the American Constitution. In the name of patriotism, they strive to revolutionize and uproot the very foundations of our Federal system. And in the name of humanity, they would tear down the prop and pillar of the last fond hope of human kind—the sovereignty of these United States! Such is the political character and tendency of the abolition movement. But this is not all. There are fearful moral evils involved in the designs of the Abolitionists—the violation of law and of plighted faith. Nay, more; allied to abolitionism is blind, reckless, feverish fanaticism. The wild, enthusiastic, and impetuous spirit which kindled the fires of Smithfield, and strewed the plains of Palestine with the corpses of the Crusaders, stands, with lighted and uplifted torch, hard by the side of abolitionism, ready to spread conflagration and death around the land.

But to return to the subject of slavery, and of the right of petition as relates to the District. The question will be asked, no doubt, if the citizens of the States have no legitimate right to petition Congress on the subject of slavery in the District of Columbia, and if Congress are not bound to receive such petitions, why is it that so many thousands have signed petitions of this character? The reason is obvious, sir. The prime movers in abolition proceedings, and the great body of the intelligent signers to abolition petitions, belong to the Federal school in politics. They are consolidationists, and repudiate the doctrine of State rights. They regard the powers of the Federal Government as omnipotent. Hence they believe the Federal Legislature not only have the power to abolish slavery in the District of Columbia, but also in the States. The Federal or national bank party can believe nothing short of this. Sir, this whole abolition movement had its origin in a Federal heresy. Abolitionism is the veritable offspring of Federalism. It looks to centralization for the realization of its hopes, and the consummation of its purposes. Withdraw from abolitionism the sustaining arm of its parent Federalism, and it inevitably becomes helpless, and in despair falls prostrate in the dust. In confirmation of what I have just stated, I would appeal to facts—notorious, undeniable, incontrovertible facts. I would appeal to the known and acknowledged principles of the Federal party. I would appeal to the Journals of Congress—to the recorded votes of the members of this House on all test questions touching the subject of abolition. I would appeal to the history of the recent elections, and especially to the election in the State of New York, where it is well known every Abolitionist and free negro voted the Federal or Whig ticket. Nay, more. I would appeal to the ten thousand abolition petitions with which this Hall has been flooded for the last four years. I will hazard the declaration, and challenge and defy successful contradiction, that among the hundred thousand individuals that have signed petitions praying for the abolition of slavery in the District of Columbia, there are not one hundred who are known to be friendly to the present Administration. Who will, who can, who dare deny the truth of this assertion?

If the Federal Legislature have power, under the Constitution, to "abridge the freedom of speech, or of the press," as has not only been contended for, but the exercise of such power actually sanctioned by the Federal party in the time of the elder Adams; and if they may charter a national bank, as is also contended, and delegate to such bank or corporation the power of legislation, in the grant of creating at pleasure other banks and other directors, within any of the States or Territories of this Union, in defiance of the wishes and in contravention of the laws of such States or Territories,\* why, I would ask, should they not also claim the power to abolish slavery, not only in the District of Columbia, but also in the States? To contend that Congress have the constitutional power to do the first-named acts, and not the latter, would be sheer and gratuitous nonsense. I repeat, therefore, that the only hope of the Abolitionists is in the ultimate triumph of

\* O. A. Brownson, editor of the Boston Quarterly Review.

\* See charter of late United States Bank, section fourteenth.

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the Federal party and of Federal principles. So long as the Democratic or State-Rights party shall maintain the ascendancy, the efforts of Abolitionists will be comparatively innocuous; but whenever the political power of this country shall be swayed by Federal hands, the designs of the Abolitionists will well nigh have reached their consummation. Shall I be told that the Federalists are not all Abolitionists? This may be partially true; but then are not all Abolitionists necessarily Federalists? How can they expect to accomplish their object—the general abolition of slavery—but through the Federal power, and in pursuance of Federal principles? Certainly they cannot be so grossly ignorant as to suppose that the Democratic State-rights doctrine of strict construction would be favorable to their views, or that it would be possible to achieve their object through the influence of Democratic principles, or by virtue of Democratic legislation.

But again: if the Federalists are not now all Abolitionists, the time will soon come when they must become so as a party, or otherwise fall into a contemptible and hopeless minority. Which will they do? Will they repudiate abolitionism and Abolitionists, and, by so doing, insure their own political destruction? Or will they maintain and strengthen the league already formed with the Abolitionists, in the hope of securing and confirming their political existence and ascendancy? Which will they do, I ask? Why, sir, if we shall judge of their future course by their past conduct, it will be no difficult matter to determine what they will do. They will do, as they ever have done, sacrifice every principle of honor, of virtue, and of patriotism, if it be necessary to enable them to direct and control the political power and destinies of the Republic. When, let me ask, have the Federal party ever shown by their acts that their love of country was paramount to their love of power? Never, sir, never! But this is not all. The coalition between the Federalists and Abolitionists was not only to have been expected, for the reasons already stated, but from considerations of still greater pith and moment.

In all civilized communities, the two extremes of society—the affluent and the breadless, the powerful and the impotent—come together and war upon the center—the intermediate classes. Such ever has been, and ever will be the case. It is, in fact, a law of human society; and well do the Federal party understand the operations of this law. Hence their constant efforts to make the poor poorer, and the feeble more impotent. And hence it has ever been the policy, the aim and object of the Federal aristocracy of this country, to impoverish, depreciate, and degrade the Democracy; especially that portion who, in obedience to the mandate of Heaven, “eat their bread in the sweat of their face.” To accomplish this, their purpose, the Federalists have availed themselves of every means in their power. They have stigmatized the Democracy as infidels, lechers, agrarians. They have done more. They have vitiated the elective franchise by political coercion, by bribery, and corruption. And more than all, they have defrauded the Democracy of their equal political rights by means of unequal, unjust, and exclusive legislation. And now, in order to render the condition of the laboring classes of the North and East still more dependant and depressed, the Federal party have joined the Abolitionists, for the purpose of conferring upon the black laborer *nominal freedom*, and upon the white laborer *virtual bondage*! Yes, sir, for the especial purpose of humbling and degrading the Democracy, have the Federal party of the North and East joined in the abolition crusade; and whenever their object shall be attained, and the southern negro shall be brought to compete with the northern white man in the labor market, the moral and political character, the pride, power, and independence, of the latter are gone forever, and Federalism will have realized its fondest and most cherished hopes. But let me tell you, sir, the Democracy of the North and East are not unmindful of passing events. Since abolitionism assumed a political character, they have watched the movements of the Federal abolition party with deep concernment. They are conscious of the approaching danger, and are coolly and deliber-

ately preparing to face it. Yes, sir, whenever the Democracy observe the Federal party prosecuting a political measure with zeal and vigor, as they now do abolitionism, they involuntarily, instinctively gather up their energies to meet and repel approaching mischief; and I warn them now, they cannot prepare too soon, nor with too much vigor and forecast. The crisis approaches. The fearful conflict, the mortal struggle, the tiger strife is at hand, and God alone can tell the result.

NOTE.—Mr. MOORE was called to order, in the course of his remarks, by General WADDY THOMPSON, of South Carolina, and by the decision of the Chair was prevented from concluding his speech. Mr. MOORE, before taking his seat, gave notice that he would publish all that he had intended to say, precisely in the same form and manner he would have done had no interruption taken place.

## EMIGRANT INDIANS.

SPEECH OF HON. A. H. SEVIER,  
OF ARKANSAS,

IN THE SENATE, February 23, 1839.

On the bill to provide for the security and protection of the emigrant and other Indian tribes west of the States of Missouri and Arkansas.

Mr. SEVIER said:

Mr. PRESIDENT: The object of the bill now under consideration is, what its title purports, “to provide for the security and protection of the emigrant and other Indian tribes west of the States of Missouri and Arkansas.” And I might add that its object is also to provide for the security and protection of the frontier settlements of those States, and for the civilization and general welfare of the North American Indian race.

These, Mr. President, are the objects of the bill; and to accomplish them effectually, the bill proposes to establish, in the country set apart, by our laws and our treaties, for the permanent residence of the Indian tribes, an Indian territorial government.

That such an organization, for such a population, under our authority, is new, I am ready to admit. But should it appear, in the progress of this discussion, that such an establishment, on the score of efficiency and economy, is probably, of all others, the best calculated to secure and protect the Indians against each other, as well as our own citizens in their vicinity, I feel assured that though the measure may be new, it will receive, as it did at the last session of Congress, the marked and decided approbation of this body. The country proposed to be organized into a Territory is described in the first section of the bill, and is as follows:

“Beginning at the sources of the Puncah river; thence down said river to Missouri river; thence down the Missouri river, on the southwest bank, to the State of Missouri; thence along the western line of the State of Missouri to the northwest corner of the State of Arkansas; thence along the western boundary of the State of Arkansas to Red river; thence up Red river to a point two hundred miles in a direct course west of the State of Arkansas; thence in a direct line to the beginning.”

This country, it will be perceived, is beyond the boundaries of any State or organized Territory or white settlement. Its average breadth is something over two hundred miles, and its length about six hundred. It contains an area of about eighty millions of the public land, and is healthy, well watered, sufficiently timbered, and a great deal of it remarkably fertile, and is well adapted for agricultural and pastoral purposes. Lead ore, iron ore, coal, and salt springs have been discovered in it. In short, all those who reside there, as far as my knowledge extends, are well pleased with their situation. This, sir, is a short description of the country—a country which is held by them, by virtue of our treaties, in fee simple; and which, consequently, is forever beyond our reach, except in the double contingency of its abandonment by the tribes, or of their extinction; in either of which events it reverts to the United States, and comes once more into our possession, and is subject to our disposal as other public land. This perpetual tenure is reaffirmed in the first section of this bill.

Sir, until recently a vast majority of these Indians resided within the limits of the States; and while in that condition it was not in our power to do much for them; and the uncertain tenure by which they held their lands, their embarrassment by State legislation, and the constant encroachment upon their soil by the whites, dissuaded them from doing much for themselves. Most happily, Mr. President, these difficulties no longer exist. In pursuance of a wise, humane, and salutary policy, these Indians have been sent out from among us, and are placed side by side of each other, in their new homes, beyond the reach of further encroachment or intrusion. In this location, for the first time since the Revolution, we feel ourselves unrestrained, in our legislation for them, by any question of jurisdiction, or power, or policy; and, on their part, they have imbibed a stimulus to exertion, in feeling that they have a permanent home: in feeling untrammelled by State laws, and unmolested by unwelcome intruders. Their location is fortunate for us on another account. They are now remote from any unfriendly foreign influence in time of war; and in time of peace we find them a great convenience in carrying on, through their country, a profitable commerce to Santa Fé.

Being thus permanently settled, it now becomes our duty to view them in their new position, and to shape our legislation accordingly. We must now give up our temporary measures, and place our relations with them upon a firm and solid basis. We are bound by solemn treaty obligations to them, we are bound by duty to our own people in their vicinity, to provide permanently and effectually for the mutual peace and protection of all parties; and, to succeed in the accomplishment of these high national obligations, something else is required at our hands than forts, and troops, and bayonets, or agencies, or superintendencies, or the potent eloquence of annuities. Yet all of these, for the present, at least, I consider essential ingredients in carrying out the objects of this bill; but they are not all that is necessary. Something else is required; and that is the adoption of some obligatory, binding, international laws or regulations, for the amicable adjustment of all the differences which may occur among the respective tribes. The commission of fraud, or trespass, or felony, by an individual of one tribe upon an individual of another tribe, must cease to be a justifiable cause for war among them. These injuries must be redressed by law, in a peaceable manner.

Sir, previous to the commencement of the policy of locating the Indians west, it must be borne in mind that the indigenous tribes of that region, from time immemorial, had been engaged in wars not only among themselves, but had also been at war, for the same length of time, with the tribes east of the Mississippi river—with some of the identical Indians we have located in their immediate neighborhood. For example, the Osages, who were once formidable, frequently sent out war parties east of that river, and these tribes thus assailed, in their turn, invaded the Osage country west of that river.

The remembrance of these long existing feuds and mutual injuries is yet fresh in the recollection of all of them of the present day, and these reminiscences but too frequently display themselves in acts of open murder and secret assassination.

We have not only these indigenous tribes—who have never been substantially at peace—to govern, but we have also some seventeen or eighteen emigrant tribes to manage and control; and of the latter of these we have good reason to anticipate some trouble, on account of the ill feeling some of them bear us, arising from causes occurring previous to their removal; and these causes, whether real or imaginary, are not likely to be soon forgotten.

The tribes now residing in this Territory do not feel bound to peace by the existence of any international law. The only law, at this time, which they understand or appreciate, is that most destructive of all others, the law of retaliation.

There are now in the Territory about ninety-five thousand Indians, belonging to twenty-two separate tribes, and speaking as many different languages. Some few of these, the Choctaws, the

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Chickasaws, and Cherokees, have, to some extent, written laws for the internal government of their respective tribes. The Delawares, I understand, are about imitating their example. With these exceptions, the whole of these ninety-five thousand Indians, who are divided into upwards of twenty tribes, who speak different languages, who reside adjoining each other, and many of whom entertain for each other mutual hereditary animosities, have for their government no international law.

To avoid the disastrous consequences which must inevitably result from this critical condition of things, this bill is proposed, by which it is thought these twenty-two tribes may be induced to adopt some general code by which their differences, of whatever character, may be amicably adjusted.

This important object, the Committee on Indian Affairs believe, can be effected under the auspices and influence of the United States, and not with their countenance and support; and I need not tell you, sir, that we feel great solicitude upon this subject, as we believe that unless something of this character is speedily done, we shall have war among the Indians; and when those wars are once begun, we all know that they will not be confined to Indian soil, but that they will spread and extend themselves to our border settlements, and involve them in their dreadful consequences.

This important view of this subject seems to have been taken by the proper department some years ago. In 1833 a commission was constituted by our Government, the object of which was to promote harmony and good feeling among the Indian tribes. In 1834 similar efforts for similar purposes were made by the Government, and with some success. The chiefs of different tribes were brought together in council, and through the instrumentality of our agent, mutual engagements of peace and friendship were entered into by those chiefs; and for twelve or eighteen months, these engagements had a most salutary effect. But for the last year or two, for some cause or other unknown to me, these councils have ceased to command the special attention of the Government; and losing that support and patronage, they have been abandoned by the chiefs themselves, and hence stealing and murder, as formerly, have once more become, with many of them, the order of the day.

To show you, sir, to what extent these things are carried on in that quarter, I will trouble you with reading a few paragraphs from a work to which, in the course of my remarks, I shall have occasion frequently to refer. The work is entitled "An Annual Register of Indian Affairs in the Indian Territory," and is edited by the Rev. Isaac McCoy, with whom it is my good fortune to be slightly acquainted; a gentleman of extensive information, of fervent piety, of active enterprise; one, sir, who has devoted the last twenty years of his life in the laudable efforts of striving to civilize, Christianize, educate, and improve the moral condition of the Indian. It is from the printed work of such an author that I will now read to the Senate a few paragraphs:

"In 1833 the Government convened councils of a general nature, of delegates from various tribes, and induced them to exchange mutual promises to be at peace with one another. This measure, though it touched the subject but slightly, nevertheless produced a good effect. All parties, for some time, abstained from depredation and murder. These councils not being repeated, the parties felt less restraint, and ultimately returned to their former unkind treatment of one another; and thefts and murders have become more frequent with each succeeding year.

"The Osages are accused of destroying hogs and cattle belonging to the neighboring tribes, to a considerable amount. Horse stealing is frequent in divers places, carried on by the worthless of different tribes. By some, the work is almost reduced to system. They will steal horses in the southern parts of the Territory, or in Texas, and convey them north, and there steal others, and take back on their return.

"But, besides the renegades, whose crimes are disapproved by their well principled countrymen, there are others engaged in these and in worse practices, for which they are honored by their respective tribes, according to Indian custom. The Kauzaws have brought into their villages at least thirty stolen horses within the last summer and autumn. The Osages have stolen, perhaps, a greater number, among which are some valuable horses belonging to the citizens of the United States. In August last, a large drove of horses was stolen from one of the Osage villages.

"In April, 1838, a few Pawnees made a friendly visit to

the Sauks and Ioways, on Missouri. As they were returning to their homes, a party of Kauzaws fell in with them and attacked them, and killed one.

"In August last, the Kauzaws and Osages sent out a party, consisting of about eighty warriors. They surprised a party of Pawnees, and took eleven scalps. Four of their men were killed, and two wounded. A few of the united party separated from the main body. These also had a battle, and took five scalps, making seventeen killed by those tribes, of whom we have obtained certain information. Reports of other murders, committed by other tribes, have been in circulation. On the 1st of September last, a war party of about twenty Kauzaws were out, the result of which we have not heard.

"In the months of June, July, and August, the Rev. M. Merrill, missionary to the Osages, accompanied that tribe on their buffalo hunt, which lasted more than two months. They saw three war parties of Pawnees, the first was a party of thirty, who had been to the Cheyennes to steal horses. They had, first, a skirmish with the Cheyennes, and had been defeated, with the loss of one killed and one badly wounded. They next fell in with a party of Osages, and were again defeated with the loss of two men killed.

"The second was a party of ten, which had started to the Osage villages to steal horses. One of their party was bitten by a snake, which induced them to return without accomplishing anything.

"The third party said they were going to the Cheyennes to steal horses, but it was believed that they designed committing depredations upon the Osages.

"Near the western boundary of the Cherokee country a bloody battle was fought the last summer, (1838), between the Kiawwas and Camanches on the one side, and the Cheyennes on the other.

"A detachment of dragoons, in command of Lieutenant Northup, was on an expedition in that country, and arrived at the ground two days after the battle. The Kiawwas and Camanches were encamped, and had heard of the approach of the detachment. As the Cheyennes advanced to attack their enemies, they were met by the latter about a mile from the encampment. The latter were slowly beaten back into their encampment, though disputing desperately every inch of ground. The whole scene was in an open prairie. The women dug holes in the earth, in which to hide themselves and children. The Cheyennes continued to make dreadful havoc of their wretched enemies, and would have soon reduced the whole to a heap of corpses, when a messenger from camp mounted a horse, and set off to meet the detachment of dragoons to solicit assistance. As he was leaving a Cheyenne, who understood the language of the Camanches, was informed by one of the latter, that the messenger had gone to hasten the white men and Osages, where they every moment expected to come to their assistance. The Cheyennes instantly retired, leaving fourteen dead on the ground, besides the dead that had been carried off during the action. Fifty-eight of the Kiawwas and Camanches were killed. More than one hundred horses lay dead on the ground, chiefly within the encampment.

"From time immemorial many of the Osages have been in the habit of spending the winter in the country east of their present villages from fifty to one hundred and fifty miles. The country is now within the State of Missouri, and covered by a very sparse white population. The latter found the Osages troublesome, and in the autumn of 1837 drove them back to their own side of the line; and in several instances, in which the Osages seemed obstinately inclined to remain, they were severely whipped. The Osages, exceedingly distressed for food, being almost in a state of actual starvation, for some time continued, at the risk of life and limb, to cross the line by stealth, with women and children, for the purpose of hunting the game for food. The whites having reason to fear that habit and hunger might have such influence upon these wretched people that a greater force than they could embody would become necessary for their expulsion, adopted measures to increase their strength, and in the month of October an army of five hundred militia came to their assistance. They scoured the country along the line a distance of upwards of one hundred miles, and found about one hundred of these miserable beings—men, women, and children—and conveyed them across the line into the Indian country. Notwithstanding these admonitions, the more severe of which had been so deeply impressed upon the back as to be seen and felt for many weeks, hunger within, and staring in the countenance of others, including mothers, wives, and children, urged them to continue secretly to cross the line. Their sign was frequently discovered by the white inhabitants, who believed that their stocks of cattle and swine suffered by these incursions.

"In March, 1838, it was discovered that two hogs had been killed by a party of Osages. Nineteen of the citizens armed themselves with rifles, and were in pursuit, with a view of flogging the depredators. The latter were overtaken near the line between the whites and Indians. The Osages were in camp: the number of men about twenty, besides the women and children. The whites asked for the persons who had committed the depredation. Some altercation followed, and, in the mean time, an Osage was seen loading his gun, with which he said he designed to kill one of the party with whom he was quarreling. While he was in the act of loading, he was shot dead by two of the party. Others fired on both sides. The Osages fled into the woods, having two men killed and one wounded. Two of the whites were wounded, one of whom died a few days afterwards."

Sir, relying upon this information, as the Senate must, I think they will agree with me that many months will not elapse, unless something be done to arrest these depredations, and murders, and bloody battles, before we shall witness in that quarter of our country Indian wars upon

\* This party consisted of eight hundred souls—men, women, and children. They killed fifteen hundred buffaloes.

a grander scale than ever existed before upon this continent. Yes, sir, and at the same time more destruction, arising from the circumstances of their proximity to each other, and of being better armed now than they ever were before.

Sir, the Committee on Indian Affairs, viewing the subject in the light I have endeavored to present it to the Senate, and wishing to furnish the remedy for the existing evil, offer this bill for your acceptance. They offer it as a measure of peace, and one which, in their opinion, is amply sufficient, if faithfully administered by the Executive authorities, to preserve from extermination the wretched fragment of the Indian race. These are among the leading objects of the bill, but they are not the only objects. We desire something more. We desire to civilize and improve the condition of the Indian, by imparting to him our institutions and religion, and our arts and sciences; and to do this successfully he must have peace and repose.

Sir, when we remember who these Indians were, and what they are, we anticipate, in this most noble, disinterested, and benevolent enterprise, the efficient aid of the Senate. Let us, upon this occasion, lift ourselves above our prejudices, and forget, for a moment, the history of the bloody and exterminating wars, which were carried on upon this continent for several centuries, between our ancestors and the natives of this country; contests, as we all know, which have resulted in the subjugation and overthrow of the one race by the arms and skill and courage of the other. Sir, the millions of these natives, who once inhabited the Atlantic coast, are at this day nowhere to be found. And this extensive and invaluable country, which was theirs, and for which they fought, is ours now. We hold undisputed dominion over it. We have derived it from them by gift, or by purchase, or by conquest. No descendants of theirs, if there be descendants of the original proprietors, is found to question our title to the whole of it. Let us remember the kind and hospitable reception of our ancestors by the natives of the country; a reception which has been perpetuated by carved figures in the walls of the rotundo of the Capitol. And in remembering these things, let us this day step forward and do something for our wretched dependants worthy of a great, a merciful, and generous christian people. Public sentiment will sustain us in such an effort. Sir, our intercourse with the Indian, which has met with the approbation of our constituents, has undergone, during the last few years, a very material change. We no longer purchase his lands for beads, and tobacco, and paints, and strouding, and beaver traps, and other such worthless gew-gaws. No, sir; no. We give him now a fair equivalent in something more substantial. We give him implements of husbandry, cattle, hogs, houses, farmers, mechanics, and teachers, and heap up to him money in almost countless thousands. And what, Mr. President, have been the happy results growing out of this new, though just and liberal policy? It is most grateful to the heart of humanity to contemplate it. Results have sprung from it which no one, a few years ago, ever contemplated.

Sir, in 1817, a little upwards of twenty years ago, when the first effective step was taken to colonize the Indians west of the Mississippi, we find it stated in the preamble to the Cherokee treaty of that date that the object of this colonization, as understood and expressed by both parties, was exclusively for hunting. Improvement or civilization of these emigrants was not dreamed of by the worthy negotiators of that instrument. We find in the sixth article of that treaty these words:

"The United States do also bind themselves to give to all of the poor warriors who may remove to the west side of the Mississippi, one rifle-gun and ammunition, one blanket, and one brass kettle, or, in lieu of it, one beaver trap, which is to be considered a full compensation for the improvements which they leave."

Sir, they went thither with the avowed purpose, and with the necessary accouterments, for remaining in their original barbarity and ignorance, and to enjoy unmolested their savage propensities for war and for the chase.

The number of those who emigrated was about three thousand. Instead of pursuing the chase, as was anticipated, they went to work; and in

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1835, in the space of about eighteen years, they had increased to four thousand. They had acquired property, had become agriculturists, and had become civilized to a great degree, as I will show you by referring again to the Register of Indian Affairs. Mr. McCoy says:

"They own numerous salt springs, three of which are worked by Cherokees. The amount of salt manufactured is probably about one hundred bushels per day.

"They also own two lead mines. The salt works and their lead mines are in the eastern portion of their country; and all the settlements yet formed are within this eastern portion, which embraces about two and a half million acres.

"Like the Choctaw, the Cherokee nation embraces all conceivable conditions between refinement, intelligence, and wealth, and the opposite extremes but little removed from the original state. The earlier emigrants are, perhaps, in more comfortable condition than the same proportion of any other tribe within the Territory. But with the large accession of late emigrants, there has necessarily been an augmentation of uncomfotableness.

"Some of their own immense herds of cattle. We counted upwards of two hundred at one time within sight, grazing on the prairies, belonging to one man; and it was thought he owned about one hundred more. It was thought by some intelligent white men in their country that within five years past they had sold between six and seven thousand head of cattle.

"They probably own three thousand horses, fifteen thousand five hundred hogs, six hundred sheep, one hundred and ten wagons, a plow, and often several plows to each farm, several hundred spinning-wheels, and one hundred looms.

"They cultivate all kinds of culinary vegetables common to the western country; raise corn in abundance, and have commenced the growing of wheat. Their fields are inclosed with rail fences. They have, generally, good log dwellings, (for a new country,) many of which have stone chimneys to them, with plank floors, all erected by themselves. Their houses are furnished with plain tables, chairs, and bedsteads; and with table and kitchen furniture, nearly, or quite, equal to the dwellings of white people of new countries.

"They have seven native merchants, one regular physician, and, *unfortunately*, several steam doctors. Several of them have, at divers times, become partners in large contracts for furnishing the United States Army and emigrant Indians. The traveler finds among them houses of public entertainment, with neat and comfortable accommodations.

The Cherokee Government, though highly creditable to them, is not fully systematic and judicious, like that of the Choctaws. This may be accounted for by the unsettled condition of the affairs of the Cherokees for some years past. The laws extant in the Territory are such as have been adopted by the earlier emigrants, since their settlement in this country, and are not a transfer of the code to which the larger portion of the tribe were subordinate on the east of the Mississippi.

"Their settlements are divided into four districts, each of which elects, for the term of two years, two members of the national council—the title of which is 'The General Council of the Cherokee Nation.' By law, it meets annually on the first Monday in October. They have three chiefs, which, till lately, have been chosen by the general council. Hereafter they are to be elected by the people. The approval of the chiefs is necessary to the passage of a law; but an act upon which they have fixed their veto may become a law by the vote of two thirds of the council. The council consists of two branches. The lower is denominated the *Committee*, and the upper the *Council*. The concurrence of both is necessary to the passage of a law. The chiefs may call a council at pleasure, and in several other respects they retain, in some degree, the authority common to Indian chiefs. Two judges belong to each district, who hold courts when necessary. Two officers, denominated light-horsemen, in each district, perform the duties of sheriffs. A company of six or seven, denominated light-horsemen, the leader of whom is styled captain, constitute a national corps of regulators, to prevent infractions of the law, and to bring to justice offenders."

This, Mr. President, is the present condition of these three thousand Indians who, in 1819, went, as I have already told you, west of the Mississippi. These are they, the wildest of their tribe, who, about twenty years ago, left behind them their own people, their hallowed homes, and the graves of their forefathers, because their offensive enemy, *civilization*, was successfully approaching their wigwams.

Sir, the poorest and most miserable of the indigenous tribes of that region, in consequence of a change in our policy towards them, and in consequence of having a permanent home, and of being undisturbed by our people, seem to have imbibed a spirit of industry and improvement, and to be rapidly rising up from their prostrated state of degradation. Yes, the poor Otoo, whose naked body was never covered, until lately, with any other garment than a buffalo skin, is now seen holding the handles of a plow, and is to be seen busily engaged in tilling the earth for the subsistence of himself, his wife, and children.

Mr. President, within the limits of the proposed Territory there are eighteen emigrant tribes, who number in population about seventy-three

thousand two hundred, and there are eight indigenous tribes, whose aggregate number is about twenty-one thousand six hundred, making, in all, about ninety-five thousand. In this estimate I have not included the wild Indians of the prairie or the mountains, or those residing north of the Missouri, or around the sources of the Mississippi, as all of these are without the limits of the Territory. Of those whose condition we are now considering, the principal and most influential, and, with a few individual exceptions, by far the best informed and civilized, are the Choctaws, the Chickasaws, the Cherokees, and Creeks. Many of these have learned our language, our religion, our literature, our agricultural pursuits, and mechanic arts. Some of them studied our forms of Government, and have organized their Government for their respective tribes, in imitation of ours. They have printing presses among them; they publish newspapers in the English and Indian languages. They print their school books and almanacs, &c.; and Guess, a full-blooded Cherokee, an untutored savage, has had the lasting honor of inventing for the Cherokees their alphabet. Several of the tribes provided for the establishment of schools, several of which are now in operation, and at which some hundreds of Indian youths are now annually educated. Several of the tribes have set apart large sums of money, forever, of which our Government is the trustee, for purposes of education. And, sir, as you are well aware, there are now annually educated, at your residence, in the heart of Kentucky, some two or three hundred Indian boys, at the voluntary expense of the Indians themselves. These tribes have among them several shrewd, intelligent, wealthy, native merchants, who annually import into the country many thousand dollars' worth of merchandise.

They have mills and gins and cotton farms, and in 1837 the Choctaws made and sent to market six hundred bales of cotton, which was worth upwards of twenty thousand dollars.

They raise every year a large surplus of corn, hogs, and cattle, which they dispose of, in part, by contract, to Government, to feed the emigrating Indians and supply the troops of our garrisons. But, sir, as this inquiry must be interesting to the Senate, I will be more particular, and read a few extracts from the work I have previously referred to. Speaking of the Choctaws, the author of this work says:

"They are improving in civilization and comfort. Their houses and fields indicate a good degree of industry. Many have large farms. They own much live-stock, such as horses, cattle, sheep, and swine: are pretty well supplied with farming utensils. They own about six hundred negro slaves.

"They own three flouring mills, two cotton gins, eighty-eight looms, and two hundred and twenty spinning wheels. They have thirteen native merchants, besides white men engaged in the same business.

"In respect to civilization, there is great difference among them. Some have fully adopted the habits of civilized man, many are in comfortable circumstances in life, and some may be said to be wealthy. From these more favorable circumstances all grades of condition exist, down to the Indian who is advanced but little in civilization.

"The best evidence of the improving condition of the Choctaws is seen in an entire change in their government, which they have effected, from the barbarous to the civilized. We cannot now assemble chiefs and headmen among them, and transact business with them relating to their people, as is the custom among uncivilized tribes. The system of chieftaincies has been abolished.

"The tribe denominates itself 'The Choctaw Nation.' It has adopted a written constitution of government, similar to the Constitution of the United States. Their declaration of rights secures to all equal privileges, liberty of conscience, excluding all religious tests; it secures trial by jury, and, in a word it provides for all that is felt to be necessary in the incipient stages of political existence. The constitution may be amended by the national council.

"Their country is divided into four judicial districts. Three of these districts annually elect, by popular vote, each nine members of the national council, and the fourth elects, by the same mode, thirteen members; in all, forty. These are allowed three dollars a day while engaged in legislating. Within each district an officer, denominated a chief, is elected for the term of four years. The national council meets annually on the first Monday in October. It consists of forty members, the necessary clerks, a light-horseman, (sergeant-at-arms), and doorkeeper. It is also attended by the chiefs, who have an honorary seat provided for them by the side of the speaker, but they have no voice in debate in council. Their signatures are necessary to the passage of a law. They may veto an act, but it may become a law by the concurrence of two thirds of the council notwithstanding. The council is styled 'The General Council of the Choctaw Nation.' It adopts by-laws for its government while in session; it elects a speaker and

other requisite officers, and appoints appropriate committees to adjust matters for legislation. All writings are in English, but are read off in the Choctaw language. All discussions are carried on in the Choctaw language. Each member, when about to speak, rises, and respectfully addresses the Speaker, using the Choctaw word for *Speaker*, adding the syllable *ma*, which nearly corresponds with the English Mr. or sir. The question is put in the form customary in legislative bodies, and the vote is given by rising. The preliminary of a law is, 'Be it enacted by the General Council of the Choctaw Nation.' In future the constitution and laws will be printed in both the Choctaw and English language. By the constitution the government is composed of four departments, viz: legislative, executive, judicial, and military. Three judges are elected by the people in each district, who hold inferior and superior courts within their respective districts. Ten light-horsemen in each district perform the duties of sheriffs, and the sum of \$200 per annum is allowed to each district for their compensation. An act has recently been passed for the organization of the militia.

"Individual Indians have frequently become civilized, and subject to the laws of white men, but the Choctaws furnish the first instance among the aboriginal tribes of America, of self-government, divested of the barbarous customs which belong to the savage state. It is truly gratifying that the laws of a commonwealth have been established within the Indian territory so soon after the plan of organizing an Indian government had been undertaken by the Government of the United States. It evinces the capacity of the natives to think and act for themselves; and it may be looked upon as a sure presage of the success ultimately of the design of the Government to place all the tribes in the enjoyment of such blessings.

"The following brief narrative of the manner in which our business was attended to by the last General Council, to which we presented for consideration the bill for the organization of the Indian territory, does not fully comport with the design of the Register; nevertheless, as it relates to a period which will be marked as a new era in the history of the Indians, and as the reader cannot feel perfectly satisfied with general remarks, because, if we would understand the true condition of a people, we must have before us an unvarnished story of their affairs in common life, we will insert it:

"On our arrival we informed a member of the council that we had been commissioned to transact business with the Choctaws, and inquired in what manner it could be brought before them. He said a written notice must be sent to the Speaker; and politely offered to serve us in presenting any papers that we desired. A communication was accordingly conveyed to the Speaker, who, in due form, submitted it to the consideration of the council. It was decided by a vote that we should, at a given time, be introduced into the council. A seat was prepared, an interpreter appointed, and a committee of two sent to inform us, and to conduct us to our seat. Having received our communication, the subject was for the present dismissed by the council, to be considered in its proper place in the order of business.

"There was in the vicinity only one house of public entertainment. For want of room in the tavern, and for the sake of economy, a majority of the members, and of others in attendance, boarded themselves in camp. This session lasted much longer than had been anticipated. The consequence was some inconvenience for want of supplies, and great anxiety to adjourn, which with many was increased on account of their business requiring their presence at their homes. Notwithstanding this state of anxiety, on a Saturday night they unanimously voted not to sit on the Sabbath, and, by a unanimous vote, invited a minister of the Gospel to preach in the hall, and appointed an interpreter, and a committee to notify him. All this was done without a hint from a white man to prompt it. A congregation never beheld with more propriety under the preaching of a chaplain in Congress Hall than did this in the national hall of the Choctaws.

"Our business was referred to a committee, which reported. The council, in the discussion of the subject and in making out its response, sat with closed doors. Their communication was sent to us by a messenger.

"We then informed one of the members that we should be happy to take leave of the council in a formal and friendly manner. They passed a resolution, by which they sent a member and invited us within the bar, and heard from us a brief farewell address, at the conclusion of which the speaker and all the members rose from their seats, and remained standing until we had retired.

"They sit in council with heads uncovered, excepting some in Indian costume, who wear turbans. There were many animated speeches. We could not understand a single sentence, but were charmed with the gracefulness with which the speakers disengaged themselves from their seats, and delivered their speeches. Intonation of voice was sweet, and gesticulation appropriate; both of them free from those extremes of *high and low*, of *storm and calm*, which too often injure speeches in legislative bodies. Some of those who were prominent in debate were full-blooded Indians, in the Indian costume.

"Many of the counselors, no doubt, will soon figure as statesmen. We forbear, in this place, to mention names, because we should be compelled either to do injustice to some, or to fill up too much space. On one occasion a very animated debate arose, in which two ardent young men responded to each other in two or three pretty long speeches, in which they used *written notes*."

Of the Creeks, he states:

"They cultivate corn, and all the vegetables common to the climate and country. They spin, weave, sew, and follow other pursuits of industry. Their fields and dwellings resemble those of white people in new settlements. Many of them have large stocks of cattle. The contractors for furnishing supplies to emigrant Indians have purchased of the earlier emigrants vast quantities of corn; among

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others, the annexed amount of purchases have been made from the following persons prior to the crop of 1837:

Of Lewis Perryman .....	\$3,650 worth of corn.
Of Mr. Hardrich .....	4,500 "
Of Daniel Grayson .....	1,500 "
Of Richard Grayson .....	1,500 "
Of George Grayson .....	1,500 "
Of Mrs. J. McIntosh, (widow,) .....	1,400 "

In all.....\$14,050 "

"Before the crop of 1837 had been harvested, contracts were made for upwards of twenty-five thousand dollars' worth of corn. Vast quantities still remain unsold. Even the latter emigrants, who arrived in their country the winter and spring previous to the cropping season of 1837, though they had to prepare new fields, in the months of September and October of the same year sold to the contractors \$10,000 worth of corn. They have two native merchants.

"Notwithstanding the Creeks, as a people, are in the rear of the Choctaws and Cherokees in regard to civilization, there is much intelligence, refinement, and wealth among them."

Sir, I will not weary the patience of the Senate by further extracts; I will only add that all the statements which I have read to the Senate will be found to be fully corroborated by the official reports of Messrs. Armstrong and Brown and others, made at the last session to the War Department, and which were, as the Senate will remember, communicated through that Department to Congress. These reports were printed, and are now to be found in our public Journals of the last session. Should any honorable Senator desire further information upon this interesting subject, I refer him to these reports.

Mr. President, these are the people in whose behalf the Committee on Indian Affairs invoke your legislation. These are the people whom we desire, in the faithful discharge of our covenants with them, to preserve from exterminating wars among themselves. These are they whom we desire to civilize and improve, and to keep from falling back into their original state of savagism, from which they have so recently and but so partially emerged.

Here, Mr. President, I should conclude my remarks, were it not that an impression seems to prevail in the minds of some gentlemen that the Indians will not willingly accept of this bill or comply voluntarily with the terms it proposes. Sir, if no attempts had been made to ascertain their sentiments upon this subject, I should say, with great confidence, from my knowledge of the Indian character, that such impressions are not well founded.

The Senate will recollect that this is the third time this bill has been introduced into this body, and that the Indians have been very minutely apprised of our movements upon this, as they are, generally, upon all subjects connected with their interests. Many of them have seen copies of this bill, and have had its several provisions explained to them. Those who understood it have given their assent to it in the most unequivocal manner. Eleven of the tribes have assented to the terms of this bill, and should it become a law, are ready to comply with each and all of its provisions. But it is true, as I understand, that the Choctaws look upon it with jealousy, and have been induced to consider it as the first step for their removal further towards the "setting sun;" and, on that account, as I understand their agent to state, they disapprove of it. Sir, let them understand this bill, and, more than that, our motives in passing it, and I will guaranty that they will accept of it most gratefully. Why should they, of all others the most interested in such a measure, refuse or be unwilling to meet their brethren in council to form a confederacy for general purposes? I can see no good reason for their refusal.

By the fifth section of this bill it is made the duty of the superintendent to "invite the chiefs of the various tribes, or parts of tribes, embraced in this act, to unite in a general council, for the purpose of forming a confederation, for regulating the intercourse and preserving peace with each other, and for their assent to such of the provisions of this act as may require their cooperation or assent; and such articles of confederation and such assent shall not be binding on any tribe unless subsequently assented to by such tribe in council, or by its delegates duly authorized for that purpose."

Is there anything in this section, Mr. Presi-

dent, (and this section is the essence of the whole bill,) which looks like the first step for driving them further to the west? And, by the first section of the bill, after describing the boundary of the Territory, and giving it a name, it is stipulated that those lands "shall be, and the same are hereby, reserved for the use of the various Indian tribes who have, or may have, a right to the same; and the faith of the United States is hereby pledged, that such parts of said Indian Territory as have been, or shall be, granted or ceded to any of the Indian tribes, are, and shall be, secured to them and their descendants, and the United States will cause patents to be issued to said tribes, respectively, according to the terms of such grants or cessions." Has this the appearance of a disposition, on our part, of harboring the treacherous design of driving our red brethren further to the west? No, sir; no such base treachery and violation of our plighted faith, I am proud to say, has ever yet sullied the escutcheon of an American Senate. The Senate, sir, is incapable of stooping to such degradation, or of packing upon their consciences such a load of infamy. Sir, we have no such views; our object is to benefit, and not to injure; to preserve, and not to destroy. Sir, permit me to inform my red brethren that, if ever they are intruded upon by our citizens, that intrusion will approach them from the west, or from the shores of the Pacific, beyond the Rocky Mountains. Let them look for the "pale faces" in that direction, for they have nothing to fear from them from any other quarter. In short, sir, they object to the bill, not for what it contains, but for what it does not contain.

In any event, this will be a harmless measure, as it can operate only upon those who voluntarily assent to it. And should it be rejected, after fully understanding it, and, in consequence of that rejection, the evils we anticipate should fall upon those unfortunate human beings, it will, at least, be a consolation for us to reflect that, as humane guardians, we have done our duty in trying to avoid those calamities.

By the eighth section of the bill, we give to the confederated tribes a delegate, to reside at the seat of Government. Being a member of that committee whose duty it is to take cognizance of all subjects relating to Indian affairs, I feel authorized in saying, that I have no doubt that the interests both of the United States and of the confederated tribes would be promoted by having a delegate here to consult and advise with. Such a boon, addressed to aspiring ambition, it is thought, would also have a happy tendency.

Before concluding my remarks, it is proper for me to say a word or two upon the subject of administering the Indian territorial government. And upon this particular branch of the inquiry I beg leave to avail myself of the estimates of my friend and late colleague upon the committee, [Mr. Tipton,] who, from his superior knowledge, and the great time he has devoted to the consideration of this subject, in all its various bearings, is much more to be relied upon than are any calculations of mine. I regret, sir, that any circumstance should have called him from his seat before this bill had been disposed of; and, most of all, such a circumstance as that of domestic, family afflictions.

The parallel which he draws in administering the intercourse laws in the proposed Territory, and the expenses of the government proposed by this bill, was stated by him in his speech of the last year. He says:

*Present annual expenditures under existing laws within the proposed Indian Territory.*

Five agents, at \$1,500 .....	\$7,500
Four sub-agents, at \$750 .....	3,000
One clerk, at \$1,000 .....	1,000
Seven interpreters, at \$300 .....	2,100
Twenty-five gun and blacksmiths, at \$840 .....	20,000
Seven farmers and assistants, at \$600 .....	4,200
Twelve teachers, at from \$833 to \$840 .....	6,960
Three millers .....	1,700
One millwright, (vacant,) .....	600

*St. Louis Superintendency.*

One superintendent .....	1,500
One interpreter .....	300
Two clerks .....	1,800
One laborer .....	180
	\$53,240

*Expenses of proposed Territorial Government.*

Superintendent's salary .....	\$2,000
Clerk's salary .....	800
Subsistence of delegates attending general council .....	2,000
Printing laws and regulations .....	300
Contingencies .....	1,000
	\$6,100

"At the end of the first four years after the territorial government goes into operation, one half of the agents, sub-agents, and interpreters may be dispensed with; and after the expiration of eight years, every agent, sub-agent, and interpreter may be discharged, leaving the superintendent, the chiefs, and the general council the management of the entire business of the territory. Among the emigrant tribes, there are a number of young men of talent, well educated, and wanting employment. These men, with the assistance of the superintendent and council, will be able to manage all the business for the people within their Territory. Offices will be created for them to aspire to, and it will, I have no doubt, be found the interest of both our Government and the Indians, at no distant day, to withdraw every white man holding an office from the Territory, leaving the Indians to manage their own concerns for themselves.

"The expenditures will soon be still further reduced, by discontinuing the grantees at present employed among the Indians, under treaty stipulations, as above stated, all of whom, excepting two, are engaged for limited periods, namely:

During the pleasure of the President .....	18
At the discretion of Congress .....	4
For five years .....	4
For ten years .....	8
For sixteen years .....	3
For twenty years .....	4
For thirty years .....	5
Uncertain .....	11

"Some of them have been several years engaged, and may soon be discharged. In the year 1859, the term of service for the longest engagements will expire. At that period we can withdraw the last of our mechanics from the service of the Indians, and it is proper that we should do so.

"It will become the duty of the head of the Indian department to inform the Indians that our Government will, at the end of the present engagements for white mechanics, discontinue them. The superintendent and all other officers of the Territory will see the necessity of placing Indian youths in workshops, either within their Territory or elsewhere, to learn all branches of mechanism, to be prepared for the time when our present engagements to furnish them will have expired.

"When we shall discontinue the practice of furnishing mechanics and laborers to work for the Indians, the expenses of the territorial government will be reduced to \$6,100 per annum."

Such, sir, are the calculations he makes, and I have no doubt but they will be found in practice to be very correct.

Mr. President, allow me, before I conclude, to express, in a word, my regret that this bill does not seem to find favor with the department. It is a measure which the Committee on Indian Affairs, backed by the late and present Executive, have been striving for years to consummate. I regret this unexpected opposition, because for that officer I entertain the kindest feelings; and believe the sentiments he expressed in his late report are the honest convictions of his mind; and yet I must say that I have read his report without being convinced of my error.

I will trouble the Senate no further. We, sir, have discharged what we consider our duty in bringing this matter before the Senate, and in their hands I leave it.

NORTHERN FRONTIER.

SPEECH OF HON. J. H. BRONSON,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

February 27, 1839.

The general appropriation bill being under consideration, Mr. BELL moved to strike out the enacting clause.

Mr. BRONSON said:

MR. SPEAKER: I have not risen at this time to go into a general examination of the expenses of the Government or the appropriations contained in this bill, but shall confine myself chiefly to such as relate to the northern frontier, which I am more particularly induced to do at this moment in consequence of the remarks of the honorable gentleman from Tennessee, [Mr. BELL,] from whom we have just heard a reiteration of some charges which have before been made by that honorable gentleman in relation to the course of the Administration respecting the border difficulties on that frontier, and the action of the

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Executive in respect to that matter. I understand the gentleman from Tennessee to charge that the Administration are mainly in fault for the unfortunate events which have taken place on the northern border, in which our own citizens have been engaged, and that it has been owing principally, if not entirely, to the want of prompt, energetic, and efficient action on the part of the Executive of our Government, that our own citizens have taken part in those troubles, and that the spirit which has been manifested by the border inhabitants in relation to the Canadian difficulties would have been speedily and easily suppressed if the President had taken early and decided ground on the matter. Sir, the gentleman could not have been led into a greater error, respecting the conduct of the Executive, and I apprehend he has not well remembered the history, or examined the documents, in reference to these matters, or he could not have fallen into such a course of argument.

I recollect, some time ago, when this House was in Committee of the Whole, to have heard the same charges substantially from the honorable gentleman from Tennessee; and, in alluding to the appropriations which had been made for the protection of the northern frontier, and which he stated at \$1,000,000, (but which I believe were only \$625,000,) the honorable gentleman insisted that "every cent of that expenditure might have been saved to the nation, if the President, instead of temporizing and waiting to see what public sentiment would be, and suffering the feeble proclamations of the Governors of the States to go forth as a substitute for his own, had, upon the first indication of disturbances in that quarter, issued such a proclamation as he did in November last;" and the gentleman added, that "that did not suit the policy of an electioneering Administration; it was hazarding quite too much to take ground in advance of public opinion," &c.

These charges are, in my opinion, wholly unfounded in fact; and I shall endeavor to show to this House, and to the honorable gentleman from Tennessee, that they are so. Why, sir, so far from there being any want of prompt action on the part of the President, or any hesitation as to the course which he should pursue, the truth is that he did, at the earliest moment, take ground, openly and decisively, respecting the interference of our own citizens with the Canadian troubles, and that, from that moment, the course of the Administration has been uniform and unceasing in endeavoring to prevent any violations of our laws and treaties, and to preserve our neutrality by every means in its power, and by all lawful means to restrain our citizens from a participation in the affairs of their Canadian neighbors.

Without recurring to facts notorious, and within the knowledge of every citizen on the frontier, I beg to call the attention of the House to the documents which have been printed and laid upon our tables, and which show what action the Executive has taken on this subject. As early as the 7th of December, 1837, and in the very outset of the troubles in Lower Canada, and before any difficulty had arisen in Upper Canada, the Secretary of State, by the direction of the President, addressed circulars to the Governors of Vermont, New York, and Michigan, and also to the United States district attorneys in those States, of which the following are copies:

DEPARTMENT OF STATE,  
WASHINGTON, December 7, 1837.

SIR: A contest having commenced in a territory of Great Britain adjoining the United States, between portions of the population and Government, during which attempts may be made to violate the laws of the United States, passed to preserve the relations of amity with foreign Powers, and to fulfil the obligations of our treaties with them, by the directions of the President I have the honor to request the attention of your Excellency to any movements of that character that may be contemplated in the State of New York, and your prompt interference to arrest the parties concerned, if any preparations are made of a hostile nature against any foreign Power in amity with the United States.

I have the honor to be, sir, your obedient servant,

JOHN FORSYTH.

His Excellency WILLIAM L. MARCY,  
Governor of the State of New York.

[The same to the Governors of Vermont and Michigan.]

DEPARTMENT OF STATE,  
WASHINGTON, December 7, 1837.

SIR: In the course of the contest which has commenced

in a portion of the territory of Great Britain, between portions of the population and the Government, some of our citizens may, from their connection with the settlers, and from their love of enterprise and desire of change, be induced to forget their duty to their own Government, and its obligations to foreign Powers. It is the fixed determination of the President faithfully to discharge, so far as his power extends, all the obligations of this Government, and that obligation especially which requires that we shall abstain, under every temptation, from intermeddling with the domestic disputes of other nations. You are, therefore, earnestly enjoined to be attentive to all movements of a hostile character contemplated or attempted within your district, and to prosecute, without discrimination, all violators of those laws of the United States which have been enacted to preserve peace with foreign Powers, and to fulfill all the obligations of our treaties with them.

I am, sir, your obedient servant,

JOHN FORSYTH.

DANIEL KELLOGG, Esq.,  
United States Attorney, Rockingham, Vermont.

[The same to the district attorneys for the northern district of New York and Michigan district.]

And on the 9th December, 1837, a circular was issued by the Secretary of the Treasury to all the collectors on the frontier, in which, after reciting the foregoing instructions given to the district attorneys, the Secretary of the Treasury says:

"By a similar direction, you and your officers are required to cooperate with the district attorneys, and other United States officers, in all legal modes, to assist them in the accomplishment of the objects before stated."

Thus far there had been no particular overt act on the part of our citizens, which called for, or would justify, any more active or decided interference on the part of the General Government; but late in December the gathering took place on Navy Island, which was finally followed by that atrocious outrage, the burning of the "Caroline;" and on the receipt in this city of the news of that affair, and of the movements consequent upon it, which was about the 4th or 5th January, 1838, a proclamation was immediately issued by the President, in which, after a preamble noticing the state of affairs on the frontier, &c., the proclamation concludes as follows:

Now, therefore, to the end that the authority of the laws may be maintained, and the faith of treaties observed, I, Martin Van Buren, do most earnestly exhort all citizens of the United States who have thus violated their duties, to return peacefully to their respective homes; and I hereby warn them, that any persons who shall compromise the neutrality of this Government, by interfering in an unlawful manner with the affairs of the neighboring British provinces, will render themselves liable to arrest and punishment under the laws of the United States, which will be rigidly enforced; and, also, that they will receive no aid or countenance from their Government, into whatever difficulties they may be thrown by the violation of the laws of their country, and of the territory of a neighboring and friendly nation.

Given under my hand at the city of Washington, the fifth day of January, one thousand eight hundred and [SEAL.] thirty-eight, and the sixty-second of the independence of the United States.

M. VAN BUREN.

By the President:

JOHN FORSYTH, Secretary of State.

This proclamation, it will be observed, (which bears date the 5th January, 1838,) contains, in substance, the same sentiments which were afterwards reiterated in the proclamation of November last; and, though not in the same words, yet it does as clearly and distinctly indicate the ground which the Executive intended to take as does the proclamation of November; and if that was sufficiently explicit to define the position of the Administration, certainly this one of January was equally explicit. I apprehend the gentleman had overlooked this proclamation when he charged the Executive with being governed by electioneering motives, and unwilling to hazard anything by taking ground in advance of public sentiment. Sir, if the Administration had been governed by such motives as the gentleman from Tennessee imputes, no such proclamation would have gone forth, and particularly at that time, when the national feeling and national honor had been so outraged by the atrocity before alluded to. An "electioneering Administration" would have "temporized" under such circumstances, and in view of a speedily approaching election on that frontier; and, by so doing, might have compromised the neutrality and endangered the peace of the country. But with what propriety this Administration can be charged with so temporizing, I leave for the House to judge. At the same time that this proclamation of the 5th of January was issued, General Scott was sent to that frontier, further

circulars were issued by the Secretary of War to the Governors of Vermont, Michigan, and New York, reiterating the views and designs of the President which had been previously expressed, and requesting them to aid the General Government in enforcing the obligations of neutrality as well as to repel invasion, and to call out the militia of the States if necessary.

I might go on accumulating evidence upon evidence, and fact upon fact, to show that nothing can be more unjust than the charge that the Administration did not early and distinctly take ground upon this subject, and such ground, too, as suited, not the policy of an electioneering Administration, but the policy of an Administration willing and anxious to maintain the interests and honor of the whole nation; and the documents which I have quoted, as well as the whole history of the affair, when examined, will show most conclusively that there was no shrinking from duty on the part of the Executive; that in advance of public sentiment, and in the very outset of the Canadian troubles, the President took the earliest and most efficient means which were in his power to restrain our own citizens from any unlawful interference with those troubles. The citizens of the frontier were not unadvised of the real intentions of the President, or kept in the dark as to his views on this important subject; they were plainly put forth in the proclamation of the 5th of January; and if the honorable gentleman from Tennessee had been upon the frontier, or at all acquainted with the history of things there for the last twelve months, he would have known, as every man there does know, that the early and decisive action of the President and of the executive officers of the United States on that frontier, was not only well known and openly avowed, but that, in consequence of the position taken by the President, in consequence of the duty which necessarily devolved upon the Executive of seeing the laws faithfully executed, the administration of the General Government, as well as the administration of the government of the State of New York, upon whom a like duty devolved, were thrown into a position antagonistic to that class of citizens which had taken an interest in favor of Canadian independence; antagonist to the "Canadian patriot" interest; if I may so call it; and it is well known that generally, along the whole frontier, that interest, so far as any political bias was given to it, was decidedly against the Administration party in the late New York elections.

I might refer to the newspapers in that interest for proof of this fact, and in answer to the honorable gentleman from New Jersey, [Mr. RANDOLPH,] who refers me to the fact that he saw a number of Mackenzie's Gazette, in which the editor sustained the Administration party in the State of New York at the late elections, I would remark that no doubt he did; that Mackenzie did urge his followers to sustain the Administration ticket, but, at the same time, and in some of the same papers, he openly denounced the course of the President and some of the executive officers on the frontier; and it is a well known fact that the stand taken by the Administration in this matter, has not only been unsatisfactory to the "Canadian patriot" interest, but by many in that interest has been openly denounced, and that, as a necessary consequence, in the last elections on the frontiers, the friends of the Administration, or that party as a party, lost strength and influence from this cause, to what extent, I will not now undertake to say, but to some extent, and that not inconsiderable, is beyond all controversy.

Mr. REED inquired whether the collectors on the frontier had done their duty, or whether there had not been complaints against them for participation in Canadian affairs?

Mr. CLARK inquired whether the postmaster at Oswego was not a Canadian patriot, or charged with having taken an active part in those matters?

Mr. BRONSON. I cannot, Mr. Speaker, say whether the collectors on that frontier have done their duty or not; I believe they have, and so far as I have any knowledge on the subject, I know of no well grounded complaints against them. For my own district I can speak more positively, and in that district I am confident that the collectors and their officers have faithfully per-

formed their duty, so far as they have been able to do it, and that against them there is no just ground of complaint. As to the postmaster at Oswego, about whom my colleague inquires, I have no knowledge; but I have heard very recently, for the first time, that there were such charges against him as my colleague mentions, and I have also understood—in fact I know—that they were, in a great measure, denied by him or his friends. As to their truth or falsity I am unable to state; but if they are true, to the extent charged, I have no doubt the proper corrective will be applied to him as a public officer.

And now, Mr. Speaker, having said thus much in relation to the course of the Administration respecting these frontier difficulties, I shall take this occasion to say a few words about the citizens on the northern frontier, among whom are my own constituents, and the course which they have taken; particularly, that part of them who have intermeddled in these border feuds, or in the disturbances of the neighboring Provinces. They have been the subject of much wholesale denunciation and abuse, not only by the Tory press of the Canadas, but by some newspapers of our own country, and particularly in the city of New York; and in this city, also, they have been dealt with in terms of very strong reprehension, if not of denunciation. As to the press of the city of New York, it may be, and undoubtedly is, a very fair exponent of the views and feelings of the commercial interest of that city; but I beg leave to say that on this, as well as on some other subjects, it does not reflect the true sentiments and opinions of the great mass of the citizens in the interior of our State.

Some few grains of allowance should be made for the citizens on that frontier, and some consideration given to the fact that their proximity to the Canadas has enabled them, or rather compelled them, to know and feel something of that arrogance and assumption which is too frequently manifested towards this country by the English generally, and which, when exhibited through the provincial Tory press, or subordinate officials, loses nothing of its intensity, but, on the contrary, approaches more nearly to insolence. The unceasing and bitter hostility which is constantly manifested by the provincial press towards the institutions of our country, and the frequent and oft-repeated taunts and sarcasms against everything which savors of Democracy, or which is akin to Republican institutions, is well calculated to excite the indignation of those who have been taught to venerate and esteem such institutions, and whose feelings of patriotism and love of civil liberty are based upon or interwoven with their respect for Republican or Democratic institutions. And it is not matter of surprise that the frontier inhabitants are, for this reason, more sensitive; and were, on the breaking out of the troubles in the Canadas, more accessible to sympathy, and more liable to excitement, than those not living on the borders. It was in part the result of their position, and if they have more readily allowed their sympathy to get the better of their judgment, perhaps some palliation may be found in the suggestion which I have just made; a suggestion which, perhaps, I might be warranted in making in much stronger language than I have done, but at this moment, I would desire to say nothing that might irritate, or that may not be pertinent to the subject.

Now, sir, I know it may be said that a spirit of hostility to the British Government exists on the frontier, and that a disposition to violate the neutrality of the country is most unjustifiably exhibited; and I am aware that while our Government, so far as it was able as a Government, has endeavored to prevent any infractions or violations of neutrality, and has kept faith with the British Government with the most scrupulous exactness and with a fearlessness and impartiality worthy of all praise, yet, that many of our citizens on the frontier, acting upon their individual responsibility, and in defiance of the known wishes of the Government, have either evaded the laws or openly trampled upon them, and in a manner not at all justifiable, have disregarded their duty to their own country and the treaty obligations due to a foreign Government; and while, as a Representative and as a citizen, I feel bound

to speak in terms of decided reprehension against all such unlawful and unauthorized interference with the troubles or disturbances of a neighboring and friendly nation, yet I feel equally bound, as a man and a Republican, to extend the broadest mantle of charity over the misguided and deluded individuals who have engaged in this unequal contest, and who have suffered their compassion and general love of liberty towards the whole human family to outrun their discretion and stifle their better judgment.

In speaking of this class of our frontier citizens, I wish to be understood as speaking of the great majority or mass of those who have styled themselves "Canadian patriots." Individual instances there may have been, and probably were, among them of persons actuated by the gross and sordid incentive of pecuniary gain, or personal aggrandizement, or perhaps by motives still more unworthy, who have aided in raising the whirlwind which they had not the ability to control; who have pointed out the road to others which they had not the courage to travel themselves; who have led their fellow-citizens to the brink of a precipice, over which some have been precipitated, but from the dangers of which they themselves have been especially careful to stand aloof. For such, if any there are, I would hold up no mantle of charity. Neither will I throw away upon them any severity of remark, or expression of just indignation. The wail of the widow and the orphan and the moan of bereaved parents, which is still sounding on that frontier for the slaughtered and imprisoned victims of the Prescott expedition, is a sterner rebuke and a more eloquent denunciation than any language I can utter. But the great mass of those called "patriots" were, in my opinion, actuated by no such motives as I have just mentioned. With them it was a warm and generous sympathy for the oppressed, that ardent and enthusiastic feeling for those whom they supposed to be the objects of tyranny and despotic Government, which ever animates the lover of civil liberty, and which, I trust, ever will flow warm and freely in the heart of every citizen of this Republic. This feeling is the very vital spark, the Promethean fire, of civil and religious liberty, and is one which should not be crushed and extinguished, but directed and countenanced. It furnishes a strong and enduring evidence of a deep rooted and heartfelt attachment on the part of our citizens to our own form of Government and our own free institutions, and though in this instance the stream of sympathy may have overflowed its natural channels, yet it does not therefore follow that the fountain should be dried up.

That these feelings were called into action, in part, by unworthy men, and for unworthy purposes, may be very possible, and it is unquestionably true that a most mistaken view of facts has prevailed, and that the great mass of our citizens on the frontier who have taken part in these border troubles, or given them countenance by their acts or their words, have been deluded and led into a participation in these affairs by the most high-wrought and well-told tales of oppression and tyranny, under which our Canadian neighbors were suffering. I say "well told" because, if reports are true, they were, in many instances, told by loyal spies, who, in the guise of Canadian refugees and patriots, found access to the meetings of those called patriots on this side, and by their urgent appeals and eloquent descriptions of the oppression practiced by the British Government, increased the sympathy of our citizens, inflamed their zeal, and found the excitement which already existed, and which has subsequently been exhibited so disastrously for the individuals concerned, and so much to the dishonor of our laws.

Whether these reports are true, I know not, but I have reason to believe them, and if they are so, there is no measure of condemnation severe enough to characterize such baseness and perfidy. For the honor of human nature, and in charity to those who employed them, it is but justice to believe that those spies, in this respect, acted upon their own responsibility, and beyond any instructions that could have been given them.

The bitter and heart-rending results of the Prescott expedition finally opened the eyes of our deluded citizens. Many a widowed wife, bereaved

parent, or fatherless child, in my district, will long lament the generous enthusiasm and mistaken philanthropy which led their relatives to that disastrous expedition; and, while the melancholy deaths of some of those brave and misguided men, and the protracted imprisonment of others, are still fresh in the minds of those conversant with that matter, they serve not only to impress upon us most forcibly the sincerity of those unfortunate men, but to show how the best motives and most chivalrous feelings may be perverted to dangerous and improper purposes.

They have been called brigands, pirates, and all other opprobrious names which the vocabulary of Canadian loyalty furnishes so profusely, but never were such epithets more unjustly applied. Deluded, duped, and deceived they unquestionably were; but they displayed a courage and chivalry worthy of such a cause as they believed themselves to be engaged in; and they earned for themselves no such appellation of opprobrium as has been bestowed upon them; and, in the estimation of brave and honorable men, they will never be looked upon as brigands or pirates. True, their expedition must be condemned as one subversive of law, and contrary to the obligations of neutrality, and as such, will meet with unqualified reprehension; yet charity at least, as well as all the facts in relation to their motives, compel us to believe that they were instigated and urged on by impressions that were alike honorable to themselves and to human nature.

Sir, I have deemed it not improper to say thus much of these affairs, and of the citizens of our northern frontier, and to enter my protest against the general and sweeping denunciations which have, from the commencement of these troubles, been too often bestowed upon them, and especially to say that the motives and feelings of those who have taken part in these troubles, have been too harshly construed, and too readily condemned. In the district which I have the honor to represent, and, I believe, along the whole frontier, a more correct tone of feeling now prevails; a more just appreciation of the merits of the controversy, and of the duties of our own citizens, is exhibited; the obligations of the laws are respected, and I have confidence to believe and hope that, while our people will lose none of their sympathy for the oppressed, none of their zeal for free government and the general diffusion of republican principles, they will refrain from any improper or unlawful interference in the other Government, and that they will confine the exhibition of these sentiments in such way as to manifest at the same time the sincerity with which they cherish them, and a sacred regard for our own laws. Whether these anticipations will be realized, time only can determine; but I have much faith to believe that they will, and in the future difficulties or disturbances in Canada, if there should be any, our people will act as becomes the citizens of the Union, and in such manner as to give no just cause of offense.

As to the final issue, and ultimate or speedy termination of those disturbances in the provinces, I shall at present say nothing, (though in some measure connected with the state of that frontier,) except to remark, that on those subjects I expressed opinions during the last session of Congress, in some remarks which I then had the honor to submit to this House, which opinions I have, as yet, had no reason to change.

As incidentally connected with this subject, Mr. Speaker, there is another matter to which I shall call the attention of the House, and which although perhaps not strictly applicable to the bill now under consideration, I feel justified in commenting upon after the remarks which we have just heard from the honorable gentleman from Tennessee, [Mr. BELL,] in relation to the exposed and defenseless condition of our country in case of hostilities with any foreign Government. Sir, I concur with the honorable gentleman in the correctness of those remarks; and I would add that in no part of our country do they apply with greater force than to the northern and northwestern frontier. The dilapidated and ruinous condition of the fortifications and military works along the whole of that frontier, few as they are in number, is too well known; and with those who believe that such defenses are import-

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ant to the country, is a subject of deep consideration and anxiety. Along the whole of that frontier, from the Vermont line westward to Detroit, or to Sault Ste. Marie, there is hardly anything deserving the name of a fort. "Niagara" is still dignified with that appellation, but its dilapidated condition renders it at present of little value as a work of military defense; and yet, sir, in case of a war with Great Britain, (an event which we all trust and hope is not likely to happen—an event which is deprecated, and justly so, as a calamity, not to this nation alone, but to the whole civilized world,) that frontier would be the theater of the contest—the battle-ground of the two nations; and it is upon that frontier that the bloodiest scenes of such a contest would be enacted; and, while we are lying supine and inactive, the British Government are not only filling up the provinces with troops and munitions of war, but at the same time strengthening their military posts along that frontier, repairing their fortifications, and putting themselves in a complete state of defense. I have recently been informed that they have eight substantial forts in good repair in Upper Canada, along this line, while we have not in the same distance, one single work in good order and in proper repair. It is said, also, that about eighteen thousand troops, the very *élite* of the English army, are now in British North America. Now, sir, though I would not willingly excite any jealousies on this subject, or create any unfounded alarms, yet I ask, in all candor, why and for what purpose is all this warlike array on the part of the British Government?

I am aware that it will be said that the disturbances and revolts in the Canadas have rendered it necessary, and that this military display is for the purpose of overawing and maintaining the British possessions in those colonies; but it will be recollected that the colonial authorities have repeatedly declared (particularly in the upper province) that the local militia and loyal inhabitants of the province were entirely adequate to all emergencies. Lieutenant Governor Head made it a matter of congratulation that such was the fact, and it has since been the boast of the Canadian authorities, that the loyalty of the inhabitants was such as to afford ample security to the province, and that the local militia or volunteers were fully to be relied upon and competent to suppress any rising or rebellion that might fairly be anticipated. Whether this fact is so or not, I shall not undertake to say, though I have my own opinions on that subject; but so long as the British authorities assert it to be so, it is quite evident that they cannot refer to the Canadian revolts as a reason for such unusual military preparations; and when we advert to this state of things, connected with the present alarming state of the question relative to the Maine boundary, and connected with the alleged fact that a large British fleet is now in the Gulf of Mexico, hovering on our southern coast, we are at least admonished that that powerful nation is ready either for peace or war, as the case may be; and that, while we may be disclaiming all ideas of hostilities, she, in the wisdom which usually marks her councils, is preparing for the worst. And it is not fair to presume that the present warlike display in Canada is not, as is pretended, for the mere purpose of overawing and holding in subjection a few thousand wretched Canadian subjects, but that the British Government have some ulterior views, in which our country is more or less interested.

I forbear to comment at length upon the troubles now thickening upon the Maine frontier. When the Committee on Foreign Affairs, to whom that subject had just been committed, shall make their report, and call for the action of this House, it will be a more fitting time to canvass that matter. At present, I have only to say, that come what may, I feel sure that Maine will not find herself abandoned in the maintenance of her lawful rights; and that, if war must come, there will, on all hands, be exhibited a unity of feeling and interest, such as becomes such a crisis.

Sir, I have been gratified beyond measure to discover the truly national feeling and patriotic sentiment in relation to our country's honor,

which has pervaded this House in respect to that subject since it was first brought before us by the President's message. From the country, too, generally, the same sentiment comes up, and it is apparent that the touch of aggression from a foreign foe is felt as sensibly in the remotest corners of the Union, as in the more immediate neighborhood of the encroachment; that all parts of this extended Republic feel instantaneously the smallest insult or slightest encroachment upon our soil; and that the readiness and promptness to maintain the rights of Maine are common to all.

I am, sir, as well aware as other gentlemen of the momentous consequences of a war with England; that such a step may involve in its train not only the present peace and happiness of this country, but even our future existence as a nation; that we peril the cause of civil liberty and of free government throughout the world; that interests too momentous to calculate are involved in such a contest, and that it is a precipice which should not be rudely or rashly approached. But if the violated rights of one of the sovereign States of the Union shall require it, or if our national honor demands it, there is no alternative; and though the present deplorable and destitute condition of our forts and defenses on the Atlantic coast, as well as on the other frontiers of the Union, may leave us for a time at the mercy of an enemy, I have no fears that the energies and resources of the country will not be found equal to any emergency.

I disclaim any disposition to cultivate a belligerent or hostile feeling, or to excite that feeling. I am willing to go as far as any one honorably can to preserve peace, and join to any reasonable extent, with those who deprecate the approach of war, but I put it to gentlemen, with what propriety we can take that stand towards Great Britain, in our present defenseless condition, and whether we are not liable to the charge of seeking peace because we are unprepared for war. The strong man, armed to the teeth, and fully able to defend himself at all points, may with great propriety profess a pacific disposition and disinclination to quarrel, and he will receive full credit for the sincerity of his professions; but the weak man, unarmed, and unable to defend himself among the strong and powerful, would be laughed to scorn for holding such language, which would be attributed to weakness and inability to resist aggression rather than a pacific disposition.

True, this is not an exact parallel; it is, perhaps, overwrought, because we are not, as a nation, entirely unarmed or defenseless, but, in our anxiety to keep the peace with all nations, and in the palmy state of peace and prosperity which has signally blessed this country for the last twenty years, we have, in a great measure, overlooked those preparations for war which a wise nation always provides in time of peace. In respect to national defenses, we are behind the age; we have not kept up with the times. Why, sir, it was but a very few days ago that a French armed steamship suddenly appeared in Baltimore harbor, under the very walls of the town, and had it not been for the ice in the Potomac, she would have been lying opposite this city before any one had the least notice of her approach; and, had she been an enemy's ship, might have battered down even the walls of this Capitol before we were hardly aware of her arrival. Both the French and English have, of late, paid much attention to this branch of their naval force; and both nations have now a number of the first class of steamships, with which they could, in a hostile as well as a peaceful manner, visit almost, at a moment's notice, any of our Atlantic cities, while we have been looking on, but not acting in this matter. The arrival of the frigate, which I have just mentioned, in the harbor of Baltimore, has, I trust opened our eyes, in some measure, to the importance of this subject; and I hope that, before Congress adjourns, there will yet be some measure taken to add to our Navy this most important class of vessels.

Mr. CAMBRELENG here remarked that a bill, or an amendment to a bill, had recently been reported, and was now upon the table, making

an appropriation for the building of three steam frigates.

Mr. BRONSON. I am glad to hear it, Mr. Speaker, and I hope it may pass before we adjourn.

In relation to the northern frontier particularly, I would remark that there are now before the House three or four fortification bills, and bills relating to the defenses of the northern and north-western borders, and which provide, in some measure, for the defense of those frontiers, by repairing old works and erecting new ones, and which I indulge the hope will receive the action of the House at this session, and upon which, if they should be so fortunate as to be acted upon, it would be more proper to enter into some detail in relation to those defenses, as well as to submit amendments providing for some new works, which in that way I hope to have the opportunity of bringing forward.

I have trespassed longer upon the patience of the House than I intended, and am aware of the value of time at this late period of the session; but the importance of the subject, and the interests of my own constituents render any apology unnecessary.

DRY-DOCK AT BROOKLYN.

## SPEECH OF HON. Z. PRATT, OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

March 1, 1839,

On the proposition to construct a dry-dock at Brooklyn, New York.

Mr. PRATT said:

Mr. CHAIRMAN: I am unaccustomed to public debate. Other pursuits in life have somewhat indisposed me to present my views in that collected, comprehensive, and systematic manner which long legislative experience has enabled those to do, who preceded me in the debate upon this question. But I will, in my own crude and undigested manner, present to the consideration of the House the various facts in my possession, which, in my humble opinion, should have a bearing upon this question. I dislike the practice of consuming the valuable time of the House, as some gentlemen are wont to do, upon other matters irrelevant to the subject before them; and I have no doubt the good sense of the people detests the practice; but, notwithstanding my great aversion to this practice, I cannot refrain, when a question presents itself, touching, in some measure, the interests of the State I have the honor, in part, to represent, to give my views upon the immediate question before the House.

In the first place, the question is, whether we shall appropriate, in accordance with the suggestions of the committee who reported this bill to the House, and who have no doubt weighed well the relative wants of the several sections of country which have been indicated as proper places for dry-docks, or whether we shall extend the provisions of the bill to embrace several, or a whole system, instead of this one provided for in the bill. There are two questions presented to my mind, when it is proposed to extend this bill to cover other appropriations: First, does the public service require more than one dry-dock? and, second, will the condition of the public Treasury warrant the House in appropriating to more than one?

Mr. Chairman, I hold it to be the duty of Governments, as well as individuals, before entering upon an enterprise or disbursement, to first ascertain whether they have the means to effect the object contemplated. I shall apply this golden rule to the question now before the House, before I proceed to inquire whether the public service requires at this time more than one dry-dock.

The honorable chairman of the Committee of Ways and Means has presented to the House a very able and comprehensive report, in which he warns us against carrying on the lavish system of expenditures which has obtained within the past few years, no doubt caused from the great abundance of surplus means which distended our public Treasury. I coincide with the views of

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that committee, and trust the House will be so far influenced by its irresistible conclusions as to cut off all appropriations but such as the public service indispensably demands. By a statement of this committee, the present resources of the Treasury for 1839 are but \$28,900,000, while the charges upon the same for the same period (including Treasury notes issued during the last year, to be redeemed—\$7,712,350) amount to \$32,876,857, leaving a deficiency of \$3,976,857. I will, however, give the language of the committee:

"To meet this deficiency, the Secretary of the Treasury is authorized to sell the remaining bond of the Bank of the United States, amounting, with interest, to \$2,380,000, and there remains \$2,237,650 of the Treasury notes authorized to be issued, by the act of 1838, which have not yet been issued." Should the former be sold, and the limitation of the Treasury note act of 1837 be extended to the 30th June, and no appropriations be authorized during the present session but those embraced in the foregoing statement, [which did not include an appropriation for dry-docks,] there would be an estimated balance in the Treasury on the 1st January next of about \$690,000. Even this balance will be reduced by some additions which will be necessarily made during the session to the appropriations enumerated in the foregoing statement. Should Congress authorize the usual amount of new appropriations, and the three millions proposed for fortifications, harbors, &c., it would be necessary to provide five or six millions for the Treasury, in addition to the resources and receipts existing or contemplated."

I hope, Mr. Chairman, the House will be admonished by the sentiments and opinions of the report of the committee, that they will dispense with, as far as possible, all extravagance. Let us commence with this bill, for I hold to the doctrine that that which is not indispensable to the wants of the service is an inexcusable extravagance. I am of the opinion that, for the present, we can do with one additional dry-dock. The question will then suggest itself to the mind, where shall that site be best to enhance the public interest? I will endeavor to show, hereafter, by the facts which I have gleaned from the public documents. Indeed, I am convinced, from reading this report, that we cannot have the means of building more than one at this time, considering the large amount it will cost to construct it, say \$800,000—a large amount.

But I shall, in the first place, examine this in a national point of view. I will throw aside State pride, and merge the interest of the same into the great national interest. This is the ground we should all take, though, unfortunately, some gentlemen have attempted to bring this into the common vortex of a local scramble, without regard to the public weal; but when this shall be the issue, he would not shrink from a comparison of the site contemplated for the creation of the same in his State with that of Philadelphia, or any other, or relinquish the claims of his State to that of any other State. It was deeply to be regretted that this kind of legislation had too much obtained; but it is not too late to correct it, and the sooner we do it the better, because it will prevent the great and useless expenditure or waste of public money, which, by management and compromise, is applied to other than national objects; which, in fact, results to the benefit of individuals instead of Government, and to their private emolument. And unless it be stopped, there are none in this Hall who can anticipate the end, nor foretell the always exhausted and deranged condition of our public Treasury; the onerous taxation to replenish it, and the consequent strife, disaffection of the people, and their distrust of our institutions. Whenever I hear the question stated that A gets more of the public money than B, I feel some forebodings for the future. I feel that, should it become a settled principle in our Government that B shall have as much of the money of the people as A, notwithstanding his wants are not so great, or, in other words, that it cannot be applied to the use of B without a great waste, indeed, total loss, I say I feel that the great national interests, the Navy, the Army, and civil service, must become dilapidated—broken up; the commercial, agricultural, and manufacturing interests will be deprived of their proper stimulants, and this nation, like all others that

have preceded it, will become enervated, and dwindle into insignificance, and be disrespected and despised by all well-regulated Governments on the earth. Holding this view of the subject, what great responsibility rests upon us to use all proper means to prevent these fatal results being incurred to, and being realized by, our posterity. We should spurn every attempt to create in the national Halls any other interests than the national interests; that which will embrace the whole country. The States, by their inherent and sovereign power, can regulate their own peculiar interests, and thereby preserve them from the overshadowing influence of the national Government.

Does not the public service require that Brooklyn should be first selected as a site? When I come to consider the immense tonnage which arrives at that port and belongs to that port, both mercantile and national, I have no misgivings in making it the first selection, if the want of the Navy demand another; and to prove that it does, I will insert below a table apposite to this subject, showing the arrivals of vessels of war, the large number repaired, &c. The repair of many of these vessels, I have been told, has been frequently delayed for a time for the want of a dock; and when repaired it is at considerable expense, caused by the removal of munitions of war, &c., and with great delay and injury to the service; all of which could be avoided by the construction of one dock.

As some gentlemen have been pleased to refer to the number of national vessels which arrived in the port of Philadelphia and have undergone repair at that place, the tables below will give information upon the subject, so far as relates to New York, as well as that city:

List of armed vessels belonging to the United States, which have entered the port of New York, from November, 1828, to November, 1836, &c.

Hornet, sloop-of-war, November 19, 1828, thoroughly repaired.  
 Natchez, sloop-of-war, November 28, 1828, repaired.  
 Natchez, sloop-of-war, May 13, 1829.  
 Boston, sloop-of-war, July 12, 1829, thoroughly repaired.  
 Constellation, frigate, July 24, 1829.  
 Ontario, sloop-of-war, February, 1828, thoroughly repaired in 1829.  
 Peacock, sloop-of-war, rebuilt in 1829.  
 Brandywine, frigate, October 8, 1829, slightly repaired.  
 Vincennes, sloop-of-war, June 8, 1830, thoroughly repaired in 1831.  
 Falmouth, sloop-of-war, August 5, 1830, thoroughly repaired in 1831.  
 Potomac, frigate, July 21, 1831, finished her outfit.  
 Hudson, frigate, August 5, 1831.  
 St. Louis, sloop-of-war, December 11, 1831, repaired in 1832.  
 United States, frigate, repaired in 1831 and 1832.  
 Experiment, schooner, August 18, 1832.  
 Delaware, seventy-four, August, 1833, complete outfit, &c.  
 Brandywine, frigate, July 10, 1833, repaired.  
 St. Louis, sloop-of-war, July 23, 1833, repaired slightly.  
 Shark, schooner, September 28, 1833, repaired slightly.  
 Falmouth, sloop-of-war, February 3, 1834, repaired.  
 Peacock, sloop-of-war, May 27, 1834, repaired.  
 Erie, sloop-of-war, July 11, 1834, completed outfit.  
 United States, frigate, December 11, 1834.  
 Experiment, schooner, May 28, 1835, repaired for coast survey.  
 Constitution, frigate, June 23, 1835, partially repaired.  
 Natchez, sloop-of-war, October 3, 1835, repaired.  
 Experiment, schooner, November 28, 1835, from surveying.  
 Ontario, sloop-of-war, June 24, 1836.  
 Experiment, schooner, November 7, 1836, from surveying.

There have arrived at Philadelphia, during the same space of time, the Warren, sloop-of-war, Experiment, schooner, and there were slightly repaired.

The result for the last two years shows as great disparity between the two cities.

This table is for a period of eight years, and I have no doubt, upon further examination, a series of years will present the same result. I do not wish to consume the time of the House by any comments of mine upon these facts, but trust the members will draw their own deductions. Thus it will be seen that the Government have been compelled to have repaired at Brooklyn, at great expense, without a dock, in the space of eight years, vessels of war; whereas, if there had been a dry-dock at that point, they could have been repaired, in all probability, at one half the expense.

I present, also, a statement of the aggregate of arrivals of American and foreign vessels into the United States for 1837, by which we may see the

great advantages of the State of New York over Pennsylvania or other States, in a commercial point of view:

	Vessels.	Tonnage.
New York.....	4,123	1,003,229
Massachusetts.....	1,908	320,544
Maine.....	1,379	119,687
Louisiana.....	634	126,435
Maryland.....	441	96,892
Pennsylvania.....	441	91,830
South Carolina.....	253	58,688
North Carolina.....	204	25,037
Vermont.....	193	27,011
Ohio.....	169	7,169
Florida.....	163	10,805
Rhode Island.....	141	26,276
Virginia.....	122	22,971
Georgia.....	119	34,246
Connecticut.....	110	21,411
Alabama.....	92	27,531
Michigan.....	72	5,035
New Hampshire.....	36	10,742
Dist-ct of Columbia.....	29	6,344
New Jersey.....	27	12,863
Total.....	10,856	1,065,423

The arrivals in tonnage into the State of New York is more than ten times as great as Pennsylvania; and, in fact, constitutes one half of the whole tonnage of the United States.

To carry this view of the subject still further, I have had prepared a statement, comprising a period of nine years, showing the number and tonnage of vessels entered into the ports of New York and Philadelphia, from the year 1829 to 1837, inclusive, and the amount of imports, exports, and revenue for the same period.

## NEW YORK.

Year.	Vessels entered.		Amount of imports.	Amount of exports.	Net revenue.
	No.	Tons.			
1829	1,229	244,558	\$34,743,307	\$20,119,011	\$11,169,193 76
1830	1,534	333,778	35,624,070	19,697,983	13,003,989 81
1831	1,534	333,678	57,077,417	25,535,144	17,613,659 47
1832	1,998	395,483	53,214,409	26,094,945	12,268,521 80
1833	2,702	537,741	55,918,449	25,395,117	9,236,091 67
1834	3,494	694,892	73,188,594	13,840,460	8,035,556 38
1835	2,908	455,665	88,191,303	33,345,264	13,147,376 19
1836	1,703	401,086	118,253,416	28,920,698	17,176,908 24
1837	2,222	579,194	79,301,722	27,338,419	7,856,826 77
	18,424	3,976,077	595,512,682	217,201,981	109,510,134 09

## PHILADELPHIA.

Year.	Vessels entered.		Amount of imports.	Amount of exports.	Net revenue.
	No.	Tons.			
1829	365	73,454	\$10,100,152	\$4,069,935	\$2,766,128 12
1830	405	77,016	8,702,122	4,291,793	2,947,716 24
1831	410	79,058	12,124,083	5,513,713	3,607,794 37
1832	432	81,939	10,678,358	3,516,066	2,765,674 30
1833	370	71,487	10,451,250	4,078,951	2,074,101 07
1834	441	83,804	10,479,268	2,031,803	1,311,539 34
1835	416	78,993	12,389,937	3,739,275	2,151,583 86
1836	350	64,019	15,068,233	3,971,553	2,882,264 89
1837	438	91,715	11,680,111	3,841,599	1,530,813 16
	3,653	701,485	101,673,514	35,074,690	22,293,616 11
	14,771	3,274,592	493,839,168	182,127,291	87,216,517 96

The last of these totals gives the difference between the two ports.

The value of imports into New York, from the 10th of May, 1837, to the 10th of May, 1838, was \$58,814,645, and that of Philadelphia but \$7,732,497; and Pensacola, the other place spoken of, only \$3,112—the imports of New York city being more than half of all the importation into the United States. This table, though in a condensed form, is comprehensive. The latter line or total of figures, exhibits the difference, the great disparity in the receipt of revenues into the two cities, and, to some extent, the States of New York and Pennsylvania. Now, according to the above tables, if we put the claims of New York upon its commercial as well as agricultural interests, the dry dock should be located in that State. What a disparity does the above present between the two places. With what pride should the Representatives of that great State advocate her superior claims to the favorable consideration of Congress.

I will also show, by the statement below, in parallel columns, the great disparity between the domestic exports of the two States contending for

\* A bill has passed the House authorizing the extension of this act, which will make up the contemplated deficit.



by which our Union was governed for nearly thirty years. Prior to the late war with Great Britain, our tariffs were revised and our taxes levied to supply the actual wants of Government, however they might operate, incidentally, on the internal industry of the country. It was never then designed to raise more revenue than was actually necessary to supply our Federal wants. During the war, large investments were made by our capitalists in manufactures; and when it was over, the principle of our revenue laws was entirely reversed. Our taxes were no longer graduated by the wants of Government, but by the demands of our capitalists for protection; thus substituting the incident for the principal. Our tariffs were revised without any regard to the condition of our finances, and a broad foundation was laid for a redundant revenue. The consequence was a rapid extinguishment of a public debt, funded and unfunded, of \$150,000,000. Anticipating this redemption, appropriations in every branch of the public service were increased; and still more extensively to absorb a prospective surplus, new objects of expenditure were sought for, which had been before considered under the jurisdiction of the States. Surveys were authorized, laying the foundation for a Federal system of roads, canals, harbors, and other improvements, sufficient to exhaust any surplus which might possibly occur. Extravagance was deemed patriotic, as designed to perpetuate protection to manufactures. The one was indispensable to the other; and, for a time, the rights of the tax-payer were wholly disregarded.

This attempt to interfere with the rights of the States, and to enlarge Federal jurisdiction, expenditure, and patronage, was partially arrested at an early stage, by leaving to the States the exclusive and constitutional control over their roads and canals. But there still remained other expenditures, which will be noticed hereafter, equally foreign, as the committee think, to the legitimate duties of a confederated Government. But, notwithstanding these, the extravagant tendency of a surplus, and the rapid redemption of our public debt, we have been already compelled to deposit eight-and-twenty millions with the States. Fortunately, however, this association of protection, surplus, and extravagance, is no longer the policy of our Government. Both Houses, by overwhelming majorities, revived our ancient principle of revenue in the act of 2d of March, 1833. The fourth clause of the third section of that act provides that after the 30th of June, 1842, "duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of the Government." Believing, as the committee do, that no other policy can be permanently sustained in a confederacy of independent States, they deem it expedient to examine our expenditures in detail, to ascertain what reforms can be introduced to bring them down to the economical standard permanently contemplated by the act of 1833.

Before noticing the permanent expenditures of the Government, it is proper to advert to those of an occasional or temporary character, which have very largely and unavoidably increased the amount of our annual appropriations for a few years past; these are in the Indian branch of the public service. The expenditures for Indian lands and wars have amounted, within a few years past, to about fifty million dollars. The purchase of their lands, and the removal of the Indians beyond the Mississippi, were unavoidably connected with the settlement of the country, however it might affect the various tribes. It is satisfactory to know that their condition has been ameliorated by removal. The addition of thirteen new States to the Union, embracing within their boundaries most of these tribes, made it necessary, especially in latter years, to purchase their lands, in order to advance civilization; to remove obvious obstructions to the settlement and cultivation of the country; to prevent collision, and to preserve the lives and property of the inhabitants of our States and Territories from Indian depredations. These purchases have also been founded, almost exclusively, upon compacts formed with some States more than thirty years ago; on our implied obligation to other States; and on resolu-

tions and appropriations by both Houses of Congress, extending through every Administration of the Government. They were, moreover, justifiable on mere financial grounds. By referring to the documents annexed, it will be seen that we have acquired by Indian treaties, since the 4th of March, 1829, about one hundred and ten million acres. There now remain, of unbought Indian lands, less than thirty-five million acres. No extraordinary expenditure can, therefore, be hereafter anticipated for this object; nor is it probable that there will be such extravagant demands upon the Treasury for Indian wars, owing to the removal of almost all the tribes, and to a change in the plan of operations in Florida, but principally to the recent increase of the Army. One half of the amount expended in these wars has undoubtedly arisen from the extraordinary expenses arising from suddenly calling into the field numerous bodies of militia and volunteers, which we were obliged to do in consequence of the inadequate force of the regular army. The increase of that force will enable Government, in some degree, to dispense with these calls in future; and many millions in our annual expenditures will be saved by preventing Indian depredations, and promptly suppressing them when they may occur.

Owing to appropriations of the character referred to, and to others which will be noticed, there is a very considerable apparent increase of the Federal expenditures in the last ten years. The appropriations for 1829, including those under permanent acts, amounted to about thirty-eight million dollars. In comparing these with the expenditures in 1829, the following items will be found in the former which were not in the latter:

For preventing and suppressing Indian hostilities, \$1,000,000	
For the same, and for the Cherokee treaty, 6,740,000	
For removal of Indians, annuities, &c., \$3,060,000	
Do., do., in 1829, only, 420,000	
	2,640,000
	\$10,380,000
For appropriations for the Post Office, not embraced in any bill until since 1836, as these expenses are paid out of the postages, 4,560,000	
For the protection of the northern frontier, 625,000	
A nominal item in the Navy appropriation bill, being a mere transfer of an unexpended appropriation for the gradual improvement of the Navy, to the years 1839 and 1840, 1,500,000	
	17,065,000

There has been an increase in almost every branch of expenditure, but principally in the following:

The appropriations for pensions in the year 1838, were, \$2,058,500	
Do., do., under permanent acts, 1,350,000	
	3,408,500
Total expenditures in 1829, revolutionary, \$764,492	
Do., do., other, 185,102	
	949,594
	2,458,906
Harbor, &c., appropriations in 1838, \$1,535,000	
Expenditures in 1829, 505,000	
	1,030,000
Congressional expenses, appropriations in 1838, owing, in part, to the long session, \$982,000	
Expenditures in 1829, 467,000	
	515,000
Light-houses, appropriations in 1838, \$663,000	
Expenditures in 1829, 291,500	
	371,500
In executive, territorial, judicial, and miscellaneous expenditures, 880,000	
	\$22,320,406

Our naval and military expenses have been greater since 1829; the former owing, in part, to the uncertainty, at one time, of our relations with France, and the latter to Indian wars. But our expenditures have been since then increased in every branch by an augmentation of the amount of commercial credit, which adds to the cost of all our supplies.

In examining into our expenditures there will be found, in many of them, much abuse requiring reform. Two branches do not come annually under the consideration of Congress—the expenditures for the Post Office service and the expenses of collecting our revenue. The former, not being a charge upon the public Treasury, (except

for the expenses of the General Post Office,) are regulated by the income from postages, which are annually increasing the number of our routes and the frequency of the transportation of the mails. Of the immense increase in this branch of the public service, some idea may be formed from the increase in the transportation of the mails. It was not, probably, more than 100,000 miles in 1790; 845,468 in 1793; as late as 1863 it was but 3,504,800; it is now 34,580,202 miles. Though not a charge upon the public Treasury, we are bound, as the trustee of the fund, to see that it is administered with economy, in order that our mail routes may be extended to the remotest quarters of the Union. It has been, accordingly, the subject of investigation; the Department has been reorganized, and it is believed now to be well administered. There is charged upon this fund, for the service of the present year, \$5,100,000. If it is designed that this important establishment should support itself, there seems to be no reason for discriminating between the expenditures for the offices throughout the Union and of the General Post Office by charging the former upon the fund of the Department and the latter upon the Treasury.

The expense of collecting our revenue from customs amounted, in the first ten years after 1789, to about two hundred and ninety-three thousand dollars annually; for the last ten, ending 31st December, 1837, to \$1,232,000; it is now about a million and a half. By referring to the table of tonnage, it will be seen that the amount of tonnage entered from abroad has increased from six hundred and five thousand tons in 1790 to two million sixty-five thousand tons in 1837. The expenses of collecting the revenue was, in 1829, \$1,013,000, and, in 1837, \$1,492,000. The tonnage entered from abroad was one million three thousand in 1829, and two million sixty-five thousand tons in 1837. The annual amount of revenue is no criterion of the expense of collection; because, although we have relinquished the duty on more than half of our importations, the great increase in this branch of trade creates a necessity for an increased number of inspectors. We have also, of late years, introduced many very complicated provisions in our tariff laws, and added to the expense of collection. But a part of this increase is owing to the neglect of Congress in not limiting, from time to time, the number of officers to be employed; and in permitting the collectors to pay the whole expense of our custom-houses out of the revenue received, without even transferring it to the public Treasury. Had Congress periodically limited the number of our officers, directed the collectors to pay all the money received by them into the Treasury, required annual estimates, and made specific appropriations for this, as in other branches of the public service, it would have operated as a sensible check on the extravagance of some of our collectors.

Although the subject of tonnage is only indirectly connected with the question of expenditures, the committee cannot dismiss it without calling the attention of the House to the fact disclosed in the table annexed, that while the American tonnage entered from abroad increased from 872,949 in 1829, to 1,299,720 tons in 1837, the foreign tonnage rose from 130,743 to 765,703 tons in the same period—a result owing, among other causes, to our unwise taxes on navigation, and to an abuse of credit at home, which enables foreign nations to build, supply, and man their ships cheaper than we can, and slowly to undermine the basis of our naval power.

The legislative expenses of the Federal Government for the first ten years were annually, on an average, about \$171,000; the appropriations for the year 1838 were \$982,000. A part of this has arisen from the increase in the number of members of Congress; but the most extravagant increase has occurred in the contingent expenses of both Houses. In the first ten years these did not amount to more than \$10,000 annually; while the appropriations for the past year were \$373,960. Although under the immediate observation and exclusive control of Congress, there is no branch of the public service where there has been more abuse and extravagance. Thousands of documents, in many instances of no import-

ance, are annually printed; and the contingent funds of the two Houses have been, for some years past, charged with the expense of furnishing members with books. There has been, and remains to be, paid, on two contracts alone of this character, \$781,023 37, not only to supply those who are actually in Congress, but others who have not been members for many years past. Should such expenditures be continued, this will very soon become an important item; and in any event a large amount will still be required to fulfill contracts for books in no manner belonging to the legitimate contingencies of either House of Congress.

The expenditures of the Executive departments were, in the ten years after specific appropriations were made, about \$195,000 annually; the appropriation for 1838 was \$795,000. This item has steadily increased with the growth of our country and its various establishments, requiring executive agency and superintendence. Something would probably be saved if there were one contingent fund under the control of the Secretary for all the offices of each department. Our complicated system of accounts, too, was established many years ago; and a more judicious organization of the Departments might introduce greater simplicity and economy. It is impossible, however, to avoid a uniform increase in this branch of the public expenditure, while we continue to multiply our laws at every session, which must be carried into effect by the Executive Departments; and while we rapidly increase, as we have done of late, the number of resolutions in both Houses, calling for information, and frequently involving great labor and expense.

Connected also with the Executive Departments are various expenditures which were very inconsiderable, or did not exist at all, at the commencement of the Government—such as those for the Mint, Territorial governments, the coast survey, arming and equipping militia, the public lands, and public buildings. These, which in early legislation were quite unimportant, now amount to near a million annually.

The expenses of the Judiciary in the first ten years after specific appropriations were made, did not amount to more than about \$61,000 annually; the appropriation for 1838 was \$484,000. The increased expense for the salaries of judges has not been beyond what might have been anticipated. The expense, however, of the courts of the United States has increased from about \$30,000 to \$342,000, which is the estimate for the present year. In this branch of the public service, reform seems to be required. While the clerks of our courts are appointed by the judges, and the fees of the former amount to a much larger sum annually than the salaries of the latter, the appointing power may be tempted to participate in the profits of the clerkship, and to sanction the most exorbitant charges. The fees of our district clerks and attorneys ought to be more precisely regulated by law, and the clerks ought not to be appointed by the judges.

The expenses of our intercourse with foreign Powers amounted in early years to about \$50,000 annually; the estimate for the present year is \$266,484. This expenditure was considerably augmented by the revolutions in what was formerly denominated Spanish America. The estimate for the present year is not, however, so great as the expenditure for 1829, which was \$289,140 07.

The current expenses of the Indian department were unimportant and irregular in early years, but all the expenditures in this branch for the first ten years amounted to less than \$32,000 annually; the estimates for 1839 amount to \$866,960, including some appropriations not for current expenses. This increase is owing almost exclusively to annuities and stipulations under treaties with the Indians entered into since 1789.

Having no military establishment worthy of notice at the origin of the Government, the expenditures in this branch of the public service have of course increased. When it is considered that the settled area of the United States has increased, according to the calculations of a scientific engineer, in the ratio of 210,575 in 1790, to 1,013,664 in 1839, some idea may be formed of the vast extent of our present boundaries; and

we may well doubt, notwithstanding the recent increase of the Army, whether it will ultimately be found adequate to protect all our extensive frontiers.

Although we have been more liberal in our naval appropriations, that establishment still bears an unimportant rank in comparison with that of every other maritime nation. The improvement in steam navigation, however, seems to promise a revolution in the mode of conducting maritime war, which may render this difference of less importance as it regards existing navies, and may require new and considerable expenditures in this branch of the public service, which will be noticed hereafter.

The appropriations for roads in 1838 were \$540,000. There was no such Federal expenditure in early years.

In the expenses for light-houses there has been a considerable increase, especially within the last two years. The annual amount expended in the first ten years, including the maintenance of the establishment, was less than \$35,000. For many years past it was less than \$300,000 annually; but in 1837 it was suddenly increased to \$1,220,019, and included \$921,964 for new light-houses, &c. In 1838 the appropriations amounted to \$663,873. The estimate merely for maintaining the existing light-houses in the year 1839 amounts to \$394,000. The appropriations for new works of this kind were authorized without proper examinations, and much money has been wasted in this branch of the service. Two years ago Congress directed such examinations to be made before any new work should be commenced. The officers reported in favor of suspending the appropriations for thirty-one of the number of works authorized by the act of 1837. There is a large amount now remaining unexpended in this branch of the service.

The expenditures for fortifications were irregular in the first years; but from 1789 to 1798 the annual average was \$108,000. The appropriations for 1838 amounted to \$1,015,000; and the estimates for 1839, \$1,269,100. This part of the national defense is still in a very incomplete state. The improvement in steam batteries within a few years past renders it, however, a question worthy of inquiry, whether it will not also produce an entire revolution in the plan of harbor defense; and whether it would not be most judicious for the present to confine our expenditures to the armament of the fortifications we have finished, and await the results of future experiments which will become necessary to ascertain whether floating steam batteries are not superior to stationary fortifications in guarding the entrance into and in defending harbors. There are other reasons for suspending new appropriations for 1839. Those existing were not made until the 7th July last, and the act directed that one half of the amount should be expended in the present year; and there remained undrawn from the Treasury on the 1st of January, \$704,369 56, besides the balances in the hands of our disbursing officers. Under such circumstances, with a deficient revenue, and while there is a probability that a change will be made in the plan of harbor defense, and that the public money may hereafter be more advantageously expended, the committee are of opinion that it is not expedient to add \$1,269,100 to the large amount unexpended and in the hands of disbursing officers.

For the first six and twenty years, the average amount paid annually for pensions was less than eighty-four thousand dollars. As late as 1814, it was about ninety thousand dollars, and in 1815, less than seventy thousand dollars. The late war added about two hundred thousand for invalids and the widows or children of those who had died of wounds received in battle. The whole pension roll of the United States, arising from the revolutionary, Indian and British wars, did not then exceed three hundred thousand dollars annually. The appropriations for the present year amount to \$2,500,000; to which are to be added the permanent appropriation of \$1,000,000, and unexpended appropriations amounting to \$741,000; making an aggregate for pensions in 1839, of \$4,241,000, and we have now charged upon the public Treasury forty-two thousand five hundred

pensioners. A bill was passed at the last session, without debate, and approved on the last day of the session, which draws from the Treasury, in the present year, \$1,372,000; and there are three general pension bills now pending in the House, which would, if adopted, probably double the annual amount appropriated for pensions.

This result, and in so short a period, could not have been anticipated by the framers of our Constitution. The claims of our revolutionary soldiers rested on peculiar grounds. Their services and sufferings were of an extraordinary character, and we had from necessity been compelled to violate our contracts with them. In their case we were warranted in departing from ordinary usage when our means were ample to indemnify them. Pensions to invalids, and to the widows or children of those who are killed or who die of wounds received in battle, form a part of the contract, where such laws exist, between the Government and the soldier; but in granting pensions as we have done, in cases where the soldier was neither killed nor wounded in battle, we violated the pension principle, and charged the public Treasury with half pay to the representatives of all who enlist in the service of Government, whether in peace or in war, in addition to the compensation stipulated for their services. Prior to 1836 there was no departure from the ordinary pension rules, except as to revolutionary soldiers; but in that year provision was made generally for pensions in ordinary cases of death, while in the service, after the 20th of April, 1818, whether of wounds or not.\* The same rule was extended to the Navy pension fund, which will be very soon destroyed by such improvident legislation. Prior to 1837, this fund was amply sufficient to provide for our naval invalids, and for the widows or children of those who had been killed in battle. It was invested in stocks, and amounted, on the 1st March, 1837, to the sum of \$1,115,230 53; it is now reduced, under the operation of recent laws, to \$293,363 09. Should we have no reform in this branch of legislation, it will be difficult to anticipate the amount which may be annually required for this expenditure. If we continue to grant pensions in cases of ordinary death, in peace or in war, to the representatives of those who are employed in the military service, and to all in the naval service, we shall soon follow the example of some monarchies, and extend our pension roll, and with equal justice, to the representatives of all who die in the civil employments of Government.

The committee feel it to be their duty to bring to the special notice of the House the heavy and rapidly-increasing expenditures upon harbors and rivers. This item was unknown in the early legislation of the Federal Government. The first appropriation was made in 1802; but prior to 1816 only \$36,449 had been expended upon two works, connected directly and indirectly, with navy-yards and light-houses. In 1816 and 1819 two other appropriations were made amounting to \$34,000, both connected with light-houses. A few appropriations were made in 1820, 1821, 1822, and 1823, in the neighborhood of light-houses and navy-yards, amounting altogether to \$51,750; and in 1823 two harbor surveys were authorized, at an expense of \$350.

After we had adopted the policy of raising more revenue than was required for Federal purposes, and as the period approached for the redemption of the public debt, this was one of the new branches of expenditure resorted to in order to absorb a contemplated surplus. Accordingly, and for the first time in the history of our legislation, an act was passed on the 20th of May, 1826, "for improving certain harbors, and the navigation of certain rivers and creeks; and for authorizing surveys to be made of certain bays, sounds, and rivers, therein mentioned." On the 2d of March, 1827, this was followed by a regular annual bill, "to authorize the improving of certain harbors, the building of piers, and for other purposes." These expenditures immediately increased, in

\* The act of 1836 did not include all who died in the military service, after the 20th April, 1818, but embraced militia, rangers, sea-fencibles, and volunteers, and one or more special acts were passed establishing the same principle as to the regular Army.

25TH CONG....3D SESS.

Report on the state of the Treasury, &amp;c.

HO. OF REPS.

1827, to \$82,500; in 1828, to \$121,000; and in 1829, to \$505,000. In 1838, the appropriations were more than a million and a half, and the estimates for 1839 amount to \$1,713,000.

The aggregate amount already appropriated for these works is \$8,919,043 66, besides canal stocks, and the debt assumed for the corporations of this District for investments in the same, amounting to the sum of \$3,383,490; making an aggregate of \$12,302,533 66. The estimates for completing some of these works amount to \$4,650,842 21; but, judging by our experience as to former estimates, it will more probably require \$10,000,000, besides the cost of some of the most expensive works, for which there are no estimates at all. In addition to this, a bill is now pending (and would have passed the House at the close of the last session but for want of time) which, with the amendments, embraced appropriations for new works amounting to near a million dollars, and involving an ultimate expenditure of probably five million more.

In 1836 this subject was investigated by the Committee of Ways and Means, and a report submitted by one of its members (Mr. Smith of Maine) on the 10th of February. That report states that there was, even at that time, "a real necessity for hesitation, if not of actual reform, in the further prosecution of public works upon the same system which had, of late years, obtained under the Government;" that they were made subservient "to the purposes of the individual wealth and profit of the agents and contractors immediately concerned;" that the appropriation for one year, and for each succeeding year, in many cases exceeded the whole of the original estimate; that many of the works were built over again, and that others were rotten before they were completed. On the 31st of January, 1837, the same gentleman made another report from the Committee of Ways and Means, referring to the former as "explanatory of the unproductive, yet growing, expenditures of the Government upon harbors and rivers, and expressive of serious doubts of the policy of following out this branch of the public service, unless some more certain and efficient and economical system for conducting it could be devised." The opinion of the committee had not been changed by "the experience of another year;" and the report adds:

"Without some curtailment by Congress of the class of works already projected as recipients of its bounty, and without a decisive limitation of its appropriations to works that may justly be denominated of the first magnitude, and of imperious necessity, too, it requires no spirit of prophecy to predict that the operations of the civil engineer department will, in a very few years, rival, in expenditures and numerical strength of agents and operatives, the military and naval service of the Government, and constitute a more alarming branch of public patronage than is to be found elsewhere in the Government. From the peculiar nature of their expenditures, corruption, favoritism, and peculation may be reduced to system more successfully in them than in almost any other branch of the civil administration."

If such was the opinion of the Committee of Ways and Means in 1837, it certainly cannot be changed by examining into the present condition of these improvements.

After an experiment of thirteen years on the one hundred and three works for which appropriations have been made, the following is the result:

Never commenced.....	3
Abandoned.....	1
Suspended.....	4
May perhaps be completed with existing appropriations..	14
Completed.....	20
Not completed.....	61
Total.....	103

Some of the works have been built over twice, and the twenty completed cost but \$409,178 25; leaving all the expensive works yet to be finished, and at an expense which cannot even be estimated.

Such is the result of this Federal system of improving our harbors, rivers, and creeks, and building piers for our cities, towns, and villages; and such the prospect before us. The time has certainly arrived when it becomes necessary to inquire whether all these expenditures belong to Federal legislation; and to examine a system

which, if made permanent, must entirely change the character of our Government.

The utility of such improvements generally, is not denied, and is not the question. The true inquiry is, under what authority and at whose expense they should be constructed. If it is desirable to make a judicious selection of public works; to secure economy in expenditure; to do justice to those who contribute to their construction, and to insure their completion in some reasonable time, we should certainly confine our Federal, State, county, and municipal authorities within their appropriate spheres of action. We have confided to the Federal Government the high duty of superintending the construction of our works for national defense. By interfering with State, county, city, town, and village improvements, it not only neglects its common obligation to the Confederacy, but mismanages and retards the prosecution of their works. As we have seen, it extravagantly wastes the public money, in many instances, on works which should never have been commenced; on others, of a character strictly local; and in almost every case the work would have been constructed with more economy and dispatch under the superintendence of our State and local authorities, or under the still more vigilant direction of private enterprise.

These appropriations have been, and must continue to be, very unequal among the States. The Union has a common interest in but few of them. It may have in those running through or in the neighborhood of our public lands, which add value to the common property. But it is certainly unjust to apply the money collected in some States to mere local improvements in a distant quarter of the Union, simply because they appertain to the commerce of the country. If every improvement of harbors, rivers, and creeks, and the building of piers, is to be considered national in its character and benefits as an appendage to our commerce, it is difficult to define any limit whatever to the jurisdiction of the Federal Government, or to say to what purpose the common fund of the Union may not be applied. The distribution made during the last thirteen years among the States, proves incontestably the injustice of these expenditures. The whole amount appropriated and invested is \$12,300,000; of which \$5,190,000 has been granted to a district of country not one hundred and fifty miles from the Capitol. Without inquiring into the importance of the works patronized by the Federal Government, it is sufficient to remark that most of the States have been, at the same time, employing their own money and credit on improvements infinitely more useful and profitable, and better calculated to extend the commerce of the Union. Some of the States have not participated at all in these Federal appropriations, while four States only may be charged with \$6,760,000 out of the \$12,300,000, and some of the most expensive works remain to be completed in these States. If it is intended to make this system permanent, justice requires that some more just rule of distribution should be adopted.

This system, if permanent, must also very soon prove seriously detrimental to our naval and military establishments, and defeat the main object of our confederation. Such improvements, though generally merely local, are supported in both Houses by a combination of votes, which secures their preference over all other expenditures, however important the latter may be to the defense of the country. With an experience of only thirteen years, we have already a draft of near two millions annually upon the Treasury for such improvements. Should we continue to increase them, appropriations for national defense will become of secondary importance, and will be reduced to increase the expenditures for our congressional districts. Neither the condition of our finances, nor the state of the world, warrants us in applying the public money to objects not connected with our common defense. The countries in our own neighborhood have been disturbed; but, without anticipating any change in our pacific relations with foreign nations, we have other motives for not diverting the common fund; provided for our national defense, into new channels. The fortifications we have finished are unarmed,

and the recent improvements in steam-batteries render it certain that a very important revolution is about to be effected not only in harbor and coast defense, but in the whole system of maritime war. Other nations have already supplied themselves with steam-batteries, and we shall neglect one of our highest duties if we do not employ our first surplus money on similar objects. While such is our condition on our maritime border, our vast western frontiers are wholly unprotected. The condition of the States on this side of the Mississippi required the removal of the Indians beyond that river, and the tribes will soon be all in the same region of country. According to the estimates of the Indian bureau at the last session, the number who had been and were soon to be removed from the east to the west of the Mississippi, including those previously there, was three hundred and thirty-two thousand four hundred and ninety-eight, of whom sixty-six thousand four hundred and ninety-nine were estimated to be warriors. Most of these belong to distant tribes, but it is supposed that a large body might unite and make war upon our frontier settlements. We are certainly bound by the highest obligations to protect the States on our borders from an enemy whom we have been compelled to place in their neighborhood as the settlement of the country advanced. We ought surely to discharge this duty, before we appropriate our Federal means to improving harbors, rivers, and creeks, and building piers.

Should these Federal expenditures be permanently continued, they must corrupt the legislative branch, and entirely change the practical operation of our Government from its original and constitutional design. Millions will be annually voted to be disbursed by our public officers, enlarging the patronage of the Federal Executive, and extending its influence to every congressional district throughout the Union. The Federal system of roads and canals proposed and rejected some years ago, however unconstitutional, would not have been more fatal to State independence, nor more consolidating in its tendency, than these numerous appropriations for local objects. Instead of having seventy-five works in operation at the same time, as we have already, we should have our thousands, and those employed in their construction would outnumber all engaged in the civil, military, and naval service. Instead of a confederacy for the common defense of a union of States, we should have a concentrated and consolidated Government, almost exclusively superintending our internal concerns, and interfering with the duties and jurisdiction of our State and local authorities. This revolution, which has already commenced, can only be averted by confining Federal legislation to the few but high duties assigned to Congress by the Constitution.

Without, however, anticipating what may be permanent policy of this Government, the committee adhere to the opinion expressed in its two reports in 1836 and 1837, that the subject demands thorough investigation; and that if it is designed to persevere in it, some "more certain, efficient, and economical system should be devised;" and if the public money must be appropriated to these objects, justice to the States requires a more equal rule of distribution. For the present, the committee are of opinion that the existing appropriations are sufficient, taking into view the condition of the Treasury. Appropriations amounting to \$1,535,000 were made as late as the 7th of July last; and one half of every item in that act exceeding \$12,000 was directed to be expended in 1839. Of the existing appropriations, there remained undrawn from the Treasury on the 1st January, \$977,748 92, besides the balances in the hands of disbursing officers. As the revenue of 1839 will not warrant any additional appropriations, the committee deem it inexpedient to add \$1,713,000 more than a million unexpended at the beginning of the year.

In reviewing our various expenditures, the extraordinary increase in some branches, and the introduction of new objects of appropriation, the committee are of opinion that the augmentation of the expenses of the Federal Government is chiefly to be ascribed to the policy of raising more

revenue than was required to meet the wants of government, and of interfering with State and municipal duties; and to the increased number of resolutions and bills originating in both Houses, and annually calling for new and heavy expenditures. If all the unsuccessful propositions for appropriations made in Congress during the last session had been adopted, ten or fifteen millions more would have been charged upon the Treasury. The practice, too, of passing almost all our important bills on the last days, and of having them approved on the last day of the session, adds very much to the annual amount of our appropriations. Among other bills, one of those approved on the last day of last session was hurried through the House without any knowledge of its operation. This bill makes a new charge upon the revenue of the present year of \$1,372,000. No reform can be anticipated in this onward course of extravagance, whilst almost every new measure of importance is forced through both Houses, without debate or examination, on the last days (or rather nights) of the session.

Should the House determine on authorizing new appropriations for fortifications, harbors, &c., and on charging upon the revenue of 1839 \$2,982,000, in addition to an unexpended balance undrawn at the commencement of the year of \$1,682,000, besides the amount in the hands of the disbursing officers, it will be necessary to instruct the committee as to the mode of raising the revenue required to meet these expenditures. There is no probability that the receipts from all sources in 1839 will be more than sufficient to meet unavoidable expenses, without the addition of any extraordinary appropriation whatever. The last year's revenue from customs and lands, exclusive of the postponed bonds, which formed part of the receipts of 1837, did not exceed fourteen millions and a half. Although we may anticipate a considerable increase in the present year, it would be very unsafe to calculate on a larger revenue than twenty-three millions from both sources. On that basis the following estimate is founded. The appropriations stated in the estimate are nearly a million less than those submitted by the Departments, and others estimated for have not been reported at all. Those stated below embrace only indispensable appropriations:

## STATE OF THE TREASURY FOR 1839.

## Resources of 1839.

The ascertained balance in the Treasury on the 1st of January, exclusive of \$500,000 for the use of the Mint, is.....\$3,200,000  
 Receipts from customs.....\$18,000,000  
 Receipts from lands.....5,000,000

23,000,000

Balance due from late deposit banks, being less than as stated by the Treasurer, owing to anticipated payments.....\$2,300,000  
 From miscellaneous sources.....400,000

2,700,000

\$25,900,000

## CHARGES UPON THE TREASURY.

Appropriations authorized by former acts, which will be required for the public service, but were not drawn out prior to the 1st January last, according to the Treasury account.....\$15,289,000  
 Appropriations already reported:

Indian annuities, &c.....\$866,960  
 Army.....5,348,220  
 Pensions.....2,499,019  
 Northern frontier.....500,000  
 Navy.....5,130,781  
 Civil and diplomatic, deducting the nominal appropriation of \$3,100,000 for the Post Office service.....2,884,354  
 Partial appropriations for congressional expenditures, besides those included in the preceding bill.....549,344  
 Cumberland road.....300,000

18,078,678

Appropriations under permanent laws for pensions, arming and equipping the militia, &c., including \$750,000 for the gradual improvement of the Navy, transferred at the last session.....2,144,000  
 Appropriations carried to the surplus fund, which must be again appropriated.....295,000  
 For the Military Academy (to be reported).....153,055  
 For preventing and suppressing Indian hostilities in Florida, (to be reported,).....1,804,774

37,764,507

Of the foregoing appropriations, there will probably be undrawn at the close of the year, (being the short session, the estimate is less than at the close of the last year).....13,000,000

24,764,507

Certificates for return duties on merchandise destroyed by fire at New York, receivable in payment for duties, as estimated by the commissioners.....400,000  
 Treasury notes to be redeemed.....7,712,350

32,876,857

Deduct the resources.....28,900,000

\$3,976,857

To meet this deficiency, the Secretary of the Treasury is authorized to sell the remaining bond of the Bank of the United States, amounting, with interests, to \$2,380,000, and there remains \$2,287,650 of the Treasury notes authorized to be issued by the act of 1838, which have not yet been issued. Should the former be sold, and the limitation of the Treasury note act of 1837 be extended to 30th June, and no appropriations be authorized during the present session but those embraced in the foregoing statement, there would be an estimated balance in the Treasury on the 1st January next of about six hundred and ninety thousand dollars. Even this balance will be reduced by some additions which will be necessarily made during the session to the appropriations enumerated in the foregoing statement. Should Congress authorize the usual amount of new appropriations, and the \$3,000,000 proposed for fortifications, harbors, &c., it would be necessary to provide five or six millions for the Treasury, in addition to all the resources and receipts existing or contemplated.

All which is respectfully submitted by the Committee of Ways and Means for the consideration of the House.

## PUBLIC LANDS.

SPEECH OF HON. A. YELL,  
OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

February 20 and 26, 1839.

On the motion submitted by Mr. ROBERTSON, to recommit the resolutions of Mr. JOHNSON, of Maryland, from the Select Committee on the Public Lands, with instructions to report the following joint resolutions:

Resolved by the Senate and House of Representatives in Congress assembled, That, hereafter, the Secretary of the Treasury shall cause separate accounts to be kept of all moneys paid into the Treasury on account of sales of the public lands, to be disposed of in the manner herein provided unless otherwise by law specially directed, viz: He shall, on the first day of July succeeding the next census, and thereafter semi-annually, on the first day of January and July in every year, divide all the said moneys then in the Treasury among the several States of the Union, in the ratio of their Federal numbers: *Provided, nevertheless*, That nothing herein contained shall be construed to prohibit the appropriation of the proceeds of the public lands, or such portion thereof as may be requisite to meet the necessary expenditures of the Government for any year in which the receipts from customs and other sources of revenue shall be estimated to fall below — millions of dollars, and when it shall be deemed proper on that account to apply the said proceeds, by special appropriation, to supply the deficiency and meet those expenditures: *Provided, also*, That, in the event of a war between the United States and any foreign power, the said semi-annual division shall cease, and be suspended during the continuance of such war: *Provided, moreover*, That nothing herein contained shall be construed to impair the right and obligation of Congress, whenever it shall satisfactorily appear that benefits from the use of the public lands, or the proceeds thereof, have been heretofore, or shall be hereafter, conferred on particular States, to extend as far as practicable to each and all the States, in their due and just proportions, who may require or be willing to accept them, similar benefits, upon the same or equivalent terms.

Mr. DUNN moved to amend the amendment of Mr. ROBERTSON, by inserting before the first proviso the following:

First paying to the States in which such lands are situate, twelve and a half per cent. of the proceeds of public lands sold within such States respectively.

Mr. YELL said:

Mr. SPEAKER: It is not my intention to consume much of the time of the House at this late day of the session. Time is now precious to all;

and as but a few days will have elapsed before this Congress will have gone the way of all that have preceded it, and live only in the books of history and the recollections of our countrymen, I am admonished of the necessity of brevity of speech and promptitude of action. Sir, the patience of this House is already exhausted, and I know how unwilling all are to listen to elaborate speeches; but the importance of the subject now before me, and the deep interest which my constituents have in its issue, are considerations which will, I hope, plead ample apologies for my now rising to take part in its discussion.

In considering this subject, Mr. Speaker, I occupy a middle or a central position. I do not fully agree with either of the honorable gentlemen who have preceded me. I am not prepared to give my assent to the grounds assumed by the gentleman from Missouri, [Mr. HARRISON,] who maintains the assertion that the public lands belong to the States in which they lie. In maintaining that position my honorable friend is not singular or alone. He is sustained by such men as Tazewell and Taylor, of Virginia, and Governor Robertson, of Louisiana, and many others; and I must do him the justice to say that, in carrying out his assertions, he has adduced and arrayed arguments and facts difficult to be refuted; so well were they sustained, indeed, that it took my friend from New York, [Mr. PARKER,] with all his admitted ability and ingenuity, two days to demonstrate, even to his own satisfaction, that they were not tenable. Arkansas, Mr. Speaker, entered the Union under the resolutions common to all the new States, viz: "that the new States shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in said soil to the bona fide purchasers;" and that we would not tax the public land lying within the jurisdiction of the State. That compact we entered into, hard as it was, without a murmur, and we are willing and bound to preserve its stipulations in good faith. Such, sir, is our design; and we possess too much State pride to be found struggling to undo or violate the stipulations of a mutual compact. Is our example imitated and followed by the older States of the Confederacy? I think not. On the other hand, Mr. Speaker, I find the old States propelled and urged onward by avarice, disregarding all our former practices and compacts; and, in open violation of the public faith, boldly assuming the ground that the public domain should be subjected to the doctrine of *distribution*, and that it should be divided as a common spoil; thus, in effect and in fact, subverting every principle of equity, justice, and good faith.

In support of the position I shall assume against the resolution, one of the arguments I shall mainly rely upon is one that is advanced and admitted by the gentleman from Virginia, [Mr. ROBERTSON,] in his attempt to sustain the reverse of my proposition, that Congress has no power to raise money for distribution. That gentleman expressly and warmly repudiates all such doctrines; but, in the same breath, ingeniously attempts to draw a distinction between moneys derived from the sale of the public lands, and those which are collected and received from the ordinary sources of revenue collected from imports.

The resolution of the gentleman from Virginia, Mr. Speaker, revives the odious principles contained in the bill commonly called Mr. Clay's land bill, of 1832, without even retaining the advantages or benefits proposed by it, of giving to the new States the twelve per cent. on the amount of sales, but opens the broad principle, and the right of distributing the proceeds among the old States. The position thus assumed by the resolution of the gentleman from Virginia I controvert, because I not only deem it inexpedient, but unconstitutional. The fundamental principles of the party to which I belong assume and assert that it is the policy and the duty of the Government to raise no more money from the people, by any known mode of taxation, than is necessary to its support on the most economical plan, and in no event to raise money to be distributed among the States or the people. The admission of the gentleman from Virginia, that we have no

power "to raise a revenue for distribution," either "directly or indirectly," is unqualifiedly correct; and, as it is admitted, I shall attempt to show that the object and effect of the measure proposed would violate that principle, and divert the proceeds of the sales of the public lands from the expressed objects and intentions of the several deeds of cession, made by the States of Virginia, North Carolina, Georgia, and New York, to the General Government, which expressly declare, among other things,

"That all the lands within the territory as ceded to the United States, and not reserved or appropriated to any of the beforementioned purposes, or disposed of in bounties to the officers and soldiers of the American Army, shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the Confederation or Federal Alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever."

To arrive at the true meaning of the deeds of cession, we must look to the dates of those instruments, and the objects to be effected by them; and by examining these all important points, we find that the deeds of cession made in the year 1783, by Virginia, after the close of the revolutionary war, and during the existence of the Government under the Articles of Confederation, when the States were sovereign and independent, in the exercise of all the rights of sovereignty, and could make a treaty stipulation with the other sovereign States or with the Congress, which then exercised limited power under the then form of Government, which at once set the whole argument of the gentleman from Virginia in favor of distribution at defiance, and render it nugatory.

After the close of the war, we find Virginia, as well as the other States, largely indebted to her soldiery and citizens for services, provisions, and munitions of war, advanced to carry on the struggle for independence, and all dispossessed of the ability to liquidate their just debts. Hence, it was a matter of policy in that State to change that liability to some other quarter, and they made a deed of cession to relieve themselves from the liability thus referred to. The State of Virginia had a claim to the wild lands acquired by her charters under her colonial government, to what was termed the Northwest Territory, which now includes the States of Ohio, Indiana, Illinois, Michigan, and the Territories of Wisconsin and Iowa. The nature of that claim, situated as it was, and being in possession of bands and hordes of hostile Indians, it is not my purpose to examine; but, if I should do so, I do very much doubt if I should not be able to show that, in transferring it to the Federal Government, Virginia displayed quite as much policy and interest and sagacity as magnanimity, or a benevolent devotion to the happiness of a young Republic just merging into existence; and, besides, if an argument were now opened on the subject, and its discussion were now in order, it is not at all improbable that it might be proved that Virginia never had a legitimate claim; by conquest, purchase, or by any other of the rights of possession, to a single acre of the domain she so generously and nobly ceded to the Federal Government.

But, all this aside, Virginia, through her legislative bodies, made a cession of her northwestern territorial claim to the General Government, and that Government agreed to satisfy and liquidate all her military bounties, with an understanding that the surplus, if any, should be applied as a common fund for the benefit of all the States, (Virginia included,) according to the stipulation in the deed of cession before alluded to, and for no other purpose. The obvious intention of this stipulation was, that the surplus should then be applied in liquidating the expenses of those States which were sovereign, and as such had participated in the expenses and sufferings and glories of the war for independence. At that period the several States were supported by a direct tax upon their citizens, and it was to afford them remuneration for their losses that this arrangement was effected. The compact thus made mutually between the State of Virginia and the Federal Government, led to the creation of the fund of which I have just spoken, and it thus virtually became

a State fund for the support of the Government, and precisely as much so as it has, since the adoption of the Federal Constitution, become a common fund for the General Government, the mode of taxation having been changed by the formation of the Constitution, and consequently it has ever been considered a portion of the REVENUE to be expended for the benefit of all the States and the nation; and, until this project of distribution was started in 1832, no man, I believe, ever supposed or contended that this fund was to be diverted from the usual application. It must be borne in mind that the funds derived from sales of the public lands were to be applied to extinguish the national debt, which at that time (1783, at the close of the war) was not less than eighty million dollars; and, by reference to the return from the Commissioner of the General Land Office, it will be seen that the whole amount of sales does not exceed one hundred and six million dollars, exclusive of some twenty-eight million dollars expense accrued in bringing this land into market; so that the net proceeds of sales has about extinguished, without interest, the national debt; leaving the cost of extinguishing Indian titles to the public domain, and the purchase of Louisiana and Florida, unprovided for, amounting, in all, to about sixty million dollars, as will be seen from the table:

*Statement of the cost in the acquisition and management of the public lands, and of the receipts arising from the sale thereof, to the 30th September, 1838.*

The whole expenditure under the head of Indian department, from the commencement of the Government to the 30th of September, 1838, as far as can be ascertained from the records of this office amounts to.....	\$2,047,598 50
By the convention of France of the 3d April, 1803, the United States paid for Louisiana, in stock and money.....	\$15,000,000 00
Interest on the stock up to the time it became redeemable.....	8,529,353 43
	23,576,951 93

By the treaty with Spain of the 22d February, 1819, there was paid for the Floridas the sum of.....	\$5,000,000 00
Interest on the stock constituted per act of the 24th May, 1824, to provide for the awards of the commissioners under the said treaty, up to the time it was paid off.....	1,489,768 66
	6,489,768 66

The payments to the State of Georgia on account of lands relinquished to the United States, including the value of arms furnished that State, amounted to.....	1,250,000 00
Amount of Mississippi stock issued under the act of the 3d March, 1815, and redeemed at the Treasury, exclusive of the amount received in payment for lands.....	1,832,375 70
There has been paid for salaries and contingent expenses of the General Land Office, for salaries and incidental expenses of the several land offices, out of the proceeds of sales, while in the hands of the receivers.....	\$3,227,939 13
For the salaries of registers and receivers, by warrants on the Treasurer of the United States.....	92,903 39
	3,320,842 52

For the salaries of surveyors general and their clerks, and of the commissioners for settling land claims, &c.....	1,032,665 80
And for the survey of public lands.....	3,105,831 94

Cost, including foreign cessions and expense of Indians.....	\$73,736,047 28
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The cost in the acquisition and management of the public lands, exclusive of the sums paid for cessions from foreign Governments, and expenses of Indian wars, for which specific appropriations were made, amounts to.....	\$28,484,056 65
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Receipts into the Treasury from the sales of the public lands to 31st September, 1838.....	\$97,900,000 00
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The national debt, it is true, has been paid; but it was liquidated by appropriating to its extinguishment a portion of the money arising from customs. There was, however, another debt, created by extinguishing Indian titles; to the amount of \$60,000,000, which is also to be paid before you can apply the funds from the public lands for any other purpose, even if there were not a constitutional objection. It is admitted that we cannot raise money for distribution by direct

taxation, or by revenue from imports. This I admit and assume; then we have taken money out of the public Treasury to extinguish the Indian titles to all the lands we claim under the deeds of cession and treaty; and until that money is refunded, by the application of the sales of the public domain, it is a part of the national revenue, and cannot be distributed!

This fact, this position, I presume, cannot be denied, and will not be controverted; and with these undisputed evidences before me, I feel myself authorized in saying that the question of distribution is settled and cannot be sustained by argument or sophistry; for you cannot do indirectly what you cannot do directly; and that the positions here assumed were so understood, I shall cite to the House an ordinance as early as May, 1785, providing for sales of land in the Western Territory, and directing the proceeds to be paid into the Treasury of the United States, &c. As early as the 4th of August, 1790, Congress enacted as follows:

"That the proceeds of the sales which shall be made of lands in the Western Territory, now belonging, or that may hereafter belong, to the United States, shall be, and are hereby, appropriated towards sinking or discharging the debts, for the payment whereof the United States are now, or by virtue of this act may be, holden; and shall be applied solely to that use until the debt shall be fully satisfied."

And that this was the settled policy of the Government none will deny, until the celebrated project of Mr. Clay in 1832.

You cannot, Mr. Speaker, raise money for distribution; nor can you take money out of the Treasury to pay for lands, and sell them, and distribute the avails of their sale to the States, or make any other disposition of them, no more than you can touch the money in the Treasury without special appropriation made by authority of law. In this place, and at this point, it becomes me to notice another position assumed, but not successfully maintained, by the gentleman from Virginia, [Mr. ROBERTSON,] whose ingenuity in arguing and advocating abstractions, has long since won for him an honorable distinction. Sir, that honorable gentleman says there is no difference between the lands acquired by cession and those acquired by purchase. In the main, that assumption may be true; there is, however, a distinction which will serve to demonstrate the more clearly the ground that I maintain; that is to say, I contend that the lands acquired by treaty with France and Spain, are without the limitations and restrictions which, in other cases, might require that the proceeds of sales shall be disposed of for the "common benefit of all, and for no other purposes." We are left free to dispose of them as justice and a strict adherence to the principles of the Constitution may authorize; but Congress has acquired no more power to distribute the proceeds of the sales of those lands than it has over the ceded lands; for the assumption of any such power would amount to an open and direct violation of the admitted proposition, that money cannot be raised for distribution. Sir, I need not say that \$29,000,000, including interest, were taken out of the Treasury to carry into execution the Louisiana treaty of 1803, and the Florida treaty of 1818; besides this, we have paid not less than \$60,000,000 for the extinguishment of Indian titles; the sum total amounting to nearly \$90,000,000, independently of the national debt; being, in fact, and in the eyes of the law, so much money in the public Treasury which cannot be vested in lands, stocks, or anything else to change its character, so as to enable it to avoid the constitutional objection.

To tell me that you can take the public money to purchase a territory, extinguish Indian titles, and then divide the proceeds of the lands thus acquired, when it is admitted that the money in the first instance could not be so applied, is to ask me to swallow and adopt abstractions and plunge at once in the latitudinarian construction of the Constitution; in a word, it is to ask me to adopt opinions and dogmas variant and at war with my own sentiments, and in violation of all the principles and political creeds of the party with which I have the honor to associate. Sir, you had as well tell me that you can take the public money for the purchase of a ship, and dispatch her to Europe at the public expense, and there, out of the funds of

the nation, purchase *blood horses and jacks*, and bring them home and sell them at public auction and divide the proceeds of the adventure among the States. If, sir, you can do this, can you not establish a Treasury note bank, or a bank with \$50,000,000 capital, and divide it among the States and distribute its dividends? Is there, sir, any distinction between taking the money out of the Treasury and purchasing lands and dividing their proceeds, and taking the same amount for the purchase of stocks and banks and dividing their proceeds? If there is, I acknowledge very frankly my utter inability to appreciate or understand a particle of difference between the two propositions. And, sir, I am at a loss to understand how the gentleman from Virginia, who is a strict constructionist and a lawyer of distinguished preëminence, can possibly bring his mind to the conclusion he has adopted. I am perfectly assured he is candid in taking the ground he has assumed, and I can only account for the singularity of his dogmas by supposing that he is exceedingly anxious to get a little money out of the public crib for the "good old Dominion."

Mr. Speaker, we are often told that much more has been done for the new States than for the old. Sir, I deny and controvert the fact, and boldly declare that the new States have been imposed upon. Restrictions and onerous obligations were placed on us as a condition before we could be admitted into the Union; and those restrictions and impediments have originated a scheme for keeping up a heavy taxation upon personal property in the new States; and yet, sir, we have not had the privilege of taxing the public domain within our borders. Had we that privilege, and could we tax the property of the General Government as we do that of our own citizens, we should have an overflowing State treasury—a treasury, sir, that would enable us to carry out our systems of education and internal improvement.

I will take my own State, Mr. Speaker, and base upon it the grounds that I assume. Arkansas was admitted into the Union three years since. Since her admission she has received from the Government by appropriations about one hundred thousand dollars, which sum was expended in improving the navigable waters of our common country; for our rivers, sir, like our roads, are open to all, have conferred, in a tenfold degree, more benefits on the great body of the American people than on the immediate population of Arkansas. These rivers have been improved, and you have used them to transport troops and munitions of war and provisions to your outposts, Fort Gibson and Fort Smith, on the Arkansas, and to other important points on the southwestern and western border. Without these improvements, the demand and the price of supplies for your Army would have been augmented to the rate of one hundred per centum. What would have been the taxes of the State, provided we had taxed the lands of the Government at the present rate of taxation imposed on the people of Arkansas for the support of her government? That rate is about one cent the acre, including State and county taxation! From House document No. 46, covering a report and estimate from the Commissioner of Public Lands, we find that there yet remain within the limits of Arkansas twenty-eight million two hundred and sixty thousand seven hundred and forty-three acres of land yet unsold, after deducting grants and donations to the State and individuals.

Suppose, sir, we were permitted to tax that land at the moderate sum of one cent the acre, the gross amount would be swelled to the round sum of \$280,607. And if we had taxed these lands at that rate for the last three years, or from the day of our admission to the Union, we should have drawn from your Treasury the sum of \$841,811, an amount nearly equaling the amount the State and Territory have received since their establishment! And yet you deny my State the poor pittance necessary to establish roads within her boundaries.

From the same document, to which I have made reference, I find that, in all the new States and Territories, there remains unsold the gross amount of two hundred and twenty nine million

seven hundred and eleven thousand and seventy-five acres, which, at the very moderate rate of taxation of one cent the acre, if taxed, would yield the sum total of \$2,297,100! Some of the new States have been in the Union nearly forty years. I will, however, make an average of twenty years of taxation at the rate I have previously spoken of, and, in that period, the taxation would amount to \$47,940,000! As an equivalent for the denial of the right to tax the public domain, the new States and Territories have received—

For salines.....	329,600 acres.
For common schools.....	9,385,000 "
For various other purposes.....	3,385,000 "
Total.....	12,770,000 "

Money received for two per cent. fund for roads leading to the States, to be expended under the direction of Congress.....\$1,456,000  
For three per cent. fund to be paid to each State for the construction of roads within the same, 2,134,000  
For five per cent. fund paid for construction of roads within the States..... 326,700

Total.....\$3,966,700

Within the States of Ohio, Indiana, and Illinois, we have sixty-six million acres of public lands, which would yield, if taxed at one cent the acre, about double the amount now proposed to be expended in the opening of the Cumberland road; and yet we are told that the new States are receiving more than their proportion of the public money! Hereafter, I shall advise gentlemen to look to the expenditures in their own States, and bear in mind that the old thirteen States owned and received all the benefits derivable from the Crown lands which lay within their limits, after the revolutionary war; and let them recollect that not one dollar, derived from the sale of them, ever reached the thirteen new States.

One would think, Mr. Speaker, after the compact with the State of Tennessee, in the year 1806-07, that that State was and is bound to pay and satisfy all the North Carolina land warrants. Under that compact the General Government donated to Tennessee, for colleges and academies, two hundred thousand acres; and besides this, the Government was to set apart for common schools the sixteenth section of each township embraced in the whole of that section of country lying north and east of the congressional reservation line, which would have given the State one hundred and seventy thousand acres, instead of the twenty-five thousand acres actually received, leaving unsatisfied and due the State one hundred and thirty-five thousand acres. But even that is denied her! And the gentleman from Virginia, [Mr. ROBERTSON,] says that injustice would be done to the settlers by compelling them to remain on the poor refuse lands, and offers the assertion as an argument to prove that the lands should not be ceded! If the gentleman is candid in his position, then why refuse to relinquish to the State of Tennessee and to the other States the refuse lands? Why desire to hold on, and sell them at high prices, to divide among the States, when he admits that it is an injury to the settlers to suffer them to remain on them without price? Avarice, I fear, is a controlling passion, and it is that, sir, which withholds from these States and from the people lands which the gentleman from Virginia admits are not fit for cultivation.

Mr. Speaker, the spirit of *avarice and plunder* seems now the order of the day; the trials and misfortunes of the poor, who have sought a retreat in the forests of your western wilds, amidst the dangers of climate and the red man, have no place in the hearts of American statesmen. That band of patriotic citizens which have emigrated and settled your wild domain, who opened your roads, and, by their valor, defended your frontier, and who are bound together by new ties as society increases, have been left to contend against a herd of *speculators* to secure their own just rights, and are now, by this resolution, to be brought in contact with the *greedy and voracious States*, instead of the *heartless speculator*.

Mr. Speaker, I have now offered all the arguments that I intend to present in support of the

position that Congress has no power, under the Constitution, to raise money from *any source* for the purpose of dividing it among the States; and I will now proceed to offer my objections to the passage of the resolution upon the ground of expediency. Sir, as a matter of interest and expediency, I protest against it. The state of the national Treasury will not justify it; and, under the present situation of the tariff, the revenue must gradually decrease until the expiration of the compromise act, in the year 1842, at which period the revenue will sink to about twelve or thirteen millions, thus producing a probable and supposable deficiency in the Treasury of money, exclusive of the sales of public lands, of some eight or twelve millions. I need not say that increased duties will follow to supply that deficiency; and, until the country is prepared to suffer itself to be burdened with a high tariff, for the benefit of eastern manufacturers, will it submit to the provisions of the resolution of the gentleman from Virginia? Sir, my people more especially refuse to submit to a tariff of some fifty or one hundred per cent., the burden of which must (as all imports ever do and ever must) fall on the consumers; and at least two thirds of such a tariff would fall upon the new States, whose citizens will be required, individually, to pay the increased tariff.

In this place I take much pleasure in presenting to the House the views of the late President of the United States, General Jackson, who, as a statesman has had no superior, and whose arguments in his celebrated *veto* message on Mr. CLAY's land bill are so conclusive as to leave not a doubt on the mind of any man, who is not blinded by passion or partisanship, as to the impolicy and unconstitutionality of the distributive system. Thus argued the late President:

"But this bill assumes a new principle. Its object is not to return to the people an unavoidable surplus of revenue paid in by them, but to create a surplus for distribution among the States. It seizes the entire proceeds of one source of revenue, and sets them apart as a surplus, making it necessary to raise the moneys for supporting the Government, and meeting the general charges, from other sources. It even throws the entire land system upon the customs for its support, and makes the public lands a perpetual charge upon the Treasury. It does not return to the people moneys accidentally or unavoidably paid by them to the Government, by which they are not wanted; but compels the people to pay moneys into the Treasury for the mere purpose of creating a surplus for distribution to their State governments. If this principle be once admitted, it is not difficult to perceive to what consequences it may lead. Already this bill, by throwing the land system on the revenues from imports for support, virtually distributes among the States a part of those revenues. The proportion may be increased from time to time, without any departure from the principle now asserted, until the State government shall derive all funds necessary for their support from the Treasury of the United States. Or, if a sufficient supply should be obtained by some States and not by others, the deficient States might complain, and, to put an end to all further difficulty, Congress, without assuming any new principle, need go but one step further, and put the salaries of all the State Governors, judges, and other officers, with a sufficient sum for other expenses, in their general appropriation bill.

"It appears to me that a more direct road to consolidation cannot be devised. Money is power, and in that power, which pays all the public officers of the States, will all political power be substantially concentrated. The State governments, if governments they might be called, would lose all their independence and dignity. The economy which now distinguishes them would be converted into a profusion, limited only by the extent of the supply. Being the dependants of the General Government, and looking to its Treasury as the source of all their emoluments, the State officers, under whatever names they might pass, and by whatever forms their duties might be prescribed, would, in effect, be the mere stipendiaries and instruments of the central power."

And again, the same enlightened statesman remarked:

"I deceive myself greatly if the new States would find their interests promoted by such a system as this bill proposes. Their true policy consists in the rapid settling and improvement of the waste lands within their limits. As a means of hastening those events, they have long been looking to a reduction in the price of public lands upon the final payment of the national debt. The effect of the proposed system would be to prevent that reduction. It is true the bill reserves to Congress the power to reduce the price, but the effect of its details, as now arranged, would probably be forever to prevent its exercise."

The message from which I have read these extracts was so able, so conclusive, that it was not only sustained by Congress, but by an overwhelming majority of the American people. It demonstrates, beyond the shadow of a doubt, that the system of distribution is not only impolitic, unjust, unequal, but that it is unconstitutional.

25TH CONG...3D SESS.

Maine Boundary Question—Mr. Williams.

SENATE.

Statement of the value of annual imports into the United States from 1789 to 1837, inclusive; the payments into the Treasury on account of duties arising thereon, the cost of collection, and the rate per cent. the cost of collection bore to the value of imports, and also on the payments into the Treasury; and the annual expenditures of the Government, exclusive of trust funds, and payments on account of the public debt.

Years.	Value of imports.	Payments into the Treasury on account of them.	Cost of collection, including revenue cutters and preparing weights and measures.	Rate per centum on payments into the Treasury.	Rate per centum on the imports.	Expenditures, exclusive of trust funds and public debt.
Dollars.	Dollars.	Dollars.	Dollars.			Dollars.
*1789	52,500,000	4,398,472	239,541	5.16	0.45	1,919,589
1790	51,300,000	3,443,070	161,754	4.48	0.51	1,877,903
1793	81,100,000	4,255,308	188,369	4.23	0.65	1,710,079
1794	84,690,000	4,801,065	231,090	4.40	0.63	3,500,546
1795	69,756,068	5,588,461	280,339	4.43	0.37	4,330,658
1796	81,436,164	6,367,087	291,206	4.21	0.35	2,531,930
1797	75,379,408	7,440,649	343,434	4.55	0.45	2,833,590
1798	68,631,701	7,106,061	373,679	5.02	0.54	4,633,283
1799	79,068,148	9,010,449	412,183	5.06	0.63	6,480,166
1800	91,332,768	8,686,938	440,379	4.62	0.49	7,411,369
1801	111,363,511	10,750,778	482,772	4.30	0.48	4,981,669
1802	76,338,333	14,438,235	492,305	3.80	0.64	3,737,079
1803	64,666,666	10,479,417	405,536	3.72	0.62	4,002,834
1804	85,000,000	11,098,563	488,333	6.31	0.57	4,452,658
1805	120,000,000	12,936,478	557,541	4.13	0.40	6,337,224
1806	129,000,000	14,667,688	613,785	4.01	0.47	6,081,109
1807	138,300,000	15,845,321	615,631	3.74	0.44	4,984,572
1808	58,980,000	16,363,854	585,335	3.30	0.39	6,504,338
1809	59,400,000	7,237,506	498,130	6.42	0.68	7,417,672
1810	85,400,000	8,593,309	437,308	4.84	0.51	5,311,082
1811	55,400,000	13,313,232	441,120	3.80	0.62	5,562,604
1812	77,300,000	8,958,777	477,720	5.08	0.62	17,829,498
1813	23,000,000	13,234,663	414,171	3.23	0.98	28,086,398
1814	12,985,000	9,888,772	393,581	5.55	1.11	30,137,686
1815	11,041,274	13,282,982	476,007	6.13	0.49	31,953,571
1816	147,103,000	18,368,578	619,036	2.30	0.55	30,364,453
1817	99,250,000	28,963,248	782,708	2.88	0.78	15,454,809
1818	127,750,000	17,776,383	700,993	4.92	0.63	13,808,673
1819	87,125,000	20,233,006	810,220	3.84	0.52	16,300,373
1820	74,450,000	15,005,612	777,784	4.95	0.44	15,134,500
1821	62,588,724	13,004,447	700,528	5.11	1.11	10,723,479
1822	83,241,541	17,589,781	738,984	3.07	0.87	9,627,643
1823	77,779,287	19,098,433	766,699	3.86	0.96	9,784,154
1824	50,549,007	17,878,525	770,739	4.17	0.68	15,330,144
1825	66,340,075	20,098,713	889,302	4.23	0.92	11,490,459
1826	84,974,477	23,333,741	886,999	3.66	1.04	13,062,316
1827	79,484,068	19,719,583	880,818	3.31	1.11	12,254,448
1828	88,500,824	23,205,523	932,003	3.86	1.05	15,505,972
1829	74,492,327	26,681,985	1,013,667	4.27	1.08	12,651,457
1830	70,876,920	21,925,391	1,055,115	4.52	1.48	13,220,499
1831	103,191,134	24,224,441	1,216,009	4.77	1.17	13,863,786
1832	101,029,256	28,465,937	1,315,975	4.41	1.30	16,514,134
1833	108,118,311	29,032,508	1,361,543	4.41	1.25	22,049,297
1834	126,891,323	19,314,357	1,284,545	7.23	0.99	18,420,467
1835	149,893,742	19,971,010	1,284,997	6.21	1.83	17,005,418
1836	189,980,035	23,409,940	1,397,469	5.87	0.73	29,655,244
1837	140,889,217	11,169,290	1,492,947	11.79	1.05	31,586,180

\* From March 4, 1789, to December 31, 1791.

If it was impolitic and inexpedient in the year 1832 to recognize the system, it is more so now, (in 1839,) situated as the Treasury is; and prudence forbids its adoption. Even if Congress had the power to carry it into effect, it would, if enforced, be destructive to the interests of the new States, and at a single blow would prostrate all future hope of receiving any benefits from the kind action of Congress.

Carry the scheme of the gentleman from Virginia [Mr. ROBERTSON] into execution, and we are then to be taxed by the tariff one hundred per centum, amounting to about ten million dollars, to make up a deficiency in the Treasury; and, on the other hand, we will receive, under the provisions of the resolution, our proportion of the lands, according to the Federal enumeration of our population, amounting, certainly, by the most liberal calculation to about five million dollars only; thus inflicting a loss on my constituents of about twenty-five per centum upon the whole amount of increased duties, either from direct taxation, which may be resorted to, or by an increased tariff.

By reference to the estimate of the Secretary of the Treasury, we find the revenue from the import duties ranging from \$38,000,000, in 1833, to \$11,000,000, in 1838.

After the year 1841, the revenue from customs will not exceed the foregoing estimate of

\$13,000,000; and the most economical administration of the Government cannot fall under \$18,000,000 for ordinary appropriations, independent of annual extraordinary appropriations; ranging from five to ten million dollars; consequently, without the revenue derivable from the public lands, the deficiency in the Treasury cannot fall short of eight or ten million dollars.

I have now, Mr. Speaker, discharged my duty to my constituents and myself, and the result is left to the wisdom of the country. I soon quit this Hall for the more retired scenes of my adopted State, and in surrendering the trust committed to me by the people of that young and happy State, I feel assured that I have faithfully struggled to serve them; and it is a source of pride and gratitude to me to know that they have generally approved my efforts, and in no instance manifested any other feeling than that of kindness and friendship far beyond my merits.

## MAINE BOUNDARY QUESTION.

## DEBATE IN THE SENATE.

WEDNESDAY, February 27, 1839.

A message from the President of the United States, with a memorandum of a specific character, signed by the Secretary of State and the British Minister, together with various other documents on the subject of the Maine and New Brunswick difficulties, having been received and read in the Senate—

Mr. WILLIAMS, of Maine, said the message of the President and accompanying documents, just now read by the Secretary, were highly important to the nation, but more especially so to the State which he had the honor, in part, to represent. They related to a question of the deepest interest to his constituents, and to measures adopted and pursued by the united voice of the Legislature and the people of the State of Maine for the preservation and defense of her property and rights. He was not sure that he fully comprehended the terms and meaning of the message, and agreement or memorandum, signed by her Britannic Majesty's Minister and the Secretary of State, but so far as he could catch them from the reading at the Clerk's desk, he felt it due to the Senate and to his constituents, to say, frankly, that he feared they would not prove satisfactory to Maine, or produce the effect intended by the framers of them.

The people as well as the Legislature of Maine feel deeply and sensibly the injustice and degradation she has long suffered from an unjust and groundless claim, by a foreign Government, to one third of the territory of that State, and from the exercise of jurisdiction by that Government over a part of the territory, and from repeated arrests and imprisonment of her citizens by that foreign Government, without redress or satisfaction. They are now aroused and excited by the recent avowal of the Lieutenant Governor of New Brunswick and of the British Minister, that Great Britain claims exclusive jurisdiction over the whole disputed territory, and that that claim will be enforced by military power. They feel that the question of her boundary has already been suffered to remain unsettled too long; that Great Britain refuses to settle it according to the treaty of 1783; and that the time has come when Maine must protect her own property on the disputed territory, or suffer its principal value to be destroyed and abstracted by desperate marauders. The General Government interposes no obstacle to the continued depredations upon that territory, and the honor and interest of Maine have alike impelled her Legislature to adopt measures intended and well calculated to prevent further destruction of the timber upon that territory, as well as to arrest and punish the trespassers. For this object Maine sent her land agent and sheriff, with an armed posse deemed sufficient to arrest and disperse the gangs of trespassers who had bid defiance to her laws, as well as to her power, to stop their depredations.

The land agent and his assistants, after partially accomplishing their purpose, were surrounded by armed men in the night time, forcibly

carried to Woodstock, there examined by magistrates of the Province of New Brunswick, and ordered to Fredericton; they were sent off on a horse sled, amid the shouts and jeers of the populace, under a military guard, and imprisoned in a foreign jail; add to such unjustifiable seizure and imprisonment of the land agent and his assistants, the proclamation of Sir John Harvey, denouncing the acts of Maine and her officers as an invasion of her Majesty's province, and threatening to expel by force the posse sent by Maine for the protection and preservation of her property. Then look at Sir John's letter to the Governor of Maine, asserting the claim to exclusive jurisdiction of the whole disputed territory, by agreement between the two General Governments, and threatening to expel from the territory the armed force of Maine, unless the Governor of Maine should voluntarily withdraw it; and connect with it the assertion of the British Minister that exclusive jurisdiction of the disputed territory belongs to Great Britain until the question of boundary shall be finally settled, with the claim of Mr. Sreet, Attorney General of New Brunswick, upon Mr. Jarvis, then acting as land agent of Maine, requiring him to withdraw from the disputed territory, and to surrender the persons arrested and in custody, as trespassers upon the disputed territory, to the authorities of New Brunswick; to be tried in the courts of that province, and you have the reasons and the justification of Maine for the course she has adopted, and is pursuing, and which course is intended to be controlled and restrained by the memorandum and agreement now communicated.

If Maine was right, as all seem to admit she was, in sending her land agent and posse to protect the timber and to arrest the trespassers, then she must not only be justified, but applauded, for promptly meeting the threat of Sir John Harvey (to expel that posse by military force if not withdrawn) by arrangements to support and sustain the land agent and posse by a force equal to the emergency. Can Maine retrace her steps and withdraw her land agent and posse, without virtually yielding to the demand and threat of Sir John Harvey? Would any Senator desire that she should do it? Would any American pardon her if she did do it? Mr. W. did not pretend to speak by authority on this occasion, and would not say how Maine would think or act in respect of the recommendations to her; but as a citizen and representative of that State, knowing something of the feelings and determination of the people and government of Maine, he felt it due to them and to the country to say now, in his place, and upon the first appearance of the memorandum and agreement, as he understood it, (having no opportunity to learn its meaning and intent, except from the reading of it here,) that it would not be satisfactory to Maine, and cannot be carried into effect.

The agreement, as understood, provides that Sir John Harvey will not attempt to expel, by military force, the armed party which Maine has upon the territory; that Maine will forthwith withdraw from the disputed territory; and if, hereafter, there shall be necessity for an armed force to expel notorious trespassers the operation shall be conducted by concert between Maine and New Brunswick. If, by the armed party, was only intended the military force which Maine has ordered to sustain the posse against the threatened attack of Sir John Harvey, then Maine surely would not object to withdraw that force, upon Sir John withdrawing his threat, which threat was the sole cause of sending that force upon the territory; and if such should be the understanding of the parties to the agreement, then Mr. W. had no objection to that part of it; but if it be intended that the land agent and posse shall be withdrawn before they shall have accomplished the objects for which they were sent, it cannot be done. Maine cannot yield to the demand of Sir John Harvey, even by the advice of the General Government, without surrendering her unquestionable right to protect her territory and property from depredation. Again: if Maine were to withdraw her land agent and posse, what security is provided by the memorandum that Sir John will not immediately enter upon the disputed territory and occupy it, by military force or otherwise,

pursuant to his claim of exclusive jurisdiction? That claim, though denied by our Government, is not renounced by Sir John or Mr. Fox.

Further, the arrangement as to future trespasses, besides being limited to *notorious* trespassers, (leaving all ordinary trespassers unprovided for,) is impracticable, and will lead to new collisions. It is vain to expect that two nations, each claiming the whole property, can, for any length of time, exercise a joint, concurrent jurisdiction over it. But if that could be done in some cases, it cannot be done in the case under consideration, for the obvious reason that all the available product of this territory is the timber upon it, and that timber must find a market in the *British Provinces*. It is for the interest of merchants and others in New Brunswick that this timber should be cut and disposed of through their agency, and that interest is so strong and abiding that we cannot rely upon the provincial authorities to check or prevent the continued abstraction of the timber. What has been may be again; and notwithstanding the boasted efforts of the warden of the disputed territory to stop and punish trespassers in past years, it is known that the number of trespassers has been annually increasing. The agreement provides that whenever an armed force shall be necessary to suppress notorious trespassers, it shall be done by *concert* between Maine and New Brunswick. Suppose that another year should be as the last has been, and Maine should wish to expel and punish the trespassers: if New Brunswick, for any cause, should not be disposed to concur in measures adequate to the object, what remedy is left for Maine? Her rights are entirely at the mercy of New Brunswick!

But he would not detain the Senate. The arrangement has been made, and may possibly be less objectionable than he had supposed. He hoped it was so; and Mr. W. would gladly embrace, as he believed Maine would also do, any plan which should allay existing excitement, and promise a speedy settlement of the boundary question. That was the great question, and the question which must soon be settled in some way. It had already been too long delayed; in fact, that boundary should never have been suffered to be brought into question. Any temporizing expedient will avail but little; it may give some further opportunity to attempt negotiation, and Maine would not complain; but the time has come when the General Government must bring the question to a termination, by negotiation or otherwise. Maine has already borne and forborne beyond what almost any other State would have done. She has her rights, and knows them; she is yet desirous that the General Government will assert and secure them to her; and, above all, she desires not to disturb or put in hazard the peace of the country. Still, Maine must and will respect herself, and thus acting, cannot much longer suffer an important portion of her territory to be in doubt or abeyance. Whatever territory is hers must be subject to her jurisdiction and to her laws, and cannot be withheld from her much longer. The business and wishes of the people of Maine are peaceful; and it has taken a long period of suffering to bring about the spirit which now pervades almost every bosom in Maine, and that spirit is not to be overcome. She hopes to obtain her rights peaceably; but be assured that delay will soon be regarded denial, and then the gallant spirit and perseverance of her sons will accomplish for her what ages of negotiation have thus far failed to secure.

Mr. PRESTON said that he would not allow himself to participate in the despondency with which the Senator [Mr. WILLIAMS] regarded the condition of affairs on the Maine frontier, or to believe that the recommendatory suggestions in the memorandum signed by Mr. Forsyth and Mr. Fox would be inefficacious in suspending the hostile proceedings in the disputed territory. We have been suddenly and unexpectedly hurried into an attitude menacing the most serious results, and placing us at once, without any previous action of this Government, upon the very edge of war. Indeed, nothing could have been more unexpected to the public mind, or to the constituted authorities of this Government, than the startling events which have astounded us for the last few days. We may well judge from our own excite-

ment how much more intensely agitated are the feelings of those who are in the immediate presence of those events, and participants in them. It is, therefore, most desirable that there should be a moment of pause allowed for our own deliberations, and some time given to the angry parties on the frontier to consider of their position, and to right themselves, if, in a moment of heat, either has fallen into error. This most desirable end the memorandum of Messrs. Forsyth and Fox seems to have in view, and if received by the Governors of Maine and New Brunswick in a corresponding spirit, will leave the adjustment of their differences to the dispassionate discussion of the Governments of the United States and Great Britain, to whom properly and exclusively belongs the decision of the great question of war or peace.

Nothing could be more improper, in every point of view, or more to be deplored, than that a foreign war should be superinduced by a precipitate collision of coterminous authorities, superseding the cautious deliberations of the great nations whose destiny will be so deeply implicated in the contest. The question of foreign war belongs to this Government; and I beg leave to assure the honorable Senator that, whenever the interest or honor of his State shall, in the opinion of this Government, make an appeal to arms necessary for their vindication, I, and I believe the State of South Carolina, will as freely take them up in her defense as if the affront or the injury had been suffered by ourselves. I know, sir, that the State of Maine has been subjected to much, justly calculated to aggrrieve and excite her, and I cannot forbear to add that, in my judgment, the negotiations for her relief have not been urged with sufficient earnestness, or her rights insisted on in a tone as peremptory as their unequivocal character fully justified. Her title to the disputed territory is unquestionable, and obtained, at the last session, the unanimous sanction of this body, after a most careful examination. This would have authorized the most decisive demands from our Government on that of Great Britain; and, if they have not been urged, Maine may have cause of complaint. But, as her claims were the subject of actual negotiation, and her territory, in regard to which that negotiation was pending, was subject to provisional arrangement by an understanding between the Governments, it is certainly due to this Government that it be consulted, if possible, upon any matters affecting these relations; or, if this was not deemed proper, I could have wished, at all events, that it had been thought advisable by that State to have notified the British authorities of the trespass of which she complains, and of the mode in which she intended to correct it. This might have produced mutual explanations, and perhaps cooperation in the correction of the evil; or, if not, the British authorities, by their countenance of the marauders, would have been placed flagrantly in the wrong. That this was possible may, in some degree, be inferred from the prompt and high tone of the British correspondence, and from the preposterous assertion of the claim to exclusive jurisdiction over the disputed territory.

This unwarrantable and most extraordinary assumption in regard to exclusive jurisdiction, may perhaps itself furnish the grounds of a future amicable adjustment of these differences. Sir John Harvey is clearly mistaken. His Government, it is to be hoped, will correct his error, and avow that he has misunderstood his orders. The British Government will not have the hardihood to set up such a pretension; and, as the military operations of Sir John are founded on this mistake, it is clearly the part of wisdom to pause until his Government has an opportunity to rectify it.

However this may be, the recommendatory convention before us is calculated to put the parties in the condition they occupied before the occurrence of these untoward events; to put the rights of Maine again in the keeping of this Government, where the Constitution and the progress of the negotiation deposited them; and, above all, to leave upon the two Governments themselves the high responsibility of peace or war.

I cannot, Mr. President, refrain from commending, in emphatic terms, the spirit of moder-

ation and firmness which has characterized the conduct of the Administration in the difficult emergency upon which we have been thrown. It has my hearty approbation, and I cannot but hope, as I most ardently wish, that a policy commenced under such favorable auspices may eventuate in the reestablishment and consolidation of pacific relations. But if, unhappily, it should be otherwise; why then I pledge myself to the Senator from Maine, and to the country, that I will not stop to count the cost when duty and patriotism demand, as they then will demand, a solemn appeal to the last reason of nations.

Mr. DAVIS said: I believe, Mr. President, I feel as much on this subject as the Senator from South Carolina, who has just exhorted us to temperance, patience, and forbearance, till this question shall be adjusted. But I wish to call the attention of the Senate for a moment to some portions of the history of this negotiation, that we may see where we now stand. The proposition for a mutual understanding was, that the two parties should remain as they were, and that each should continue to hold jurisdiction and possession of the disputed territory just so far as they had already been obtained by the parties, respectively. And now, what is our attitude in regard to this whole business? I took some pains, in the course of the discussion at the last session, to examine this matter through, to see what was the true condition of our diplomatic arrangements, and it will be found that this must be the result of the whole: That Great Britain, on her part, has decisively refused to comply with a demand for a negotiation on the question as to where was the boundary designated by the treaty of 1783. The Government of the United States has again and again urged that certain marks, monuments, and boundaries pointed out by that treaty were to be ascertained; but she says the negotiation on that topic is exhausted, and, though she is willing to negotiate for a conventional line, she will not negotiate in regard to the line of that treaty. Here the matter rested, and Maine was consulted by the United States Government, whether she was willing to have the question settled by determining on a conventional line. To this proposition Maine gave a flat refusal. She would not, in any case, consent to a conventional line, but she was willing, in any way, to determine and settle the line of the treaty. The United States Government now determined that, unless Maine would consent, they had no power to negotiate further, because they had no power to negotiate away any portion of Maine. That is where the diplomatic correspondence places it, as I then showed by letters of Mr. Vaughan, Mr. Forsyth, and other gentlemen concerned in the negotiation; and Mr. Forsyth declared, in regard to the negotiation, that it was perfectly hopeless to renew it, because the British Government had again and again said that they would not negotiate on the treaty of 1783, which was the only basis to which Maine would agree; and whoever will examine the correspondence will see that I am borne out in these statements.

Sir, I am not about to oppose this proposition, or any propositions which may be presented of a pacific character, and which are merely to bring Maine and New Brunswick back to where they stood. But, without regard to that proposition, I will proceed to one conclusion further. Although the plan now proposed may put off, for a time, the evil day; although it may relieve our present embarrassments, and may place us for the time out of the belligerent attitude, yet, I ask, what is the prospect that we will bring this matter to a close, and that we shall escape an ultimate collision? Supposing the two countries now go back to this conflicting jurisdiction, and proceed in the manner in which they have heretofore proceeded, as I have already said, the conflict there grows directly out of this dispute about jurisdiction. Those conflicting jurisdictions run into each other; they have no ascertained boundaries or limits, and hence it is that citizens of Maine have again and again been arrested and dragged into New Brunswick by her civil authorities, and there convicted, pardoned, and sent back. Through all this it has happened that, whenever it was necessary to preserve the peace of the country, the United States Government has stepped

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in as a mediator, the citizens of Maine have been released, and peace and harmony, for the time, restored as far as they could be. In that course things have gone on till they have created a public feeling, a sense of wrong and indignity which, I think, cannot much longer be endured. Sir, they cannot go forward in the present state of things. If the two Governments think that they can maintain peace and harmony without great zeal and energy in settling this question, they flatter themselves with hopes that will prove vain and groundless.

I have risen, Mr. President, to make these remarks, and to present this piece of diplomatic history, to show the Senate that, if the proposition before us is not followed up by speedy and efficient measures for a final settlement of the question, we should be just as well off without that protocol (the memorandum) as with it. The conflict must come, and these difficulties cannot be adjusted unless the main question is finally settled. The only desire by which I have now been actuated is that the Senate should be acquainted with these facts, and, when they comprehend them, I am fully persuaded that they will arrive at the same result at which I have arrived. I concur fully with the Senator from Maine, who preceded me, that unless something effectual should be done in the settlement of the principal question of territory, the citizens of Maine cannot be quieted, and such an arrangement as that now before us can never preserve the peace of the country.

Mr. RUGGLES said Maine could have no inducement to rush herself, or to draw the country needlessly, into a war; for it was evident that she would herself receive the first, the second, the third, and the last blow in such a conflict. She was on the very frontier that was menaced, and the war would be chiefly on her own borders. Her commerce and all her interests on the ocean would be destroyed at once on the declaration of war. It was impossible to conceive the extent of the mischief that would be done to her interests; and could it, therefore, be supposed that she had set herself in such a position as she now occupied without great consideration, or without being compelled to take it for the preservation of her honor and her rights?

Sir, (said Mr. R.,) what is the aspect of this matter as it now stands? Maine claims the jurisdiction over that portion of the country which is now the scene of the contest; not over the whole disputed territory, but over that particular part of it; or, if she does not claim exclusive jurisdiction, at least she claims a right to that sort of jurisdiction which she has held for many years past, and of which she has never been dispossessed. In maintaining that sort of jurisdiction, she found it necessary to arrest a band of depredators, for the purpose of preventing the destruction of her property. In this attempt she was resisted by them, and by them her agent was seized and carried away; and this act of violence on their part was ratified by the New Brunswick authorities, by whom, also, the demand was made that exclusive jurisdiction over the territory should be conceded to Great Britain. This demand cannot be complied with, unless by yielding a right of Maine which this Government has recognized; that is, a right to a mixed jurisdiction, or the right to be there, at least to protect the property in dispute from ravages by a third party. Sir, she has done no more, but has exercised her authority precisely as she had before, for on several occasions she has driven off depredators from this territory. Maine, therefore, cannot consent, on such a demand as has been made, to withdraw her forces. Yet it seems this Government is now prepared to require it of her; and by what right do they require it? Sir John Harvey is now declaring that he will, by a military force, arrest every person that he may find in that territory, and bring them to punishment. Is there any authority for this from this Government? The government of Maine now calls on this Government to aid her in defending territory rightfully belonging to Maine; and I ask if this is not a case when we may ask the President to call out the forces of the country to repel invasion? That is precisely what the Governor of Maine has done. But the President appears not to apprehend that

that case has arisen in which he is to defend the territory of Maine; though he has said that if New Brunswick persevere in asserting by arms a right to exclusive jurisdiction, he would then consider it an occasion in which he would be required to repel invasion. Sir, this is not to recover a territory, but the object is to repel invasion; or, now that invasion is loudly threatened, it ought to be to go against the territory being invaded at all.

As it respects what the President now proposes, I do not know but it may be regarded as a wise measure. Maine is anxious that the whole question should be settled, and she has again and again urged it on this Government. Her citizens in the meantime have been often arrested and imprisoned, her property has been destroyed, and she is now required still to submit to these outrages. If there was any probability that the question would be brought to an adjustment in any reasonable time by negotiation, Maine would not have assumed her present attitude. But it is because she has no confidence in negotiation, that she has at last found it necessary to take the remedy into her own hands; and I now ask, will this Government require her to withdraw her troops after all that State has endured, and the people have been roused to a just sense of their rights and wrongs? And I ask further, whether this Government has a right to call on Maine to withdraw her troops? I do not know but this right may be claimed as within the constitutional powers of this Government to control a State in respect to the possession of her territory. But it is on record that this territory belongs to Maine, by a unanimous vote of this Senate, and from this I believe the Executive does not differ; I believe the whole country is united on this point; I do not know of an individual who has the least doubt that the right to the territory is in Maine. And yet, when we undertake to maintain our rights alone, we are requested to withdraw our troops under a threat. If they can be withdrawn, and the honor and the rights of Maine be sufficiently respected, I am willing that it should be done.

I am this moment informed (said Mr. R. with much concern) that there has been an actual collision in the disputed territory, and that bloodshed has taken place. News has arrived that a battle has been fought, and that fifty of the Maine men have been killed, and nine of the English.

[Great sensation and silence for some moments.]

Mr. WEBSTER said: I hope, Mr. President, that this rumor will turn out to be incorrect. It would be melancholy, indeed, if it should be true that a hostile meeting has taken place, followed by such consequences as have been stated. But not at all under the influence of any impression from that rumor, I will make a few remarks on the general subject, and on this communication from the Executive Government; and painful as it is, I must say that I cannot approve of the conduct of the Executive on this important measure since the last session. I will even go a little beyond that, and say what I did not mean to say till the certainty should be developed whether there would be any collision between the parties, because I do not desire to make this controversy with England a matter of party. At the last session, and whenever there was any occasion, I endeavored to set forth the right to the territory as our own, and not to complain of any Administration for the manner in which that right had been either neglected or enforced. But there are two or three things that ought to be stated; and without going at this time further back than the last session, I wish to know what reason has been assigned to Congress why this negotiation has not been pressed to some practical result, or finally broken off. As to the expression of the opinions of Congress, in both its branches, nothing could be more decided than the resolutions of the last year. And what do we learn to have been done in consequence of those resolutions? I ask if there has anything been communicated to Congress at this session in the form or shape of a reason why this matter has not been brought to some sort of a conclusion, or made some degree of progress? When we ask what onward steps have been taken, the answer given to the question is, that nothing has been done; but why, we are

not informed. And while nothing has been done here or in London, Maine has undertaken to examine the question whether the lines of the treaty of 1783 are an ascertainable boundary. She has explored the territory by commissioners, and her commissioners come back and tell us that there is no more difficulty in running that line than any others which run due north from a given point. They have found the treaty lines (the highlands) to be as visible and tangible as the Alleghany mountains, or any other highlands, though, of course, less elevated; so that the boundaries of Maine are as clear and as easily ascertained as other lines of division in the country. And yet a negotiation has been going on year after year; and when we ask what has yet been done, even down to this hour, we learn that nothing has been accomplished; that, to all appearances, the dispute is as far from a termination as ever.

And now what Maine has done is to be superseded, New Brunswick and Maine are to withdraw, and all things are to return to the state in which they were *ante bellum*, and then we are again assured there is to be a speedy settlement of the controversy by negotiation! And so said Spain on a certain occasion, when she did not settle the question for fifty years. Sir, this important matter cannot go on, or rather it cannot stand still, in this manner. Maine cannot be kept, and ought not to be kept, thus in a state of dissatisfaction and neglect.

Sir, I think this matter must be settled, and that it will not permit delay; and I must say that a strong Administration here, and another in England, might long ago have brought it to a close.

The time must come when, if the controversy cannot be terminated by some sort of negotiation; it must be settled otherwise. I believe our right is clear; and, although I am willing to concede much for peace and good neighborhood, I am not willing to delay a final adjustment indefinitely, or at the hazard or in the face of the certainty of border conflicts. I do not wish that Maine should take possession of the territory. The controversy is ours. But if this negotiation is to be prolonged and delayed, postponed and put off, without reasonable prospect of ever seeing an end of it, then I am for ascertaining the treaty boundary by an examination of our own, and if we are satisfied we are right, for making that boundary the line of our possession, and seeing whether we can hold it. When negotiation becomes mere procrastination, and serious dangers in the mean time threaten, a more decided tone ought to be assumed. Depend upon it, sir, the peace of the country is more endangered by these unnecessary and unjustifiable postponements and delays than it would be by holding a more decisive language, and manifesting a more resolute spirit. I do not believe there has yet been collision; I hope there will be none. But I do not wish to see Maine humiliated or disgraced. I believe that if something of her own spirit and feeling had pervaded us here, we should have now been through the controversy. There is yet, I have no doubt, time for pacific adjustment; but England must learn that she has nothing to gain by delay. Delay, while it can benefit neither party, every day endangers the peace of both.

I only wish further to say, in regard to Maine, that she did obtain from Congress, at the last session, a unanimous concurrence of opinion in both branches, strongly in her favor, on the question of her right to the territory. Further negotiation, however, was still contemplated; and now, at the end of another year, she finds that not one single step, not an inch, of progress has been made. I do not blame her for being both dissatisfied and excited.

It is to be considered, also, that, in the mean time, Maine has established, to her own entire conviction, the truth of what we have been contending for; that is, the perfect practicability of ascertaining the treaty boundary.

Mr. W. thought that, if a higher and more energetic tone had been held by our Government in the negotiations on this matter, we would stand upon much more elevated ground at present. He was willing, for his own part, to assume his share of the responsibility of voting to run the line of 1783, and to defend it when run—and to vote it to-night. He hoped that those who had the lead

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in the administration of our affairs would tell the English Government that this matter must be settled; that, if not settled by the 4th day of July next, we will run the boundary line according to the treaty, and we will occupy the country, and then remove us if you can.

[Much applause from the galleries.]

The PRESIDENT promptly called to order, and said if there was a repetition of the noise the galleries should be cleared forthwith.

Mr. BROWN said that he dissented altogether from the opinions which had been expressed by the Senator from Massachusetts, [Mr. WEBSTER,] as to the manner in which the negotiations had been conducted, by the late and present Administrations, in their efforts to bring about a final settlement of this question. The Senator thinks that a higher tone should have been assumed, and more energy exhibited, as if to a want of these qualities was to be imputed the failure of success in adjusting the difficulties which, at this time, threatens the peaceful relations subsisting between this country and Great Britain. He had yet to learn that a want of firmness, or of a proper tone, had been characteristic of either the past or present Administration, in conducting intercourse with foreign nations. He believed that the Senator from Massachusetts, and those who then coincided with him in opinion, had thought very differently at the period of our difficulties with France, when the proposition for a contingent appropriation was before the Senate. Then the complaint was, that there was too much energy; and now it is attempted to cast censure on that Administration, and the present, for exhibiting less, as it is alleged, than the occasion demanded.

Mr. B. believed that every step had been taken under both, called for either by the honor or interests of our country, to prosecute the negotiation to a final settlement, and to secure the rights of the State of Maine. The late Administration, after the rejection of the decision of the King of the Netherlands, had proposed to renew the negotiation, on the basis of the treaty of 1783, which was declined by Great Britain; and a similar proposition by our Government, under the present Administration, had also been declined. What, then, (said Mr. B.,) would the Senator have required of the present Chief Magistrate? To have taken possession of the territory in dispute by a military force? That was the only remaining alternative, and would in itself have been tantamount to a declaration of war, and the assumption of a responsibility which no Chief Magistrate should take, unless previously sanctioned by the authority of the two Houses of Congress. If the Senator had been so fully impressed with the necessity of more energetic measures, why had he not brought forward a proposition at the last session of Congress, giving authority to the President to carry them into effect?

From this it would be perceived that the Executive would not have been justified in proceeding a single step further in this controversy, without the previous sanction of the legislative branch of the Government.

He had deemed it his duty to say this much in defense of the measures taken by the late and present Administrations to bring this controversy to a final settlement, and he would now add a few words as to the aspect which it had at present assumed. Although the question was one involving interests which were of a local character, yet it was not less incumbent on the Federal Government to protect those interests than it would be if the immediate interests of all the States were concerned. It was demanded as well by a proper regard to our national honor, as by the most solemn obligations of the Federal compact itself. If the arrogant assumptions of Great Britain, lately set up by some of her public officers, were persevered in, he did not hesitate to declare that they should be met by the strongest measures of resistance. If she shall attempt to carry into effect, by military occupancy, her claim to exclusive jurisdiction over the disputed territory in Maine, anxious as he knew his constituents were for the preservation of the peace of the country, yet he felt the utmost confidence that they would be ready to unite in supporting the Government in the most vigorous measures to drive the aggressors from her soil.

Mr. WEBSTER said he would only ask the Senator, since he had spoken of censure in regard to the present Administration, could he tell of one individual step taken in this negotiation since the last session of Congress?

Mr. BROWN said the Administration had taken no step, for the very obvious reason that Great Britain had declined further negotiation, and therefore no step could be taken, unless it was that of war.

Mr. WALKER said he trusted that the question of party would not be introduced into this discussion, but as it related to the welfare of our common country, we should treat it in a manner becoming American Senators. If there must be a contest with a foreign Power, he trusted that, instead of finding fault with what had been done, they would endeavor to be unanimous in both Houses of Congress, and that there would be no division of the people of the United States.

Without, therefore, entering into the discussion at all on what ought to have been done by the Administration, there was one thing in which Mr. W. most heartily concurred with the Senator from Massachusetts: that the time was soon to come when a power here ought to be assumed to settle this question, as Great Britain had declined further negotiation as to the only point really at issue, which was to ascertain what was the boundary of the treaty of 1783. Then have we not (said Mr. W.) already avowed what must be the consequences, when we asserted the right of Maine to this territory by the unanimous voice of the Congress of the country? And it becomes us now to declare, that if Great Britain will not negotiate on paper, it is our duty to negotiate from the mouths of our cannon, and by the authority of the two Houses of Congress.

In regard to the withdrawal of the troops from this territory, it is precisely what Great Britain desires, for thus Maine will be kept out of this country, and, so long as that is the case, Great Britain will not negotiate. But if Maine continue in actual possession, as I trust she will, then Great Britain will be compelled to negotiate, or determine whether she will yield or assert her right to a portion of one of the States of this Union by force of arms.

Sir, I hope this will be no party question, but one which will command the power, and result in the honor of the whole country.

Mr. WILLIAMS, of Maine, said he was happy to say that the rumor which had alarmed the Senate a few minutes before was without foundation. But Mr. W. would not now have risen but for the remarks of the Senator from South Carolina, [Mr. PRESTON,] who seemed to suppose that this arrangement (of Messrs. Fox and Forsyth) would be sufficient. Mr. W. now read and commented on various parts of this arrangement, and came to the conclusion that, after Maine should have withdrawn her troops, she would not be authorized by the arrangement to remove trespassers from the disputed territory, which was a right that she would not be likely to surrender.

Mr. CALHOUN said he did not think this was an occasion to look at the past, or to declare what ought to have been done; but there were two or three propositions on which all would agree, and one was, that a war between this country and Great Britain would be among the greatest calamities that could befall either us or them or the civilized world. The next was, that it ought to be avoided, if possible; and the third was, if it must come, it should come after full deliberation, and a cautious exercise of judgment, both as to the time, and as to the consequences.

And now, what was our condition? We were on the very edge of a war, and how should they remove the present difficulty? If Mr. C. might express an opinion, he would say that the Executive, whatever differences of sentiment might be entertained in regard to proceedings heretofore, had, in this emergency, manifested great judgment, great prudence, and great sagacity. Mr. C. did not think this arrangement could be permanent; but it would get them out of a condition in which they might be compelled to a war without being willing. Mr. C. believed that this, of itself, would be an advantage; for he did not believe that this country or Great Britain desired a war. But he

would refer the whole case to the committee without a single word more; and giving this arrangement their sanction and that of the Senate, he trusted these difficulties would be brought to a peaceable termination, to the benefit of our country and of the civilized world.

Mr. RUGGLES adduced further evidence that the rumor mentioned in the course of the debate was unfounded, and that eighteen hundred of the troops of Maine were on the Aroostook.

The message and documents were referred to the Committee on Foreign Relations, and five thousand extra copies of them were ordered to be printed.

## MAINE BOUNDARY QUESTION.

## REMARKS OF HON. R. BIDDLE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

March 1, 1839,

On the bill giving the President additional power for the defense of the United States, &c.

Mr. BIDDLE said he fully concurred in the sentiment expressed by the gentleman from Massachusetts, [Mr. ADAMS,] that it was of the utmost importance to guard carefully against any false movement. We occupied now a high vantage ground, from which we ought not, if possible, to be allured or driven. The subject had come upon us rather unexpectedly in its new aspect. The matter of jurisdiction is a subordinate one. With little time for examination, we are summoned to make an assertion that involves personal veracity, and, perhaps, the peace and dignity of the country. We are asked to take the burden of proving to Great Britain and the world that there is no trace in the diplomacy of the country of ought to countenance the pretension set up by the Lieutenant Governor of New Brunswick.

On the great question of right there cannot be a doubt. Mr. B. said that, from an early and deliberate examination of the whole controversy, he had been satisfied that our title was perfect to the territory in dispute, and that England had not a shadow of just claim. So decided and earnest were his convictions, that he had long ago startled many of his constituents by adverting to the chances of a war on this subject.

England will hold on to the last moment. A glance at the map discloses the vast importance to her of the debatable ground. It lies between her possessions on the Atlantic sea-coast and the St. Lawrence; and over it is the only route by which troops can be speedily passed from Halifax and St. John's to Quebec. During the late disturbances in Canada, the forces were marched across this territory without our permission, whereas, had it been within the undisputed limits of the United States, they must have either obtained our assent, or resorted to the tedious and dangerous passage by the mouth of the St. Lawrence.

Owing to the delays attendant on the settlement of the principle question, there had been imparted to an incidental point a degree of importance which it did not originally possess or merit. I mean the condition of the disputed territory pending the efforts at adjustment.

During the earlier stages of negotiation there was preserved, with great distinctness, an understanding that each party should continue to possess that portion which was in actual occupancy, but do nothing to extend or fortify its pretensions over what lay in a wild state. Great Britain, however, now alleges that an understanding has grown up, in latter times, by which the temporary guardianship over the whole region has been imparted to her exclusively. This point has recently assumed, as I before remarked, an unexpected importance.

The State of Maine alleges that trespasses are committed on the disputed territory by the cutting of timber, &c., and that the British authorities are not sufficiently alert in restraining this waste. Her Legislature lately, in secret session, took up the subject, and ordered a party to be dispatched to arrest trespassers. The Governor of New Brunswick, Sir John Harvey, deems this an in-

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vasion of the exclusive jurisdiction alleged to have been transferred to the English authorities; Maine denies the existence of any such agreement; arrests have been made on the one side and the other, and there have ensued declarations of a purpose to enforce these conflicting claims by arms.

It cannot but be regretted—if war must come—that our clear advantage in the main and original controversy should be lost sight of, or obscured by the prominence suddenly given to a matter incidental, temporary, and of no engrossing importance. The President justly remarks in his message:

"The parties more immediately interested cannot but perceive that an appeal to arms, under existing circumstances, will not only prove fatal to their present interests, but would postpone, if not defeat, the attainment of the main objects which they have in view."

Nor is it to be forgotten that a war, with its burden of taxation, will not long be carried on with vigor and unanimity except on the broadest and most intelligible grounds. The late war was declared for injuries of a flagrant character, affecting particularly the eastern States; yet, owing to our miserable dissensions, we were glad to accept the treaty of Ghent, which adjourned the question of impressment, which gave up every dollar of our demands against England for her long career of spoliation upon our commerce, and which brought upon us this very curse of the boundary question. In the present state of the world, too, a decent respect for its judgment must be maintained, as well as an eye to the opinion which any friendly mediator may form of the pretexts for hostilities. The first years of any wars between this country and a great European Power will always be disastrous to us. We never can be fully prepared at the outset. It is desirable, therefore, that we do not enter upon it except for such palpable wrongs as may warrant and insure our carrying it out, unflinchingly, to any extremity.

I deprecate, therefore, the getting up of this comparatively immaterial issue, more particularly as it is by no means certain that we have on it a clear and indisputable case. On the contrary, it may be feared that a review of the diplomatic correspondence will show that, owing to great looseness and remissness on our part, to say the least, there is color for the pretension advanced by the agents of Great Britain.

How does the matter appear, even on a hasty glance at the correspondence? In a letter from Mr. McLane, Secretary of State, to Sir Charles Vaughan, dated December 2, 1833, he says:

"It is alleged that his Britannic Majesty's officers of the Province of New Brunswick, by the seizure and sale of timber cut by trespassers on the Aroostook, and afterwards in the rightful custody of the agent of the State of Massachusetts, have been the first to violate the existing understanding."

Here, it will be seen, the very question now agitated was brought up more than five years ago. Mr. McLane makes formal complaint that the British warden had taken out of the hands of the State authorities timber seized by the latter as having been cut by trespassers on the Aroostook river. To this complaint the British Minister replied as follows:

WASHINGTON, February 28, 1834.

The undersigned, his Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honor to communicate to the Secretary of State of the United States the explanation which he has received from the Lieutenant Governor of New Brunswick, of a transaction complained of by the land agent of Massachusetts in a report communicated to the undersigned, in a note from Mr. McLane, dated 21st December last.

The complaint arose out of the seizure of timber cut down without authority upon the disputed territory, and which, after having been seized in the first instance by the land agent of Massachusetts, was taken possession of and sold by the British agent intrusted with the preservation of the disputed territory on the northeastern frontier of the United States.

The explanation of this transaction is contained in an extract of a letter to the undersigned from the Lieutenant Governor of New Brunswick, and the report of Mr. Beckwith, the surveyor general of that Province, which the undersigned has the honor to inclose in this note.

The seizure of the timber, in the first instance, by Mr. Coffin, the land agent of Maine, [Massachusetts] was the exercise of authority within the conventional frontier of the Province of New Brunswick, which could not be admitted so long as the northeastern boundary of the United States remains a subject of negotiation; and it appears that

the proceeds of the sales of timber unlawfully cut down are carried to account, and the possession of them will be appropriated to the party to which the territory may be adjudged by the settlement of the boundary question.

The undersigned trusts that the explanation which he is now able to give of this transaction will prove satisfactory to the Government of the United States.

The undersigned has the honor to renew to Mr. McLane the assurances of his most distinguished consideration.

CHAS. R. VAUGHAN.

The Hon. LOUIS McLANE, &c., &c.

The letter of the Lieutenant Governor of New Brunswick, Sir Archibald Campbell, (the predecessor of Sir John Harvey,) thus inclosed by Sir Charles Vaughan to Mr. McLane, is dated Frederickton, January 20, 1834, and contains the following explanation:

"Mr. McLaughlin was appointed to the wardenship of the country with the knowledge and concurrence of the President; and it is not conceived, therefore, that any fair ground of objection can be taken to his faithful performance of the duties of his office. But this Government never has admitted, and never can admit, the right of any agent from Maine or Massachusetts to exercise authority within the conventional frontier of the province while its proper limits remain a subject of negotiation."

Mr. McLane's reply to Sir Charles Vaughan is as follows:

DEPARTMENT OF STATE,  
WASHINGTON, March 4, 1834.

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo, furnishing the explanation of the Lieutenant Governor of New Brunswick of a transaction referred to by the land agent of Massachusetts, in a letter addressed to his Excellency the Governor of that Commonwealth, and subsequently communicated to you by this Department, in a note dated the 21st of December last; and to inform you that copies of your communication, together with the documents which accompanied it, will, by direction of the President, be transmitted without unnecessary delay to the Executive of the State of Massachusetts.

I pray you to accept the assurances of my distinguished consideration,

LOUIS McLANE.

Right Hon. Sir CHAS. R. VAUGHAN, G. C. H.,  
Envoy Extraordinary.

Is not this prodigiously strong? Here is a letter written five years ago by the predecessor of Sir John Harvey, appealing to a matter within the personal knowledge of the President of the United States, and broadly repelling any attempt at concurrent jurisdiction against trespassers on the Aroostook by the American authorities. The President orders the letter containing these averments to be transmitted without comment, it would appear, to the local authorities, for their guidance. It is remarkable, that whilst the Governor of Massachusetts, in November, 1833, is found complaining about the pretensions of this warden, there appears no remonstrance subsequent to the date of Mr. McLane's letter transmitting the "explanation" of Sir Archibald Campbell. Thus we are on the edge of a war, in which our manifesto is to state, as a justification to the world, that Mr. Harvey has ventured to repeat what his predecessor not only announced, but acted upon, with circumstances of indignity to the State agents! This unheard of pretension is found not only in the letter-book of his predecessor, but in the archives of Maine and Massachusetts, as placed there by order of General Jackson!

Let us turn now to the memorial of the Commonwealth of Massachusetts in 1836, found amongst the records of this House, and see how it discloses, in every line, a distinct recognition of the agreement, as communicated to her Chief Magistrate by Mr. McLane.

[Doc. No. 199.]

Resolutions of the Legislature of the State of Massachusetts upon the subject of the Northeastern Territory of the United States, the title to which is still claimed by Great Britain.

COMMONWEALTH OF MASSACHUSETTS,  
COUNCIL CHAMBER, BOSTON, March 18, 1836.

SIR: In compliance with the request of the Legislature of the Commonwealth, I have the honor to transmit to you a copy of a preamble and resolutions lately adopted by the Senate and House of Representatives, on the subject of the unadjusted controversy between this country and Great Britain, relative to the northeastern boundary of the United States. I am well aware that the great importance of this question, in connection with the rights and interests of the people of Massachusetts, will give it the strongest claim to the attention of their Representatives in either House of Congress. In performing the duty devolved upon me by the request of the Legislature, I beg leave to subscribe myself, with high respect, your obedient servant.

EDWARD EVERETT.

COMMONWEALTH OF MASSACHUSETTS, A. D. 1836.

Resolves concerning the Northeastern Territory of the United States claimed by Great Britain.

Whereas a large tract of the northeastern territory of the United States, belonging in common to the States of Maine and Massachusetts, and lying within the limits of the former State, has for many years past, in consequence of a claim from Great Britain, been surrendered to the exclusive custody of the British Government; and whereas it appears from the report of a committee appointed by the last Legislature of this Commonwealth, to make personal examination into the state of our public lands, that great inconveniences and gross abuses have resulted from so valuable a portion of our domain being left in the hands of agents over whom we have no control: Therefore,

Resolved by the Senate and House of Representatives in general court assembled, That, in the opinion of this Legislature, it is due to the rights and interests of Maine and Massachusetts that measures should be taken by the Executive of the United States to secure a speedy settlement of this long-protracted controversy, so that these States may be reinstated in the enjoyment of that property which was so long in their undisputed possession, and which is so indisputably theirs.

Resolved, That in case there be a prospect of further unavoidable delay in the settlement of this controversy, it is essential to the ends of justice that measures should be taken by the Executive of the United States to obtain a representation of the interests and rights of Maine and Massachusetts in the agency and guardianship of the territory in question.

Resolved, That his Excellency the Governor is hereby requested to transmit a copy of these resolutions to the Executive of the United States, to our Senators and Representatives in Congress, and to the Governor of the State of Maine.

In Senate, March 1, 1836:

Passed. Sent down for concurrence.

HORACE MANN, President.

House of Representatives, March 12, 1836:

Passed in concurrence.

JULIUS ROCKWELL, Speaker.

Council Chamber, March, 14, 1836: Approved.

EDWARD EVERETT.

Attest: JOHN P. BIGELOW,  
Secretary of the Commonwealth.

It will be seen that this great Commonwealth here anxiously entreats the Executive of the United States—

1st. To bring the boundary question to a speedy settlement; and

2d. If the settlement appeared remote, at least to annul the arrangement by which two sovereign States had been stripped of the "agency and guardianship" over their own concerns.

Each of these prayers has been disregarded. The latter seems never to have gained a passing notice. It is true that, in the course of a rambling and diffuse correspondence, high language is occasionally found in the mouth of this or that Secretary or Minister, but the stern practical exercise of authority by the Lieutenant Governor of New Brunswick has gone on. He has been willing to release persons seized, on their quitting the scene of assumed agency; but not one dollar has ever been received in atonement for their seizure, nor the slightest disclaimer of authority obtained from Great Britain. The present hot urgency to obtain the "unanimous" certificate of members of Congress that in their opinion there is no trace of any such agreement as Massachusetts here refers to, looks very like an expedient to avert the odium due to long, gross, unpardonable supineness and imbecility, even at the hazard of placing the quarrel of the country upon untenable points.

The conduct of Maine, too, discloses a perfect knowledge that her hands had been tied. Thus, on the question whether she could cause a survey to be made, the claim is put on this modest ground, in a letter from the Governor to the President of the United States, in April, 1838:

"It is the unquestionable right of litigants, in a court of justice, to make explorations of land in dispute, and if either party declines a joint survey, it may be made *ex parte*; and surely, the United States have never so far yielded the actual possession to Great Britain as to preclude the right, on our part, to ascertain for ourselves the absolute facts, and to mark out the limits of our claim and our alleged rights."

The Governor communicated his purpose to Sir John Harvey, who replied:

"Of the courtesy of your Excellency's communication, I beg you to believe that I am perfectly sensible; and when, in reply thereto, I inform your Excellency that I shall not deem it necessary to interfere with a mission whose operations shall be confined to the purposes stated in your Excellency's letter, namely, that of merely obtaining topographical information, it is incumbent upon me to add that it will be my imperative duty not to suffer any infringement of the possession and jurisdiction which Great Britain holds in the territory in dispute, until the question of right is decided."

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The Governor, in making this known to the President of the United States, says:

"The answer of Sir John Harvey, although couched in courteous language, according with the well known high and honorable character of that officer, will yet doubtless command your attention and deliberate consideration, as expressing, in frank and decided language, the character and extent of his instructions relative to maintaining the jurisdiction of the disputed territory."

Here, then, was an appeal that might well come in aid of the same object, when urged upon the Executive of the United States, in the second resolution of the State of Massachusetts, in 1836. Yet not the slightest notice appears to have been taken of it; and the President now comes here, in a flurry, affecting to treat the pretension as a portentous novelty that had just dropped from the clouds; and we are asked suddenly to make it an affair of immediate bloodshed.

But it is said that Mr. Fox has not consented to spread out the reasons on which his Government rests the pretension. And do you expect a subtle and accomplished diplomatist, in a case where delay is itself a positive gain, to answer *impromptu*, and thus dispose of a collateral issue that may, by dexterous management, last for many years? He is under no obligation to point out what stares you in the face in your own records, if you will take the trouble to read them. He will be glad to shift the points of negotiation. The arrangement signed by him may enable the British Government to take high ground, if our special minister shall discover at Downing street, for the first time, that we have been rather hasty in denouncing Sir John Harvey, and driving that functionary from his stand under rather mortifying circumstances, in the face of the disaffected population under his charge. Sir, do not believe that we advance our case by refusing to view the subject in all its bearings. Now is the time for examination. When once engaged in war, I will not consent to look back. I shall go for the country. Such was my feeling in the last war, and will be in the next. But let us not take our ground rashly, and where the enemy might wish to place us. It is the last degree of folly to suppose that there is any advantage in our blindly agreeing to unite in a misstatement of the evidence, which can be so instantly exposed. A candid and intelligent people will lose all faith in us when our blunders are pointed out by strangers, after we have involved them in a war on false or frivolous pretenses.

What then, is our course? To run into a new game of diplomacy about "exclusive jurisdiction?" To shed American blood in an obscure and senseless contest on the Aroostook? Does honor require that we shall compel the President to seek out, during the vacation, any Sir John or Sir Andrew who may enter this disputed territory with notions of duty which we have assisted to put into his head, and before we have endeavored to obtain, in the proper quarter, a modification of the arrangement, such as Massachusetts, in 1836, entreated the President to effect? I cannot think so. We shall be wrong on any such issue. We are right on the great one. Let the President bring it to a close. If he cannot, let him so report and we shall then be ready for the final appeal on broad principles, which all can understand. Mr. B. said that in the course taken on this occasion he had braved what was most formidable to any man in public life—the peril of misrepresentation. He was well aware how much easier and cheaper it would have been to run a race of professions about patriotism, &c., than to take a course which threw the explanation of his conduct on an appeal to reason. He felt strong enough in the confidence of his constituents to take the line which conscience dictated. They were a grave and quiet people, not given to flourishes; but there was a stern determination—a deep-seated and vital principle of patriotism—on which he could rely with more confidence. It should not be through his agency that they got entangled in a rash and foolish war. He would not commit them on pretenses which their own good sense and intelligence would find out, after a while, to be hollow and deceptive. But when the crisis came, he knew that the sound to battle would not fall on cold or timid ears; he knew that stout arms and brave hearts would rally from

every workshop and harvest-field; that all would be ready to follow, to whatever distant fields, the proud banner of their country.

## MAINE BOUNDARY QUESTION.

## SPEECH OF HON. B. C. HOWARD,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

March 1, 1839,

On the bill giving to the President additional power for the defense of the United States, &c.

Mr. HOWARD said that the remarks which had fallen from the gentleman from Pennsylvania [Mr. BIDDLE] required that he should say something in reply. But before I do so (said Mr. H.) I will advert for a moment to the amendment proposed by another gentleman from Pennsylvania, [Mr. NAYLOR,] which is the question immediately before the House. He proposes to amend the first section of the bill by inserting the words, "or the provincial authorities of Great Britain." As it now stands it authorizes the President to resist any attempt on the part of Great Britain to enforce, by arms, an exclusive jurisdiction over the contested territory. The effect of the amendment is not to restrict this power in the President, nor do I understand it to be so intended, but to define more precisely the contingency upon the happening of which the powers granted in the subsequent sections of the bill are to become operative. But the provincial authorities of Great Britain cannot attempt to enforce this jurisdiction by arms, without doing it "on the part of Great Britain;" and thus the case provided for by the proposed amendment is already reached by the words selected by the committee. There appears to be no necessity, therefore, for any alteration. The intention of the committee was, that all that part of the State of Maine where the present disturbances exist, should be protected from invasion, let that invasion come from whatever quarter it might. As there is no prospect of any attack except with a view to sustain the jurisdiction claimed on the part of the British Government, the phraseology adopted by the committee appears to meet fully the case under consideration, and I hope that the bill may be allowed to stand as it is.

I have listened to the speech of the gentleman from Pennsylvania [Mr. BIDDLE] with surprise and regret, on account of the acknowledged intelligence of the gentleman, and those lofty feelings of patriotism and national honor which he is known to entertain. His arguments have been carefully considered as he has presented them in his remarks, with a view to see how far they would justify the conclusion to which he came. If I understand his position, it amounts to this, and this only—that the President is not justified in assuming the ground which he has taken, and that this House would not now be justified in assuming the ground proposed by this bill, because the administration of General Jackson permitted the question of this boundary to remain dormant, and thereby gave color to the pretensions now advanced by Great Britain. This is the extent of the argument. Is it not? If I mistake it, I beg the gentleman to correct me. Let us examine it. There are two points involved in it. First, the historical fact, as to the course of General Jackson's administration; and secondly, the inferences which can with propriety be drawn from that course. To sustain the first ground, a former argument of a gentleman from Maine [Mr. EVANS] was pressed into the service in order to show that the claim of the British Government was acquiesced in, or not strenuously resisted by General Jackson. But that same gentleman from Maine has, within a few hours passed, addressed the House upon this very point, and gone into a minute examination of all the correspondence which has ever taken place between the two Governments on the subject, the result of which is, that no warrant can be found, in any part of that correspondence, for the present inadmissible claim of Great Britain. That gentleman [Mr. EVANS] has referred to his argument and explained it. Is he not able to understand his own argument? No one who hears him speak will deny to him

the power of understanding the arguments of others, and it would be strange, indeed, if he could not understand his own. That argument was made upon another question, and yet the gentleman from Pennsylvania applies detached parts of it to the one under debate, when the author himself does not think proper so to use it.

Again: the gentleman from Pennsylvania [Mr. BIDDLE] refers to some document emanating from the Legislature of Massachusetts, and transfers some of the positions taken therein, adopted without sufficient means of investigation, to an argument in a case where we can survey the entire ground. We have before us the entire correspondence of the two Governments. Heretofore it was apprehended that a portion of it was kept back, and in the part so retained it was feared that our Government had admitted the British claim to exclusive jurisdiction. But we now know that no such admission was ever made, and what we now know the British Government has known all along. There is, therefore, nothing in the documentary history of this affair upon which the pretension of the Lieutenant Governor of New Brunswick can rest.

But let us suppose that the argument of the gentleman from Pennsylvania is correct, and that the administration of General Jackson is to blame.

Mr. BIDDLE. The gentleman from Maryland knows that I expressly disclaimed any particular reference either to the administration of General Jackson or of Mr. Adams in this matter. I said that that was a question which I could not raise with any foreign Government, and that the simple question was, what was the language which had been held out by any Administration? Had it been such as to lead the Government of Great Britain to believe that this right was conceded? and, if so, was it proper to go to war to set that matter right? I said that if we believed we had, in any way, misled the British Government in this respect, it was a fair matter of negotiation, just as much as the original question itself. The gentleman knows that throughout this whole debate, I have spurned from me anything like party feeling. I spoke merely with reference to the mode in which we should set the matter right.

Mr. HOWARD. I have no desire, Mr. Speaker, to create any false issue between the gentleman from Pennsylvania and myself. I am endeavoring to meet his argument fairly, as it is with the logic of his speech that I wish to deal. When we touch a question involving the honor of the country, I am sure the gentleman from Pennsylvania would be one of the first to spring forward in defense of that honor. I do not believe that we have in any way misled the British Government. The documents are all before us; and where can any reason for such an opinion be found? It is possible that the British Government may have misconstrued the action of ours in the Madawaska case, and supposed that, because they were permitted to exercise jurisdiction in that settlement, therefore they could claim it upon the banks of the Aroostook. But the Madawaska settlement was made by emigrants from Nova Scotia before the American Revolution; and, as far as I know, there has been an uninterrupted jurisdiction ever since by the British authorities. The course pursued by the United States Government in that case was strictly in conformity with its present course; and, if the British Government has confounded the two cases, it is its own error. The Massachusetts document does not seem to be aware of the different results which would be produced by applying the same principle—that of *uti possidetis*—to the facts relative to the Madawaska and Aroostook settlements. But the British Government had means of information which the Legislature of Massachusetts had not; because not only the entire correspondence, but also the reports of the conferences between the Ministers of the two Governments, must have been before it. There is nothing upon record, in my opinion, which will show that our doctrine or language has ever been inconsistent with the position now assumed by the Secretary of State. To return, however, to the argument of the gentleman from Pennsylvania, [Mr. BIDDLE.] I still understand him to maintain that, if the British Government had any

foundation for the belief that this question of exclusive jurisdiction was conceded, the House ought not now to pass the bill under consideration. To this argument I wish to reply.

What will be the position of the question, if the House should refuse to pass the bill? Will negotiation ensue? It will not. There is neither time, nor opportunity, nor disposition to negotiate under Sir John Harvey's menace of invasion. We are told by the President (who has taken his stand firmly and decisively) that if the invasion of the State of Maine is persisted in, he will consider the case as coming within the scope of his power to bring the forces of the General Government to her aid. After this public announcement of his opinion, even if he were disposed to recede from his ground, he cannot. There is not, however, the slightest reason to suppose that any circumstances would induce him to change a position, not only maturely examined, but intrinsically correct. Refuse to pass this bill then, and where are you, and where is the country? Should Sir John Harvey proceed to execute his threat of attacking the troops of Maine upon the banks of the Aroostook, it will be the duty, as it is within the power, of the President to call out the militia. What says the Constitution of the United States, and what say the laws already in existence? The Constitution says:

"Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

In virtue of this power, Congress has passed this law, (1795, chap. 277:)

"Whenever the United States shall be invaded, or be in imminent danger of invasion, from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action as he may judge necessary to repel such invasion, and to issue his orders for that purpose to such officer or officers of the militia as he shall think proper."

This power the President says he means to exercise. Pass no law, then, make no appropriation of money; adjourn, and leave the President to his executive power, unassisted by any further legislation; let the Representatives of the American people refuse to sustain the Chief Magistrate in the lofty ground which he has taken, and what will be the consequence? You send him into the field with the militia which he has avowed his determination to call out, crippled by your refusal to aid him in the struggle which every consideration of national honor calls upon him to make—crippled, but not entirely disabled. He will call upon the militia of Maine, New Hampshire, and Massachusetts to carry the flag to the invaded frontier. He will use all his power, defective as it is without your support, to vindicate the rights and honor of the nation; and if he fail to do so, it will be because you have refused to assist him. Do you desire this? Does the gentleman from Pennsylvania desire it? You may deny the appropriation, if you choose; and what then? The President will appeal to the patriotism of those States from which the militia will be called out, and say to them: "The Representatives of the people of the United States have refused to give a dollar to enable me to discharge my high duty. But no matter; call your militia out, and raise the funds upon your State credit to pay them, and we will appeal hereafter to Congress for your reimbursement." Will they not do it? The members from those States can answer the question. I see it answered by their expressive countenances. You may leave that portion of the country to its fate, turning away with cold indifference; but when the hour of trial comes, the people there will not shrink from their duty.

What, then, will you gain by refusing to pass this bill? You cannot negotiate. The case is not fit for it. A high officer of the British Government has avowed his determination to invade a part of the country which we all believe to be rightfully under the jurisdiction of Maine. Will you permit the invasion to go on, and the territory to be occupied by a hostile force, and then begin your negotiation for its removal? All that can be done in the way of negotiation has already been done by the Secretary of State and the British Minister. But the latter says he has no power over Sir John Harvey. With whom, then, could

you negotiate, if you were inclined so to do? The British Government is three thousand miles off, and the question of invasion will be decided one way or the other before you could hear from the other side of the Atlantic. This state of things is not brought about by any fault of ours. We gave the British Government no reason for issuing such orders to the Lieutenant Governor of New Brunswick, if it did issue them. The alternative of resisting, or submitting to, an invasion, is forced upon us, wholly against our will, and we have but one course to pursue. Let us take our stand by the side of the President, and leave the consequences to those who have brought on the crisis so hastily that we have scarcely time enough to do more than follow the natural instinct of self-defense. I trust, most earnestly, that we shall yet be able to preserve peace; but it is not to be preserved by indecisive measures. The United States is not an antagonist with which any nation is desirous to court a war, nor will any officer of the British Government lightly encounter the responsibility of placing the two nations in an attitude of hostility to each other. If the invasion goes on, and the President summons forth the militia to repel it, there is, at once, a state of war, for war can be waged by militia. I hope for peace. As long as it can be preserved with honor, let us cherish it. But peace is sometimes lost through an over-anxiety to maintain it. We are on the defensive, and therefore can, with propriety, insist upon our rights. The people of the State from which I come have no other interest in this boundary question than that which belongs to them as members of the Union, and probably no other part of the country would suffer more inconvenience from hostilities, if they should finally be forced upon us. But, I much mistake their character, if they are not always prepared to bear their full share of all consequences which may follow from the maintenance of the rights and honor of the United States.

The gentleman from Pennsylvania has called this a "new issue," and deprecates putting the boundary question upon any new issue. I, for one, do not wish to avoid that new issue, because the question upon our side is so clear that the people can at once understand it. The boundary question is clear enough after being studied; but you must have maps and books and documents to comprehend it. The arguments used by both parties before the King of the Netherlands fill a large folio volume. It is true that their essence can be compressed into a much smaller space; but with all this condensation, how much more simple and intelligible is this "new issue" which is deprecated? In five minutes any man of the most ordinary intellectual powers can understand it. In fact, it is rather felt than understood by argument. The statement of the case is enough. You have only to go to a householder, whether he resides in a costly mansion in one of your large cities, or a plainer dwelling in a valley of the mountains, and tell him this: "You and your family have been living in this house for thirty years. One of your neighbors claims your land; and, without waiting for the case to be decided, is coming, with the bayonet, to drive you out into the street or the woods. What will you do?" The answer would be, in the language of this bill, "arm and resist!" Force shall resist force. Sir, every man in this country can understand this new issue. There is no argument necessary to explain it. If we take our stand upon it, it is impossible that we should go wrong.

But it is said that the passage of this bill is unnecessary, because the Lieutenant Governor of New Brunswick must have misunderstood his orders. I hope he has. Perhaps it is so. But at best, it is only a chance that he has, and another chance that he will think so. And are we to estimate chances in such a prospective legislation as that now before us? What are the chances? two to one, three to one, or four to one? And after we settle this calculation, we have to decide what ratio would justify us in omitting to provide for the defense of the country. What are the facts upon which the calculation of chances is to be founded? An intelligent British officer, high in the confidence of his Government, asserts that his orders are plain and preempory. Is he

able to comprehend his orders? And if so, has he firmness to execute them? Gentlemen must calculate these chances as they choose; I can furnish them with no data. But then it is said that he will yield to the powerful interference of the British Minister at Washington. No doubt that influence will receive, as it merits, great and careful consideration. But his orders from his Government are before his eyes, and, after all, it is a chance whether he may not prefer to abide by what he believes to be their import. We are doing nothing offensive in this bill. It cannot be too frequently repeated that its character is wholly defensive.

But it is asked what necessity is there for the first section of this bill, if the President has already the power to call out the militia, in case of invasion, under the act of 1795? The question is easily answered. It is to reinforce the authority of the executive branch of the Government by showing, that in the opinion of the legislative branch also, a case of invasion, under the Constitution of the United States, would arise, if the movement of Sir John Harvey is carried on. It is to show that upon this point the American Government is a unit, prepared to act with all the power which the people of the United States have put into its hands. And here let me say, that at the proper time, I shall move to fill up the blank in the appropriating clause, under the instructions of the committee, with the sum of \$10,000,000.

I am aware that much objection exists to the second section of this bill, which proposes to raise twenty regiments of regular troops, if the contingency provided for in the first section shall happen. After stating the reasons which induced the committee to recommend this measure, it will be for the House to judge of its expediency. The bill, it will be perceived, contemplates an early call of Congress by the President, in case the border difficulties increase. There is an express provision to this effect; and, indeed, without it it is scarcely to be supposed that the President would willingly encounter the very serious troubles that would beset him, without calling the legislative power to his aid. But the case is expressly provided for. Should the emergency arise, and a new Congress be convened, one of the first measures which it would adopt, in the opinion of the committee, would be the passage of a bill just like this second section. If a collision should ensue between the United States and Great Britain, the severity of the struggle is too apparent to be overlooked for a moment. The war would not be like the last.

There are now hovering over our frontiers from fifteen to eighteen thousand regular troops, the choicest of the British army. Whether all this force is brought there to quell the Canadian revolt, or to bear upon the settlement of the boundary question, it is impossible to say. But there they are reported to be. The line between us and Canada will become the field of battles, not of two or three thousand men on each side, but of five or ten times that number. The military power of Great Britain will be concentrated to one spot; and we must prepare, in case of need, to meet it effectively. Regular troops must be resorted to, and the sooner the better. It is cruel and unwise to march militia alone into the field for a campaign against regular troops. As auxiliaries we must always rely upon them; but we ought to have in the field an equal number of regular troops with our adversary, man for man. If the contingency shall happen, upon which this bill is to become effective, and a special session of Congress shall be convoked, the time which intervenes between the summons and the meeting can be advantageously employed by the Secretary of War in filling up the ranks of the regiments by recruiting with the money which you are asked to place at the disposal of the President. But still, if any other species of force shall be more acceptable to the House than that suggested by the committee, I will yield to their judgment. As to the opinion expressed by the gentleman from Pennsylvania, [Mr. BIDDLE,] that this is meant as a threat and bravado on the part of the committee, I utterly disclaim any such view.

Mr. BIDDLE. I certainly had not the slightest idea of applying such an expression to the course of the honorable gentleman from Maryland, [Mr.

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HOWARD,] or the committee of which he is chairman; or of imputing to them the calculation that, by taking an apparent stand, we might produce an impression on the British Government which might probably compel it to make a closer and a more speedy examination into this subject. I do not believe that such results would follow; and I do not wish, therefore, that we should seem to occupy a position which would deprive us of the high vantage-ground which we now possess. I concur in the views taken by the President, (whose whole course in this matter meets my entire approbation,) that it would be deeply to be deplored that, on a question of a mere temporary character, we should be drawn into a war, and thus disturb the other great question which remains to be adjusted. It is to carry out the policy of the President—to prevent the question assuming this character; to prevent its turning on an incidental point—that I would wish that we should maintain our stand on that where we are indisputably right, and thus avoid being placed in a position which probably could not be rendered easily intelligible to the country and to the world. This report seems to me to pledge the country to go to war on this point; that is to say, if our people are driven out of this territory, the President shall not make it the subject of negotiation, as heretofore, or give notice to the British Government to disclaim the act, but shall at once employ the military in a war. This would produce a state of things which I believe both Governments are anxious to avoid. I wish the action of the House to be such as that the country shall not go to war upon this present incidental question, as a substantive ground of defense; that we should not make that the subject of military operations.

Mr. HOWARD. We have had a proof to-day that the debates which take place here are recorded and referred to even by high authority. I wish, therefore, to say that it becomes these two Governments to speak to each other in the plain language of sincerity, such as one high-minded gentleman would use to another. This is the ground upon which I wish to put this bill. There is no threat meant. The nation which could so far forget itself as to threaten, or attempt to threaten, the English, must have previously lost sight of the distinguishing characteristics of that people, so powerful and so proud. But if war will come upon this point of exclusive jurisdiction, it must come. We cannot avoid it. Let the attempt be made to enforce this claim, and war will exist as speedily as the militia can be mustered. Let us say so plainly. It is not our fault; we do not desire it; on the contrary, we will do much, very much, to prevent it. If the British Government will go as far as we will to preserve peace, we shall have peace. But upon the question now before us, it is proper that we should speak and act according to what we mean to do. It has been said that the American people will not go with us on this question of jurisdiction. I believe they will. There is a deep feeling in the American character which requires to be stirred in order to be seen, and which is unaffected by the agitations of the surface. The party questions of the day do not penetrate to the bottom. But show to the people that the national honor is at stake, and you will hear from all quarters the hum of the multitude preparing for the emergency. There is a lofty sense of honor which will not brook indignity. We have existed long enough as a nation to find much in our history to be proud of; and if we should ever lose that feeling, everything else worth having will go with it.

There is something more in our relations with Great Britain which I mention with deep regret. It is, that, unfortunately, there are topics in those relations which involve the sectional feeling of every grand division of this Union. I will not go into the particulars of those points which especially affect the East, the West, and the Northern border, where, if some of our people have sinned, they have also been sinned against. The South, too, is assailed in its tenderest point. Sir, if you print and circulate one hundred thousand copies of this document which I hold in my hand, (the correspondence relating to the brigs Enterprise, Encomium, and Comet,) and thus explain to the people of the South what the Bahama Isl-

ands are now, and are likely to be hereafter, the dissatisfaction will be great indeed. It becomes both Governments to set about the task of placing their relations to each other upon a better footing, and to do so with an earnest and anxious desire that some, at least, of the difficulties which now exist should be removed. This desire must be felt practically. The differences will thicken if permitted to continue. The interests and feelings of the two nations incline them strongly to peace; and, in fact, it is a duty which they both owe to the civilized world, that peace should be preserved.

In conclusion, Mr. Chairman, I express a sincere hope that the powers proposed by this bill to be vested in the President will not have to be exercised, and an equally earnest opinion that, as they are only contingent and defensive, we are required by the highest considerations of duty to pass it.

## LANDS IN TENNESSEE.

SPEECH OF HON. E. H. FOSTER,  
OF TENNESSEE,

IN THE SENATE, January 23, 1839.

The bill to amend an act entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," being taken up—

Mr. FOSTER said:

Mr. PRESIDENT: The documents that accompanied the bill now under consideration sufficiently explain the facts and principles upon which I propose to urge its adoption. These documents have been long since printed and placed under the eye of every Senator; and if I could persuade myself they had received an attentive notice, I should not feel the necessity of any additional defense. But, sir, considering the great importance of the measure in its bearings on the peace and tranquillity of a large body of my constituents—now too long tormented in the uncertainty of their homes—I cannot think of hazardous success by submitting their claims to a silent vote of the Senate. Sir, I shall detain you but a little while; a few brief remarks will serve to recapitulate facts. This done, I cannot bring myself to doubt the ready acquiescence of this honorable body in all the measures proposed by the bill in question.

At and before the close of our revolutionary war, the State of North Carolina found herself embarrassed with a heavy debt—a double debt, sir, of money and of gratitude—created by her struggles in that war, and by the valor and patriotic exertions of her citizens. This debt was the more alarming, since all hope of pecuniary assistance was vain and fruitless. Poor as she was herself, North Carolina was as well off, perhaps, as any other State of the Confederacy. They were all then loaded with similar chains, and would have presented to her solicitations the plea of equal poverty. Left then, sir, to her own exertions, North Carolina did not give out by the way. She still resolved to redeem her faith, and, if possible, to reward the sufferings and the patriotism of those among her citizens who had aided in achieving our liberties.

Mr. President, beyond an outer ridge of the great Appalachian range, stretching west to the Mississippi river, and compressed on the north and south by the waste lands of Virginia and Georgia, (now the rich and flourishing States of Kentucky, Alabama, and Mississippi,) North Carolina owned a territory of great fertility, exceeding in extent four hundred, and measuring in breadth about one hundred and twenty miles. The eastern extreme of this territory had received a considerable impress of population long before the close of the war. Its hardy citizens had participated in the memorable battle of "King's Mountain," and, both before and afterwards, by their own unaided courage and exertions, had frequently and successfully encountered a powerful horde of neighboring savages. Such, sir, was the growth and vigor of this youthful, but bold community, that, soon after the peace, in imitation of the brave "OLD THIRTEEN," they declared independence of a "venerable parent,"

and the gallant ancestor of an honorable member of the Senate, [Mr. SEYER, of Arkansas,] from a liege subject of North Carolina, became the first and the last Governor of the rising State of "FRANKLAND." How this brave little republic—this "imperium in imperio"—struggled to maintain her sovereignty against powerful foes, internal as well as external; how, in the almost utter absence of the precious metals, she collected her revenues, and disbursed her civil and military lists in the rich furs of the country—the skins of the racoon and fox, the mink and the beaver; and how she at last gave over the unequal conflict, and quietly submerging into the "territory of the United States south of the Ohio," lost her brief, but memorable existence, I shall not now repeat. A portion of her short annals was once before introduced into your discussions here, and, if I mistake not, in the hands of a great master, illustrated, whilst they happily enlivened, the debate of the grave topic then pending before you. Simple, sir, as these things may seem in the eyes of some people, subjects of scorn and derision with others, I always recur to them with pleasure, as the proud memorials of the valiant and enterprising stock who first peopled Tennessee and the West, and whose sons, some of them, traveling further and still further into the wilderness, have grown up with new States, and return now amongst us in the midst of these walls, bearing on their foreheads high and enviable honors. But, sir, let me return to my subject.

The great domain, Mr. President, of which I was speaking, constituting the rich valleys drained by the Cumberland, the lower Tennessee, and the Mississippi, with their countless tributaries, was at the period in question "a howling wilderness." On the report, nevertheless, of the adventurous hunter, who in the joys of the chase had skirted this distant wild, and traversed its pathless waste, it was an inviting region—a land of promise—"flowing with milk and honey." Nature had lavished upon the soil her rarest gifts of production, and stocked the mountain, the lowland, and the river, with a rich profusion of game. Thither, sir, the eye of enterprise was speedily turned, and dangers told and untold served to whet the appetite without cooling the ardor of the fearless emigrant. Once penetrated, the wilderness soon began to blossom, and the sound of the ax and the rifle echoing from the hills, and mingling in strange melody with the distant moan of the bison and "the wolf's long howl," gave notice to the wandering savage that the white man had arrived. In the spirit of magnanimity, characteristic of the age, and with a feeling of liberality only equaled by the great and invaluable services it was intended to reward, the Legislature of North Carolina determined to devote the fairest portion of this country to the redemption of her revolutionary debt. In the eloquent terms of the noble declaration, it was offered up "as some effectual and permanent reward for the signal bravery and persevering zeal of the continental officers and soldiers in the service of the State."

Mr. President, when we consider the condition of the country, and the peculiar habits of the people who bestowed this noble gratuity, the price of blood and human suffering; and when we reflect on the sentiment of generous profusion which taught our ancestors to believe that the great debt of justice and gratitude would be best discharged by placing few restrictions upon the individual appropriation of the rich and princely inheritance they had given, we shall be the less surprised to learn (what I shall presently disclose) that, in its tedious consummation, this great and benevolent measure has, in one way and another, absorbed all the valuable public domain within the limits of Tennessee, leaving nothing behind but *shreds* and *patches*, altogether unworthy the attention of Congress, and incommensurate with the expense of preparing it for market. At this early day in the legislation of North Carolina necessity forbade, or experience had not taught, the advantages of dispatching the surveyor, the *enterer*. It was reserved, sir, for another, and a compass and the chain-carrier, in advance of the higher forum, to conceive and mature a system of land policy calculated, in its effects, to guard the public, whilst it protected the purchaser. And just here, sir,

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suffer me to say that the first development of such a system has more than immortalized the pen that drew the memorable ordinance of 1785. Thither we trace the origin and foundation of all our subsequent legislation on the important subject of the public domain; and to the bold conceptions which gave birth to that system, with its posterior improvements, the nation and the people are mainly indebted for the silent but secure operations of laws preventing impositions, and forever removing the distressing evils of conflicting titles. Unlike any of the new States, Kentucky, perhaps, excepted, Tennessee never enjoyed the advantages of this system. The early laws of North Carolina, the peculiar character of the obligations created by the great military donation to which I have already adverted, and the engagements of Congress, under the cession of 1790, to respect and observe all existing stipulations, denied my State these advantages. North Carolina had adopted her land policy long before the commencement of the Revolution; it was, in fact, coeval with the first settlement of the colony; suited at first to the perilous condition of the country, and in a long succession of years accommodating itself to the popular will, it grew with her growth, and strengthened with her strength.

With us, sir, in the security and the improvements of the age, a survey always precedes the entry and appropriation of public lands. Under the old régime of all or most of the States and colonies, the entry had precedence, and the "warrant" for the survey was issued after the claimant had selected his ground, and delivered its locality to the proper officer of the Government; a grant followed the survey, and the title was perfected. After the military donation, sir, the "warrant"—a term technically used to describe a State certificate for vacant lands—precedes the right to enter and appropriate. Sir, this new instrument was a "*carte blanche*," so to speak, for its amount in acres upon all the vacant territory of a State set apart for the officers and soldiers of the Revolution. The holder of the "warrant" went forth into the forest in search of soil, confined to no lines, and restricted by no surveys, unless it might be the lines and surveys, real or ideal, of some brother hunter who had gone in advance and waked up the game. Sir, in the early settlement of Tennessee, as it often happened, this was no ordinary adventure. The rifle and his faithful dog were the indispensable companions of the land locator. Every inch of ground, with every tree and covert, was an ambush, compassed round with the barbarian foe, and it not unfrequently turned out that the soldier who had periled life in every form for his warrant, afterwards lost it in the rash effort to secure a home to his liking. Mr. President, may I not appeal to you for a thousand facts in proof of this assertion? Yes, sir, you have "trod the wine press," and will testify to the probable truth of my story. Sir, in those days, the dangers of which I am speaking reached the lonely cabin of the peaceful settler as well as the more hardy adventurer of the woods. Men guided the plow with loaded rifles strapped to their backs; and how often has it not happened within the morning and the evening of the same day, in the life and death of its best and only defender, that the house of joy has been turned into the house of mourning.

Mr. President, the preceding details, tedious and uninteresting as they may be, are necessary to the just elucidation of my subject. They lead the mind to an easy comprehension of a topic otherwise not a little complicated, and enable Senators to grasp both the justice and propriety of sanctioning the provisions of this measure.

Sir, the year 1783, memorable for other great events, is further signalized in the history of my story as the epoch in which the State of North Carolina gave an honest but baneful form to the beneficent provisions of the "act for the relief of the officers and soldiers of the Continental line." It was declared:

"That each and every person or persons entitled to land by virtue of the aforesaid law shall, on application to the Secretary of State, obtain and receive from him a warrant of survey for such quantities of land within the limits of the lands reserved by the aforesaid law for said officers and soldiers, he, she, or they, by the aforesaid law, shall be entitled to, which shall be directed to Colonel Martin Arm-

strong, who is hereby appointed surveyor for that purpose, and is authorized and required, by himself or deputy, to execute and return the same into the Secretary's office within the same time and in the same manner as is required in other cases."

Sir, these loose and unguarded provisions, consistent, nevertheless, in many respects, with the antecedent practice of this State, constituted the fruitful source of incalculable mischiefs, and in their consequences, have swallowed up, at last, the entire valuable portion of the rich domain I have endeavored to pencil.

In the science of political economy, as in mechanics and every other art and science, first attempts are generally rude, defective, and imperfect; untaught by lessons drawn from experience and mellowed by practice, the mind of man too often wanders into absurdities, and, in its best intended efforts, gives sad proofs of the utter weakness of all human sagacity. Who among men has not looked back in repentant shame and regret upon some deed of short-sighted policy which self-sufficiency had at one time vainly dignified by the flame of wisdom? And thus it is that time, which, in its slow but certain progression, tests all things, frequently compels us, while we may consecrate the motive, to deplore the mischiefs of hasty and unguarded measures; and a signal proof of this is to be found in the benevolent law from which I have just given you a short quotation. Unaided by any counsels save his own, unchecked by the supervision of some watchful eye, untrammelled by any particular obligation other than the *ever-doubtful* morality of the best among mankind, in an hour of temptation—is it at all to be wondered at that, in the execution of such a law, vast and incalculable frauds should have been perpetrated by the negligence or contrivance of a secretary, or by the villainies of those who had the confidence of his office? Sir, since the passage of the law, how many million acres of land warrants have issued, no man can count. Like the heads of the fabled hydra, they have multiplied as they were stricken off; and, to this day, if you had any valuable territory left, I fear you would have no right to hope that any modern Hercules had appeared to destroy the Lernean monster. Yes, sir; they came upon us like the locusts of Egypt, settling down upon the land, and devouring every green thing before them. Swarm followed swarm in quick succession, until, having overrun the "military reservation," and exhausted the whole territory—"north and east of the line," they swept away over the rivers and the hills, and, lighting down on the lands of Congress, have covered almost every acre of valuable public domain within the limits of Tennessee.

But let me not be understood, Mr. President, in this hasty but faithful sketch of facts, as intending the least censure upon the Legislature or the people of North Carolina. In all that I have said, and in anything I may say, nothing is more distant from my feelings than unkind aspersions on either. Sir, the government and the people of that noble old State, in common with the authorities of Tennessee, have lamented abuses neither of them could remedy. The evil, great and destructive as it has been, found its origin in the unguarded provisions of the act of 1783, and its principal consummation within the first few years of the administration of that law.

Turning, sir, from this general view, I beg Senators to accompany me in a nearer approach to the subject; and I propose, sir, to bring up an array of facts which, I persuade myself, must carry conviction to every unprejudiced mind, and seal the success of the bill under discussion. I invite you, sir, to open the map of Tennessee. Placing your eye upon a point in the south boundary of the State where it is intersected by "Elk river," running north to the immediate neighborhood of Columbia, thence westward with Duck river and the military line to the Tennessee, and down this last river to the Kentucky line, you cut west Tennessee proper into two great divisions. With the territory lying east and north of this line, and stretching off to the mountains, we have now nothing to do. More than thirty years ago it was abandoned by Congress, and has long since fallen a prey, in all its valuable portions, to the insatiate element it was vainly designed to satisfy. Since the compact of 1806, between Congress,

North Carolina, and Tennessee, the territory south and west of the line I have just now described has been familiarly called by its descriptive title, "the congressional reservation." It contains the only Government domain lying within the limits of Tennessee, and by an accurate estimate falls short of seven million acres of land.

But again: subdivide the "congressional reservation" by the line of the Tennessee river, in its whole length through the State, and you have two sections of very unequal areas—not more unequal, however, than they are dissimilar in soil, surface, and topography. With the exception of the east and northeast portions, the whole face of the subdivisions lying on the east of the Tennessee river is traversed by a waste of unfruitful hills and steep declivities, separated by deep and narrow valleys. Through the largest portion of this region nature, for the most part, waxes in naked poverty; the scant and flinty soil mocks the hopes of the husbandman, and defies his hardest toils. A thin and scattered population breaks at times the dull monotony of the woods; or, it may be that the eye of the traveler, weary in search of a smoke from some lonely cabin, lights at last upon the fire of some modern Nimrod; and under the hospitable tent of the hunter accepts the best and only refuge the forest affords him. Sir, honorable gentlemen can form some idea of the character and value of these lands if they will be pleased to turn to the documentary proof lying on their tables.

On the testimony of the public surveyors, (who, to my knowledge, are men of probity, and intimately acquainted, I dare say, with every part of the country,) there were, in the year 1828, one million five hundred thousand acres of vacant and unappropriated land lying within the particular section of which I am now speaking. Of these, not more than one hundred thousand acres were valued at the inconsiderable sum stipulated in this bill. All the balance were worthless—utterly poor and worthless. In the words of one of the witnesses, all the valuable lands in his district had been entered; "those remaining vacant were of a very inferior quality, lying in small detached parcels, scattered everywhere, in various shapes and forms; he did not know of a tract of fifty acres of good vacant land in one body within his district, as most generally pieces of vacant land fit for cultivation lie in small tracts of five to twenty acres, surrounded by hills or lands not worth the taxes." In the language of another witness, equally competent and credible, the lands in question are the "poorest within the reservation." "There remains," he adds, "a very small portion worth the expense of procuring a patent; those which might be considered fit for cultivation lie only on water-courses and in narrow slips, and might be purchased at a small price, for the sake of the timber, by the owners of contiguous lands." To speak in the strong and emphatic expressions of this witness, "all the lands in this district, except such as lie on the water-courses, are altogether sterile and unfit for cultivation."

Mr. President, if this be a faithful picture of the region over which I have just glanced so hastily, what shall be said of the other great section of the "congressional reservation?" In that extensive country lying between the Tennessee and Mississippi rivers, there are seventeen counties, many flourishing towns, villages, and hamlets, and a wealthy, dense, growing, and intelligent population. Sixteen years ago it was little better than a wilderness. Occupying less than a fourth of the whole map of the State, it numbers, at this day, more than a third of our entire population. Two members of Congress provide for its interest in an opposite wing of this Capitol, and it is represented in the State Legislature by eighteen members—Senators and Representatives. In contemplating this beautiful country, its comparative geological peculiarities strike us with the greatest surprise and astonishment. Intersecting, in its course, both the south and north boundary lines of the State, the channel of the Tennessee river, within that circuit, seems to have searched out and swept around the extreme verge of our limestone formation. Beyond its left bank, westward to the Mississippi, scarce a stone or a pebble is to be found; and, with slight varieties in the east and southeast corners, this great section, turn

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which way you please, presents to the eye an unbroken surface, occasionally diversified with gentle undulations, but nowhere rising into hills and precipices. The rivers and smaller water-courses—narrow, deep, serpentine, and sluggish—flooding for ages their neighboring bottoms, have created great and extensive swamps and marshy lowlands which the wants and the enterprise of a score of generations to come will not be likely to reclaim. In other respects, nature appears to have dealt out her bounties with a partial hand. Throughout half, or more, of this fine country, the soil, sufficiently deep and based upon a clay foundation, throws upwards from its virgin bosom a rich and luxuriant variety of forest growth, and rewards the labors of the plow with an abundant harvest. And here it is that wealth has found its pleasant home, and, reposing on its own good fortune, can have no interest beyond a generous hope in the fate of this important measure.

But, as if to heighten effect, by the suddenness and rapidity of the change, here more than anywhere else, we are frequently doomed, in one short day's journey, to contrast the extremes of barrenness and fertility. Lights and shadows, alternately flitting before the eye, expose, in the great variety of soil, a checked panorama, and group before us the rich man's ample possessions, and the humble, but hopeful, abode of the industrious occupant. A little further on, and *humility* enjoys its own undisturbed dominion. There are large coterminous tracts of country too sterile or too unfruitful for the cupidity of the land warrant, and yet good enough for the poor man's refuge. And here, sir—here, amid extensive barren wastes, clothed with a stunted growth of wood and verdure—here, retiring poverty has found a thousand "little islands" of fertile soil; small, Mr. President, they are, but sufficiently large to encourage the industry, reward the toil, and support the rising household of the humble, but thrifty, adventurers who have searched out and seized upon them.

Such, Mr. President, are the geographical outlines of the "congressional reservation," and such the character and condition of the vacant and unappropriated lands upon which the bill before you proposes to operate. What considerations can there be of policy and humanity opposed to its passage? In either point of view, I boldly and confidently avow it, the reasons are, all of them, on the side of the measure. Nearly fifty years have elapsed since North Carolina conveyed this country to the United States, and within that period Congress has purchased, paid for, resold, and given away an empire of lands. States and Territories have been peopled around her, until Tennessee, then the most distant frontier of the inhabited Union, is now, in the march of great events, the center, if not the very center, of our great social system. To this good day, no attempts have been made, direct or indirect, to exercise any Federal supervision over these lands; and but for the reminiscences yearly brought up here by the supplicating occupants and their faithful advocates, you would long since have forgotten your paltry interest in this broken inheritance. You are reminded of it this day, sir, only to be convinced by evidences as "strong as proof of Holy Writ," that any effort on your part to reach the property by the only mode known to your statutes will involve an expense far exceeding the whole value of the estate. In the absence of all positive testimony, the system of appropriating the public lands in Tennessee, as already described, abundantly establishes this important fact.

The land warrant, as before observed, was a written bond on the State for its amount in *tillable* acres. And when hundreds and thousands were daily and for years in the race, every man his own unbridled provider, could it have been otherwise? Land hunting soon became a distinct and profitable profession. Hence, sir, in the legal vocabulary of the day, the land "locator" was as familiarly known by his name as the attorney and clerk of the court by their respective titles. It was the business of this active undertaker to traverse the country in every direction, and to scan, with practiced eye, all the advantages of water, soil, and situation. As the quantity of good lands diminished, the field of his less successful labor

expanded. The most unfrequented woods were examined, and the tops of the hills and the mountains, with their deepest gorges, were explored. The information thus acquired became the merchandise of this agrarian broker; and its rapid demand, at the highest prices, by the owners of land warrants, seldom failed to enrich the shrewd and frugal "locator." Nowhere was this system carried to such high perfection as it was in the "congressional reservation." Long before the land offices were opened in that district, numerous detachments of rival land-hunters, headed by veteran chiefs, broke into the silence of the then unsettled wilderness, and scoured the country to every point of the compass. Some of them, more skillful and lynx-eyed than others, are said to have mapped out and centered the principal counties, as they were subsequently established by the Legislature. Certain it is the preparations were so admirably completed that, when the anxious day arrived, an "avalanche" of warrants was precipitated upon the country, and covered everywhere, in wild confusion, the "fat of the land." From that hour to this, now eighteen consecutive years, with slight intermissions, the fierce havoc has been constantly kept up. Warrants have been divided, and again subdivided, and so carefully fitted, squared, and dovetailed, as to reach almost every acre of valuable arable land worth the price of the instrument, without including the worthless adjacent soil. Sir, on the statement and authority of an honorable gentleman, once a surveyor in the country, and a man of unimpeachable veracity, I submit to the Senate that, in the progress of this searching system, "there are hundreds, and perhaps thousands of tracts of land in the 'congressional reservation' having from twenty to forty corners and offsets."

Mr. President, if my story be true, can it be that policy or cupidity would insist on a survey and sale of the public domain in Tennessee? But I desire to satisfy everybody; and happily, in the documentary proofs before me, and in other evidences now on my table, I have it in my power to throw a flood of light on the subject, which must convince *incredulity* itself.

Sir, nineteen years ago, my State caused the "congressional reservation" to be divided into seven districts, numbering from seven to thirteen, inclusive. Public surveyors were appointed by the Legislature for each of these districts—men of skill, probity, and integrity; and among other detailed duties, these sworn officers were required to subdivide the whole "reservation" into sections of "five miles square." They were particularly instructed to note "the quality of the land, and the mountains or other remarkable objects touching or crossing the lines of the sections." In the discharge of their official duties, these surveyors necessarily acquainted themselves with the quantity, quality, and relative value of the lands within their respective districts. I hope, therefore, I shall not be charged with offending against the strict law of evidence, by insisting that their testimony is of the highest grade, and signally entitled to the belief and confidence of Senators.

Mr. President, I pass by the statements of the surveyors of the seventh and eighth districts, having already, in a prior part of my argument, sufficiently adverted to their reports. From the next in number, the ninth district, we are told that, "owing to the mode of appropriating lands, the good soil yet remaining vacant consists of mere *skirts and scraps*, from the sale of which the General Government can realize little or nothing. The purchase of these lands," the surveyor adds, "must be mostly by poor men, who have little to give; in fact, their situation would not be much bettered if they were to obtain them for nothing; the gift would be too well calculated to make them always poor." On the evidence of the surveyor of the tenth district, "all the valuable lands have been appropriated by North Carolina military land warrants; such as are still vacant lie in detached parcels, and are generally *very poor*." From the eleventh district, we learn that "the greater portion of the vacant lands consists of river swamp, lying too low to be reclaimed; there are," in the words of the witness, "some high lands, but they are generally poor, and lie in detached parcels; so much so, there is no hes-

itation in saying that it would cost the United States more money to bring them into market than could be realized from the sale." Equally strong and conclusive are the declarations from the twelfth district. In the opinion of the officer there, "the amount of sales would not half pay the expense of preparing the vacant lands for market, as they lie in detached parcels, and the most valuable parts are in the smallest bodies." In the last remaining subdivision, the surveyor contents himself on the general subject by stating that the vacant lands within his district, "fit for cultivation, are in small detached parcels."

I cannot dismiss this branch of my argument, without bringing before the Senate a witness of more imposing character than either of those already produced; made so by the voluntary act of the Government; appealed to by the United States; and, by all the rules of evidence, not to be discredited or disregarded by the party at whose instance he is made to speak. In April, 1829, the Secretary of the Treasury, acting under orders from the House of Representatives, caused a subordinate of his Department, among other things connected with the same subject, to institute an inquiry into the estimated value of the unappropriated public lands lying in the "congressional reservation." Under these instructions, the Commissioner of the General Land Office addressed himself to the then Secretary of State for the State of Tennessee; and the information could not have been sought for in higher or more competent quarters—the individual thus selected, possessing in an eminent degree a clear and scrutinizing mind, added to the weight of his credibility the double advantage of a thorough acquaintance with the objects of your research. In his able, concise, but unanswerable report, in reply, he concludes all he has to say, in the following expressive language:

"No one at all acquainted with the true situation of the country, can, for a moment, doubt the impracticability of laying off and selling what remains (of these lands) upon any system like the present, as practiced by the United States, without positive loss to the Government."

Sir, after all this, I forbear to multiply proofs; but, on the general worthless character of these lands, I must say, and I say it respectfully, whoever doubts now would not be persuaded, "though one rose from the dead."

But, Mr. President, the *precedent*—good men, otherwise friendly to the measure, express great fears lest the passage of this law should set an example, not hereafter to be disregarded by Congress, in its general policy, tending to involve the Government in a system of profligacy calculated to destroy the national domain, and to rob the old States of their just and equal participation in our rich inheritance of public lands. I honor and respect such fears; but it does seem to me at the same time, that a moment's reflection on the character and provisions of this bill, with the proofs that have followed it, should remove the misgivings and calm the apprehensions of the most watchful and fastidious advocates of the rights and interests of the old States. I deny both the application of the argument and the supposed analogy. Tennessee does not ask a donation of these lands; a cession, without a fair consideration and a just equivalent; she does not approach you in the attitude of a beggar, an humble suppliant for favors, great or small. Sir, it was this morning, in a casual conversation with an honorable Senator on my right, [Mr. WILLIAMS of Mississippi,] himself a native of my State, I was congratulating myself with pride and gratification, how seldom it was that prayers, petitions, and memorials reached these Halls from the honored people whose unworthy servant I am. No, sir, Tennessee asks no unbought favors—she unfolds the truth, acknowledges your right, proves the value of these rags and patches of a once noble inheritance, and pointing to her hardy sons who are content to dig a scant but independent living from the barren soil to which you have clung so long, she openly proposes to take your property, and pay its value into the public exchequer. Where, then, the danger of the *precedent*? If it be wrong for the Government to sell any portion of the public domain at a fair price, then, indeed, there may be danger in the precedent this bill may set. Sir, in mercantile language, this is an "old

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concern" and ought to be "wound up." If it has been without "profit" to you, it has also been without "loss." Your factor, your agent, my suffering State has borne all the expenses of the "establishment," and she appeals to you now to "auction off" the odds and the ends, the broken wares, with the dusty, dingy, moth-eaten fragments of an ancient "invoice." Shall she be any longer refused?

Mr. President, I have omitted of purpose many of the dry details which connect themselves with the history of the appropriation of the public lands in Tennessee. But, as some exculpation of my State, I beg to remark that her government has at no time participated in the right of originating and issuing land warrants; and I add, what must strike the Senate with still greater surprise, that for ten years after Tennessee was a sovereign State, and an equal member of the Confederacy, North Carolina exercised the exclusive power of perfecting titles by giving grants for the lands lying within our limits. This last anomaly—so far as I know, without a precedent in the history of any other State, vexatious in practice and humiliating in its character—was ingrafted upon the cession compact of 1790. The foul blot continued to tarnish her escutcheon until the high contracting parties, by the triple agreement of 1806, authorized Tennessee to issue grants, perfect titles, and settle claims to all the vacant and unappropriated lands lying within her boundary.

From that day to this, the State whose servant I am has discharged, as faithfully as could be, the important trust confided to her by the General Government and the government of North Carolina. Her statute-books are swollen with laws regulating the adjudication of land warrants, and the fair and equitable appropriation of the great estate placed in her keeping. In the execution of the task, surveyors, registers, commissioners, clerks, and entry takers, all have been more or less pensioned on her civil list, until, in the lapse of years, she has incurred heavy costs, and expended incalculable sums. Sir, her highest executive magistrates, through a long succession of three-and-thirty years, have found ample labor for much of their time in executing the grants which, in uncounted thousands, have crowded their tables. In proof of this, I hold up this good and weighty volume, [Laws of Tennessee,] filled up, page upon page, and line upon line, with necessary and indispensable enactments on the subject of these lands.

For all these services, Mr. President, Tennessee asks no pecuniary recompense. The soil has escaped, it is true, without price to her, but its bold tenantry are hers. In war and in peace, always with the foremost in defense of our blessed institutions, they are hers—in the eloquent words of the Roman matron, "her jewels." So far as they are quieted, Tennessee is satisfied. Would that I could say they were all in peace. But I cannot. Within the limits of the "congressional reservation" there are hundreds, nay, thousands, of humble, honest, thrifty, industrious occupants, who have no right to give the endearing title of "home, sweet home," to the lonely "cabins" in which they have dwelt so long. Improved as these distant fields have been by the sweat, the labor, and the hardships they have lavished upon them, consecrated to their religious feelings by the neighboring "meeting-house," and the pious but unpretending "man of God" who has so long and so tenderly ministered to their comforts, doubly hallowed by the lowly graves which entomb the bones of husbands, wives, children, friends, and relatives, these people linger in love where pampered wealth would scorn to fix its abode. Sick, more than sick, with "hope deferred," they now approach you. Ready, able, and willing to pay the just value of your property, they implore your title. Can honorable Senators refuse the meritorious demand? Heartless, cold and heartless, is the cruel policy which would repel the humble request, and answer "no."

Mr. President, I thank honorable gentlemen for their kind attention. I have done. On this, the first time my voice was ever heard within these walls, and the last, as it may be, it will remain with me as one of the proudest, happiest recollections

of my life, that it was raised in the cause of humanity.

## DÉFENSE OF WESTERN FRONTIER.

REMARKS OF HON. W. S. FULTON,  
OF ARKANSAS,

IN THE SENATE, February 26, 1839.

The bill to set apart a belt of land on the western borders of the States of Missouri and Arkansas, as bounty lands, to be granted to settlers engaged for a term of years in defense of the frontier, being taken up—

Mr. FULTON said, that at this late period of the session, he felt that it would be impossible to obtain the favorable action of both Houses of Congress upon the important bill just called up, being for the first time reached upon the Senate's Calendar. A somewhat similar measure had been warmly pressed at the last session of Congress, and had unfortunately failed to receive the sanction of the Senate. A measure, however, of a like character having at this session received the support of a majority of the Senate, (he alluded to the bill for the armed occupation of Florida,) had induced him to hope that if time had been afforded for the consideration of this bill, and to have enabled its friends to demonstrate its importance, and the great necessity of such a measure, particularly at this time, as a cheap and efficient means of defense of the western frontier, he had flattered himself that this bill also would have obtained the support of a majority of the Senate. He regretted exceedingly that time was not allowed for its consideration, and it was the more to be deplored, as the aspect of affairs was becoming somewhat warlike.

The occupation by British traders of our territory bordering on the Pacific, and the extensive trade which is carried on by them with all the Indian tribes, as well those within our acknowledged limits as those inhabiting British territory, have given to that Government a power and an influence in that quarter of the most alarming and vexatious character. They can at any moment instigate the savages, even to the very borders of Arkansas and Missouri, to make war upon the frontier. The indiscriminate slaughter of the whole population of both those States might take place before the Government could be informed that war had commenced. The fact that the very counties in Arkansas through which this belt of land proposed to be set apart in this bill runs, contain, many of them, at this moment, a large population, demonstrates conclusively the fearless character of that people. They merely ask the Government to give them strength sufficient to enable them to resist the hosts which may be brought against them, and they will be content.

We were now within two or three days of the end of the session, and he believed it would be impossible to pass this bill, or even to consider it, without defeating many bills now receiving the final action of the two Houses of Congress; he, therefore, most reluctantly felt constrained to yield to the wishes of his friends, and would abstain from asking for the consideration of the measure at this session. He moved to lay the bill upon the table.

FRIDAY, March 1, 1839.

The bill to provide for the protection of the northern and northwestern frontier being taken up, as in Committee of the Whole—

Mr. FULTON said he rose to offer an amendment to the bill now before the Senate, providing for the appropriation of \$120,000 for the defense of the southwestern frontier. The system of defense proposed by the Department of War, at the last session, for that frontier, asked an appropriation of upwards of seven hundred thousand dollars. This system of defense did not find favor with Congress, and a small appropriation of \$80,000, merely to keep the works of defense from total destruction, had also failed in the House after having passed the Senate. The consequence has been, that the military works upon that frontier are in a most ruinous condition. He spoke from personal knowledge, when he said that the

defenses and quarters, as well as all the other structures, at Fort Gibson, were in the most decayed situation. They are all falling down; and, as a work of defense, this fort would afford but little security to the troops, and as a post, even the health of the troops will be greatly endangered if things are permitted to remain as they are.

Mounted troops are also indispensable in an Indian country; and, in order to make these efficient, not only the men, but the horses, also, should be taken care of. Proper structures ought to be furnished for both the horses and their provender. This amendment proposes what is considered requisite for these objects.

The proposed appropriation will be barely sufficient to enable the Department to keep up existing works, and to make such improvements as are absolutely necessary to place the frontier in a temporary state of defense. And when the exposed situation of the inhabitants is considered, and the obligations which this Government is under to them to afford them adequate protection, it would seem impossible to suppose that Congress would refuse the necessary appropriations to enable the Department to do its duty. He hoped the Senate would adopt the amendment which he now felt it to be his duty to propose to the bill under consideration.

This amendment failed. On the next day Mr. BENTON proposed an amendment for the same object; when

Mr. FULTON said that he had failed in his proposition the evening before, for an appropriation for the defenses of the western frontier, as he was led to believe, for the want of the estimates from the Department of War. He was happy to be now able to furnish the Senate with a letter from the Secretary of War, which he hoped would satisfy every Senator as to both the necessity and importance of the appropriation now asked for.

Mr. F. then read the following letter:

DEAR SIR: I regret exceedingly that the sum asked for to be applied to the defense of the western frontier should have been refused; and, still more, that those who are so deeply concerned in this measure should not unite to carry it through. With the sum now available, (provided the \$50,000 which was carried to the surplus fund is reappropriated,) and that proposed by the Military Committee, \$80,000, the frontier may be placed in a respectable state of defense, if the application of the money be left to the proper officers of the Government.

The sum I propose will be applied to the works at Fort Gibson, Fort Smith, fort on the Illinois, Fort Leavenworth, fort at Table Creek, fort near the forks of the Des Moines, and to the completion of the road already commenced by order of Congress. I most earnestly hope the money will be appropriated.

Yours, truly,  
Hon. W. Fulton, Senate.

J. R. POINSETT.

The amendment was then agreed to in committee; but when the bill was brought into the Senate, it was lost—yeas 13, nays 18.

## ARMED OCCUPATION OF FLORIDA.

SPEECH OF HON. W. MONTGOMERY,  
OF NORTH CAROLINA,  
IN THE HOUSE OF REPRESENTATIVES,  
January 21, 1839,

In the Committee of the Whole on the state of the Union, on the bill making appropriations for prosecuting the war in Florida against the Seminole Indians.

Mr. MONTGOMERY said that this was a bill to make an appropriation to support and pay an army in Florida, who had, he regretted to say, by their repeated failures to answer the purposes they were intended to answer for the country, lost the confidence of the nation; and, instead of adding laurels to the country, had disgraced it, and done more to injure our military standing in the estimation of other nations, than could, he feared, ever be repaired. In all the bloody conflicts that this country has had from its foundation up to the Seminole and Creek wars of late, our military officers and soldiers had not only nobly and successfully sustained their own and their country's honor against an equal force, but often against a force vastly outnumbering them, and with great advantages over them in other respects. As proof of this, he would refer to the battles of the Revolution, and also the many

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Armed Occupation of Florida—Mr. Montgomery.

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bloody conflicts with the savages since that period up to the late Creek and Seminole wars.

In all our struggles we have been more than conquerors, until this Seminole war, which has cost the nation fifteen millions of money, or more, in maintaining an army, outnumbering, ten to one, the enemy, and furnished with better supplies than any army in this country ever had, and with the advantages, too, of three of our most experienced generals of the regular army. And what has been the mortifying result? I will tell you, Mr. Chairman, what has been done. We have many victories upon record here, from the pens of our officers, some of which I have on my desk before me; while the enemy, the savage Seminole, has not only the original battle-field now in possession, but vastly more of our territory and soil under their command than when we began the war upon them. But, what is far more disgraceful to our army, and mortifying to our feelings, the enemy has the scalps of many of our unoffending frontier inhabitants in their possession; for it has so happened that while the frontier was counting on protection from our army, sent there for that purpose, they have afforded the frontier no protection at all, by not deterring the savage from his inhuman butcheries, nor pursuing and punishing them after they had committed them. Thus, while the Government, always willing and ever ready to discharge her duty justly towards all her citizens, has sent thousands of men and millions of money to defend and protect the frontier inhabitants from the Indian butcheries, we have had, in return, from our officers, victories upon paper, while the Indians had victories on the battle-field, and the accounts of the scalping of our women and children, and the burning of their homes, sometimes with the bodies of the slain victims in them.

These scenes have so often occurred, in the face of our Army, during a period of several years, and under circumstances leaving no justification for the Commanding Officer of the regular Army, that I confess, Mr. Chairman, I am compelled to declare here in my place, as a Representative in part of the good people of the nation, that I feel, when I am again called upon to vote millions of money to sustain and support an army whose officers have, by their repeated failures, either to conquer the enemy or give protection to the inhabitants of Florida, I should at least make known my sentiments. No man living can be more willing than I am to vote for men and means to prosecute a war to protect our citizens and their rights; and I have voted for all the appropriations to support the war in Florida; and I am again willing to afford all the means necessary to prosecute that war to a successful and speedy termination; but, Mr. Chairman, I feel that I am voting money to support officers (for, as to the soldiers, both regular and militia, I have the utmost confidence in them in all respects) that have proved, by their conduct, that they are incompetent or unwilling to do their duty; and by detaining them in command in Florida, and sending them the means of prosecuting the war, we are actually taunting the people of Florida with but the name of protection. I am willing to furnish the means of protecting the Floridians; but I am unwilling to put them in the hands of these officers of the regular Army, who have, by their conduct, proved their incompetency properly to use them, and in whom, I again repeat, I have lost all confidence. I have always doubted the efficiency of any officer, after he has spent some five or ten years of his life in time of peace in perfect idleness, walking the streets of one of our large cities, and living upon the luxuries only to be had in them. Take an officer who has been thus fed, and send him into the backwoods, where he has nothing but a soldier's backwoods fare, and he is forthwith unmanned, physically and mentally; and the thoughts of his former city dinners, his sparkling champagne, his evening walks and dances, nine times out of ten, unfit him either to fight himself, or to command others in fighting; and just so long as you depend on such men to command your Army, just so long will you have such failures as you have had in Florida.

I will proceed, Mr. Chairman, to show, from the public records on file, and other proof, that there are just grounds strongly to suspect that

this Seminole war has not been prosecuted, by some at least of those high in command, like any other war ever before heard of; for, if one of the generals there is to be believed, in a late communication to the Hon. THOMAS H. BENTON, of the Senate, it never was the intention of the Government, or of any general there, to kill these Seminoles, but only to catch them; for he declares this; and I now send to the Chair, to be read by the Clerk, a letter which proves this fact. It reads thus:

LOCUST GROVE, NEAR LOUISVILLE, KENTUCKY,  
January 19, 1839.

DEAR SIR: I have received your letter of the 5th instant, with a copy of the bill to provide for the armed occupation and settlement of Florida. If the plan which you propose can be carried out, the Indians may be gradually destroyed, or forced to submit; and I know of no other measure likely to rid the country of them, unless, by following the example of the British Government in their war with the Maroons of Jamaica, we employ the blood-hound. The only doubt I entertain as to the complete success of the plan arises from the apprehension that the quantity of good land south of the twenty-eighth degree of north latitude is not sufficient to induce settlers to occupy it; north of that degree, the country is generally equal to the southern countries of Georgia and Alabama; but south of it, the good land is confined to a few detached spots along the coast on both sides of the peninsula; and fresh water can rarely be obtained on the gulf coast south of Charlotte's harbor, even where the land is fit for cultivation. Between the mouth of the Withlacoochee and Tampa Bay, there is a considerable body of excellent land; there is also good land near Colap Kilaga; and between the Ocklawaha and St. Johns rivers I have no doubt healthy situations for stations or residences may be found; and as to the country north of the Withlacoochee, it is quite as healthy as the greater portion of the western and southwestern States; and the whole sea-board is as healthy as any part of our Atlantic sea-board south of the Delaware. I would advise that the planters and farmers be urged to return to the plantations and farms which they have abandoned, and the whole country north of Tampa Bay be settled as soon as possible. The coasts of Florida afford as valuable fisheries, in proportion to their extent, as the banks of Newfoundland; and though the country south of Tampa Bay affords but little inducement to the cultivator, a population sufficient to confine the Indians to the interior might find near the coast abundant support by combining fishing with cultivation. A supply of fresh water could be obtained from the adjacent islands.

The posts to be occupied by the troops must depend, necessarily, upon the number and position of the settlements. There should always be a sufficient force in the neighborhood of each settlement to serve as a rallying point to the settlers, and to unite with them either for purposes of protection or pursuit. There is a small body of good land on New River; also on the Miami river near Cape Florida, which was occupied previous to the war. Two or three hundred inhabitants might support themselves comfortably on that portion of the Territory. No part of the United States is more healthy. A light-house is necessary in that neighborhood; and so valuable is the commerce that passes that part of the coast, and so numerous the wrecks in consequence of the difficulty of the navigation, that, to protect the crews and property cast on shore, the country should be settled, and military posts be established on New River and near Cape Florida.

There is a body of excellent land near Cape Sable, the most southerly point on the peninsula, which would support several hundred inhabitants. This it would be highly advantageous to occupy as soon as possible. A military post should be established and maintained at the cape. Posts will be necessary at Indian River inlet, at the head of Indian river, at New Smyrna, and at one or two other points between the latter post and St. Augustine. A post should be established at Punta Rasa, south of Tampa, and the mouth of the Suwannee; those points, of course, to be determined by the settlements that may be made on or near the coast. The posts across the country from the Gulf to the Atlantic should not be considered permanent, but be changed as the settlements in the interior be advanced to the south. I have read the letter of Surgeon General Lawson, and agree with him generally in his views. As to the war which we have carried on in Florida, it differs not only from any ever before waged by this country, but from any other of which we have an account in history, unless the Maroon war in Jamaica be an exception. The object has been, and is now, not to beat and compel the enemy to make peace, but to catch them. No force employed against them, either in the former or present Seminole war, no matter by whom commanded, has ever been able to catch them; and my decided opinion is, if they ever be caught, it must be with their own consent; and that consent will hardly be given until they find the white man in their way. Let them be crowded by settlers, and that which has invariably occurred throughout the whole history of our settlements will occur again: they will not only consent to remove, but will desire it as the greatest benefit the nation can confer upon them.

With high consideration and respect, your obedient servant,  
T. H. S. JESUP.

HON. THOMAS H. BENTON,  
Chairman Committee on Military Affairs of the Senate.

Will any man now doubt that great injustice has been done to the Government and to the people of suffering Florida, when the general who had under his command eight thousand nine hundred and ninety-three men, sent there by the Government, with all the necessary means and munitions of war, and placed under his command, as

we all supposed, to chastise the savages in the usual way, for these daily murders committed on the frontier people, when we are here told, in this letter, that "the object was not, nor is it now, to beat and compel the enemy to make peace, but to catch them;" and, I suppose by way of clearing his own skirts of all blame for not catching them, he says:

"No force employed against them, either in the former or present Seminole war, no matter by whom commanded, has ever been able to catch them; and my decided opinion is, if they ever be caught, it must be with their own consent."

Was ever such language heard before from any officer holding even a corporal's command, much less from a commanding major general of the United States regular Army? Great God! what will this nation and the world say, when they see this declaration made by this high officer? If he was acting under instructions from the War Office, when he was only trying to catch the Indians that were daily killing and scalping the Floridians, I want to see them.

I have seen some of the letters from the War Office to that general, and no such instructions were in them. If he was only sent there upon a trapping expedition, not to beat and compel the Seminoles to make peace, but only to catch them, why was he not furnished with traps and snares, and such other materials as were suited to his objects and intentions? Why was he furnished at an expense of millions of our money, with cannon, powder and balls, muskets, bayonets, &c. & why did he, in a letter dated "Headquarters, Volusia, Florida, December 12, 1836," directed to the Adjutant General, Washington city, (to be found on page 53, in document No. 78,) call for double-barreled guns? Are these the kind of officers that we are to send a large army of men under, with all the implements of war, at an expense of millions annually, to defend our frontier inhabitants against the Seminole warrior, with his unerring rifle and his bloody scalping knife and tomahawk; and after a total failure to stop these murders, then we and the suffering and bleeding Florida frontier are tauntingly told that these generals were only trying to catch these murdering Indians, and that if ever they are caught, it will be by their own consent. Meaning, I suppose, that after all the hellish murders perpetrated, if the Seminole has been fully satisfied and drenched with the innocent blood of the Floridians, that then he will come forward and voluntarily be caught in some trap or snare that our noble general, who may then have the command of some eight or ten thousand men, may have set for him. Great God! what sympathy for a bleeding frontier, and what patience and forbearance for the Indians! Sir, my blood boils in my veins, when I think of such conduct. I hope I have the usual portion of good feelings for all men; but I would never wait to catch an Indian who would murder my wife or my children, or any of my neighbors. I would dispatch him in the quickest way possible in my power. Yes, sir, I would, if I had the power to do so, command a legion of fiery dragons to go forth and consume them instantly. That would be my kind of catching; and I say that the general who goes to fight Indians with any other feeling is unfit for the service; and as soon as that fact is known, he should be at least disbanded and stricken from the army forthwith, as unworthy of the name of a soldier.

Mr. Chairman, I had intended to have begun with the disastrous and unfortunate war, and brought before this committee and the country some of the many facts that are on record as proof that the fault was in the commanding officers. But my friend from Alabama, [Mr. CRABB,] who has preceded me in this discussion, has so ably and so appropriately noticed the operations under the two first generals that commanded there, (Scott and Gaines,) that I am relieved from that part of my remarks which were intended to apply to their operations. I will only say, that I most heartily concur with him in believing that the failures under these commanders were solely attributable to their personal bad feelings towards each other. I believe with the honorable member from Alabama, that had the first commander been allowed to remain there with half the force and means that has since been sent there, he would

25TH CONG...3D SESS.

Armed Occupation of Florida—Mr. Montgomery.

Ho. of Reps.

have terminated the war long since, not by catching but by killing the enemy.

I will commence with the campaign in 1836, and give some extracts from the letters, &c., of the commanding general, (T. S. Jesup.) In Doc. 78, second session Twenty-Fifth Congress, the following extracts are to be found:

VOLUSIA, December 5, 1836.

The pay of the regular troops, including the officers, should be doubled, to secure them the ordinary comforts during their service in Florida. Let me entreat you, as you regard the best interests of the service, to impress upon Congress the necessity of putting the army upon a better footing. I wish nothing myself, and, if justice can be done to my brave companions, I will cheerfully serve out the campaign without pay or emoluments. I shall commence operations immediately, with the utmost vigor which the means at my command will permit, and shall keep you constantly advised of my progress.

With high consideration and respect, I am, sir, your obedient servant,  
TH. S. JESUP.  
Hon. B. F. BUTLER, Secretary of War, Washington City.

VOLUSIA, Florida, December 9, 1836.

This, you may be assured, is a negro, not an Indian war; and if it be not speedily put down, the South will feel the effects of it on their slave population before the end of the next season.

Unless the army be placed on a better footing, it will disband; discharges are numerous, and no soldiers reenlist. The officers cannot subsist on the miserable pittance now allowed them; they should, upon principles of common justice, be placed on a footing with corresponding grades in the Navy. You, sir, will command their gratitude, and render an important service to the country, by taking the lead in this matter.

Assure the President that whatsoever promptness and energy can accomplish shall be done.

With high consideration and respect, I am, sir, your obedient servant,  
TH. S. JESUP.

Hon. B. F. BUTLER,  
Acting Secretary of War, Washington City.

VOLUSIA, December 12, 1836.

Without a strong corps of wagon-drivers, muleteers, and laborers, it is almost impossible to act efficiently in this country. The southern militia do not labor for themselves, and consequently cannot or will not labor for the public. The regular troops are on constant fatigue duty, and a road leading from camp, and on which we are to march to-day, requiring repairs, I sent instructions to General Armstrong last night to move forward with his brigade and cause the necessary repairs to be made. He replied that it would be impossible, as his men would not work. I shall, therefore, be compelled to put this labor also upon the regular troops. At the same time that I consider southern volunteers inefficient for many purposes, it is due to them to say that they are efficient whenever rapid marches are to be made, or an enemy to be fought. Add to them such a corps as I propose, and you make them efficient for every purpose.

I am, sir, most respectfully, your obedient servant,  
TH. S. JESUP,  
Major General commanding.

Hon. B. F. BUTLER,  
Acting Secretary of War, Washington City.

How will southern militia like this reflection? Is it a fact that the southern militia do not work? They can answer.

VOLUSIA, December 12, 1836.

Cannot something be done for the Army? The officers should be placed on a footing with those of the Navy; and all officers or soldiers who are serving, or have served, in Florida, below the rank of major general, should have grants of land.

It is impossible to obtain an accurate return of the troops—of course, no return can be made.

If I had one thousand volunteers or militia to take the place of the Tennesseans immediately, I should be able to terminate the war in sixty days. The prospects are flattering, even now; but I am not sanguine of success. The country is not so difficult as it has been represented, but the difficulties which we find arise from the entire destitution of every kind of supply.

To pursue the Indians in the swamps, I must have good double-barreled guns; and to enable me to keep the field a sufficient length of time to render any service, I must have portable soup. I shall order both.

I have the honor to be, sir, your obedient servant,  
TH. S. JESUP.

PORT ARMSTRONG, January 19, 1837.

I am happy to find that you have recommended a bounty in land to the soldiers; it should, in strict justice, be extended to the regimental and junior staff officers.

With high consideration and respect, I have the honor to be, sir, your obedient servant,  
TH. S. JESUP,  
Major General Commanding

The Honorable B. F. BUTLER,  
Secretary of War, Washington City.

HEADQUARTERS ARMY OF THE SOUTH,  
FORT DADE, (FLORIDA), March 26, 1837.

SIR: I have the satisfaction to be able to report that the Seminole chief Yaholoochee, (Cloud), who commanded at the Waco, is at Tampa Bay with his family; and he has about two hundred of his people in a camp near that post.

The principal chiefs on the St. Johns, Tusculum and Emathla, (Philip), have sent messages to me; they will obey the order of Micanopy to emigrate. Philip sent his son,

who informed me that his father had required Abiaen, (Sam Jones,) chief of the Micasauksies, to join him and accompany him on his visit to Micanopy.

The war is, no doubt, ended, if a firm and prudent course be pursued; but a trifling impropriety, on the part of the white population of the frontier, might light it up again. The negroes rule the Indians, and it is important that they should feel themselves secure; if they should become alarmed, and hold out, the war will be renewed.

I shall send one battalion of the Indian warriors serving in Florida to Mobile so soon as it can be mustered and paid, and transports be obtained.

The Alabama drafts will be sent off as soon as they can be paid; transports have been provisioned for them. The naval garrison furnished by Commodore Dallas for Fort Foster, has been relieved, and ordered to join the ship whence it was detached.

I shall discharge the volunteers and militia force as rapidly as the circumstances of the service will permit; and shall take measures to have the ordinance and other stores not required in Florida taken to the most convenient arsenals and storehouses.

I have the honor to be, very respectfully, your obedient servant,  
TH. S. JESUP,  
Major General commanding.

Brigadier General R. JONES,  
Adjutant General, Washington City.

TAMPA BAY, May 17, 1837.

We committed an error in regard to these Indians, in the attempt to remove them before the country was required for white settlers. In all other cases of removal, a white population has been pressing upon and crowding out the Indians before they were required to leave the homes of their fathers; here, there was no population pressing upon them, and they have never felt the necessity to go. Besides, the negroes rule them, and the arrival of several Floridians in camp, for the purpose of looking after and apprehending negroes, spreads general consternation among them. Those that were in camp fled, and carried the panic with them, and we cannot now induce them to return.

I am, General, respectfully, your obedient servant,  
TH. S. JESUP,

Brigadier General R. JONES,  
Adjutant General, Washington City.

HEADQUARTERS ARMY OF THE SOUTH,  
TAMPA BAY, June 5, 1837.

SIR: I have the honor to report that this campaign, so far as relates to Indian emigration, has entirely failed.

The Seminole chiefs were, I believe, sincere in their intentions of fulfilling the provisions of the treaty; but they have no influence over their people, except for purposes of mischief. The warriors, I understand, have degraded Micanopy, and placed Sam Jones, the Mickaukey chief, at the head of the nation. Micanopy, Juniper, and Cloud met me in council on the 1st instant; they were to have come in again on the 2d, but failed; and on the night of that day they were seized by a force of armed warriors and removed to the interior. I succeeded in securing a number of their negroes, and have sent them to New Orleans.

The season is too far advanced for the renewal of offensive operations. All, therefore, that can be done is to place the troops in such positions as shall at the same time cover the frontier, and give reasonable assurance of health. The garrisons of Forts Mellon and on the St. Johns, and Foster, on the Hillsboro', must be withdrawn, in consequence of the unhealthfulness of the sites; and Fort Dade, on the Withlacoochee, must also be withdrawn, from the difficulty of supplying it during the wet season.

The negroes whom I seized say the Indians will not renew the war, unless attacked. This may be true; but we cannot trust them. The best security for the frontier will be complete preparations to repel attack.

Emigration I consider impracticable. The Indians, generally, would prefer death to removal from the country, and nothing short of extermination will free us from them. Not a single first-rate warrior has surrendered since the commencement of the war; nor has a single instance occurred of a Seminole having proved false to his country.

The difficulties presented by the country are great, but those presented by the climate are greater. Many of the posts necessary to success during the season of operations must be abandoned early in the summer, to preserve the lives of their garrisons; and the consequence is that, at the commencement of every campaign, nearly all the interior depots have to be reestablished.

If operations are to be renewed in the fall, it is important that early preparations be made, and that the officer who is to conduct them have everything in readiness to take the field by the 1st of October. I will write to you again in detail on this subject. In the mean time, I desire you to present my most earnest requests to the Secretary of War and the General-in-Chief that I be immediately relieved from the command of this army. It is known to the members of the late Administration that I was placed in command not only without solicitation, but contrary to my known and expressed wishes.

I am, sir, most respectfully, your obedient servant,  
TH. S. JESUP,  
Major General commanding.

Brigadier General R. JONES, Adjutant General.

Thus we see that those Indians that were caught were let out of the trap, and again set at liberty to use the scalping-knife and tomahawk upon the frontier inhabitants.

HEADQUARTERS ARMY OF THE SOUTH,

FORT HELLMAN, GARY'S FERRY, July 25, 1837.

GENERAL: I have received your letter of the 11th instant. On the 5th of June, in closing my official report to you, I asked to be relieved from the command of this army. I made this request to disembarass the Government, sup-

posing that public opinion, when all had not been successfully accomplished that had been expected, might demand my recall; and I was unwilling that any considerations, personal to myself, should for a moment embarrass the service, or interrupt or influence the plans of the Government.

[Signed as above.]

VOLUSIA, December 5, 1836.

The pay of the regular troops, including the officers, should be doubled, to secure them the ordinary comforts during their service in Florida. Let me entreat you, as you regard the best interests of the service, to impress upon Congress the necessity of putting the army upon a better footing. I wish nothing myself, and, if justice can be done to my brave companions, I will cheerfully serve out the campaign without pay or emoluments. I shall commence operations immediately, with the utmost vigor which the means at my command will permit, and shall keep you constantly advised of my progress.

With high consideration and respect, I am, sir, your obedient servant,  
TH. S. JESUP.

To the Hon. B. F. BUTLER,  
Acting Secretary of War, Washington City.

TAMPA BAY, June 10, 1837.

The troops and all officers below the rank of major general should receive double pay while serving in Florida. And the general who is to command should be immediately required to make his arrangements to take the field by the 1st of October, and should be unrestricted as to means. If the war be carried on, it must necessarily be one of extermination. [Signed as above.]

TAMPA BAY, June 16, 1837.

Should the Indians remain in this Territory, the negroes among them will form a rallying point for runaway negroes from the adjacent States; and should they remove, the fastnesses of the country would be immediately occupied by negroes. I am very sure they could be confined to a small district near Florida Point; and would accept peace, and the small district referred to, as the condition for the surrender of all runaway negroes. I throw out these hints for the consideration of my official superiors, without pretending to offer an opinion as to the propriety of adopting them; and I am, sir, most respectfully, your obedient servant,  
TH. S. JESUP.

The Hon. J. R. POINSETT,  
Secretary of War, Washington City.

HEADQUARTERS ARMY OF THE SOUTH,  
VOLUSIA, November 21, 1837.

SIR: I have a sufficient force for every purpose, either in the field or coming on. Supplies are abundant for all immediate purposes; and all required for future operations can be obtained as they may be wanted.

The Indians are already driven from more than fifteen million acres of land, worth \$20,000,000; and in less than a month we shall drive them off from five to ten million acres more. The St. Johns is navigable for steamboats fifty miles above Fort Mellon; and the country, I understand, is more valuable the further we go south.

Colonel Mills has joined, from Fort King, with three hundred volunteers, and Colonel Twigg, with four hundred dragoons, has just returned from a reconnaissance of the country between the St. Johns and the Ocklawaha, north of the road from Volusia to Fort Armstrong. I shall proceed on the 23d or 24th, at the head of this force, south of the road, and sweep the wide country between the St. Johns and the Ocklawaha to Fort Mellon.

General Eustis is at Fort Mellon, and Lieutenant Colonel Bankhead has been sent forward to establish a post forty or fifty miles above.

Congress, I perceive, are alarmed at the expenses of the war; they have gotten the country into it, and they will find that they must make three or four such appropriations; at the least, before they get clear of it. They broke the army down in 1821, and are responsible for all the Indian difficulties which have since taken place. Had they left it as it was in 1818, it would have been competent, with the two regiments of dragoons since added, for every purpose of defense, as well as for the suppression of every hostile movement on the part of the Indians.

I hope that the huckstering views of certain prominent members will not be allowed to influence the policy of the country, or prevent the appropriations necessary to carry it out.

As to the removal of the Seminoles, I believe now it can be effected, so far as the main body are concerned, though I have no doubt the present generation will have passed away before the whole be driven from the country. But the Cherokees will give trouble, if prompt measures be not adopted in regard to them before the 1st of May. A war with them, however, cannot last a month, if proper dispositions be made in time. All the difficulties of our Indian wars have resulted from delaying preparations too long.

I will write at least every week.  
And I am, sir, with high consideration and respect, your obedient servant,  
TH. S. JESUP.

Hon. J. R. POINSETT,  
Secretary of War, Washington City.

I ask the attention of this committee and of this nation, to the recorded facts contained in the above extracts, to prove what I have said, that the regular Army has become useless and totally inefficient, and should be disbanded. I was disposed to make all reasonable allowances for the country, hammocks, &c. But the failure has been too great for all. We only want a Jackson there a short time to settle the whole matter. Our military establishment is a heavy expense. Since

25TH CONG...3D SESS.

Maine Boundary Question—Mr. Cushing.

HO. OF REPS.

1817, it has cost us the sum of \$143,517,094 76; of which \$66,331,192 96 has been expended upon the Army alone, and \$77,185,904 80 upon fortifications, &c. That portion of this vast expenditure which supplies arms for the soldiers, I approve, and would extend it until all the militia of this country had a good musket in their hands.

By the returns made from the States and Territories, we have one million and a quarter of militia. Drill them, and put arms in their hands, and the combined civilized world cannot conquer us. I am opposed to any distinction in the military force of the country. Your regular Army look down with disdain upon our militia, and often treat them with contempt. This is well calculated to create bad feelings, and destroy the efficiency of our militia. Disband your standing Army; make private citizens of them in times of peace, and expend half or one third of what you annually pay them, to improve and encourage the militia; and when men are wanted to fight, you will have a sufficient number of volunteers to expel any enemy that will ever present itself.

In 1821 our Army was reduced from ten to six thousand; in 1837 increased to eight thousand; and in 1838 to about twelve thousand, and a large increase of pay to some officers. I thought I saw in this most unjustifiable increase a tendency towards a military despotism, that would soon rule this Government. I believe that your Army officers have done more to increase the expenses of this Government than all other classes of our population. I have seen enough at the present session of Congress of the hanging on of military officers, from generals down, around and about this Hall, asking and begging members to support and carry through allowances for themselves that law and justice had rejected. I witnessed it with pain and mortification. It reminded me of the extracts above from the commanding general in Florida, who scarcely ever forgot to put in his letters to the War Office either some dictation to Congress what she should do, or beg the officers there to press Congress to allow double pay or bounty in land to all under a major general. This was beginning so near his own dear self, that it might be supposed he would not complain if he should be also included among those that should have "double pay," "bounty land," &c., and all, too, before they had "scarcely caught a single Indian."

I am admonished, Mr. Chairman, that time is too precious to dwell longer upon this subject. I have discharged a part of what I thought my duty. I will vote for this bill, hoping that some protection may be afforded the suffering people of Florida, who, I do think, have been by the officers of the Army wretchedly slighted. I would prefer putting the means afforded by Government into the hands of the people of Florida, and allow them to use it for their own protection, and disband your regular army that are there, from which we hear but little of late. The last account of them was that they had got down near Deadman's bay. I hope they have not fallen into it. I see the Indians are advancing west upon the settlements, and doing almost daily mischief. I am for calling out a volunteer force sufficient for destroying them, and of quieting the Territory, and securing to the inhabitants peace and security. We are morally and politically bound to do so, and I will go all lengths to effect the object.

## MAINE BOUNDARY QUESTION.

SPEECH OF HON. CALEB CUSHING,  
OF MASSACHUSETTS,IN THE HOUSE OF REPRESENTATIVES,  
March 3, 1839.

The House having resolved itself into the Committee of the Whole on the state of the Union (Mr. LINCOLN in the chair) on the bill reported by the Committee on Foreign Affairs—

Mr. CUSHING obtained the floor, and, after yielding it for some explanations made by Mr. SALTONSTALL, Mr. C. referred to his wish and endeavor the last evening to bring before the House the resolves on this subject just reported in the Legislature of Massachusetts, and pro-

ceeded to say that his chief object in rising at the present time was to discuss the precise merits of the question under consideration, and to defend the views of the Committee on Foreign Affairs, and then addressed the House, in substance, to the following effect:

Without dwelling (said Mr. C.) on my personal relations to this question, I desire to state here, what indeed is already notorious to everybody, that it is my fixed determination to stand by the State of Maine and the Government of the United States in the positions they have respectively assumed, at whatever hazards to myself. If the pretensions of Great Britain should unhappily force the United States into war, I shall not stop to dispute which of the two, my native land or its foreign enemy, is in the right; but I will be found in the tented field, where death is to be met, or honor won, at the cannon's mouth.

But I do not believe that the calamitous issue of a war between the United States and Great Britain is to follow, now at least, immediately, upon the events which have taken place in Maine. I hope and trust that Sir John Harvey will not dare to attempt the execution of the menace he has uttered, to invade the United States upon the false pretense of the right of Great Britain to the exclusive jurisdiction and possession of the Aroostook. I hope and trust he will pause over the crisis his rashness has brought on; that he will hearken to the counsels of prudence which go to him from the Minister of his Government here; and that he and his arrogant pretensions will be disavowed by that Government, in view of the storm of indignation they have aroused in the United States.

At the same time, I disagree with those who would make light of these events, and who think it neither a grave nor a perilous contingency when the Governor of New Brunswick threatens to march his foreign mercenaries into the State of Maine, and that State is in arms as one man, and clad in all the panoply of war, to repel the invader and defend her soil from desecration. Whether there shall be war or not depends not on us, but others; which renders it the right and the duty of the United States to take such an attitude as will show to the world that, while anxious to avoid war, if it may be with honor, we have no such dread of Great Britain, or any other Power, as to trundle to it for the sake of a peace to be purchased with ignominy. Peace, indeed, thus obtained, would be the worst of disasters to the whole country; since it would be a perpetual invitation to the aggression and insult of foreign States, and would leave to us nothing of independence but the name.

Sir, it is my most anxious desire to shun each of these alternatives, both war and all its calamitous consequences, and peace bought with the degradation of the nation. It has been most unjustly imputed to me that I am unfriendly to Great Britain, because I have, on this question, and on other questions existing between the United States and Great Britain, withstood the unjust claims of the latter, and exposed the tendency to encroach on us, and to aggrandise herself at our expense, which marks her policy in North America. These things, it is true, I have done; but I have done them, not from unfriendliness to Great Britain, but in the discharge of a solemn duty towards my own country. If I perceive the United States the subject of aggression in various quarters, must I conceal it? May I not speak out? Shall it be suffered to go on, year after year, unrebuked? May not an American Representative here, in the Halls of our own Congress, raise his warning voice to the people, that they may interpose betimes, and arrest the progress of injury? Are we to be perpetually engaged in the domestic conflicts of party, and never to look at the foreign relations of the country? Not so. This very question proves how wrong it is to allow such things to fall into neglect. And if I have labored to fix the attention of Congress and the country upon particular acts of Great Britain injurious to the United States, I have not, either in language or in fact, exceeded the zeal which is every day manifested among ourselves, when the interest of one of the States of the Union comes in conflict with that of another, or of the United States.

One thing more in this relation. After the full

explanations just made by my colleague, [Mr. SALTONSTALL,] I have not a word to say in regard to the general tenor of his remarks last evening. But there is an observation of his which I must controvert, in order that this debate may transmit to future times a just idea of all the facts involved in it. I cannot concur in the approbation of the character of Sir John Harvey, as gathered from the documents before us. He may be a meritorious and gallant officer, for aught I know to the contrary; and such is the testimony concerning him of distinguished officers of our own Army, who were opposed to him in the campaigns of Upper Canada during the last war with Great Britain. But the conduct of Sir John Harvey in the late events, as apparent in the documents before us, I feel bound in justice to the States of Maine and Massachusetts to say is, in my estimation, anything but honorable to him.

Sir John Harvey stands self-convicted, upon his own showing, in the first place, of gross and culpable neglect of duty in regard to the trespasses upon the disputed territory, which were the immediate cause of the troubles there; and it may well be questioned whether he did not designedly connive at them, either on account of the profit the people of New Brunswick were deriving therefrom, or in order to strip the land, and thus reduce the value of the thing in dispute. Great Britain arrogates to herself the wardenship of the disputed territory. She undertakes to prevent trespasses upon it. Has Sir John Harvey done this? On the contrary, it was the fact of the territory being overrun with depredators which wearied out the patience of Maine, and caused her Government to send a sheriff with his posse to put an end to the strip and waste of the land. Had Sir John Harvey taken any measures to prevent these trespasses? Far from it. In his communication to Governor Fairfield of the 13th of February, the very letter in which he pretends that the territory, the claim to which is in dispute, "shall remain in the exclusive possession and jurisdiction of England until that claim shall be determined," and in which he says that "my instructions do not permit me to suffer any interference with that possession and jurisdiction, until the question of right shall have been finally decided"—in this letter what does he say in regard to the trespasses, which, upon the assumed premises, it was his duty to prevent?

"I have given directions for a boom to be placed across the mouth of the Aroostook, where the seizing officer, protected by a sufficient guard, will be able to prevent the passage of any timber into the St. John in the spring."

Why did he not place a boom there before? Besides, the mouth of the Aroostook is in the Province of New Brunswick. The States of Maine and Massachusetts do not wish to have the timber wasted by depredators. They do not wish to have it sold, and the proceeds held by Great Britain. Sir John Harvey should have taken care that the trespasses were not committed, as he might have done if he had chosen, the supplies of the trespassers being obtained in New Brunswick, as well as the timber carried there for sale; and yet, in another communication to the Governor Fairfield, that of the 18th of February, he says:

"I beg leave to assure you that the extent to which those trespasses appear to have been carried, as brought to my knowledge by recent occurrences, will lead me to adopt, without any delay, the strongest and most effectual measures which may be in my power, for putting a stop to, and preventing the recurrence of such trespasses."

Here is not only a distinct admission of the magnitude of the trespasses, and of the necessity of arresting them, but of his total neglect of the subject, if he had not willfully shut his eyes to what could not possibly escape his notice if he had chosen to look. Does such conduct as this entitle Sir John Harvey to commendation?

But I have a more serious charge to bring against the Governor of New Brunswick. What is the spectacle now before us? We see the State of Maine in martial array. Her militia has been summoned to the field by thousands. She has flung out her banner to the wind. Her young men are marching to the frontier; her old are gathering munitions of war and taking counsel for the public defense; and the whole population of the State, with unanimity unexampled, has risen up *en masse* for the defense of their rights

and their honor. Meanwhile, alarm pervades the country. The Government of the United States has been invoked to the aid of Maine. Congress and the Executive are absorbed in the consideration of the question. Irritations have been aroused between the people of the United States and Great Britain. A flame has been kindled, which, it may be, blood only can quench. War—war between two nations allied in blood and interest; which, if it should break forth, would have many of the features of civil war, may be the lamentable consequence. Whose fault is this? To whom is the immediate blame imputable? To Sir John Harvey, and Sir John Harvey alone. If, as he pretends, the custody of the disputed territory belonged to him, he should have prevented the trespasses; and the omission to do that is the first fault. But he is, above all, to be blamed for the near approach of the country to war, because of the arrogant pretensions and gasconading threats in his communication of the 13th of February. It was the claim on his part to the exclusive possession and jurisdiction of the Aroostook, and his menace to invade the State of Maine in the assertion of that claim, which summoned her people to arms. I cannot follow those who censure the Governor and the Legislature of Maine for undertaking to drive off the trespassers, or for the language and acts of indignation which the subsequent menace of Sir John Harvey occasioned. These were the acts of the whole people of Maine. They are approved in the resolves of the State of Massachusetts produced here last evening. On the other hand, Sir John Harvey's pretensions have been promptly repudiated and denied by the Government of the United States. But, above all, he has been pointedly condemned and disavowed, in advance, by the British Minister, in the *Memoranda* signed by him and the Secretary of State, in which Sir John Harvey is expressly told to stop, and is implicitly told that he has exceeded his instructions, and will be disavowed by his Government. Under these circumstances, Sir John Harvey, it seems to me, deserves unmitigated censure for the part he has played in the recent transactions.

Now for the merits of the bill before the committee. It has been discussed as a war measure. Such is not my view of it. I regard it as a peace measure. If it contains provisions implying preparations for war, it also contains provisions which make a tender of peace. We hold to Great Britain the olive-branch of peace in one hand, though in the other gleams the thunder-bolt of war. But, in fact, all its provisions are pacific, because they are provisions of mere self-defense in case of attack. There is nothing aggressive in them. We have been threatened with invasion. We have been threatened with invasion, coupled with pretensions the most odious and unbearable which can be addressed to a free people. If Great Britain undertakes to execute these threats, if she actually invades the United States, then, but not otherwise, the President has authority by the bill to array the physical force of the country to resist and repel such invasion.

This is the principle of the bill, as set forth in the first section, which section, instead of enlarging the power already possessed by the President to repel invasion—to do which, he may, by the act of 1795, call into the field any number of men—in fact restricts that power, by specifying the particular assailants against which, and the precise circumstances under which, the said bill is to have effect.

Objections have been made to the second section, because it provides for the enlistment of regular troops in case of invasion before the next Congress can be convened. Whether this kind of force, or volunteers, should be authorized, is a question of economy and expediency, of which it is for the House to judge.

No objection seems to have been made to the section which places the whole naval force of the country in commission; which is, indeed, small enough for the present exigencies of the country.

Nor can the contingent appropriation proposed in the bill be refused, and mere resolutions expressive of the general opinion of the House be adopted as a substitute for the bill, in the manner proposed by the gentleman from Virginia,

[Mr. Wise,] without rendering the whole measure futile and of no avail.

But, independently of these questions, a general objection has been taken to the measure by the gentleman from Pennsylvania, [Mr. BIDDLE,] and more especially to the ground assumed by the bill, of resistance to any attempt, on the part of Great Britain, to enforce by arms her claim to the exclusive possession and jurisdiction of the disputed territory in Maine.

This, it is true, is an incidental issue—the claim of Great Britain, or of Sir John Harvey, to the exclusive possession of the disputed territory—and so far differs from the main issue—that of the ultimate right to the territory. The gentleman from Pennsylvania has done full justice to the latter question, and has declared in decisive terms his conviction of the immovable right of the United States, and of the futility of the claim of Great Britain, to the territory in dispute. Such, indeed, is the declared opinion of every other gentleman who has addressed the House on the subject; and if the question of peace or war stood on that main point, there could, I presume, be but one sentiment in Congress and the country as to the duty of the United States to defend, at all risks, the rights of Maine and Massachusetts. But is it safe or wise to take issue on this incidental point of the controverted right of possession *ad interim*, pending the negotiation as to the ultimate right of sovereignty? That is the question.

In the first place, it is to be remembered that, when there is a controversy of long standing between two nations, the immediate cause of war is very likely to be some subordinate fact, happening in the progress of the controversy. That is one of the evil consequences attending the protracted discussion of conflicting international claims. The parties become embittered on both sides; they are each prone to regard the acts of the other with jealousy and suspicion; their peace depends not so much on the original merits of the diplomatic question between them as on the accidents of daily collision.

And this consideration affords an answer to the suggestions made out of doors—not, I believe, in this debate—of the inconvenience of having the peace of the whole United States subject to be put to hazard by the excess of zeal of any one of the States whose interest is more immediately affected by some pending national controversy. I do not admit that, thus far, the State of Maine has done wrong; or exceeded its constitutional powers, in this matter. And to the practical inconvenience here suggested, my reply is, that it exists in all such cases; and where two nations have a grave question, of long duration, between them, they are always liable to be involved in war by the acts of individuals, or of inferior officers, military or civil, or, as here, of a single State, by reason of incidental difficulties growing up out of the main one, for which the whole country is and must be responsible, though its Government may not have been the immediate party. This inconvenience is not peculiar to the United States, or imputable altogether to the separate action of either of the States.

Secondly, supposing this incidental issue to be less favorable to us than the main one, that is our misfortune, not our fault. Who raised this issue? The United States or the State of Maine? By no means. The State of Maine did that which it had a lawful right to do; it sent a posse to the Aroostook to drive away the trespassers. Thereupon, Sir John Harvey, in the spirit of arrogance common to military Governors of remote colonies, sets up the claim of New Brunswick to the exclusive possession of the territory in dispute, and marches his troops to invade the United States. The State of Maine resists this claim of exclusive possession, the United States resist it. They must do this; they have no alternative left them but resistance to a false claim, or a tame acquiescence in it, which would be disgraceful to the United States, and would but prompt the continued aggression of Great Britain. And if Sir John Harvey proceeds to execute his threat, and to march his troops into Maine, that State would be recreant to herself if she did not muster to the defense of her soil, and the Federal Government would be false to its obvious and imperative constitutional duty, if it

did not prepare also to back the State of Maine in the defense of her soil, which is at the same time the soil of the United States.

We do not propose by this bill any act of aggression against Great Britain upon this incidental point. Still less do we undertake, by aggression in regard to this point, to bring on a resort to arms to enforce a settlement of the main point. The bill is a purely defensive measure; and we have no choice in this matter. We must, of necessity, withstand aggression in the thing, and upon the issue presented to us by the aggressor. And if Sir John Harvey presumes to invade the State of Maine in the assertion of this claim, and he is upheld in this by his Government, the fact that it is an incidental question, or that the right in it is less incontrovertibly with us than upon the main question, will, in no sort, weaken the strength of our cause in regard to that which, after all, would be the true ground of hostilities, namely: the unfounded and iniquitous claim on the part of Great Britain to the ultimate sovereignty of one third of the State of Maine, a claim which is denounced and repudiated by us on all hands.

But is this an issue unsafe or unwise to be joined by the United States? I cannot admit that it is.

To begin, the question of possession is one which, from its nature, is peculiarly intelligible to everybody, while that is not the fact as to the question of right. To understand the question of right fully, it needs to examine a vast body of documentary matter, in which the proofs are contained; it needs to read and study the treaties and diplomatic correspondence between the two Governments; it needs to throw off the mass of chicanery and of disingenuous pretensions and of perversion of fact and argument under which the ministers and agents of Great Britain have succeeded in burying the simple merits of the case; it needs to grasp a complex question, and to be master of it in all its parts and its general whole. Not so in regard to the question now presented—whether the United States will repel invasion undertaken by Great Britain while the right is in controversy. That is the familiar case of a trespass committed on my land by a grasping neighbor. Whether he can make out a good title in law, and oust me by the judgment of a competent tribunal, is a thing requiring, perhaps, much discussion, and by wise and learned men, before it can be properly determined. But if, pending the suit, he enters my close, and undertakes to drive me out and hold exclusive possession of it regardless of all the presumptions of right, that is an act of aggression which every one understands at a glance, and which would justify me in repelling force with force. And that is the issue, plain, intelligible, practical, which Sir John Harvey has presented to the State of Maine, and which the Executive has met in the documents before us, and which Congress is called upon to meet in the first section of the bill reported by the Committee on Foreign Affairs.

That Great Britain has no such right of possession, unless conferred upon her by express agreement of the United States, is admitted by every one, because the assumed ground of right is the odious pretension which I had occasion to comment upon a few days since, that, whenever Great Britain chooses to lay claim to any part of the United States, she is thereupon to be taken and intended as being constructively in possession of the parts so claimed, in virtue of her being mother country, and former sovereign of the country; and, as such, to enter upon the exclusive jurisdiction of it until the claim be settled. Such a claim of right, arrogant and unbearable as it is, no citizen of the United States will deign to listen to or entertain for a moment.

Has Great Britain ever, in fact, had the exclusive possession and jurisdiction of the territory in dispute? Never. Whatever rights she may have claimed, whatever acts she may have performed, in the valley of the Aroostook, certain it is that acts have been continually performed by the States of Massachusetts and Maine wholly incompatible with the supposition of the practical exercise of exclusive jurisdiction on the part of Great Britain. It may be that McLaughlin, the

British warden, has seized *timber* there; but neither he, nor anybody else from New Brunswick, has ever, before the late affair, undertaken to seize *men* who acted for and represented the State of Maine. All such arrests have taken place in the Madawaska country. It may be that McLaughlin has protested *on paper* against acts of sovereignty performed by the State of Maine, as in the case cited last evening by my colleague, [Mr. SALTONSTALL.] But what does this amount to? Does it make out a case of the practical exercise of exclusive jurisdiction? Far from it. It is only one side of the case. To show a claim to jurisdiction on paper, or even isolated acts of jurisdiction, goes a very little way towards proving in behalf of Great Britain the practical fact of exclusive jurisdiction and possession. To understand the whole case, we must look into the acts of Maine and Massachusetts.

Now, it is truly stated in the report of the Committee on Foreign Affairs, that, in pursuance of a resolve passed in 1806, Massachusetts, in 1807, granted a township on the Aroostook, near to the meridian line which divides Maine and New Brunswick; and in 1808, ten thousand acres west of the former, after surveys and plans. I refer to these old grants to show that the exercise of sovereignty on our part is no recent thing. This, and what has been done since by one State or the other, is stated generally by Governor Fairfield as follows:

"In reply, I have to say that the territory bordering on the Aroostook river has always been, as I regard the facts, in the possession and under the jurisdiction of Massachusetts and Maine; that, more than thirty years ago, Massachusetts surveyed and granted large tracts of it, which have ever since, in some way, been possessed by the grantees, and those claiming under them; that the rest of it was surveyed by, and some of it divided between, Massachusetts and Maine, soon after the latter became an independent State; that both States have long been in the habit of granting permits to cut timber there without being molested from any quarter; that many persons have purchased these lands of Maine, and entered into their actual occupation; and that, in various other ways, Maine has exercised a jurisdiction, which may fairly be regarded as exclusive, over this territory."

In confirmation of all which, I have before me the last report of the land agent of Massachusetts, giving an account of the construction of a road to the Aroostook at the joint expense of Maine and Massachusetts, and detailing many particulars of the acts performed by him in arresting trespassers on the disputed territory. I have also the report of the land agent of Maine, referring to the same facts, and stating the arrest of sundry trespassers by his order last year, and by regular civil process returnable at Bangor. And the same report contains the following conclusive fact:

"Near the mouth of the Little Madawaska, I met Captain McLaughlin going up the Aroostook, with six men. Captain McLaughlin informed me that he was sent up by the Governor to cut up the timber, and take off the teams of the trespassers, if he could in no other way break them up. I informed him what I had done; he said he was glad, and would most cheerfully cooperate with the land agents of Maine and Massachusetts in stopping the trespassers."

Here we have McLaughlin himself offering no claim to exclusive jurisdiction, making no complaint of the acts of jurisdiction performed by Massachusetts and Maine, but, on the contrary, commending their acts, and pledging himself to cheerfully cooperate with their land agents. I have also before me the report of a recent geological survey of this tract of country, made by the State of Maine; it being a limestone region, of great value for the cultivation of wheat, and on that account attractive to settlers. These documents show, moreover, that Maine was under no obligation to give notice to Sir John Harvey of her late movement for the arrest or expulsion of the trespassers, and committed no breach of courtesy or of right in omitting such notice. And whether or no the facts amount to proof that Maine has had the exclusive jurisdiction and possession on the Aroostook—which is not the question—they do at any rate absolutely exclude the conclusion claimed by Great Britain.

It is impossible, therefore, that the Legislature of Massachusetts, in passing the resolves of 1836, which complain of the surrender of the possession of the disputed territory by the United States Government, as cited by the gentleman from Pennsylvania [Mr. BIDDLE] and my colleague, [Mr.

SALTONSTALL,] could have meant to say that Great Britain did in fact exercise exclusive possession on the Aroostook. They could not have meant this, because they knew it was not so. They had the acts of each State before them to show the contrary. The particular inducement of the resolves was undoubtedly the acquiescence of the Government of the United States—a culpable acquiescence, I think—in the acts of forcible jurisdiction performed by the authorities of New Brunswick in the Madawaska country; and the particular object of the resolves was to put an end to the separate wardenship of that country, assumed by Great Britain without formal notice to the United States, and not resisted as it should have been when made known incidentally to our Government. It was, indeed, a subject, the diplomatic relations of which were at that time involved in doubt, in consequence of the procrastinations and other errors which our Government had suffered in the management of the negotiation; as I well know, from having had occasion at that period, to address a series of printed letters on the subject to the Governor of Massachusetts, as the means of replacing the facts in the public mind, and recalling them to general attention.

Whatever room for misconception the particular phraseology of those resolves may afford, there can be no doubt now as to the present views either of Massachusetts or Maine. The resolves just reported by a joint committee of the Legislature of Massachusetts are in the following clear and emphatic words:

#### COMMONWEALTH OF MASSACHUSETTS, 1839.

##### Resolves Concerning the Northeastern Boundary.

Resolved, That the present state of affairs in relation to the northeastern boundary, as communicated to the Executive of this Commonwealth by the Governor of the State of Maine, furnishes a strong reason for again asserting our rights, and for reconfirming the positions heretofore assumed by the Legislature of this State against the unwarrantable claims of Great Britain, and in favor of strong and vigorous measures by the Government of the United States for a speedy adjustment of the existing difficulties in such a manner as shall protect Massachusetts and Maine in the possession of the large tract of territory guaranteed to them by the treaty of peace of 1783.

Resolved, That the active measures authorized by a resolve of the Legislature of the State of Maine, passed January 24, 1839, for the prevention of depredations upon the lands of Massachusetts and Maine, were required by the exigencies of the case, and a wise regard for the preservation of their interests in those lands, and were similar in character to measures adopted by the land agents of Massachusetts and Maine in October last, and recognized and approved, through their agent, by the Government of the province of New Brunswick.

Resolved, That the claim by Great Britain to the exclusive jurisdiction of the whole of the disputed territory, as recently asserted by the Lieutenant Governor of New Brunswick, and his avowal of a determination to sustain that claim by a military force, and his denial of the right of the State of Maine to protect from the lawless depredations of trespassers the lands which have long been in the actual possession of Massachusetts and Maine, call loudly for the immediate interference of the Federal Government; and that the crisis has now arrived when the honor of the nation demands the adoption of decisive measures for the protection of her citizens, and for the preservation of the rights and interests of two of the members of our Confederacy.

Resolved, That this Commonwealth will cooperate with the State of Maine in all constitutional measures for the preservation of the interests of both States in the lands in the disputed territory, and for the speedy adjustment of the existing controversy.

Resolved, That his Excellency the Governor be requested to transmit a copy of these resolutions to the Executives of the United States and of the State of Maine, and to each of our Senators and Representatives in Congress.

These resolves, and especially the second and third, cover the whole ground of the questions raised in this House.

Neither the general right of jurisdiction, nor the practical fact of possession being in Great Britain, it only remains to consider whether she has a temporary right of possession by agreement of the United States. This our Government positively denies. It challenges investigation of all the correspondence between the two Governments as the conclusive means of settling the question.

Instead of putting his hand on the pretended agreement—which he could readily do if it existed—Mr. Fox contents himself with protesting against the denial of it which Mr. Forsyth had made, and refers the point to his Government. Nay, further, he proceeds to negotiate a sort of informal convention with Mr. Forsyth for stopping the threatened movement of Sir John Harvey. Certain it is that no such agreement exists.

Whether the proposals made on the one side and accepted on the other, or the acts or omissions of our Government, were such as to justify misconstruction on the part of Great Britain; and what is the true construction of those proposals, acts, and omissions, is a question which I will not presume to enter upon, after it has been so fully discussed by the gentleman from Maine, [Mr. EVANS,] observing, only, that Great Britain might as well misunderstand or fall into delusions concerning any clause of treaty between us, as this agreement: that we are not to suffer for the errors she may commit in this way; and that the attempt on the part of Great Britain, to enlarge the actual agreement beyond the obvious import of the words, or to set up, instead of it, another agreement which was never made, only tends, it seems to me, to aggravate the injury of her whole conduct in this matter, and to give to the United States additional cause of complaint.

For there is not, never was, and cannot be, any reasonable doubt as to the respective rights of the parties, nor more especially as to this particular part. What right has the Province of New Brunswick to interfere in this matter at all? I have before me a copy I procured some time since of a map, entitled "Map of the British Possessions in North America, compiled from Documents in the Colonial Department," and on the bottom of it purporting that it was "ordered by the House of Commons to be printed, 29th June, 1827." It is contained in a volume of the Parliamentary papers for that year. On it is the meridian line which divides Maine from New Brunswick, running due north, from the source of the St. Croix, thence to the St. John, crossing the St. John, and proceeding north to the head of the Ristigouche. This line leaves the whole of the disputed territory west of New Brunswick, and out of the limits of that Province. It even carries the northwest angle of Nova Scotia to the north of the St. John, as we say it should go, and nearly to the point to which we claim. Such is the representation which the Colonial Department itself gives of the boundaries of New Brunswick; which is confirmed by the curious fact that the commission granted to the Earl of Durham as Governor General of New Brunswick, in 1838, which I find in the public papers, describes that province in correspondence with the map referred to, and, indeed, just as we have always contended it should be described. Now, I demand what right the authorities of New Brunswick have to cross the meridian line, which every book, map, and commission, which I have ever seen, like these now before me, lays down as the western limit of that province? There is but one answer to be given to this question. Great Britain has been dishonest in the matter. She prefers a claim to a part of the State of Maine, to which she knows in her own conscience she has not a shadow of rightful pretension. This claim is contradicted by so many of her own acts, that the advocacy of it involves her in a labyrinth of deceit and falsehood. She cannot print a map touching the disputed territory, she cannot issue a commission, even at this day, which shall not give the lie direct to this groundless and unjust claim—a claim as dishonorable to her as it is insulting to the United States.

There is but one other topic involved in this measure upon which I desire to be heard at this time. The Committee on Foreign Affairs have proposed an appropriation for a special embassy to England. They have done this to manifest the indisposition of the United States to go to war, if it may be honorably availed, and the willingness of Congress, provided Sir John Harvey shall abstain from any aggressive acts in the mean time, to try once more the effects of negotiation, before drawing the sword in defense of the rights of Maine. But I desire to say that, in assenting to this feature of the bill, I did not, and do not mean to be understood as holding out any encouragement to Great Britain that this controversy is to be kept open by renewal of the evasive and fruitless negotiations of the last ten years. No more delays—no more procrastinations—no more of the diplomatic chicanery by which Great Britain has so long sought to obtain from the United States by maneuver what is not hers by any just right, and what she cannot extort by

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force. When the question was first started by her, it was in the shape of an offer to buy of us this territory. Thus it stood at Ghent. She did not pretend, at that time, that it belonged to her under the treaty of Paris. Next we heard of it as a thing of doubt and question merely, to be made the subject of negotiation and investigation. Then it was magnified into a positive claim of ultimate sovereignty, and a claim of immediate possession by revival of mother-country jurisdiction. Next it becomes an assertion of actual possession. Finally, through one stage of encroachment after another, that which in the outset was merely an expression of the wish of Great Britain to purchase this territory, because it was convenient and desirable to her, has swollen into an attempt to enforce by arms a pretended right of sovereignty and ownership, coupled with exclusive possession and jurisdiction in anticipation of the settlement of the question of title.

It is time to put a stop at once and forever to this career of encroachments. I would have the President, if, in the exercise of his executive discretion, he sees fit to send a special minister to Great Britain, to send a minister who will speak to that country in the language of decision and firmness becoming the present attitude of the United States. I would have that minister say to Lord Palmerston, in such phrases of diplomatic courtesy as he may choose to employ, but so there shall be no mistake as to the meaning: "Sir, this thing has gone on long enough. Great Britain does not possess one jot of title or right to the territory in Maine she claims. Such is the opinion of the President; such is the unanimous opinion of both Houses of Congress; such is the opinion of the whole people of the United States. This claim, set up on the part of Great Britain in the spirit of encroachment which distinguishes her acts on this continent, and pursued by contrivances and pretexts which are so signally dishonest that they would consign a private individual to disgrace, *must be relinquished*. The affair has reached a crisis irreconcilable with the continuance of your pretensions, and the continuance of amicable relations. The United States are devoted to peace, and deprecate the calamities of war, and especially a war between them and a people allied to them by blood, and by all the ties of a close and beneficial intercourse; but they cannot and will not submit to have Great Britain presume that she may seize, at will, upon the territory of the Union. Be not self-deceived. This is the true state of the question between us, and on you who raised and have persisted in it—on you, in the face of God and of man, does the responsibility for the issues of it rest."

Sir, I shall detain the House no longer; and, in conclusion, I have only to add that, as a member of the Committee on Foreign Affairs, I cordially approve of the able report of the chairman in all its parts, and shall continue to give all the support in my power to the provisions of public defense here presented to Congress, and the measures which it may devolve on the Executive to adopt in vindication of the rights of the United States.

#### MAINE BOUNDARY QUESTION.

#### SPEECH OF HON. L. SALTONSTALL, OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

March 2, 1839,

On the subject of the Northeastern Boundary.

Mr. SALTONSTALL said he rose under unfavorable circumstances, on account of the time at which the important subject was brought forward, and the symptoms of impatience which had been shown. He should not have attempted to address the committee, but that no one from Massachusetts had taken part in the debate. I shall (said Mr. S.) present my own views, from the best consideration I have been able to give the subject, on my own responsibility. There has been no consultation among the Representatives of that State.

It is not necessary for me to remark the deep stake Massachusetts has in this subject, not only

as a member of this Union, but her separate interest as joint owner of the whole disputed territory—a territory which embraces ten thousand square miles, and six million acres of land. I shall differ from my friend who has just set down, [Mr. MENEFEE.] There is no honorable member who would not go with that gentleman to the utmost extent, if it was a clear case that national honor required resort to national arms. Who would dare to raise his voice, in such a case, against immediate recourse to arms? Who would not risk his person, his all, in such a cause? But is this such a case? Has the crisis arrived? That is the question. *Whether Congress ought now to take a course which is all, or may be considered to be all, but an actual declaration of war?*

The importance of this question can hardly be overstated. When has one so important arisen? It comes forward at the last moment of the session. It requires days and nights of anxious thought; yet we are called upon to act at once. The main question between the two nations all here understand, it was placed in such a clear light by the report in the Senate last year. The controversy is of long standing. For a long time it excited but little attention. When the treaty of peace was made, that whole territory was a wilderness; the population of the District of Maine was only a few thousands; there were only a few scattered settlements along the shore east of the Kennebec. But it has gradually become a question of magnitude and importance to both parties: to Great Britain, as securing a connection between her Provinces; and to us, as embracing a large extent of territory eligible for settlement. Our claim, under the treaty of 1783, has shared the fate of other deferred claims; it had become obscured, but it is now understood. It is easily understood. I believe it to be perfectly well founded. It is not more complicated than many land causes, and, in my judgment, from what examination I have been able to make, no jury of intelligent, disinterested men could hesitate upon it. I mean our claim under the treaty of 1783. I go heartily, therefore, for that part of the bill which provides for sending a special Minister to England. Its success, however, will depend much upon the character of the Minister. This question should not be affected by any considerations of party; it should be elevated far above them. Such a man as might and ought to be selected might present our rights in a manner which would be irresistible. I believe the Government of Great Britain could not meet and answer the argument such a Minister might prepare in the quickest passage ever made across the Atlantic. Still, it is to be considered and treated as a serious question between two nations.

The great, the main question is, what is the true boundary line under the treaty of peace? The question was originally one of construction merely, depending on the terms of the treaty. It has been delayed, until a question, exceedingly simple at first, has become a long-standing national controversy.

At the last session of Congress, application was made for an immediate survey of the boundary line. A distinguished citizen of Maine was here for the purpose of pressing the importance of an immediate settlement of this question, which was becoming one of exciting interest in that State. A bill was introduced to provide for surveying the Northeastern boundary line of the United States, according to the provisions of the treaty of peace of 1783. That bill was committed in the Senate, and the able report was made to which I have referred, with resolutions expressing an opinion, without a doubt, in favor of the justice and validity of the title of the United States to the full extent of all the territory in dispute; that it was practicable to run the line according to the treaty, and "an earnest desire that the pending negotiation should be brought to a close, and the final decision of the dispute made as soon as practicable." The report stated that the important preliminaries of a convention between the two Governments, for the purpose of exploring and surveying the disputed lines of the treaty, had been adjusted, and expressed a confident hope that the pending negotiation might be productive of the most happy results, and that the bill, therefore, "ought not to pass."

The Government of Maine was determined to show that she was in earnest. The attention of Congress was brought to the subject; it was fully examined, and made the subject of a legislative report for the first time.

This controversy was therefore left, as it was before, the subject of negotiation; and it appears, from the executive report on the subject of our territorial relations with Great Britain, that, as a national question, (and it is one,) it remains unchanged. Nothing has been done by the General Government, but Maine has appointed commissioners to explore the territory. The Legislature had passed a resolve providing that if the bill then pending before Congress should fail, and no decisive movement was made by the General Government, either alone or in conjunction with Great Britain, the time would then have arrived for Maine to assume an independent attitude, and to commence the work of ascertaining, running, and locating the northeastern boundary line; and, in that event, it was made the imperative duty of the Governor to appoint forthwith the commissioners for that purpose, and "cause the same to be carried into operation." Three commissioners were accordingly appointed, with instructions to explore a particular part of the disputed territory. A communication was made by the Governor of Maine to the Lieutenant Governor of New Brunswick, containing the substance of the instructions. The answer of Sir John Harvey, (Governor Kent states in a message in January last,) although couched in courteous language, according with the well-known high and honorable character of that officer, will yet doubtless command your attention and deliberate consideration, as expressing, in frank and decided language, the character and extent of his instructions relative to *maintaining the jurisdiction of the disputed territory*.

The commissioners went on and explored the country, and made their report. This was the first act on the part of Maine after the proceedings in Congress.

What was next done? An armed body of men was sent into a part of the disputed territory to seize trespassers, and this has been followed by the proceedings between the Governments of Maine and New Brunswick which have produced the present crisis.

The Governor of New Brunswick sets up the claim to exclusive possession and jurisdiction of the disputed territory, according to his instructions, and, as he states, under an agreement between the United States and Great Britain. On the part of our Government it is denied that there ever was such an agreement. The President has so stated in his message. I believe there has never been such an agreement explicitly made. But is it clear that it may not be supposed by the Government of Great Britain that there was such an understanding? I will not say that Great Britain had a right to suppose so; but have not the course this subject has taken and the conduct of our Government been such as might lead to such a supposition?

This claim is not now set up for the first time. It is a claim of some years' standing. It has been made known to our Government, officially, from time to time; and how has it been treated? Has it at all times been denied—been instantly repelled?

Let me call the attention of the committee to some documentary evidence upon this subject. I first refer to Massachusetts documents of 1833, parts of which were referred to by one of my colleagues, [Mr. LINCOLN,] whose official duty as Chief Magistrate of Massachusetts caused him to examine this whole subject for many years.

In October, 1833, the Secretary of State, Mr. McLane, transmitted to him, by direction of the President, a copy of a note from the British Minister, accompanied by a letter from the Lieutenant Governor of New Brunswick to him, and, also, of a letter from Lieutenant J. A. Maglauchlen to the Lieutenant Governor of New Brunswick, "complaining of the conduct of certain land agents of the States of Maine and Massachusetts in the territory in dispute between the United States and Great Britain," and he adds:

"I am instructed to state that it would be a source of re-

gret to the President should this complaint prove to be well founded; and in causing it to be communicated to your Excellency, it is his earnest wish that the necessary steps may be promptly taken by the proper authorities of Massachusetts to enforce a due obedience to the terms of the existing arrangement between the Government of the United States and that of Great Britain in regard to the disputed territory."

The subject of complaint was, that our land agents had permitted persons to cut timber, and that they had entered into contracts for opening two roads, which would intersect the Restook river. I do not contend that there is anything, so far, to show what was the existing arrangement, or that it was understood by our Executive to be as extensive as that now set up. But let us proceed.

The next communication, a copy of which was inclosed, is one from Mr. Maglauchlen to Sir A. Campbell, Lieutenant Governor of New Brunswick, stating the grievances of which he complained:

Restook, September 28, 1833.

SIR: I feel it my duty, as the officer in charge of the territory in dispute between the Government of his Majesty and that of the United States of America, to bring under the early consideration of your Excellency a subject which I am fearful may shortly lead to a misunderstanding between the two countries.

Since I had the honor of the appointment of warden of the territory, I have endeavored as much as possible to prevent trespasses from being made by the cutting of pine timber, &c., and which, I am happy to say, has been generally effected, as it is well known that there are now large quantities still standing adjacent to the line from Mars Hill to the Great Falls, which would otherwise have been removed. And the only timber of any consequence that has been manufactured, was on the Restook river, by persons settled there, without any intention of making a business of it, but each getting small quantities (and in many instances of land they held in possession) for the maintenance of their families, which were actually in want, owing to the crops of the last year being destroyed by early frosts.

The subject to which I must now beg the honor to call the attention of your Excellency is that of an infringement of the understanding between the Governments of Great Britain and the United States, during the settlement of the question of boundary by the land agents of the States of Massachusetts and Maine, who are not only holding out inducements to the subjects of both countries to cut pine timber on the territory in my charge, by paying them a duty of two shillings and sixpence a ton, but have entered into contracts for opening two roads to intersect, one fifty miles from its confluence with the St. Johns, and the other thirty miles, both of which are either to be completed this fall or early in the next season.

It is unnecessary, and probably might be considered improper on my part, to animadvert on the conduct of those agents, but your Excellency must be well aware of the trouble it occasions in the performance of my duty; and certainly there does appear something exceedingly inconsistent, that the land agents of these States should attempt to counteract the wishes, nay, I may almost say, the instructions of both Governments to an officer who has been appointed to prevent collision between them.

I have the honor to be, &c., &c.,

T. A. MAGLAUCHLEN,  
Warden of the Disputed Territory.

His Excellency Major General Sir A. CAMPBELL.

This letter was communicated by Sir Archibald Campbell to the British Minister, and by him to our Government. Is there nothing here to show that the Governor of New Brunswick considered the UNDERSTANDING as extending over the WHOLE territory? Here we have the title "Warden of the Disputed Territory," and his claim of jurisdiction over the whole, with the assertion that the land agents of Massachusetts and Maine had counteracted the wishes, nay, he might almost say, the instructions of both Governments to an officer who was appointed to prevent collision between them. But this is not all. This subject received the prompt attention of the Governor of Massachusetts, who acknowledged the receipt November 1, 1833, accompanied by a distinct protest against this claim of exclusive jurisdiction:

"I cannot but earnestly protest against the authority of any appointment on the behalf of his Majesty's Government, which may be regarded as a claim to the exclusive protection of this property, or be deemed an acquiescence on the part of the United States in interference, under color of a 'Wardenship of the Disputed Territory,' with that direction to its improvement which the governments of Massachusetts and Maine respectively may see fit to give their agents."

Can it be pretended that this claim was not then brought directly to the notice of our Government, and that it was asserted to be by an arrangement between the two nations? The Governor of Massachusetts had no difficulty in understand-

ing the extent of the claim, and his protest distinctly informed the Secretary of State that he did so understand it.

The land agent of Massachusetts was immediately called on for information by the Governor, who says:

"I have already written to Mr. McLane, protesting against the right of his Majesty's provincial officers to interfere with any directions which the government of the States of Maine and Massachusetts may think proper to give to their agents in the management of their property in the territory over which the British Government has recently extended her extraordinary and unfounded claim; but at the same time expressing a willingness to respect the wishes of the General Government in abstaining from any facts of exclusive occupancy during the pendency of measures to bring the subject of controversy to an amicable issue."

In that officer's reply to the Governor, November 8, 1833, he states:

"As to the charge of holding out inducements to the subjects of both countries to cut pine timber on the territory in dispute, so far as concerns my agency, it is entirely groundless. I have received repeated applications for permits to cut timber, and I have invariably answered that I would not grant any until the dispute should be settled, and if any timber was cut I should order it seized. Winter before the last, I caused some timber to be seized upon the Aroostook river, and a short time after, the same timber was seized by the British—I think by the same person that prefers this complaint, or pursuant to his orders. The timber was afterwards sold, and the amount, whatever it may have been, went into the hands of the officers of the colony of New Brunswick. It is apparent, therefore, that our interest is to prevent timber being cut, rather than to induce the cutting."

This letter was transmitted to the Secretary of State November 15.

Another complaint was made by the "warden" to the Lieutenant Governor November 22, 1833, who transmitted it, through the British Minister, to our Government. The subject was the opening of a road to the Aroostook river. Sir A. Campbell writes:

"Your Excellency is aware that the territory thus virtually awarded, though often claimed as American, has never ceased to be under the recognized jurisdiction of Great Britain, and the provincial Government would be scarcely justified in continuing to look tamely on at this systematic and unprovoked violation of our rights."

This was communicated by Mr. Vaughan to our Government.

All this took place in 1833. Was not this claim of exclusive jurisdiction brought to the notice of our Government? And did they instantly repel it? Is there any evidence of this until long afterwards?

Are gentlemen ready to rush into war at once on account of this claim, as a false and groundless pretense? In the present state of this question, with the obscurity there is about it, instead of doing or encouraging any act which may tend to bring on war between these two great nations, with all its tremendous evils, should we not anxiously desire to give time for explanation?

The resolutions of the Legislature of Massachusetts of March, 1836, forwarded to the National Executive (Doc. 199, Twenty-Fourth Congress, first session) leave no doubt as to the understanding of that Legislature on this point. They are as follows:

Whereas a large tract of the northeastern territory of the United States, belonging in common to the States of Maine and Massachusetts, and lying within the limits of the former State, has, for many years past, in consequence of a claim of Great Britain, been surrendered to the exclusive custody of the British Government; and whereas it appears, from the report of a committee appointed by the last Legislature of this Commonwealth, to make personal examination into the state of our public lands, that great inconveniences and gross abuses have resulted from so valuable a portion of our domain being left in the keeping of agents over whom we have no control: Therefore,

Resolved by the Senate and House of Representatives in General Court assembled, That, in the opinion of this Legislature, it is due to the rights and interests of Maine and Massachusetts that measures should be taken by the Executive of the United States to secure a speedy settlement of this long-protracted controversy, so that these States may be reinstated in the enjoyment of that property which was so long in their undisputed possession, and which is so indisputably theirs.

Resolved, That, in case there be a prospect of further unavoidable delay in the settlement of this controversy, it is essential to the ends of justice that measures should be taken by the Executive of the United States to obtain a representation of the interests and rights of Maine and Massachusetts in the agency and guardianship of the territory in question."

Comment on these resolves is unnecessary. They have been ably considered by the gentleman from Pennsylvania, [Mr. BIDDLE.] This claim, and the surrender of the disputed territory to the exclusive custody of the British Government, is the very grievance complained of. That is the ground of the resolutions. It is stated to be the very object for which the speedy settlement of the "protracted controversy is demanded," "so that these States may be reinstated in the enjoyment of that property which was so long in their undisputed possession." And it was resolved that it was essential "to obtain a representation, &c., in the agency and guardianship of the territory in question. To what does that refer? Clearly to the whole "disputed territory."

Mr. S. then referred to the message of Governor Kent, in January last, and to a letter of his to the President of the United States, in April, 1838, in which he says:

"Maine feels that the time for decisive action has come; that she cannot be satisfied to have the claim to absolute and exclusive jurisdiction of a large part of her territory longer tolerated and acquiesced in."

He also referred to the protest of the "warden," after notice was given that the commissioners were going on to explore, &c., against "any act implying sovereignty or jurisdiction on the part of any Government or State, or of the citizens or subjects of any Government or State, exercised within the territory in dispute, and known by the name of the disputed territory, until the right to that territory shall have been decided by negotiation between the two Governments."

Do not these documents show that five or six years ago, at least, the Government of New Brunswick claimed the absolute and exclusive jurisdiction of the whole territory, and that a "warden" was appointed under the authority of the British Government, with supervisory power over the whole—not the Madawaska settlement merely, but the whole—and that this was made known to our Government?

Let me not be misunderstood. My object is not to bring reproach on a past Administration, or any of its officers. No; let this debate be free from all party taint; but a subject of this vast importance ought to be fully examined and considered.

At the time of the late movement there had been no recent change of circumstances. Nothing had been done by the United States or by Great Britain since the close of the last session of Congress. The late movement on the part of Maine has produced the present crisis. It is deeply to be regretted; and I must fearlessly say that, in my judgment, it was indiscreet—unfortunate, to say the least of it. Might not the consequences have been foreseen? Would not a different course have effected the object, without risking such consequences?

Sir John Harvey has the reputation of being an honorable, as well as a gallant officer: might there not safely have been a communication with him, or with our Government, as to the trespasses? Both parties are to be considered as jointly interested in the territory in dispute. The course taken proceeded, I have no doubt, from a deep sense of injury. Their interests had been neglected; they have made complaints, and have given intimations of the course they should feel compelled to pursue. It is still possible, I trust, that the course taken will not lead to the consequences some apprehend; it may lead to a settlement of the boundary question. Should that be the case, it will be fortunate.

The first step was a secret session of the Legislature, and the passage of the resolve which led to the expedition. Any one knowing the state of feeling on this subject, on both sides of the line, might well apprehend what would follow. The people of Maine have great spirit and courage; they will do what they say—I know them well; therefore, I look at the present state of things with the greatest concern. There was a secret session—then a posse. Who ever heard of such a posse before? It had the appearance of a military expedition. They still remain at the Aroostook, where they are intrenching themselves—for what? To disperse trespassers?

This course may embarrass the boundary ques-

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tion, by bringing forward, prominently, a new and collateral one, as stated by the gentleman from Pennsylvania.

A great and new question is now presented, whether an indiscreet step of a State shall involve this nation in a great and tremendous war? War between these two nations will be no child's play; all say, that once begun, it will be long—that it may be of ten years' duration; ten years of strife, of suffering, and of bloodshed.

What, then, should this Government do? We should do nothing which may have a tendency to excite unnecessary irritation, nothing which may unnecessarily tend to produce war. I have no fears of being reproached with want of spirit and courage. Great Britain knows well with whom she is to contend; that we are of her own blood, her own race, who have not degenerated, but who have taken a new start in the fresh soil of this new world. Her own experience, also, has taught her that it is not from fear that we are inclined to a pacific course. No; it is from other, from higher considerations; from our abhorrence of war between these two kindred nations, as a great and terrible calamity. And at this time, when we have been hoping that the facilities of intercourse between nations, and the improvements of our day, had produced more enlightened views and better feelings on the subject of war, we had flattered ourselves that there had been great change, a great advance in true civilization, and that the history of the next two hundred years would not be written in blood, like that of the preceding. Who would resort to war, except literally as the last resort—war between two great nations, bound together by the strongest mutual interest, as well as by the indissoluble ties of common ancestry, language, literature, and religion?

Some things in this debate have surprised me. No one, I trust, desires war: why, then, connect this with other subjects? Why connect it with the dispute at the mouth of the Columbia river, or any other difficulties? And what reason is there to suppose that Great Britain has sent armies into Canada or the West Indies, or fleets to the Gulf of Mexico, for the purpose of military warfare against the United States? May it not have been thought wise to guard against the possible effects of abolition in the West Indies? And are not their sixteen thousand or twenty-five thousand troops in Canada necessary to keep those colonies from disturbance? And has England discovered no confidence in this Government? Her whole Canadian frontier has been in a state of alarm on account of incursions from our territory; and yet it has not disturbed the friendly relations of the two nations.

Think of the connection between these two nations, our constant intercourse, our mutual commerce, more than between any other nations on the globe, our competition in the arts, commerce, and manufactures. Is it surprising that there should arise occasional causes of difficulty and irritation? Will they not happen among the most honorable men in the transactions of business?

But, Mr. Chairman, the question now is, what shall be done in the present emergency? Shall we leave Maine alone in this contest? No; she must be protected. Is it expedient to pass this bill? I believe the provisions of the act of 1795 are sufficient for the occasion. That authorizes the President to call out such part of the militia as he may deem necessary to resist invasion, or in case of imminent danger of invasion. I know this imposes the whole responsibility upon the President. I am willing, therefore, to go further—to go for the first section of the bill, or for a resolution to the same effect. I hold that Maine is to be protected. Why? Because there has not been such an explicit arrangement or understanding as is asserted. There is some misunderstanding of the matter; and I believe it will be found either that Sir John Harvey has mistaken his instructions, or that they were founded in misapprehension, and that the British Government will be satisfied that there was no such agreement, express or to be implied from the diplomatic intercourse between the two Governments.

## MAINE BOUNDARY QUESTION.

REMARKS OF HON. GEO. EVANS,  
OF MAINE,  
IN THE HOUSE OF REPRESENTATIVES,  
March 1, 1839,

On the bill giving the President additional power for the defense of the United States, &c.

Mr. EVANS said he rose to make a brief reply to the honorable member from Pennsylvania, [Mr. BIDDLE,] who had taken very decided ground against the bill and against the whole policy on which it is founded. Perhaps (said Mr. E.) I shall not be able to follow very closely the order of his argument, and very likely many things which he has uttered may escape my recollection altogether; as, not intending to participate further in the discussion upon the subject of our border troubles on the northeastern frontier, I took no note of the honorable gentleman's course of remark. I had hoped that, after the exposition which I offered a day or two since of the state of affairs on that frontier, the rights and the honor of Maine might be safely committed to the hands of those who might be supposed to be somewhat calmer in their feelings than the Representatives from that State could be when they were in hourly expectation of intelligence that its territory had been invaded by a foreign enemy and the blood of its citizens poured out upon its soil. The direct allusions, however, which have so frequently been made to me by the gentleman from Pennsylvania, and to the measures recently adopted by the State I represent, leave me no alternative but again to trust myself to the indulgence of the House in defense of the measures proposed by this bill. I hope not to weary its patience long.

The first objection stated by the honorable member to the general scope of the bill is, that it is a hostile measure—a measure of war; and, indeed, he regards it almost equivalent to a declaration of war. Accordingly, he presents in fervid colors to our excited imaginations the pictures of catastrophes and calamities necessarily incident to such a state. The confagrated villages—fields furrowed by the heavy cars of artillery, and wet with blood; and the desolations which war every where spreads around, are arrayed before us in all the force and eloquence for which the honorable member is so distinguished. Now, sir, it is precisely because I wish, most earnestly, to avoid these calamities and desolations—because I desire, of all things which my heart can compass, to preserve the peace and happiness of the country, that I desire this bill to pass. It is a measure of peace. It will preserve peace. It will prevent, if it come not too late, collisions that must inevitably lead to war. Let me assure the honorable gentleman and the House, that, if the sentiments he expresses be carried out, there will be actual war long before we are prepared for it, and which I see no honorable mode of averting. What are those sentiments? What does he propose? What will he do? Nothing! Nothing, whatever. And this he calls peace! Is he aware of the present condition of affairs in Maine and on the frontier? If so, what course does he recommend to be pursued? He offers no amendment. He points out no method of averting the perils in which we are involved. He suggests no step to be taken; and this is peace! It may be peace, but what sort of peace? Sir does the honorable gentleman seriously consider the condition of things—the State of Maine in arms—with its panoply on—the panoply of right and justice, and solemnly pledged to themselves, to their country, and to the world, not to lay down their arms in the face of any human enemy, until the occasion which summoned them to the field is removed? Such is the position which Maine has assumed. It is a position she will maintain at all hazards. She will redeem all her pledges. The occasion which has compelled her to assume this position is an expected and threatened invasion of her territory on the part of a high-minded and gallant officer of the British Government, acting, as he avows, in obedience to explicit instructions from that Government, for the purpose of arresting and suppress-

ing the exercise of civil authority by the State in the territory which Congress unanimously has affirmed to belong to her.

Maine is prepared to meet that invasion, come when it may, as becomes her character, and in fulfillment of her pledges; and Sir John Harvey is doubtless prepared and preparing to attempt it as becomes a soldier, and a distinguished one, of a brave nation; and in such a state of things the honorable member from Pennsylvania advises us to do nothing, from the apprehension that it may lead to war. He would say to Great Britain, "We offer no protection to Maine; she has taken her ground, let her defend it." Will such language as that lead to peace? Sir, if the General Government had come long ago, when it ought to have come, to the protection of the violated rights of Maine; if it had acted with promptness and energy, and a becoming sense of what was due to itself and to that State, does anybody suppose that these lofty and constantly augmenting pretensions on the part of the British Government would have been made and persevered in? I am as desirous of peace as any man can possibly be. My State is so. She has every reason to desire it. With more than three hundred miles of maritime frontier, indented with capacious harbors and rivers, and studded with thriving villages, which must be laid in ashes by the torch of war; with three or four hundred miles of inland frontier, accessible in almost every point from the neighboring provinces; with scarcely a man or a gun to defend themselves, which you have furnished, what has Maine to gain by war? Nothing, sir, nothing. She knows it, and she desires peace; and she knows that the way to preserve peace is to assert your rights, and to cause them to be respected, as they always will be respected, by a proud and gallant nation, if asserted in a spirit becoming a nation no less proud and gallant. If language suitable to the occasion had been held at the commencement of these aggressions, and had been persevered in, who can doubt that the whole matter would long ago have been amicably settled? And, now that we have been driven back—back—back, until we can yield no longer, are we to be told that the way to preserve the peace of the country is to do nothing? Such, sir, is not the voice of this nation, if it have any remains of the spirit which once animated the bosoms of our fathers. No error can be more fatal.

The honorable gentleman, sir, referred to some of the incidents in the late conflict with Great Britain, to demonstrate the hazards of a state of hostility with that nation. He spoke of a portion of the State of Maine having been in the possession of the enemy, and more than intimated that it had not been defended with the bravery becoming a people now so ready to appeal again to the sword in vindication of their rights, and that what had once happened might again occur in the chances of war. Certainly it may, sir. But if, at the period to which the honorable member refers, he had been a citizen of that exposed country, instead of being safely lodged behind the mountains; if he had seen it left wholly undefended by the General Government, without a man or a gun or a dollar furnished for its protection, but, on the contrary, with thousands of its men drawn off to fight your battles elsewhere, on the land and on the ocean, leaving their own firesides unprotected, without a State government even of its own to call out and direct its energies, he would hardly have thought it worth while, at this distance of time, to search in the volume of history from which he read for the fact that some small portions of the territory of that State, very sparsely settled and wholly without defense, were compelled to yield to the naval supremacy of Great Britain; and, least of all, would he have deemed it just to remind us of it as a matter of reproach. Was Maine the only State whose soil felt the tread of a hostile foot in that conflict? Were her small, defenseless villages the only ones which capitulated? or did the British arms show themselves elsewhere, leaving behind them proofs sad to remember—no less of their prowess than of less honorable modes of warfare? Such scenes may happen there again in the course of human events, or may happen elsewhere; and, for one, I

do not desire to keep them out of the reach of our calculations. If they must come, let them come; but I desire to avert them; and, as the best means of doing so, I desire to pass this bill, or some other equally strong—equally prompt. Let our Government say to Great Britain: "this is *our* affair, and not the affair of Maine alone; we will take it in hand; we will settle it;" and, in my judgment, the whole controversy ceases. I urged this argument last year. If anybody does me the honor to remember or to refer to what I then said, he will perceive the great stress I then laid upon a movement, *some* movement, of the General Government upon the question of boundary. I then urged, with what zeal I could, that the peace of the country depended upon decided, efficient effort on the part of the General Government. I say so now; and every day confirms the truth of the argument. So much, sir, I have felt it necessary to say in proof of the *pacific* character of the bill now under consideration. Nothing can be clearer to my mind than that peace will be subserved by it.

But, sir, the gentleman says that we are not only to be right, but that we should always have it in our power to show to the country, and to the world, that we are right; so that, in the event of future hostilities, the responsibility shall not attach to us of disturbing the peace of the nations. Certainly, I admit that. He then proceeds to show, from the correspondence between the two Governments, pending the negotiation, that there is, to say the least of it, a very plausible pretext for the claim advanced by Great Britain, of exclusive jurisdiction over the disputed territory. He has done me the honor to read very largely from a speech made by myself, last session, in support of the same idea; and I freely admit, sir, that as the case *then* stood, there was much, too much foundation for the argument which he now urges. The documents did show, unfortunately, that there had been not a plain, specific agreement on our side, but an acquiescence in the claim of the British Government—a yielding to their repeated assertions, upon the ground of some previous informal understanding to that effect. I certainly then thought that this claim had been too often and too strongly asserted without being met by a stern and decisive rebuke from our Government. I endeavored to set forth the consequences of yielding tacitly to its avowal; and I urged upon the General Government to repudiate and to deny it. Denial had not then been given. But how stands the case *now*? We have the solemn assurance of the President, and of Mr. Forsyth, that no such informal arrangement or agreement has been made. Great Britain has been distinctly advised of the misconceptions under which she labored before. We have obtained, what it was my purpose last year to obtain, an assurance that our territory had not been given up, by agreement, to the exclusive jurisdiction of Great Britain.

Now, sir, I take the word of our own Government to be true in this respect. I stand by it. I hold them to it, now and hereafter; and however, up to this hour, the documents may have furnished plausible grounds for belief in the existence of such an arrangement as is suggested, they furnish it no longer. Why, then, can we not vindicate ourselves to the country and to the world, if we say to Great Britain she shall not, under pretense of an agreement which we deny to exist, attempt to possess herself of the entire control of the territory in dispute? If we are likely to be put in the wrong at all, it has already been done. The wrong consists in violating a subsisting agreement; and the President has already most emphatically declared that no such agreement has subsisted. The question is one, if I may so speak, of veracity between the Governments. Our own asserts most distinctly that it has never entered into such arrangements as are set up by Great Britain as the foundation of Sir John Harvey's proceedings; and I am content with the assertion as I receive it. I am not for going back to see how the case stood before this plain disavowal, and while a contrary assumption on the other side was permitted to remain unrebuked. The proofs, therefore, upon which I relied last year are all done away with, in the only way they could satisfactorily be met, by the distinct declaration of

our own Government. The British Minister, when called upon for evidence of the agreement which he had alleged to exist, fails to produce it; but, on the other hand, in the memorandum or protocol which he has entered into with Mr. Forsyth, admits that it is a matter upon which the two Governments have not understood each other. If that be so, and if Great Britain be now distinctly informed that her claim of exclusive jurisdiction is inadmissible upon the pretense of a former agreement to that effect, and she still persists in enforcing it by arms, upon whose head will rest the responsibility of disturbing the peace of the world? Surely, not upon ours. We can yield to no such invasion without dishonor and disgrace. We must repel it, or we shall stand condemned, in the face of all nations, of miserable pusillanimity.

But, sir, there is much in the documents referred to by the gentleman, and which I cited last year, to fortify the position now taken by our Government. On the 8th August, 1837, Mr. Stevenson held this language to Lord Palmerston upon this very question of exclusive jurisdiction:

"The undersigned, moreover, does not presume that, pending the negotiation, and whilst efforts are making for the peaceable and final adjustment of these delicate and exciting questions, her Majesty's Government can claim the right of exclusive jurisdiction and sovereignty over the disputed territory, or the persons residing within its limits. In such a claim of power on the part of Great Britain, or its provincial authorities, the undersigned need not repeat to Lord Palmerston, (what he is already fully apprised of,) the Government of the United States can never consent to acquiesce in the existing state of the controversy."

And again, on the 10th of November of the same year, language still more decided. He says:

"To repeat the assurances, heretofore given, that such proceeding can be regarded in no other light than a violation of the rights and sovereignty of the United States, and entirely irreconcilable with that mutual forbearance which it was understood would be practiced by both Governments pending the negotiation.

"The circumstances under which these recent attempts to enforce jurisdiction have been made, show that, in the most favorable aspect in which they can be regarded, they were wholly indefensible."

"By what authority, then, the Provincial Government of New Brunswick felt itself justified in exercising such acts of sovereign power, the undersigned is at a loss to conceive; unless, indeed, upon the ground that the jurisdiction and sovereignty over the disputed territory, pending the controversy, *vests exclusively with Great Britain*. If such should turn out to be the fact, it can hardly be necessary again to repeat the assurances which have been heretofore given, that, in any such claim of power, the Government of the United States cannot acquiesce."

"Upon the consequences which would unavoidably result from attempting to exercise such jurisdiction, it is needless to enlarge. It must now be apparent that all such attempts, if persevered in, can produce only feuds and collisions of the most painful character."

"It is under this view of the subject that the undersigned has been instructed again to remonstrate against these proceedings of the authorities of New Brunswick, as a violation of the rights of Maine in the person of her agent; and to protest in the most solemn manner against the future exercise of all such acts of jurisdiction and sovereignty over the disputed territory, or the citizens of the United States residing within its limits, until a final adjustment of the controversy takes place."

"It cannot be expected, if the authorities of New Brunswick still persevere in attempting to exercise jurisdiction over the disputed territory, by the arrest and imprisonment in foreign jails of citizens of Maine, for performing their duty under the laws of their own State, and within what is believed to be her territorial limits, that measures of retaliation will not be resorted to by Maine, and great mischief ensue."

"Indeed, under existing circumstances, and in the nature of human connections, it is not possible, should such a course of violence be continued, to avoid collisions of the most painful character, for which the Government of the United States cannot be responsible, but which both Governments would equally deplore."

Now, sir, who does not perceive that, if any agreement for exclusive jurisdiction in Great Britain subsisted, the time to produce evidence of that agreement, and to have asserted her right under it, was in reply to this decided, strong, significant language of Mr. Stevenson? It was not done. No exception was taken to it. If any informal arrangement or understanding has grown up by silent acquiescence on our part to strong assertions made by British Ministers from time to time, it is, in my judgment, a sufficient answer that their assent to these distinct admonitions of the American Ambassador utterly repudiates the whole arrangement, whatever it was. By these declarations of Mr. Stevenson to Great Britain, we are solemnly pledged and committed as a nation, in the face of all mankind, to repel this

claim of exclusive jurisdiction, if attempted to be executed, even at the hazard of the highest human responsibilities. Sir, I could go back still further, and show that similar and equally strong admonitions had been given to Great Britain on several occasions. They have been often warned if they attempted to maintain entire sovereignty over the whole territory, it would be resisted. They are now about, by military force, to attempt it; and how can this nation honorably refuse to maintain the position it has so often taken? A word or two more, sir, as to the precise character of this informal arrangement, with a view to show how, step by step, it has been the occasion of renewed aggressions under the influence of its ever-changing form. At first it was nothing more than that neither party should exercise acts of sovereignty, or maintain exclusive jurisdiction in the disputed territory, of course extending to any part or every part of it; but that each should practice forbearance or moderation, not seeking to obtain possession, nor to strengthen its claim by occupation. This Maine thought hard enough upon her, but as it seemed to be equal in its operation, she finally acquiesced. Next, Great Britain claimed the arrangement to be, that neither party should seek to extend its jurisdiction, nor exercise it where it had not been enjoyed before; that each should remain in the exercise of authority where it had been previously exercised. This Maine regarded still more objectionable, as it required of her to admit the jurisdiction of Great Britain in some portions of the territory to which she was convinced her own title unquestionably extended; but she was compelled to yield to this also, under the arrangements of the General Government; it being clearly implied that, in some other portions, Maine had hitherto exercised jurisdiction, and should be continued unmolested in the enjoyment of it. This was, indeed, distinctly asserted. As long ago as 1829, Mr. Van Buren, then Secretary of State, in a note to the British Minister, said:

"More than twenty years ago, large tracts of land lying westward of Mars Hill, and northward on the river Restook, were granted by the State of Massachusetts, which tracts are held and possessed under those grants to this day; and the United States and the States of Massachusetts and Maine, in succession, have never ceased to exercise that jurisdiction which the unsettled condition of the country in that region, and other circumstances, admitted and required."

But the next advance of the British Government was a more sweeping one than all which preceded it, being no less than a claim to entire and exclusive jurisdiction over the *whole* territory—every part and parcel of it, the Massachusetts grants and all—upon the extraordinary argument that, having been in possession of the whole prior to the acknowledgment of our independence, and never having marked off what she granted by the treaty of 1783, she retained the possession and sovereignty, actually or constructively, to this day. If we yield to this assumption upon this argument, and also acknowledge ourselves bound by the agreement that neither party shall seek to extend its jurisdiction, what part of the territory, I desire to know, will be left to Maine? What has become of those ancient grants where, as the President said in 1829, she had never ceased to exert her authority? Does not everybody perceive that, if this new stretch of authority on the part of Sir John Harvey be acquiesced in, not a foot of the territory will remain in our possession? The whole is surrendered. I say, sir, a new stretch of authority. Practically it is so. I do not mean that the claim is a new one, nor the argument on which it rests. But the attempt by force and military power to arrest the civil authorities of Maine where they have hitherto prevailed, is a new one. Hitherto they have been content to claim jurisdiction, and to remonstrate against its exercise on the part of Maine, but we have heeded neither their claims nor their remonstrances. I speak now of that portion of the disputed territory which is the theater of present operations, and which is about to become the seat of war—the Aroostook region.

The grants made by Massachusetts, referred to by Mr. Van Buren in the extract just read, were situated in this very region; and it was upon one of the identical "tracts" there spoken of that the land agent of Maine has recently been arrested.

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I wish this to be clearly understood, because it shows that Maine is making no new pretensions—advancing no new claims—disturbing no previously existing arrangement. The possession and jurisdiction of the Aroostook country has always been in her, however it may have been protested against and claimed by Great Britain. This possession has been more than once acquiesced in by Great Britain. In 1833, the authorities of Maine and Massachusetts opened a road to the Aroostook river, running fifteen miles, or more, within the territory, sold timber, surveyed the land for settlement, and did other acts of a similar character. Sir Archibald Campbell, then Lieutenant Governor of New Brunswick, entered his protest against these proceedings, and called upon the General Government to cause them to be stopped. Being assured that it was not the intention of the States to extend the road to the St. Johns, nor to interfere with the Madawaska settlement; and as Mr. McLane remarked to him, "that no part of the road now constructing by that State is believed to be within the territory of which the British Government has ever been in the actual possession since the treaty of 1783," the Lieutenant Governor contented himself with simple remonstrance. Why did he not then assert his jurisdiction over the Aroostook? Why not arrest the agents of the States? Why not stop their surveys and settlements? Plainly because the actual possession of the country had never been in Great Britain since the treaty. Being in us, Sir Archibald Campbell did not deem expedient or proper to invade it by force. The honorable member from Pennsylvania does not keep in view the precise localities of the territory. He confounds the possession and jurisdiction which Great Britain actually has, north of the St. Johns, in the Madawaska country, with that which she claims south of it, in the Aroostook region. Maine has complained very much, and I have heretofore complained in her behalf, that the British possession of the former section should have been permitted to continue. But, unfortunately, these complaints have been unheeded. When the honorable gentleman, therefore, tells us that we have hitherto acquiesced in the jurisdiction of Great Britain; that she has arrested our citizens, which we have not resented; that she has broken up the operation of our laws in incorporating towns, &c., I reply that all this occurred in the Madawaska settlements, and furnishes not the smallest pretense for the invasion of the Aroostook. Our possession here has ever been as distinctly admitted practically by them, as their possession north of the St. Johns has been by us. As a further proof of this, let me call the attention of the House to what occurred less than two years ago, showing, explicitly, that no act of sovereignty—not the smallest—on the part of Great Britain, would be tolerated by our Government upon this territory.

In 1835, a company was incorporated by the Provincial Legislatures of New Brunswick and Lower Canada, for the purpose of constructing a railroad from St. Andrews to Quebec, and a route was surveyed, and plans made, running directly across the Aroostook country, and the territory south and west of it, which is now the scene of military operations. These facts having been made known to our Government, Mr. Forsyth, on the 23d of March, 1837, called the attention of Mr. Fox to the subject, as one "which, from its high importance, demands the prompt consideration of his Majesty's Government." After reciting the circumstances, Mr. Forsyth, strongly protesting against the proceeding, uses phrases of this sort:

"The object of the association from its inception was objectionable." "Still more unjustifiable was the acts of sovereignty giving to this company corporate powers over property known to be claimed by citizens of a friendly and neighboring State." "The undersigned is directed by the President to inform Mr. Fox that the prosecution of the enterprise above referred to will be regarded by this Government as a deliberate infringement of the rights of the United States to the territory in question, and as an unwarrantable assumption of jurisdiction therein by the British Government."

And he called for the prompt adoption of such measures as should put an end to the prosecution of the measure.

On the 24th of August following, Mr. Fox,

having received the instructions of his Government, replied to Mr. Forsyth's letter thus:

"I am now enabled to inform you that, in consideration of the arguments and observations contained in your note, her Majesty's Government has been pleased to direct the colonial authorities of Lower Canada and New Brunswick, respectively, to cause all operations connected with the above mentioned project within the limits of the disputed territory to be immediately discontinued."

Can anything be plainer than this? The "arguments and observations" which induced the British Government immediately to discontinue the proposed movements were nothing more than a direct and emphatic denial of her right to exercise "an act of sovereignty," or undertake "an unwarrantable assumption of jurisdiction." An assumption of jurisdiction is the phrase, plainly implying that no jurisdiction on her part had existed. It will be seen that the act of sovereignty then complained of was one of the lowest forms in which it could be manifest—the incorporation of a company by legislative authority; no act done upon the territory. Yet this was justly regarded as "unjustifiable" and not to be permitted, and Great Britain promptly yielded to the force of the argument, and asserted no right of jurisdiction. But now we are threatened with the very highest and most rigorous exercise of sovereignty known to the public law—military power, stern, unmitigated authority, the sword and the bayonet. These are to come, bearing the ensigns of sovereignty; and the royal banner is to be unfurled as incontestable proof of the supremacy of British authority there. Shall we now submit to it? Shall we tamely, basely yield, and for what? Not on the ground of agreement, for our Government has now repudiated that entirely. On the ground of the original jurisdiction of Great Britain still remaining in her, because she has never set apart and marked off the territory granted to us by the treaty of 1783? Is this Congress prepared for one moment to tolerate a sentiment like that? Will the gentleman from Pennsylvania, for one instant, give countenance to it? What, sir, do we hold our independence, or any of our rights, the smallest of them, by grant, by concession from Great Britain, or from any other human power? May the gracious gift be retracted whenever it shall please the royal donors to resume it? No, sir; we hold our rights as a nation, all of them, the lowest as well as the highest, by the blessing of God upon our arms—by the valor and wisdom of our fathers—by conquest, by power: conquest which has been acknowledged and admitted; power which has been maintained and respected.

The idea that the treaty of 1783 was in the nature of a grant by Great Britain to us is not new. It was started at the treaty of Ghent, or subsequently in the negotiations at London, upon some question connected with the fisheries. The distinguished member from Massachusetts, [Mr. Adams,] who is so familiar with the whole subject and argument, will correct me if I am wrong. It was then insisted that, as the treaty of 1783 was a grant of privileges to us, this grant was abrogated by the war of 1812; and that the treaty of peace of Ghent would not revive the privileges thus abrogated by the war; but that we could obtain them only by a new grant and a new concession, qualified and limited at the pleasure of Great Britain. A principle so utterly subversive of our national character and independence even, was most successfully met and repelled by the honorable member from Massachusetts, [Mr. Adams,] and by the American Government. It was again met and refuted by Mr. Clay, in 1827-28, then Secretary of State, upon this very question of jurisdiction in the disputed territory. We are now to meet the argument plainly and practically, face to face. Will you yield to it because it is to be asserted by the edge of the sword? Will you be driven from the position you have so often taken? Will you admit the jurisdiction and sovereignty over all the disputed territory to be rightfully in Great Britain? I hope I have succeeded, to some extent, in satisfying the gentleman from Pennsylvania that, notwithstanding what appears in the correspondence between the two Governments, Great Britain will not be able to make out so plausible a pretense of an agreement as he has supposed, touching that part of the territory now

more immediately in controversy. If he still relies upon my remarks, made under other circumstances last year, let me remind him that I was then met on this floor, and, in the judgment of some, refuted, on the very point whether the correspondence in fact warranted any such pretense. The President assures us, in his message of the 26th ultimo, that he has caused to be prepared an abstract of all the correspondence upon the subject; and he says:

"Instead of sustaining the assumption of the British functionaries, that correspondence disproves the existence of any such agreement."

Will the honorable member from Pennsylvania wait until this abstract is printed, and then judge how far his present opinions are well founded?

But he wants us now to stand up here in maintaining the assumptions of the British functionaries against the express declaration of our own Government. If the British Government have had plausible pretexts before, they have none now, they are explicitly admonished; and if they persevere in attempting military occupation, they do it with their eyes open. Are we to encourage them to do it? Are we to put ourselves in the wrong in advance? Are we to say to her, go on if you will, expel Maine if you can, we shall not interfere: there is much in the diplomacy to justify your course, and, if we resist you, the world will be apt to think we are wrong? God forbid that such sentiments, by implication even, shall ever be attributed to this Congress.

As to the idea that the bill under discussion commits us to a course we are not already pledged to pursue, I confess I was not a little surprised to hear the honorable gentleman from Pennsylvania, while expressing strong disapprobation of the bill, say he heartily approved of the message of the President. In my judgment, the measures proposed by the bill are in strict accordance with the message. What says the President?

"If the authorities of New Brunswick should attempt to enforce the claim of exclusive jurisdiction set up by them, by means of a military occupation on their part of the disputed territory, I shall feel myself bound to consider the contingency provided by the Constitution as having occurred; on the happening of which a State has the right to call for the aid of the Federal Government to repel invasion."

Does the bill say anything more? Nothing. It simply confers upon the President power, by men and money, to furnish that protection against invasion which the Constitution renders it imperative on him to furnish. He is to judge of the emergency. He has judged; and the bill simply provides that when that emergency arrives, he shall have the means of performing his high constitutional duties. The President is pledged in the face of the country and of all mankind. The nation is already committed. If the bill be a war bill, war is already commenced. If it be offensive and hostile, it is too late to recede. Our ground is taken—plainly, distinctly, and openly. I submit to the honorable gentleman from Pennsylvania whether he wishes to hold forth to the British Government a divided sentiment in our Government on the great propositions involved in this controversy? While one department has boldly and manfully taken its position in resistance of the extraordinary and fatal principles which lie at the bottom of their assumptions, another branch—and that the popular branch—is willing to concede away the very foundation on which our independence stands—to concede that our rights, our national rights, rest upon grant, upon concession? Has he well considered to what results such admissions, however faintly made, will lead? We have strong proof in the debates of this day of the importance of every word uttered upon this floor bearing upon our foreign relations. Did the honorable gentleman [Mr. Biddle] listen, did the House attend, to the document produced by my honorable friend from Maryland, [Mr. Kennedy?] And did they appreciate the effect which every word we utter in this Hall is calculated to have upon the British Cabinet and British counsels? In the apprehension that sufficient attention was not bestowed upon it, allow me, sir, at the hazard of repetition, to advert to it again.

You will well recollect, Mr. Chairman, that in 1835 a resolution was moved by yourself, [Mr. Lincoln, of Massachusetts,] calling upon the

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President to communicate, if not incompatible with the public interest, information respecting the negotiation concerning the northeastern boundary. On that resolution a debate sprang up, in which you, sir, largely participated, and in which I took a much humbler share. The document read by my honorable friend [Mr. KENNEDY] informs us that these proceedings, little important as they were, were communicated with great minuteness to the British Government. A newspaper, containing the debate, was forwarded to the Duke of Wellington, and his attention was particularly called to the fact that, of the eight members of the House from Maine, three only voted in favor of the resolution, and five against it. Thank God, I was not one of the five. Sir Charles Vaughan reminds the Duke of this circumstance, and of the "apathy" which then appeared to prevail in Maine on the subject, and of the willingness thus manifested by the State to submit the whole matter to the General Government.

This was at the period when propositions of the most dangerous and exceptionable character, so far as our rights were concerned, were passing between the two Governments; propositions for an adjustment, founded upon a departure from the true north line of the treaty, wholly unknown to Maine at that time, and to the country. Sir Charles R. Vaughan, taking fresh courage from the apparent acquiescence of Maine, in the then state of the negotiation, and the readiness which five out of eight of its members here manifested to submit all to the General Government, pretty distinctly suggests to the Duke the propriety of extending his jurisdiction over the whole territory. He called his attention to the small majority by which the resolution was voted in the House—to the fact that the President had declined to communicate the information sought for, and, throughout the whole letter, evidently endeavored to impress upon the mind of the Duke of Wellington that the question was one to which very little importance was now attached in this country. With this evidence fresh before us of the eagerness with which our proceedings, our speeches, our votes even, are watched by British eyes and British ears, I ask the honorable member from Pennsylvania to consider with how much more courage and zeal that nation will be likely to push her pretensions, when she finds a course of argument pursued here calculated to strengthen them on the principle she has asserted?

Mr. BIDDLE here interposed. He could hardly believe it possible he had been so much misunderstood. So far from admitting the British claim of right, he had expressly denied it. He had maintained the right to be in Maine; but the ground he had taken was this: that our Government, by its acts, had countenanced the belief on the part of the British authorities that we were disposed to admit their claim, and that, such having been the case, we ought not too hastily or too harshly to resent their so understanding us.

Mr. EVANS resumed. He was very far from wishing to misunderstand the gentleman. I am considering (said Mr. E.) the effect of his argument, and of the course he desires to pursue, upon the counsels of Great Britain. The gentleman desires that this bill shall not pass. He thinks it equivalent to a declaration of war. He is, therefore, of opinion that the authority of the General Government should not be interposed to prevent Great Britain from taking military occupation of the disputed territory; in other words, that she shall be allowed to take such possession, if she pleases; and upon the ground that our Government has given sufficient pretext to Great Britain to adhere to her pretensions, by acquiescence in them on our part. Now what I desire to submit to the honorable member's consideration is this: whether such a course of proceeding would not be an entire submission to her claim—to her claim by agreement—agreement founded on her original jurisdiction never surrendered; whether the use of such an argument is not calculated to stimulate her to persevere? I do not assert that the honorable member has advocated here the justice of the British pretensions. I am well aware that he strongly avows the ultimate right to be in Maine. But that only renders it still the more dangerous to surrender even temporary possession and jurisdiction to Great Britain. If the right to the

territory be so incontestably ours, how unspeakably hazardous is it to concede for one moment that she has a right to maintain sovereignty over it, until she chooses to set it apart as a grant to us? I desire to carry out the consequences of even the feeblest admissions, coming from a source so discerning and sagacious as is the honorable gentleman from Pennsylvania; and I again put it to the House to consider what course Great Britain will be likely to pursue, if, in this Congress, her extraordinary pretensions find the smallest favor?

I again repeat if the House reject this bill, it will be a virtual surrender to those pretensions. The Executive is committed—deeply committed; and if we do not sustain him, we abandon the high, impregnable ground on which our rights stand. But suppose, in point of fact, there has been any such agreement respecting jurisdiction as the British Minister asserts. How long is it to continue? Is it to be forever binding? Can neither party abrogate it? May we not, whenever we please, inform the British Government that we rescind it—that we claim jurisdiction ourselves, and shall exert it? And if, after such notice, Great Britain attempt to reinstate herself by arms, may we not resist her, without being charged with a violation of her rights in so doing? How are our rights ever to be maintained and respected, but by a plain enunciation of them to the world, and a significant warning that they are not to be invaded with impunity? Is this bill anything more? We have repeatedly asserted our undoubted right to the territory; we have warned Great Britain that she has no pretense of sovereignty or jurisdiction, either by agreement or by virtue of her ante-revolutionary possession and ownership, or in any other way, and we have more than once or twice or thrice assured her that any attempt to enforce it would be resisted. She is now about to enforce it. She leaves us no alternative. With what face, then, can it be said that this is a hostile movement? It is no otherwise hostile than the other party chooses to make it so. It is purely defensive. It is to resist an incursion, and the setting up of authority which the British Government has been for years admonished would be resisted whenever attempted. It looks to military preparation, indeed, but it looks also to peace. It provides for raising troops and for the means of war, but it also proposes an embassy of conciliation and peace. If it grasps the sword with one hand, it extends the olive branch in the other. I heartily approve this latter provision of the bill. I rejoice that we thus manifest our strong solicitude to preserve the relations of peace and amity, and our willingness to resort even to so unusual a mode of diplomatic intercourse, with a view to that object. I have much hope from it. If some person shall be selected for this important mission known to this country and known to Europe, commanding the confidence of all parties and sections here in his ability and integrity, one able to present our claims to the consideration of the British Cabinet in that strong and unanswerable manner which their inherent justice admits of, I cannot doubt the result. Most happy shall I be if such a one is selected for this station, and if his efforts for peace—peace without the sacrifice of our rights or our honor—are crowned with success.

If I have omitted to notice any fact or argument employed by the honorable member from Pennsylvania, I am not aware of it. Possibly it may be so; and if so, I shall regret it. I desire to vindicate this bill and the State of Maine in every particular where I think defense necessary or practicable.

I now put to the honorable gentleman this question: what will you do in the present exigency? Will you make no demonstration in behalf of our rights? What can you then expect but that the most arrogant demands of Great Britain will be renewed and insisted on? Will you do nothing? Will you leave Maine to herself? Such is the course already predicted by one of the British presses in this country. The United States, they say, will abandon Maine to the consequence of her own folly. We are now to see how that is. I have already told you that Maine is in arms, determined to maintain her rights. She is solemnly pledged on this subject; she cannot retreat; she

will most certainly maintain herself in the position she has taken. Will you stand by and see her cut down? Will any man say that is a result which this nation can witness without disgrace and dishonor? You may look coldly on if you will; but come or not come to her defense, she will stand. I say to her,

"Stand! the ground's your own, my braves;  
Will ye give it up like slaves?  
Or do ye look for greener graves?"

The question for you is, whether she shall be left alone battling for her rights?—whether you think that is the way to preserve the peace of the country? You may see her trod in the dust by military power which she cannot resist, if you will. You may see her cut off from the Union, and incorporated with the colonial possessions of a foreign Power; but you shall not see her quailing before the enemy, nor abandoning the high ground she occupies, while she can lift an arm to uphold her flag. You are bound, pledged, committed to her defense. You may recede, this House may recede if it will; and if it does, this nation recedes from its most solemn obligations. Do it if you will. Stand by, as all Europe did, calm, cold spectators, while Poland was crushed to the earth by an overwhelming military despotism, but take with you the judgment which the world and history and impartial posterity will pronounce upon you, as it does upon all Europe, that you were recreant to your duty and your honor.

Mr. SALTONSTALL followed Mr. EVANS on the same day, in a speech, of which a report was published in the Globe of the 19th of April.

After Mr. S. concluded this speech,

Mr. EVANS replied, at some length, vindicating the proceedings of Maine, and advocating the bill. He denied that Mr. SALTONSTALL had spoken the sentiments of Massachusetts, and proceeded in an argument to show that the movements now made in Maine were undertaken for the benefit of Massachusetts as well as Maine, and were only carrying out a course of measures commenced last year under the joint direction of the agents of both States, &c.

SATURDAY, March 2, 1839.

The same subject being resumed,

Mr. SALTONSTALL rose for the purpose of explanation. From what he had heard in reply, he must have been misunderstood—he knew the course of his remarks had been misstated. He was desirous that the views he had taken on a question so important to his own State and to the country should be distinctly understood.

The committee have been cautioned (said Mr. S.) not to suppose that I have correctly represented the opinions of Massachusetts. I did not undertake to give the opinions of Massachusetts, but my own views, on my own responsibility. My allusion to my situation as a Representative of that State, so deeply interested in this question, was a mere introductory remark; and offered as a reason for my taking part in a discussion in which so many were desirous to engage.

Comments which I was surprised to hear have been made on my remarks upon the proceedings of the Chief Magistrate and government of Maine. On that subject the course of my remarks was this: I glanced at the history of this controversy from the beginning, and upon the main question—our rights under the treaty of 1783—I expressed an opinion as clear and decided as has been or can be given, that the right to the territory in dispute was in the United States. I referred to the proceedings under that treaty, to the treaty of Ghent, to the subsequent proceedings, and particularly to the resolutions adopted by Congress at its last session; and I endeavored to call the attention of the committee to the precise state of the claim at the time of the recent movement in Maine.

As to the claim of the Governor of New Brunswick to exclusive possession and jurisdiction, my general view was similar to that so ably presented by the gentleman from Pennsylvania, [Mr. BIDDLE.] I did not contend that there had, in fact, been an agreement or understanding between the Governments of the two nations, as has been assumed by Sir John Harvey, but I referred to various documents to show that the claim had

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been asserted for several years—that an officer, with the title of “warden of the disputed territory” had claimed jurisdiction over the whole territory in dispute pursuant to an understanding between the two nations—that this had been communicated to our Government at times when it either had not been denied and repelled, or had been neglected in a manner which had a tendency to lead the Government of Great Britain to suppose there was such an understanding. It was known to the governments of Massachusetts and Maine that the government of New Brunswick did claim exclusive jurisdiction. I then referred to the recent proceedings in Maine. She had sent an armed body of men to enter upon part of this territory, and they were still in possession, with a military force to sustain them. This measure I considered to be indiscreet, unfortunate; that it had a tendency to produce the consequences which have followed; it might embarrass the great question upon which negotiation was going on between the two Governments; and there was danger that it might precipitate us into war. I did not speak disrespectfully of the character of the Governor of Maine, or call in question the purity of his motives, or present him in contrast, in any respect whatever, favorable or unfavorable, with the Lieutenant Governor of New Brunswick.

The part I have taken in this debate—this course of remarks, it is said, will strengthen the claims of a foreign Government against the rights of our own. In a question of this momentous importance, are we not to inquire into the truth—to state facts, and to reason upon them, from an apprehension that what is here said may find its way across the water, and have an injurious influence abroad? Is free discussion to be restrained by such considerations? Is it not our duty to examine this great question fully? To discuss it freely? The more important a question is, the more emphatically this is our duty. If we cannot debate here with perfect freedom, if facts cannot be honestly stated and commented upon, let us close our doors.

But the immediate question is: what is now to be done? Shall Maine be left alone? Must she contend single-handed? No. I said she must be protected. There has, in fact, been no such agreement for exclusive possession as that set up; it is a misapprehension. And I expressed my belief that when the attention of the British Government should be called to the subject, it would so be found. I did not think, therefore, that war would grow out of this controversy. My opposition to the bill was chiefly on account of the second section, which authorizes the President to raise an additional army. I was ready to go for the rest of the bill, although I was inclined to believe that the provisions of the act of 1793 were sufficient.

So much I have thought it my duty to say here now, that I might not be misrepresented here or elsewhere.

## MAINE BOUNDARY QUESTION.

SPEECH OF HON. F. O. J. SMITH,  
OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

March 2, 1839,

On the bill giving the President additional power for the defense of the United States, &amp;c.

Mr. SMITH said:

Mr. CHAIRMAN: I participate of the anxiety which I know to be common with the members of the committee, and especially with the Representatives of Maine upon this floor, that this bill shall pass, and pass at the earliest moment practicable.

For one, sir, I feel but little concern as to the particular shape which the bill shall assume in becoming a law, if so it be that sufficient of the sinews of war—of money and of arms—shall be put by it at the command of the Executive of the country, to maintain the rights and protect the honor of the citizens of Maine.

If it shall be the pleasure of the committee and House to put at the command of the Executive only the militia of the country until Congress

shall again convene, superadded to the regular Army now provided by law, I am contented. If it shall be the preference of the committee and House to give him a larger number of select troops than now constitute the regular force of the United States, instead of the militia alone, so much the better. But I repeat, my great anxiety is that enough of the one or the other of these forces shall be granted to maintain the rights of the State of Maine, and that enough of the revenues of the Government shall be at the control of the Executive to sustain those forces under all emergencies that may occur. Beyond this, looking to the mere details of the bill, I feel indifferent as to what may be the preference of the House.

Sir, I have listened to the debates of the committee upon this great subject with intense interest, and determined to do so in silence on my part, until persuaded that one view, and I believe the true view, of the position in which Maine is now placed, has been, in a measure, overlooked. I wish to call the attention of the committee to a few simple and well substantiated facts, which will illustrate to all, not only the rights of that State, but the actual position in which she now stands before the country and the world, in the defense of her rights. I am rejoiced at the unanimity with which several leading and fundamental points in her case have been understood and conceded throughout the debates upon this floor. It is agreed, sir, upon all sides, that *Maine is clearly right in her claim of absolute title and property to the whole territory in dispute*. Your own records—the records of this as well as of the other branch of Congress—place this fact high above dispute on the part of the Federal Government. And your records not only prove the claim of Maine to be right in the abstract, but they prove also the unalterable conviction of this Government that *it is not involved in mystery*—that it is legible upon the face of the country in dispute. Allow me to read to the committee one of the resolutions passed by this same Congress, at the last session, within this Hall, and passed unanimously, as your Journal shows:

“Resolved, That, after careful examination and deliberate consideration of the whole controversy between the United States and Great Britain, relative to the northeastern boundary of the former, the House of Representatives do not entertain a doubt of the entire practicability of running and marking that boundary in strict conformity with the stipulations of the definitive treaty of peace of 1793; and entertain a perfect conviction of the justice and utility of the title of the United States to the full extent of all the country in dispute between the two parties.”

It is further agreed and conceded on all sides, and it is a fact alike beyond dispute upon your own Journal, with that to which I have just adverted, that *Maine has been delayed in her claim*, thus admitted to be right and just and on all sides, for years and years, by the Federal Government. The second resolution of this branch of Congress, passed upon the subject at the late session, and passed, too, unanimously, thus establishes this great cause of complaint on the part of Maine:

“Resolved, That, considering that more than half a century has elapsed since the conclusion of that treaty, (of 1793) considering the extraordinary delay which has hitherto marked the negotiations and proceedings of the two countries in their endeavor amicably to settle the controversy; and considering the danger of mutual irritations and collisions upon the border of kindred and friendly nations from further procrastination, this House cannot forbear to express an earnest desire that the pending negotiation should be brought to a close, and the final decision of the dispute be made as early as practicable.”

Sir, I do not desire to go behind these proofs, to ask where, or upon whom, falls most largely the blame of thus delaying Maine in the realization and enjoyment of her acknowledged rights for years and years. I am content to have it brought home to the sense of this committee and of the country, at this juncture, that Maine plants herself, at the onset, in demanding the strong arm of this great Republic for her support, upon two indisputable facts:

1st. That her claim is a righteous one, and of no difficult ascertainment.

2d. That she has been unjustly delayed for years and years by the Federal Government, as well as by Great Britain, in the adjustment and enjoyment of it.

I proceed now, sir, to call the attention of the

committee and of the country to the position which Maine has taken in reference to her territory, and with arms in hand is determined to maintain, and the authority which she has from this Government for that position. Her true relations to this Government, as now put forth in her present position, appear to have been, to some considerable extent, overlooked in this debate; and I wish it to be understood distinctly, for one, that I vote for the bill before you in reference to the position which Maine occupies, in fact, at this moment, and which she has the undoubted authority of this Government for occupying; and that I do not vote for it with a view of securing to the State the support of the Federal Government in reference to any new position which has been marked out for her by others. In a word, sir, if the bill is to be executed when passed into a law, only to sustain Maine in her rights to the extent of the recent protocol, or arrangement, made for her by the Executive of the General Government, through the Secretary of State, with the British Minister, then, sir, I do not hesitate to say that I am opposed to it, and would never give my vote for it. I would resist it as a violation of the rights of Maine, clearly expressed and defined upon the records of this Government; I would treat it as an abandonment of Maine to shame and dishonor, in the hour of her peril and conflict with a foreign Power.

If the bill is to be thus construed, it forces Maine from the righteous stand she has taken, or leaves her to maintain herself by her own arms alone. I claim to have that State protected and defended, through this bill, to the full extent of her present position and undertaking, and on the ground that in nothing has she acted beyond the express warrant of the only understanding which had been entered into between the United States and the British Government on the subject of the disputed territory, and to govern the parties immediately interested, during the pending of the dispute. Of that only understanding I hold the recent arrangement of the President, through the Secretary of State, with the present British Minister, to be a palpable violation, and an act of injustice to Maine. And I here repeat, that if this bill be avowed as having for its purpose only the support of Maine to the extent of this recent arrangement, I would never consent to vote for the bill, much as I desire to see Maine protected by the broad shield of the Federal Government. I ask the committee to reflect for a moment what the understanding between the two Governments of the United States and Great Britain has heretofore been, and what position Maine has a right to take, and has taken, as I understand both her Governor and her Legislature, in the documents they have sent here. The whole is comprised in the compass of a very few lines, which I will here read.

In 1832, July 21, in consequence of some border disturbances, Edward Livingston, then Secretary of State of the United States, wrote, on the subject of this disputed boundary, as follows, in behalf of this Government, to Mr. Bankhead, the then acting Minister of the British Government in this city:

“Until this matter shall be brought to a final conclusion, the necessity of refraining, on both sides, from any exercise of jurisdiction beyond the boundaries now actually possessed, must be apparent, and will, no doubt, be acquiesced in on the part of his Britannic Majesty's provinces, as it will be by the United States.”

After due deliberation by the British Government, Sir Charles Vaughan, the British Envoy to our Government, under date of April 14, 1833, thus acceded to the proposition of our own Government, which I have just read:

“Her Majesty's Government entirely concurs with that of the United States in the principle of continuing to abstain, during the progress of the negotiation, from extending the exercise of jurisdiction within the disputed territory beyond the limits within which it has hitherto usually been exercised by the authorities of either party.”

Sir, here is presented the plain understanding and the only understanding that Maine has ever been apprised of as existing between the Federal Government and Great Britain on the subject. And although Maine was not consulted in the making of this understanding, no man can say that she has violated it in one title of its length, or breadth, or depth. Although her rights ex-

tend far beyond it, she claims not in her recent measures to be sustained by this Government beyond the terms of it. But she does claim to be protected in acting up to the terms of it. She has acted up to the terms of it—her present position marches up only to the terms of it; and while not seeking to go beyond, she will not, she cannot, without infamy upon her name, fall back from her position thus taken, or retract one step in support of it which she has thus made. It is unjust to ask her to do so; it would be dishonorable to her, after what has transpired, to submit to any such request, from whatever quarter emanating.

And yet, sir, what is the proposition of the Executive? What is the arrangement attempted to be made for her in the protocol of the national Executive with the present British Minister? Read it. I ask the committee to pause upon it. I confess I can regard it only as a palpable departure from the terms heretofore agreed on between the two Governments, as I have already shown them to have been, and a surrender of the rights of Maine to the new and unwarrantable encroachments of the British Government. It provides as follows:

"Her Majesty's officer will not seek to expel, by military force, the armed party which has been sent by Maine into the district bordering on the Aroostook river; but the government of Maine will voluntarily, without needless delay, withdraw beyond the bounds of the disputed territory any armed force now within them; and, if future necessity should arise for dispersing notorious trespassers, or protecting public property from depredation by an armed force."

What shall be done, sir? Shall Maine, in that case, as she has done now, wield her jurisdiction untrammelled, and according to her own sense of right or expediency, over the Aroostook country? No, sir; *far from it*. The President's new arrangement for Maine is that, under a recurrence of depredations like those which Maine has undertaken to stop and punish,

"The operation shall be conducted by concert, jointly or separately, according to agreements between the governments of Maine and New Brunswick."

Yes, sir; whether the operation be conducted jointly or separately, it must be—it shall be only—conducted as the result of concert between the two governments of Maine and New Brunswick, and according to terms which the latter will first assent to! And this divided jurisdiction is all that in future is left to Maine over the Aroostook country, which, according to the understanding heretofore entered into, and now to be abrogated, was, until now, yielded to her exclusive jurisdiction.

The Aroostook country, now the immediate theater of British aggression, is a portion of the disputed territory that has at all times heretofore been within the exclusive jurisdiction of Massachusetts and Maine. In claiming exclusive jurisdiction over it now, as Maine does, and as I trust she will persist in doing at all hazards, she is not "extending the exercise of jurisdiction within the disputed territory beyond the limits within which it has hitherto usually been exercised by" her authorities; but the British Province is doing this in direct violation of the existing agreement between the two Governments of the United States and Great Britain.

Under such circumstances, is it just towards Maine to force her to fall back from her position, founded in right and in express stipulation, too, and to receive into her acknowledged possessions and territory a concurrent jurisdiction on the part of the British Provinces? Sir, let who will go for it, I go against it.

Mr. Chairman, Maine is either right or she is wrong in her position. If she is right, she properly asks and expects to be sustained by her sister States and the Government. If she is wrong, then say so to her, and leave her to her fate. She claims to have exclusive jurisdiction of so much of the disputed territory as is known by the name of the Aroostook country—the same that is now threatened with invasion—not only by treaty stipulation, but by long-continued possession, and by your late agreement of 1832 and 1833, also, with the British Government; and if she be right in this, will you compel her to retire ignominiously before the threats of Sir John Harvey, or to fall back and receive into that territory a concurrent jurisdiction on the part of the British

Province? If it be clear that she asks now no more than she has always possessed exclusively, will you force her to submit to a partnership possession of it with Great Britain? And if she will not submit to this humiliation, will you refuse all support to her?

Sir, such a policy adopted towards Maine would change not only her rights, but her uniform relations towards both this Government and the British Government. And will you thus treat her citizens, when they have, in confident reliance upon your authority, with a chivalrous spirit and patriotism which I trust will ever characterize them, left their homes, their families, bidding defiance to the frosts and the snows of their climate, and taken the field in defense of their wonted and heretofore acknowledged possession? Will you abandon them, when they have sworn in the face of the world, upon the altars of the God who made them, not to retreat, not to retract one inch of their rightful possession? Will this Congress, with their own records before them, thus consent virtually to take sides with, or countenance the pretensions of the enemies of Maine, and the enemies of our common country?

Too much of the argument already made upon this floor has aimed at only a resistance of the British Government to exclusive jurisdiction over the Aroostook country. I know it is exclusive jurisdiction that Sir John Harvey is putting forth. But, sir, this course of argument winks out of sight the true claim and position of Maine, which forbids even the admission of concurrent jurisdiction with the British Province over this portion of the disputed territory. It is an exclusive and not a divided jurisdiction that Maine claims, and so the House and country should understand it.

If she backs out from this claim, or submits to receive the concurrent jurisdiction of Great Britain within that portion of the disputed territory known as the Aroostook country, she yields to dishonor, and will be unworthy of your support.

Sir, I do not, I will not believe that she will do this, or that she is capable of it; for by every document that has emanated from her Governors and Legislature for the last ten years, and most of all by her present Governor and present Legislature, she stands pledged to herself, to her country, and to the world, to risk all that she has, to sacrifice all that she is, or hopes to be hereafter, rather than do this deed of dishonor.

I am not mistaken in thus presenting to the committee the claim and position to which Maine finds herself thus strongly pledged. And to prove this incontestably, I will refer to the recent exponents of Sir John Harvey on the one side, and of the present Executive of Maine on the other, of their respective positions.

In a letter of Sir John Harvey to Governor Fairfield, dated February 13, 1839, the former says:

"Sir: I have just heard, with the utmost surprise and regret, that without the courtesy of any previous intimation whatever to this Government, an armed force from the State of Maine has entered the territory, the claim to which is in dispute between Great Britain and the United States, and which it has been agreed between the two General Governments shall remain in the exclusive possession and jurisdiction of England until that claim be determined."

"It has been my duty, on more than one occasion, to apprise the Executive Government of Maine that my instructions do not permit me to suffer any interference with that possession and jurisdiction until the question of right shall have been finally decided in discussion between the two General Governments."

Such is the position of the British Governor. It goes for an exclusive jurisdiction over the Aroostook country, which "will not suffer any interference with that possession." It claims, moreover, an agreement between the United States and Great Britain, by which the whole disputed territory is yielded to this same exclusive jurisdiction of the British Province.

This pretension was met by Governor Fairfield in the following manner, under date of February 19:

"Now, sir, I cannot hesitate to say that, in my opinion, your Excellency is laboring under an entire misapprehension in regard to the facts. No such agreement, I am persuaded, has ever been made between the two Governments. I have looked in vain for it among the numerous documents which have grown out of this question, and have never heard of any recognition of it, verbal or otherwise, on the part of the officers of the General Government. If, however, such an agreement exists, your Excellency can undoubtedly point it out. At all events, such an agreement

can never be recognized by this State. A decent self-respect will ever forbid it, if there were no other considerations in the way."

"Your Excellency entreats me immediately to recall the forces now upon the territory; and then adds, 'It is proper that I should acquaint your Excellency that I have directed a strong force of her Majesty's troops to be in readiness to support her Majesty's authority, and to protect her Majesty's subjects in the disputed territory, in the event of this request not being immediately complied with.'"

"In reply, I have to say that the territory bordering upon the Aroostook river has always been, as I regard the facts, in the possession and under the jurisdiction of Massachusetts and Maine; that more than thirty years ago, Massachusetts surveyed and granted large tracts of it, which have ever since, in some way, been possessed by the grantees, and those claiming under them; that the rest of it was surveyed by, and some of it divided between Massachusetts and Maine, soon after the latter became an independent State; that both States have long been in the habit of granting permits to cut timber there without being molested from any quarter; that many persons have purchased these lands of Maine, and entered into their actual occupation; and that in various other ways Maine has exercised a jurisdiction, which may fairly be regarded as exclusive, over this territory. Under these circumstances information was received that a body of armed men had gone into this territory, and were cutting vast quantities of the timber, defying the power of this State to prevent them. On these facts, being communicated to the Legislature, the two branches immediately directed the land agent to take with him a sufficient force to arrest these depredators, and to break up their enterprise. The party of the land agent is now in the territory, engaged in executing the trust with which it was charged, and, with my consent, will never leave it while the protection of the property of the State from plunderers renders it necessary for them to remain. If your Excellency chooses to send an armed force to attempt their expulsion, I can only say that this State will endeavor to meet such an attempt as it will deserve. I have no threats to make, no boasts to indulge. If Maine does her duty, as I trust in God she will, nothing that I could say in advance would add to the glory of her career. If she proves recreant to her duty, and tamely submits to be expelled from her territory by a force that she could successfully resist, nothing that I could say would tend to diminish the measure of her ignominy and disgrace."

In a communication of the Governor of Maine to the Legislature of that State, referring to the seizure of the land agent of Maine and his assistants, upon the Aroostook territory, by provincial authority, it is again said:

"No palliating circumstance for this outrage can be found in even a pretense that the place where it was committed is within the concurrent jurisdiction of the two Governments, much less that the British Government have had exclusive jurisdiction. Lands even higher up, and beyond this, were surveyed and granted by the State of Massachusetts more than thirty years ago; and Massachusetts and Maine have long been in the habit of granting permits to cut timber upon the Aroostook lands, without being, to my knowledge, molested from any quarter, to say nothing of the sale and actual occupation of the land itself."

In the same Governor's letter to the President of the United States, on this subject, under date of February 16, 1839, it is said:

"These gentlemen have been seized upon territory which is regarded by Maine as having always been within her exclusive possession and jurisdiction, as will appear by a few of the facts alluded to in my message."

"I will only add, that in this State there is but one feeling upon this subject, and that is of deep indignation at the outrages that have been perpetrated, and a fixed and unyielding determination not to submit to the degrading terms proposed by the Lieutenant Governor of New Brunswick—that of withdrawing from the Aroostook territory, and abandoning our soil to foreigners, and our property to a band of armed plunderers."

Sir, with the evidence before the committee of the plain understanding between the United States and Great Britain, that Maine should retain her exclusive jurisdiction over so much of the disputed territory as had been within her possession, and that Great Britain should retain her exclusive jurisdiction over such portion of the disputed territory as her Province had been accustomed to exercise exclusive jurisdiction over, and that neither party should extend its jurisdiction beyond such limits; with this evidence before the committee of the exclusive jurisdiction which Maine has for years, and Massachusetts for years anterior, exercised over the Aroostook; with the recorded evidence, also, of this as well as of the other branch of Congress before us, that the title of Maine to the whole fee of the soil is absolute, and founded in the most unquestionable justice; with the evidence, yet further, of the determination of Maine not to yield one jot or tittle of her claim to either the fee or the jurisdiction of this portion of the disputed territory, until the dispute shall be settled, if ever—how is it to be expected, or can it be called just, that Maine should back out from this soil, under any pretense of compromise, or by any application of force, and consent to receive into it the equal

and concurrent jurisdiction of the British Province? I say, sir, that if she be true to herself; if she be true to her own fame; if she regard the oath she has taken in the face of the world in appealing to arms against such a retreat or submission, *she will not do it.* No! I do most solemnly believe that any arrangement for this, consummated by the President of the United States, or any other Power, will be a virtual abandonment of the rights and honor of Maine. If Maine submits to it, what may not the country expect her submission to? Her sister Republics will pronounce her capable of being driven into any terms which the Federal Executive may demand her assent to. This bill, I trust, aims at no such humiliation for her. If the exclusive jurisdiction of Maine to the Arrostook country be in any way disturbed or invaded by the provincial government or by Great Britain, then will the contingency contemplated by this bill have occurred. Upon any other construction of the bill, or of the duty which the Federal Executive will owe to Maine under it, I would sooner see the bill defeated than passed.

Sir, allusions have been made on this floor to the conduct of the local authorities of Maine, and in a quarter where it should have been said last, if at all, however just the sentiment may be regarded by this committee or the country. The late proceedings of the Governor and Legislature of Maine have been pronounced rash, unfortunate, and precipitate; that Maine has been plunged needlessly into difficulty, and the peace of the nation put in jeopardy.

Sir, if I would make an issue upon such imputations, at this period, or if it was the duty of Maine to fall down at the footstool of the Federal Government to apologise for any proceeding of rashness or precipitancy on her part, she might well turn and prove herself the accuser of the Federal Government, and, from its records, prove upon it negligence in the extreme towards the rights and honor of Maine. If Maine has been rash, this Government has been still more culpably negligent. If fault there be anywhere, the first fault attaches not to the authorities of Maine. If blame is to be traced to its source and origin, it will not be found resting with, or proceeding from, Maine. I make no accusation other than to say, as I have said before, that Maine has been for years neglected in her boundary, and her troubles and her dangers have been forced upon her against her earnest endeavors to avert them; but, being thus forced upon her, she is endeavoring to meet them as becomes a free and independent Republic.

It has been said, sir, that our country is not prepared for war; that our shipping will be driven from the ocean; our cities and towns will be sacked and destroyed by the enemy; that our harbors and sea-coasts are unfortified; that our frontier is defenseless; that our western lakes are without a single armed ship to maintain the honor of the country for a single day there. All this may be a good argument addressed to our apprehensions; but it is not one that looks to the rights or to the honor of the nation. Grant that we have none of the bulwarks adverted to; grant that we are less prepared for war, in these respects, than we could wish to be: is it not true, nevertheless, that we are as well prepared as we ever have been—as well prepared as we can ever hope to be, until war shall be upon us? Sir, our preparation for war is not, it never has been, in armed ships, in fortified towns, or in a standing army. Such preparation is not consistent with the characteristic economy of our institutions. The preparation for war upon which the United States have relied heretofore in all times, and upon which they will rely at all times hereafter, more than upon all things beside, consists in the righteousness of their cause, and in the settled determination of the people to sustain and defend it at all hazards.

Sir, this preparation is now felt throughout this country upon the present emergency. And, if our Republic should exist a thousand years, and should continue throughout that period to add to her physical strength, to enlarge her prosperity, to develop her resources, and to add to the number and chivalry of her population, in the same progression as has characterized her march, in

these particulars, since the 4th of July, 1776, she will still be, comparatively, as destitute of armed ships, of fortified towns, and of a standing army, as she is at the present moment. Maine, sir, is unprepared for war. With her three hundred miles of sea-coast, she has not a fortification upon it which might not be successfully stormed, as now circumstanced, by an ordinary gun-boat. With her three or four hundred miles of interior frontier, she has not so much as a log cabin fortified, besides the one erected within a few days by the determined spirit of her own citizens. And yet, sir, she has the preparation of a righteous cause, and the determination of a brave people engaged in her support, and these make her strong in her preparation for war; and with this preparation she has taken the field in defense of her rights and her territory. From that field she will not be driven.

#### MAINE BOUNDARY QUESTION.

#### SPEECH OF HON. R. H. MENELEE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

March 1, 1839,

On the bill giving the President additional power for the defense of the United States, &c.

Mr. MENELEE said that the debates on this question had been characterized by such ability and fullness of detail as to spare him the necessity of going at length into the particulars of the controversy between the two nations, or even into the main points on which the title of the United States to the territory in dispute is founded. He proposed but to state the conclusions to which he had come respecting this controversy—conclusions drawn from an anxious and solemn consideration of all the information attainable through the protracted correspondence between the two nations, their debates in Parliament and Congress, or other sources within his reach, and to express his opinion upon the measures which the existing emergency demanded.

That the whole territory in dispute belonged rightfully to the United States, under the treaty of 1783, he did not for one instant hesitate with the utmost confidence to pronounce. It is demonstrable; it has been already demonstrated. Nor, sir, (said he,) do I hesitate, with equal confidence, to pronounce that the claim to that territory on the part of Great Britain is altogether unfounded, and attempted to be supported by arguments too untenable and frivolous, in my opinion, to comport with either the dignity or candor of a great nation. The right, therefore, being most manifestly with the United States, the party who contests it on the palpably insufficient grounds assumed by Great Britain must be held answerable before the world for whatever evils so unfounded a pretension may tend to produce. All nations are tenacious of territory; and territorial disputes are, from their nature, more likely than almost any other to engender mutual irritation and exasperation, in which both parties are liable to err. But the fault, and consequent responsibility for it, all lie with the party which, by the assertion of an unjust claim, thus exposes both to such consequences. It is in this view only that I now consider the question of right to the disputed territory, and not as furnishing a reason for the measures proposed now to be taken by the United States; for these measures flow from other reasons than those of conviction of this right, and of a fixed resolution to maintain it. They flow from an emergency which has lately arisen—new and peculiar.

Great Britain, sir, claims *exclusive jurisdiction* over the disputed territory until the dispute shall have been settled. Such a claim, urged merely in *negotiation*, would, I think, be unreasonable enough. Assuming that the right is doubtful, (which it is not,) it is manifest that the claim, merely as such, of one nation is entitled to no higher respect than of another. It cannot be presumed, in advance of negotiation and adjustment, that the claim of either is superior. Independent Powers must, in this respect, be regarded as equals. To concede that the undivided pretensions of either shall be invested with a validity and force denied to the other, is to concede away,

in some sense, an essential attribute of sovereignty. Yet Great Britain, by her claim to exclusive jurisdiction over the subject of dispute until it shall have been adjusted, arrogates to herself, undoubtedly, this inadmissible superiority over the United States. Nor is the reasoning by which this claim is attempted to be maintained less objectionable than the claim itself; a reasoning founded on the assumption of the principle so humiliating to the United States, that their independence, nationality, territory, were derived from Great Britain by *grant* imparted by the treaty of peace of 1783; and that, therefore, Great Britain is to be presumed to remain in possession until there has been a transfer in fact. Sir, the treaty of 1783 *granted* nothing—neither independence, nationality, nor territory; that treaty but *acknowledged* them. For the foundation of all their inestimable rights, the United States point not to the treaty of peace, but to the glorious war of independence which preceded it—to occupation; and to the deeds of the noblest ancestry that ever bled in the cause of freedom—to conquest. Sir, I repeat, Great Britain *granted* nothing; she but acknowledged and recognized what the United States had themselves accomplished—without her and against her.

This claim, therefore, to exclusive jurisdiction, until the termination of the controversy, if urged by Great Britain, on the general reasoning hitherto advanced in its support, in the most unexceptionable form of negotiation, it would be the duty of this Government, under every obligation of interest and honor, to repel. But, sir, Great Britain of late reposes her claim to exclusive jurisdiction upon another foundation, which, if existing as represented by her, exhibits it in an imposing if not irresistible light; which is, that the United States, in the progress of the negotiation, had conceded, by *explicit agreement*, the right now contended for. This alleged agreement is asserted, in positive terms, both by the provincial authorities of New Brunswick and the British Minister here. Sir, I (in common, I believe, with the whole country) was surprised, absolutely astounded, by this announcement, so confidently made, and from sources so respectable, of the existence of such an agreement. If this Government had so agreed, the nation was of course bound, in faith and honor, to respect the agreement, no matter how injurious to our interests or humiliating to our character. Sir, I cannot express the intensity of the solicitude I felt to hear the response which our Government should make to this alleged agreement. Could it be possible that any Administration had been so unmindful of interest, and regardless of honor, as to have made such a concession? This suspense was of short duration. I now rejoice, sir, profoundly, and with patriotic thankfulness, (as doubtless the nation does too,) over the prompt and unequivocal assurance of our Government that *no such agreement does, or ever did, exist.* The British Minister is respectfully but earnestly invited to point to the alleged agreement. He has failed to show it; he cannot show it, nor can his Government. Sir, it does not exist, and we are left to hope that its existence has been urged under an unintentional misconception of the negotiations between the two Governments. Unsupported, therefore, by this pretended agreement, the claim of Great Britain to exclusive jurisdiction is thrown back upon the untenable and wholly inadmissible reasoning in which it originated.

But, sir, if the grounds which this Government has invariably assumed in resisting the claim by Great Britain to exclusive jurisdiction needed additional support, it is furnished by an explicit understanding between the two Governments that *neither party should exert exclusive jurisdiction* pending the negotiation, but should be confined to the portions of the territory in dispute, then in the possession and under the jurisdiction of each, without the right to enlarge their then existing possession or jurisdiction in any respect whatever. This understanding (unlike the agreement set up by the British functionaries) admits of being pointed to and shown. It has been shown. The correspondence shows it. Nor can its existence be contested. This understanding, by itself, arms the United States with an argument against the claim of Great Britain (if the question is to

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be submitted to the arbitrament of argument) entirely irresistible, so long as the existing understanding shall remain unrescinded.

But, sir, it appears that argument and negotiation are to be discontinued by Great Britain, and the more cogent instrumentality of arms to be substituted in the enforcement of this claim to exclusive jurisdiction. It is announced, officially and unconditionally, by the provincial authorities of New Brunswick that they have peremptory instructions from the British Government to enforce this claim by arms, if arms be necessary, and that those instructions shall, at all hazards, be executed, if the powers of the British arms in all the provinces are adequate to their execution. Sir, this new manifestation of purpose wholly alters the aspect of the controversy. It proposes to deprive the United States of the advantages which they obviously possess under an original view of the respective claims of the two nations, unaffected by any agreement or understanding. It proposes to trample under foot an explicit understanding, solemnly and formally recognized, forbidding the pretension now urged. It proposes, finally and worst, to withdraw the adjustment of her claim from the field of reason and negotiation, and to adjourn it over to the field of arms! This, sir, is the new position which Great Britain has chosen to assume. It is altogether her act. She has a right to assume that or any other position she pleases with respect to this controversy; we cannot prevent that. The question now, sir, is, "How shall the United States meet this new position?"

Mr. Speaker, I am fully sensible of the comparative insignificance of the territory in dispute. I have, I trust, duly weighed the deep calamities of war in any form, and especially between two nations as powerful and as closely connected in commercial and other relations as Great Britain and the United States. I know that this nation is unprepared for war. I believe I have soberly weighed all the motives to peace; nor have the dangers to which war must ever expose institutions like ours been unconsidered. All these things have been calmly and resolutely looked in the face; and, in the full view of them all, I stand in readiness to repel the pretensions of Great Britain by reason and negotiation—peaceably, if she is disposed to reason and negotiate peaceably; and in perfect readiness to repel her pretensions by arms, if she is disposed to compel us to that resort! Sir, if Great Britain persists in backing her pretensions by arms, but one alternative is left us—dishonor or war; and, sir, dishonor the spirit of this nation will not endure. Choice of peace or war is with Great Britain. She will manifest her choice of war by persisting to execute the instructions avowed by the provincial authorities. For, sir, to the peaceable execution of these instructions this country cannot submit, and never will submit; it is the price of its honor to submit. In such an event war is inevitable; on our part a righteous war, upon which the smiles of the God of battles may be confidently invoked. If Great Britain wills war, let war come! This nation, armed in the righteousness of such a cause, has nothing to fear—all to expect.

In the present posture of this controversy, sir, there is no occasion, nor is it proper to animadvert upon the course of our own Government for several years past, in the conduct of these negotiations. That unjustifiable delays have been submitted to, may probably be shown. False steps on minor points may have been occasionally taken to our prejudice. This would but afford cause of complaint by the nation against its own Government; whilst, at the same time, the position of Great Britain is rendered, by that cause, still more indefensible. Nor would this be an appropriate occasion for arraying the wrongs—still unredressed—which this country has suffered from Great Britain by encroachments on other portions of our territory, or the unatoned outrage upon our territory and the lives of our people in the affair of the *Caroline*. These are subjects which stand open for discussion on their own merits, and in the mode which becomes them. The present emergency alone is now to be looked to, and provided for—by itself and for itself; and the measures of legislation taken by Congress should regard the emergency in that light. I am

happy, sir, that the Committee on Foreign Relations, to which these momentous subjects were committed, have so regarded it. I agree with them generally in the reasoning of their report—entirely agree with them in its tone.

With respect, sir, to the bill reported by the committee, I regret that it is not, in my opinion, wholly free from objection. The second section, providing for so large a contingent augmentation of the regular force is, I think, unnecessary at the present moment. It confers vast discretionary powers upon the President. Those powers may not be abused, it is true; but it is no less true that they are liable to abuse, and may be abused. It is in seasons like this that free nations are most apt, in their efforts to guard against dangers from abroad, to forego their accustomed jealousy of power, by erecting precedents of discretion which plant the seeds of fatal dangers from within. I trust that the committee themselves will, on reflection, perceive the inexpediency of this provision, and decline further to press it.\* Nor should I have recommended, as the committee have done, a special embassy to England. I am not sure that the present posture of affairs is such as, in strict delicacy, to require or even warrant it. Yet in the spirit of forbearance and peace which I hope may ever characterize the counsels of this country, I shall interpose no resistance to the measure, and shall be happy in the expectation that it, amongst other measures, may conduce to a speedy termination of this unfortunate controversy, peaceably and honorably to both nations.

I have but to add, sir, the expression of my unaffected and profound desire for peace; and at the same time, my conviction, not less unaffected and profound, that the enforcement by arms of the late pretensions of Great Britain, as threatened by her provincial authorities, is incompatible with honorable peace. If Great Britain, in violation of our rights, in disregard of our own solemn engagements, shall precipitate a war, this nation, I believe, will, as one man, brace itself for the conflict. Other gentlemen better understand than I do the spirit existing in their respective sections of the Union. The nation has, in the history of the past, a guarantee that the region in which Kentucky is situated will be found promptly obedient to the calls of the national honor. Satisfy them that peace is dishonorable, and they are for war. They will not inquire how much or how little territory is involved in the dispute; they will not surrender an inch, if it involves a sacrifice of the national honor. They will never consent to graduate honor by interest. They fought the battles of the country in the late war, from the Thames to the Balize, over questions wholly maritime, in which they had no direct interest. Yet, sir, the national honor demanded that war; and maritime in its origin as it was, it found nowhere in the Union more ardent and steadfast votaries than were found a thousand miles in the interior. Sir, as they were prompt then, so they will be prompt now to vindicate to the utmost, and to the last extremity, the honor of the country. They will not now calculate, as in times past they never have calculated, the sacrifices which such a contest may involve. They regard the maintenance of the national character and honor as paramount to all other considerations; for they see in it the only means of enjoying, in security, any of the inestimable blessings which Heaven has plainly reserved for their country. For this they deem no sacrifice too dear. Money, property, blood—count and measure it all—it is yours, freely—if the vindication of the national honor demands it!

## MAINE BOUNDARY QUESTION.

## SPEECH OF HON. M. FILLMORE,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

March 1, 1839,

On the bill giving the President additional power for the defense of the United States, &amp;c.

Mr. FILLMORE said it was with extreme reluctance that, in his feeble state of health, he

said a word to protract this debate; nor should he have done so, but that he felt that his own constituents might have as deep an interest in the results of this bill as the inhabitants of any portion of the United States. This bill, if he could credit what had been said by the gentleman from Maine, [Mr. EVANS,] or read by the gentleman from Maryland, [Mr. HOWARD,] was neither more nor less than a contingent declaration of war with Great Britain. In such an event his constituents had a deep and obvious interest. It was true, that on the face of the bill, and in the wording of the first, second, and third sections, it seemed to be contemplated that our collision with that Power would be confined chiefly to the frontier of Maine; but such would not turn out to be the fact. If resort was once had to arms, the matter would not end by a brief skirmish in Maine. That little tract of territory, cold and barren as a Siberian desert, was of but small value, but for the timber it contained. That would not be the battle-field on which this contest must be settled; the scene of conflict would extend along the entire northern frontier of the Union, and its chief seat would be upon the great northern lakes. If it was true, as the gentleman affirmed, that even the President himself did not fully appreciate the urgency of the crisis, what must be the consequence, upon that crisis, of passing a bill like this? What did the bill contemplate? What was the very first step it proposed? It went at once to commit us to war *de facto*. The first section went on the supposition that Great Britain would enforce the claim she had set up by a resort to arms. Was there any reason to suppose that this would be done? The gentleman from Maine had told the House that it would be attempted at once, and that a collision has already taken place.

Mr. EVANS. What I said, and what I now say is, that if Maine shall be left alone by this Government, she will be attacked; but it is my opinion that if this bill passes, no such attempt will be made, and that the bill, instead of producing, will prevent hostilities. I repeat the declaration that I look to it as a measure of peace, and my only fear is that it may come too late. The moment the provincial authorities find that if they advance they meet you and not Maine alone, rely upon it they will wait for advices from their Government.

Mr. FILLMORE. The gentleman then concedes that it is probable collision may have already taken place. We are, then, acting on a contingency, with little time to deliberate, and none to retract any step we may take. Suppose there shall be a collision before the result of our deliberations is known. Congress will be defunct, and what will be the duty of the President? To wait till he can lay propositions before the Government of Great Britain? To pause and negotiate, and then go to war? No. The nation is irretrievably committed, and it will be his duty at once to expel the invading force. No alternative is left him. There is no chance or space for repentance or advice. We have assumed that the act of Sir John Harvey is the act of his Government, and the President is at once to proceed to hostilities. I am not prepared to say that even this may not be necessary. From the little examination I have given to the subject, I have no doubt whatever that Maine is in the right. The only question is as to the manner and the time in which her right is to be enforced. In this question the whole country is interested, and especially the people of my own district. It appears to me that the Committee on Foreign Affairs have directed their attention exclusively to the interests and rights of Maine, and have, to a great extent, overlooked the great interests of other portions of the Union in this matter. Ought they to have forgotten the defenseless position in which the whole northern frontier would be placed in case of a war? I am surprised to find not one solitary provision in this bill for the defense of a lake frontier of fifteen hundred miles, with not a single fort upon the whole line, nor a single armed vessel owned by the Government. Is it right thus to make a contingent declaration of war, and make no provision whatever for the defense of that frontier, at the same time that ample provision is made for the sea-coast?

\* The section was rejected by the House.

It may be said that we entered into a treaty with Great Britain in 1817 or 1818, limiting the number of armed vessels that should be maintained by either Power on those lakes. I admit it; but Great Britain has not invariably felt herself bound by that convention, for she has at least, I am informed, an armed steam vessel in her employ on Lake Ontario, two or three on the upper lakes, and one on Lake Champlain, by which, during the season of navigation, every lake town from Buffalo to Detroit may be utterly destroyed in less than one week, while we have nothing prepared to resist. I have been struck very forcibly with the singular, and, to me, unaccountable omission in this bill to make any provision for a case of such imperious necessity. I believe we have not one piece of ordnance on that whole frontier that could be pointed against an invading foe. I beg pardon of the House for asserting that we are wholly defenseless. I have just been told by the honorable gentleman from Michigan, who sits near me, that the Government, in its magnanimity, has given to the State of Michigan one nine-pounder. [A laugh.] All I ask of this House is, that, if they deem it necessary to the national honor to make a contingent declaration of war, they will insert in this bill some provision for the defense of the northern frontier that shall at least put us on a level with the Atlantic cities. We ask no more. I know there is not time to erect forts; but I ask, while the President of the United States is authorized in this bill to equip and employ the whole naval force of the United States for the defense of the sea-coast, will not Congress authorize him, at the same time, to purchase, arm, and equip the necessary number of steamboats for the defense of our northern frontier? Surely, it is the duty of the House to do so. Will they apply a torch which must set our whole northern frontier in a flame, and make no provision for our defense?

It is true we have a bill authorizing the erection of forts along the boundary line of Maine, and another for repairing the dilapidated works on Lake Ontario; but, from the report of the War Department, after sleeping a Rip Van Winkle sleep of thirty or forty years, it seems they have at length waked up to some apprehension of our exposed condition, and they now propose to commence at Fort Niagara a fortification now comparatively useless, and to proceed thence eastwardly, as if there was nothing west of that point worth defending. I shall be pardoned for saying that there are more people west of a meridian line drawn through Ontario, inhabiting States which border upon the lakes, than existed within the whole limits of the United States at the time of the Revolution; but it seems that war is to be declared, and all this portion of the Union is to be abandoned to its fate. Why this odious distinction?

Mr. HOWARD, chairman of the Committee on Foreign Relations, complained of the view taken of this whole case by the gentleman from New York. The gentleman seemed to complain very heavily that there was nothing in this bill for the defense of the northern frontier, by water; but he would take the liberty of calling the gentleman's attention to the third section of the bill, which empowered the President to put into requisition the whole naval force of the United States, and employ it for the national defense; and though the bill contained no special authority for the erection of steam batteries, yet there was such a provision in another bill now before the Senate. The power of the President must, of course, depend on the amount of money placed at his disposal; he might employ a portion of the Navy on the lakes, as well as on the ocean; and vessels of war might be built and launched upon the lakes.

Mr. FILLMORE read the third section, as follows:

"Sec. 3. And be it further enacted, That, in the event of either of the contingencies provided in the first section of this act, the President of the United States shall be authorized to complete the public armed vessels now authorized by law, and to equip, man, and employ, in actual service, all the naval force of the United States."

The honorable chairman of the committee says that the committee understood that the northern frontier might be defended in one of two ways: the President might fit out the vessels of the

Navy, and employ them in the defense of the lakes. Now there is one objection to this: those vessels may find it very difficult to ascend the Niagara falls. It is said that a certain Secretary of War once directed vessels to be built on Lake Ontario which were to be used on Lake Erie, entirely forgetting that the falls were interposed. It certainly will not answer to fit out vessels on the Atlantic which are to be used on the lakes. The bill only allows the President to complete vessels already commenced. It is true that we had some vessels of war on Lake Erie, part of them built by ourselves, and another portion consisting of those taken from the British by Perry; but, after the last war, these vessels were sold to private citizens, and they are now navigating the lakes as merchantmen. The Government has not a single vessel upon that lake moved either by sails or steam.

I will not enter further into this argument. I trust it is quite sufficient to apprise the House of the actual state of the case to induce them to make some provision for the defense of the northern frontier. It surely is not necessary for me to refer to the exasperated state of feeling which has for some time prevailed on both sides of the line, or to remind the House that, with all the exertions of both Governments, it has been scarcely possible to preserve the national peace. If war shall come upon us without previous preparation, we have nothing else to expect but to see our cities and our villages laid in ashes, and our citizens murdered. Let me not, however, be misunderstood. We are fully ready to stand by Maine in the maintenance of her just rights. We are willing to bare our bosoms to the shafts of war whenever the honor of the nation shall require it. All we ask is that you shall make what provision is in your power for our defense. Put us upon the same footing with the Atlantic coast. The British Government has in the Canadas eighteen thousand troops, among the best that the world affords, and there is no preparation on our part for defense. True, we have the militia, prompt and brave, and ever ready to meet and repel an invading foe; but how are we to transport them to the spot where their services may be required? You have scarcely a single vessel in Government employ, and you urge an argument our treaty with England; but I pray gentlemen to remember that as soon as the two nations get to blows, all treaties are at an end. Mr. F. asked, in conclusion, that his amendment might be read, and it was read accordingly in the following words:

Add to the third section as follows:

"And to build, purchase, or charter, arm, equip, and man, such vessels and steamboats on the northern lakes and rivers whose waters communicate with the United States and Great Britain, as he shall deem necessary to protect the United States from invasion from that quarter."

This amendment was agreed to.

#### MAINE BOUNDARY QUESTION.

#### REMARKS OF HON. HUGH LEGARE, OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

March 1, 1839,

On the bill giving the President additional power for the defense of the United States, &c.

Mr. LEGARE said that he agreed with the gentleman who had just taken his seat, [Mr. MENEFEE,] in the sentiment that, of all things in the world, a war with England was most to be deprecated and most to be avoided, if it could be avoided without a sacrifice of the national honor and character; and, if Mr. L. considered this bill as a war measure, he should not be its advocate. But, so far from believing it to be a war measure, he held with the gentleman from Maine [Mr. EVANS] that, if any measure was calculated to avert war, it was a bill of this character. The measure proposed was no new thing in modern times. On the contrary, the experience of a few years past was full of similar instances. How often had the most formidable military forces been raised by the nations of Europe, not for the purpose of waging war, but only as a sheriff raises his posse

to execute a writ; so these armies had been raised to carry into effect the law of nations. The French had raised armies and had battered down fortresses, and yet it was not held to be war. The Powers of Europe stood by and saw the decree passed by their mutual agreement carried into forcible effect. The thing was done by military force, with colors flying and drums beating, and by the discharges of parks of artillery; but still it was not war; and it was this very array of battle by which the peace of Europe was preserved. Gentlemen, therefore, need not be so much alarmed, as if the House, by passing this bill, was resorting to a war measure.

Before, however, he entered into the argument, he must first be permitted to say that he had regarded the gentleman from Pennsylvania [Mr. BIDDLE] as somewhat singular in the position he had taken. True, the gentleman had retracted what he had remarked as to the braggadocio style of the proceedings of the House.

Mr. BIDDLE said that he had retracted nothing. He had only restated what he said when up; and he still thought it premature in this Government to put on military array because the British Government had assumed a position for which our own conduct did certainly give them some pretext.

Mr. LEGARE. The gentleman admitted that the Committee on Foreign Affairs had not had in view a direct resort to war, although he was not without apprehensions that the measure they advocated might lead to such a result. The gentleman certainly would be greatly mistaken, if he supposed that the committee were either disposed to deal in the language of a braggadocio, or had the remotest desire to precipitate hostilities. For himself, Mr. L. could say that he had ever been the uniform advocate of peace. The members of the committee would bear him witness that even in our difficulties with Mexico, when her conduct gave us a just pretext for war, and our superiority in power presented a temptation to engage in hostilities, he had uniformly opposed a resort to arms. The committee had, indeed, prepared a manifesto to the world, exhibiting a list of our national grievances, and the ground of our just complaints against the Mexican Government; yet they had, without hesitation, recommended a reference of our difficulties to the arbitration of a third Power; and they would be disposed to do the same thing now did the time allow it. The House had been told that it was a great pity that they were called to pass so suddenly on a question out of which might grow such grave and important issues. And if the House were under obligations to discuss at large the whole question of our northeastern boundary, its past history, present state, and its whole merit, there might be something in the objection. Yet the gentleman from Massachusetts [Mr. SALTONSTALL] had maintained that the question between us and Great Britain was so simple that an envoy who had never studied it might make himself completely master of the subject during the shortest voyage that ever was made across the Atlantic. Mr. L. had thought, at one time, that the gentleman was going to say our Government had given up possession of the disputed territory; but when he said he would go for the first section of the bill, he did admit that Maine had never abandoned her claim to the possession of the soil. It was true that neither the General nor the State Government ever had abandoned the possession of the territory, nor the claim to jurisdiction over it. But now a subordinate foreign functionary writes to the Governor of Maine that he has power to oust her from the possession of it by the force of arms.

The question was a simple one. The facts were all in our own possession, and could at any time be established. Indeed, he had never heard them disputed until this evening. Maine, then, being established in an undoubted ascertained right, and her people flying to arms as one man, the question was, whether that House had any other choice than to do its duty in support of what was just, and leave the results to Heaven. Could there be any doubt what the law of nations required under such circumstances? What was the language of that law? [Mr. L. here read a passage from Vattel.] There was the law, so

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laid down that none could misunderstand it. In this case the question of property was wholly immaterial; the question of possession was the only one to which we were to look. As to the property, indeed, nothing could be more clear; the question was fully discussed in an able report made to the other House by its Committee on Foreign Affairs. If any man wanted light on the whole controversy, there it was to be found. If any man had a lingering doubt upon his mind, let him read that document, and be convinced, as he soon would be, that there was nothing at all in the claim of Great Britain. The answer as to the question of boundary was spoken by Nature herself. Men might dispute about what constituted a highland, and what was a hill, and what was a mountain; but if there was any height of ground from which the streams run in opposite directions, into the St. Lawrence on the one hand, and into the Atlantic on the other, it was enough. The words of the treaty were answered. The everlasting, unalterable face of Nature herself, bore witness to the agreement between the two nations as to their boundary. The claim set up by Great Britain was a mere fetch—a pretext to get hold of a piece of ground which it was very desirable for her to possess. Under circumstances like these, was it possible for this Government to go further than to admit the ground of *uti possidetis*? We had given up to her the jurisdiction on the Madawaska. Must we go further than this? Shall we admit that the uncontested possession of the whole territory, not only on the Madawaska, but on the Aroostook, shall suddenly be taken by an armed force? The question whether Governor Fairfield had done amiss or no, in the step he had taken, was of comparatively little consequence. He had violated courtesy, but had not violated his official duty. He had done nothing more than drive off trespassers from a portion of territory of which his State had possession. Could there be any right in a foreign Government to enter it by force of arms, and drive him off, for that is threatened? Sir John Harvey had written to Governor Fairfield, giving him warning that he should enforce the exclusive possession of Great Britain by the employment of her military strength. It was a gross violation of the law of nations, and was not to be submitted to.

Mr. L. said that it was not in the spirit of war he said this. He admitted that we must not pre-judge the question; but this nation could not treat with any foreign Power with a hostile foot upon her soil. Her first language to that nation must be—"Go back! withdraw your foot! and then we will send an ambassador."

Mr. L. said that nothing could be more deprecated by his constituents than a war with Great Britain; yet, when it was necessary to the honor of their country, none would be more ready in doing their whole duty. That necessity was the only question. They scorned the spirit of bravado; but, in their name, he should vote for this bill, if it were only to satisfy the British Government how deeply this country was interested in this question of jurisdiction, and as a means of giving greater solemnity to the negotiation in regard to it. He deprecated a resort to arms. To enter into a war for its own sake, was now too late for the spirit of the age. Within the last thirty years they had all seen contested questions of the most serious nature and the most threatening aspect dissipated into thin air, when the armies of both parties were raised, embodied, drawn out, and on the very edge of contest. He hailed it as one of the happy auguries of the future age of the world, that the united influence of commerce and Christianity had so often triumphed over the spirit of war, and even bade fair to banish it among men.

Under the influence of these feelings, Mr. L. would adjure gentlemen on all sides of the House not to go into those exciting topics which connected themselves with this subject, and which were so well calculated to stir up embittered feeling, and thus render incurable the breach between two great nations, whose kindred, origin, language, laws, and commerce ought to link them together in bonds of indissoluble amity and friendship.

## MAINE BOUNDARY QUESTION.

## SPEECH OF HON. J. Q. ADAMS,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

March 2, 1839,

On the bill giving the President additional power for the defense of the United States, &amp;c.

Mr. ADAMS said:

Mr. CHAIRMAN: I had entertained the hope that I should not have felt myself called upon to say one word more upon the subject now before the committee. I had hoped (and I still cherish the hope) that the immediate occasion for the passage of this bill, for the action of this House upon the matters to which it has reference, had passed away. That immediate occasion was of the most alarming, I may say of the most terrific character. It was no less than a direct menace from a commanding officer of the British Government, in a province adjoining one of our own States, of an immediate invasion of the United States by him, under the express and positive orders of his Government. Sir, the thought of war, even with the weakest nation, is a dreadful thought; but when contemplated with one of the most powerful nations on the face of the earth, I have no language to express the feeling with which the thought comes upon me, that such an event is impending over my country. And yet that was the attitude in which the subject was first presented to this House. Connected with this great and terrible idea of war, the first question which every patriot has to settle with himself is, with whom is the right; and, after that, he is called upon to meet every calamity of which human nature is susceptible, even to the loss of his own fortune and life—of the interest and the welfare of his family—of everything, in short, that is dear to man. He must meet it with an unflinching eye. And this was our position not more than four days ago. I say I cherish the hope that that hour has passed away for the present; that, in consequence of the agreement made between the minister of her Britannic Majesty and the Secretary of State here, an actual suspension of hostilities will be carried into effect. And that is all which is required to prevent that immediate collision to which we had looked. A suspension of hostilities, that is all we can now expect; for, sir, the officers of the British Government, military and diplomatic, are directly at issue with us on the very point upon which those hostilities were to commence, and are to commence, if at all. They are at issue, and that issue was first stated by the Governor of New Brunswick—was confirmed by her Britannic Majesty's Minister here—and was directly taken by the Secretary of State of the United States. Now if that issue were to be brought to the conflict of arms which three or four days ago seemed so immediately probable, I presume we should not have had the discussion which has already taken place on this bill. I presume there would have been some appearance of unanimity in the opinions of this House, as to what was to be done to defend the country from hostile assaults. But, sir, the aspect of the public question between us and Great Britain has changed since then—changed in consequence of the agreement made here—an agreement which, if there is time for it to reach the territory of the British Province before actual collision takes place, will, I presume, prevent collision until such time as the British Government shall be heard from.

Now, there is, behind this probability, a prospect of collision which we have just had—an old long-standing controversy in relation to territorial boundary. The question now is what will be the aspect of that controversy when the British Government shall have been informed of what has taken place here? I suppose I cannot possibly doubt that the British Government will recede from the ground that has been taken by their officers, military and diplomatic, and that that Government will not pretend to rest their determination to appeal to the God of battles for a decision of this controversy on the pretension of an agreement between them and the Government of the

United States, that they should have that exclusive jurisdiction which is finally to inure to the party to which the territory shall be allotted. They will not do so, because they cannot produce any authority of such an argument. I trust, therefore, that they will recede. Probably they may make an argument which has been made for them in this House—certainly they will not make it with more ability—that, although there was not an explicit agreement, as stated by the British Minister here, still there was an understanding, an acquiescence on our part, in their assertion of that exclusive jurisdiction which they have constantly maintained. I say that, if they meet us with such an argument as that, it will be impossible for them, I defy them, to present an abler argument than has been made on this floor. If they should make that argument, and adhere to it—if they should put the assertion of a determination to maintain jurisdiction by force of arms upon that argument—and most especially, if they put it on the ground that, by a forcible expression of indignation on the part of the Legislature of your and my native Commonwealth, Mr. Chairman, the failure to sustain, with proper spirit, the right of our own country, had been denominated a surrender of this question—if, I say, the British Government shall convert that single expression of indignation into an argument to prove that this right had been surrendered, as has been argued here, then, we should be under the necessity of meeting them by another argument, to show that the foundation of their appeal to arms would, in that case, be as false as that which their officers have now taken in their behalf.

I believe that the British officer who has taken this ground has done so under a misapprehension; but how far that misapprehension extends, it must be left to future time to discover. It is quite possible (I do not say probable, though perhaps I might do so) that the instructions of this British officer have been drawn out in such language that he will be fully justified in the construction he has put upon them, and that they were so drawn out for the purpose of experiment. An experiment upon what? Upon the understandings of the members of this House; an experiment upon the spirit of the people of this country; an experiment whether we will endure, on any ground whatever, the assertion of a determination to settle, by force, the question which we have been so long and so unsuccessfully endeavoring to settle by negotiation. I repeat the expression of my belief that the British Government will disavow the construction given to his orders by the Governor of New Brunswick; but I do not undertake to say that they will not pretend that there has been an agreement on our part that exclusive jurisdiction of this territory, in the interval, until the settlement, should be held by them. It is quite possible that they may do so; and I confess that what I heard yesterday on this floor was so plausible, so ably urged, that I should not be surprised if the British Government should take a leaf from the reports of our debate of yesterday, and cast it in our teeth, as their argument for giving a new order to their Governor to take possession of the territory, not upon the pretension which he has now set up, but upon the argument which has been made in their favor upon this floor. I should not be surprised if this argument which has been urged upon us for doing nothing, for leaving the State of Maine to her fate, should now be taken and held forth by the British Government to say "No; we disavow the allegation of the express agreement; but you have endured it so long that you have surrendered the point, and there is your own evidence in the act of one of your own legislators, and you shall not resume it. We will take military possession of the country; it is too late for you to pretend to dispute the claim; you have surrendered it; we will keep and maintain it." That, sir, will be another experiment.

Now, to this experiment on the part of the British Governor of New Brunswick, the State of Maine, in words as strong, as clear, as unequivocal, as inflexible as human language can supply, has said that she is not prepared to submit; and the question is, whether we shall now say that we will not submit to that experiment nor any

other having the same conclusion; that this question is to be settled by force, and not by hastening a little the languid course of Spanish negotiation, or, according to an old Roman proverb, putting it off to what was by them called the Greek Calends. Spain never settled anything by negotiation. "*Mi venga la muerte de España.*" "Let my death come from Spain, for then it will be long enough."\* I, for one, am not disposed either to endure experiments, or to submit for any great length of time to protract the settlement of the matter by negotiation. And there, I hope, is the moral lesson which will be learned by both Governments—that it is time to bring this negotiation to a close; and I shall vote for this bill, for every provision and every word of it, unless some objection should be raised of which I am not at present aware. I shall vote for it as an additional notification, which I hope will be accompanied, from the British Minister here, with an account of the proceedings of this House, like that which the gentleman from Maryland [Mr. KENNEDY] read for our information yesterday. I hope that Lord Palmerston will have an opportunity of reading what was said yesterday and to-day, and what will be done to-day, as accurately as the Duke of Wellington had of a much less agreeable debate that we had here three or four years ago, in which I took no part, but in which you, Mr. Chairman, took a distinguished part. I say that I shall vote for this bill to meet the contingency here contemplated, if it shall come, as we may hear to-morrow or the next day; and this being the last day we have left, we must come to some determination; we must make some provision for this time of difficulty and danger. I shall vote for this bill, therefore, not because it is probably the best that could be passed, if we had time to discuss the whole subject, but because it puts us in a state of defense. It is *arming*.

There is no kind of pretension that this is a war bill—it is *arming*—it is defense, from beginning to end—the defense of our territory—the defense of our soil. There is nothing in the slightest degree offensive in it, and therefore my ears are rather deaf to any intimation as to what this great nation may think of us if we do pass this bill—how she may take offense. Every independent nation upon earth has the right to arm, without giving offense to any other nation. All that any other nation has a right to inquire of another nation arming herself up to the teeth is, why? for what purpose? Is it offensive to her? It is the right of a neighboring nation to put this question, and if the answer is, we are arming in self-defense, the other party has not a right to say a word. The right to arm in self-defense is a right of peace, and is the best of all preservatives of peace, as has been said by others here, and as is known to every man having any acquaintance with the relations of peace and war between nations. So far from this being an offensive measure, it is, as another gentleman has remarked, an explicit offer of the olive branch. It authorizes the President to send a special minister to England. Now if I were to make any objection to any part of the bill, it would be to this. I am disposed to take rather a stiffer tone, and to say: let England send her special minister here; still I do not say that I oppose the proposition. But I do say that if I were at the head of affairs, I would not do this thing. It is a quarrel of England's own seeking or of her officer's. Let her disavow his act—there is no occasion to send a special minister for that. The minister resident there is quite competent to put that question to the British Government. Still, however, the tone of peace is very proper to be indulged in upon all occasions, wherever it can consistently; and I therefore shall not oppose this particular provision, though I repeat, that if I were to oppose any part of the bill, it would be this. As to the arming part, I shall go so far as the bill goes, or so far as it is the intention of the chairman of the Committee on Foreign Affairs to propose.

I must apologize for the extremely desultory nature of the observations I have made, or may make before I resume my seat; for, in reality, the aspect of this question has so changed, from

hour to hour, that I have not had time to arrange the ideas I would present to the committee. I must therefore say what I do say in the most desultory manner. I had not intended to have said a word, and should not have done so but for the argument which we have had here upon this floor. And, sir, I regret to say (although I have no wish to find fault with the Administration) that, even in the letter from Mr. Forsyth to Mr. Fox, it is stated, in terms, that the President regrets that Maine should have taken the stand she has done. It is true the expression is so couched that it may be explained away to the State of Maine in a satisfactory manner. The President says he regrets that Maine felt compelled to resort to these measures. I regret that the expression is there, and I hope that it does not indicate, on the part of the Administration, the slightest intention of deserting Maine in any point or title of this controversy. I take this occasion to say (and this is the principal ground on which I have said anything) that I, for one, instead of regretting that Maine has taken this stand, admire and revere her for having done so. If she had any sense of self-respect, she could not have done otherwise; if she had any sense of her own right she could have taken no other ground. And, sir, that ground has been deliberately taken—it is not now taken for the first time. The present Governor of Maine has been made responsible, but I do not hold him as the first who has taken this ground. It was taken by the last Governor last year; and if political considerations are to be suffered to come at all into this discussion, the Governor of Maine of the last year and the Governor of the present are of different politics. I speak of your internal, inferior, little politics, as compared with the politics of the great world of mankind, to which this subject belongs. If I understand rightly, every step which has been taken by Maine has been taken by the unanimous vote of her Legislature. If this is not so, I desire some member from that State to correct me.

Mr. EVANS was understood to say (though but imperfectly heard by the reporter) that the resolution which gave rise to this proceeding was passed unanimously in both Houses, and that all the other proceedings were, with a single exception in the Senate, approved of unanimously.

Mr. ADAMS. Well, sir, if there was a single exception, we may allow a little fluttering of the heart to one individual out of a large body of a Legislature in two branches, as to the consequences which might follow their determination; and yet we may find that determination the only one consistent with the rights and the honor of the party aggrieved. I say that the act of Maine was deliberate; that all she has done was deliberate. She has been supported by two Legislatures—those of the past and present year. What she has done, then, has been done with deliberation. That is one of the qualities which belong to firm and consistent action. If there was any exception at all, it was hardly sufficient to prove the rule. Sir, it was that determination which shows the spirit to meet an enemy; and it was that spirit which, while it acts, is conscious that there is an enemy to meet. Is that a qualification to be disavowed and regretted by the President of the United States, or by this House? Is it the deliberation with which Maine has acted, is it the firmness which she has manifested, that is disapproved? To my mind, that firmness constitutes one of the greatest commendations of her action. What was that firmness? Why, it required the facing of a deadly enemy; at all events, it involved the possibility or the probability of such an event. And it was not facing that enemy as we, if this bill is passed, shall show that we are willing to face him; because how few of us here have any prospect before us of the calamities which may befall Maine, if this deliberate valor on her part is followed by that which was intended! Who does not know that Maine herself must suffer through every one of her veins, if this thing comes to the issue of battle? It is, therefore, in the prospect of immediate terrific danger that she has come to this deliberate purpose. And am I here, in my place, to declare that this was indiscretion; that it was rashness; that it is drawing us, without necessity, into a war? Let who will say so; I can-

not. And now, where is this indiscretion, this rashness? What is it that Maine has said, and followed up by a large appropriation of her Legislature, and by a declaration of her Governor that he will call forth ten thousand of her sons to maintain it? What, I ask, is it? It is that she will defend her right of territory—a right which you, sir, and every individual here, say is unquestionable; that she will defend it against the threatened military occupation of a foreign Power. No, sir; far from regretting the act of Maine, I shall esteem her and her people higher for it during the short remnant of my life. It is the very act to which I, if I had been one of her citizens, would have advised her to the last hour of my existence.

In addition to all its other recommendations, I believe that this act was absolutely necessary, and necessary, if for no other reason than to do away with that which the gentleman from Pennsylvania [Mr. BIDDLE] has this day explained to be, in his opinion, a delusion into which the British Government has fallen, in consequence of our having surrendered, or having been said by one of the Legislatures of the States to have surrendered, this question of jurisdiction. The gentleman argued that this surrender, by the failure of the General Government firmly to sustain our right whenever questioned before, was equal to a forfeiture of that right; and that, I take it, is to be the British argument, if we are hereafter to have any argument upon the subject. If the British Government are to maintain the act of their Governor, if they will not disavow their pretensions, it must be on the ground that we have been so tamely acquiescent in her usurpations for a series of years, that those usurpations have now got to be rights upon which she is determined to stand. Now, sound logic even, in different minds, does not always come to the same conclusion from the same premises. My conclusion from these premises (admitting them, to a certain extent, for I do not wish to look back) is, that it is incumbent upon us to remove that delusion; to wipe it off; to give the British Government to understand what is the true state of things; to admonish them that they must not construe our tameness in times past into an indication that she may extend her pretensions further, until, going from delusion to delusion, she finally comes to consider that she has an undisputed right to this territory. This experiment of the Governor of New Brunswick is a great step to that further delusion into which I wish to prevent the British Government from falling, so as to send them back to the original stage of the controversy, and say to them, "These experiments prove it to be necessary that we should settle this matter soon; we desire that there should be no more delusions, no more experiments."

Sir, in my opinion, this bill is one of the best arguments that we can use for that purpose. It will show not only that you do not intend to countenance these delusions, but that you mean to put an end to them. The bill is suited not alone to the extremity in which we have been placed within the last few days, but to the possibility of any other experiment, in case any other should be tried. It is suited to the possibility that the British Government, countenanced by what has been said on this floor, as they were countenanced by what was said here three or four years ago, instead of setting up the pretension now acted upon, may say, "It is true there never has been such jurisdiction, but you, by your acquiescence, have countenanced the idea that there was, and we will carry it through." If gentlemen, as a substitute for this bill, will offer something equally firm, equally efficient, equally good as an argument, I will take it; but the bill, as it stands, is good enough for me. If a special minister is to be sent to the British Government, I would give him this bill at the head of his instructions; I would tell him to make its contents known *in extenso*, as the diplomats sometimes say; to send it to Lord Palmerston, and ask him to meditate as much about that as the Duke of Wellington did about a dispatch from Sir Charles Vaughan upon a debate which took place here some years ago.

Mr. Chairman, I believe that I have said all I

\* Lord Bacon's Essays.

intended to say as to the right of the question, as to the actual existence of the claim to jurisdiction on the part of Maine, as to all the facts and materials which go to the support of our most just right. That subject was so fully, so clearly, so unanswerably set forth here yesterday by the gentleman from Maine, [Mr. EVANS,] that I certainly can add nothing to its strength. I hope that his argument was listened to by all the members of this House with as much assiduity and attention as I listened to it myself. If I had any doubts on the subject before, I certainly could have none after hearing that argument.

In lieu of this bill, I understand that certain resolutions have been offered here as adopted by the Senate. I do not know that there is anything inconsistent between the bill and the resolutions, saving the one that carries, at all events, a face of censure upon Maine. I would as soon vote to set fire to this Capitol as I would vote for any resolution bearing the slightest mark of disapprobation towards any one thing that Maine has done in this controversy. I would do what the Legislature of Massachusetts has done, or what I trust she has done—pass resolutions assuming and indorsing all that Maine has done, and declaring in the face of the world that this nation will unanimously support her in all steps which she may find it necessary to take, consistent with the Constitution of the United States, in the same system of measures. In reference to the other resolutions, I say I do not know that there would be any inconsistency in voting for them as well as for this bill; though I confess that the resolutions, so far as regards the indications of what this House and this nation will do, are, after all, but words. Still I am willing to vote for them. They show a good disposition, and so far they are well enough. But this bill, set forth *in extenso*, is the rule of instructions which I would adopt, and which I hope will be adopted by this House unanimously, or as nearly so as possible.

Mr. LEGARE. Mr. Chairman, I have risen simply for the purpose of dissenting, in the most emphatic and solemn manner, from what I understand to be the drift of a part of the argument of the gentleman from Massachusetts, [Mr. ADAMS.] I understood him to say that he disapproves of what appears in the message of the President of the United States to be an intimation of doubt whether Maine ought to be allowed to carry out her claims to their utmost extent without the consent of the General Government; and I understood him also to add that a certain resolution just passed by the other branch of Congress is obnoxious to censure on the same ground. Now I say, on behalf of my constituents, and I believe I speak the language of the whole South, that you must be very careful to make precisely the distinction which I had the honor of pointing out last night, and upon which the President bottoms his course of policy; that is to say, the distinction between defending Maine against an arrogant, I had almost said an insolent, pretension of a foreign Government, and permission given to Maine—a *carte blanche*—to enforce her claims against that Government, and thus put herself as much in the wrong in relation to that Government as I believe that Government is now in the wrong towards her and us. I do most anxiously beg this House to make the distinction.

Mr. ADAMS. The gentleman from South Carolina [Mr. LEGARE] has certainly misapprehended what I said, or intended to say. I did not mean to say that I was for giving to Maine a *carte blanche* to do what she pleased in the progress of this controversy; nor was it in reference to any future action of Maine that I made the remark as to my regret that, in this public document, it is said that the President regretted, not what Maine might do, but what she had already done. I spoke with reference to the past action of Maine; and when I said that I would indorse and assume what she had done, and would declare to her and to the whole world that this nation would support her in the measures which she had taken, I added at the time the words "in anything she did consistent with the Constitution of the United States." I say I distinctly added these words, or words equivalent in import. This was all I said. I did not undertake to say that Maine would do that which she had

no right to do. I did not presume any such thing. I say I will support her in what she has done, and I regret that the President of the United States has used the language he did.

Mr. LEGARE. The momentous nature of this occasion must plead my apology for urging that the gentleman from Massachusetts, [Mr. ADAMS,] to whose venerable authority in such matters this House has always manifested so much deference, will make a more full explanation than he has just made. His remarks, however, furnish us of the South—who are willing to sustain and uphold the State of Maine so long and so far as her cause is righteous, and so far only—with an opportunity of declaring to her that we do not mean that she shall go beyond possession, and claim to enforce the mere right by arms. She, then, must be quiet for some time, at all events. In the abstract, I admit, I think her claim very clear. England does not think it so clear; and, in a contest involving such mighty consequences, it is presumptuous—nay, sir, it is criminal, in one member of the Confederacy to act without reference to what the other members may think. It is here that a warning voice ought to be addressed to Maine. We are bound to protect her, and we are willing and ready to do so, come what may. But, sir, I will never consent that any State in the Union shall cut short, by the voice or under the influences of passion, a question which the Constitution of the United States means to be decided here, and here alone, with all the form and solemnity of legislation. That will not do; and whatever we may do here, I trust that the President of the United States will know that we have voted with this understanding alone.

One word more. I declare that I would not trust the President of the United States with the tremendous contingent power vested in him by this bill, did I not believe from his character that he will be discreet in the use of it, and had he not himself avowed that such was his purpose.

#### MAINE BOUNDARY QUESTION

#### REMARKS OF HON. H. EVERETT, OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES,  
March 2, 1839,

On the bill giving the President additional power for the defense of the United States, &c.

Mr. EVERETT said she should not have risen again in this debate but for some remarks that had fallen from the honorable gentleman from Massachusetts, [Mr. ADAMS.] He did not know which to express most strongly, his regret or his astonishment at those remarks. That gentleman has been justly considered as the great champion of the freedom of debate in this Hall; and yet, sir, on this occasion—a question of vital importance—on a question which may compromise the peace of the nation, the tendency of his remarks—their moral effect—would be as effectually to foreclose debate as the famous gag-resolutions of December. And is it come to this? Are gentlemen, who deem it their duty to examine, in good faith, the grounds of this controversy, to ascertain, while there is yet time, before the die is cast, whether our quarrel be just? Are they to be held up to public odium as taking sides with the enemy—as furnishing him with arguments and pretenses for aggression? If they should attempt to allay excitement—to express a hope that the peace of the country may be preserved without the menacing attitude of war, are they to be represented as enemies of their country? I trust, not, sir. I trust we may here freely deliberate on every measure that shall be proposed, whether of peace or of war. However much I might differ from those gentlemen, who may have questioned the propriety of the course pursued by the State of Maine, yet I fully accord to them the right so to do, and on this occasion I cannot question the purity of their motives; no one can doubt their sincerity or their patriotism. What, sir, because a measure is recommended by the Executive, shall we refuse to deliberate? Shall Congress surrender the power of declaring war to the Executive?

Never, sir, never. But the enemy may hear our debates! And shall the fear of this restrain all debate, but on one side? Why, if there is this danger, was not the message confidential? Why are we not sitting with closed doors? Is it the sole object, the only legitimate object of this debate to furnish additional excitement to the country, already in high excitement from other causes? Is this the only duty required of us? Will the people be satisfied with this? Will they not require at our hand a true representation of the state of the pending controversy? And I cannot but again repeat my regret and astonishment that an attempt should have been made to trammel the freedom of debate on this all-important subject. I do not say that the honorable gentleman has, in direct terms, denounced any who have taken part in this debate as enemies of their country, or that he intended to exhibit them in that odious light; but that such obviously was the tendency of his remarks.

What, sir, is the present state of the controversy, and what the measures we propose to adopt? The controversy originated between minor parties—the Governor of New Brunswick and the State of Maine—not on the right of property to the territory itself, but on the right of exclusive jurisdiction, until the right of property should be determined. This right of jurisdiction was claimed by both parties, and both were preparing to support their claims by arms. In this state of threatening hostility, the higher powers interfered—the Federal Government and the Government of Great Britain. The latter rested her claim to jurisdiction on an alleged agreement with the United States. We denied the agreement, and called on the British Minister for the proof, and he referred the subject to his Government. The point in issue between the two Governments was the alleged agreement. Thus stood the controversy, as stated in the message of the 26th. On the next day the Secretary of State and the British Minister entered into an arrangement for the suspension of hostilities, until the final settlement of the territorial dispute, or until the Governments of the United States and Great Britain should come to some definitive conclusion upon the subordinate point upon which they are now at issue. Such is the arrangement they recommend to the Governor of New Brunswick and the State of Maine. And, in this state of the controversy, what is necessary now to be done by Congress? In my opinion nothing, or, at most, nothing more than to pass the fourth and fifth sections of the bill before us, provide funds for any contingency, and for a special mission. Had such been the recommendation of the President, who can doubt it would have been adopted? It is true that the arrangement is, in terms, only recommendatory, yet who doubts that it will be acceded to by the Governor of New Brunswick? He will never take the responsibility of involving his country in war against the earnest recommendation of the minister of his Government. We ought to act on the presumption that he will accede to it, and surely that Maine will accede to it; that they will both voluntarily accede to it. And, I ask, is it policy to superadd a menace to one of the parties? May not its tendency be to wound the pride of the one, and to add encouraging excitement to the other? I very much fear its effects on both. And what is the measure now proposed?

The first section of this bill authorizes the President to call out the militia for a purpose not authorized by the Constitution; if not, it is wholly unnecessary. If the attempt to take possession of the disputed territory by an armed force is an invasion of the territory of a State, then this section is unnecessary; if not an invasion, then the calling out of the militia to resist the attempt is not a case within the Constitution. It is the act of making war, and cannot be delegated. To Congress alone belongs the power to declare war. The second section authorizes the President to raise an army of twenty regiments, on a contingency, of which he alone is the judge. For one, I should be unwilling to delegate this authority, even if we had the power; and more especially as Congress may be convened in sixty days. And of what possible use would it be, during this short interval, to grant this power? If raised, they

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would certainly be more effective than militia. But they could scarcely be begun to be raised within that period. And what is the object of thus hastily raising this army of twenty regiments? Merely to meet the possible contingency that the Governor of New Brunswick will refuse to accede to the arrangement; a bare possibility, if it is to be left to his voluntary action. But, should this contingency happen, is not the power to call out the militia sufficient for the occasion? Is it not the only power you can effectually use until Congress shall convene? What is this section, then, but mere menace? Why pass it? What good purpose can it serve? But, sir, if it be among the possibilities that this bill should be used, in the tone, temper, and manner indicated by the honorable gentleman from Massachusetts, [Mr. Adams,] it would form a decisive objection to its passage. I understood him to say that he would have this bill placed at the head of the instructions of the special minister; and that the instructions, thus headed, should be ordered to be communicated *in extenso* to the British Government! War would be the necessary consequence. The feeblest Government on earth would refuse to negotiate under such a menace, thus presented. If, I repeat, it is among the possibilities that this bill should be used in this tone, temper, and manner, it would form, in my mind, an insuperable objection to its passage; and I cannot but repeat my regret and astonishment that such a purpose should have been indicated.

I cannot bring myself to believe it possible for two nations to be brought into conflict on a mere collateral question; on a question, too, which seems for the present to be put at rest by the arrangement already made; and I have again to express my regret that the great point of the controversy—the right to the territory—has not long ago been brought to a close. To the two Governments it belongs to settle that controversy; and when the President shall inform Congress that all negotiations are at an end, it will then take immediate measures to put the State of Maine in possession of all that belongs to her.

## MAINE BOUNDARY QUESTION.

REMARKS OF HON. J. L. TILLINGHAST,  
OF RHODE ISLAND,

IN THE HOUSE OF REPRESENTATIVES,

March 2, 1839,

On the bill giving the President additional power for the defense of the United States.

A suggestion having been made by Mr. ROBERTSON that some alteration might be made in the first section of the bill to make it conform to a suggestion of the gentleman from Massachusetts [Mr. Adams] respecting the phrase "*her claim to exclusive jurisdiction*."

Mr. TILLINGHAST said he had marked that passage in the bill with a view to submit to the consideration of the House, or to the committee who reported the bill, the propriety of substituting some form of expression that would more strictly conform to what he believed to be the state of the facts before them. He did not desire to insist on a verbal amendment, unless it should prove acceptable to the committee and the House as a modification, but asked their attention to an alteration by striking out the words "*to enforce by arms her claim*," and inserting in their place "*or by any power or functionary acting for the Government of Great Britain, to enforce by arms any claim*;" so that it might read, "*to resist any attempt on the part of Great Britain, or by any Power or functionary acting for the Government of Great Britain, to enforce by arms any claim to exclusive jurisdiction over that part of the State of Maine,*" &c.

Great Britain had set up a claim to the territory, which claim was now under negotiation; but the question now is upon another supposed claim, namely: a claim to the immediate exclusive jurisdiction.

By the present terms of the bill it seemed to be assumed that the Government of Great Britain had set up and asserted to our Government a claim, as *her claim*, to this exclusive jurisdiction pending the negotiation; it seemed to be implied,

also, that she was preparing to enforce that claim by arms. Now, although it was evident that a belief was entertained by provincial and diplomatic agents of Great Britain, that an agreement existed between the two Governments far more extensive than the real arrangement, and conceding to the British authorities the exclusive jurisdiction over the whole disputed territory until the controversy should be finally adjusted, (as to which, it was not difficult to perceive how they had been led to and left in such a belief,) and although Sir John Harvey, as Governor of New Brunswick, had manifestly acted under such a belief, yet, in any of the documents or correspondence to which the House had access, all of which he had carefully examined, he had not found that Great Britain had asserted to our Government this distinct claim, and thus made it *her claim*, and one which *she* was to stand to and abide by, unless the recent note of Mr. Fox could be viewed in that light. But, in that note, Mr. Fox does not so much appear to intend to set up a claim, as to refer to what he supposed was a fact, to a supposed agreement by which the parties were to be governed; and when the existence of such an agreement is explicitly denied by our Government, he does not thereupon assert a claim to the jurisdiction as the claim of his Government; but, after protesting, to save all rights, he says, in effect, that he is not prepared with evidence of such an agreement, and that he will not commit his Government by any declaration of its intentions in that particular until he receives its specific instructions. So, he thought, the note of Mr. Fox must be construed. Certainly, it seemed to him, there was nothing in that note or in the subsequent pacific and satisfactory step taken by the British Minister, which indicated that hostile intentions were entertained by the British Government. And, he would add, that after due reflection upon the present feelings of the people of the two nations towards each other; upon the deep sense which both appeared to entertain of the necessity of peace to their highest and best interests; and upon the pacific and friendly dispositions which there was every reason to believe were felt, and which up to this moment were mutually manifested by both Governments—few, if any, could seriously suppose that a state of war between the two nations was about to arise from the matter now in question. He believed the difficulty would be adjusted, as it ought long since to have been, by negotiation. And he was not disposed to place Great Britain, in the negotiation, upon ground in advance of that which, he believed, she actually occupied. If she had such a claim, which her Government was prepared to stand by as *her claim*, he preferred that she should bring it forward by and for herself, and distinctly assert it to our Government. He would not appear to concede, by the terms of the bill, that she, as a nation, had made or adopted the claim, when it might turn out, and, if there were no undisclosed transactions, he thought it must turn out, that she might not choose to make it.

## SIXTH CENSUS.

REMARKS OF HON. A. P. GRANT,  
OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

February 28, 1839,

On the bill to provide for taking the Sixth Census of enumeration of the inhabitants of the United States.

Mr. GRANT said:

Mr. SPEAKER: I rise not for the purpose of making a speech, nor do I intend to discuss the merits of this bill. I am by no means ambitious, especially at this late period of the session, of being numbered among the debaters upon this floor, nor do I consider it important to my private interest to publish a book for distribution among my constituents. With them I have no particular accounts to settle—no reflection to secure—no *peculiar position* to explain, and were I inclined to follow the example that has just been given us, and waste some hours of the vastly precious and important time of this House, in a discussion upon matters and things in general, it would

be without excuse. Being aware, as I am, of the vast amount of business now lying upon your table undisposed of, and how much the public interest is suffering for want of the early action of Congress, I should be recreant to my own duty, and faithless to those whom I was sent to represent, should I contribute my voice to any further waste of time.

When I took a seat in this Hall, in marking out the course I should pursue, I resolved to engage in no debate, unless under extraordinary circumstances, except upon some question immediately affecting my constituents. Thus far have I lived up to the letter and spirit of this resolution; and I would not now, at this late hour of the night, trespass upon the indulgence of the House, did I not consider that, after the very extraordinary remarks of the gentleman from Kentucky, [Mr. Graves,] to be longer silent would be criminal. To me, sir, the course taken by the gentleman has been entirely inexplicable. Yes, and without excuse. No one, who has listened to his political tirade; to his repetition of the often-refuted calumnies annually published against the Administration, but has been convinced of the latitude for which they were intended. When I called the gentleman to order, he was animadverting upon the New York elections; supposing he had wholly forgotten the bill under consideration, I desired to set him right; but I must concede to him great consistency for making a long speech without devoting any part of it in particular to the question before the House. How deeply interested the gentleman may be in the approaching Kentucky elections, or what account he may be called upon to settle with his constituents, I know not; yet I envy not the honor or situation of the representative who has a constituency that are to be satisfied only with such labors, *with such trash*. The gentleman desired a reconsideration of the vote fixing the pay of the marshals of Tennessee at \$200, avowedly for the purpose of reducing them to the same aggregate amount with the fees paid to the marshals of Kentucky. But no sooner does the motion prevail, than we find the gentleman abandoning the subject and each of the States, soon ensconcing himself in the room occupied by the investigating committee in the city of New York, and there listening to the testimony relating to the amount of taxes imposed upon office-holders to carry on the New York elections. The next moment we find him reading from some printed book, which purported to contain an account of that investigation. What this book can be, or where he procured it, is beyond my knowledge. It is known to us all that the proceedings of that committee have not been made public, nor are they published in any other manner than in their journal. Whether the majority have extended to the gentleman a favor that has not been granted by the minority to any of their friends, and furnished him their journal, I am not informed; nor am I disposed to complain of any advantage which that gentleman may have over myself in keeping himself advised of the proceedings of that committee.

Mr. Speaker, I have risen for another purpose, and with a different object. The gentleman, not content with his visit to the city of New York, and his attack upon its Democratic citizens, has poached upon my fallow ground; has gone into my district, and most grossly assailed the Administration for retaining in office a man by the name of Smith, as postmaster at New London, who, he says, is guilty of various high criminal offenses, and has fled from Massachusetts under an indictment for forgery.

Mr. GRAVES remarked that it was not in Mr. GRANT's district, but in Mr. FOSTER's, and that he had so expressly charged.

Mr. GRANT. Sir, I believe I know my own district; and most certainly should feel not a little mortified were I not as well acquainted with its limits and my own constituents as the gentleman from Kentucky. He has laid the venue of this transaction at New London, Oneida county. That place, sir, is in my district; and, although in the county where my colleague [Mr. FOSTER] resides, I am well acquainted with its location, and with many of its highly respectable inhabitants. We are told that these charges are known to my colleague, [Mr. FOSTER,] that they have been

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made known at the Post Office Department, and substantiated by proof; and that this Mr. Smith, with all his sins upon his head, is still retained in office. I regret much the absence of my colleague, who, were he here, could, and I have no doubt would, give a perfectly satisfactory explanation of this matter. But, sir, as to myself, I disavow all knowledge of the charges thus sweepingly made against this postmaster, and aver that this is the first time that I ever heard of them. I go further: I give no credit to their truth; and in this conclusion am greatly strengthened by my confidence in the able and indefatigable individual who so faithfully presides over the General Post Office Department. I believe this to be one of the thousand and one calumnies that are daily heaped upon the Administration.

Mr. GRAVES inquired if the gentleman from New York intended to charge him with uttering a calumny?

Mr. GRANT. Mr. Speaker, the gentleman has told us that proof of these charges has been furnished to the Postmaster General; and upon that proof he has been called upon to remove Smith, but has not done so. Now, sir, I wish the gentleman expressly to understand, that I allege neither that the charges are true or false, nor do I care by whom they are uttered; but if the gentleman pretends that *proof* of the truth of these charges has been furnished to the Postmaster General, and he has refused to dismiss Smith, this I deny; *this I charge to be a calumny*. I feel warranted in this expression, from my confidence in the integrity, ability, and faithfulness of that distinguished public officer, the Postmaster General. With Smith I am not acquainted, but know full well that he would have been removed at once had such charges been substantiated against him. Had Smith possessed the character that has been charged upon him, and efforts been made to effect his removal, is it to be supposed that I could have held a seat upon this floor for two years without having heard of these proceedings? It is possible, yet scarcely possible, but far from being probable, that such a state of things would have existed without my knowledge.

But, Mr. Speaker, there are other portions of the gentleman's remarks that filled me with greater surprise, and fell more harshly upon my ear than any to which I have alluded.

The honorable member has seen fit to avail himself of this occasion to make a rude, gross, and wholly unprovoked attack upon a high-minded, honorable, and distinguished individual residing in the northern part of New York, (Mr. Gillet), who formerly was a member of this House. What possible connection this part of his speech has with the bill now before us, I must confess my inability to discover. That I may not be wrong in my quotation, I call upon the gentleman from Kentucky to know whether he used the language I have taken down, as I wish to use the very words used by him. In speaking of this gentleman, he remarked "that he did not know what office he had the capacity to fill."

Mr. GRAVES admitted that he made use of such or similar words.

Mr. GRANT. He also informed us, in a sneering, sarcastic manner, evidently designed to reflect upon Mr. Gillet, that when he returned here last fall, he was surprised to find him strolling about the Capitol, and had the curiosity to inquire his business, and then learned that he held some office as Indian agent under the Government, with the pay of eight dollars per day.

What should have called forth such remarks from the gentleman from Kentucky [Mr. GRAVES] I am entirely unable to conceive, and why he should assail such an individual at this time, and in a place where he knew Mr. Gillet could not in person make any defense, is, to me, matter of great wonder. Sir, I envy not the honor or the happiness of any man who will take advantage of his privileges upon this floor to gratify private malice, or will attack the character of a private citizen, who, by your rules, cannot be admitted within the bar of this Hall.

In the selection of his victim, however, the gentleman could not have been more unfortunate. The character of the individual thus assailed requires no studied eulogy at my hands, and I can assure the gentleman that no remarks of his, here

or elsewhere, can affect that character in the slightest degree in the estimation of those to whom Mr. Gillet is personally known.

Mr. Gillet is not a constituent of mine, but resides at some distance from me; yet it has been my good fortune to be one of his acquaintances, and it is with pleasure I am able to state that I am well and intimately acquainted with him. Sir, I desire to make no unfair or invidious comparisons, nor do I believe I disparage the hopes, standing, or ambition of any one, when I state my conviction that no man who holds a seat upon this floor possesses talent, integrity, and industry in a more eminent degree than Mr. Gillet. Twice was he elected, with a most decisive vote, a Representative to this House, and of him truly it is said, that no man ever possessed more fully the confidence of his constituents. So popular was he in his own district, and so justly were his talents and public services appreciated, that had not a practice existed in our State, where a district is composed of two counties, to take the member alternately from each, he would have been continued as a Representative to this day. His successor is from the other county in his district.

But really, we are gravely told that this individual is without capacity—that he has not the requisite qualifications to discharge the duties of any office? Can the gentleman from Kentucky be sincere in this declaration? Does he suppose that any man who knows Mr. Gillet will believe him? And by whom are these charges made? Are they preferred by a man who was a member of this House at the same time with Mr. Gillet? I understand that both of these gentlemen were members of the last Congress. Will the gentleman please advise me whether this is so?

Mr. GRAVES replied in the affirmative.

Mr. GRANT. Then, sir, this avowal only adds to my surprise; and I must further inquire of the gentleman where he kept himself during the period that Mr. Gillet was so industriously and efficiently engaged in the business of this House? Did he ever listen to his able speeches, or ever read his elaborate, comprehensive and able reports? Does he know to what committees he was assigned, and the labors he then performed? If so, all must have escaped and passed from him like the visions of a dream. No man ever discharged his duties with more scrupulous fidelity. No man ever labored with more untiring zeal or disinterested devotion for the interest of his constituents, nor were the efforts of any individual more justly appreciated by those whom he immediately represented. His published speeches and reports displayed a comprehensive mind and great research; and of the latter, there are those still on the files of this House which would do credit not only to any member on this floor, but to any statesman in our country. And yet a man is found who will rise in his place, and on an unimportant motion to reduce certain fees allowed to the marshals of Tennessee, declare that this individual has no capacity—is incapable of discharging the duties of any office. To such a man, and under such circumstances, I say the charge is made either from ignorance or wantonness.

The SPEAKER interposed, and called the gentleman from New York to order.

Mr. GRANT. Mr. Speaker, I design not to violate any of the rules of this body, nor give offense to any of its members; but I cannot refrain from expressing my mind in language that is not to be misunderstood.

Does the gentleman wish to know why it is that Mr. Gillet is occasionally to be seen in and about this Capitol? If so, I will explain to him, and will assure the gentleman that Mr. Gillet has the same right to stroll about this Capitol, at the tune of eight dollars per diem, as he has himself. Possessing the confidence of the President for capacity, integrity, and general fitness, Mr. Gillet some time since was honored with the appointment of United States Commissioner, to treat and to make treaties with the Six Nations of Indians, in the State of New York, and is here in the discharge of his public duties as such commissioner. I can also further inform the gentleman, if he is not already aware of the fact, that the confidence of the President has not been

misplaced, and that his duties have been discharged with great credit, ability, and faithfulness.

Mr. Speaker, I am admonished that already I have consumed more of the time of the House than I intended, and yet trust there is a sufficient excuse in the peculiar occasion that so unexpectedly called me up. I will add no more, except the earnest hope that we may at once proceed to dispose of this bill.

NOTE.—Mr. GRANT, we understand, immediately called at the Post Office Department, and ascertained the facts in the case of Smith, who had been removed more than a month before. The next morning, after the reading of the Journal, he rose, and, alluding to the debate of the preceding day, asked leave to make an explanation. Objection was made, and he moved to dispense with the rules, which was negatived. It is believed that Mr. GRAVES was one of those who voted against suspension. Having given utterance to calumnious charges, he had not the justice to permit the truth to be told.

## INTERFERENCE IN ELECTIONS.

SPEECH OF HON. A. CUTHBERT,  
OF GEORGIA,

IN THE SENATE, February 20, 1839,

On Mr. CRITTENDEN'S bill to prevent the interference of certain Federal officers in elections.

Mr. CUTHBERT said:

Mr. PRESIDENT: When I obtained the floor on Saturday last, my health was much better than it has been since; and though I had made some little preparation, so far as regards embodying my positions, I have, ever since that day, been suffering under severe indisposition—too severe to permit me to give that attention to the subject which its importance deserves. This I regard not so much on my own account as on the account of the Senate; and I have therefore determined not to keep back the debate, but to proceed in the condition I am in.

I think the honorable Senator from Kentucky [Mr. CRITTENDEN] will himself admit that the evil should be great and evident, and that its influences should be powerful and dangerous, to justify so extraordinary a corrective as that proposed by him. For the purpose of diminishing the patronage of the Executive, the bill introduced by him proposes to disfranchise a large portion of the citizens of the United States, to divest them of the rights and privileges secured to them by the Constitution, and inherited from their ancestors, and to subject them to fine and imprisonment, and perpetual disqualification from holding office under the Government.

The question is, does such an evil exist. Do we feel that in America such extraordinary mischiefs flow from the influence of patronage, that the liberty of speech, which is not only sweet liberty itself, but the guardian of every principle on which liberty is founded, should be sacrilegiously invaded? The question is fairly stated. The remedy should only be used where some great evil exists, and the inquiry should therefore be made, does the evil exist? For the reason that the discussion on this subject has been very ample, and that the bill has been strictly examined in all its details, I shall content myself with only stating general principles, and confining myself to the example cited by the Senator from Kentucky, and inquire whether there is any parallel in this country, so far as the results flowing from the exercise of patronage are concerned, with the country from whence we derived our origin. The example of England has been exultingly appealed to by the Senator; England, England, is all that we hear from the gentleman. English philosophical writers have been quoted; English orators have been appealed to, and English statutes have been paraded before the Senate in support of this high-handed and extraordinary assault on the liberty of the citizen. Is it so, that that which is good in England must necessarily be so in America? Is the structure of society the same in both countries; and do the institutions of England rest on the same foundations as ours? No; a strong contrast may be found, not a similitude; not an agreement, but a wide and essential difference of laws and customs of the two countries from each other. I have no doubt but the Senator, like myself, is conscious that the glorious institutions of

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his country, though some evils may exist in them; stand as a mark of admiration for the rest of the world. If so, then has he, incautiously, perhaps, been betrayed by party feeling into the introduction of a measure which brings his own country into comparison with a country and state of society which cannot be compared with her without disparagement.

Mr. President, perhaps we could judge this case more clearly if, in a simple manner, we inquired under what institutions of Government, and under what state of society, patronage becomes a powerful principle, capable of producing such great effects as to require an extraordinary remedy; also, under what form of Government, and in what state of society, it is a principle that works mischief, and is therefore to be counteracted by means dangerous to the best principles of Government. Let us then bring this English example, that has been so admired, into comparison with ours in regard to this matter.

What are the institutions of that Government, and what is the structure of society in that country, where patronage is a formidable principle to be met by powerful means, lest it should overturn public liberty? It is that Government, and that state of society, in which the Government is in the possession of a particular class of society, and that class not the most numerous, who are in their feelings and opinions to be influenced by such patronage. This is the first condition of society in which patronage is so powerful that it should be watched with jealousy. The next condition of that society is this: that the executive or patronizing power should have the means of drawing to itself the products of the labor of the producing classes; and the third condition of this society is, that there should be those establishments in the country which would enable the Executive so to extend that patronage as to keep down the governed class. If any one of these conditions fail, patronage is necessarily feeble; if they concur, it is hardly to be resisted; and in England these conditions all concurring, patronage has there overcome all resistance.

The Government of England is in the hands of a class—perhaps I should say the aristocracy and the fund-holders—and the Government being in the possession of this class, not the most numerous, patronage may influence the suffrages of that class to accomplish its measures and sustain its power. The peculiarity of England is this: that while it has a powerful aristocracy, this class has great necessities to meet, for which it must depend on the Government. When I say this much, every Senator's thoughts anticipate what is to follow. The principle of primogeniture is established in England, and runs through all her laws, customs, and habits, because that principle is necessary to maintain in rank, influence, and splendor, the aristocracy, which has possession of the Government. That very principle which throws this class in servile dependence upon the Government makes it its most zealous and efficient supporter. The eldest son inheriting all the property of the parent, there is thrown upon society a vast number of younger children, who must either be provided for by the Government, or left in a state of destitution, which would bring that aristocracy into contempt. The principle of primogeniture, therefore, which is the strength of the aristocracy, is also their weakness, because the younger children, inheriting no patrimony, must find some other means of procuring subsistence, or they are thrown in servile dependence upon the Government. That means is found in the numerous and lucrative offices in the gift of the Crown. These are the commissions in the army and navy—the church livings of various degrees of emolument—numerous places in the law—offices connected with their vast colonial possessions, together with hundreds of sinecure places, altogether unknown to our simple and economical institutions.

The next question is: has she the revenue drawn from the productive labor, and the proceeds of the property of the great body of the nation—has she means by which the Executive, in procuring power, can, in this manner, contribute to the support of, and entirely sustain, this numerous class, with their families? She has always had \$300,000,000, drawn from the productive

classes, for her annual revenue. For the taxing power being in the hands of a powerful aristocracy, in consequence of the limitation of the right of suffrage, by which the laboring and productive classes, from whom the taxes are drawn, are denied a voice in assessing them, this aristocracy, who are, in fact, the tax consumers, have an interest in levying a sufficient amount to support the numerous offices which are to be filled by those connected with them. At the very moment that the Ministry are boasting of their economy; at the moment that the complaint is made that the economy of the Government is so strict that it is pining to the quick, this unproductive class is entirely sustained from the proceeds of the labor of the productive. The second condition is therefore answered. The first was, that the Government should be in the possession of a few who are to be influenced by its patronage. The second was, that the Government should have the means of approaching them with patronage. And the third condition was, that the Government should have those establishments which might become the instruments by which to reach the patronized aristocracy or governing class.

What furnishes the agency? The offices, by which the Government is brought into contact with the class which is to fill them. There is the army, with its numerous commissions; a powerful navy, of which ninety ships are in commission at this moment, when two or three ships-of-war are sufficient to protect our lucrative commerce in all parts of the world. There are also her vast colonial possessions, which afford a means of powerful patronage. Then there is the bar, with its numerous places, and the church, with places more numerous still. Turn your eyes where you will, and you behold the land covered with the priesthood of the national church, from the mitred bishop to the parish priest, supported from the national revenue, directly or indirectly under the patronage of the Government, and composed almost exclusively of the younger sons of the privileged class. The Church of England is one of the most potent instruments of patronage to the English monarch.

Give me a governing class small in their numbers, and that class wielding the power of the Government not only without regard to the interests of the great body of the people, but with an express inclination to keep them in a state of depression, and prevent them from acquiring the power of overturning their monopoly, and I can easily show that they possess a patronage utterly destructive of liberty. Give them the means of operating on the productive classes by their numerous interested agents, and what follows? They will proclaim that the strictest economy is exercised in the administration of the Government. When their interest requires it, the people will be assailed with appeals to their passions and their prejudices. War, horrid war, will be proclaimed as necessary for the honor and interests of the nation. That horrid god, with bloody jaws and furious eyes, will be invoked to the aid of the governing class in maintaining their supremacy over the governed. Who ever heard of a plan for educating the people proposed by their aristocratic oppressors? Who ever heard this class urge that war was to be avoided; that it made widows and orphans; that it was the cause of physical pains to those who entered into the combat, and of demoralization to all? The contrary feeling proceeds from false honor, and it was that feeling which the governing class sought to infuse into the governed. Shall the nation submit to insult? Shall the pride of Britain submit to an indignity? and shall we not always be prepared with large means, not only to repel aggression and chastise insult, but for final triumph, by having the means of giving the first and effectual blow? By such arguments as this, a state of things was produced which enabled the Government to contribute to the support of the younger sons of their aristocracy, and by which means they were not only supported, but supported in a degree of pomp and luxury suited to their high pretensions. Thus, having put the Government in the hands of a few, you have all that is desired to perpetuate their power, and enable them to support it from the products of the labor of the productive classes.

Mr. President, to these three great conditions in the Government of England, there are two auxiliary conditions, powerfully contributing to their strength. The first auxiliary is, that the Executive or patronizing power should be hereditary. This being the case, parties are not formed whose interest it is to counteract Executive usurpations. This power being unchanging, that principle by which those seeking office counteract the influence of those in office is entirely lost. No one who desires office dares to insult that Executive, by questioning the justice or propriety of his appointments, as such an act would condemn him to despair of ever holding office himself; it would only disappoint his own wishes. The next auxiliary principle is this: where it is difficult to procure the means of subsistence, there patronage requires new vigor. Where it is difficult to procure subsistence, where all the employments of active life are filled up, there the pursuit of office is one of great anxiety and perseverance. How is it in England? There the liberal professions are all filled to overflowing. The bar, the church, the medical profession, are all overstocked; and in mercantile pursuits, the business of trade, and even of labor, where the whole day of toil barely procures bread enough to sustain life, there are hosts of eager, anxious competitors jostling each other. In the manufacturing districts, where the laborers ask only for employment and bread, they have been answered with steel. Armed troops rush on them, and cut them down with savage butchery, while no resource is left them but passive submission. Thus all the professions and employments of life, the church, the bar, the medical profession, the army and navy, with all the employments afforded by commerce and the arts, are filled up with eager and anxious competitors. Here, then, is a condition of society in which the desire for, and necessity of, employment is so strong as to make patronage a powerful principle.

Now, sir, how will these principles apply to our country. Can from two and a half to three million voters be influenced by the limited expenditures of this Government? A whole nation to patronize itself! An idea too ludicrous, too absurd, to need a refutation. In our country suffrage is essentially universal—the exceptions being so trifling as to allow me to consider it so. Patronage is then to be applied not to the governing or governed class, but to scattered individuals of an entire people. How situated then would that Administration be, which would think of applying its patronage to an unworthy purpose? Most of us do not see the Federal Government by the means of its officers. Many of us at our homes may cast our eyes around, and taking the whole horizon in view, hardly see a spot in which even a little postmaster may be found. And here, with this limited patronage, is an Administration which is so usurp the liberties of the people, by means of such patronage! Reason cannot comprehend it—the absurdity is too great to allow of its being refuted.

Gentlemen say that there are certain points in the Union where patronage is concentrated. In Baltimore, Philadelphia, New York, and Boston. What then? Has the Administration carried the elections in these cities by means of its officers? Far different is the state of facts. The Administration has held all this concentrated patronage in vain. Can it be believed that, in a city like New York, where three hundred thousand people are roused to the highest state of excitement in what they believed to be a struggle for their liberties, they could be controlled by a few office-holders? The idea is too absurd. When such a population is roused by those influences which agitate freemen, you could no more resist them with your handful of office-holders than a feather could resist a storm. To test this matter by fact, let us inquire, what has been the history of patronage under the American Government. And here I set out with stating this principle: where there is a calm and tranquil state of society, where there are no violent struggles of parties, patronage may exercise some influence; but where there is a severe party struggle, and one which is continued with regard to principle, the power of patronage ceases. As in the calm and unruffled waters the feeblest swimmer makes his way, while in the

raging torrent the boldest is lost, so it is with patronage in the two extremes I have referred to. In the one, it may to some extent be exercised, but in the other it is overwhelmed by the more powerful and irresistible force of popular excitement. In the latter case patronage, so far from being of service to the party in power, operates indirectly against it; for the assistance that they may derive from the few holding office and struggling to retain it, is more than counterbalanced by the exertions of the many who seek to oust them from their places in order to obtain office for themselves.

Under the administration of Washington, patronage was exercised without danger; and when I mention that sacred name, every man must understand that he needed no patronage; and therefore I pass over his administration. The first Adams created the means of increasing his patronage, and rendering it efficient by the establishment of our Army and Navy. His administration ended with his first term, and such was the odium, in which he was held that he was driven from the Executive chair with an obloquy which has clouded his early and well-earned fame. Mr. Jefferson succeeded him in power; and what was the first act of his administration? He abolished patronage; he destroyed the means by which his own power might have been strengthened; and, recognizing the people as the rightful source of power, he carried out triumphantly and successfully the principles upon which the Government itself was founded. And what was the consequence? He was reelected by the almost unanimous voice of the American people. His name is embalmed in the memories of a vast majority of his countrymen. His opinions are to this day cited as authority by every friend of civil and religious liberty, and the doctrines that he inculcated will maintain their ascendancy so long as our Constitution shall endure. Mr. Madison succeeded as the friend of Mr. Jefferson, and the inheritor of his principles. He was, like him, a foe to an increase of Executive power, and, like him, opposed to extravagant expenditures, and dangerous constructions of the Constitution. In his administration the war with Great Britain commenced, and the question was, shall we sternly and manfully maintain against a foreign foe the rights bequeathed us by our ancestors; or shall we, weakened by faction, suffer defeat and disgrace? Of course patronage under this Administration was necessarily increased.

Mr. Monroe came into power after Mr. Madison. Now mark this as a peculiar period in our history. The consciousness that in a good cause we had foiled the proudest nation in the world gave strength to the Administration, and tended almost to the entire abolition of party distinctions. Those who did not rejoice in the triumphs of the war were but few. There were some Federal leaders, it is true, who did not rejoice in our triumphs; but such were the feelings of a vast majority of the people, that they were glad to renounce their party, and witness, without a struggle, its total extinction. Such was the state of things during Mr. Monroe's administration; and patronage, though it operated on some, produced no injurious effects.

Well, sir, another Administration came into power, and of that Administration the Senator from Kentucky [Mr. CLAY] was the mainspring. I think I do not err in stating that the general impression was, that patronage would enable that Administration to continue in power; and then, for the first time, was the attempt made to patronize particular sections of the Union, by the imposition of a protective tariff, and splendid systems of internal improvement. Then, for the first time, did the nation attempt to patronize itself; and what was the result? I mention these things in no invidious feeling for the Senator from Kentucky, but merely as the illustration of a principle. This Administration, in spite of its new sources of patronage, was ejected from power and General Jackson came in with an overwhelming majority. What then? Did he use the influence of patronage for the purpose of supporting himself in office? It would be absurd to suppose that his administration was sustained by such an influence. It is well known that, during the continuance of his administration, the fiercest

struggles were carried on by the two contending political parties of the country; that the passions of men were highly excited, and that the contest for certain great principles, which finally triumphed, was the main support of General Jackson and the party who went with him. No, it was not the influence of office-holders, but the support of the great body of the people, originating in an attachment to certain great principles which they believed he would carry out. The policy of his administration proved how absurd and ridiculous was the charge. Was he so infatuated as to desire patronage, while he lessened its influence by exhibiting unworthy individuals as the subject of it, as I have heard charged against him on this floor? No. General Jackson's administration was supported on principles far higher than any influences that patronage could produce, and the suffrages of a free people have shown their confidence in its wisdom and success. The corrupting power was in other hands, and he foiled it by the power of the free principles he encouraged.

Mr. President, the name of General Jackson never escaped my lips within this Hall, whilst he continued in the Chief Magistracy. Neither I nor friend of mine received benefit or favor at his hands; and I may declare that, during that period, I was a stranger to the presidential edifice. He is no longer in office, and I will explain what there was in his character to carry to such a height his influence with the citizens of the Republic. They believed him, sir, to be a man of large sympathies, capable of embracing the entire American people; that his heart flowed out in love and kindness to each individual of the nation, of whatever station and degree, to him who lived by honest labor as to the opulent and influential. They believed that it belonged peculiarly to his nature to revolt with generous indignation against wrong and injustice, and to come to the aid of the weak and oppressed against the arrogant and powerful wrongdoer. They were possessed with an innate confidence that in administering the Government he was wholly bent on the general good; that his measures to this end were selected with great sagacity; and that he was endowed with a lofty inflexibility of temper, which enabled him to prosecute those measures with constancy, undiverted by seductive biases, undeterred by open intimidation and violence. They felt that in gathering to him, they were only rallying to the support of their own cause, their own rights and interests. They attached themselves to him, individually, as we attach ourselves to a tried friend, giving him entire credit for honesty, a quality which they are not in the habit of considering as very common amongst politicians. To crown all, their patriot pride was kindled when they beheld in him the high-spirited guardian of the national honor, whether in battle or negotiation, when they turned to that glorious day on which, under his auspices, the American people were first hailed as a great nation by the proudest of European monarchies.

De Tocqueville is quoted—all that is foreign is quoted—in opposition to the principles of this distinguished patriot. De Tocqueville declares that, whilst General Jackson was himself powerful as a chief magistrate, his strength must be the weakness of his successors. The effect is justly observed; and the observation may be extended to every Chief Magistrate who has exercised great power, or, in more proper phrase, has enjoyed high authority in the Republic; but has the true cause of this effect been assigned? The true cause will be brought into view if we examine into the sources of the power, or, as I have preferred to say, the authority, of those Chief Magistrates whose sway in our Confederacy has been felt to be largest. These sources are the attachment and confidence of the people attracted to the President by an earnest persuasion of his disinterestedness and respect for popular rights; and this disinterestedness and respect for popular rights is manifested in his yielding, through positive enactments of law recommended by himself, portions of the executive power, and in his limiting the exercise of that power by practices which he introduced into the administration of the Government, and which became a part of the common law of the Constitution. In fine, his strength rests not on

executive prerogative, or the positive enactments of law, but on a prevailing influence with the people. The people believe that, in supporting him with constancy and animation, they are only sustaining that policy on which they have themselves decided, and those measures which they approve. He is not controlling, by power, a passive or resisting mass, but is the adviser, leader, and champion of a willing people.

I have glanced at the circumstances in the condition of our own and the Government of Great Britain, which show that the effect of official patronage in the two countries, so far from being the same, must, in a great degree, be different. In England the dispensing power of Government favor is in hereditary hands. The fountain of honor and wealth, so far as it is drawn through the machinery of Government out of the productive industry of the country, is an hereditary sovereign. To him, therefore, all whom the honors, power, and emolument of office can influence, turn their eyes. Around the throne, then, which is independent of all elections, rally the aristocracy and their dependents—the whole plebeian train of the army, navy, of fund-holders, of corporations, and monopolies of all kinds—all, in a word, who live on taxes levied by the Government, or through the privilege of taxing the people themselves. This immense body, although a minority of the nation, by that concentration of interest which draws them to the support, and puts them under the sway, of a hereditary executive, controls, by having its whole force directed by a single will, the popular power which acts without concert. The hereditary executive is a citadel which establishes patronage in a stronghold, beyond the reach of the people. All its influence, as well as interest, tends to hold the people in subjection. How differently does the principle work with us! The sovereign power here is in the people themselves. They dispense the patronage of this Government—the Presidency itself is a part of this patronage, which is disposed of every four years by their votes; and all the secondary offices, from those of the Secretaries downwards, down to the lowest executive, depend on the breath of the people. It does not stop here. Congress and the State Legislatures are annually and biennially extinguished and restored by the same power. In short, the whole system of government, State and national, with all the functionaries that put the machinery in motion, are, in some degree, brought within the original power which created the whole, by the wise provisions of the establishment itself.

Our Government may be said to resemble the operations of nature in the change of the seasons. In a year everything seems to perish, and all is reanimated and renewed in the course of a year. So far as the fruits of the Government are sought in its patronage, the will of the people is looked to as the fructifying power, as naturally as is the light of the sun by the husbandman, as the source of abundance in his fields. The public suffrages have no sooner conferred the employments of the Government with their much-sought honor and emoluments on the body of functionaries selected, than instantly the spirit of supplanting them animates doubly as many more. In this way, as patronage here proceeds from the people, its influence is found to operate as powerfully on persons out of office to get in, as on those holding office to keep in; and it operates on greater numbers, for there are always more expectants than incumbents. Hence the Executive patronage in this country is neutralized. He has a power above him. His place is sought, with all it dispenses, by other aspirants and their partisans, and the great patron—the people—is found alone to hold that sovereign inheritance and disposal of the advantages of Government, which, in other countries, bring the official corps to the footstool of the throne. The issue, which the verdict of the people decides in every election, is, who of the candidates for public favor is most entitled to their confidence and rewards; who most capable, honest, and faithful to the Constitution. Those who are out of office, and seek to obtain it, assail those who are in.

But I object to this bill on another ground. It is a monstrous precedent for a Republic to strip whole classes of their natural rights upon pretexts

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of expediency. If office-holders are excluded from the right of reasoning as to how votes should be given, because they are interested, will not the argument apply to take from them the right of giving their own votes? If one class of people are not permitted to vote because they are supposed to be under an improper influence, may not the exclusion, upon the score of expediency, be extended to other classes?

And now let me address myself to the Senator who has introduced the bill before the Senate. He professes, and no doubt sincerely, to apprehend that undue influences, left to their growth, may hereafter become strong enough to oppress public liberty. Would he not, then, be rendered unhappy, supposing that, by his will, he could make this bill a law, if, by doing so, he should incur the hazard of being reproached by posterity with having himself prepared the way for invasions upon the public liberty—with having himself opened the avenue through which had entered legislation pernicious to the freedom of the citizen? There are certain great principles essential to public liberty, and equally connected with public order, which should be regarded as sacred; not merely not to be rudely assailed, but to be left unapproached. If always held inviolate; if never impaired under pretenses of expediency; if cherished and fostered in education, in public discussion, in every mode, they fix themselves in the mind and heart of the citizen, and grow into his nature. The national mind is thus prepared to feel, with quick and keen sensibility, every injury done to these principles; and should they be profanely touched, replies through the entire people with an indignant and angry vibration. By a consensaneous impulse, the citizens rise in generous rage to arrest the tyranny and rebuke the assailant.

So much for public liberty; now for public order. Under the security of these well-established principles, which are never to be violated, the citizens rest secure and tranquil, not liable to be worked into factious fury by the experience or dread of wrong and oppression, which are to be prevented or retaliated by equal wrong and oppression. But let it be conceded that the great principles on which the rights of the citizens rest may be impaired by being limited; that, under the pretense of expediency, exceptions may be made to their operation, and how fatal a change is wrought! The principle once violated, how shall its integrity be restored? the sacred limit overleaped, where will you reestablish it? Having yielded the only true and definite line, how can you replace it? Having admitted that expediency may prevail in one case, you must admit that it may prevail in another, if it be only sufficiently high and powerful. Having abandoned the hold upon principle, you are reduced to the weighing of motives of expediency. The feelings of the people become callous from repeated violations of principle; the only sure rule and guide having been abandoned, their ideas become confounded. Precedents of arbitrary legislation and administration are pleaded, while one act is made to justify another. Precedent! precedent! precedent! let the American people shun with its baneful influences. If this reasoning be good in general, with what force does it apply to that liberty of speech which is not only so precious in itself, but, as I have said, the guardian of every other good principle?

I would say more, but I am exhausted?

#### INVENTION OF STEAMBOATS.

#### SPEECH OF HON. E. RUMSEY,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

February 9, 1839.

The House having agreed to consider the following resolution:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, requested to present to James Rumsey, jr., the son and only surviving child of James Rumsey, deceased, a suitable gold medal, commemorative of his father's services and high agency in giving to the world the benefits of the steamboat.*

Mr. RUMSEY said:

Mr. SPEAKER: I am thankful for the courtesy

extended in taking up this resolution at the present time, and will endeavor, if my feelings will permit me, to make some remarks upon it. They shall be very brief; and, as I have not been a trespasser upon the time and patience of the House, I trust I shall not be considered intrusive, and venture to hope that I may be favored with a friendly and indulgent hearing. I would gladly avoid saying anything; for it ever gives me extreme pain to attempt to speak upon a new theater; and neglecting, as I have, from a belief that this opportunity would not occur, to make any adequate preparation, I feel and know that I cannot, in a manner worthy of your attention, illustrate the history of the invention of the steamboat, and do justice to the memory and claims of James Rumsey. But, standing in the relation to him which I do—that of nephew—it would be expected that I would not be wholly silent. I wish it distinctly understood that, except so far as my sensibilities are involved, I have no interest in this matter, even if anything more substantial were contemplated than is proposed by the resolution. To something (inconsiderable in any event) I may have had title; but that, remote, contingent, valueless, as it was in my eyes in a pecuniary point of view, I have relinquished to one more meritorious than myself.

Mr. Speaker, it was not at my instance or suggestion that this matter was presented here. I was aware that among many, very many, respectable and intelligent men, the claim of James Rumsey to originality in the application of steam to navigation stood preëminent, and I apprehended that that claim might be weakened by the adverse action of this body, of whose inaptitude to adjudicate in cases of this kind I was not ignorant. I foresaw the difficulties that would environ and embarrass the subject. That from the lapse of time, the loss of papers, the death of witnesses, much testimony, once easily attainable, was forever gone. I supposed, also, that many might believe—erroneously, however, I think—that whatever success the individuals on whose memorial this resolution is based might obtain, whatever recognition of the title of their ancestor to the distinguished honor of participating in the introduction of the steamboat they might elicit, would detract from the reputation of another. I knew, too, that gentlemen's engagements and duties here were usually too great and onerous to allow them opportunity to investigate a matter of this kind, in which the feelings of a few citizens were chiefly concerned. But whether wisely or unwisely, it is here, and it is for the House to dispose of it in accordance with its views of propriety and justice.

I wish to premise that I have no intention to attempt to derogate from the just fame of Fulton. To him, in common with his warmest admirers, I cheerfully accord the good fortune and the glory of vanquishing incredulity, and broadly demonstrating the practicability and utility of steam as an agent of navigation.

How vast and incalculable are the results of this triumph of genius! How beneficial its influence upon the social intercourse, the agricultural industry, the commercial prosperity, the general improvement, the safety and permanence of the Union! The whole nation, in its magnificent onward march, has received new energy and animation from it. The great valley of the West, more especially, through the agency of steam in transporting a mighty commerce on its numerous rivers, has, in a few years, been accelerated to a point in population, in power, in wealth, in comfort, and happiness, which it would not otherwise have attained in ages.

The steamboat, and another kindred application of steam—to land travel—to the honor of which, too, our country would, in all probability, have had undisputed title, had it pleased this Government to have favored the memorial of another ingenious American, Oliver Evans, a Pennsylvanian, I believe; he—I speak from information, for I have not examined the record—petitioned Congress to patronize him in making an experiment, nearly fifty years ago, and long before the railroad was attempted in Europe, which was not until 1802 or 1803; but, like projectors generally, he merely incurred a laugh. I say, Mr. Speaker, these two inventions, by nullifying time and

space, by mingling us together as one people, by bringing the parts, even the most remote, of our wide-extended country into early and facile communication; by the wind-like rapidity afforded for exchanging the various productions of the mind, of the soil, of the work-shop, are exercising important influences upon the intellectual and moral development, upon the advancement of all the interests, upon the wealth, the power, the glory, the security of the Republic, and will push us forward to an elevation unapproachable without them.

To Fulton I have readily assigned the honor of finally overcoming an unbelieving and sneering world, and compelling it to see and acknowledge the useful application of this wonderful agent—steam—to the propulsion of vessels. But if there was another American citizen who, at a much earlier day, conceived this great idea, originated this grand design, and, in the prosecution of it, expended his time, his labor, his little fortune, his health and his life—who actually constructed two steamboats, one in America and one in England; on the first of which he made a public experiment which, all things regarded, was most encouragingly successful; and with the other was nearly ready, after surmounting numerous obstacles of a pecuniary kind, for a public exhibition, when arrested by sudden death; if the attention of scientific and ingenious men were attracted to the subject by the opinions and operations of this other citizen; if the practicability of steam navigation was actually demonstrated by him, if Fulton himself, by his association with him in London, and consequent acquaintance with his plans and discoveries, was advanced in knowledge, was led to reflect, and ultimately to act: if all this were true, would it be unfair to say that this other citizen was, in some and no small degree, auxiliary in giving to the world this important invention? And that it is all true, I think, must be admitted by every one, on a fair and candid examination of the subject. I know that gentlemen's engagements here are too numerous, of too exciting and engrossing a character, to enable them to examine minutely a matter of this kind, in which, it may be thought, the feelings of a few individuals are alone concerned; though, to my mind, the public justice is, to some extent, involved. I will not do violence to the patience of the House by entering into any minute and prolix detail. I have not the strength to go so extensively into the subject as to do it justice, even if this was a fit theater, which it is not, for such extended disquisition. I will but briefly recapitulate a few facts, which, from the information laid before the committee, I know to be correct.

James Rumsey was a native of Maryland, from which State he removed, in early manhood, to Shepherdstown, Virginia, where he turned his attention exclusively to engineering and mechanical pursuits—superintending for a time the operations of the Potomac Company in improving the navigation of that river—suggesting many novel views in mechanism, and making various improvements in milling and the application of water power. As early as July or August, 1783, as appears by the testimony, he conceived the idea of navigation by steam; and from this time to the hour of his death, his whole soul was absorbed in this great subject.

It will be recollected that at this early period the mechanic arts, and, more especially, that branch embracing steam machinery, were in their very infancy in America. There was no steam machinery in it. There were no practical artists capable of fabricating any. Even in England, although some progress had been made by Watt, the steam-engine, and its great appendage, the boiler, or generator, were rude, imperfect, comparatively inefficient. Rumsey had to invent, to originate everything—to procure from different places, and different work-shops, and, though not a practical mechanic, often to fashion and modify with his own hands the various parts of a work even now difficult and complicate. From the inexperience of workmen, and the total absence of all the tools and machines now collected in engine factories, his progress was necessarily expensive, slow, embarrassed, and all execution so imperfect as to preclude the possibility of more than partial success. Under these most disadvantageous

circumstances, he succeeded, in the autumn of 1784, in making a private, but very imperfect experiment, in order to test some of the principles of his invention. And, notwithstanding much of his machinery was so utterly defective as quickly to fail in many parts, and to require renewal and reconstruction throughout, yet so well convinced was he of ultimate success from this experiment, that, at the October session of the Virginia Legislature for that year, he applied for, and obtained, an act guarantying to him the exclusive use of his invention in navigating the waters of that State. This will be seen by reference to the statutes of that Commonwealth. About the same time, also, he communicated his invention to General Washington, as appears by a letter of that personage, the original of which was before the committee, dated November, 1787, to the late Governor Johnson, of Maryland. It seems that he did not earlier make this communication to Washington because he had not matured and digested his plan, or tested its truth by any, even partial, experiments. And when he did make it, so new, so bold, so original and unheard of was it, that Washington declares in that letter that he considered it "rather as an ebullition of his genius" than as anything likely to be available.

In the beginning of the next year, (January, 1785,) he obtained a patent from the General Assembly of Maryland for navigating by steam the bays and rivers of that State; and immediately afterwards commenced preparations for an experiment on a larger scale. Through the whole of this year he was deeply engaged in building a boat, and procuring, improving, adapting, and testing the several parts of his machinery. He did not, however, from the causes which I have before mentioned, get ready for a public trial until the year following, (1786,) which, all things considered, was eminently successful. This experiment was made on the Potomac, near Shepherdstown, Virginia, in the presence of hundreds of spectators. It is proven by various witnesses. It is described in the letter of Mr. Bedinger, and certified by Dr. Alexander, of Baltimore, for whose high respectability I refer to such of the delegation from Maryland as are acquainted with him. The gentleman near me [Mr. JENIFER] says there is no one more worthy of full confidence. In this trial, he succeeded, notwithstanding the unavoidable imperfection of his machinery, in propelling his boat against the current by steam alone four or five miles an hour. There was long in possession of one of his family an ancient pamphlet, with high evidences of authenticity upon its face, which I have often read, and the general contents of which, I know, are recollected by many persons in Kentucky, containing the approbatory certificates of numerous gentlemen who witnessed this exhibition; amongst them, that of General Gates, as mentioned by Mr. Bedinger. This pamphlet has been lost or mislaid, and those interested have been unable to repossess themselves of it, or to obtain another copy.

But, independent of this mass of testimony, the proof before the committee as to this experiment is so clear, so ample and conclusive, that no one can read it and doubt. The results of this trial were by no means discouraging. So far from it, that, says Doctor Alexander, who was on board, "every person present believed that Mr. Rumsey had accomplished all his wishes." The first efforts of Fulton in America, more than twenty years after, were but little more successful. It was not until after repeated trials—great and extensive modifications and improvements, requiring much time and money, and testing to the utmost the liberal patronage of Livingston—that he succeeded in obtaining a velocity reasonably useful. And even the utmost rapidity with which he navigated his boats was far, infinitely far, behind that which subsequent improvement has achieved. I speak not this in disparagement of Fulton. It cannot be so understood. Great inventions, requiring complicate machinery, are never perfected and seldom made eminently useful at once. High excellence is rarely attained until the mechanical world has tendered its offerings—poured in its contributions through a long series of years. Time, labor, money, repeated

modifications and experiments—the conjoint suggestions of practical and theoretical mechanics, are all prerequisite and auxiliary to the perfection of a great invention. Take, for instance, the printing press of our day, throwing off thousands of accurate impressions in an hour. From its wondrous celerity in multiplying copies, and, through the agency of steam on the land and the water, scattering them far and near, it may almost be compared, in its capacity for the diffusion of intellectual light, to the sun in the heavens, in his capacity for shedding physical warmth and radiance upon the world. And yet the press of our day—all admirable as it is—is but the rude wooden type and clumsy apparatus of the great German inventor, in a beautiful, improved and perfected form.

The spinning machine, which has so highly encouraged one important branch of agriculture, and so greatly advanced the civilization and happiness of mankind, by clothing millions in comfort and decency, who would otherwise have remained in ragged, squalid degradation—the spinning machine of our day, all perfect as it is, would scarce be recognized as his own by the inventor, Arkwright, if it were not that the same principle—the idea of making many threads at once by machinery—is preserved.

Great, though not equally so, for the same time has not elapsed, has been the improvement in the steamboat. A hundred minds and a thousand hands have each contributed something to the simplification of its machinery and the extension of its powers. This is strikingly illustrated on the western waters, where the early boats of Fulton were nearly a month in making the trip from New Orleans to Louisville, which is now not unfrequently performed in less than a week. It is equally apparent in the increased speed of the boats upon the Hudson, as appears from the report of the Secretary of the Treasury on the steam-engine, laid a few days ago upon our tables.

It is probable, nay, certain, that ultimate excellence is not yet attained; and that the steamboats of the present time will bear the same relation to those of fifty years hence which the first boats of Fulton in 1807, or the original boat of Rumsey on the Potomac in 1786, bear to those of the present day. But this progressive improvement detracts nothing from the merits either of him who first drew the attention of mechanical men to the subject by actual and successful experiment, though he left it incomplete in consequence of premature death, nor of him who afterwards improved upon and brought it into general operation. They laid the foundation; they created the basis of all subsequent action. There is glory enough in so great an invention for both—for Rumsey, who originated the steamboat, and by actual trial proved its capability, and for Fulton, who subsequently carried out the grand design, and introduced it into common use.

They—I speak it not lightly or arrogantly, but from a deep conviction of its sober truth—deserve to be ranked among the highest benefactors of their species, higher, far, than nine tenths of the warriors and statesmen whose achievements blaze upon the page of history, and occupy so large a portion of the world's regard and admiration. To say nothing of other nations, their labors have contributed immeasurably to the advancement of all the great interests of their country; their labors have added hundreds of millions to its wealth. Sir, you have no arithmetic of powers vast enough by which to estimate the benefits of the steamboat in a pecuniary point of view alone. Their labors have rendered the whole Republic more prosperous in peace, more powerful and defensible in war. Their labors, too, have tended, in no small degree, to the preservation of human life. I am aware that the truth of this last assertion may not be universally admitted; but it will scarcely be questioned, at least by a western or southwestern man who recollects the old mode of conducting our commerce. Small as that commerce was before the introduction of the steamboat, it drew off a larger portion of population than is now necessary to transact it, although so immensely extended. Even then more died in the long and exposed and laborious voyages in keels and barges, or the exhausting return by land under a vertical sun, than now perish from

steamboat explosions. But they dropped off one by one; they sank obscurely into the grave by the wayside, or, after reaching their homes, fell victims to disease incurred by a long sojourn and travel in southern climes. The consumption of life, though known to be great in the aggregate, happening so much in detail made no impression. But now every steamboat disaster creates a sensation, and is proclaimed in the universal press of the country. If the mighty commerce now in progress on the western waters had to be conducted in the old way, it would require the agency of so many individuals that it would not be long before the sides of the public roads, from New Orleans to the upper States; and the banks of that great river which pours into the Gulf the congregated waters of nearly half a continent, would be almost continued graveyards.

But to return from this digression, in which, as I promised brevity, I ought not to have indulged. After his experiment—successful experiment—upon the Potomac, in 1786, to which I have adverted, Rumsey, being under the strong conviction that skillful workmen and perfect machinery were alone wanting to the most complete success, and sensible that such could not then be procured in America, resolved to go to England. With slender means of his own, and aided—no, not aided—but mocked and deluded by some timid and unsteady patronage, he there resumed, with untiring energy, his great undertaking. He proceeded to procure patents from the British Government for steam navigation, and various inventions embracing improved steam-engines and boilers; those of Watt, and all preceding ones, being extremely inartificial and imperfect. These patents bear date in the beginning of 1788. Many of his inventions, in one modified form or another, are now in general use. As, for instance, the cylinder-boiler, so superior to the old tub or still-boilers, in the presentation of fire surface, and capacity for holding highly rarified steam, is described, both single and combined, in his specifications; and is identical in principle with the tub-boiler which he used in his Potomac experiment.

Difficulties and embarrassments of a pecuniary nature, and others such as invariably obstruct the progress of a new invention, attended him in England. He was often compelled to abandon, temporarily, his main object, and turn his attention to something else, in order to raise means to resume it. He undertook, with the same power, but by its more judicious application, to produce higher results in several water-works, in all which he succeeded, realizing thereby some reputation, and some funds to apply to his favorite project.

At another time, as mentioned by the committee in their report, in order to avoid a "London jail," and the delay, if not defeat, of all his high hopes, he was compelled to transfer, at what he considered a ruinous sacrifice, a large interest in his inventions—a contract which entangled and embarrassed him during the remainder of his short life. Still, however, he struggled on, undismayed; had constructed a boat of about one hundred tons burden, and pushed forward his machinery so near to the point of completion as to be able to indicate a day not very distant for a public exhibition, when his sudden death ensued from apoplexy, while discussing the principles of one of his inventions before a philosophical society of London. A very interesting account of the manner of his death is given in the letter of R. C. Wakefield, amongst the papers before the select committee. With his life, the whole project ceased; there was no one present to administer; there was no one interested in his undertaking possessed of skill and ability to carry it out. Most men looked upon it as wild and visionary. Few would have been willing to incur the ridicule of attempting to complete it. All that he left—his very boat and machinery—barely sufficed to satisfy anxious and greedy creditors.

With the sudden death of Fiesco, of Genoa, that most extraordinary revolution which, in a single night, with admirable ability, he had nearly effected, ceased, rolled back, became abortive. So did the sudden death of this humbler, but more useful man arrest all further prosecution, at the time, of the great object to which he had so in-

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tently devoted himself, and which, in some of the modes which he contemplated, he must, had time been allowed, have completed. He was not permitted to live to witness the realization of the high design which he had conceived, and the consummation of which he never doubted, to use his own bold language, "the navigation of our great rivers, the lakes, the gulf stream, the ocean itself, by the agency of steam."

Mr. Speaker, it is evident, from the information before the committee who reported this resolution, that Rumsey, from the introductory letters which he carried, from the high order of mechanical genius which he displayed, and the daring and original project which he was attempting, attracted some attention in London, and secured to himself the acquaintance and friendship of many respectable men. It is fair to presume that other intelligent Americans, then resident in London, would have formed some acquaintance both with him and the novel design he was prosecuting. It is known that Fulton was for many years, during and after this period, living in Europe, and spending much of his time in London; and, in the absence of all other proof, it could scarcely be believed that he, with a talent for these things, with a mind directed to such objects, would have failed in becoming acquainted with, and interesting himself in the operations of, his countryman, who was occupying a position of painful prominence; so much so that, as he states in a letter to his brother, his project was the frequent subject of newspaper remark, and even of "play-house wit." But all doubt is removed by the letter of Rumsey to his friend, Mr. West, in America, in which he speaks of Fulton as if they were on terms of intimacy. Does not the conclusion almost irresistibly follow that, from this association with Rumsey, and acquaintance with his plans, Fulton was advanced in knowledge, was led to reflect, and ultimately to act on this subject? And, whether his application of steam-power was identical or dissimilar, original or derived, wholly new or modifications and improvements on some of Rumsey's plans, still it appears to me that it would be cruel injustice to the memory of this persevering, ardent, talented, but unfortunate man—unfortunate in being cut off in the prime of life, and in the midst of his career—to say that the world was under no obligation to him for an invention so incalculably, so supremely important.

If further evidence were wanting to prove that this acquaintance with Rumsey was not inoperative in turning Fulton's attention to the steamboat, it will be found in the fact that he was engaged in it in 1793, very shortly after the death of Rumsey. This is apparent from his correspondence with Lord Stanhope, who himself made some experiments in 1795. Fulton went to Europe for the purpose of introducing his torpedo for the explosion of ships; but, after the death of Rumsey, the steamboat seems to have engaged his chief attention until his final success in 1807. It is known, and so stated by his biographer, that, before his return to America, he was for many years actively employed in studying the subject, in constructing a variety of models, and making a series of experiments on a small scale. And when it is recollected that fifteen years thus elapsed before he obtained a motion much exceeding five miles an hour, it is matter of admiration that Rumsey, without any reflected lights, should, in the short period allowed him, have effected so much.

Mr. Speaker, I have understood—I know not with what truth, but I believe the fact is embodied in Colden's Life—that when Fulton made his first essay before the city of New York, a vast multitude assembled—most of them doubters, disbelievers, sneerers. After a few revolutions of the engine, some accident occurred from imperfect machinery, leading to a temporary suspension of the experiment. A sybilant voice arose from the crowd, "We said so. We knew it would not do." Scorn and derision were poured forth upon the man who, improving upon the labors of his predecessor, Rumsey, was doing more for the benefit of his species than has ever been effected by all the mighty armies and victorious chiefs,

"From Macedonia's madman to the Swede."

Now, suppose that Fulton, before remedying the defect, had suddenly died—in a land of strangers, too—leaving no one with legal authority to act for him; leaving no one interested in his design, of skill and talent to consummate it; poor, embarrassed, in debt; with executions levied on his very boat and engine, and merely suspended as a matter of special grace, until this trial should be made: suppose, from these or the like causes, the completion of the steamboat had been postponed for another twenty years; at the end of which time some other ingenious man who had witnessed Fulton's efforts, who was intimate with his plans, who had been deeply impressed by his powerful and lucid arguments, and warmed and excited to take an interest in the subject by his bold and sanguine spirit, had, after long private preparation, openly resumed the project; and, under more favorable auspices, from a more advanced state of the mechanic arts, or the benign influence of a more liberal patronage, had succeeded, triumphantly succeeded, in establishing the utility of the steamboat, either on some of Fulton's plans, or by modifications and improvements of his own: now, I ask the friends of Fulton whether, in this state of the case—and more especially if his had been the original effort—his memory should have gone down into oblivion unknown and unhonored by his country? As success alone, naked success, is the criterion by which the world forms its estimate of merit, I know this other individual would, generally, have monopolized the honor; but the inquiring, the reflecting, and the just, would not have passed unregarded the name of Fulton.

Mr. Speaker, I would not, if I could, take a single ray from the just fame of Fulton. It is admitted on all hands that he improved upon, and first broadly introduced the steamboat into general use; and for this alone he is entitled to the boundless and eternal gratitude of mankind. The world has been liberal in the conference of honor—something, too, his country has done for his descendants—something further this House proposed doing at the late session. To that measure, when it was first up—the only occasion when I was present—I gave my cordial assent; and I would have raised my voice in its favor, had I not been sensible that a cause sustained, as it was, by the fervid eloquence and powerful arguments of the gentlemen from South Carolina, Pennsylvania, New York, and Kentucky, [Messrs. LE GARE, BIDDLE, HOFFMAN, and CHAMBERS,] needed not my feeble advocacy. But in denying him originality, I do him no injustice. He never claimed it himself. His partial biographer cannot claim it for him. The very first act of the New York Legislature in his favor, in 1798, recognizes him not as the inventor, but the improver. All men who have looked into the subject know that it did not begin with him. Long before, the design had been conceived, to a good extent accomplished, its practicability proved, and was persisted in and prosecuted under the most favorable circumstances, with unwavering confidence and irrepressible resolution, until his dying hour, by James Rumsey; but for his acquaintance with whom, it is probable the powerful mind of Fulton would never have been brought to act upon the subject, and but for whom it is probable the world would yet have been without the benefits of the steamboat.

Mr. Speaker, there was but one individual who contested Rumsey's title to priority in the application of steam to navigation; and about his claims I wish to make a remark or two, in a spirit of candor and charity; for, as to the experiment ascribed to the Spaniard Garay, three hundred years ago, and mentioned by the gentleman from Ohio, [Mr. DUNCAN,] at the last session, when I was not present, I can only say, that if any such ever was made, all knowledge of it had sunk into utter oblivion. Ages—centuries had rolled round, and the most profound silence and ignorance prevailed in regard to it. It was unknown to history—unknown to tradition—and could have had no influence whatever in bringing forward the steamboat in comparatively modern times. I acknowledge that this statement appears to me to be an entire fiction; that, if there be such a record, it was not based upon fact. It can scarcely be credited by any one who will look into the

history of the origin, progress and improvement of the steam-engine, which, more than two hundred years afterwards, was used for scarcely any purpose except pumping water from mines, where but little machinery, and nothing but a simple rectilinear action, was required. If Garay was thus three centuries in advance of all the world, while his genius challenges our highest admiration, we are forced to acknowledge that he lived in vain; for, if the archives of the Spanish monarchy do present any basis for this statement, there it would have mouldered into dust, if the success of the steamboat in this new world had not given interest to everything connected with the subject, and caused the eye of some antiquarian to rest upon the passage, which would otherwise have been neglected as unintelligible or incredible.

I said, Mr. Speaker, there was but one person contested Rumsey's title to precedence. It is stated in the American Supplement to Rees's Encyclopedia, on the subject of steam, that Fitch made an experiment on the Delaware in 1783. If this were true, he preceded Rumsey; but I challenge the world to produce the testimony of a respectable witness, living or dead, to corroborate this statement. None such can be produced. The assertion is utterly erroneous; Fitch himself did not claim to have thought of steam navigation until 1785. In 1787 he built a boat and machinery on the Delaware, and made his first experiments in 1788. These facts are very clearly proven by various evidence before the committee. I will recapitulate but a part. The letter of General Washington to Governor Johnson, written in November, 1787, which I have before adverted to, says that Rumsey communicated to him his steamboat invention in November, 1784, and that some time afterwards Fitch called upon him, claiming for himself a similar invention, and requesting an introductory letter, "which he (Washington) declined giving, and went so far as to inform Mr. Fitch that, though he was not at liberty to disclose the principles of Mr. Rumsey's discovery, he could venture to assure him that he (Fitch) was not original, but that the idea had been communicated to him by Mr. Rumsey." Now, as Rumsey made no communication on the subject to Washington until November, 1784, it is probable that this interview on the part of Fitch did not take place until the year following; and, indeed, as I will hereafter show, not until the commencement of 1786; and, in either case, it was at a time when Rumsey was exerting every nerve in preparing for that experiment which he made on the Potomac in 1786, and which I have before mentioned. At all events, it was long after the private experiment which Rumsey made in 1784, in order to test some of the principles of his invention. If the statement in the Encyclopedia, that Fitch made experiments on the Delaware near Philadelphia, in 1783, were true, can it be believed that Washington, whose comprehensive vision took in everything likely to be of any use to his country, would, at so short a distance, have never heard of it? And if he had never heard of it, can it be credited that Fitch, whose originality was questioned and denied, would have failed in certifying him of it? And if Washington had either heard of it before, or been informed of it by Fitch at this meeting, could he, to whom Rumsey had made no disclosure on the subject until November, 1784, have said to Fitch, Sir, you are not original; Rumsey is before you? No; every one will see in that letter, not only a refutation of the statement in the Encyclopedia, but a refutation of Fitch's claim to precedence. On his own presentation of his case—on his own statements, declarations, and admissions, Washington refuses to give him a letter, and assures him that he has been anticipated by Rumsey.

There is also a letter from Washington to Rumsey, written in March, 1786, bearing upon this point. It will be seen in the twelfth volume of Sparke's Life. In this letter Washington urges Rumsey to bring forward his invention; warns him that his secret is leaking out, and that others will take advantage of it; and goes on to state that one individual had called on him, claiming for himself a plan of steam navigation, and requesting a letter of introduction, which he declined giving. Now, it can scarcely be doubted

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that the individual here alluded to was Fitch, and that his interview gave rise to this admonitory letter, and took place not long before its date.

The January number of the *New York Review*, just published, contains a well-written article on "steam navigation," and I regret that the writer was not in possession of all the facts touching its early history. It therein appears that Mr. Ogden, claiming certain rights as representative of Fitch, asserted them by petition before the Legislature of New York. Among other testimony before the committee raised on this petition, was that of General Bloomfield, fixing the period of Fitch's experiment to 1787 or 1788. On the authority of De Warville, the correspondent of Jefferson, and an eminent French writer of that period, I feel warranted in saying that it was the latter year.

In his work, published in 1789, which will be found in your library, he states that, being in Philadelphia in September, 1788, he attended by invitation, and witnessed Fitch's experiment. In a note, written in the February following, in London, he says:

"I have just become acquainted with Mr. Rumsey, of Virginia, a gentleman of great ingenuity, who proposes building a vessel in which, without sails, and by steam alone, he will cross the Atlantic in fifteen days."

This sublime conception, this bold undertaking of Rumsey, the accomplishment of which in the last year has created so vast a sensation, was not unknown to me and others of his family, but, without the high authority of De Warville, I would not have ventured to have named it. The English article in the *Encyclopedia* manifests much ignorance and carelessness in its preparation; as, for instance, without the shadow of truth or evidence, it ascribes to Mr. Symington the honor of introducing the steamboat into America, and at the same time states that Symington's first experiments were on the Forth and Clyde, in 1801. Lord Stanhope, Symington, the Abbe Arnel of France, Fulton, and others, seem to have been urged to reflection and action on this subject, in consequence of Rumsey's operations in London. The American supplemental article in the *Encyclopedia* is also, in many respects, unfair, disingenuous, and untrue. The compiler, who is the partial eulogist of Fulton, aware that he cannot ascribe to his favorite the glory of originality, endeavors to mystify and becloud, rather than to illustrate, the true history of the invention of the steamboat. He gives to Fitch, whose claims were untenable, precedence of Rumsey; and I think I have shown that he succeeded him although I have dwelt on but part of the evidence: that evidence, taken together, most clearly proves that Fitch was but a borrower. The compiler goes further, and, as if to do away with all claim which Rumsey, or even Fitch, might have upon the good opinion of their countrymen, says that the idea of steam navigation had been entertained at a still earlier period by Halls, of England, and that therefore he is better entitled to the honor of originality than Rumsey, although he admits that he made no attempt to reduce it to practice, and Rumsey, under the most adverse circumstances, actually succeeded in running a boat against the current of a river four or five miles an hour. The compiler further alleges that Rumsey, with unlimited patronage, and after full trial, abandoned the project as hopeless. Indisputable testimony shows that the assertion is as unfounded and false as it is illiberal and cruel. I judge that it is from this work that the Secretary of the Treasury deduces what he calls his "miscellaneous facts" in the report upon the steam-engine, laid upon our tables a few days ago. And from the misquotations of names and confusion of dates—caused, no doubt, by hasty reference—he has not improved the accuracy of the original article.

From the ignorance and carelessness, willful or otherwise, displayed in this treatise in the *Encyclopedia*, I have no confidence in the statement that Halls, of England, obtained a patent for steam navigation one hundred years ago. I am led to this conclusion by various reflections. The steam-engine at that early day, and, indeed, down to the time of Watt, in the latter part of the eighteenth century, was very inefficient, and very little used even for the simplest purposes. It is not stated,

so far as my examination has gone, what agent Halls contemplated using, whether steam or animal power. And, further, Rumsey obtained a patent from the British Government for the same object (steam navigation) long afterwards, (in 1788,) which was then considered by all the intelligent and scientific men of London as new and original.

But even if the idea of steam navigation had been entertained in Europe at this anterior period, Rumsey was not the less original. There was no knowledge in America that such a design had ever been presented in Europe. Rumsey, imperfectly educated as he was, with a slight acquaintance with books, relying, as he did, on his own resources, on his own inventive genius, had never heard of it, and even if he had heard that such a suggestion had been made, it can operate nothing in diminution of his merit. I, sir, can declare that I have invented a plan for aerial navigation—that I have devised a machine by which I will soar aloft above the dull atmosphere encompassing the earth, where clouds and storms prevail, into the pure regions of ether, where, manufacturing an air suitable to the sustentation of life, I will traverse thousands of miles in an hour. But if I stop here—if I exhibit no plan—if I devise no machinery—if I in no way prove its feasibility—surely I am entitled to no credit for this suggestion of a wandering fancy, common, no doubt, to thousands. If you afterwards, whether you have heard my suggestion or not, devise a plan, construct machinery, and actually succeed in navigating the air, the honor of originality is exclusively your own. I cannot participate—it would be preposterous for me to arrogate any portion of the credit. If, from the infant state of the mechanic arts, or your poverty, or your early death, you left it incomplete, although you had done enough to prove its practicability, and to attract to it the attention of ingenious and scientific men, and another afterwards, improving upon your plan, brought it into successful and general operation, would it not be unfair that your claims, although you had found the diamond, although you had put the ball in motion, should be entirely superseded and disregarded? Should not the world, in the rendition of a just judgment, place you at least on terms of equality?

Mr. Speaker, I will not detain the House longer; I have already occupied too much time; I will only add that, while many of the representatives of James Rumsey are poor, very poor—for, in consequence of his early death, they never derived any benefits from the numerous inventions of their ancestor, except such as have been enjoyed by the whole country—there is yet one of them whose claims address themselves to the best sympathies of our nature. The one to whom I allude is the only son, the only living child, of James Rumsey. While his father was in England, devoting himself with fatal intensity to the completion of the steamboat, that son, by a malignant disease—scarlet fever—was, in early infancy, deprived of the faculties of speech and hearing. Talented, ingenious, ready, and dexterous at various mechanical employments, he is now earning a scanty subsistence by daily labor; but, with the improvidence common to persons in his condition, making no preparation for approaching old age. To the support and comfort of the evening of his life I have thought his country might contribute something, without violating any principle of wise policy.

Mr. Speaker, I have stood upon the bank of the beautiful river which washes the broad border of my own beloved State, and contemplated the majestic steam-palace in her proud career, exchanging with rapidity and cheapness the productions of different climes, conveying with comfort and expedition the traveling public, giving new life and energy to commerce, to agriculture, to national industry and enterprise: I say, Mr. Speaker, I have stood in musing mood upon the shore of the fair Ohio, and viewed the noble steamer moving victorious against wind and current,

"Walking the waters like a thing of life"—and then reflected that the only son of the man who first seriously attracted the attention of the skillful and ingenious to the subject; the only son of the man who first yoked the power of steam

to the car of commerce; the only son of the man who first, by actual trial, proved its practicability; the only son of the man who, in his arduous struggles to perfect and present to the world the steamboat, expended his little fortune, banished himself from his home and his country, and in spite of all obstacles was pushing onwards to success, when arrested by sudden death—when I have reflected that the only son of this man was toiling for his daily bread, smitten by his God, and neglected by his country; when I have contemplated that and this spectacle, the steamboat and the unfortunate son of its inventor, feelings, emotions, reflections, have crowded upon me of a character which, as a patriot, a philanthropist, and a Christian, I acknowledge it was improper and sinful to entertain. To the support of that stricken one, I have thought his country, abounding in resources, with more hundreds of millions of public domain than she can squander in ages, might contribute something more substantial than a medal, without any extraordinary stretch of liberality. But it is not for me to solicit it, even for him. I shall be gratified, deeply gratified, if the Government of his country shall honor the memory of his father for all his sacrifices and all his services by the adoption of this resolution.

Mr. Speaker, I could have wished that the task which I have endeavored to discharge had been undertaken by another. But while I knew that on every subject of a political or party nature there would be, on this arena, a host of intellectual champions, armed *cap-à-pie*, panting for the conflict, and struggling for the floor, I apprehended that, in a cause of this kind, which is rather of private concernment, there would be but little interest felt, and but few, if any, prepared to couch a friendly or defensive lance. Hence, I have been constrained to trespass on the House.

Mr. Speaker, I have said that I had no pecuniary interest in this matter; yet, occupying the peculiar position which I do, if any vote should be taken, I will of course be excused from participating in it.

NOTE.—When Mr. Rumsey concluded, and without further debate, the resolution passed the House by a unanimous vote.

## NATIONAL DEFENSE.

SPEECH OF HON. W. C. JOHNSON,  
OF MARYLAND,  
IN THE HOUSE OF REPRESENTATIVES,  
March 2, 1839.

The bill entitled "A bill giving to the President of the United States additional powers for the defense of the United States, in certain cases, against invasion, and for other purposes," being under consideration in the Committee of the Whole on the state of the Union, Mr. JOHNSON, of Maryland, offered the following amendment to the first section of the bill:

"And that the sum of — be, and the same is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be applied by the President of the United States for purchasing a suitable site, to consist of not less than fifty, nor more than one hundred, acres of land, for the purpose of erecting a national foundry, with suitable buildings and fixtures, for fabricating cannon for the use of the Army and Navy of the United States, and for employing suitable artisans, and for purchasing and procuring such materials as may be necessary to carry said foundry into efficient operation. That — amount of said sum be applied, under the direction of the Executive, for supplying ordnance for the immediate wants of the Government."

Mr. JOHNSON said that, before the chairman decided upon the division of the vote just taken on the amendment, he felt impelled, by a sense of justice to the subject-matter of the amendment, to claim the attention of the House for a few minutes.\* At that late hour of the session he could not so far forget his respect to the feelings of the committee as to inflict a long set speech, nor would the state of his health allow him to de-

\* Mr. JOHNSON had addressed the committee the evening before on the subject of the fortresses and state of defense. From the notes of the two speeches, as they were of a kindred character, they have been incorporated into one, as presenting a more unbroken connection of the subject.

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tain the committee long. He knew full well that there was a strong feeling with several members of the committee against his amendment. He was well convinced that their objections were occasioned less from the intrinsic merits of the proposition than from the circumstances and time of its introduction. Some objected because a kindred proposition to the one immediately under consideration was reported in a specific bill, which he had often urged and as often failed to call the Committee of the Whole on the state of the Union to consider. Another portion of the committee thought that any amendment, however salutary in itself, would embarrass the progress of the bill now before the committee, as reported by the Committee on Foreign Affairs. To remove these objections was the purpose of throwing himself upon the indulgence of the committee; and he knew no better way than to exhibit the true condition of the country in relation to its means of defense. This he had done in part a few evenings before, when he opposed the bill reported by the Committee on Military Affairs to erect new forts and fortifications. And he was impressed with the belief that the committee would be convinced, if they would patiently consider the true condition of the state of our ordnance, that his amendment was eminently essential to the very object which the Committee on Foreign Affairs had in view, if that object was to place the country in a state of defense from foreign aggression. The bill proposes to augment by twenty regiments the standing Army, and to authorize a loan of ten millions if the emergency should require that amount during the recess of Congress.

What was the condition, he would ask, of our forts, after passing an appropriation annually, for many years past, of from nine hundred thousand to one million dollars for their erection and repair? Was there one of the immense number constructed prepared for complete and efficient defense? Was there one that could resist for three hours a seventy-four ship-of-war? He said it with feelings of humiliation, that, after the immense millions lavished in building forts, there was not one in the whole nation that had a sufficient number of good cannon mounted to resist a sudden attack. This was greatly the fault of Congress. Members were content after voting away millions for building forts, which, under the present system, are but perishable monuments of extravagance and folly, and never deemed it worthy of further reflection to consider they were valuable or not, without cannon to protect them. And Congress has too long neglected the means of placing them in a state of protection. It was his unpleasant duty to expose the true condition of our means of defense.

In answer to a call made upon the ordnance department by the select committee on the subject of a national foundry, in 1835, of which he had the honor to be a member, the Colonel of Ordnance stated "that the number of guns required for the armament of the fortresses completed and in the progress of completion, of the caliber of twenty-four and thirty-two, was 6,632; and the number in possession of the Government, including the old patterns, which are of doubtful utility, 2,633; total number now required, 3,999.

Not one half of the 2,633 large guns on hand are fit for service. They have borne too much service, as it is well known that a cannon cannot be discharged but about one thousand times, with a full charge, without imminent peril, and most of that number are unfit for any use but to be cast into balls or valued only as old iron.

By a more recent report from the War Department, which had been printed, the condition of the defenses had been but little improved since 1835. He was astonished when he read it; and if it did not call the attention of Congress to the subject, his only hope was that it would awaken the attention of the nation. From this document he discovered that 1,178 large guns were now required for the new forts completed; 2,573 for forts under construction; 782 for forts rebuilding; 3,506 for works projected; 5,280 for protecting prominent points along the sea frontier.

By the report of the Colonel of Ordnance, which the select committee had instructed him (Mr. J.) to procure from the ordnance department, dated

March 7, 1838, and which is appended to the report of the committee, but which he presumed but few members have had time to examine, it will be found that we have 935 cannons in forts; 1,219 in depot; 150 under contract; making an aggregate of 2,304, and showing that we now require for forts and the sea-board alone, 11,017 pieces of ordnance.

The Colonel of Ordnance informed the select committee, through the Secretary of War, in 1835, that—

"In relation to the competency of the foundries now employed to supply, on an emergency, all the cannon and shot necessary for the Navy, fortifications, and other defenses, it may be stated that, with their present means, four years would, at least, be required to cast the cannon, shot, and carriages necessary for the armament of the fortresses."

Then it would require four years under the present system, to fabricate ordnance for the present, instant wants of the fortresses alone; and for the Navy and field trains, we may safely say at least three years more might be added. Then, in seven years, with due exertions and zeal, we might expect to have accomplished what our exigencies at this moment require. The report of the Colonel of Ordnance of 7th March last, informs us that we have 447 twenty-four-pounders in forts, 339 in depot, 112 under contract; of thirty-two-pounders we have 458 in forts, and 760 in depot; and I would ask this committee how many forty-two-pounders do they suppose that we have? Will not all be astonished who have not turned their attention to the fact—for he was amazed when he read the report—to find that we have the beggarly, the miserable number of only 30 forty-two-pounders in our forts, 66 in depot, and 38 under contract.

We have, then, in reality, but ninety-six forty-two-pounders, and may, in progress of time, have one hundred and thirty-four, which would hardly average one for each fort in the United States, and would be hardly more than sufficient to protect one of our largest fortresses. From the fullest examination which he had been able to give the subject, he felt no hesitancy in saying that, for the purposes of the forts, the Navy, for field trains, and for the protection of prominent points and assailable positions along our coasts and inland frontier, we require not less than fifteen thousand pieces of ordnance and bomb-mortars of various sizes; and this number will not be considered extravagant, when we consider for a moment that our frontier border embraces an extent of twelve thousand miles, if the line is drawn with the indentations of the great and inland seas, and with the sinuosities of the border rivers. Can Congress forget that our northwestern frontier will be subject to the inroads of Indian depredations, in the event of a collision with England? And he had evidence, which he could rely upon, that the English Fur Company, either through policy of their own interest, or by the countenance of higher authority, have long adopted a policy of conciliating the various tribes that are crowded together by the too eager policy of our Government to extinguish land titles, and hover along the remote Northwest. He would not ask the Representatives and Delegates from that region whether that country was in a condition to repel a sudden invasion. The condition of the far Southwest was but little better. A few indifferent fortresses, with a scanty supply of ordnance, were all that the country could rely upon to keep in check thirty thousand warriors, pressed upon each other by the like policy of land speculators and the Government. He would ask gentlemen from the extreme South if there was a single fort on the Gulf of Mexico and its tributaries, on which float the rich staples of that prosperous country, that could resist the assault of a steam ship-of-war two hours? There is not one. Look along the entire Atlantic sea-board, and you will not find a fort or commercial city that could avert destruction from a fleet of half a dozen ships-of-the-line. With this melancholy, but too true, condition of our whole frontier border, Congress will vote millions for forts, but hesitate about establishing a national foundry for cannon. The condition of the Canada and New Brunswick frontier is but little better provided for defense. There is not the titling of ordnance along it which the exigencies require. And yet no less than

three bills have been reported within the last few days, authorizing the Executive to build additional forts. He had opposed one the other night. He should oppose the whole of them, unless, at the same time, or in one of the bills, provision be made for placing those already built, as well as those proposed to be constructed, in a state of complete defense, by an abundant supply of ordnance.

Suppose the condition hurried upon us which some members seem so eagerly to invite—a speedy war with England. Its first fury will be at the extreme North. It will be with artillery. Will you dismantle all the forts to the south of its seat, in order to make that position formidable? Have we the control of the ocean, to defend all the assailable points along the Atlantic and the Gulf of Mexico, without relying on our land fortifications? War, you may be assured, sir, would not exist a month before it would wear a bloody spirit of ubiquity; and the swift engines of destruction would be felt most frequently where least suspected. He must look on with the cold indifference of oriental apathy at the amazing improvements going on in the world, which outstrip imagination and puzzle the judgment with astonishment, who has not marked the great revolution, which has been almost as quickly effected as conceived, in navigating the mighty oceans. He has been neglectful, he would with deference say, as a watchful representative of the nation, who has not noted the wonderful improvements made by the powerful nations of Europe in their engines and implements of war. Thrice remiss must he be who will not cheerfully place his own country in a position to meet invasions or repel outrages with a like, or, if possible, superior, means of preservation, or, if you please, destruction.

It was but a few weeks ago that we heard that a French fleet was towed into position by a steamship of war before the castle of San Juan de Uloa, and in two hours battered it into a heap of ruins. But a few days ago we were astonished to hear that one of those steam-vessels had penetrated our inland seas, and was in the port of Baltimore, to the equal surprise and admiration of the nation. If the *Veloce* had had on board her heavy ordnance and enormous bomb mortars, it would have been an easy task for her to have destroyed, singly and alone, every fort from the Atlantic to the monumental city. How many of those vast bomb mortars have we in our forts or in our Navy which throw a ball horizontally with the precision of a cannon; such as the French used in destroying the proud fortress at Vera Cruz; such as the English and Russians have in depot and in service? We have, I believe, four on the steamship *Fulton*, and we have a few thousand ten and twelve inch bomb-shells in forts and in depot. We have two, certainly not more than four, of those mortars which throw the hollow ball horizontally; and he (Mr. J.) had been informed, upon the highest authority, that the attempt to use them had, for want of skill, science, or practice, proved a failure. The matches in some experiments would not fuse; in other attempts they would explode as quickly as they left the cannon. As yet, they may be said to be worthless to the nation.

It is not that the Government shall monopolize the business of making cannon and all the material of war that he urged the erection of a national foundry; but that they should have at least an experimental foundry, with the capacity for enlargement in time of war, or upon any emergency, where they could not only make experiments in casting cannon, which is a most costly article of national want; for

A 6-pounder costs about.....	\$70
12-pounder.....	150
18-pounder.....	245
24-pounder.....	330
32-pounder.....	450
42-pounder.....	520

but where they could regulate the models, and try every means of combining metals, testing inventions and improvements, and improving, if possible, the present and future improvements, appertaining to engines for steamships of war.

Thousands of dollars have been spent by Government with private founders in order to have large brass cannon cast, and never has one been cast that would stand the test; nor was it until

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recently that those of a smaller size could be cast of a good quality. Mr. Ames, proprietor of a private foundry, has succeeded with the latter; and Mr. J. believed that the proprietor of the foundry near Boston has recently cast those of a small size that have stood the test required by Government.

Mr. N. P. Ames, the proprietor of a brass cannon foundry, and perhaps one of the most practical and scientific artisans in this or any other country, in a letter to a select committee, dated January 31, 1839, in answer to sundry questions, makes the following sensible answer:

WASHINGTON, January 31, 1839.

SIR: I have the honor to acknowledge the receipt of your letter of this date, in relation to a national foundry.

In answer to your first inquiry, "Would a national foundry be useful for the purposes of Government?" I would say that I believe one might be made so. I am sensible of the importance of experiments in establishing new patterns and testing different materials; and I think it would be well for Government to have the power to determine, definitely, what is best for the public service. A foundry would afford facilities for investigation that might prove valuable to the public interest.

In answer to the second inquiry, "Might not a foundry be established without detriment to private establishments?" I should think it would not necessarily be detrimental, but might be useful. There would undoubtedly be many experiments made at a national foundry that would not be proposed to private individuals, and beneficial results might arise, directly or indirectly, through such experiments. On the other hand, if a national foundry should be made so extensive as to reduce the business for private establishments to an amount that would not make it an object for enterprising individuals to engage in it, I think the public as well as private interests might be injured; for I believe the incentive for improvement in manufacturing operations is generally greater where private than where public interest only is engaged; and without the influence, directly or indirectly, of private establishments, improvements in public establishments would be likely to be limited.

It is, therefore, my opinion, that a national foundry should be established only on such grounds as would enable the public and private interests to subservise each other. The business of casting cannon might be taken entirely from individuals, as it depends only on Government for support. In this respect it differs materially from most other branches of business.

In answer to the last inquiry, "What region of country would be most eligible for a foundry?" I am not prepared for an opinion. Convenient water communication and water power would, in my view, be among the most important considerations in selecting a situation.

I am, sir, very respectfully, your obedient servant,

N. P. AMES.

To the Hon. WILLIAM C. JOHNSON, Chairman of the Foundry Committee of the House of Representatives.

Such were the views which he (Mr. J.) had always entertained on this subject, that, so far from a national foundry injuring, it would really aid private interests, and would place the Government beyond the influence of combinations or impositions of any kind. What is there now to prevent a sagacious enemy employing a secret agent to purchase the private foundries, and then, in time of war, closing them upon the Government?

European Governments are more wise and sagacious in this respect. Every prominent Government of Europe has a national establishment for casting cannon.

The following statement was furnished the committee on that part of the President's message which related to the establishment of a national foundry for making cannon for the use of the Army and the Navy. It shows the mode used in Europe for supplying each nation with this indispensable means of national safety and protection:

United Service Journal, April, 1837.

**CANNON FOUNDRIES.**—The chief cannon foundry in Austria is in Vienna; that of Bavaria is at Augsburg, for the foundry at Munich is for casting statues and other works of the fine arts only; that of Wurtemberg is at Louisa, near Stuttgart; that of the Grand Duchy of Baden is at Carlsruhe; that for the Electorate of Hesse Cassel is at Cassel; Saxony has one, on a confined scale, at Dresden; for Prussia Saxony there is a foundry at Lauchamer, not far from Dresden; for Prussia there is one, though by no means of the most complete description, a second at Glatz, in Silesia, and a third at Sayn, about five miles from Coblenz, on the right bank of the Rhine; in the latter of which general as well as military castings are carried on. We are not aware that there is any foundry in the kingdom of Hanover, the cannon used being brought from England. The largest foundries in England are at Liverpool, in the vicinity of Birmingham, at Glammormoor and at Carron, in the north of Scotland. Russia possesses five, the largest of which is at St. Petersburg. There is one also at Moscow, and one at Casan. With regard to Portugal, its only foundry was at Lisbon; but that has been abandoned, and she imports all her cannon from England.

The only work of the kind in Spain is at Seville. There are two foundries in Italy—one at Turin and the other at Naples. Holland possesses a foundry at the Hague, conducted by Maritz, a Genevese, formerly a pupil of the Paris polytechnic school. The works at Liege, in Belgium, are, we believe, the only works where iron as well as brass cannon are cast. In France there are three foundries of brass cannon—at Douar, Toulouse, and Stratsburg; and two of iron cannon—at Ruel, near Angoulême, and at St. Gervais, in the south of the kingdom. In Denmark there is one foundry at Fredricswerk.—Notes by M. A. Jullien.

He would quote an extract from Commodore Patterson's letter to the Secretary of the Navy whilst commanding the Mediterranean squadron in 1834:

Extract of a letter from Commodore Daniel T. Patterson, whilst in command of the Mediterranean squadron, to the Secretary of the Navy, No. 101.

September, 16, 1834.

When at Cairo, I visited and closely examined the various establishments and institutions founded and supported by the Pacha. Within the walls of the citadel are a manufactory of small-arms, pistols, and sabers; a foundry for brass artillery, casting, turning, and boring, the two latter both effected at the same time and by the same power; contiguous to the boring room is the manufactory of field carriages and caissons, of which there were a number completed, with artillery and howitzers mounted ready for service, all of exceeding good and handsome workmanship.

I next visited a furnace and machinery for rolling sheet copper, and a manufactory of sheathing nails and spikes, conducted by an Englishman.

At Boulac, a suburb and the port of Cairo, is a new and extensive furnace and foundry for iron ordnance and every species of casting, very recently established, having three large iron hearths and a steam-engine; all the machinery English. Hereafter, all the ordnance for the forts and marine will be manufactured at Cairo, as have been the field artillery and small-arms for two years.

We are behind the age in improvements in machinery and implements of war and national protection. There is no establishment where Government can satisfactorily test the utility of modern improvements with complete and ready facility.

About two years ago Mr. Cochran, the inventor of the cylindrical small-arm and cannon, informed him (Mr. J.) that, failing to be patronized by this Government in the latter, he sought the countenance of the Grand Sultan, and by the aid of his Government he tested his invention in the presence of his highness in Constantinople. But a few days ago a citizen of this city was expressing to Mr. J. his mortification that he could not test an invention of his upon a cannon, which he had tried with great satisfaction upon small fire arms, to prevent the "escape of the power of powder from the touchhole." No individual has ordnance; they are serviceable alone as national property.

Can any mind of ready perception for a moment doubt that a mighty revolution has not only commenced, but has already been effected, in maritime warfare? Steam has not only been made auxiliary to wind and tide, but proudly to triumph over both, and to leave, struggling with the elements in its wake, the tardy canvas which has whitened the seas like things of air for a thousand years. The poet's highest imagination of other days has fallen short of modern genius, who never dreamt that steam would press the swift car more than fifty miles an hour, and that the propelling wind would be too feeble for the quick impulses of the present age, when he said sails would be used on land.

— "on the barren plains  
Of Sericana, where Chinese drive  
With sails and wind their cany wagons light."  
[Paradise Lost.

The swift steamship, with its dreadful implements of destruction, will have the tendency, he could hope, as he believed, of lessening, from its very power of destruction, an appeal to arms by the civilized nations of the globe. Its sudden incursion on the defenseless city, the security of those on board, and the destruction of those assailed, will give but little glory to the successful, and no disgrace to the unsuspecting and surprised citizens of the consumed city.

The martial pomp of the tented field, the glittering livery and the waving plume, the very romance and poetry of chivalry will be destroyed; and the ambitious will, from these causes, cease to aspire for martial glory, because it will not be accorded by the slaughter of his fellow-beings. Skill and courage will give no advantage. And when war is robbed of those attributes, the warm

enthusiast for distinction will seek it in other pursuits. He must seek it in acts and deeds of moral and intellectual improvement and superiority, in ameliorating the condition of mankind, rather than in the sanguinary profession of arms.

He, for one, believed in the improvable condition of the human race, and that much higher perfection is yet to be attained in civilizing, in moralizing, and refining the most improved nations of the world. The generous, the benevolent, and the philanthropic had still abundant and arduous labors to perform in that broad and endless field of improvement.

But, then, he maintained, this or any other nation, to preserve that peace so desired, must be ever ready to defend its rights and protect its interests and its honor. The best way to preserve peace in this age, and perhaps in ages to come, is to be formidably prepared for war. We must regard man as he is, and not as he may be, or as we could fondly hope that he should be.

He had digressed somewhat from the object and purpose of his remarks, and would now ask, what was our condition on the ocean? Many of our ships are unfit for sea; and after an expenditure of more than fifty million dollars, we have but few superior vessels-of-war. The South Sea exploring squadron was delayed under the pretext of lessening the number of vessels, when it was proposed to send but *five*. It at last, after two years' delay, sailed with *six* vessels, and will be inoffensive, in any emergency, under the Executive proclamation, for *three* years, even in the event of a war. The committee may recollect that a bill was hurried through this House last year to organize a coast squadron, for the protection of our merchant vessels, when a "dark, piratical looking vessel" was supposed to be hovering on our coast. That single "magic ship at sea" created more concern in Congress than the whole naval power of England has at the present time. But the Secretary of the Navy has informed us, at the opening of this session, that he has been unable to effect the intention of Congress, "owing to the want of proper vessels at the disposal of the Department. After supplying the necessities of foreign stations, the steamship Fulton is the only one now available for this service." Then the steamship Fulton is the only vessel now available to protect our merchantmen along a coast of some fifteen hundred miles in extent. We are far, very far, behind the age in steamships. We have one yes, one national steamship. Have England, France, and Russia, but one each? England has, he believed, about fifteen; France a like number, and Russia some eight or ten.\*

An advantage in an eminent degree would result to the country from a national foundry in testing, by the fullest experiments the best metals and combinations of metals; so as to improve the tenacity of ordnance to resist heavy pressures, in order to prevent explosions and reduce as much as possible, to be safe, the weight of cannon for field trains and for the naval service. Most of the ordnance of the Government is totally unsafe for service, and nothing can create greater dismay in time of action than the explosion of a gun.

Taking this view of the importance of providing cannon of the best materials, Commodore Patterson, in giving his views at the request of

\* The following is a more accurate account:

STEAM VESSELS-OF-WAR.—A correspondent in England has favored us with the annexed statement of the steam force of England, France, and Russia, copied from Sir John Borrows' Life of Lord Anson:

Steam Government ships.	In commission.	Ordinary.	Building.	Total.
England.....	5	2	5	12
On foreign stations.....	13	-	-	13
Post Office packets.....	28	-	-	28
Total.....				53
Of which 12 are ships-of-war.				
France.....	22	6	9	37
Russia.....	8	-	-	8

He it remembered that on the 28th day of February, 1839, the United States of America, to whose the above ninety-eight steamships, have ~~ONE~~ WHOLE STEAMBOAT-~~ED~~ all of which is in commission. Some weeks ago a committee of Congress was instructed to inquire into the expediency of constructing a few more, but we have seen no mention of their report. Perhaps they find it difficult to determine whether any more are wanted. In case of a war with either of the above mentioned Powers, the understanding of the gentlemen will be enlightened.—*Journal of Commerce.*

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the committee charged with the investigation of this subject, thus expressed himself:

"Iron obtained from any one quality of ore rarely combines all the requisites for making the best and strongest ordnance; the practice has therefore been to mix iron from different ores in such proportions as have been ascertained by experience to produce the requisites necessary. An accurate knowledge of metals, with the qualities of different ores, will be attained with the actual cost of ordnance; and, being made under the superintendence of scientific officers, will inspire a general confidence in their safety and accuracy, dispelling apprehension from bursting, instances of which have occurred in our Navy, as on board the frigate President at the very commencement of the late war, when in pursuit of the English frigate Belvidere, by which Commodore Rodgers had his leg broken, and some of the crew were seriously injured. The immediate consequence of such an accident, in most cases, would be to create a general distrust in the crews as to the safety of the arm which they were to use, calculated to produce disastrous results in an action.

"Most, if not all, nations, having occasion for ordnance, possess national foundries directed by their own officers, to supply the Government with the best, and all it requires, made of the best materials of the most approved patterns, and corresponding dimensions, insuring an adequate supply for all purposes, which cannot, at all times be obtained from private establishments, and, possibly, when most urgently required by the Government, not to be had; causing a delay that might be attended with consequences injurious to the nation, as in the event of a sudden war with a powerful foe, (events which not unfrequently occur,) when only partially provided with ordnance."

Confidence, most generally, in all pursuits of life, is indispensable to success. It is always the most powerful adjunct. Distrust in the safety of ordnance half covers a soldier or a seaman. Even a knight, clad *cap-a-pie* in armor, would dread his adversary, unless he knew full well he grasped

"The trenchment blade, Toledo trusty."

The great deficiency in our supply of heavy ordnance proceeds from either want of skill in casting it, or from the limited means placed in the hands of the ordnance department. He was inclined to the belief that both reasons had influence; and perhaps another, the taste, or, if you please, the judgment of the ordnance department and the Board of Naval Commissioners. He would willingly vote an appropriation of \$1,000,000, to be expended in procuring or making heavy ordnance. The reserved contingent fund, which is always left in the Treasury, of \$2,000,000, could not be better applied than by being invested in ordnance, or at least one half of it. It would be as much funds reserved, in the eye of a political economist, if invested in cannon, as if it were to quietly remain in the Treasury in the form of bullion. And, by the investment, this great advantage would accrue to the nation; the cannon would be as little destructible in depot as the bullion in the Treasury; the former could be at once used upon a national emergency; the latter would at least most likely be used, but slowly, in procuring ordnance.

Those who will trace the history of Europe from the time of Edward III., who first used artillery, to the days of Frederick the Great, to Napoleon, and down to the last attack of the French upon Mexico, will find that, in almost every battle that has been fought, with equal numbers, superiority of ordnance decided the fate of success.

Bonaparte traced the entire failure of his African campaign to the circumstance of the capture of one of his ships by the British, on which was his heavy ordnance that he designed to destroy an important fortress with. As repeated and gallant as his assaults were, he found, to his dismay and confusion, that he had to encounter too fatally his own ordnance—repelling all his efforts.

The number of small arms now in our national depots is, by the tabular statement furnished the committee by the Colonel of Ordnance, on the 7th of March, 1838, 3,078 cavalry sabers, 3,971 artillery swords, 2,021 pistols, 1,645 carbines, 13,765 rifles, 572,005 muskets. Although better supplied with small-arms than with ordnance, he regretted to find that the chairman of the Committee of Ways and Means reported, in the annual Army appropriation bill, a diminution of \$60,000 of the regular amount of appropriation to the two national armories, and \$60,000 to private contractors.

He, (Mr. J.), with other members, made an ineffectual attempt to have the original appropriation reinstated in the bill. But economy was

urged; and it is generally urged effectively when a latent national good may be pretermitted for some present tangible consideration. The cost of the muskets is about twelve dollars each.

Our population is now about double what it was at the commencement of the last war with England. We had, at the commencement of that war, 240,000 muskets in depot, and 60,000 were made and purchased during its continuance; and, at its termination, there were but 20,000 in the arsenals. Eight years were required to supply those which were lost and destroyed during the war. "Had the war continued another year," says the report of the ordnance department, "the deficiency of arms would have occasioned the most embarrassing consequences."

By a report made to Parliament in 1817, the number of small-arms furnished by Great Britain to the allies and the national troops, from 1803 to 1816, inclusive, was—

To the allies.....	2,143,643
To the regular troops.....	349,882
To the regular militia.....	59,405
To the local militia.....	151,969
To the volunteers.....	307,583
To the navy.....	215,233
Total.....	3,227,715
The number in depot in Great Britain in 1817 was.....	816,282
In the public service.....	900,974
Total.....	1,019,256

By the report of the Minister of War, it appears that the fire arms fabricated in the manufactories of the French Government, and made disposable for service from 1803 to 1814, were no less than 3,956,257.

The number in depot in France, in 1811, was 600,000, not including the immense number in service.

If it were necessary to illustrate the necessity of always having a superabundance of arms on hand, it might be stated that the English lost, at one blow, 60,000 muskets, which had been sent to Dantzic; and 100,000 more were lost in a single shipwreck.

At the close of the long war with France, when Bonaparte was dethroned and Louis reinstated, the emperors of Russia, of Austria, and other crowned heads, visited England. When they went to Woolwich, the Emperor of Austria was so astonished at the resources of that nation, and the immense supply of ordnance in depot, it is said, that he tested their reality with his cane, hardly believing it possible that they were real cannon, but that they were mock imitations, and designed for an artificial and ostentatious display of power.

He would say, before he concluded, that the entire officers of the Army and Navy, with hardly a single exception, thought that a national armory for making cannon was almost indispensable. Their statements in its favor filled nearly a hundred pages of the report, and those who used cannon were, or ought to be, good judges how they should be made. Their testimony at least had great weight with him. Unless you placed the forts in a state of protection, it were better that they had not been built. They could be easily taken by an enemy, and would then become their citadels for the easy annoyance of the nation. Indeed, he would say more. If the Government will not have them mounted with good ordnance, or adopt early means to place a sufficient supply of cannon in depot, which could be mounted at the first alarm of danger, national economy and the national interest would be promoted by their demolition. Nor could he ever vote for the erection of another, or for the repairs of those already built, until the Government adopted a policy of protection such as, or similar to, that which he had been feebly urging.

It was not because there were indications of collision with Great Britain that he urged the amendment. The present juncture of circumstances only enforced with increased weight the necessity of such a proposition as he had introduced. He thought it as essential in peace as on the approach of war; and nothing would be better calculated to avert a war than a formidable condition of our national defenses. So far from its being a belligerent measure, it was one of humanity; for it might be reduced to an aphorism,

that the best way to avert national calamity was to prepare for war in time of peace.

He thought that there was much wisdom in the Irish maxim, that the best way to avoid danger was not to fear it. Certainly, to be well prepared to repel it.

Mr. J. said that he had not the burning impetuosity which some members had to plunge this nation into war at this time, as little prepared as it was for such a struggle. He would rather give the people the means of protection before much of its best blood should be shed. As one of the national legislative council, he would, through humanity, if not policy, rather economize human life than be oversaving of the public treasure. Expend the latter judiciously in time of peace, and you will by the very act effect the former.

No wise nation will hurry itself into war without some preparation. Rashness has less affinity to true courage than prudence. Rarely will national honor suffer by a firm and prudent remonstrance against national wrongs. Feelings which govern honorable men in their transactions of life are but aggregated in the sentiments of an upright, honest, and brave nation; and the former are but multiplied minatures of the latter. Generous dignity and cool firmness, whilst they grace a gentleman, make a nation invincible.

He had the moral, he believed, of one of Sir Walter Scott's allegories, in one of his fugitives, strongly impressed on his mind, though it was long since he had read it. Most of its coloring had faded from his memory. It describes a youth in all the glow and full pride of manhood, with bosom beating high for fame, emulous of renown, without a sense of fear. His genius specter led him to a sepulchral and gloomy cavern, where he beheld knights strayed on the earth and clad in armor. A dim light on the table gave a melancholy horror to the spectacle, and by it were laid a sword and trumpet. The specter-ghost, with measured emphasis, informed the intrepid youth that his fate or future destiny, to realize all his ardent aspirations or irretrievable ruin, depended upon his first choice in using one of the two instruments before him. The specter was then silent, and his eyes glared anxiously on the youth. The youth paused a moment in meditation as if his judgment was counseling his feelings; then firmly seized the trumpet, and placed it to his mouth. The cavern reverberated with the sound. A hundred knights, as if by magic, sprang on their feet with their drawn swords. And before he was hurled into destruction, the youth but heard the dreadful voice of the specter saying, "Woe and destruction to that foolish man who first blows the trumpet before he draws the sword." Whilst others are here blowing the trumpet, though not a specter, he (Mr. J.) was anxious to place in their hands the sword.

We have on our northern border more than twenty thousand soldiers in arms; and we should put our entire frontier in a state of defense. He had but slight apprehensions of a serious collision with England. It was the interest of both nations to preserve friendly relations. In our present condition, the sacrifice of men and money would be immense. With England, to the like considerations would be superadded the preservation of her four colonies. He believed that the question could be settled to the satisfaction and interest of both nations. His mind was free from every shadow and mist of doubt on the subject of right and title to the disputed territory; it is a part of Maine—an integral part of the whole country. There was a good deal of Hotspur impetuosity to the North, on both sides, and with all parties. He approved of the temper and tone of the Executive message; but was opposed to much of the discretionary power proposed to be given to the Executive in the bill under consideration. The Constitution gave the Executive already very great powers. He would not surrender to the discretion of any Executive, however prudent, virtually the power to make war. Congress alone should declare war. The Executive had now the power to repel invasions. He had the power to demand of England a final adjustment of this too long procrastinated question. The ultimatum of both Governments should be known; and for that purpose there was plenty of time before the meeting of the next Congress, unless the war speeches in Congress should

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stimulate the irritation on the border. He looked, he trusted, calmly on the subject, and believed he felt so; yet he felt a deep interest in the vexed controversy. He had heard much said about patriotism and courage from all sides of the House; nor would it be proper for him to inquire how much of it, on this floor, has often evaporated in words. He would let others form their estimate. He believed that the people of his State had a due proportion of both. He believed that they would prefer pursuing their quiet and honest industry to hammering their plowshares into swords; but, if war was inevitable; if it was forced upon them by the impetuosity of the people of Maine, the imprudence of the Executive, the injustice or injury of England, he believed he could safely say that, in the trying hour of danger, they would be where duty would call them; that, if a foreign foe invaded our territory, at the far North or the far South, then they would let that foe, of whatever nation they were, sorely feel

"The might that slumbers in a freeman's arm."

## SMITHSONIAN BEQUEST.

## DEBATE IN THE SENATE.

January 10, 1839.

Mr. ROBBINS submitted the following resolution:

*Resolved*, That a committee be appointed, consisting of five members of the Senate, jointly with such committee as may be appointed on the part of the House of Representatives, to consider the expediency of providing an institution of learning, to be established in the city of Washington, for the application of the legacy bequeathed by Mr. James Smithson, of London, to the United States, in trust for that purpose; also, to consider the expediency of a charter for such institution, together with the powers and privileges which in their opinion the said charter ought to confer; also, to consider the expediency of ways and means to be provided by Congress other than the said legacy, but in addition thereto, and in aid of said benevolent intention, and to report by bill or bills in the premises.

The resolution having been read,

Mr. ROBBINS said that, some days ago, he gave notice that he would take an opportunity to ask leave to introduce a joint resolution on the subject of the legacy bequeathed by Mr. Smithson, of London, to the United States in trust; and that he would take the same opportunity to submit to the Senate his views upon that subject. I rise now (said Mr. R.) to ask that leave, and to submit these views.

The motive to this noble legacy was, as the will expresses it, "*the increase and diffusion of knowledge among men.*" Noble, indeed, it was, in every point of view; noble as coming from a stranger, with whom this country had no personal relations, speaking at once his high sense of our merit, while it proclaimed his own; noble in amount, and may be made effective to its beneficent purpose; but, above all, noble for its destination—"the increase and diffusion of knowledge among men;" leaving it to the wisdom of Congress to devise and provide the institution that should be most effective to this end. It ought to be an institution whose effects upon the country will make it a living monument to the honor of the illustrious donor in all time to come. Such an institution, I conceive, may be devised, of which, however, at present there is no model either in this country or in Europe; giving such a course of education and discipline as would give to the faculties of the human mind an improvement and power far beyond what they obtain by the ordinary systems of education; and far beyond what they afterwards attain in any of the professional pursuits.

Such an institution, as to its principle, suggested itself to the sagacious and far-seeing mind of Bacon, as one of the greatest importance. But while his other suggestions have been followed out with such wonderful success in extending the boundaries of physical science, this has been overlooked and neglected. One reason is, that the other suggestions were more elaborately explained by him; there, too, he not only pointed out the path, but he led the way in it himself. Besides, those other suggestions could be carried out by individual exertion and enterprise, independently of the existing establishments of learning; or they could be grafted on, and made a part

of, those establishments. But this required an original plan of education, and a new foundation for its execution; where the young mind would be trained by a course of education and discipline that would unfold and perfect all his faculties; where genius would plume his young wings, and prepare himself to take the noblest flights. The idea, however, was not entirely original with Bacon; for it would be, in effect, but the revival of that system of education and discipline which produced such wonderful improvement and power of the human mind in Greece and Rome, and especially in Greece. Its effects here, I am persuaded, would be many and glorious. Of these I shall now indicate only one; but that one whose importance all must admit. In its progress, and ultimately, it would give to our country, I have no doubt, a national literature of a high and immortal character. However mortifying to our national pride it is to say it, it must be confessed that we have not a national literature of that character; nor is it possible we ever should have, as it appears to me, on our present systems of education. Not that our literature, such as it is, is inferior to that of other nations produced at the present day. No; mediocrity is the character of all literary works of the present day, go where you will. It is so in England, it is so in France, the two most literary nations of Europe. It is true, learned men and great scholars are everywhere to be found, indeed, they may be said to abound more than ever; the whole world, too, has become a reading world; the growth of the press is prodigious; but it is all ephemeral and evanescent—all destined to the grave of oblivion. Nor is it that our countrymen have not the gift of genius for literary works of that high and immortal character. Probably no people were ever blessed with it in a greater degree—of which everywhere we see the indications and the evidence; but what signifies genius for an art without discipline, without knowledge of its principles and skill in that art?

"Vis consilii expers, mole ruit sua;  
Vim temperatam, dii quoque provebunt,  
In majus."

Literature is now everywhere mediocre—because the arts of literature are nowhere cultivated; but everywhere neglected and apparently despised. I recollect to have seen in a late and leading periodical of Great Britain, an article in which the writer congratulates the age upon having thrown off the shackles of composition; and says, in a tone of triumph, that no one now thinks of writing like Junius, (as if it was an easy matter, but beneath him, to write like Junius,) except, he adds, some junior sophister in the country, corresponding with the editor of some village newspaper. The whole tribe of present writers seem, by their silence, to receive this description as eulogy—as a tribute of praise properly paid to their merit; while in truth it is the characteristic of a barbarous age, or of one declining to barbarism; it is the very description applied to mark the decline and last glimmering of letters in Greece and Rome.

The object of education is two-fold—knowledge and ability, both are important, but ability by far the most so. Knowledge is so far important as it is subsidiary to the acquiring of ability; and no further; except as a source of mental pleasure to the individual. It is ability that makes itself to be felt by society; it is ability that welds the scepter over the human heart and the human intellect. Now it is a great mistake to suppose that knowledge imparts ability of course. It does indeed impart ability of a certain kind; for by exercising the attention and the memory, it improves the capacity for acquiring; but the capacity to acquire is not ability to originate and produce. No; ability can only be given by the appropriate studies, accompanied with the appropriate exercises—directed by a certain rule, and conducted infallibly to a certain result.

In all the celebrated schools of Athens this was the plan of education; and there the ingenious youth, blessed with faculties of promise, never failed to attain the eminence aspired to, unless his perseverance failed. Hence the mighty effects of those schools; hence that immense tide of great men which they poured forth in all the departments of science and letters; and especially

of letters; and hence, too, the astonishing perfection of their works. A celebrated writer, filled with astonishment at the splendor as well as the number of the works produced by the scholars of these schools, ascribes the event to the hand of a wonder-working Providence, interposed in honor of human nature, to show to what perfection the species might ascend. But there was nothing of miracle in it; the means were adequate to the end. It is no wonder at all that such schools gave to Athens her Thucydides in history, her Plato in ethics, her Sophocles to her drama, and her Demosthenes to her forum and her popular assemblies; and gave to her besides that host of rivals to these and almost their equals. It was the natural and necessary effect of such a system of education; and especially with a people who held, as the Athenians did, all other human considerations as cheap in comparison with the glory of letters and the arts.

It is true, this their high and brilliant career of literary glory was but of short duration; for soon as it had attained its meridian blaze, it was suddenly arrested; for the tyrant came and laid the proud freedom of Athens in the dust, and the Athenians were a people with whom the love of glory could not survive the loss of freedom. For freedom was the breast at which that love was fed; freedom was the element in which it lived and had its being; freedom gave to it the fields where its most splendid triumphs were achieved. The genius of Athens now drooped; fell from its lofty flights down to tame mediocrity—to ephemeral works born but to languish and to die; and so remained during the long rule of that ruthless despotism—the Macedonian; and until the Roman came to put it down, and to merge Greece in the Roman empire. Athens now was partially restored again to freedom. Her schools, which had been closed, or which had existed only in form, revived with something of their former effect. They again gave forth some works worthy of their former fame, though of less transcendent merit; and they now gave to Rome the Roman eloquence and literature.

*Græcia capta serum victorem cepit, et artes  
Intulit agresti satio:*

and, if we are wise to profit by their example, may yet give to us an equal eloquence and literature.

I mention these things to show what encouragement we have to this enterprise—what well grounded hope of success. We have only to tread the path that led the Athenian to his glory, and open that path to the youth of our country. All the animating influences of freedom exist here in still greater force than they existed there; for, while it is not less absolute here, it is better regulated—better combined with order and security. Neither is the gift of genius wanting here; the gleams of this precious ore are seen to break out here and there all over the surface of our society; the *animus acer et sublimis* is daily displayed by our countrymen in all the forms of daring and enterprise; the eagle, their emblem, is not more daring in his flights. And if the love of fame, which was the ruling passion of the Greek, is not now so strong with us, it is because the want of the means, the want of plain and sure directions for its pursuits, begets a despair of its attainment. The Greek had these means, had these plain and sure directions; and it was the certainty of success, by perseverance and by their guide, that kindled and sustained his passion, and made it his ruling passion. This passion is now burning in the young bosoms of thousands of our youth; but it is, as I have said, *vis consilii expers*, and struggles in vain, because it struggles blindly for the fame it pants after. Let this Athenian mode of education be adopted in this instance; let it produce but a few examples of eminent success, (as I have no doubt it speedily would,) and thousands would rush to the path that had led to that success; and members now of this body are yet young enough to live to see a new era arising in our land—an other golden age of literature, no less splendid than any that had gone before it—not excepting even the Athenian.

I know it has been supposed that the Athenians had something peculiar in their genius, which gave to them their unparalleled success. But we have seen that when, with the loss of freedom, they lost

their love of literary glory, they fell back to the ordinary level of mankind, and were not at all distinguished for literary merit from the mass of nations. So it was not nature, but the means adopted to assist and improve nature, that gave to them their preëminence; and their success was but in exact proportion to the perfection and use of those means.

I could wish, if all were agreed in it, that this institution should make one of a number of colleges to constitute a university to be established here, and to be endowed in a manner worthy of this great nation and their immense resources. This object, recommended by Washington in one of his early communications to Congress, has not, as it appears to me, received the attention it merits. For such an establishment, formed and conducted as it might be, would be attended with great and glorious results, to this country—not only by its direct operation in elevating the standard of education, but by forming a central point, a local head to all the learning of the country, such as the most learned nations of Europe have, and from which they derive the greatest advantages. But as opinions are divided upon this subject—not, I should hope, as to the great desirableness of such an establishment, but as to the constitutional competency of Congress to undertake it—I will not embarrass my present object by involving it with that subject. This, as an independent institution, may hereafter be made a part of such a university, should one be established; but it is now to be looked at only as an independent institution. Still I should hope that the liberality of Congress would so far concur with the generosity of this foreign benefactor as to give full effect to his beneficent purpose, and would not only give the grounds convenient for the accommodation and location of the buildings, but would also make an appropriation of money therefor sufficient to cover the cost of their erection; leaving the whole amount of the legacy as a fund the proceeds of which to be applied to the accumulation of books and apparatus, and to the support of the instruction and government of the institution; otherwise, the whole thing, I fear, will prove a failure by the expense of the outlays; at least when compared to the results which it might be made to produce; for though the salaries of instruction should not be over large, yet they should be so liberal as to command the services of the ablest instructors in every department embraced by the plan of education.

This is not the occasion for a detail in full of the plan of education which I should wish to see adopted; I will, however, beg leave to give its outline; premising that my object would be to give both learning and ability, but ability as the primary object. Ability, as I have stated, can only be given, as I am fully persuaded, by appropriate exercises directed by a certain rule; that is, by the principles of the art, whatever that art may be. So that exercises, exercises would be the Alpha and Omega of my system. The studies should be combined of science and literature, with its appropriate arts. As to science, they should be restricted to science properly so called—to pure original science—with some of the practical branches thereof not necessary now to be indicated, excluding professorial learning altogether. As to literature, the studies should be given to select models of a perfect literature, and to all those arts by which that perfect literature has been produced, and may be reproduced, accompanied by all those exercises regularly and ardently pursued, by which power and skill is given in those arts. The preliminary studies to qualify for admission should also be proscribed. I would have a model school for this preparation annexed to this institution and made a part of the establishment.

Such an institution, conducted by great masters, as I should hope the instructors to be, and without such indeed nothing great in education can be accomplished, whatever the system may be; but, conducted by great masters, would make the illustrious stranger, the founder of the institution, as I think, one of the greatest of benefactors to our country and to mankind, and to be worshipped almost, here at least, as the patron saint of education.

Mr. PRESTON. Unquestionably the subject

to which my venerable friend, the honorable Senator from Rhode Island, has called the attention of the Senate, is one of great importance, demanding the grave consideration of Congress. The Smithsonian legacy has put the Government in possession of \$500,000, which, by the acceptance of the trust, imposes upon us the duty of administering this fund in the most appropriate way, to accomplish the broad beneficence "of the diffusion of knowledge among men." As it is in the order of Providence that, as the mind is enlarged, our moral nature is also exalted, there can be no object more beneficent or dignified than that which the acceptance of this legacy presents to us. I earnestly hope that our efforts to discharge the trust assumed may be wisely directed and crowned with success. And surely, Mr. President, the establishment of the Smithsonian Institution could not commence under more favorable auspices than to have attracted the care of the honorable Senator, who in every way is so eminently qualified to take charge of whatever concerns the interests of learning or of charity. No one has more experienced in his own heart, or more exemplified in his own character, the benign influences of education, than the honorable gentleman; and no one, therefore, in this body, was so fit to have submitted the resolution before you, or to cast the foundations of an institution whose duration, we may hope, will bear a proportion to its enlarged objects. I am sure I but speak the sentiments of all the Senators, when I offer him my earnest thanks for the lead he takes in this matter. Nor can I forbear, also, Mr. President, to thank him for introducing, upon this most fit occasion those elegant and elevated topics which carry us for a moment into regions of calm and serene air, above the smoke and din of our accustomed and more strenuous efforts on this floor. It is pleasant to repose, though but for an instant, upon the green spot he has presented to us.

I rejoice, Mr. President, that it has so happened that this subject demands our attention at this session. After a long term of useful and honorable public service, my honorable friend is now about to terminate his coöperation with us on this floor. It is his last session. It is a fortunate, as it is a most just and fit termination of his official productions, that he at once finishes and perfects them by inscribing his name where it will be most appropriately placed—upon an institution for the promotion of knowledge. I hope, Mr. President, that we shall at once proceed to an earnest attention of this resolution, and to carry into effect the intentions of a testator, with a liberality controlled only by our constitutional restrictions.

The resolution was then agreed to.

#### MAINE BOUNDARY QUESTION.

#### SPEECH OF HON. F. W. PICKENS,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

March 1, 1839.

The House being in the Committee of the Whole on the state of the Union upon the bill reported by the Committee on Foreign Relations, to whom had been referred the President's message concerning the Northeastern Boundary Question—

Mr. PICKENS said it was with extreme reluctance he trespassed upon the attention of the committee; nothing but the great importance of the measure could induce him to do so at present. He had interrupted his colleague [Mr. LEGARE] as to the point of order, and had claimed the floor merely because of the circumstances under which he was placed with reference to the bill under consideration. It will be remembered that this morning, when the bill was first under discussion, his colleague [Mr. THOMPSON] had said he hoped that the bill would pass unanimously, without debate, as there could be no opposition to it. He (Mr. P.) then said that would not be the case, and he desired to inform the chairman [Mr. HOWARD] that, if he supposed so, he would be mistaken, for he (Mr. P.) intended to move to strike out the second section, and then gave notice of

that, but, before proceeding, he gave way to hear the chairman first, in the development of the views of the committee. But, instead of this course, others had obtained the floor then, and brought on a wide range of discussion, and he had been prevented from explaining his points of objection to the bill. He desired to do so now.

But before discussing the bill, I desire (said Mr. P.) to notice the last observations of my colleague, [Mr. LEGARE.] He had said there was no danger of collision from the march of hostile troops at present, and had given in his experience of what he had witnessed in Europe, and said that he had often seen hostile armies moving and retiring over the same territory, and even coming into temporary conflict, and yet there was no war, and, in a few weeks, everything was again hushed into peace. This might be the case in regard to European armies, for they were made up of drilled and trained soldiers, under the strict orders of officers, who were again under the dictation of despotic cabinets. They could be marched up to the cannon's mouth, or marched off the field, because it might be the pleasure of a tyrant king, their master, so to will it. They were the mere machines in the hands of those who made war from ambition, and preserved peace from interest. Not so in our country. Let the President bring into action our forces, accustomed, as they were, even to licentious freedom, and we would find a very different state of things. Our armies would not be mercenary bands, but citizen-freemen, with but little discipline, and feeling a passionate enthusiasm for their country. When you once put a large force of that kind into action, and bring them near to their opponents, under their natural excitement, it would be as difficult to preserve peace as it would be to preserve from explosion the magazine into which ignited sparks were thrown.

The analogy drawn from other Governments does not hold good when applied to us. Peace may be preserved there, while the same causes would produce war here. There is always danger here in calling into existence military power, as is contemplated by the bill, unless we have already resolved on final action. In other Governments, everything is moved under the direction of despotic cabinets, with absolute power; the reverse is the case here.

I desire now to say a word in reference to what fell to-night from the gentleman from Kentucky, [Mr. MENEFEE.] That gentleman had given us an enthusiastic disquisition on national honor and in which, if properly defined, I entirely agree. But if the gentleman meant that vague and undefinable national honor, drawn from the European code and practiced upon for the last three hundred years by European Governments, I raise my solemn protest against it. There whole nations had been drenched in blood upon a mere point of etiquette. Such doctrines might suit those countries whose people had been taught to humble themselves before the diadems of royalty, and to gaze in submission upon the stars and garters of nobility, but they were entirely unsuited to the people of a free Republic.

Sir, I contend that, in this country, with a Government limited and defined by the Constitution, we exercise nothing but trust powers for the benefit of the people, and we have no right to separate national honor from sound national interests.

Mr. MENEFEE asked if Mr. P. admitted that there was a difference between national honor and national interest?

Mr. PICKENS. No, sir, if properly understood and defined; but a general declamation upon abstract national honor, as drawn from the European code, was calculated to inflame our people, now already too excitable. I will not repeat Falstaff's soliloquy upon honor, but I will say that, although a duelist may demand satisfaction, at the risk of his life, because another may have too rudely brushed the skirt of his coat, yet, when the consequences of a man's action are not to be confined to himself, but drag with it the misery of millions, he has no right to stand upon a mere immaterial point of honor. What I mean to say is, that before a free people can be dragged into a war, it must be in defense of great national rights as well as national honor.

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Maine Boundary Question—Mr. Pickens.

HO. OF REPS.

Before examining the second section of the bill, I desire to notice some of the observations which fell from the gentleman from Pennsylvania, [Mr. BIDDLE.] In many of his remarks I entirely concur, but regret that he, as well as others, has thought proper on this occasion to call up topics not immediately connected with the subject. The discussion in which we are now involved will interest foreign Powers, and attention will be particularly drawn to it in England. As it is a contest between us and a foreign Power, I regret that it should have been thought necessary not only to go into the history of our faults upon this question, but also to censure our diplomatic controversies with other Powers. The gentleman [Mr. BIDDLE] has alluded to our blustering and talk exciting the ridicule of foreign Powers, and has even gone back to the last war with Great Britain, and said we had come out of it without gaining a single point, or at least having had all the points of controversy "adjourned over." I cannot see with what propriety these things are now brought up.

Mr. BIDDLE was understood to explain that he meant to illustrate the propriety of only taking such grounds at first as would be maintained and enforced if a conflict should occur.

Mr. PICKENS said he was willing to forget at present the past; or at least, when a critical controversy was pending between us and a foreign Power, he rather desired to cover over the faults of the country than to expose them to the gaze of the world. I have been taught from my mother's chamber, by examples drawn from Holy Writ, to dread Heaven's avenging curse pronounced upon that son who uncovered the nakedness of his parent. But I pass over these matters, and propose to examine the bill. The first section gives power to the President to call out the militia, the Army and the Navy, in certain contingencies that may happen. In the case of "actual invasion," he now has this power by the existing law. But a new contingency is now to be created, and that is, in case Great Britain should attempt to "enforce exclusive jurisdiction" over the disputed territory by "force of arms." This is a new and distinct power, as defined in this section, and makes a point in legislation.

The second section proposes "that in the event of actual invasion of the territory of the United States by any foreign Power, or of imminent danger of such invasion discovered in his [the President's] opinion to exist," then, and in that case, the President is clothed with power to enlist a regular army, with twenty new regiments, or nearly twenty thousand men. I contend that this is a dangerous power to be placed in the hands of any man. From what I know of the present President, I would as soon trust him with military power as any man I ever saw. He is cautious, and his nature is pacific. But it is a dangerous precedent to allow any Chief Magistrate to be the sole judge of the contingency and necessity for creating at one step a standing army of twenty thousand men. The Constitution has made Congress the judge of the necessity for war, and we have no right to delegate, directly or indirectly, any portion of that power. I have no idea of authorizing the President to take any step that may compel us hereafter to sanction that which will force us into a war. Let us declare war before we raise such an army. I have said that I do not fear to trust the present Executive with military power; but I am a sworn enemy of Executive discretion in any important matter that can be regulated by law. The precedent of to-day becomes the law of to-morrow. And we may have a prudent exercise of a dangerous power by a wise and virtuous President; but let things change—let us have some future hero, with his laurels green from the plains of some Talladega, Emucfau, or New Orleans—and then this very precedent which you now propose to establish will be quoted by him as containing the principle upon which he will ask to have discretionary power over a conditional army, which will be called upon to sustain him in waving his drawn sword triumphantly above the prostrate liberties of his country.

A standing army should never be created except

by Congress, and we should be the sole judge of the time and manner of its creation. If there should be a necessity for it, there can be no difficulty. The country can be defended until Congress can be convened; and if there should be any such necessity for this army, Congress ought to be convened. Besides, suppose the President were to call for enlistments in the regular service now, what would be the result? You would get none but the very dregs from the alleys of your cities, forming a miserable band of the most inferior soldiers. In a well-fed country like this, you cannot get fit and proper recruits in the regular service until we shall have actually declared war, and thousands are thrown out of their ordinary employment for support. Then you can get a fine army of soldiers, and not until then. I would infinitely rather rely, in the first onset, for defense, upon the regular militia of the country or upon volunteers, than upon any suddenly raised enlistments. It is a mistake to suppose that, under the mere magic of the name of "regulars," they would have any advantage over militia or volunteers until they had seen service and felt that discipline which time alone can give.

Again, I think that this second section of the bill assumes somewhat a different position from that assumed by the President himself in his messages communicated to the House. I think these messages are pacific, and rather look to diplomatic arrangements to settle the controversy. The President's communications on the whole subject are executed with uncommon judgment and skill. They exhibit wisdom and prudence. Is it politic in us to do anything that may embarrass the position he has assumed? He looks, and I think wisely looks, to negotiation. The second section of the bill looks to me like clothing him with power to negotiate at the point of the sword. Could we bear this in a foreign Power towards us? It strikes me that its tendency may be rather to embarrass than to promote a peaceful arrangement.

I regret, exceedingly, that the Committee on Foreign Affairs should have thought it necessary to introduce certain portions of this bill, and I regret, exceedingly, that I cannot, in any event, support the second section, as it is entirely incompatible with my principles. Nothing can justify such a section, but imminent danger and extreme necessity. It is a great mistake to suppose that the Executive of this Confederacy is weak and powerless for the purposes of resistance and defense. In a just cause for national defense, where national rights as well as national honor are involved, there is not a stronger Executive in Christendom. Other countries rely for defense upon a drilled and standing army, whose profession is war, and who feed upon blood; but here, in a just and glorious cause, let the standard of the Republic be raised and we gather around it, not because an Executive orders us to do so, but because that devotion which springs from the hearts of freemen prompts us to come to the standard of our country. In a proper war the Executive will always find itself strong enough. In the first struggle we may suffer; but as to a permanent invasion or conquest, the thing is impossible. You may burn and devastate the land, but you can never conquer the country until you totally exterminate those who have been taught from their infancy to believe that no other institutions can preserve to them the inheritance of liberty. It is this universal feeling that makes your Executive sufficiently strong in all cases of just and necessary defense. It is according to the genius of our institutions that he should rely upon the citizen militia of the country in emergencies, for defense and support; and, as much as some Governments may ridicule them, I prefer that bulwark of national defense, as a general reliance, to any other that the wisdom of modern tacticians may create. They may be defeated, but they will rally again, and what is better, they are safe in times of peace.

That discretion which is to judge of the necessity of creating an addition to our present standing Army (which now amounts to twelve thousand) of twenty thousand, under an enlistment for five years, as contemplated in the second section of

this bill, I desire should be left entirely to Congress, free from all embarrassment. The third section, which gives the President power over the equipment and arming of the Navy, and the fourth section, which creates the means, together with the first section, I consider strong enough, and as clothing him with all reasonable and necessary power. Strike out the second section, and I have no very serious objection to the bill; but then I consider it full strong. If any new aspect of great difficulty should arise with reference to Great Britain, let Congress be called together; and if we are to have war, let us choose our time to make it, and let us not be forced into it rashly and unprepared. But I cannot believe it possible for war to grow out of our present difficulty on this question. The good sense and interests of the two countries will not suffer it. As to the exclusive jurisdiction over the disputed territory set up by Great Britain, that arises from the construction she has always put upon her prior sovereignty. This claim rests upon the supposition that our independence and sovereignty commenced from the treaty of peace in 1783; and that, as she had exercised, prior to the Declaration of Independence or that treaty, sovereignty and jurisdiction over all the territory, then, subsequently to that period, she would continue to exercise jurisdiction upon all doubtful or disputed territory. Until the doubtful points are settled, she claims jurisdiction by reason of her prior sovereignty. This is the basis of her whole claim to exclusive jurisdiction; and yet this is all a mere fiction of law—the same as claiming a right from possession until a better title is proved. If such a position be sound, then, in a controversy between Great Britain and Russia in the Northwest, as to territory, the struggle would be to prove which was the oldest sovereign—Great Britain or Russia. The truth is, Great Britain treated with us in 1783 as an independent and equal sovereign; and amongst equals there can be, *quoad hoc*, no prior sovereign. The treaty makes the boundary, and is the law of location as to the line; and he who examines that, can have no hesitation as to the true line. Two rational minds cannot differ about it; yet Great Britain wishes particularly the northern portion of this disputed territory, as forming a military position to enable her to move troops across from New Brunswick to Canada; and, as she wants a military position, she makes a claim to territory; and I believe she was never known to yield such a claim. This is the whole amount of the controversy.

As to the declaration recently made in a letter of Sir John Harvey, that he was "acting under strict orders from his Government to exercise exclusive jurisdiction, and for that purpose he had the whole military force in the province at his command, and that his orders admitted of no discretion—that he was bound to execute them," I cannot believe but that he has misconceived his instructions.

I will now refer to only one circumstance, which is conclusive to my mind that he is mistaken. It will be recollected that the British Minister here (Mr. Fox) had but the other day signed a joint memorandum with Mr. Forsyth, recommending both Governor Fairfield and Sir John Harvey mutually to release prisoners taken on either side, and that both parties should "forbear to exercise exclusive jurisdiction" until the controversy is adjusted by the two Governments. Now, if the orders to Sir John Harvey from his Government were peremptory and admitted of no discretion, Mr. Fox must have been acquainted with them, and either Mr. Fox himself had discretion over the subject, or Sir John was mistaken in his construction; for how could the British Minister direct what he has in violation of orders from his Government? Either there is discretion or the British Governor has mistaken the construction of his orders, or Mr. Fox must be acting the diplomatic hypocrite in recommending what he has. I am induced to believe that Sir John Harvey must be mistaken or Mr. Fox would not have recommended what he has. I have no idea but that the whole matter can be amicably adjusted between the two countries without the slightest difficulty. But if the reverse should be the case, then we have other points of controversy of deep

importance which we can bring into the account. I have alluded more fully, a few days since, in another debate, to the correspondence of Lord Palmerston with our Government, recently published, in which the British Government solemnly announce to us that they will not hereafter recognize any indemnity as due us from the destruction of our property in slaves, no matter under what circumstances they may fall under British dominion. This decision of that Government has been made in relation to three vessels driven by stress of weather on the Bahamas, bound from Alexandria to New Orleans with slaves belonging to our citizens. They make a distinction between the cases occurring previous to the British act of emancipation, passed for their West India islands, and those occurring since that act. They thus recognize indemnity as due in the one case, under the law of nations, and refuse in the other because, forsooth, their municipal regulation, as embodied in their act of emancipation, has upon that point abrogated the law of nations. Their own civil authorities upon the island, immediately after the vessel was driven in by the "act of God," seized upon the slaves, and forced them to accept their liberation, and refused possession to their owners; and yet the British Government solemnly refuse to us indemnity, and peremptorily announce to us that they will not hereafter recognize, under any circumstances, the right of property in persons. It is impossible to conceive of a more direct blow at our independence. It assumes the right in the British Government to declare to us in what our property shall not consist, and, by consequence, in what it shall consist. The whole correspondence shows the influence of O'Connell upon a weak cabinet. But I forbear to press this matter, and will only say, that rather than submit to this arrogant assumption of power by Great Britain, carried into full effect, I would prefer to see that noble country stretching itself from the Patapsco to the Sabine a howling wilderness, or wrapt in conflagration.

There are other points of controversy on our northwestern borders also, but it is, perhaps, no time to dwell on these things at present. I hope there is no danger of war. I believe everything will be amicably adjusted between us. The great capitalists of the two countries, our intimate commercial relations, and, above all, the good sense and good feeling that generally prevail on both sides, will preserve peace. But if I should be disappointed in this calculation, and the last sad appeal should be made, then, sir, let the "star spangled banner" be waved aloft, and the rally called, and, my life upon it, you will see the beacon fires of an indignant people kindled over a thousand hills, not only in the North, but in the South too; and the swords of a hundred thousand freemen will flash on high to avenge our wrongs and vindicate our rights.

Yes, sir, this is a question in which northern rights are peculiarly involved; and although we have been treated cruelly and unkindly by a portion of that section of the Union; although they have agitated a *vital question*, and made war upon our dearest rights and upon our domestic peace, yet I am willing, for the moment, to bury all that in oblivion, and to look alone to the rights and the honor of a common country. Our blood and treasure have been offered up before in a war waged peculiarly for northern rights, and we will be prepared again to do our duty, if needs be, without calculation as to cost.

In times that have recently passed, the State which I have the honor, in part, to represent, has been traduced and slandered by those who ought to have felt for us the common sympathy of brothers. There are those who have courted popularity by singling us out for denunciation, by way of illustrating their own peculiar patriotism. Yes, sir, South Carolina has been unkindly treated, but her *star* still twinkles above the horizon; her banner is in the breeze; and, thank God, there never has yet been a stain upon it; and now let the first tap of the war drum be heard on the remote confines of either extreme of this Union, and you will find her sons in the front ranks, with no other emotions beating in their hearts but for the glory and the triumph of a united and a common country.

## PUBLIC LANDS.

SPEECH OF HON. J. ROBERTSON,  
OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

February 7, 1839,

On the amendment proposed by him to the report of the Select Committee on the Public Lands.

Mr. JOHNSON, of Maryland, from the select committee to which the subject had been referred, having submitted the following report:

*Resolved*, That the committee report to the House, and ask leave to be discharged from the further consideration of the subject-matters referred to them, and that the journal of the committee be reported and published.

*Resolved, further*, That the committee deem it inexpedient to take further steps on the subject of the public lands this session.

Mr. ROBERTSON said that he had concurred with the committee in the resolution asking to be discharged. From the known diversity of opinion existing among its members, he was satisfied from the first that it would adopt no measure which could be proposed. No one, he imagined, was disappointed at the result of its labors. In doing nothing, it had performed its appointed work; it had fulfilled its destiny; and, for himself, he was grateful that it had done nothing worse.

But I did not concur, sir, (continued Mr. R.) in the resolution declaring it inexpedient to legislate upon the subject during the present session. I am not satisfied that this important question shall be thus put aside without one more effort, at least, to procure the action of the House upon it; and my purpose, in rising, was to move a recommitment to the same committee, or to the standing Committee on Public Lands, with instructions to report the joint resolution I now send to the Chair. I should prefer, however, sir, if in order, to offer the resolution as a substitute for those of the committee, so as to supersede the formality of a recommitment, and bring the question directly before the House.

The SPEAKER said it would be in order to move to strike out all after the word "resolved," and to insert the joint resolution proposed by the gentleman from Virginia.

Mr. ROBERTSON accordingly moved to strike out, and insert the following joint resolution; which was read by the Clerk:

*Resolved by the Senate and House of Representatives in Congress assembled*, That, hereafter, the Secretary of the Treasury shall cause separate accounts to be kept of all moneys paid into the Treasury on account of sales of the public lands, to be disposed of in the manner herein provided, unless otherwise by law specially directed, viz: he shall, on the 1st day of July succeeding the next census, and thereafter semi-annually, on the 1st day of January and July in every year, divide all the said moneys then in the Treasury among the several States of the Union, in the ratio of their Federal numbers: *Provided, nevertheless*, That nothing herein contained shall be construed to prohibit the appropriation of the proceeds of the public lands, or such portion thereof as may be requisite to meet the necessary expenditures of the Government for any year in which the receipts from customs and other sources of revenue shall be estimated to fall below — million dollars, and when it shall be deemed proper on that account to apply the said proceeds, by special appropriation, to supply the deficiency and meet those expenditures: *Provided, also*, That, in the event of a war between the United States and any foreign Power, the said semi-annual division shall cease, and be suspended during the continuance of such war: *Provided, moreover*, That nothing herein contained shall be construed to impair the right and obligation of Congress, whenever it shall satisfactorily appear that benefits from the use of the public lands, or the proceeds thereof, have been heretofore, or shall be hereafter, conferred on particular States, to extend as far as practicable in each and all the States, in their due and just proportions, who may require or be willing to accept them, similar benefits upon the same or equivalent terms.

Mr. DUNN moved to amend the amendment of Mr. ROBERTSON, by inserting before the first proviso—

First paying to the States in which such lands are situated twelve and a half per cent. of the proceeds of public lands sold within such States respectively.

Mr. ROBERTSON said: The object, sir, of the joint resolution I have ventured to present is to carry into effect the compacts between the original States of this Union, by distributing among all the States the future proceeds of the sales of the public domain in the proportions stipulated by these compacts. A proposition on its face so rea-

sonable would seem to require no argument or persuasion to insure its adoption. But every similar one has been hitherto unsuccessful, and this, I am well assured, will be strenuously opposed. I avail myself, therefore, sir, of the opportunity now afforded me—the last, perhaps, I might ever enjoy—of addressing the House in its defense. I shall endeavor to maintain that the measure proposed is within the plain limits of our constitutional power; that the distribution it contemplates is not only intrinsically just, but is in conformity with compacts as solemn as any ever entered into among nations, and whose obligatory character is recognized by the Federal Constitution itself, and by Federal legislation both before and since that Constitution was adopted; that it has received the explicit sanction of a large majority of the States; and, indeed, directly or indirectly, of every State in the Union. In other words, sir, I hope to prove that the measure is both constitutional and expedient; or, in the language of the late Chief Magistrate, safe, just, and federal.

It is not my intention to enter into an examination of the original title to what is now called the public domain, because I desire, as far as practicable, to avoid irrelevant discussions. Whatever doubts or difficulties existed on this point during the revolutionary war or previous to it, they were closed and removed by the Articles of Confederation,\* by the compacts of cession, and by the Constitution; and, if it were not so, the discussion would still be unprofitable, for no preference is asked for the old States, the original proprietors of the whole; and by whatever title this Government now holds, whether by cession, purchase, or conquest, none can deny their title to a just participation. I proceed at once, therefore, to the original compacts which lie at the foundation of the question. A brief reference to a single clause in one of them—the most important of them all, that of Virginia—will be sufficient for my present purpose. It is the often-quoted clause which, coming after the provisions setting apart inconsiderable portions of the vast territory surrendered, declares:

\* That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the beforementioned purposes, or disposed of in the bounties to officers and soldiers of the American Army, shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the Confederation, or Federal alliance of the said States, Virginia inclusive, according to their usual respective proportions of the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever.

I will not repeat the commentaries made on this clause in almost every discussion which has occurred on the subject of the public lands for ten years past. But I beg you, sir, for a moment, to call to mind the condition of our country when this solemn transfer of title was made and accepted. A Confederacy of States, each retaining absolute sovereignty, united by a league—as it was forcibly expressed, a rope of sand—no closer union at the time anticipated nor desired. The war of independence had but just terminated, leaving us involved in a heavy debt, and without available resources. Some of the States held or claimed an extent of territory stretching from the Atlantic to the Pacific. Others, less fortunately circumstanced, regarded these extensive possessions as dangerous to their future peace; they urged that they had contributed their blood and treasure to acquire and defend them, and they insisted on a liberal surrender. The proposition was acceded to. New York led the way in 1781; Virginia followed, and, on the 1st of March, 1784, ceded the extensive region claimed by her northwest of the Ohio. In this session she stipulated that the territory should be laid out into States, to be admitted into the Union with the same rights of sovereignty, freedom, and independence, as the other States; that certain portions of it should be reserved for specific purposes, and the residue (as declared in the clause just quoted) constitute a common fund for the use and benefit of all the States, in specified proportions. The payment of the public debt was

\* By a proviso to the ninth article, it is declared that "no State shall be deprived of territory for the benefit of the United States."

not even mentioned in the compact as one of the objects to be provided for. Admitting, however, the payment of that debt to have been a substantial compliance with the provision requiring that the use and benefit of this common fund should be enjoyed by each State according to its proportion of the general charge and expenditure, still it cannot be contended that this was the only mode in which the States could receive their proportional shares. The debt was estimated at something more than forty million dollars; but, large as it was, it bore no comparison with the value of the hundreds of millions of acres ceded by Virginia alone. Supposing the payment of that debt contemplated, must not the question have naturally presented itself, what disposition should be made of the immense residue? and if so, what did the contracting parties intend should be its final destination?

Sir, the compact answers the question; it was to be a common fund for the use and benefit of such of the States as had become or should become members of the Confederation; in their separate, and not exclusively, at least, in their aggregate capacity. Had it been the design of the parties thus to confine it, they would have stopped after declaring it should be a common fund, or employed language to express the intention that it should be used solely for the general purposes of the Confederacy. So far from this, they adopt terms importing plainly a benefit in severalty, and prescribing the ratio in which each shall enjoy it—the ratio of contribution to the general charge and expenditure. They do not say that the funds shall be for the use of “the United States of America,” which was the style of the Confederacy, but for the use of such of the United States as were or might become members; they do not say it shall be applied to meet the general charge and expenditure, but that it shall be enjoyed by the members of the Confederacy according to their respective proportions of that charge and expenditure. The proceeds of the common fund might exceed or fall short of that expenditure. Exclusive of the public debt, our annual expenditure probably did not then exceed one or two hundred thousand dollars. Supposing the public debt and expenditures among the objects to which, by the express terms of the compact, this common fund might be applied—a construction, however, which, in regard to the last, neither the nature of our political association at the time, nor the language of the compact, justifies—would it not be unjust and absurd, after that debt had been discharged, and when those expenditures do not require it, to withhold it from the States for whose use and benefit it was conferred? Why provide for proportional enjoyment—specify the exact proportions in which each State should share the fund—if no distribution was contemplated, and that fund was designed exclusively as a joint fund for joint purposes? Why give a rule of apportionment, if that rule was never intended to be practically enforced?

But it has been said that the ratio of contribution existing at the time is the rule prescribed by the compact; and that having been since changed, that the rule itself is abrogated. Not so, sir. The terms do not confine the rule to the existing ratio of contribution, but make that ratio, whatever it may be at the time of distribution, the rule by which the proportions shall be measured. There is corroborating evidence in the history of the times to prove this to be the proper interpretation. In April, 1783, a committee of Congress suggested the propriety of altering the then existing rule of contribution, founded on a valuation of real estate, and substituting the ratio since incorporated into the Federal Constitution, for apportioning representation and direct taxes upon the basis of what are called Federal numbers. That committee, in recommending a supply of revenue, speaks of the proportion of each State as one to be fixed according to the rule “which is or may be” prescribed by the Articles of Confederation. Another committee, of which Mr. Madison was chairman, was then appointed to draw up an address to the States, among other things, recommending the proposed change. In October following, the act of the Virginia Assembly was passed, authorizing her Delegates in Congress to execute the deed of cession, and that

deed was delivered and accepted, as I have stated, on the 1st of March, 1784. Now, it is not credible that Virginia was ignorant of the contemplated change, or meant that, if adopted, it should defeat her rights reserved by the deed. She knew that the ratio of contribution might be changed; but still the compact intended and provided that the use and benefit of the common fund should be enjoyed by the States in the same proportion in which they should contribute to the general burdens. This proportion, change as it may, must still give the rule. But grant that the new ratio did not become the rule, the only consequence would be, not that the rule is abrogated, but the old ratio of contribution would continue to be the rule of distribution.

But, sir, it is not merely the rule of apportionment which it is contended has been changed or abrogated. The monstrous doctrine is announced that the compacts themselves have no binding effect—that they have been annulled by the Federal Constitution; yes, sir, the very instrument designed to render them inviolable—and that they are incompatible with the sovereign rights of the new States. Sir, it was not to have been expected that the validity of these compacts would ever have been denied, whatever doubts might be suggested as to their construction. They have been recognized by repeated acts of Federal legislation, from the period of their date to the present time; they were indeed ratified and confirmed by the Constitution itself. In April, 1784, the month succeeding the cession from Virginia, an ordinance was passed by Congress for dividing the ceded territory into distinct States. This ordinance provided for the temporary and permanent government of those divisions, upon this express condition, among others—that they should in no case interfere with the primary disposal of the soil by the United States in Congress assembled; and that this and the other articles should stand as fundamental constitutions between the thirteen original States and each of the several States to be created. These provisions could have been made with no other view than to a fulfillment of the terms upon which cessions had been made.

But there is another and still more striking recognition of the compact made with Virginia. In 1786, the restriction imposed by that compact upon Congress in reference to the extent of the new States to be created in the ceded territory, being found inconvenient, Congress adopted a resolution recommending it to Virginia to revise and alter it in this respect; and in July following passed a new ordinance prescribing how the boundaries of the new States should be established “as soon as Virginia should alter her deed of cession.” In this ordinance a similar provision is made to prevent interference by the new States with the primary disposal of the soil. The Legislature of Virginia never made the change desired until the 30th December, 1788, after the Federal Constitution had been ratified by the requisite number of States. Here, then, is a plain recognition of the compact both before and after the adoption of the Federal Constitution.

Was it annulled by the Constitution? No, sir; far from it. It was ratified and reaffirmed by language too plain to be misconstrued. The first clause of the sixth article, penned at the very time when there was a pending application to Virginia to change the terms of her deed, reads as follows:

“All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.”

I have already shown that the compact with Virginia was entered into prior to the adoption of the Constitution, and its validity unequivocally acknowledged by the old Confederation; and the effect of this clause consequently is the same as if that compact had been incorporated in the Constitution. Nor is this all. The fourth article enables this Government to fulfill its obligations by giving to Congress full power “to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States;” and guards against the abuse of this power by declaring, in the same clause, that “nothing in this Constitution shall be so construed as to prejudice the claims of the

United States or of any particular State.” That the Constitution was not construed by Virginia as affecting her claims, under her deed of cession, is manifest from the act which she subsequently passed to change that deed. It would have been idle to tender or accept this modification, confined as it was to one particular condition, had the whole compact been already abrogated. Had such been its intended operation, it can scarcely be believed that Virginia, dissatisfied as she was with many of its provisions, and who finally adopted it in convention by a majority of ten votes only, would ever have ratified it. But some of these compacts, imposing conditions almost precisely similar to those in the cession of Virginia, were entered into subsequent to the adoption of the Constitution. That instrument could not subsequently annul them, and this fact alone is conclusive to show that such was not understood to be its effect upon those previously made. This Government, sir, has never set up so monstrous a pretension. Its whole action proves the reverse. I might multiply instances, but it cannot be necessary. I will content myself with referring to the celebrated veto message of December, 1833. In that message the late Chief Magistrate, adopting the construction I have contended for, says:

“The cessions of Virginia, Georgia, and North Carolina, in express terms, and all the rest implicitly, not only provide specifically the proportion according to which each State shall profit by the proceeds of the land sales, but they proceed to declare that they shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever.”

And adds:

“This is the fundamental law of the land at this moment, growing out of compacts which are older than the Constitution, and formed the corner-stone on which the Union itself was erected.”

Sir, need I go further? The question seems indeed too plain for argument. The validity of these covenants, never controverted until recently, rests upon a foundation which cannot be shaken without subverting the Constitution itself, and denying all obligation in men to abide by their most solemn engagements.

I have said that the principle of distribution proposed in the joint resolution before you has been sanctioned by the States. I proceed to the proofs.

The General Assembly of Maryland, in 1821, had this subject under consideration. A committee was appointed by the Senate, whose deliberations resulted in a report and resolutions subsequently adopted by both branches. As they were the groundwork of the legislative action of other States, I request that they may be read.

The resolutions were read. The first and second are as follows:

“1. Resolved by the General Assembly of Maryland, That each of the United States has an equal right to participate in the benefit of the public lands, the common property of the Union.

“2. Resolved, That the States in whose favor Congress have not made appropriations of land for the purposes of education, are entitled to such appropriations as will correspond in a just proportion with those heretofore made in favor of other States.”

Mr. ROBERTSON. These resolutions, or others of similar import, were adopted in the same or the following year by New Hampshire, Rhode Island, New Jersey, Delaware, Pennsylvania, Vermont, Maine, and Kentucky.

Tennessee, though she denied that the benefits conferred upon her were as great as they had been represented, declared that “she was far from resisting claims set up by the old States to a participation in the public lands,” and concluded with a resolution leaving the matter “wholly to the wisdom and discretion of Congress.”

It has been supposed that New York dissented from these views. I do not so understand her. It is true that she did not concur with Maryland in disputing the justice or legality of the donations made to the new States, or claim on that account corresponding benefits. On the contrary, she asserted the right of Congress to make those donations. But she justified them, not only on the pretext that the new States had paid an equivalent, but upon the ground of such ample power over the public domain as would equally justify the disposition now proposed. The report contends that the public lands, if considered as held

under the cessions, are held in full and absolute right, discharged from all conditions except those specific ones expressly reserved in the acts of cession; while, if held by original title, the fourth article of the Constitution empowers Congress to dispose of them, with no other limitation than such as may be imposed by the sense of public duty and the general welfare. Again:

"Like all other public property, these lands are indeed held as a trust for the common benefit of the States, or rather of the people of the United States; but of the mode of administering this common fund, and the objects to which it shall be applied, Congress alone is entitled to judge."

New York, therefore, so far from denying the power of Congress to distribute to all in just proportions, necessarily asserted it, in maintaining the still broader power to make any and every disposition not incompatible with the deeds of cession or the public welfare.

Connecticut, without impeaching the donations to the new States, argued in favor of an allotment to the old States, also for the purpose of education. Still more recently, as lately as May, 1838, her Legislature has distinctly asserted the principle of distribution, and requested her Representatives in Congress to use their best endeavors to have it practically adopted. I request the Clerk to read them for the information of the House.

The resolutions were read as follows:

*Resolutions of Connecticut relating to the disposition of the public lands of the United States, at a General Assembly of the State of Connecticut, holden at New Haven, in said State, on the first Wednesday of May, A. D. 1838.*

"Resolved by this Assembly, That the public lands belonging to the United States are the common property of all the States, and the proceeds of them should be appropriated to their use and benefit, and to no other purpose whatever, without the consent of the States respectively."

"Resolved, That this General Assembly do solemnly protest against a cession of any of the public lands to a State in which they may be situated, at a price less than that at which they are offered in market, and also against all pre-emption laws, and the grants made under the authority of such laws."

"Resolved by this Assembly, That our Senators and Representatives in Congress be requested to use their best endeavors to have the proceeds of the public lands divided among the States severally, as soon as it can with propriety be done."

"Resolved, That it is expedient that a portion of the public lands belonging to the United States should be appropriated to the support of education in the original thirteen States of the Union, and that the Senators and Representatives in Congress from this State be requested to procure the adoption of such a measure."

"Resolved by this Assembly, That his Excellency the Governor be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress, and also to each Executive of the several States, with a request that they may be laid before the Legislatures of their States respectively."

MR. ROBERTSON. These resolutions have been laid before the Legislature of Virginia. They are not, I think, on the Journals of either House of Congress.

MR. INGHAM said he believed they had never been transmitted by the Governor to the Representatives of the State.

MR. ROBERTSON. I could account for the omission, sir, in no other way. The gentlemen are welcome, however, to my copy, if they think proper to accept it. I trust they will spread it upon our Journal, and that I shall have their co-operation in endeavoring to carry into effect the wishes of their native State.

The principle of distribution has been asserted by Massachusetts, and her Representatives requested, in 1836, to carry it into practice, by supporting what is commonly called Clay's land bill.

The Senators and Representatives of Louisiana voted for the same bill, from which I infer it was acceptable to that State.

In February last, the Legislature of Ohio denounced the policy of abandoning the public lands to be sold piecemeal, and permitting the money to be used as common revenue, as treacherous and injurious to the States; and declared that, "after the payment of the public debt; the proceeds of the public lands belonged of right to the States," and that Congress was bound "to distribute the same, according to the deeds of cession."

Still more recently, North Carolina has sent us resolutions quite as strong as those of Maryland.

The attention of Virginia was called by the

Governor to this interesting subject at the commencement of the present session of her Legislature. His message vindicates the right of the old States to a just participation in the common fund; and the House of Delegates, by a unanimous vote, has concurred in asserting it, and by a decided majority demanded a distribution. Their resolutions are now before the Senate. I know not how that branch of her Legislature may decide, nor will its decision, be it what it may, change the settled conviction of my mind that a vast majority of the people of Virginia will sustain the position taken by their Governor and their more immediate Representatives.

The resolutions were read by the Clerk, at the request of MR. ROBERTSON.

*The resolutions on the subject of the public lands, as finally adopted by the House of Delegates.*

"1. Resolved, That the public lands held by the United States belong in common to all the States, and that each and all are entitled to participate in the benefits derivable therefrom. [Passed unanimously.]

"2. Resolved, That it is amongst the solemn duties devolved upon the Congress of the United States 'faithfully and bona fide' to dispose of the public lands in such manner as will equally inure to the benefit of all the States who may now be, or shall hereafter become, members of this Confederacy; and that this General Assembly deprecates the adoption of all such measures by Congress as shall have a contrary tendency. [Passed unanimously.]

"3. Resolved, That, whilst this General Assembly views with becoming pride the rapid growth of the new States, and would do nothing to check their advance in wealth and power, it nevertheless cannot fail to perceive, in the bill for graduating the price of the public lands, and some of the other propositions now pending before Congress, the germ of measures calculated to unsettle the conditions on which the public lands were acquired by the United States, and greatly to impair the equality of benefits arising from the same, in which Virginia, in common with all the States, is justly entitled to participate. [Ayes 114, noes 13.]

"4. Resolved, That the lands which were ceded by the several States to the United States were ceded in trust, for the common benefit of all the States; and this General Assembly doth earnestly urge upon Congress the speedy adoption of some equitable plan for the distribution of the net proceeds of the sales thereof among the States. [Ayes 77, noes 49.]

"5. Resolved, That the lands acquired by the United States by purchase are held in trust, for the common benefit of all the States, and this General Assembly doth declare the opinion that the most just and equitable plan for disposing of the net proceeds of the sales thereof is by distributing the same in just proportions among all the States. [Ayes 76, noes 52.]

"6. Resolved, That the principles of justice and equality require that the Government of the United States should account with such of the States as have received no appropriation from the public lands, or of money arising from the sales thereof, in such manner as will place said States on an equal footing in this respect with the States that have received appropriations. [Ayes 12, noes 49.]

"7. Resolved, nevertheless, That, by the foregoing resolutions, urging the distribution of the proceeds of the sales of the public lands, this General Assembly doth not mean, in any event, to infringe or disturb the act of Congress, passed the 2d of March, 1833, for the settlement of the tariff, commonly called the Compromise act; but, on the contrary, it hereby declares and resolves that the said compromise act should be held sacred and inviolate. [Ayes 83, noes 35.]

"8. Resolved, That the Governor of this Commonwealth transmit the foregoing report and resolutions to each of the Senators and Representatives in Congress from this State, with a request that the same be laid before the two Houses of Congress."

"9. Resolved, That the Governor be requested to communicate a copy of said preamble and resolutions to the Executive of each State in this Union, with a request to submit the same to their respective Legislatures."

The State of South Carolina, so far as I have been able to find, has expressed no opinion upon this subject. But the propositions lately presented by the Representatives from that State, and now supported by those from Arkansas, and which I shall have occasion to bring more particularly to the notice of the House, necessarily concede the power to distribute.

Thus, sir, I have enumerated nineteen States out of the twenty-six which have asserted or admitted the constitutional power of Congress to apportion the proceeds of the public lands among all the States.

In regard to Georgia, I entertain no more doubt of her wishes than I do of those of my own State, and very little more doubt of them than of my own existence.\* Indeed, sir, the proposition offered at the last session by the gentleman from Georgia, [MR. HAYNES,] who now seems opposed

to all manner of distribution, left me under the belief that he himself approved it, provided it was made among individuals, instead of States.

MR. HAYNES. Did I not remark to the gentleman from Virginia that I offered my resolution only as an alternative in case any distribution should prevail?

MR. ROBERTSON. The gentleman so stated to me a few days ago. I do not recollect that he ever said so during the last session. My impression is directly the reverse; and it was with unfeigned surprise that I heard the gentleman's proposition in committee, declaring it inexpedient, as I understood it, now or at any future time, to divide the lands, or their proceeds, either among States or individuals. Add Georgia, and you have twenty out of the twenty-six States, with a representation in the Senate of forty out of fifty-two, and in this House of two hundred and twenty-two out of two hundred and forty-two members!

Of the remaining six States—Alabama, Mississippi, Indiana, Illinois, Missouri, and Michigan—three only, those I have last mentioned, having a representation in this House of six members only, and an equal number in the Senate, would probably have even a pecuniary interest in opposing a just division, or would seriously oppose it. And yet we hear it boastfully said that the new States will before long dictate their own terms, and write them on the face of the bill as the law of the land.

It has been intimated that New Hampshire and Ohio have changed their views and opinions. Sir, it does not follow, because New Hampshire has disapproved a division of the surplus revenue, that she opposes the distribution she formerly demanded of the proceeds of the public lands; nor that Ohio has given up the rights she so lately proclaimed it treachery to abandon, because she has changed her political complexion. I confess, sir, I am incredulous on this point. I must see some action of the Legislature or the people before I can believe it. If it be so, however, I should be reluctant to force this measure upon them, and will cheerfully vote for an amendment, if their Representatives will propose it, declaring that those States, or any others opposed to its constitutionality, shall not be compelled to participate. But the ground assumed for Ohio, it must be remarked, will, beyond dispute, give us the support of New York, Georgia, and Connecticut, whose political sentiments have also undergone a change, but in a different direction.

Supposing the six States I have mentioned, having together but twenty Representatives on this floor, to be all opposed to the principle of distribution, and adding to them all the States regarded as doubtful, there will still remain in its favor an overwhelming majority, having a representation four or five times greater, and a corresponding superiority of population.

I proceed to adduce other arguments, Mr. Speaker, in support of the proposed measure, drawn from the practical legislation of the country, and the opinions of men high in authority. The authority of great names will have more influence, I know, than any argument of mine. General Jackson, in 1829—

MR. PICKENS. Do you quote General Jackson as authority?

MR. ROBERTSON. Not for himself, sir, but for the party of which he was the leader.

MR. PICKENS. You do not call him the leader?

MR. ROBERTSON. I do, sir; the acknowledged, the undoubted leader; and among his followers were some as abject and servile as those of the eastern monarch, who were ready, when his Majesty said it was night at noonday, to look up to the sun, and swear they saw the moon and stars. In his first message to Congress, General Jackson, then fresh from the people, looking forward to a large surplus in the Treasury, and deprecating the injustice and discord which would probably ensue from using it for internal improvement, recommended an apportionment of such surplus "among the several States according to their ratio of representation." This apportionment he declared as, in his opinion, the most safe, just, and federal disposition which could be made of it; and this opinion he delib-

\* Georgia never ceded her lands till 1802. Among other stipulations in her cession was one almost precisely similar to that quoted from the compact with Virginia; and another declaring that in a certain event the cession should be void, and the lands revert to Georgia.

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erately repeated after a twelvemonths' reflection. Well, sir, here was the assertion of the principle applicable to the whole surplus, from whatever source derived. If the proceeds of the public lands constituted a part, it was necessarily included, because the whole includes all its parts. If not, it would be difficult to show that though the general revenue might be divided, the proceeds of the public lands could not. The reverse of the proposition would come much nearer the truth. Who then denounced this monstrous heresy? Why did not the party who brought him into power abandon him for maintaining this unconstitutional doctrine? Sir, you scarcely heard a murmur of discontent.

In December, 1830, as I have said, the doctrine was deliberately repeated; and I cannot forbear to notice the fact, though perhaps not strictly relevant, that, in the month of — following, the House of Representatives of New York, tracking the steps of their leader, declared, without one dissenting voice, not only that a distribution of the entire surplus ought to be made annually, but pointed out the second section of the first article of the Constitution as that by which the respective proportions of the States should be regulated. But General Jackson changed his opinion; and, of course, it must be presumed all the party have done the same. If New York changed hers in this particular since 1831, I presume, looking to the recent election, she has again resumed her original ground. But I will return from this digression. After having twice asserted the principle of distribution as to all kinds of revenue, General Jackson suddenly shifted his ground, and found it altogether wrong to distribute even the proceeds of the public lands; and the next year put his royal veto—and no monarch ever exercised that high prerogative more royally—on a bill which had passed by a considerable majority, distributing the proceeds of the public lands; and then, sir, those who went before for distribution, out and out, discovered it to be unconstitutional, even as regards a fund over which they once contended Congress possessed absolute power.

But did not the late President and his party again, in substance, assert the principle of distribution in the bill of 1836, called the deposit bill? I know it will be said that bill did not distribute the funds among the States; that it was a mere loan, or rather a deposit. It was such in form, merely, not in substance, and so understood by all. There is no substantial difference between a loan without interest, never expected to be returned, and a gift. The attempt to get over the difficulty by christening it a loan or a deposit was a mere device, a contrivance to ease the consciences of the President and his party. Did a single individual ever believe that the States would be called upon to return a dollar of the amount?

Mr. MARTIN. Yes; I did.

Mr. ROBERTSON. Then, sir, the gentleman was more credulous than I had ever supposed him. He is one of a thousand. But I am told he speaks jestingly. Then, sir, he did not believe it. No one believed it. Suppose it had been in truth a loan, or a mere deposit, what more right had Congress to lend money to the States, or to deposit it with the States, than to distribute it among them? The Constitution no more authorizes the one than the other. Yet this was satisfactory to gentlemen who hold that we have no right to do indirectly what we cannot do directly. For myself, sir, I would have voted for the bill without this contrivance just as soon as with it, and upon this ground: that Congress has no right to raise money except for the purpose of meeting the necessary expenditures of the Government. If by design or mistake more is raised than is needed, there must of necessity exist a right to restore the excess. Suppose a tax, through mistake or intentionally, levied beyond our jurisdiction—in Texas, for instance, or Canada—or the estate of a citizen illegally confiscated, and the money brought into the Treasury: who can doubt the obligation to restore it to the lawful owner? Not under the power of appropriation. It was no appropriation, it was simply a restoration—a restoration of that which could not be lawfully appropriated, for the want of lawful objects of appropriation. Congress has no power to raise

money for distribution; to raise it for any other purpose than to meet the just expenditures of the Government, would be as illegal as to raise it by confiscation. But it was there in the Treasury; and the proper and only means of avoiding an abuse of the power of appropriation was, to restore it to its lawful owners.

The whole Administration party, except some thirty odd, voted for this bill, and now they cannot overcome their constitutional scruples so far as to vote for distributing the proceeds of the public lands, though by a solemn compact recognized by the Constitution, that distribution is plainly authorized. They would no doubt do justice to the old States if they could without violating their consciences. But they are the friends of a strict construction—of State rights. Yes, sir; and among these State-rights politicians you will find the advocates of internal improvement, of a national bank, and a protecting tariff—the supporters of the proclamation and the force bill; those who justify the removal of the deposits, the protest, Treasury circular, and expunging resolution. Why, sir, cannot those who voted for the deposit bill of 1836 vote for the measure now upon your table? Call it, if you will, a loan, a deposit, instead of a distribution. But no, it was perfectly constitutional so to dispose of all public funds, except those which the States have a right, by compact, to enjoy in specified proportions. They could divide all, but not a part; they swallowed the camel, and now they strain at the gnat.

I propose, Mr. Speaker, to trace a little further the practical legislation of the country in regard to the public lands. Has not this Government ever since its original organization exercised the most unbounded power in disposing of them? Look at its munificent donations to the new States for schools and colleges, for roads and canals, for seats of government, and for other purposes. I pass by the question how far these donations were just or unjust, but refer to them solely to show the extent of power claimed by the Federal Government over the public domain. It has been said that a full equivalent was paid, and that these grants, indeed, were authorized by the terms of the old ordinance of July, 1787, declaring that schools and the means of education shall be forever encouraged. But would not this provision equally authorize grants to the old States for the same purposes? or, if limited to the States formed out of the ceded territory, upon what grounds are those maintained made to States not within those limits, to companies or to individuals? Tennessee has been favored with a large donation. Kentucky and Connecticut have each received a township. How can these States, then, deny to New York or Rhode Island or any other of the original States, a benefit similar to that which they have solicited and received for themselves? The propriety of distributing among the States the general revenues of the Federal Government may well be questioned? But the lands and their proceeds stand on very different footing. The revenues can only be expended upon objects specifically enumerated in the Constitution, or such as are incidentally necessary for effecting some constitutional power. Gentlemen may very justly contend for this principle; and if the public lands were, properly speaking, revenue, and there were no specific provisions by compact and by the Constitution itself applicable to their disposition, they would necessarily be subject to the same limitations which other revenues are. But here is the true source of the error in those who would apply these limitations to them. Land and revenue are not convertible terms. Revenue is defined to be income, rent, fruits; an assessment, an impost, a tax, a duty, a tribute, a contribution; these may be embraced under the term revenues. But no man ever terms his real estate revenue, though he should sell a part of it annually to minister to his wants or his extravagance. There may be revenue from taxes on men, or goods, or lands; but neither men, nor merchandise, nor lands are revenue. They are the subjects on which taxes are imposed, the sources whence revenue is derived, not the revenue itself. Land or merchandise is no more revenue than an oak is an acorn.

The Constitution itself may be considered as

defining what constitutes the public revenues. It gives to Congress power to lay and collect taxes, duties, imposts, and excises, and to borrow money. But a bill to dispose of the public lands is not a bill to do any one of these things, nor in any sense a revenue bill.\* It is certainly true that the purchase money, when land is sold, may be used as revenue is used; but the land itself, unconverted, all must concede, is not revenue; and, considering it as held on a special trust, the proceeds, when converted, do but stand in the place of the land. If you may divide the land, so may you what is derived from its sale; and if such a division be authorized or required, the conversion of it for the purpose of defeating a division would be a manifest breach of trust. I hold it, therefore, perfectly clear, that the restrictions imposed by the Constitution, whatever they may be, on the expenditure of revenue, have no application to the disposition of the land or its price. This would be so on general principles. But when we look further—when we see the special provision made by the compacts for the disposition of this common fund, and the express authority conferred by separate clauses in the Constitution, ratifying those compacts and giving full power to perform them, no ground is left for reasonable doubt.

Having, Mr. Speaker, endeavored to vindicate the authority of Congress to make a distribution among the States as now proposed, and shown, I hope, satisfactorily, that the same principle has been sanctioned by a considerable majority, if not by all the States, and by the legislation of Congress down to the present day, I propose briefly to review some of the prominent plans which have been presented for the future disposition of the public domain.

I turn, in the first place, to the suggestion of the late Chief Magistrate, that the public lands should cease to be a source of revenue; and to the report of the Committee on the Public Lands of the last session, in which that suggestion has been adopted. As no action was had upon this report: it has very probably escaped the particular notice of the House. The committee pronounce it to be unjust and unconstitutional to raise revenue, or tax the people, in the purchase of the public lands, merely to raise a surplus revenue to be distributed among the several States.

Sir, I have already shown that neither land nor the price obtained for it can properly be termed revenue, nor in any sense regarded as a tax. It is no more a tax when the purchase is made from the Government than from individuals; no more a tax upon a purchaser in Indiana than upon one in Pennsylvania. It is a voluntary payment, for which the purchaser receives full value, and generally far more than the value of his money, better land being frequently sold in the new States for a dollar and a quarter than can be purchased in the old States for five or ten times that sum. By this confusion of terms, holding land as synonymous with revenue, and its price as a tax and a burden, the committee finds it to be very unconstitutional to distribute the proceeds; and, conforming to the recommendation of General Jackson, declares that

"The period has fully arrived when the public lands should cease to be a subject of revenue to the Government, except for the payment of those general charges which grow out of the acquisition of the lands, their survey and sale."

Very oppressive and unconstitutional, sir, to tax the people by selling them good lands at half price, but perfectly just and constitutional to give away for nothing to one portion of the people the property belonging to all.

I leave this notable scheme of selling the public lands for costs and charges incurred in making good titles to those who will take them, and proceed to the resolutions offered by the gentleman from Missouri, [Mr. HARRISON.] These resolutions, sir, if I comprehend them, assert the monstrous doctrine that the public lands held by the United States under the deeds of cession are, in

\* The Constitution provides that "all bills for raising revenue shall originate in the House of Representatives." Was it ever thought the Senate could originate a bill to dispose of the public lands, to grant them away, or to graduate or reduce the price?

truth, the property of the States within which they lie. I desire that they may be read.

*Resolutions offered by Mr. HARRISON, of Missouri, in the Select Committee on the Public Lands of the House of Representatives of the United States, January 16, 1839.*

"Resolved, That the powers of the Federal Government result from the compact to which the States are parties, limited by the plain sense and intention of the instrument constituting that compact, and are no further valid than they are authorized by the grants enumerated in the compact.

"2. That State sovereignties are only diminished by powers specifically enumerated in this compact, or by such as are necessary to carry the specified powers into effect.

"3. That there being no terms or conditions mentioned in the Constitution by which new States, coming into the Confederacy, should be bound or restricted, each and every State, whether new or old, as a member of this Confederacy, has 'the same rights of freedom, sovereignty, and independence, in all respects whatever,' as another; and is as completely sovereign, to all intents and purposes, as it was, or would have been, had the Union never been formed, except only so far as it has given certain rights and powers to the General Government, enumerated in the Constitution, for specified purposes.

"4. That the right of exclusive jurisdiction to the utmost limits of State territory is an unqualified and undeniable attribute of sovereignty; and as, by the nature of the reserved rights, and the terms of the Constitution, no one State has a greater portion of reserved rights than another, so no other power whatever has any right to interfere, by legislative enactment or otherwise, with the property or rights of property which lie within the acknowledged limits of any of the States, since these are subjects of a local character, and appropriate only for local legislation.

"5. Resolved, therefore, As the States of this Confederacy, 'in all respects whatever, are equally free, sovereign, and independent,' no conditions being imposed or required by the Constitution upon those that might be admitted into the Union, that all restrictions and conditions upon the new States, on their admission, being opposed to the fundamental principles and analogies of the Government, and not sanctioned by the Constitution, are null and void; and that each new State, upon being admitted into the Union, being 'as free, sovereign, and independent as the other States, in all respects whatever,' was absolved, by the act of admission, from all terms, conditions, restrictions, and limitations whatever, whether under deeds of cession, ordinances, or compacts; and became, *ipso facto*, the absolute, unqualified, and uncontrollable sovereign of the soil lying within its respective limits and jurisdiction.

I do not intend, sir, critically to examine the premises which have led the gentleman to his most extraordinary conclusion. The conclusion itself is so monstrous that it is needless to attempt to detect the error of the reasoning. Some one has predicted that Virginia will die of an abstraction. I trust she will not die of this. I wish I could believe that it was a mere abstraction on which no practical measure was ever intended to be erected. Let us examine it.

The doctrine maintained is, that the compact entered into between the original States, and the condition imposed and accepted by the new States on their admission into the Union, were rendered null and void by the act of admission itself, and that they, the new States, then became *ipso facto* the uncontrollable sovereigns and owners of the soil.

Yes, sir, the new States, on their admission into the Union, were discharged from all obligation, legal or moral, to respect the title under which the public lands have been held since 1784. The compacts themselves are null and void, and consequently every sale or transfer made by the General Government is an act of usurpation! This is the naked, undisguised proposition. I believe I state it correctly. Extraordinary as it appears, it has perhaps been asserted before; but it is the first time, so far as I know, that an effort has been made to bring it forward in our great national council, in the face of the nation and of the world; and I sincerely hope the gentleman from Missouri may now succeed in obtaining a vote upon it.

It is true, that by the compacts under which the ceded territory was held, that territory was declared, after certain objects should be provided for, a common fund for all the States; that a solemn ordinance declares it as one of the fundamental constitutions between the original States and the new States subsequently to be formed in that territory, that these new States shall in no case interfere with the primary disposition of the soil by the United States in Congress assembled; that this condition is expressly imposed in every case by the very law under which these new States were authorized to form State Governments preparatory to their admission into the Union, and incorporated into the State constitutions themselves; that this perfect and uncontrollable

power in Congress, at least so far as is consistent with the original compacts, has been asserted by all the constituted authorities of the Union, Federal and State, from the foundation of the Government to this hour. All this is nothing. These solemn stipulations are null and void; the Federal Government never owned a foot of land in any State after admitting it into the Union, and all its acts have been acts of usurpation! Let me ask the gentleman from Missouri to reflect on the consequences, moral and political, of this doctrine; to peruse again the celebrated veto message returning the land bill. Let him remark with what respect the old compacts are spoken of, and their binding obligation vindicated. I will do General Jackson the justice to say, that, however he may have urged upon Congress propositions inconsistent, in my opinion, with the stipulations of those compacts, he never, so far as I know, denied their obligatory force. He set up no claim for the United States on the ground of a right in them to the soil, but addressed himself to the policy and generosity of the Government. Sir, the gentleman from Missouri must view his doctrine in a light very different from that in which it strikes me. He believes, no doubt, in his own mind, that he can reconcile it to the principles of honor and integrity. If he should not be able to do this, in retracing the steps which have led him to adopt it, I trust he will renounce it.

The error, sir, which probably lies at the foundation of that doctrine is, the ideas he seems to entertain that ownership and jurisdiction are inseparable attributes of sovereignty. He assumes that the States have exclusive jurisdiction within their limits; and then infers exclusive and absolute ownership of the soil. The premises are erroneous, and, if true, the consequence would not follow. The States have not even exclusive jurisdiction. The General Government, on the contrary, has concurrent or even supreme jurisdiction to the extent of its constitutional powers; and it is still more grossly erroneous to claim the ownership, even if the jurisdiction was supreme. Our history affords numerous instances in which jurisdiction and ownership are separated. Indeed, they are rarely united. I will mention one or two familiar instances: In the cession of a part of this District by Virginia, the jurisdiction was conferred, but not the soil; and when the State of Pennsylvania contracted with the United States for the purchase of what was called the triangle, the jurisdiction was ceded at once, but the right of soil was retained for years. But suppose this doctrine true, and applicable to the public lands; say they belonged of right to the new States from the date of their creation; that the General Government, in undertaking to sell or dispose of them was an intruder, a usurper; what then? What becomes of all your titles to land in the new States derived since that period, as they have been, from this Government? All of them, sir, every one, null and void. The courts of justice must vacate every title which originated subsequent to the admission of the State into the Union. Nor is this the case in respect to private titles merely. Your school lands, seats of governments, salines, all, all are forfeited—founded in usurpation.

But, sir, we may be told they are held by a higher authority. The State, the sovereign of the soil, claims them *ipso facto*, by the act of admission: the very act by which it disclaimed all pretension of right to interfere with them. Well, suppose it so. Still all private titles are at an end, and the new proprietor, the State, has a right to partition out all the lands anew. Sir, this doctrine not only unsettles all private titles, it does more; it annuls the acts themselves admitting the new States into the Union. The security of the title of the United States was the fundamental condition of admittance, upon which alone the General Government could admit them; and if the condition be violated, the grant itself is annulled. Was there ever, sir, a doctrine more monstrous in its consequences? The Representative of a State on this floor invalidates the titles of his own fellow-citizens, and puts the State itself out of the Union! It is nullification indeed, far worse than that of the South. It is self-immolation. I cannot believe that the gentleman himself, on serious reflection, will maintain it.

For, sir, suppose it true, as a legal or constitutional doctrine; say that a State has the power to annul all its most solemn compacts: what then? It is the *ultima ratio regum*—the power; but not the right; the power to violate a promise! to commit a breach of plighted faith! If the day should ever come when any man shall invite the people of the West to exercise this power by a seizure of the common property of their brethren, an act more perfidious than that proposed by Themistocles to the Athenians, I trust some modern Aristides will be found to rebuke the meditated injustice, and teach them to spurn the council which would prompt them to consult their interests by an act which would tarnish their honor.

It has been said, Mr. Speaker, that we sold our patrimony for a mess of pottage—for less, sir; a spoonful from the dish. Esau received his stipulated price. We have never yet enjoyed ours. Our brother of Missouri insists that our brother of Ohio has had too large a share, and that his share must be made equal before we can be served, and follows up this by a broad denial of our right to any participation whatever. It is all—their rightful property. This pretension reminds me, sir, of the old fable of the beasts who went hunting. The young lion of the West seizes upon the game we have laid at his feet, and divides it into shares; one he claims by virtue of his royal prerogative, as sovereign of the soil; another on account of his superior skill and courage; he was the pioneer of the chase; a third he must have to answer the necessities of his den; and as to the last let them touch it who will!

But, sir, these pretensions can never prevail, nor be sanctioned by the western people themselves. Who, sir, are these western people? Goths and Vandals? Hordes of barbarian Tartars, who have made an irruption upon our territory, and are determined to hold it by force? No, sir; no! They are our brethren, descendants of the same common ancestry, bone of our bone, and flesh of our flesh; many of them, indeed, citizens by birth of the old States. Among their representatives, I see around me in every direction native-born Virginians; men, sir, who would no more wrong us, I should fain hope, than, as they well know, we would wrong them, and in that confidence I extend to them the right hand of fellowship.

The next propositions to which I shall ask the attention of the House, are those of the gentleman from Arkansas, [Mr. YELL,] and of my friend from South Carolina who sits next me, [Mr. PICKENS.] They are substantially the same with that heretofore presented in the other House by a Senator from South Carolina. The Legislature of Arkansas, about a twelvemonth past, adopted a preamble and resolutions instructing their Senators and requesting their Representatives to give the bill of the Senator from South Carolina their cooperation and support; and the gentleman from Arkansas has adopted it with a few alterations. The scheme is to cede the public lands to the States in which they lie, those States paying to the United States one half of the gross proceeds of the sales. It is certainly less exceptionable and less unjust than that of the gentleman from Missouri, since it does not deny the title of the United States; and only asks a surrender of one half the gross proceeds of the common property, instead of the whole. I ascribe no unworthy or sinister motive to those who originated or support this measure. I can well believe, sir, that, like the proposition by the Senator from Kentucky, to give the new States twelve and a half per cent., this offer, though far more injurious to the South, may have had its source in a generous spirit of conciliation. I impeach no motives; I deal with measures, their effects and tendencies; but I regard it as strong evidence of the very favorable light in which it is viewed by the new States, that its only support, with the exception of South Carolina, comes from them. The Arkansas resolutions to which I have referred never having been received, as I understand, by their Representative, I request the Clerk to read the copy printed from that transmitted to the Virginia Legislature.

The resolutions were read.

Mr. ROBERTSON. The gentleman from

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Arkansas, in compliance, I presume, with these resolutions, which requests him to give his hearty cooperation and support to the bill introduced by the Senator from South Carolina, proposed that bill, with slight modifications, in the select committee.

There are many and insuperable objections, in my opinion, to this scheme.

In the first place, it apparently throws the Indians out of the protection of the General Government. By the original bill the Indian title is to be extinguished at the expense of the State in which the land may lie. This provision is omitted in the bill proposed by the gentleman from Arkansas; yet all the public lands are ceded, and I presume the Indian lands among the rest. With whom are the Indians to treat? Is it meant to surrender this power to the States? Would they be disposed to assume so high and delicate a trust? Or are the treaties, as heretofore, to be made with the General Government? And if so, how will the States be required to abide by the bargain? and how is compliance to be enforced?

Again: all sales are to be conducted by agents appointed by the States, upon terms prescribed by the law. Here, sir, is a new and fruitful source of collision between the Federal and State Governments. In examining the accounts of their agents; settling with their collectors and treasurers, some of whom, like our own, may depart with the public money to distant lands to the other side of the water, controversies must be expected to arise. Sir, I am opposed to making new compacts touching the public domain. We can make none more solemn nor more just than those made by our fathers. I have no fear the new States will refuse to abide by them. But if they should, we can have no assurance that any instrument human ingenuity can devise would bind them.

But there is a still more decisive objection to this scheme, founded on its palpable injustice and inequality. It is incredible that even the new States themselves will ever consent to accept it, with the exception, perhaps, of Arkansas, Michigan, and Missouri. Remember, sir, that in Ohio and Indiana, the far greater part of the public domain has been sold, and the money paid into the Treasury. In Ohio there remain unsold about two million acres. Half the proceeds, in round numbers, may be estimated at \$1,250,000, and this sum would be divided among probably a million and a quarter of inhabitants. Missouri, on the other hand, having upwards of thirty million acres, would receive sixteen or eighteen million dollars, for the use of some two or three hundred thousand inhabitants; and Arkansas and Michigan would share in somewhat similar proportions. But this is not all. After receiving each this enormous proportion of the common property, the balance, instead of being divided among the other citizens of the Union, twelve or fifteen millions in number, is to go into the Treasury as a common fund, in which those States are again to participate. And this because, as it is said, the principle of distribution is unconstitutional! Sir, the scheme upon its face asserts the principle of distribution, not, indeed, of a fair, equitable, and general distribution, but of an unequal, partial, and unjust one. Still it is a distribution. How is it that the Constitution authorizes distribution of half the public lands, or half the amount of sales among seven States, and prohibits a distribution of the other half among the remaining nineteen? admits the States created by it to a division of a common fund, and excludes the Old Thirteen who framed it from any participation in what was wholly their own? But again, sir; this scheme proposes to cede to Tennessee three million acres of land, or more, belonging to the United States. What reason is there that a ratable proportion may not be allotted to New York and Pennsylvania, and every other State in the Union? It would seem that every disposition of the public land is constitutional provided it be confined to one or a few of the States, but unconstitutional if it renders equal justice to all. These constitutional doctrines, sir, are beyond my comprehension.

I cannot pass without notice the project submitted some days past by the gentleman from

Massachusetts, [Mr. CUSHING.] It comes from one who knows, not more perhaps than any gentleman in this House, but as much as any man in this country, of the extent and situation of our public domain. His scheme proposes that the lands themselves be divided in severalty among the States in equalized proportions, the division commencing with the portion to which the title is complete, and to be repeated, from time to time, until the whole shall be partitioned. Let us try, sir, how this will answer. There are, at this time, some two hundred and thirty million acres ready to be divided, giving, on an average, eight or nine million to each State—varying in their relative proportions, according to the quality of the land and the population of the State, from half a million perhaps to fifteen or twenty million acres. Congress is to pass an organic law defining the rights and powers over lands assigned to one State within the limits of another. Can this project, sir, ever be carried into effect without extreme inconvenience, or the danger of serious collisions among the States, and between the States and this Government? Colony upon colony—wheels within wheels.

But suppose the partition made—the regulations prescribed: possibly, for a time at least, some of the States having these distant and dispersed possessions might perhaps be able to maintain them. New York and Pennsylvania might, in case of difficulty, keep theirs in Michigan or Arkansas, if that should be their location. But, sir, what would be the condition of New Jersey, or Rhode Island, or Delaware, in case their portion should be assigned in one of the larger States of the West or South, and a controversy should arise between them? Rhode Island, I suppose, would fit out an armament, and make a descent upon New Orleans, to punish Louisiana for encroaching on her possessions. It would be quite amusing, sir, to see my respected friend from Delaware, at the head of a detachment of Delaware militia, marching against Governor Casey, to punish some aggression by the people of Illinois, or to dislodge a band of ten or twenty thousand squatters. How would South Carolina or Georgia, at the extreme South, maintain her settlements in Iowa or Wisconsin, and from thence—for the magnificent views of the gentleman from Massachusetts extend as far—all along to the borders of the Oregon? Sir, I can conceive no means of preserving her title but by dispatching orders, through means of the newly-invented magnetic telegraph, directing aid to be sent from colony to colony, stretching, as they may, from the Ohio to the South Sea.

Mr. CUSHING. The gentleman endeavors to meet my proposition by ridicule.

Mr. ROBERTSON. Not so, sir; ridicule, it is said, is the test of truth. I admit it is not always so; but the objections I have pressed I regard as solid and substantial objections. They are such as carry conviction to my mind, and to that, I believe, of every gentleman who considers them, that the scheme of the gentleman from Massachusetts will be every way inconvenient, if not impracticable. Sir, among the inducements held out to the old States to cede their distant possessions, not the least cogent was the difficulty of retaining and managing them; and now, with all the disadvantages arising from the surrender for so long a period, with a denial of our title now before us, these lands are again to be restored in fragments, scattered over the western country, and the colonial system of the States reestablished.

Some what of a kindred character to this scheme of partition is the one offered by the gentleman from Georgia, at the last session, to which I have before alluded. They both propose a division of the lands; but the gentleman from Georgia would divide them among the individual citizens, instead of the States. Sir, the gentleman says he proposed this only as an alternative, in case a distribution should be determined on, but that he was opposed to distribution in every form. I drew a different conclusion from the resolution itself. It does not suggest such a division as a proper subject for inquiry, but instructs the committee to report a bill to carry it into effect. It left no choice between that and any other mode. Suppose the committee appointed: the gentleman,

of course, would have been the chairman, and would have expected a committee concurring in his plan. What would have been done? A bill must have been reported in conformity with instructions. Would he not have voted for his own measure, or would he and the committee have opposed it in the House as unconstitutional? I can understand that an amendment may be offered to a bill in itself unconstitutional, the mover voting finally against the whole bill; but I cannot comprehend how any gentleman can offer a distinct and original proposition in the shape of a bill, to be voted for as an alternative, or in any other way, when he regards the measure itself as unconstitutional.

Mr. HAYNES. I ask the gentleman if he would not accept my proposition if he could not get his own?

Mr. ROBERTSON. If I could get nothing better, I would, bad as it is. I prefer the distribution among the States, because I think it would be equally just, and less inconvenient. I do not regard his scheme as unconstitutional; for, although the compact declares that the benefits shall inure to the States, yet, substantially, you give it to the States in giving it to their citizens. But I prefer the mode as it is prescribed by the compact, as every way more proper, and less inconvenient.

If the States, sir, would find insuperable difficulties in holding and managing their distant and numerous possessions, under the scheme of the gentleman from Massachusetts, how much more impossible would it not be for individuals to get the benefit of theirs? Let us look forward beyond the present generation. Some fifty or a hundred years hence, a descendant of the gentleman from Georgia determines to look after his western lands, being the quota of his great ancestor, situated between the Mississippi and the Oregon. Will he go by land or water? No matter, sir; he weathers Cape Horn or passes the defiles of the Rocky mountains in safety; he is fortunate enough to find his land, as described in his title-papers. It is in the possession of a preëmptioner! one claiming under the British or Russian Government or the Baffin's Bay Company. The regular affidavit-man of the district swears that he well remembers when the settler cleared the land by cutting down four saplings, with which he made an inclosure, and then planted one grain of corn and two black-eyed peas. We will suppose, under the preëmption law, that is proof sufficient. What would the claimant do? Why, sir, be well pleased, no doubt, to take what the Committee on Public Lands offer to the old States, the costs and charges incurred, and to return from whence he came.

I have gone through, Mr. Speaker, with the review I have thought it proper to make of some of the most prominent plans now before the country for disposing of the public domain. I wish the people to know what they are. I have spoken of them freely and frankly, as I am willing all may speak of mine. I have pointed out the objections which prove them, in my opinion, impracticable or unjust, and have shaped my own proposition with a view to avoid, as far as practicable, those objections.

So far, Mr. Speaker, I have endeavored, and I trust not unsuccessfully, to prove that the principle of distribution my resolution proposes, is authorized by the original compacts, and sanctioned by the Constitution; that it has been demanded by a majority of the States; directly or indirectly conceded by all, and denied by none. I beg leave now, sir, to state the nature of the proposition a little more particularly, and the reasons which lead me to hope it may be adopted. It assumes the general principle of distribution asserted in the land bill of 1832, from which, however, it differs in some essential particulars.

Before noticing these, let us stop for a moment and inquire what would have been the effect of the passage of that bill? Upwards of fifty-seven million dollars, sir, would have been distributed among the States, of which my State would have received nearly four and a half millions, and the other States in proportion. It is true, that to get rid of the accumulated surplus, arising in a great measure from the sales of land, we were compelled afterwards, in 1836, to pass what was

called the deposit bill, under which the States received less than one half that amount. What became of the residue, the \$30,000,000? Wasted in extravagant expenditures; in jobs to Executive supporters; percolated by absconding collectors; scattered along the highway, on the Cumberland road; sunk in the swamps of Florida; in harbors, rivers, and creeks; or covered beneath the ruins of useless and dilapidated works falling to pieces before they were finished. But, sir, I return from this digression.

I mentioned that in some particulars the joint resolution on your table differed from the distribution bill of 1832. The twelve and a half per cent. allowed by that bill to the new States is omitted. I regret, sir, that the gentleman from Indiana [Mr. DUNN] offered an amendment to insert that provision. It was made originally, as I have always supposed, to compensate the new States for the loss they would otherwise sustain in dividing according to the preceding census, in consequence of the great relative increase of their population since that census was taken. But the resolution before you does not propose any distribution until after the next census. It gives to the new States, therefore, the benefit of their increased population; they get the full measure of their rights, and there is no ground for allowing them an additional sum by way of a gratuity. But if the gentleman should persist in this unjust amendment, it is demonstrable that his own State, should it prevail, will lose greatly more than she can gain. The allowance must, of course, be made to all the new States as well as to Indiana—that is, indeed, the provision of the amendment—and to the States hereafter to be admitted, as well as those already in the Union. The unsold lands in Indiana are stated to be five million one hundred and twenty thousand two hundred and seventy-two acres. The whole of the unsold lands of the Union are variously estimated from five hundred millions to seven hundred and fifty millions or more. Supposing the quantity to be six hundred millions, and rating it at one dollar per acre, the twelve and a half per cent. of Indiana on her unsold lands would be between six and seven hundred thousand dollars; while her proportion, say one twenty-fifth part, or four per cent. of the one eighth, or twelve and a half per cent. surrendered to the other States, would be about three millions. The amendment would be still more injurious to Ohio, because the quantity of unsold land within her limits is not half so great, being two million one hundred and ten thousand four hundred and five acres only, while her population would entitle her to a much larger share in the amount surrendered. She would receive between two and three hundred thousand dollars, and give up about five millions. These States, therefore, would unquestionably consult their own interests in abandoning the proposed amendment, or they will well deserve the loss they will inevitably sustain in their attempt to secure an unjust advantage.

Not only, sir, is the proposed scheme more favorable to those States without the amendment than with it, but it is every way more favorable than that proposed by the gentleman from Arkansas, [Mr. YELL,] or even that of the gentleman from Missouri, [Mr. HARRISON,] because their proportions, say four or five per cent. on the value of the six or seven hundred million acres belonging to the Union, must exceed one half or even the whole of the value of the public lands lying within their respective limits. The gentleman from Indiana himself, [Mr. DUNN,] in an able report presented by him to the Indiana Legislature, some six or seven years ago, has demonstrated that his State would be the loser by accepting the cession of all the unsold lands within her limits in preference to the distribution proposed by Mr. CLAY's land bill; and it is equally certain that the proposition to distribute is more unfavorable to her with the amendment giving the twelve and a half per cent. than without it. Indeed, sir, it is even questionable whether Missouri, Arkansas, and Michigan may not ultimately derive more benefit from an equal participation than from the unjust schemes now urged by their Representatives, could they succeed in carrying them. But they cannot succeed. The new States themselves

will never unite in them. Ohio will never consent to receive of a common fund two or three hundred thousand dollars, while Indiana, with a third of her population, receives double the amount, and Missouri, Michigan, and Arkansas, with a still smaller number, receive each the enormous amount of four millions.\* Still less will she ever agree to the proposition which would give to these States one half or the whole of the lands within their limits, nearly thirty million acres on an average in each, while two million or one half of that quantity is to be assigned to her, possessing, as she does, a population exceeding that of them all put together. Least of all, Mr. Speaker, is it to be expected that the old States will ever submit to schemes which deprive them of all participation, or of a just participation, in the common property. I beg leave, sir, to read a few passages from the report of the gentleman from Indiana I have just alluded to. [Mr. R. read extracts from the report.] Not only does the gentleman expose the injustice and inequality of the scheme of a total surrender, in its bearing upon the new as well as the old States, but he pays a just tribute to the generous policy pursued by this Government in reference to the public lands, and frankly acknowledges that he could scarcely think of anything which could induce him, were he a citizen of an old State, to give up the advantages which the distribution of these common funds would afford for education and improvement.

The joint resolution differs in another very material respect from the distribution bill of 1832. That bill required the division of the proceeds of sales without regard to the state of our finances. The resolution, on the contrary, if adopted, will not draw any money from the Treasury wanted to meet the necessary expenditures of the Government. It may be asked at what amount shall those expenditures be estimated? The resolution proposes to fix some limit to that amount, and leaves it to the wisdom of Congress to say what the limit shall be. For myself, I will go as low as \$13,000,000, that being about the highest amount expended during the administration of the gentleman from Massachusetts, [Mr. ADAMS,] who was so severely rebuked for his extravagance by the party in power, who now expend between thirty and forty; or I will be content to limit the sum to \$20,000,000, which, perhaps, this reforming Administration may make suffice. Unless the customs and other revenues equal that sum, let the proceeds of the lands be applied to meet the deficiency. It may be said there will then be nothing to distribute. Sir, our importations are constantly increasing; and notwithstanding the compromise act, our revenue will most probably not fall below \$20,000,000. But say that it will; then no injury will result from the resolution, since it leaves the proceeds of the lands in that case applicable to the wants of the Government.

There is no provision made in the joint resolution for the future reduction or graduation of the price of the public lands. If my own judgment did not disapprove these measures, the known opinions of my constituents would be considered by me as an instruction to oppose them. What good reason can be assigned for reducing the price of the Government lands? Will not the lands in the hands of private proprietors, with the privilege of taking choice out of upwards of eighty million acres now open to entry at \$1 25, furnish at a low price all that can for many years be required for cultivation? There is enough, were not another acre of public land thrown into market, to subsist six times our present population. Eighty millions and upwards have been sold in the new States and Territories, and the quantity in the other States must be largely upwards of two hundred millions; while France has in all about one hundred and twenty-eight millions, and Great Britain eighty-seven millions only.

The pretext is to benefit the poor. You are to benefit the poor by giving them, at reduced price, what are called the refuse lands. Sir, I

verily believe you could not do a poor man a greater injury than to give him, for nothing, a tract of poor land, and compel him to keep it. If he has money to purchase refuse lands at fifty, or even twenty-five cents, he would act more wisely to lay it out in land of better quality, though he should obtain but a half or a third of the quantity. But it is a mere pretext. There is no man so poor in this country, if he be able and willing to work, but can procure more land than he can cultivate. Any man who can buy a turkey or a bottle of brandy may purchase an acre of good land. An industrious mechanic, a day laborer, in sixty or ninety days, may purchase enough to subsist a numerous family. Yes, sir; the loafer who throws himself nightly upon the marble steps or stony pavements of the great metropolis of New York may lie down, if he will, beneath the shady elms of Missouri, or the orange groves of Florida, and rise in the morning lord of the manor. Nay, more: if the new bill which I have seen upon our tables for the military occupation of Florida should go into operation, ten thousand men may each take his three hundred and twenty acres as a free gift, and be furnished at the public expense with a year's support, medicines when sick, and an army to defend him! We are to make them a present of three million two hundred thousand acres of the public land, and pay them—computing each ration at twenty cents, to say nothing of the expense of troops and medicines—\$720,000 to take it.

Sir, these schemes of reduction are not intended to benefit the poor. The true object is to enable the rich proprietor to add to his possessions by taking up the contiguous lands at a price far below their value; or to benefit the speculator into whose hands the tracts taken up under such a law would probably soon fall. The man who cannot acquire and hold land now, would not hold it if given to him for nothing; especially if the land to be given be as worthless as it is represented.

It is not the true policy of the Government, Mr. Speaker, to invite more labor or capital to agriculture. There is already, perhaps, too great a portion of both withdrawn from the mechanic arts. It is not the policy of any of the States further to reduce the price of the public lands. The inevitable effect will be to disperse the population, already too much scattered, to break up the older settlements, and to diminish the value of the land of every land-holder in the Union. These effects have been adverted to, sir, by the gentleman from Indiana, in his report. He assents to the propriety of giving up the refuse lands to settlers, but decidedly objects to a general reduction of the price to cost, as proposed by the late President. He says:

"It is believed that no system founded on such a principle can be carried into practice without entire ruin to the present holders of land in the new States."

Mark you, sir, even "in the new States;" the gentleman takes no notice of the old ones, whose interests are still more deeply affected. It is even thought ungenerous and envious on our part to complain of what, when brought home to themselves, our brethren of the West can feel full as sensibly as others. He adds:

"To throw open to entry the unsold lands in the West to actual settlers at cost, the immediate consequence will be a reduction in the value of the landed estate of the country to an incalculable degree. The old counties will be immediately depopulated by the people pressing on to the interior, each endeavoring to locate himself before his neighbor. That portion of the community engaged in the mechanic arts would quit their usual pursuits, to the great detriment of the country."

Such, sir, are the views of the candid and intelligent gentleman—himself a western man—of the policy of reducing still lower the price of the public lands.

It would be of no advantage, sir, even to the individuals proposed to be benefited. A day-laborer or a mechanic can make more profit by continuing his usual occupation, than by clearing and cultivating lands. If the policy could be confined to a single State—to Indiana or Alabama, for instance—it might, perhaps, be found beneficial to that State; because, in that case, its population would not be withdrawn. But suppose it adopted as a general measure; suppose

\* The unsold lands are stated to be in Missouri 33,158,987 acres. In Arkansas, 23,260,743 acres. In Michigan, 21,162,183 acres.

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Public Lands—Mr. Robertson.

HO. OF REPS.

you surrender the lands of Iowa, Wisconsin, and Florida at reduced prices, or on the terms proposed by the Florida military occupation bill: the population of Alabama and the new States of the South would, in that case, flow into Florida, and that of Indiana and the western States into Wisconsin and Iowa.

There is no foundation, sir, for complaint in reference to the price of the public lands. When gentlemen talk of the great merits and sufferings of the hardy pioneers of the West, they should not forget those of the early settler of the old States, from the landing of Sir Walter Raleigh to that of the Pilgrims. They should remember that, while for a moderate sum they purchase fertile lands in the new States and Territories, the citizens of other sections of the Union pay more than double for lands of vastly inferior quality; and that while the means of constructing roads and canals and erecting schools and colleges have been supplied to them out of the common funds, the old States, with few exceptions, have been wholly denied similar benefits. Yet gentlemen, with these facts before their eyes, talk of oppression—oppression in taxing them by the sale of land at a price confessedly below its real worth. Let us for a moment, sir, test the justice of the charge by referring to their own example. In some cases, I am informed, those States have obtained from the Government leave to dispose of the school lands originally granted to the townships. Well, sir, what has been the result? Indiana has sold hers, I am told, on an average, for four or five dollars per acre; Ohio for probably as much or more; and Michigan has put up hers on the express condition that not an acre should be sold below eight! These school lands, it will be recollected, consist of the sixteenth section in each township, and must therefore be of an average value, as certainly as if drawn by lot. Sir, I see no impropriety in this; they act wisely and justly to augment their resources by getting the value of their property. But I use it to repel the charge of injustice and oppression, made by the new States against this Government, by showing that their own citizens experience greater oppression from them than from us.

I have thought it unnecessary, Mr. Speaker, to make any discrimination between the lands ceded by the States and those purchased from France or Spain, or from the Indians. I believe—the whole country believes—there is no substantial distinction. It cannot be that we have one law for Louisiana and Missouri, and another for Alabama and Ohio. I will not stop at this time to examine the constitutional question. The constitutionality of these purchases has been well defended under the war power conferred by the Constitution, as well as that to regulate commerce; and it must be acknowledged that, with the command of the mouth of the Mississippi, not only might our commerce be seriously annoyed, but our interior country constantly exposed to attack. Be this as it may, the purchase was made, the territory has been formed into States, and those States admitted into the Union; so incorporated into our system that we could not separate them, if we would, without impairing its healthful action; indeed, without vital injury. What, then, shall be done with the fertile regions thus acquired? In the statements furnished by the Government, the amount paid has been treated as a charge upon the funds arising from the sales of the ceded lands. Upon every principle of reason and equity; then, these acquisitions stand in the place of the funds employed in the purchase. By the Constitution, moreover, full power is given to dispose of *all* public lands, without reference to the mode in which they may be acquired. If it be said they stand, in any respect, on a different footing from the ceded lands, then how comes it that donations have been made to Louisiana and Missouri for education and internal improvement, which can only be justified by resorting to the original compacts of cession and ordinances under them, applicable only to the ceded lands, or those which may stand in their place? But suppose there is, in truth, a substantial difference: still we have the lands; we cannot abandon them; and have no more right to surrender them to one portion of the people than to another. There is no rule that can be adopted more constitutional

or more just than to distribute them. I would consider them, sir, as a great *surplus fund*, to be distributed among its common owners, as was the great surplus of money, a few years past, in the Treasury. You need not call it, sir, distribution; call it, if you will, a loan, or a deposit, or a lease for nine hundred and ninety-nine years, renewable forever. The name will be no objection, provided the property be fairly divided among its rightful owners.

Mr. Speaker, I have submitted the proposition before you in a spirit of concession. If any have a right to complain, it is the old States. The distribution proposed is wholly prospective. It does not look back to what is past, or demand for the old States, previous to a general distribution, such appropriations as will correspond in a just proportion with those heretofore made in favor of other States. This claim was not only asserted by Maryland and other States, as far back as 1821, but has been repewed in the resolutions recently adopted by the House of Delegates of Virginia. That there are just grounds for the claim, I cannot doubt; but there are strong considerations which lead me to believe that the old States themselves, actuated by the same spirit which has ever induced them to pursue towards the new States a generous policy, will yield it, provided just principles shall hereafter be pursued in the administration of the common funds. I will state the reasons which should influence them, as I think, to adopt such a policy. The ordinance of 1787 declares that schools and the means of education shall be forever encouraged. It is certainly true that many and large donations have been made for very different purposes; but, as to them, the States obtaining them claim to have paid an equivalent. This ordinance and these donations were made in part, or acquiesced in by the representatives of the old States. If an account were to be taken, it would be difficult, if not impossible, to fix a standard by which the value of the consideration could be estimated, or the just proportions of other States ascertained. And more than all, sir, the claim itself, if successfully asserted under such circumstances, would generate an unfriendly feeling, for which the entire domain of the Union, spacious as it is, would poorly compensate. I offer these, sir, as my own individual opinions. As members of this House, we have no power to say to the States they shall not enjoy the full measure of their rights in the public domain. It is a sacred trust we cannot violate. As representatives of the States, we were sent here to defend, not to abandon, their rights and interests. To guard, these, sir, the proviso has been annexed, which leaves the question how far those rights and interests shall be waived or insisted on with the States, who alone are competent to decide it.

I had intended, Mr. Speaker, to notice the amendment contemplated by the gentleman from Arkansas, [Mr. YELL,] but have already trespassed much longer upon the patience of the House than I had intended. I am not certain, indeed, that I comprehend it, and will therefore make but a single remark. It calls apparently for an account of all benefits derived by the old States from the public lands since the origin of the Government. Well, sir, let this account be taken, and then let all the expenditures of the Government during the same period be also ascertained; those of the old revolutionary war, of the late war, civil and military expenses of every kind, appropriations for purchasing Louisiana and Florida, extinguishing Indian titles, and carrying on Indian wars. Present both sides of the account, and I labor under a great mistake if the balance found against the gentleman's own State will not constitute a mortgage ample enough to eat up every foot of land within its limits.

The old States can fear no just settlement. They ask nothing more than their due. None can impute to them a grasping disposition. If any should, let them be sure there is in themselves no taint of cupidity. Let them set an example of noble disinterestedness, and offer better terms to us than we offer to them. Let them present any plan more reasonable, more just, and for one I will give it my hearty support. If not, then, in an equal spirit of candor, let them take ours. I trust, sir, it will be adopted.

It is simple in itself; it may be described in two words: divide fairly—divide fairly the common property.

It changes no system.

By avoiding new compacts, it avoids controversies with the States.

It draws no money from the Treasury necessary to meet the just expenditures of the Government, and consequently obviates all pretext for an increased tariff; while, by distributing the excess, it prevents wasteful appropriations to a partial system of internal improvement.

It is in fulfillment of our solemn covenants, conformable to our fundamental law, and rests on the eternal foundations of justice.

I address myself to the representatives of the old States. Is it not our right? If so, why shall we surrender it? I warn them their constituents will expect them to answer the question. The people are in action, and rely upon it, sir, they are in earnest. Hear the language just addressed to us by the State of New Jersey:

"Issuing from the toils and sufferings of our revolutionary struggle, exhausted in everything but patriotism and honor, she has been left to provide her own common school fund, to build and endow her own academies and colleges, and to construct her own railroads and canals, by such ways and means as she could devise. She has looked to the public lands, in part acquired by her valor or purchased with her treasure, as a source from which she might hereafter expect aid in educating her sons, in developing her natural resources, in facilitating the intercourse of her citizens, and in accomplishing other similar purposes which constitute the true glory and wealth of a State. But an attempt, it would seem, is to be made to strip her, in piecemeal or in mass, of this property, to which she is entitled by every principle of law and justice. It may be that it will succeed; but it shall not be with her consent, nor without her remonstrance."

Sir, this is strong language; and it is to be regretted there should ever be occasion to use it. Is it not an interest of transcendent importance to secure to the present and future generations the benefits to which they are entitled; benefits which they may receive not only without doing wrong to any, but by conferring benefits on those from whom, in turn, they derive them? For the fertile lands they transfer will repay tenfold their cost. Why, then, should this incalculable treasure be thrown away? surrendered piecemeal or in mass? But, immense as are the consequences in a pecuniary view, infinitely more important are they in a moral and in a political aspect. As you shall settle this question, you may perpetuate harmony or generate lasting dissensions among us.

But now is not the time. Postpone—postpone. For nearly twenty years have your constituents been knocking at your door. How much longer will their servants—no, sir, their masters—in this Hall deny them admittance? Amid the thousand frivolous questions which occupy months of our time, can we not devote one week to a subject beyond comparison the most important which could attract our notice? Can we not spare four days? In that time the old convention of my State, computing from the day it was reported, adopted the Constitution which radically changed the form of our Government, and which remained unaltered for upwards of fifty years. Yet gentlemen—from the old States, too—when they know it is in their power, if they will, to adopt this measure to-morrow, cannot spare the time to do justice to their constituents, and secure incalculable blessings to future generations.

I appeal to the Representatives of the new States themselves. Have not your brethren been just? have they not been generous to you? and will you not be just to them? Let us, on all sides, sir, come together as brethren of one family, disdaining to seek unjust advantages in sharing the common patrimony. It is a sense of mutual benefit; more than all, of reciprocal justice; which, as with hooks of steel, draws State to State, man to man, heart to heart. That—that alone—will keep bright and strong the chain of our Union; bind us more closely together than parchment bonds, or penal statutes, or armed mercenaries. Let us now, sir, and at all times, meet in that fraternal spirit which actuated our fathers, and our friendship will be as deep as the fathomless oceans which wash our shores, and durable as the everlasting hills which overlook our boundless domain.

25TH CONG....3D SESS.

Maine Boundary Question—Mr. Williams.

SENATE.

## MAINE BOUNDARY QUESTION.

## DEBATE IN THE SENATE,

FRIDAY, March 1, 1839.

The Senate having taken up the resolutions reported by the Committee on Foreign Relations, on the subject of the difficulties between Maine and New Brunswick—

Mr. BUCHANAN said the subject had been so much discussed that he would now offer no further explanation of the resolutions, though he would be happy to reply to any questions which might be proposed.

Mr. WILLIAMS, of Maine, remarked that he felt a delicacy in saying anything in opposition to resolutions reported by the able and distinguished Committee on Foreign Relations, and he could hardly expect to succeed in obtaining any modification of them, however much he might wish it; but the subject was all important to his State, and he would not refrain from expressing his views frankly, and then would acquiesce in whatever decision the Senate might make.

The first three resolutions are intended to justify Maine and her course in the late movements in the disputed territory, and to declare "that the Senate will cordially coöperate with and sustain the President in defending the rights of the country, should her Britannic Majesty's Government persist in carrying its avowed determination into execution, and attempt, by military force, to assume exclusive jurisdiction over the disputed territory." This was all very well; but he regretted that the first resolution, instead of saying "that the Senate can discover no trace, throughout the long correspondence which has been submitted to them between the Governments of Great Britain and the United States, of any understanding, express or implied, much less of any explicit agreement, such as is now alleged, that the territory in dispute between them on the northeastern boundary of the latter shall be placed and remain under the exclusive jurisdiction of her Britannic Majesty's Government until the settlement of the question," did not contain a simple, positive, and direct denial of any such agreement or understanding as was alleged and claimed by her Britannic Majesty's Minister and the Lieutenant Governor of New Brunswick, in their late communications. He could not think, while her Majesty's representatives undertook to assert and repeat that such an understanding and agreement had been made with us, that we should content ourselves by saying that we cannot discover any trace of either throughout the correspondence between the two Governments. If such understanding or agreement ever existed or was made, we were parties to it, and must know the fact; if it never was made, then say so, and not put it on the ground that we cannot discover it in the correspondence. If we refer to the correspondence to prove that no such agreement or understanding was ever made, we may expect that her Majesty's Government will do the same, and insist that the agreement and understanding are proved by that correspondence.

We have already seen what Great Britain can do by diplomacy. Her whole claim to the disputed territory has no foundation but what grows out of diplomacy and diplomatic correspondence; and, with the skill and adroitness of her diplomatic agents, she will make out of the correspondence a better pretense to exclusive jurisdiction than she can to the territory in dispute; and he would be most reluctant to open a new question with her Majesty's Government, to be determined by the multifarious correspondence between the two Governments. If a man were to say to you, Mr. President, that he had a certain understanding or agreement with you, which you felt confident was not so, would you say to him that you could not discover any trace of it in your communications with him? Or, being conscious that you had not made any such agreement, would you not say so in direct terms, and thus put an end to the question? Mr. Fox and Sir John Harvey say that, by the agreement and understanding between the parties, Great Britain was to have exclusive jurisdiction of the disputed territory until the question of boundary shall be settled. The President and Mr. Forsyth say it was not

so. Let us say the same, and nothing more, and thus make an end of this part of the case.

But it appeared to Mr. W. that it was unnecessary, impolitic, and still more objectionable, that we should undertake to declare what was or is the precise understanding or argument between the parties; and yet the first resolution asserts "that there was and is a clear subsisting understanding between the parties, under which they have both acted, that until this question shall be finally determined, each of them shall refrain from the exercise of jurisdiction over any portion of the disputed territory, except such parts of it as may have been in the actual possession of the one or the other party;" without intending to deny that since 1825, there have been, from time to time, understandings between the parties in reference to abstaining from certain acts complained of as offensive to the one or the other of them, and to the kind of possession and jurisdiction which either party might enjoy, or that the resolution describes those understandings, as a whole, with tolerable correctness, as we understand them; yet can it be safe or prudent for us to affirm that there was and is a clear subsisting understanding, and undertake to define precisely what it is? The committee believe it was and is as stated in the resolution. The British Minister and the Lieutenant Governor of New Brunswick affirm that it secures to her Majesty exclusive jurisdiction of the whole disputed territory, until the boundary question is settled. Why, then, undertake to say what that understanding is? Our construction of the correspondence settles nothing; and the British construction of it will not settle it. We are opening a door to interminable negotiation to settle what never will be settled in that way. Any man who has looked, or will look carefully, into the voluminous correspondence between the two Governments since 1825, will be convinced that it is no easy task to determine what has been or is the understanding of the parties upon the subject of possession and jurisdiction of the disputed territory, pending the negotiation as to the boundary.

Mr. W. referred to and read many extracts from the correspondence between the Governments consequent upon complaints, by the one against the other, of certain acts within the disputed territory supposed to be inconsistent with the rights and understandings of the respective parties; and contended that, while we had insisted upon our construction of them, Great Britain had maintained a different construction, and we had repeatedly protested against her unjust pretensions. What was and is the understanding between the parties, is not, then, so clear as the committee have supposed, and there is no necessity for us to embarrass ourselves by affirming, in these resolutions, what that understanding was or is. Besides, whatever that understanding may have been in reference to some parts of the disputed territory, it should not be applied to the Aroostook country, the seat of present difficulties. That country has been in possession and under the jurisdiction of Massachusetts and Maine more than thirty years. Soon after the source of the St. Croix was agreed upon and fixed, under the treaty of 1794, two ranges of townships west of the line running due north from the monument were surveyed by Massachusetts, and the township including the Aroostook river, near its mouth, was granted, in 1817, and other lands near it were granted soon after. These lands have been and are now held under those grants. After Maine was separated from Massachusetts, other lands in that region were surveyed into townships, and divided between the two States. Until very recently, Great Britain did not claim any jurisdiction over that portion of the disputed territory, unless it be inferred from her keeping a warden, as he is called, of the disputed territory. Within a few years past, Maine has expended large sums of money in opening and in making roads into the Aroostook country; has surveyed her lands there into lots for settlement and cultivation; already there are some good farms there, and great numbers of settlers are preparing to take lots and reside upon them. The land is of excellent quality, and now that it can be reached over good roads, it will be rapidly settled and cultivated. Is it to be expected that

Maine is forever to be restrained from occupying and settling this valuable portion of her territory? For such reasons; Mr. W. felt it to be his duty to ask, and to urge, the modification of the first resolution, so that it should contain a simple and direct denial of any understanding or agreement for the exclusive jurisdiction, by her Majesty's Government, of the disputed territory, until the question of boundary be settled, as lately claimed by Mr. Fox and Sir John Harvey, and nothing more.

To the fourth resolution Mr. W. had other objections, and he earnestly hoped that it would be stricken out. It was wholly unnecessary and uncalled for. In the contingency mentioned, Maine would voluntarily pursue the course of forbearance indicated by that resolution; she could have no interest or inducement to act otherwise. Then why threaten or admonish her "that, should she refuse to do so, and determine to settle the controversy for herself, by force, &c., in such an event there would be no obligation imposed on this Government to sustain her by military aid?" Has Maine done anything to require or deserve this admonition from the Senate? Your resolutions sustain and justify her in all that she has thus far done. Then why not trust her for the future? Why suspect her in advance? If you would have Maine continue to assert and defend her rights as becomes a sovereign State, and as a member of the Confederacy disposed to maintain the peace of the nation, then rely upon her honor and upon her sense of duty to the Union, and not volunteer a threat or gratuitous admonition. It will be time enough to give this advice, and to declare the obligations of this Government, when Maine, by any act of her's, shall deserve it. Until then, she should be treated as an equal among equals, and possessing the rights and duties of a sovereign State. Leave Maine to her own responsibility, and she will take pride in acting firmly and prudently. Tell her in advance what this resolution proposes to say to her, and she may question the justice and correctness of the principles asserted, and hesitate to do upon compulsion what she would readily do upon her own responsibility. Whatever may have been the intention of the committee in reporting this resolution, it can hardly be doubted that Maine will regard it as derogatory to her as one of the free States of this Union, and it will be most unfortunate if it shall be adopted. Mr. W. therefore moved that the fourth resolution be stricken out.

Mr. BUCHANAN replied, that never had resolutions been drawn up with more care than these by any committee, and he did not expect that they would meet with any opposition. Much that was contained in the resolutions was a correct summary of the views of the President. The committee had examined the correspondence on this subject since 1832, at the time when the Senate disaffirmed the award of the King of the Netherlands, and in that correspondence they found an agreement in express terms, which had been in force since 1835, and which was the same as that embodied in these resolutions, "that, until this question shall be finally determined, each of the two parties shall refrain from the exercise of jurisdiction over any portion of the disputed territory, except such parts of it as may have been in the actual possession of the one or the other party." During the pendency of the new negotiation it became indispensable to enter into some arrangement on this subject, and Mr. Livingston proposed that this should be the understanding between the two parties. The Government of England concurred in this proposition, not hastily, for it was not answered till April, 1833, when the British Minister agreed to the terms of the proposition. Mr. B. read from the correspondence, showing that the agreement was such as he had stated. Here, he said, was a distinct proposition, accompanied with its distinct acceptance; and if it were necessary, and the time permitted, it could be shown, that from that time to this, the two Governments had adhered to this understanding.

Mr. B. said he would endeavor, in a few remarks, which he would pledge himself to confine within the limits of five or ten minutes, to show more fully what these resolutions were. The first resolution, in the strongest terms that could be

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used, denied the assertion made by Mr. Fox and Sir John Harvey, of the right of the British Government to exclusive jurisdiction over the disputed territory by an agreement, either express or implied, and set up and demonstrated a clear understanding between the two countries which was wholly inconsistent with the existence of any such agreement, and entirely in conflict with any such exclusive jurisdiction.

The second resolution justified the conduct of Maine through this whole affair, maintaining that she ought to drive out trespassers on the disputed territory, and that it was not reasonable cause of offense to the British authorities.

The third resolution went as far as possible, consistently with what was due to the British Government, in asserting the rights of Maine to the disputed territory; because it asserted that, if New Brunswick or Great Britain should persist in maintaining exclusive jurisdiction by force of arms, in that case the exigency under the Constitution and laws would have arisen, in which it would be the duty of the President to call out the whole force of the country to protect the property in the disputed territory.

And what was the fourth resolution? Was it not apparent, even from what the Senator from Maine had said, that this resolution was necessary? Mr. B. would not now enter at all into an examination of the conduct of Maine. But she was a brave and gallant State, and her feelings of hostility were greatly excited. Was there not, therefore, danger that, with ten thousand men at her command, she would rush into a conflict with the New Brunswick or British authorities. The fourth resolution, therefore, could do no less than declare that, if Sir John Harvey should first withdraw his forces, then, in the opinion of the United States Government, Maine ought to follow such an example of forbearance, and that, if she did not, then this Government would be under no obligation, after having done everything it could for Maine, to afford her any protection under such circumstances, nor ought she to expect it. The fourth resolution simply defines our own position, and says that the Constitution and laws impose on us no such obligation as to protect Maine while pursuing a course contrary to the advice of this Government. If we adopt only the first three resolutions, they will be all on one side, and will lead Great Britain to believe that we are ready for war at once.

And what is the argument of the Senator from Maine? Sir, I was at a loss to conceive what motive a Senator from Maine could have in attempting to disprove this settled agreement. And what reason does he assign for even a wish that it might not exist? He says the negotiation may still be pending for years, and Maine does not want this understanding to be interposed between her and the possession of her territory.

Mr. WILLIAMS. I did not say we did not desire this understanding to exist. I only stated an objection to it, as here stated. The resolution affirms the agreement to be so and so, when perhaps it is still to be a subject of negotiation whether it is so or not, for the British Government is but too ready to hang negotiation on any practicable point that may possibly turn in their favor.

Mr. BUCHANAN. Sir, did not the Senator from Maine and others represent it as a great hardship that, under this agreement, they could not enter into the disputed territory and settle it? And if they should do so, the peace of the country would be endangered, and this understanding is the only barrier in the way of Maine to prevent her from taking possession of the disputed territory. Sir, are we prepared for such a course which must inevitably and at once bring us into open collision with the British Government? For myself, I am prepared for that event if it must come, but I would pursue the course of honor and of right to the end of the controversy, and then, if hostilities must come, we may be a united people, and enter into them with energy and success. I presume the Senate are unanimously of the opinion that if Great Britain persists in asserting her claim to exclusive jurisdiction over the territory, war is inevitable. And yet this is objected to by the Senator from Maine, because it contains an affirmation of the right of Maine.

And why does he object to this? Because we have made this affirmation a year before, is there, can there be any objection that we should again affirm it? And yet on this ground the Senator objects.

In regard to the claim to exclusive jurisdiction on the part of Great Britain, the Senator attempts to prove that there is no understanding on this subject, and for that purpose he goes back to the original correspondence, and presents from that a claim set up by Great Britain, which was derogatory to our rights and degrading to the nation. And what was that claim? That we were to hold the United States—their soil, their independence, their existence—not in virtue of our own good swords, not in virtue of our independence, declared and achieved by our moral, intellectual, and physical energies, but as a base concession from England; and, therefore, as it did not appear that England has conceded to us the possession and jurisdiction of the disputed territory, it was consequently not ours. And how did the Senator from Kentucky [Mr. CLAY] meet that degrading and insulting claim at the time? He met it with the highest honor and with irresistible triumph. And now the Senator goes back to that degrading claim, and follows up the train of events to 1832, when he ought to have begun precisely where he left off. And why? Because the state of things was entirely changed in 1832, when the award of the King of the Netherlands was rejected by the United States Senate, at the instance of Maine, and Mr. Livingston then proposed the present understanding, and made it as manifest as language could make it. And what is it? That, while the negotiation is pending, each of the two parties should confine itself to rights already possessed, and to this Sir Charles Vaughan, in the most formal manner, gave his assent; and it is the only possible principle on which the peace of the two countries can be maintained, because there is no hope of settling the controversy if either party has a right to rush on the disputed territory, and assert its possession and jurisdiction without any prescribed limits. Sometimes this agreement has been attempted to be violated; but in every instance, as I hope they will also in this, the British authorities have desisted from carrying out such violations.

[Mr. B. here read from the President's message an account of various cases in which England had refrained, when opposed, from extending her rights and jurisdiction in the disputed territory.]

Sir, I hope this settlement will come soon. I do not say we should wait forever; and if England persists in her claim to exclusive jurisdiction over the disputed territory, all America will be united, and she will be successfully resisted. But if, on the other hand, this unfounded claim should be withdrawn on the part of England, and Maine herself should persist in the same violation of this agreement from which England forbears, there may be war, doubtless, but the country will be divided. Sir, if there must be war, let it be a national war, and let it be on the side of right at every step, so that there can be no question about it. And however I have been continually the advocate of Maine, and never more than at this moment, yet I am unwilling that any of the individual States should compel us in our course, and force us to go to war. Sir, I believe I have redeemed my pledge, and in a manner which I hope will be satisfactory to the Senator from Maine.

Mr. CLAY, of Kentucky, said he wished to say a few words in addition to what had been urged by the Senator from Pennsylvania, but rather for the purpose of assuming the proper responsibility which belonged to him as a member of the Committee on Foreign Relations than with a design to enforce the views of that Senator.

Mr. President, (said Mr. C.) as far as the President seeks to preserve the peace of the country, as long as he can do so consistently with the honor and interest of the country, I will support him all I can; and these resolutions are now brought forward for the preservation of the peace of the country. The most important of them are the two last, of which the third declares that if the British authorities persist in asserting their claim to exclusive jurisdiction, it will be the duty of the United States then to recognize this state

of things as an invasion of the territory of the United States, which demands, if necessary, the entire force of the United States to repel it, and after that to afford protection to the territory in question. The Secretary of State and the British Minister have concurred in the terms of an agreement; and if Sir John Harvey does not pursue the course indicated by that instrument, but persists in his avowed determination, and goes on to maintain exclusive jurisdiction over the disputed territory, the consequence will be war, and then I shall be prepared to go with the Executive, and wage that war with the whole power of the United States.

The last resolution (the fourth) looks to the contingency in which the country may be precipitated into a war by the State of Maine, and it therefore declares that, if the British Government should desist from asserting a right to exclusive jurisdiction over this territory, and should withdraw their forces, and if then Maine will not do so on her part, but makes war for herself in the maintenance of her right, in such case that resolution declares, what it is impossible for any citizen to deny, that the United States is not bound to follow Maine into that war which she wages not only without the concurrence, but against the most earnest interdiction of the Government of the United States. The resolution does not declare that even then, in no possible contingency, will the United States not come to her relief, but simply that the United States will not stand bound to give such relief, and that, if there is war, it must be by the common consent and the common Government of the United States.

Sir, I presume this fourth resolution involves a proposition from which it is impossible for any Senator to dissent. This is a Government of twenty-six States, while Maine is but one of them. Of all the powers of the highest nature and character which come within the scope of human authority, that of war is the highest which can be exercised by the sovereignty of any country; and, as it respects Maine, no one can contend that the power of war does not reside exclusively in this Government. After looking on all the papers that have been placed before us on this subject, it is my opinion that Maine is so enraged, and justly so, at the conduct of a bordering province, that she may precipitate us into a war, which can only be prevented by that forbearance on the part of Maine which is recommended in this resolution, in which will be uttered the decision of the Government at Washington in a tone with which there is no doubt that the President will concur. I therefore give my entire concurrence in the views of the committee, expressed in the fourth resolution, that if Maine, on her own responsibility, from her own resources, and contrary to the entreaties of this Government, plunges into a war, we are not then bound to follow her, and to repair to her relief with the military power of this Government. But I hope she will forbear from coming into any actual hostilities against a province thus at peace with the United States.

Sir, I desire no other war than what we have already seen. Still I know enough of the resources of the country, and of its valor in a war with any Power, that if we have a just cause so that the approbation of Heaven may fall on my countrymen, I fear not the results. But when we have a war, I want to see that it is the result of dire necessity, and to see a prevailing conviction in the country that negotiation could not prevent it, and that it is a war not of Maine acting for the Confederacy, but of the twenty-six States united in its prosecution with their utmost vigor, and then we shall gather fresh laurels and gain additional renown for the country. I know that Maine complains of the tardiness of the negotiation, and there is cause for it; but it is not right that she should take the reins into her own hands, but she should act moderately, and in danger and difficulty it is her duty to operate with the Government here. I think there has been neglect in regard to this subject, and I remarked, on a former occasion, that when the disturbances in Canada arose it was a time to press this matter, but I knew of no attempt to press it during that time. It is now upwards of a year since the commencement of

those difficulties, and it is the greater part of a year since Congress unanimously decided that we have a right to the disputed territory. And yet, as far as we have any information before us, the Executive Government seems to have been sleeping, instead of availing itself of the difficulties in the British provinces; and, worse than that, instead of our profiting by the Canada disturbances, or availing ourselves of any advantages from them whatever, the whole profit of them has been derived from Great Britain. And how is it that Great Britain has taken advantage of the insurrection in Canada? She has taken the opportunity to throw into her provinces a force of from fifteen to thirty thousand men; and under what pretext? That they were to suppress insurrection. But if there had been peace there, and the United States had seen regiment after regiment and corps after corps thus thrown into the provinces, would we not have increased our military means? But Great Britain, thus increasing her forces under cover of silencing Canada, is now ready for war, and may at once, with advantage, enter into hostilities with us, while our Government, instead of pressing the negotiation, has been asleep, and there has been no increase of the means on our part to meet the increased dangers of war. Therefore I say, that while, from these events, we have failed to derive any profit, which should have been wholly our own, Great Britain has been benefited to a great extent, while she has just so far placed us at a disadvantage; and while I say this, I repeat that it is no matter whether the negotiation was tardy or speedy in its consummation, Maine has no right, in consequence of such tardiness, to assume the functions of a common authority, and to plunge the country into a war. We are not represented by Maine nor by Governor Fairfield, and I do not choose that Maine should take on herself the responsibilities of entering into a war with a foreign Power, not only without the consent of the common Government, but without that of any of our citizens except those of Maine.

Mr. President, my voice is for peace, as long as it can be maintained consistently with the honor and interest of the country. But the negotiation has been unreasonably long, and I hope the two parties, aroused by recent occurrences, will see the necessity of terminating it as soon as practicable. It would be a sorry spectacle to see two kindred nations rushing into a state of war, without its duration being foreseen, for the sake of five or six millions of waste land, the whole of which would not be worth the expense of such a war for two or three months. Yet I must say that, holding the opinion that Great Britain has not the shadow of a claim to this territory, and that the clear right of Maine has been already too long withheld from her, if we now forbear sufficiently, and if at the termination of the negotiation we have no resource left but the final resort of nations, I repeat we shall be furnished with the contingency of a just war, which will be felt to be so by the people of the United States, and will be approved by Heaven; and in such a war I do not fear but that our country will come out of it gloriously and triumphantly, as it always has done in its contests with that Power.

Mr. NORVELL said that he would suggest to his honorable friend from Maine [Mr. WILLIAMS] the expediency of modifying his motion to strike out the whole of the fourth resolution reported by the Committee on Foreign Relations, and of limiting himself to a proposition to strike out the second clause of that resolution. The first branch of the resolution expressed the opinion of the Senate, that "should the British authorities refrain from attempting the military occupation of the territory in dispute, and from enforcing their claim to exclusive jurisdiction over it by arms, that then the State of Maine ought, on her part, to pursue a course of similar forbearance." The forbearance here suggested to Maine amounted simply to this: that she ought not, pending the negotiation, to attempt the military occupation of the territory in dispute, should not claim the exercise of an exclusive jurisdiction over it by arms, if the British authorities desisted from any such occupation and claim. So far, he thought, the Senate might be justified in going upon this subject. But they ought not to go further. They ought not to de-

clare that should the State of Maine refuse to forbear, as recommended, "and determine to settle the controversy for herself by force, the adjustment of which is intrusted by the Constitution to the Federal Government, in such an event there will be no obligation imposed on this Government to sustain her by military aid." When this body were called upon to make this declaration, they were invoked to violate the Constitution of the United States, to fly directly in its face, and to absolve themselves from the solemn duty of discharging one of their highest obligations to the several States of this Union. The fourth section of the fourth article of the Federal Constitution provides that "the United States shall guaranty to every State in this Union a republican form of government, and protect each of them from invasion."

It was manifest from this provision that the Federal Government could not, under any circumstances, withhold its military aid from any State of the Union to repel foreign invasion. No matter what might induce that invasion; no matter whether the act of Maine may have provoked it or not; let the invasion come, and this Government would have no alternative; it must yield its military aid promptly and effectually to that State; it must march up to the rescue. He would never consent to threaten a sovereign State of this Union, as the latter clause of the resolution did, to withhold our aid from her in the event that any action on her part should cause her invasion from abroad. We could not stand coldly by, and see Maine crushed by a powerful European kingdom, who was seeking to extend her dominions on this continent, as well as in every other quarter of the globe. The constitutional injunction is unqualified. The State of Maine certainly owed it to the General Government that the question of peace or war should be left to its decision. Nor did she appear to have entertained any design of waging war without our previous sanction. It was not necessary to menace her, in anticipation, with our displeasure. It was not necessary to tell her that, if she did not pursue a course exactly such as we might dictate, we should not be bound to render her effective military assistance against a foreign invader. She deserved no such rebuke, no such threat, at our hands. She had endured the divided possession of one third of her territory till endurance had ceased to be a virtue. For his part, he was tired of resolving; he desired to see no other resolutions adopted; the emergency demanded stronger measures than paper resolves. He was willing to let the resolutions of the Committee on Foreign Relations pass, modified as he had suggested to his friend from Maine, if they were followed up, as he trusted they would be, by an act of Congress giving authority to the Executive to raise forces, and to effect a loan, for the vindication of the rights of Maine and the honor of the nation.

Mr. CLAY, of Alabama, said: It is not indispensable for us to say what we will do in such and such contingencies; it is enough for us to determine what we will do at present; and I therefore ask a division of the question on the fourth resolution, so that we may first decide on the first branch, which is the expression of a mere opinion that Maine ought to forbear; and then on the second, which I think disrespectful to Maine; and I would not appear as attempting to intimidate her with a threat of withdrawing the aid of the Government in any event.

Mr. BUCHANAN. I have said all I intended to say on this subject, and I leave it entirely with the Senate; stating this, however, that I believe the last clause of the fourth resolution is more important than all the rest. It is no threat, but simply a statement that we will not be under obligation to bring the United States forces to the aid of Maine, if she goes out of the pale of the Constitution by occupying the disputed territory with a military force; and if the last resolution is stricken out, I do not think the resolutions ought to pass.

Mr. WILLIAMS now moved to strike out the last clause of the fourth resolution, denying the obligation of the United States to support Maine in case of her not withdrawing if New Brunswick should withdraw.

Mr. CALHOUN said it was a subject of very

great regret that there was any difficulty in regard to these resolutions. The opinion of the Senate on this subject ought to be unanimous. He had examined the resolutions with care; they were evidently drawn up so as to operate most effectually, and, in his opinion, the part proposed to be stricken out constituted much of the essence of the resolutions.

We here propose (said Mr. C.) that, if the British authorities do not attempt to assert their claim to exclusive jurisdiction, then Maine is to retire; and I ask, in that case, ought not Maine to retire? According to her own declaration, she did not undertake to hold military possession of the territory, but simply to drive off intruders, and when that is done, can she in good faith remain? And I next ask, can it be derogatory to Maine for us to say that if Great Britain will refrain from asserting exclusive jurisdiction, we also will do so? Sir, we are on the edge of a precipice. Although the right of Maine is clear to us and certain, yet it is a matter in dispute between the parties. We, on our part, can trust Maine; but Great Britain ought to have the assurance that Maine will withdraw if Britain will forbear. And we ought to be unanimous in measures in regard to this subject. I think the country owe this very able committee their thanks for these resolutions.

Mr. ALLEN said: This is a subject which involves the relations between this and a foreign country; and yet we are speaking of one of the States of this Union, which is but a part of the whole, as being in contest with Great Britain. Sir, on such a subject I know of no such power as the State of Maine, and I will not admit, for a moment, that one of the States can, by any possibility, commit an act which will throw it on the mercy of an armed world. This Government was formed chiefly in relation to the external part of the world, and in war I will know nothing about the several States, and nothing but the entire Republic. You make an assumption here that if Maine does so and so, you will turn her out. Sir, I will not admit the assumption that Maine can do an act that will take her out of the protection of this Government. Right or wrong, I am for the country, and the whole country; and I am, therefore, in favor of striking out the last clause of this resolution.

Mr. BUCHANAN said: I repeat that I consider the last part of the fourth resolution as the most important part of the whole matter; and, lest this terrible anathema against a positive recommendation of the President may occasion some more response, I will read an extract from his message, which declares:

"These are still my views on the subject; and, until this step shall have been taken, I cannot think it proper to invoke the attention of Congress to other than amicable means for the settlement of the controversy, or to cause the military power of the Federal Government to be brought in aid of the State of Maine in any attempt to effect that object by a resort to force."

Sir, the resolution is not so strong as this. It does not negative our going to the aid of Maine, if she does not comply with the terms of the resolution, but merely asserts that we are, in that case, not under obligation to aid her, and that is the whole of it.

Mr. NILES spoke in favor of the resolution, and of the part proposed to be stricken out, urging that Maine was now acting under a false impression in regard to the views of the General Government, and it was therefore their duty to undeceive her.

The Senator from Kentucky (said Mr. N.) has represented this as a controversy about a few million acres of wild land. It is not a question of millions, but of the rights and honor of the country. Britain has refused all negotiation on the treaty of 1783; and is not that a virtual denial of our rights? Sir, I would carry our forbearance no further, but assert our right at once. I would authorize the Executive to say that our forbearance is exhausted, and that further delay neither consists with the peace nor the honor of this country.

Mr. SOUTHARD, having read the fourth resolution, said he was opposed to striking out any part of it. I think it necessary (he said) to the former part of the resolutions. And it is but a declaration of their results as to the matter of our duty. I speak not of feeling, but of constitutional

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right and duty; and, on that ground, this clause is right, and should not be stricken out.

Again: I would not strike it out because, on the point of a conflict, it takes the true and just ground on which this great nation ought to stand in view of the country in all our conflicts with other Powers. We ought to be ready at any moment to declare the great principles on which we act, not only in relation to ourselves, but to all mankind; and we ought to take the ground assumed by this resolution, because it rests on the Constitution of the country, and on a great principle of common justice, since it may save us from difficulties which may hereafter arise in regard to the States of this Union.

The Constitution, in regard to the defense of this country, has been referred to, and I feel the obligation imposed on us by the Constitution. But if that were white paper, patriotism alone would call me to the defense of the United States, when assailed by a common enemy. But I think Senators have mistaken both the Constitution and this resolution. The resolution does not say we will not protect Maine when invaded. No, sir; and no one could have the heart to say that he would, in such a case, hesitate a single moment in yielding the last drop of his blood. But it says that when a foreign army is withdrawn, if Maine will not also consent to withdraw, she is not to look to us to protect her then in her improper course. And this is done on great principles of justice.

Is the peace of this country to be put into the hands of an individual State of this Union? Are the States all to be bound by the decisions of one on the question of peace or war? No, sir; that question is a common question for the Union itself; and I am not willing that it should be decided by any one or two or ten of the States of this Union. I then regard that resolution as true in respect to the Constitution of the country, and it is demanded in justice to the world that we should proclaim it.

What is now our position in regard to all the world of nations? We are twenty-six United States; and is it not due to the world to proclaim that no one of them shall bring us into a war, and that the whole will not yield to any low and precipitate impulse of a part? I believe the declaration would be received in Europe as a declaration of common sense and common justice, that the whole people must decide on questions of such importance to us and to other Powers, and they would have confidence in the proceedings of this Government, which they cannot have without such assurance. But let them understand, on the contrary, that of the twenty-six States, any one can determine what are their rights, and that there cannot be then an appeal to the judgment of the whole Union, and where then would be their confidence in us? Let them but understand that we follow the lead, in these high matters, of a small portion of the United States, and all confidence in this Government by foreign Powers will be at once withdrawn, and the Government of Europe will feel that there is no safety in holding any intercourse with us. We ought, therefore, to declare that no separate portion of the United States shall be permitted to interfere and control our relations with foreign Governments, but that it shall be done by all the people of all the United States.

But it is said this resolution looks like a threat to the State of Maine. No, sir; we are not in the habit of threatening the members of the Confederacy, and we have no inducement to hold out to the feeblest a threat that if she will not do as we choose we will punish her. But we have a right to do this—and I hope we shall do it, not only in regard to the feeblest, but the strongest—that is, to declare to them that we are to judge when we are to be brought into a war with a foreign Government, and we will not let you decide that question for us. I believe Maine is right, and her adversary wrong, and nothing has surprised me more than a doubt of the right of Maine on the treaty of 1783. If geography is right, if the mathematics is right, then is Maine right in this controversy with a foreign Government; and if the Executive is as decided with Great Britain as Congress is unanimous on this subject, that Government has too much of a sense of justice much

longer to refuse to yield. I say this, that Maine may understand that while my views are such as I have expressed, I have not a doubt of her right to this territory. And if, in the further results of this matter, the rights of Maine shall still be denied by Great Britain, I have nothing further to offer, except my aid in the conflict, and of that Maine shall have all. But I would not enter into a foreign war without the exercise of our own judgment.

This high moral position I desire this Government to assume, that we may do justice to Great Britain. But let not Maine, if New Brunswick withdraws her force, still persist in retaining her force in the disputed territory; and that is all the resolution asserts, that if Great Britain withdraw, Maine is to withdraw; and further, that it is to be by the common consent of the whole people of this nation whenever we enter into a war. And I will say, as was once said of Great Britain, let this country be but true to herself, and let the four corners of the earth come, and she will foil them. Sir, this is no insult to Maine. The passions and prejudices of Maine have been aroused by the delays of Government; but all this is to be forgotten, and we are now to act simply on what is before us.

Mr. BENTON was opposed to this fourth resolution reported by the Committee on Foreign Relations. He looked upon it as involving both an unconstitutionality and an impossibility. The Union was a unit—a single body—and no part of it could be struck without every part feeling the blow. The General Government was created for the common defense, and was charged with the whole business of our foreign relations. It is for the General Government to settle all questions with foreign nations, and it is to this Government that foreign nations must look for the settlement of all questions. They cannot deal with a single State, neither amicably by negotiation, nor hostilely by arms. If Maine does wrong to Great Britain, the application for redress must be to this Government. If it be wrong, and this Government does not redress it, it assumes it. It makes the aggression of Maine its own aggression. This is our Constitution; this is a principal, and this the main object of the Union. We have formed a Union for the common defense; and the States have submitted to that Union the decision of all questions which the State or their citizens can have with foreign Powers. The Congress is the council of the Union; it is bound to take cognizance of the wrongs of every part of the Union, and to decide upon every question. If a State is in the wrong with respect to a foreign Power, it must desist; if in the right, it must be sustained. It cannot be abandoned to a contest with that foreign Power. We cannot stand by and see that Power chastise it! The Constitution forbids this.

It requires the whole Union to give aid and succor to each State. While in the Union it must be defended; while in the Union its resources are in the hands of the Federal Government; and neutrality, or non-interference, is an impossible state for this Government. Impossible under the Constitution; impossible in point of fact. Impossible in point of fact; for the revenues of the State are in our hands, her forts and magazines are in our hands, her sinews of war are in our hands; and before we can be neutral we must restore her resources, we must give up her custom-houses, forts, magazines, and her share of the fleet. To retain these in our hands, while she combats naked and empty-handed with a foreign Power, will not be neutrality and non-interference, but will be aid and interference on the opposite side: it will be aiding the foreign Power by disabling the State! The whole thing is impossible—as impossible as it would be unconstitutional; and the contingent inaction of this Government in the case supposed in the resolution is clearly and manifestly an error, which cannot stand the test of the Constitution or of events. The Senate should reject the resolution. It may lead to erroneous and unfortunate conclusions abroad, and will not be sanctioned at home. It may induce the British Government to suppose that a state of things may arise in which they may have to deal with Maine alone, and to induce them to act upon that supposition. Fatal

to the peace of the two countries would be that supposition and that action! Right or wrong, Maine cannot be struck by the British! If she is struck, every State in the Union is struck! Every one will feel the blow, and every one will come to her aid. The far West and the extreme South will feel the blow, and will join in repelling or avenging it. This would be the inevitable result. Let the resolution, then, be rejected. Let the Federal Government take charge of the controversy, and proceed to settle it with Great Britain. Let this Government do its part, as the supreme head of the Confederacy, and hold itself ready to act its part in any consequences that may ensue.

Mr. DAVIS said: After reading this resolution, I find myself disappointed; and I am not well reconciled to some other parts of the resolutions. I am reluctant to raise objections against them, because I know they were drawn up with the best of motives.

I do not doubt that we are to regard that agreement which has been so much spoken of; but I will say this: that that agreement was made for a temporary purpose, and only to endure while negotiations were pending. I suppose it did exist by a proposition made on the one side, and by an accession to that proposition on the other side. I had occasion to remark the other day, and the documents will show, that Great Britain declared the negotiation at an end, in which our Secretary of State concurred. And was not this bargain then at an end? What is the subject of the protocol, (memorandum?) It is, that Great Britain alleges a new agreement that we deny; and we therefore propose now to enter into a new agreement. And what good will it do to renew what was given up by the Executive? I can foresee no good from it, and there may be evil.

But this resolution is yet more important, and involves a principle of higher consideration. I do not view it as others, in the nature of a threat; but I view it as involving a constitutional power and duty of this Government, and as declaring to Maine and the world that this Government has the right, in certain contingencies, to withhold its protection from Maine. Let us look at it in that important aspect: and now what is our constitutional duty? I will read from the Constitution, in the tenth section:

"No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign Power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

And now let us look at section four of the fourth article:

"The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence."

Against invasion and domestic violence! Let us suppose a case, for example, that the people of Canada come across the river at Detroit for the purpose of invading Michigan, is there any doubt of the authority of Michigan to repel them? Is it not within the terms of the Constitution itself? Nothing is plainer than that the State has this power, and it would be its duty to exercise it, even if it were not in the Constitution. And if all this is so, it is plain that it is the duty of this Government not only to defend its own rights, but to sustain the jurisdiction of Michigan as a member of the Confederacy.

And now let us look at Maine. The Senators from Pennsylvania, Missouri, and Kentucky, declare that there is not a shadow of doubt as to the right of Maine to this territory; that the line marked out by the treaty is so clear and evident, that there cannot be a doubt on the subject in the mind of any reasonable man. And have we not the authority of this body by a unanimous decision that such is the fact? Whose, then, is this territory? It is part and parcel of the State of Maine by the opinion of everybody. And what right, then, has Great Britain to touch it? Is it not, in fact and in truth, an invasion of the State of Maine? And are you prepared, if Maine insist on what the Constitution imposes on you as a duty and an obligation—are you prepared to say to Maine, your territory is not invaded? And

when she denies it, will you still question whether she is invaded? Sir, is not your answer already and unambiguously made, that this territory is absolutely a part of Maine? Then, the only fact which you can question is, whether it is invaded, and, if it is, then the obligation on you arises there to repel that invader. Admit all this to be true, and how, then, will you come to the conclusion arrived at in this resolution? How can you say to Maine, forbear; and, if you will not forbear, the United States will withhold their power from protecting you? Are you at liberty to say so, have you the right to do so, and can you do it without violating an obligation expressly imposed upon you by this important instrument? You have no right, and you cannot do it. The advice is salutary enough till it reaches that point; but, when you go beyond that, as you would do by this resolution, you violate your duty here, and, therefore, you have no right to pass such a resolution as that.

Mr. PRESTON said: I am against striking out this clause, and I have risen to say a few words to that effect, though, if my views were such as those of the Senator from Ohio, [Mr. ALLEN,] I could not oppose striking it out. He insists that Maine can do no action that necessarily involve us in war. I believe that Maine can do an act in which we are not bound to protect her. If, for instance, Maine should invade New Brunswick, defeat Sir John Harvey, capture her men, and hold them there, does any man suppose that we must then go to war, because of Maine violating the Constitution, which forbids this course of conduct? The Constitution expressly denies this power to the States, and if a State causes war, I ask whether that act is making war for us?

Mr. DAVIS. Certainly not, if she herself makes the invasion.

Mr. PRESTON. She cannot make war for us in any way. She cannot do it. She may repel invasion, and in some respects this is a war; but it is caused by invasion; and in such a case a State may not only repel it, but may call on this Government to repel it; and all this may be done without a declaration of war. But the Senator from Massachusetts, abandoning this general ground, that it is impossible for a State to do anything which must necessarily produce a war, comes to a case such as is not before us. The resolution supposes no invasion to be made. His Detroit case, therefore, is not a parallel at all. The case of the resolutions is that there is to be no invasion; they suppose, on the contrary, that New Brunswick is to forbear; and then the naked case is this, that if there is no invasion, and Maine, notwithstanding, chooses war, shall we sustain her?

But, says the Senator, avoiding the difficulty, and with another fundamental mistake, shall not Maine enter into the possession of her undisputed territory, which the Senate accords to her by a unanimous decision? Sir, the whole of this is a fallacy. It is not her undisputed territory; on the contrary, I, with the resolutions, and with all, have declared that it is disputed. It is her rightful territory; but is that right undisputed? Is it not, on the contrary, the foundation of the whole of these proceedings that her right to this country is disputed? Great Britain claims it as fully and as boldly as Maine. But will you, by your example, put them in the position to maintain that they, being sure as we are, have a right to go there and maintain by force their possession? We have decided the right; but, pending the action on the mutual question, neither we nor the other party have the right to take possession of the territory. Maine has not the right to take it. It is a question in our foreign relations, one that is disputed, and the settlement of it rests with this Government.

And where is the line that divides us! Here, says the British negotiator, and there, says the American negotiator. And to what are we to appeal? There is but one resource of two—war or negotiation; and the proposition of the Senator amounts to this: that Maine is to say whether it shall be by war or negotiation. She would rush at once into war, and thus destroy all chance of a negotiation. But will any one say that she has the right? Will the South venture on a question

of this kind? A portion of her property has been seized by the British, which they have taken under a presumed power in our general relations. Would it be admitted that North Carolina might land a force on the Island of Bermuda, and seize these slaves, or that she might make a declaration of war for this purpose. As far as the military occupation of this territory is concerned, Maine has no more right to it than she has to sack Frederickton. I do not say that it is not necessary for this Government to get it for her; but as long as it is in abeyance, Maine has no more right to take possession of it than she has to take possession of Frederickton.

And now, how does this matter stand in regard to this territory? The right, we know, is in Maine, and we are in the process of establishing her title; but before we accomplish that, Maine changes the position of the question, and takes from us a prerogative which belongs to us. By a unanimous vote of this body, we declare that the line is beyond that territory. It is there; and if every inch of it is to be drawn in blood, it shall be there. But by whose power is this to be effected? By our own, into whose hands these high powers are committed. It is not by the blood of Maine that this is to be decided, but by my blood and money, and by the blood and money of the whole country, and we are to decide on the time and the manner. But what mockery would all this be if Maine could drag us into a war; and with what spirit should we go to war, if we were, or could be dragged into it? We have seen a fire along the whole northern frontier. Suppose the case was there, could Vermont draw us into a war when the whole country is against it? And Maine has no more right to march into the disputed territory than the Governor of Vermont has to march his troops into Canada. This resolution seems right, under every aspect of the case. Maine is bound to forego her proceedings, and to surrender her discretion to the discretion of the General Government. Let her, then, forbear a little longer. I concede that, if for a series of years we should disregard her rights, then she would have the right to take the matter into her own hands, and be sovereign and independent by her own vigor. But this is an extreme case. I am anxious to take the case as it is now expressly made, and that is this: there is a dispute about this territory, and into that territory no foreigner can put his foot, and by this Government and by no State power can a different state of things exist. By the supposition of a case, Great Britain is to withdraw; and she having thus performed her part, the question arises whether Maine may set aside her part of the agreement.

Sir, I would be as reluctant as any one throughout the State of Maine to accede to this resolution if I believed it infringed any one of her just rights, or impaired her sovereignty. I would rather go to war than infringe the Constitution. But I do not believe that it does so. I may be asked why I am in favor of this resolution. It is because the war spirit is up. Britain has treated us badly, extremely so, and consequently the war spirit is abroad. Maine is greatly excited; and is it better to leave this matter to her, who has received the outrage, than to us who are cooler, and to whom the prerogative of judging in this case belongs? Shall she draw us on, or shall we restrain her?

Mr. WILLIAMS, of Maine, said: I was a little surprised at the remarks of the Senator from South Carolina, in the early part of his speech, knowing, as I did, the views of that gentleman in regard to State rights and State sovereignty, and I am glad to perceive that before he closed he was induced to say that when a State has suffered for a long series of years the suppression of her rights, it is her right and duty to interpose in her own behalf, and be sovereign by her own energies. And now what is the case before us? This territory, he admits, or rather declares, is a part of the State of Maine, and her right of possession is held in suspense. But if this and a foreign Government have a right to take one third of the State of Maine, and say the title to it is in suspense, and to say to Maine she has no right to exercise jurisdiction over what is acknowledged by us to be absolutely her own, why have they not the right to take the whole State, and put

Maine in abeyance as to her own identity? And if Britain and the United States should take a fancy to say the Penobscot is the boundary, are the rights of Maine over all that territory suspended on that account? Sir, I trust not.

And what is the actual case now under consideration? The territory of right belongs to Maine, and an agreement is made that she shall not extend her jurisdiction over it, and then Maine is treated as if she had violated that agreement. But what are these resolutions? Do they not say that in all her acts, thus far, she has not violated the spirit of any agreement? Why, then, is the conduct of Maine arraigned, as if she would now revenge her own wrongs? Thus far Maine has acted within the spirit of that agreement; and why, then, not leave her to determine and to do her own duty? Why go on and say, on a supposition, on a mere presumption, that if she act otherwise than you prescribe, you will not then be under obligation to protect her? We say that Maine has done, thus far, well; and why not stop there, and leave her to her own honor and discretion? Sir, I hope this clause will be stricken out.

Mr. WALKER said: I cannot bring my mind to favor the adoption of the entire resolutions. I am not for war unless it is demanded by the honor of the country. I have no objection to the first part of this resolution, but to the last part I see constitutional objections which cannot be answered, and I should feel obliged to the Committee on Foreign Relations if they could answer them.

The remarkable case in which a State can call on this Government for protection is when she is invaded, and it is the duty of this Government, by the Constitution, to protect a State under all circumstances against invasion. And is this Government to determine when a State shall enter into possession of what we have declared to be a portion of the territory? We have unanimously decided that the soil is hers. Whose is the sovereignty then over this territory? I say it is that of Maine. And is it not right that this State sovereignty should be exercised? Has Maine not the right to the possession of this territory? Or has this Government the right to prescribe the time and circumstances under which a State shall exercise the right of sovereignty over the whole of her territory? This is not the question whether a State has a right to decide what is her territory. But when the General Government has decided that it is her territory, has that General Government the right to say that she has not the right to exercise jurisdiction over that territory?

Sir, what is the case? Maine is actually invaded, and shall we not repel that invasion? It is said this territory is disputed; but by whom? By a foreign Power. And what is the result of the argument of the Senator from South Carolina when carried out? It is, that although our territory is invaded, we are not bound to repel that invasion if a foreign Power deny our right to the territory. Sir, if that is so, you never can repel invasion, for the invaders will ever deny your right. The territory is invaded, and we are told that we are not to perform our constitutional duty because a foreign Power disputes our jurisdiction.

Maine, if she choose, may abandon the territory. But has this Government a right, under the Constitution, to demand that a sovereign State shall give up the actual possession of any portion of her territory? We have no such right, and these resolutions cannot alter the Constitution. Then suppose that Maine has taken actual possession of this territory, and refuses to abandon that possession, and then suppose that Great Britain marches her troops within the limits of Maine, and makes war upon the State: then what do we declare if we adopt this resolution? We should have proclaimed to Great Britain and the world that this Government is under no obligation to defend Maine in the possession of this territory. The resolutions mean this or nothing; and now I ask, if Maine should refuse to abandon this territory, and Great Britain should invade it, and proceed to slaughter our people, are we, in that case, under no obligation to defend and protect them?

Mr. BROWN said, with all the reverence

which he had on all occasions felt and cherished for the rights of the States, he could not assent to the doctrines which had been avowed by the Senator from Mississippi, [Mr. WALKER.] He could not sanction the doctrine that the State of Maine had a right to take possession, by military force, of the territory now in dispute, and which she claims as being within her proper boundaries. Where the limits of a State have been ascertained and acknowledged, the principle asserted was, beyond all doubt, correct; but when they were in dispute, the case was materially different. A State could not settle controversies of any kind with a foreign Government, as it was competent alone for the General Government to exercise that authority, to which the treaty-making power belonged, under the Constitution. The power of settling controversies of that kind had been most wisely confided exclusively to the General Government. If it were left to each State whose territory borders on that belonging to foreign countries, and who might happen to have disputed boundaries, to withdraw from the General Government the power of settling them by treaty, and of taking the controversy into their own hands, a single member of the Confederacy would have the power of involving the other States in war at its pleasure. He therefore considered the doctrine contended for, utterly incompatible with the authority of the General Government to which the power of making war and peace alone belongs, under the Constitution.

Mr. B. said he should vote for the adoption of the resolutions reported by the Committee on Foreign Relations, because he believed they took the true view, not only as to the rights of the respective parties to the controversy, but as to the duties which it was incumbent on each to perform. Some honorable Senators had viewed them as not sufficiently strong in sustaining the rights of the State of Maine; but he took a very different view of them. The third resolution declares it the duty of the President, if the British Government shall attempt, by military force, to exercise exclusive jurisdiction over the territory in dispute, to resist it by the whole military force of the United States, and pledges the coöperation of the Senate in sustaining him to that end. As a correlative duty, the fourth resolution declares that, in the event the British Government shall refrain from attempting a military occupation, the State of Maine should, in the opinion of the Senate, pursue a similar course of forbearance; but should she refuse to do so, and determine to settle the controversy for herself, by force, that there will be no obligation imposed on the United States to sustain her by military aid.

Mr. B. was opposed to striking out the latter part of the last resolution, as had been proposed. The State of Maine certainly had no right, during the pendency of the controversy between the Government of the United States and Great Britain, to occupy the territory in dispute by a military force, except for the single purpose of repelling invasion. If she pursued a contrary course, and should choose to undertake the settlement of the controversy herself, the Government of the United States would be absolved from any obligation to sustain her in it. To strike out that part of the resolution might create the inference that she had the right to occupy the territory by a military force, a right the exercise of which would inevitably lead to war. With the Senator from Ohio, [Mr. ALLEN,] he shared fully in the wish to see the rights of the State of Maine defended, and to the utmost protected; but he could not agree with him in the sentiment which he had just uttered—that he was with her, "*right or wrong.*" The maxim which the Senator had repeated was uttered by a gallant officer in the late war, and is the sentiment of lofty patriotism. In a state of war it never can be misapplied. When the country is once involved in war, no true patriot will refuse to aid her, "*right or wrong;*" but it would be a great misapplication of the principle in a state of peace to make the same declaration. He had the utmost confidence in the patriotism of the State of Maine, and did not believe that she would act rashly in the present controversy; but if she should determine to occupy the territory in dispute between her and Great Britain by military force, and decide to settle the controversy for

herself, he should not be ready to justify her, "*right or wrong.*" The maxim that "he who has his quarrel just is doubly armed" is not more truly applicable to individuals than to nations. Let us, in the progress of this controversy, be sure that every step we take in it is sanctioned by prudence and justice; and if an appeal to arms becomes unavoidable, then we shall be strengthened in the conflict not only by a consciousness of the justice of our cause, but by the approbation of the nations of the civilized world.

Mr. B. said that he would not refrain from noticing an observation of the Senator from South Carolina, [Mr. PRESTON,] before he had concluded what he had to say on this subject. That Senator deprecates the prevalence, at this time, of what he calls a *war spirit* in our country. He saw nothing to regret in this, if it be so. If it be meant by this that the nation had shown a just sensibility to the national honor, he rejoiced at it. The high spirit which the arrogant pretensions of Great Britain had called forth from one part of the country to the other, and the readiness of every portion of the Union to share with Maine in the controversy, was the exhibition of a noble moral spectacle, of which he was proud. Its tendency was to create a true American and national feeling, and to diminish the force of those various British influences on our country, which he regarded as by far more formidable and dangerous to our republican form of Government than all others combined. He saw nothing in it to regret, but everything to honor and applaud.

Mr. B. would vote for the whole of the resolutions, not because he would surrender the right of Maine or the dignity of the United States, but because they would best attain the great end in view, which was a just and honorable termination of the negotiation.

Mr. RIVES said: It seems to me that the resolutions would be certainly incomplete if we strike out either the whole or part of the fourth resolution. The Senator from Maine has viewed this subject under a misconception of the true character of the controversy. He asks, why say anything to Maine; why not leave her to her own honor and discretion? Sir, I hold that, while almost the whole of these resolutions are taken up in asserting the rights of Maine, we may be allowed to intimate to her what we consider to be her duty in relation to those rights. Of the first three resolutions asserting the rights of Maine, the first denies the right of Britain to exclusive jurisdiction over this territory. The second declares that Maine is authorized to expel trespassers on this territory. The third declares that, if Great Britain persist in asserting her claim of exclusive jurisdiction by a military occupation of the territory, in that case the United States are bound to sustain Maine, and it will be considered as an invasion, demanding of this Government to call out the military force of the whole country to repel it.

When we have done all this in the assertion of the rights of Maine, shall we be silent in closing, with respect to what we consider her duty in relation to withdrawing her military force? Call it civil posse, or what you please, shall we not say that, if Great Britain refrain from the forcible assertion of exclusive jurisdiction, we must insist upon it as a case of duty in Maine to manifest like forbearance, and that, if she will not do so, there is no obligation resting on the United States to sustain her by military aid? All the arguments which have been brought to bear against the resolution are founded on misconceptions of its character. Gentlemen put it on the ground of invasion. But the resolution, on the contrary, supposes that Britain will withdraw, and, in that case, if Maine refuse to withdraw also, this Government is not bound to sustain her by military aid. The power of peace and war is lodged in the hands of the National Government, and it is not the right of a State to make war in spite of the nation. Maine has applied to the Government for defense, and ought to expect the Government to prescribe in what manner and under what circumstances that defense will be afforded.

No one is more ready than I to declare the rights of Maine to this territory, and I am ready to give my utmost support in the maintenance of those rights. But this question is to be decided

by Congress, the great arbiter in such cases; and it is not for Maine herself to decide it. And it appears to me, that if we strike out the latter part of this resolution, we shall seem to acquiesce in the assumption that Maine is to decide this question for the United States.

Sir, Maine, or her Representatives here, has mistaken her remedy. It is yet a matter of negotiation; and let all be brought to bear that can be made to bear on the British Government to induce her to hasten the negotiation and bring it to some issue; and, when that is brought to an end without success, I, for one, shall be ready for a formal declaration of war, for the purpose of sustaining our rights. And let gentlemen bring forward a proposition declaring that this negotiation demands earnest and pressing efforts to bring it to a close, or let it be a proposition for a special mission for that purpose. Its long pendency is a stain on the character of the country; but, till it is terminated, I am against the action of one of the States to precipitate us into a war with a foreign Power. We have done everything to stimulate the Executive to hasten this negotiation. I have not learned what has been done in consequence of the resolutions of Congress at the last session; and I should be glad to know why this matter was not pressed while Canada was in a state of insurrection. I do not know what has been done; but if the Senator from Maine will bring forward a proposition to stimulate the Executive, it shall have my support, or for a special mission to Great Britain, using all the means to bring the controversy to a definitive conclusion; or let it be employed to submit to her a proposition for another arbitration; and if Great Britain will not consent, then, on that supposition, let the Senator bring forward and lay a resolution on the table that the Government of the United States, and not Maine, shall occupy the territory by force.

Mr. WEBSTER said: Concurring, Mr. President, in the general spirit of these resolutions, I should be glad if there could be some modifications made in the latter branch of the fourth and last, so as to insure for it my own approbation, and I should hope the unanimous approbation of the Senate. I cannot vote for it as it now stands. I must say that, in my opinion, there are well-founded objections against it. I concur with the Senator from Missouri in thinking that its sentiment is not constitutional.

Let us see, sir, how this fourth resolution stands. Its words are:

*Resolved, That should the British authorities refrain from attempting a military occupation of the territory in dispute, and from enforcing their claim to exclusive jurisdiction over it by arms, then, in the opinion of the Senate, the State of Maine ought, on her part, to pursue a course of similar forbearance. And should she refuse to do so, and determine to settle the controversy for herself by force, the adjustment of which is intrusted under the Constitution to the Federal Government, in such an event there will be no obligation imposed on that Government to sustain her by military aid.*

To the latter part of this resolution I entirely object. It is not fragrant of the true spirit of the Constitution of the United States. It seems to imply that, in certain contingencies, we shall leave the State of Maine to carry on alone the war against England. It says that, if she shall not act as we recommend, but shall make use of her own force, we will not aid her. But will that fulfill our whole constitutional duty? Gentlemen say that they will not suffer all the rest of the States to be dragged into a war by Maine. Very well; but, then, neither must Maine herself be allowed to go to war, unless for reasons which shall induce this Government to go to war also. We need not reenact the Constitution; we need not declare that no State can make war with a foreign nation. Hostilities commenced by a State are not lawful war. If a State declare war, it is still no lawful war, and it is, unquestionably, our duty to repress all such hostilities, until this Government is at war itself. It is wholly inadmissible to suppose any case whatever, however contingent or however extreme, in which we may be quiet here, without dereliction of our duty, while one of the States is in arms against a foreign nation. No supposable or imaginable case would allow such a state of things. Yet this seems to be implied in the last branch of this resolution. Hostilities, carried on by State authority, are no

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more lawful than irregular invasions by multitudes of private and unauthorized individuals. Unquestionably, the duty of this Government is to prevent all such occurrences.

We, therefore, must set out, in the consideration of such subjects, with the conviction of this truth, that no State has a right to make war for itself any more than it has to make war for the whole country; or, as has been expressed, to drag the other States into it.

These resolutions were, of course, drawn up hastily, as time has been short.

Mr. BUCHANAN. They were not drawn up in two days.

Mr. WEBSTER. I meant a compliment to the committee; but if gentlemen reject it, I will take it back. [Laughter.] There may be a state of things by which Maine may be involved in hostilities; and shall we then keep hands off? Shall we neither repress those hostilities, nor make the war our own, but leave her to fight out her own quarrel, in her own way? Sir, what American statesman can maintain such doctrines? This cannot be. We must prevent the war, or carry it on ourselves. And we cannot constitutionally declare by a resolution that we will or will not give her the military aid of this Government. For what is implied in that? That she may go on, and make a little war of her own, in which we may or may not take part, as we shall be advised. This, I repeat, is the constitutional doctrine, fairly to be inferred from this latter branch of the resolution; and I again say that it is a doctrine which I, for one, repudiate altogether. Maine is not our ally; she is a part of ourselves. In whatever relates to our foreign relations, she has no capacity for separate action, and can neither make war nor make peace for herself. If she is invaded, she may repel that invasion, and it will be our duty to hasten to her aid with all our power. If she be not invaded, the power and the duty of vindicating her rights against foreign nations devolve on this Government; and she herself, in the mean time, is to keep the peace.

But I have another objection to this resolution. It seems to carry an imputation against Maine. It implies that there is reason to fear that she may violate her constitutional duty. Now I am not disposed thus to censure her in advance. I will impute to her no such purpose. Where is there any evidence that she "determines to settle the controversy for herself by force," or that she is likely to come to any such determination? Thus far she has made no such attempt. Why, then, should we rebuke her beforehand? Why suppose a case, and that a very improbable one, for no purpose but that of saying that, should it happen, we will reject her, and cast her off? This reproach in advance is unnecessary and unjust.

Why is it not enough to say, sir, that we will support the peace of the United States, that we will protect the interests of all the members of the Union, and vindicate their rights to the soil; that when there shall be a necessity for war, it shall be declared and waged by the whole power of this Government; but that, while there is peace, it shall be maintained by this Government? Sir, I repeat again, that there can be no possible state of things in which this resolution would be constitutional and just. If there is an invasion of Maine, she may repel it, and we must support her; and if Maine invade her peaceable neighbors with hostile forces, it is our duty to be there and prevent such invasion.

Sir, I concur cordially in the peaceful spirit of these resolutions; I would not hold out encouragement to acts which might implicate the peace of the country. But the case made in this fourth resolution is not actual; it is all supposititious. Maine has, as yet, done nothing which ought to be regarded as hostile. Why, then, shall we presume that she will not still do her duty? Is it not a matter of proper respect to the State to take it for granted that, without an admonition or a rebuke from us, she will confine herself to those defensive measures which everybody knows she may rightfully exercise? She has manifested no disposition to maintain exclusive jurisdiction by military occupation; yet that is just the predicament in which this resolution supposes she may hereafter place herself. But why get up

a supposed case, in order to chide her, and to threaten her with being left to her fate? I should be glad, Mr. President, to be able to vote for all the resolutions; but I cannot vote for the last, unless this latter clause be stricken out.

Mr. BUCHANAN said: Since these resolutions have been met with extraordinary objections, I will make a few observations further. This body is truly the conservative body of the country; and we are not to be deterred, through fear of giving offense, from marching forward in the course of our duty.

It appears to me that some of the arguments of Senators must of necessity involve the country in war; not a war of the whole country, but a war brought on we know not how nor why. What is the position of the Senator from Mississippi and of the two Senators from Massachusetts? It is, that this is the territory of Maine, and therefore we are to go to war forthwith. They support Maine in the occupation of this territory, and let that proposition be adopted here, and the negotiation is ended, and then war is the immediate and inevitable result.

But has the negotiation ended? I admit there has been long delay. But has not the British Minister told us that he expects a speedy settlement of the main question? But if the negotiation has ended, every Senator knows that war is the immediate result. Senators are wrong on this subject. This disputed territory has never been in the possession of Maine. She never held it. This has been a vexed question ever since the treaty of 1783; and since the rejection of the award of the King of Holland, it has, on our part, been under the control of the treaty-making power of this Government, and Maine has not the right to the exclusive possession of the territory any more than England. It is withdrawn from the jurisdiction of both severally, and is under the joint jurisdiction of this Government and England, for the purpose of settling the controversy. But if this is the territory of Maine, and we are at once to maintain for her its possession, then the negotiation is ended, and we are already in a state of war. Maine has expelled trespassers, and she did right to that extent. But Senators now say the negotiation is ended, that the disputed territory belongs to Maine, and that we are bound by the Constitution to call forth the militia in defense of this territory. Sir, the President, in all this affair, has acted with caution and firmness. He sees the approaching storm. In Maine all parties are excited to the highest pitch, and, if we go there, they are rising by hundreds and by thousands.

It is alleged that a force of four or five thousand men, under the command of Sir John Harvey, is concentrating at the mouth of the Aroostook, and that he has given notice to the land agent of Maine that, unless his men should disperse, he would drive them away; and the hardy freemen of that State are rallying to the rescue. All this the President looks at boldly and calmly, with a fixed determination to support Maine against such an unjust attack; but, having been placed in a position of exalted eminence by the people of the whole country, where duty requires him to stand above the excited feelings so natural to the single State directly interested in the contest, and to view the question in its bearings upon the whole Union, he says that, if Sir John Harvey should withdraw his forces, he will not, in that event, feel himself bound to send the forces of the United States to the support of Maine, should she determine to settle the controversy for herself by arms.

This territory has never been considered for a moment, from 1783 till now, as a part of Maine; and when we pledge ourselves to stand by Maine to the death, is it unkind or unconstitutional for us to adopt the last clause of the fourth resolution? The Senate in that do not say that, even if Maine should do wrong, a contingency might arise in which we would not rush to her rescue. We could not say that, although it would have been constitutional to do so; but we want to tell Maine that we are not under a constitutional obligation to aid her if she take possession of the disputed territory by her own force. And we do not require of her even a simultaneous withdrawal; but the British are to withdraw first; and we say,

if they do that, as I hope they will, then we are under no constitutional obligation to sustain Maine in the possession of the territory, if she choose to attempt it by force.

Sir, much as I deprecate war, yet I more dread dishonor; and if Sir John Harvey persist in carrying his threat into execution, the Senate pledge themselves to war. And if we strike out the fourth resolution, and send the other three to Maine, with the speeches of the two Senators from Massachusetts and the Senator from Mississippi, we shall be at war before a fortnight. And if we say to Maine, with the Senator from Ohio, [Mr. ALLEN,] we will support you, right or wrong, sir, we shall then be governed by her impulses, we shall be led astray by the enthusiasm of Maine. For her I am prepared to go to war. But I wish to do it under such conditions that there can be no dispute about the justice of our cause. And I am not willing to conclude this proceeding without expressing to Maine our decision that the question is exclusively with us, and not with her. As it regards mere modifications of the resolutions, I am in favor of them as far as they can aid in effecting unanimity. But as far as the principle is concerned—that the question is ours—that I cannot abandon; and on that I had trusted and confidently hoped that we should have unanimity in the Senate.

Mr. DAVIS said: I will add but a word of explanation. The ground taken by the Senator from Pennsylvania represents me as saying the negotiation is at an end. Now, all I desire is, that the Senate may know how and why I said it. I said it had been at an end, and it was so declared, both by this and the British Government; but I did not say that it could not be renewed. I said also, that Great Britain had departed from the original understanding, (of not extending jurisdiction,) because she considered it as no longer binding; and, taking still higher ground, she claimed for herself the sole occupancy of the disputed territory. And this claim has just been asserted, not only by the British Minister here, but by New Brunswick; and by the protocol is now proposed a new arrangement. That is the view which I took of the subject, and the connection in which I mentioned it, not because this arrangement was gone beyond all hope, but that it might be renewed.

As it regards the Constitution, the difference between the Senator and myself is this: he does not at all controvert the position which I assumed, that if a State is invaded, it is then both the right of a State to repel it, and the duty of this Government to aid in repelling it. Nothing can be clearer than this. It is plain common sense. But the difference between us is, that he says Maine is not invaded, but I say it is, and that is the whole difference between us. And if he thinks that I would justify Maine in going out of the territory to court a controversy, he is under a mistake. I spoke of her right to repel invasion. And now, how am I answered? Does any gentleman say that this is not the territory of Maine? No, sir, not one. But the Senator from Pennsylvania avoids this by saying Maine never had possession of it. But is it so? He says that the possession of it has not been held since 1783. But how does this agree with the facts? Massachusetts surveyed the territory, laid out towns upon it, and disposed of portions of it thirty years ago, as far back as 1806, exercising jurisdiction, as a part of the United States, over all the wild territory. And now can you say, after such acts as these, that there is and has been no jurisdiction and no possession? Such are the facts, and such is the way in which the subject presents itself here.

Mr. CALHOUN. I will recall the attention of the Senate to the present state of the facts, which I regard as most important of all at this time. It is a fact that Maine has now possession of the disputed territory; that is, a part. It is another fact, the Governor of New Brunswick threatens to remove the Maine forces by the British forces. And now the great object is to relieve the country from present difficulty. And where is the difficulty? New Brunswick feels herself under orders to expel the forces of Maine out of the territory. Maine has gone there merely to drive

out trespassers, but she cannot retire under this menace. This is the naked state of the facts, and, unless something is done, New Brunswick will execute her threats. And what is to be done? This resolution is one expedient, and it goes on the ground that if New Brunswick will abstain, Maine is to retire. This will save the honor of both sides. And what is proposed on the other side? To insist that Maine has now a right to the possession: gentlemen who take that ground intend war, and it will come. And what is another view of the subject taken by one of the Senators from Massachusetts, [Mr. WEBSTER?] It is, that Maine is not to be known in this affair any more than a county; and it intimates that this county cannot be at the same time in the opposite relations of war and peace, (with the principal and subordinates of another power,) and that we have a right to go and drive off the Maine forces without consulting Maine at all.

I know that all this arises from the Senator's peculiar views, or from his political system. But we differ on these points. And although this is the boundary of the United States, and is so of Maine, the views of the Senator on these points must be abhorrent to every man who does not agree with him in his peculiar sentiments.

Sir, we must meet this point of honor, (between Maine and New Brunswick,) and the committee have done well to say that New Brunswick is to withdraw, and then Maine is to withdraw. That is the best proposition.

Mr. YOUNG now moved to strike out the last clause of the fourth resolution, and insert:

And leave the ultimate adjustment of her grievances to the Government of the United States, to which it rightfully and constitutionally belongs.

Mr. CALHOUN. This is judiciously worded; but it will not reach the point. We ask New Brunswick to abstain from her avowed determination; and if she does this, Maine ought to withdraw. I prefer, therefore, the original clause as it came from the committee; it is to the point; and when I heard the substitute for it, I was still more decidedly in its favor; for, if that does not mean the same thing, it means nothing at all. And we had better not disguise our meaning on the point at issue, it is a point of honor; for Maine is threatened, and New Brunswick has given the threat; so that neither can retire unless we interpose. We therefore come forward, and, after due deliberation, we adopt the views of the Executive in this matter. Sir, in this question is peace or war. There is no safety but in adopting the views of the committee in conjunction with the opinions of the Executive.

Mr. WEBSTER. It is easy, sir, to say that any question involves peace or war; and I do not know how far any subject may be circumscribed and narrowed, if it respect our foreign relations, and yet not incur the charge of involving, by possibility, peace or war. But I cannot think that on the question of this amendment to this fourth resolution, hangs the great issue of peace or war. The gentleman calls on me for a substitute. I think the resolutions sufficiently expressive without the last clause of the fourth. But, if anything is needed in place of that clause, I think that the clause proposed by the Senator from Illinois [Mr. Young] is vastly preferable to the original clause, and that it may obtain the general approbation, and perhaps the unanimous vote of the Senate.

And what is the difference? Sir, it is quite apparent. The resolution now says that if the British authorities shall withdraw their troops, and Maine shall not withdraw hers, but undertake to settle the controversy herself, then this Government will not be under obligation to sustain her by military force. But the clause proposed by the member from Illinois leaves out all this, and asserts the duty and the power of this Government over the whole subject. The amendment of the member from Illinois proposes to add to the first branch of the resolution these words: "Leaving to the Government of the United States, to which it properly belongs, the redress of her grievances." And, I ask, which reads most like the Constitution of the United States?

The Senator from South Carolina seems to think that this is an infringement of I know not what right of a State, and a measure growing out of

my own peculiar and singular views. Does he mean that a State has a right to make war? Or, if it should, does he deny our power and our duty to prevent it?

Mr. CALHOUN. There are two ways of preventing it. One is to invite Maine to retire; the other is to drive her off, which we might do if she is to be regarded only as a county. But, as Maine is a State, we have not that right, although we may apply to her the moral force of this Government.

Mr. WEBSTER. A moral force is not political power. We are clothed with political power, which it is our duty to exercise on all proper occasions, as well to preserve the peace of the country as to maintain its rights. But I have not said that Maine was no more than a county. All I said was, that we could have no war by States any more than by counties or by multitudes of armed persons, acting without any authority at all.

Mr. CALHOUN. Certainly not.

Mr. WEBSTER. Then it is our business to prevent it. If there be hostilities not carried on by the authority of this Government, they are to be suppressed. I did not say that we were to drive Maine out of the Union; but the reverse. I said that we must prevent war, unless authorized by this Government, by such means as the case should call for, when it should happen; and that if we cannot prevent such war, then we cannot execute the Constitution. It is our duty—the duty of this Government, and of nobody else—to say when there shall be war, and when there shall be peace. And, in the next place, what I have objected to in the resolution is the penalty which is there hypothetically threatened against Maine; a threat for which I see no cause and no reason.

Mr. CALHOUN. I did not suppose that the question of war or peace was involved in the words of the resolution, but in the principle on which it is based. The resolution is better than the amendment, because it bears more directly on the point of honor at issue, and on which turns the difficulty. And what I mean to assert is, that the military occupation by Maine of that territory is absolutely inconsistent with peace.

Mr. WILLIAMS. Is Maine to withdraw her force under existing circumstances?

Mr. CALHOUN. Certainly not. Maine has a right to retain her military force while she remains under a threat.

Mr. WILLIAMS. What I wish to say is, that the military force of Maine is now under a threat, and whenever that threat shall be withdrawn, Maine can have no inducement to retain her military force in the territory; and it was, therefore, that I argued that it was best to leave Maine, on this point, to her own discretion.

Mr. CLAY, of Kentucky. These resolutions were not hastily drawn up by the committee, but after a full examination and consideration of the subject; and I must say that, after all that has been said, I still adhere to them as they are. I believe that peace depends on our firmness here at Washington, and directed to Maine. Gentlemen have argued as if there was an actual invasion; but if it is so, let them come out boldly and propose a declaration of war. Sir, there is no invasion; at least none such as the Constitution contemplates in the way of hostility to this Government. When the Constitution speaks of invasion, and of the right of a State to call on this Government for its repulsion, the Constitution means that an uncontroverted, settled territory is invaded: but is that now the case? The Senator from Massachusetts says that this is the acknowledged territory of Maine: but acknowledged by whom? It is by one of the parties. And now let us suppose that Great Britain is equally unanimous as to her right to the territory as we are to ours: might not Britain then say that Maine's going into the Aroostook country was an invasion, and that it imposed on the British Government the duty of repelling it? There are two parties in this controversy, and the other party may be under a conviction that the territory is hers, as clear as our own. It is in dispute; and, till that is settled, what has taken place cannot be an invasion which this Government is bound to repel.

But we are asked, can a State make war? Yes she can, in fact; and I wish she may not be at war at this moment. Can we deny the fact that ten thousand militia, with arms in their hands, and sent by Maine upon Frederickton, would be war upon New Brunswick? Who can deny it? It is not a constitutional, legitimate war; but it is war *ipso facto*, and it is against that that I wish the Legislature and the country to guard. And what is the fact? Great Britain has not invaded this territory; but Maine has invaded it, with all the circumstance and pomp of war, really for a civil purpose; but to the British it may have appeared different, and as a military occupation. She has gone there with one hundred and fifty chosen men, under a sheriff, and with a six-pounder. Afterwards, Sir John Harvey warns them to break up and retire; but the Governor of Maine says "no," and the Legislature make a unanimous call for ten thousand men, who are now assembling in sight almost of the British force at the mouth of the Aroostook. And do we now resort to logic, and think it an impossibility that a State can make war? It is contrary to fact.

And what is presented in the resolutions? The second declares that, if the British shall, with a military force, enter the country with a view to its occupation and exclusive jurisdiction, then we will consider it as an invasion. But no such entry has been made. It has been threatened, but not made. And further, we say, if the British forbear, then Maine also is to forbear; and then we say, if she will not forbear, (and who will say that she ought not?) Maine may continue her military occupation of the territory. And who will say that she is not bound to retire? And if she is bound to do so, are we not manfully to tell her, not that we will not come to her succor, but simply forewarn her that if she refuse to withdraw, then this Government is not bound by the Constitution to aid and succor her? And is not this fair and candid? If gentlemen look at this exasperated state of feeling, can they doubt the danger of war? And whenever we are in war, I am the last man to have peace on any other ground than that of the honor and interest of the country. But it is proposed here simply to say to Maine that she ought to prepare to leave it to this Government to adjust and arrange this matter with a foreign Government; and in her present infuriated state is it not necessary that you should say to her, if you refuse our counsels, and rush headlong into war, you must take the consequences, and we are acquitted of all obligation to follow you?

Sir, I trust the amendment will not be adopted, either to strike out any part of this resolution, or to insert the clause proposed. I saw from the first, that if the Executive and Legislature would now take a bold, manly course, they might avert war. I had great uncertainty in regard to the Executive; but, as far as I know, he has acted with a sincere purpose to preserve the peace of the country, and in this I desire that all may unite.

Mr. ALLEN said: Four years ago, the President recommended what were esteemed hard and harsh measures against a foreign Power, and all who looked at the strength of that Power said, if you pass those resolutions you will have war. But we passed those resolutions notwithstanding all that, and those who were most disposed to avoid them, nevertheless, when the vote was taken, voted for them, and the vote was unanimous, two gentlemen who were against them at night voting on the other side the next morning. And what was the consequence? We refused to pocket the insult, and France paid the money.

At the last session, the Senate, by a unanimous vote, determined that the right to this territory was in Maine. Great Britain has now eighteen thousand regulars and twenty-five thousand Canadians drilled for the field; and when this is done, we are dared with a threat. But is there anything about the question of title to the disputed territory? No, sir; Great Britain has refused to negotiate on that subject. And what do we now hear? When she has prepared her cannon, you hear her for the first time then claim exclusive jurisdiction over the territory; and gentlemen now rise here and say this is a subordinate and unimportant question. Sir, it is now the only question. She has asserted that claim with a

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threat of force. That is the condition of the question. Sir John Harvey would not say that he would withdraw the trespassers. They were British subjects, and the object was to maintain jurisdiction by personal possession. And the avails of the proceeding are to be put to the disputed territory fund! Britain intends that British subjects shall hold personal possession of that territory, and she therefore backs the intruders with the whole force of the empire to maintain her possession.

The vote was now taken on the question of striking out the last clause of the fourth resolution; and it was decided in the negative—yeas 18, nays 26.

Mr. WEBSTER. I move now, sir, to strike out the last clause of this fourth resolution, and insert the words proposed by the member from Illinois.

Mr. NORVELL suggested that these words might be amended by saying "the vindication of her rights," instead of "the redress of her grievances," so as to read, "and leave the ultimate vindication of her rights to the Government of the United States, to which it rightfully and constitutionally belongs."

Mr. WEBSTER said he liked this change of words, and adopted it with pleasure; and asked to have the whole resolution then read, in order to see how it would stand if thus amended.

The Secretary having read the resolution as proposed by Mr. WEBSTER to be amended,

Mr. WEBSTER said: There, sir, I can understand that; it savors of the true doctrine, correctly describes the duties of Maine and our own duties. It has the spirit of the Constitution in it, and I trust the Senate will adopt it as it stands.

Mr. BUCHANAN said this modification would change entirely the import of the substitute proposed by Mr. Young.

Mr. WEBSTER thought otherwise.

Mr. LINN. I can vote for this; but if blood has been shed, however we may vote, the very instant that blood is drawn by command of British authority, at that instant we shall be in a state of war; and I would say, paralyzed by the tongue that would say nay, and the arm that would not give its aid to Maine. It is a thing, of course, to make patriotic speeches; but any one who knows me will say that I will come up to what I say I will do, and I would go further if I could. And I say again that, whatever we vote now, the very instant that blood is drawn by British authority, that very instant my voice shall be for war.

Sir, I look back on the whole scene of haughtiness and pride which has been enacted upon us by that Government, and the impression from it in no way disposes me to pacific measures towards that Government; and whenever there is a doubt whether we ought to have war or not, whenever such a doubt shall arise, that decides me for war. I look back at the insults and injuries which we have received from that Power, and which neither I nor the country have forgotten, and which, though I am forgiving, I cannot forget; and in the event of a collision, however light, you will find me voting for the extreme measures. Ay, sir, and I look forward, too, at the prospect of our being sold to Great Britain through the medium of her stocks. I am looking for the time when we shall see troops of British noblemen on this side of the Atlantic; and already in this country is there a passion, a love growing up for the point and titles of aristocracy. I believe, therefore, it is a matter of policy to place an insurmountable barrier between the two countries, at least for ten years to come.

The question was now put on Mr. WEBSTER's motion to strike out and insert as above, and it was decided in the affirmative—yeas 24, nays 21; as follows:

YEAS—Messrs. Allen, Benton, Clay of Alabama, Clayton, Crittenden, Cuthbert, Davis, Foster, Hubbard, Knight, Lyon, Nicholas, Niles, Norvell, Pierce, Prentiss, Ruggles, Smith of Connecticut, Walker, Webster, White, Williams of Maine, Williams of Mississippi, and Young—21.

NAYS—Messrs. Bayard, Brown, Buchanan, Calhoun, Clay of Kentucky, Fulton, King, Linn, Merriek, Morris, Montton, Preston, Rives, Roane, Robinson, Sawyer, Smith of Indiana, Southard, Swift, Tallmadge, and Wright—21.

The first three resolutions of the Committee on

Foreign Relations on this subject were taken together; and agreed to—yeas 44, nays 1, (Mr. RUGGLES.)

The fourth resolution, modified as above, was unanimously agreed to.

Mr. RUGGLES offered as a fifth resolution a declaration that the great and unaccountable procrastination in settling this question was a cause of much regret, and that this Government owed it to the United States and to Maine to require its immediate adjustment.

On the call of Mr. NILES, the resolutions of Congress at the last session on this subject were read, and appeared so strong and decisive (calling for an immediate adjustment of the question) that Mr. DAVIS withdrew his proposition, as not likely to give any additional force to the injunction.

In a report of the proceedings in the Senate on the Maine boundary question, published in the Daily Globe of the 9th instant, the remarks of Mr. BUCHANAN, with several others, were copied from the Intelligencer. The following note to the editors of that paper, making some corrections, escaped us at the time:

TO THE EDITORS.

LANCASTER, March 22, 1839.

GENTLEMEN: There is one error in the sketch of the debate in the Senate on the night of the 1st instant, on the subject of the Maine controversy, which appeared in the tri-weekly Intelligencer of Tuesday last, of sufficient importance to justify correction from me. I am made to say, in the fourth column of the fourth page, when speaking of the proceedings on our northeastern frontier, that "all this the President looks at boldly and manfully, on an exalted eminence, above the feelings of the country." &c. &c. Now, I certainly never used, nor could have used, such an absurd expression. The nearest mode of correction is to state the substance of what I did say, which is as follows:

[The paragraph, as corrected, is given in the foregoing debate.]

I might make some other corrections, such as that I did not say that the boundary question "had been a vexed question ever since the treaty of 1783," and that "this territory had never been considered for a moment, from 1783 till now, as a part of Maine;" having endeavored to prove, and I think successfully, in a report to the Senate on a former occasion, that it did not even begin to be a question at all, until the conferences which preceded the treaty of Ghent; but I forbear to trouble you further.

I make these corrections in no spirit of complaint against the reporter; on the contrary, considering the lateness of the hour and the length of the debate, his sketch is more accurate than could have been reasonably expected.

Yours, very respectfully,

JAMES BUCHANAN.

#### STATE OF THE FINANCES.

### SPEECH OF HON. G. N. BRIGGS, OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

February 2 and 9, 1839.

The House having under consideration the motion to recommit the report of the Committee of Ways and Means on the state of the Finances—

Mr. BRIGGS said he should not have at this time risen, but for some remarks which had fallen from the honorable gentleman from South Carolina [Mr. RHETT] to day, as well as from another gentleman from South Carolina yesterday, [Mr. PICKENS,] which were, indeed, but a continuation of observations of the same kind from the same quarter. The gentleman [Mr. RHETT] had harped upon the tariff and compromise bill, and had declared, with much solemnity, that he should not violate it. Why, who talked, or who had talked of violating it? Who asked for any revision of the tariff? Why were these gentlemen so continually harping on that string? Was that portion of the Union so deeply interested in violating the compromise? He had supposed it was the people of a different portion of the country that had the deepest interest in such a measure; yet they asked for no such thing. The gentleman spoke of the great reluctance with which he should violate the compromise, yet he threw out remarks which very plainly showed that he would be very glad if it were violated. The gentleman had said there were two ways in which this might be done: the one was by direct legislation increasing the rate of duties; the other, by such extravagant expenditure as would create a public debt.

The first of the two gentlemen from South Carolina [Mr. PICKENS] had commenced his speech by warmly complimenting the frank and open course of the gentleman from Pennsylvania over the way [Mr. BIDDLE.] He had expressed the liveliest satisfaction at it; had considered the question as one of vital importance, and had called on the country to witness that gentleman's course in regard to it. Any one just entering the House would suppose that some great and leading measure had been moved by one of the parties here; but what did the mighty affair turn out to be? Why, sir, the Committee of Ways and Means had made a report on the finances, and, finding they had fallen into an error of fact, the chairman made a motion to correct that error. The gentleman from Pennsylvania, supposing he had detected other errors, moved to recommit the report, that they might correct any errors it contained! Yet the gentleman declared, in his own emphatic manner, that here was an issue of the most intense interest, and he called upon the party with whom he has recently united himself, to rally, and to vote against this terrible motion to recommit. It had often been said that new converts were usually the most zealous of their sect; and this might possibly account for the burning zeal of the gentleman from South Carolina in forming this new issue, to which he attached such vast importance. It was certainly most singular! Was here any great principle to contend about? Mr. B. could perceive none. But the issue was, at all events, to be made. The gentleman looked beyond the question before the House, and insisted that the true question now was, whether the existing extravagance was to continue, or a wholesome reform was to take its place. The gentleman placed his hopes of reform upon his new friends. But, had he forgotten that the same party on whom he now relied had voted enormous sums for purposes from which it was now proposed to withhold even the ordinary appropriations? Had they not called on the Departments from day to day to see whether they could not conveniently spend a few thousands more on this object, and a few thousands more on that? Had they not, in some cases, made double appropriations? Had the gentleman forgotten the determined resistance they had made to the distribution of the surplus revenue? and, when all the Departments were absolutely gorged until they were in danger of bursting from plethora, had they not held on to the money to the very last, with the grasp of a dying miser? The gentleman ought not to pass over these things. He gave notice to the country, and repeated the oft-repeated note of alarm, and warned the House and the nation that if it should be attempted to reinforce a protecting tariff, the attempt would surely result in the dissolution of the Union. What occasion was there for all this? Why should the gentleman, on this occasion, repeat that note of terror and alarm, and in an octave higher than at former rehearsals? Nobody proposed to disturb the compromise here, although elsewhere such a thing had been suggested; but by none of the party with whom Mr. B. was in the habit of acting; by none of those who were most interested that such measure should succeed.

Mr. B. said he had been particularly impressed by the remarks of the gentleman from South Carolina, when protesting against a revision of the tariff as unconstitutional. And he had been led to contrast the views now expressed by that gentleman with those avowed and maintained by other leading gentlemen from his own State at another time. The gentleman's colleague, [Mr. RHETT,] who had last addressed the House, had made the extraordinary assertion that the first law avowedly passed with a view to protection, had been enacted in 1820, and that the system had not been consummated till 1824. The remark was surprising. In 1816 Mr. B. found on record a speech delivered by a very distinguished gentleman from the State of South Carolina, an authority to which the gentleman in particular would not object, he meant John C. Calhoun, which was perfectly clear and decided in maintaining the propriety of enacting duties expressly with a view to protection. That gentleman had then been a member of this House, and had delivered a most lucid and convincing speech in favor

of duties for protection and of internal improvement by the General Government, and had maintained that both measures were calculated to bind the Union together in the strongest bonds. Nay, so far did he go as to advocate a principle now denounced as odious and abominable—the expediency of the *minimum*: it was contended for both by John C. Calhoun and William Lowndes, both of them the bold and fearless advocates of a protective tariff. Had there ever been a single President of the United States, from the days of Washington to this hour, who had not declared in favor of the principles of protection? Never one. There was no exception, from President Washington to President Jackson. In one of General Jackson's State papers there was to be found a most explicit and labored defense of a protecting tariff. And further: the man who, above all others, had ever been the idol of the South Carolina party—he meant Mr. Jefferson—had used language the strongest of all in favor of the protective policy. That statesman spoke not merely of duties for protection, but duties of *protection*. In 1816, when the State of South Carolina had been the warm advocate of a protective tariff, and the State of Massachusetts had been opposed to it—it was in that year that Mr. Jefferson, in his famous letter to Benjamin Austin, of Boston, advocated a protective tariff, and said that the opposition to it came from "the Federal aristocrats of the East." Then it was that Mr. Jefferson had maintained that the manufacturer ought to be placed by the side of the merchant and the farmer, and had predicted that the country never would flourish and develop all its energies till that was done. Gentlemen were mistaken if they thought to make the people believe that the tariff was an odious *northern* measure. Not only the tariff, but internal improvements, now so totally denounced, were of *southern* origin.

Mr. RHETT here interposed. He was perfectly aware of all that. But the gentleman might save himself the trouble of referring to what gentlemen from South Carolina had said on those subjects. Mr. R. did not care one farthing what they had said, or whether they had advocated a tariff or no. He had his own opinions, and these he should continue to hold and to avow, though Mr. Jefferson, and Mr. Lowndes, and Mr. Calhoun, and all the South Carolina delegation, ay, and Andrew Jackson to boot, had held opinions diametrically opposite.

[At this point of the debate the morning hour expired, and the subject lay over till the next day.]

TUESDAY, February 9, 1839.

The same subject being under consideration—

Mr. BRIGGS said that at the moment when the hour had expired the other morning, he had been interrupted in his remarks by the gentleman from South Carolina. I was proceeding to show in answer to certain statements which had been made here by the two gentlemen from South Carolina, that this principle of the tariff was not, as had been represented in that quarter, a thing of northern origin. I mentioned several distinguished gentlemen from the South whose opinions in favor of a protective tariff and of internal improvements were on record. The gentleman who interrupted me said that he cared not for those opinions—that he disregarded them entirely, and he seemed to treat with lofty scorn the opinions of such men as William Lowndes, John C. Calhoun, Robert Y. Hayne, Thomas Jefferson, ay, sir, and even Andrew Jackson. This may be all so. The gentleman may hold these opinions in light estimation, but that does not alter the fact. The opinions of the distinguished statesmen to whom I have alluded are upon record, and the gentleman cannot nullify or expunge them. They are written down by the pen of history, and whatever may be the course of things hereafter, there they will stand. The gentleman intimated that it was improper to refer to such opinions in this way. They were referred to by him in no spirit of disrespect to the gentleman who entertained such opinions, for he respected them all, although probably some of them might have changed their views. But when gentlemen coming from the same quarter of the Union and the

same State rise and avow opinions directly opposite, and charge upon the members from other sections of the Union the introduction and support of a system which they say operates unjustly, which is a system of oppression and fraud, is it inappropriate for the latter to allude to the opinions coming from the same section of the country as those who prefer such charges? Suppose they are right. Should it not rather lead to forbearance in their minds towards us, that the system originated with them and not with us?

But, sir, the allusion to these opinions is correct and proper in another point of view. The gentleman from South Carolina who last spoke declared, with all apparent seriousness, and with his usual ardor, that the principle of a protective tariff was never recognized until the year 1820, when it was applied to the article of iron. Now, was it not proper for me to show that this great principle had been discussed at an earlier period? I allude to these opinions not only as regarded the subject of the tariff, but also that of internal improvement. And in addition to the names I have mentioned, I give the name of another distinguished gentleman from South Carolina who advocated internal improvements, and who advocated, amongst others, that which has been denounced as being the worst of all of them—the Cumberland road bill. I allude to George McDuffie, who, with all the powers of his great mind, advocated appropriations for that work and others. This very Cumberland road originated with the administration of Mr. Jefferson, and received the sanction of his signature.

I will now advert briefly to extracts from messages of the several Presidents of the United States, beginning with the message of George Washington, in the year 1796. He says:

"Congress have repeatedly, and not without success, directed their attention to the encouragement of domestic manufactures. The object is of too great consequence not to insure a continuance of their efforts in every way which shall appear eligible."

This is the opinion expressed by that great man so far back as the year 1796; and yet the gentleman from South Carolina tells us that the principle of protection was not recognized until the year 1820.

Well, sir, what further? In the year 1806, at a time when there was a large amount of money flowing into the Treasury, Mr. Jefferson, speaking of the manner in which the surplus should be disposed of, asks:

"Shall we suppress the impost, and give that advantage to foreign over domestic manufactures?"

Again: in the year 1808, Mr. Jefferson holds the following language, and I call the particular attention of my southern friends to this extract:

"The situation into which we have been forced has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conviction is daily increasing, and little doubt remains that the establishments formed and forming will, under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting duties and prohibitions, become permanent."

And yet the gentleman from South Carolina had learned from the history of this protective principle that it never was recognized by this Government until the year 1820, when it was applied to iron.

President Madison, in the year 1809, says:

"It will be worthy of their just and provident care to make such further alterations in the laws as will more especially foster and protect the several branches of manufactures which have been recently instituted or extended by the laudable exertions of our citizens."

Thus it appears that this system now denounced in the broadest terms by the two gentlemen from South Carolina—and I notice this merely by way of defense—this very principle, I say, has been recognized from the establishment of the Constitution of the United States; has been recommended, and from time to time pressed on the consideration of Congress, by the distinguished citizens of the South who have presided over the destinies of this country. This, in connection with the fact stated the other day by the gentleman from Pennsylvania, [Mr. BRIDLE,] that the preamble of the second act passed under the Constitution declares it to be necessary for the support of Government, and for the encouragement and protection of manufactures, that duties be laid, shows most clearly what have been the opinions of states-

men from the southern portion of this Confederacy. Yet gentlemen rise up on this floor, again and again, and denounce the system as having originated with one section of the Union, and founded in oppression and fraud.

The gentleman from South Carolina [Mr. PICKENS] talked about an effort to burn this principle of protection into the Constitution. To burn it into the Constitution! No, sir; it is more deeply fixed in that instrument. It was ingrafted by men who framed that Constitution, and they give their opinions in the preamble of the act to which I have alluded.

But, sir, the matter does not rest here. So far back as the year 1808, it was a favorite and popular topic in the South; in the Old Dominion it was so. You will find that the subject of protection to manufactures was a popular subject at Fourth of July celebrations and at other public meetings in the State of Virginia.

Amongst other things of a very patriotic nature, we find the following extract from an address issued at Richmond, Virginia, in 1808, and signed by William H. Cabell, W. Wirt, William Fouché, sr., Peyton Randolph, and Thomas Ritchie:

"Perhaps it is no wild supposition to conceive that even if the present attacks upon our trade should blow over, Congress may adopt the policy of encouraging our manufactures by rather higher duties on imported articles of Europe. To keep ourselves from being altogether dependent on Europe for our clothing, Congress may adopt this course if they should discover from experience of the intermediate time, that we have really the inclination and the spirit to clothe ourselves."

Thus, (Mr. B. continued,) in the year 1808 was the sentiment promulgated to the people of Virginia, by a committee of citizens formed to take into consideration this identical subject, and, amongst the number was the venerable editor of the *Richmond Enquirer*, who now, I believe, is not so much devoted to the American system. But I will not trespass further in allusion to this part of the subject. I said before that my remarks on this point were not made with a view to reargue the question of tariff.

Mr. DROMGOOLE here rose and explained that the opinions which the gentleman from Massachusetts [Mr. BRIGGS] had indicated, were not the opinions of the people of Virginia.

Mr. BRIGGS. I have not stated this to be the opinion of Virginia at this day. I have spoken of past times—of that period when gentlemen coming from the same section of country as those now most opposed to the protective system, were in favor of it; of those days to which they allude as being the golden days of this Republic; of those days when pure American principles prevailed through the land; of those days when Jefferson and his copatriots guided the destinies of the Republic; and I allude to those times and to those men to show that the great principles of protection and internal improvement were the great republican principles of that day. Sir, they are so now; and however it may suit political or party purposes to raise a cry against them, they will continue to be so whilst the pillars of the Constitution shall stand firm on their deep foundations.

But, sir, connected with this outcry is the kindred charge of extravagance of appropriations. And the gentleman from South Carolina [Mr. PICKENS] rallies his new friends, and bids them come to the rescue to save the Government from the consequences of these extravagant expenditures. And he has been so magnanimous as to refer to appropriations for past years, as having been made in total disregard of the interests of the Confederacy. Now, that there have been extravagant appropriations, which ought to be corrected, I am not about to deny. But I have one remark to make. If such extravagant appropriations have been made, they are not to be traced exclusively to one party or the other. They cannot, with justice, be thrown by the Executive on Congress; neither can the majority or minority of Congress, with propriety, be made exclusively responsible for them. It is said, in one quarter, that the recommendations of the Executive have been disregarded, and that Congress has gone beyond those recommendations, and appropriated millions more than had been asked for. Some days since, sir, we passed appropriation

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bills to the amount of some two or three millions. The chairman of the Committee of Ways and Means, on being inquired of, says that five or six hundred thousand dollars of that amount have been appropriated which were not embraced in the estimates, but which were called for at subsequent periods by official communications.

It has been charged that the extravagance of appropriations is to be traced to the Opposition in Congress. This is a singular contradiction: The Opposition, for twelve years, have been in a minority in this House, and yet to them is attributed the charge of extravagance and waste. As a member of the Opposition, I have voted liberally for objects of appropriation, when I believed them to be just and proper, and I still intend to do so. But when gentlemen charge this responsibility upon the Opposition, I say it is absurd in the extreme. The Administration have the power, whilst in a majority here, to prevent any and every appropriation; and they must not hope thus to escape from a just responsibility. I have not had time to look closely into these matters, but I have before me a few cases to which I will call your attention.

The matter of the \$3,000,000 appropriation will be in the recollection of every member of this House; all who were here at that time; and also of the people of the country. It will be recollected that, at the close of the session, four years ago, upon the last night, there was an amendment appended to the fortification bill, appropriating the large sum of \$3,000,000, to be placed in the hands of the Executive, for the defense of the United States. That appropriation was opposed, with few exceptions, by all the Opposition members, and it was supported by the members of the majority. It passed this House, but was defeated in another branch of Congress. I allude to it now, to show that the Opposition, at all events, was not chargeable with extravagance in that instance, where the appropriation was made, as many believed, in direct violation of the Constitution, and where it was proposed that a large sum of money, appropriated without specification, should be placed in the hands of the Executive, and yielded up to him for such disposition as he might think proper.

Again: Two years ago an amendment was reported from the Committee of the Whole on the state of the Union to one of the appropriation bills, appropriating \$400,000 to launch and equip the ship *Pennsylvania*. It was the session with which terminated the administration of General Jackson; and some of his friends seemed to think it was necessary to wind up the term of his official service, that this great vessel—this leviathan of the Navy—should lave her huge sides in the waters of the Atlantic; they urged that she ought to be sent abroad over the world, and exhibited to the nations of Europe, as an emblem of the power and might of the people of this Union. The bill came into the House; the yeas and nays were taken on the amendment upon concurring with the Committee of the Whole in this enormous appropriation. There were one hundred and twenty-five votes against the appropriation, and out of that number sixty-seven were Opposition votes; and of the number of votes on the other side, a very few were those of Opposition members. The appropriation was defeated by the joint votes of the members of the two parties; but the Opposition votes outnumbered those of the other side. Afterwards it came up in the shape of an amendment from the Senate, though reduced to the sum of \$100,000; and I believe it will be found that a larger proportion of the friends of the Administration voted in favor of it, than of the Opposition. In my opinion, the whole appropriation was extravagant and unnecessary. The public service did not require it to be done.

There is another fact. At the next succeeding session of Congress, when the Treasury of the country was overflowing with millions, when the ingenuity of certain gentlemen of Congress was put to the test to use the money by any means short of having it thrown back again to the people from whom it came, appropriations for fortifications were made to an amount double that which was called for. In addition to this, a bill was reported at another end of the Capitol for an entire new system of fortifications, the whole cost

of which could not have been less than one hundred million dollars; and that bill, too, came from a quarter where there was a constant boast of economy. It met with no favor from the Opposition members of this House; and the journals of that day will show that appropriations for roads, rivers, and harbors, were liberally voted for by members of both parties. At that time, gentlemen could see a propriety in such appropriations; but a change has suddenly come over them. These fortifications, which were then so necessary; and when, although on the eve of a war, as we supposed, we were told we scarcely had a gun mounted in any fort, and the necessity was urged upon us not only of completing the old fortifications, but of beginning new ones—these appropriations are now to be suddenly abandoned. How is this? The appropriations for fortifications, I understand, are to be suspended this year in anticipation that a new mode of harbor and coast defense is to be adopted. Whether the House will be of that opinion or not remains yet to be seen. This new economy in appropriations is to be applied to your numerous harbors and extended coasts. The lights of the ocean, which guide the sea-tossed mariner to a place of safety, are to be extinguished; and he is to be given over to the darkness of midnight and the fury of the storm. The mouths of your rivers are to be left obstructed; the harbors upon your lakes are to be abandoned; and the multitudes that ride upon those rough and tempestuous inland seas are to be given up to the mercy of the elements. Thousands of lives and untold millions of property on your great rivers are to be exposed to snags and sawyers. All, all, are suddenly to be abandoned. Let me tell gentlemen that, whatever temporary object they may hope to gain by this course, they may rely upon it that the people will look into these matters. They are matters which deeply concern them. They require the reasonable and necessary appropriations for these great and important objects, and they will have them.

Sir, I have already stated that what I have said in regard to these questions of tariff and internal improvements has been said defensively. Gentlemen so often rise on this floor, (especially those honorable gentlemen from South Carolina who have spoken,) and reiterate charges of injustice, and oppression, and fraud, in connection with the tariff, that justice has seemed to me to demand that those charges should be repelled. I do not admit the position which gentlemen here seem to take for granted, that this system is oppressive and unjust. I deny it; and I will not fear, on a proper occasion, to maintain and prove the position that the South has never paid anything under this system beyond the just portion which fell to her in contributing to the expenses of the Government. I hold this to be capable of the clearest demonstration.

But, sir, although we at the North are so deeply interested in the preservation of this system, we do not come here with any view to reiterate this question of the tariff; and I do not know why gentlemen who profess to regard the principles of the compromise bill as sacred (although neither I, nor any Representative from the State which I in part represent, voted for it) whilst we are silent and make no move, should scarcely ever speak without allusion to that agitating topic. The gentleman the other day manifested what seemed to be a morbid sensibility that it might be agitated. Though he would not on any account do it himself, yet he thought it manifest how easy it would be to do so.

Sir, we do not propose to agitate this matter before the exigency comes that shall render it necessary to do so. When that exigency shall come, I do not suffer myself to doubt that this House will enter upon that great subject with the calmness, candor, and wisdom which become those who are intrusted with the interests of a great people. I deprecate entering upon it in advance. I think that we should in every way endeavor to calm the rising tempest, to cultivate a kind and brotherly feeling, a friendly and generous intercourse; so that, when the great occasion shall arise for the discussion of questions so exciting in their nature, we may enter upon it with the calmness which becomes the importance of the subject, and the character of those who

are to decide upon it. The manufacturers of this country (I speak of that portion of country which I represent) desire, of all things, stability and certainty; moderate protection, with certainty in the laws, would be preferable to higher duties, with perpetual fluctuation and change. They desire to see the time come when they can lay in a stock of cotton and wool, with the certainty that the existing laws will not be changed before the raw material can be wrought into fabric for the market. They ask from you nothing unreasonable—they want nothing that is unjust. But they do say that the institutions in which they have invested such vast amounts of capital, which have been invited into existence and reared up under the protecting auspices of this Government, should still be protected; and they say that it would be suicidal in the extreme for you to raise your hand against them. They do not look to such an event—they do not expect it. A just Government can do no such thing, a wise and paternal one will not do it.

## EXPULSION OF MR. DUNCAN.

## SPEECH OF HON. HIRAM GRAY,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

February 21, 1839,

On the resolution of Mr. PRENTISS to expel Mr. DUNCAN from his seat.

Mr. GRAY said he did not rise for the purpose of debating, but for the purpose of ending the debate, which he believed was uselessly consuming the time of the House. The resolution under consideration involves three questions. One is whether the gentleman from North Carolina [Mr. STANLY] and the gentleman from Kentucky [Mr. SOUTHGATE] have misrepresented the gentleman from Ohio, [Mr. DUNCAN.]

Mr. STANLY. There is no such question.

Mr. GRAY. I think otherwise. The next question is, whether the gentleman from Ohio, if he has not been misrepresented, is justifiable, and if not justifiable, the third question would be, what ought to be done in the premises? And when these questions are disposed of, another arises; and that is, whether the House has the constitutional power to deal with a member for what he may say through the columns of the press in relation to another member; and if all these questions be so determined as to present a case clear of constitutional difficulties, then it will be claimed that before the House can proceed to try this recent insult against its dignity and character, it must proceed to the trial of an older case, entitled by every consideration to be first considered. I allude to a case that occurred at the last session, and not yet disposed of.

Mr. WISE said that if the gentleman would not move the previous question, he intended to raise the question whether he had been reported here as guilty of murder, for having borne a challenge out of doors. The House was about to take, not retributive justice, but preventive justice. If Mr. W. was bound by the law, he would submit to the law; but he said to this House, either protect me, or restore to me the arms of the cavalier, and I will protect myself. He was ready to go to the penitentiary, if the House choose to send him there.

Mr. GRAY. I am not disposed to withhold or extend to the gentleman the arms of the cavalier; whether he has them or not is quite unimportant. I was saying, sir, if the present case be urged, there is an older and more important one that should be first considered; one in which the life of a member has been sacrificed; and believing, as I do, that the short time remaining of the session is insufficient to consider either, for the purpose of disposing of the whole matter, I move that the resolution be laid on the table; and upon that question I ask for the yeas and nays.

The question was taken and lost; there being—yeas 83, nays 91.

Mr. GRAY said the gentleman from Mississippi [Mr. PRENTISS] had seen fit to allude to him as the defender of the gentleman from Ohio,

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[Mr. DUNCAN,] and has said that he had not read and hence had misapprehended his resolution. As a test whether he or the gentleman from Mississippi had misapprehended the resolution, he submitted to him whether, if a committee be raised, the gentleman from Ohio would not have the right, in justification of his publication, to establish, by any competent testimony, that the gentleman from North Carolina [Mr. STANLY] and the gentleman from Kentucky [Mr. SOUTHCARE] had spoken, as published, of him what was not true? and if he should succeed in the proof, could any man, or this House, ever gain say the right of the gentleman from Ohio to publish to the world that they had misrepresented him? Certainly it would not be pretended that because they were members of this House they could speak and publish as having spoken upon this floor, in all cases, with impunity; and that the dignity of this House, so much talked and so little cared about, would protect its members from exposure for misrepresenting any one, a fellow-member or a stranger. I do not pretend to say who is the aggressor in this instance; that is not now a question under consideration. I now ask the gentleman from Mississippi whether I have misunderstood his resolution, and submit whether he has not himself misunderstood it? He surely has, if he has entertained the idea that under it the gentleman from Ohio would not have the right to justify his publication by proving its truth.

The gentleman from Mississippi [Mr. PRENTISS] entirely misunderstood me if he supposed I was defending the gentleman from Ohio. I have not attempted it, and shall not. It would place me in the attitude of defending certain gentlemen of the Opposition, which I have not the capacity or disposition to do. Much concern is all at once felt for the honor and dignity of this House by a party, members of which have done more to impair the honor, dignity, and character of this House, and the nation, than any publication sent into it from out of doors.

Gentlemen in favor of this resolution seem to suppose that members of this House have the right to say of others what they please, provided it be said upon the floor, in debate; and that the humble right to reply, through the columns of the public journals, is a contempt, unless it be in courteous language, however uncourteous the attack to which the reply is made. Gentlemen here, in many instances, (in my judgment very improperly,) speak of persons out of the House in language as offensive as that used by the gentleman from Ohio.

The President of the United States, elected by a large majority of the suffrages of the American people, has been, within a few days, charged, upon this floor, charged with living in luxury and idleness in the White House, and basely pandering to the corrupt views of a few that desire equally to divide the private property of the people, without regard to those by whose honest industry it was earned. A baser libel has not been uttered on this floor, or elsewhere, or a greater indignity offered to the judgment of the people. No man, whose opinions or actions are the subject of consideration on this floor, is spared from the most odious epithets that can be formed from the English language. No virtue on his part shields him from attack, and perfect innocence scarcely extenuates. The right thus to speak is accorded to all, each placing himself for trial at the bar of public opinion for what he says of persons out of the House—for his abuse of the constitutional freedom in debate.

But the dignity of this House is otherwise injured and its character impaired. Its power has been set at defiance. During the present Congress the presiding officer of the House, while presiding over the deliberations of this body, has been called the supple tool of the "occupant of the White House" for corrupt and dishonest purposes. The gentlemen now zealous to maintain the dignity and character of this House did not then feel so shocked as to offer a resolution to reprimand or expel. A member of this House has refused to vote, and openly defied the power of the House to compel him to vote. The gentleman from Mississippi [Mr. PRENTISS] nor his friends were not then so tenacious of their dignity and the dignity and character of the House;

but when any one, not of their party, upon his own responsibility, and out of the House, publishes even a member of their party, the dignity and character of the House and the dignity and character of the nation are at once assailed in the person of a partisan friend. Publications of this kind are not new; similar ones were made some years since by Cage and Plummer, of Mississippi, one a member and the other not a member of this House; by Jarvis and Smith, of Maine; and more recently by two members of this House. Each of these publications were as severe as the present one, and no gentleman felt himself called upon to draw the attention of the House to the subject. I do not wish to be understood as defending these publications any further than is necessary to rescue the character of the person attacked from the effect of misrepresentation. I repudiate, as much as any one, the use of the language adopted by the gentleman from Ohio. The words "liar and scoundrel" are dignified too much when elevated to a use upon this floor, or applied by one member to another. Sir, if the precepts of the school in which I was educated should be adopted here, instead of the "code of honor," the words liar and scoundrel would never be used. When I am satisfied that a man is a liar and a scoundrel, I am at the same time satisfied of another thing; and that is, that he is not worthy of the notice of a gentleman. To call him so, neither degrades him nor elevates a gentleman; but it degrades a gentleman and elevates him; it brings them in contact with each other, which can never be done without imparting each to the other a little of the influence of their respective characters. I was not educated to respect this code of honor, that avoids discretion, and does injustice to our better feelings; that violates the laws of the land and the mandates of God. I am frank to say that I think discretion the better part of valor; and if all here would thus think and thus act, we would hear less empty vaunting, less of boasted chivalry and of the arms of the cavalier, that creates disgust in one portion of the Union, and is of doubtful credit in another.

Who resort to the language we have heard here, but gentlemen who acknowledge "the code of honor" as binding upon their conduct? Not an instance can be cited during the present session of exceptional language but by gentlemen who acknowledge the supremacy of the "code of honor," and who borrow occasionally from the vocabulary of the blackguard's language, to express their hatred of their adversary, and sufficiently strong and abusive to throw off upon their opponent the responsibility of making the call. I have said that I do not defend the language of the gentleman from Ohio; if, however, he has been wantonly misrepresented, he has the right to say so, and publish it as extensively as he pleases. The choice of language is a matter of taste, in relation to which the power of the House cannot be interposed. Surely the House would not exercise its authority in a mere matter of rhetoric, a choice between words, and compel the adoption of the one or the other; that is a mere matter of taste, in relation to which every one is left free to judge, and choose for himself. Public opinion must and will correct these evils. If a sentence be ungrammatical, the gentleman from Maryland, [Mr. KENNEDY,] highly qualified, and always ready, will "do it into English." It is not from publications made out of the House, and sent into it, that its dignity and character is to be lost or impaired; but it is from remarks made here, and published to the world, that this body loses its dignity and its character. Sir, to this and the other branch of Congress, the State Legislatures look for example, and what is the example set them? It is to insult the dignity of their body, by insulting their Presiding Officer—the man they have themselves elected to preside over them, and refuse to vote, and set the power of the House at defiance. These, sir, are some of the numerous scenes that have transpired here, which I trust will only be remembered to be disapproved of. When I was last up, I moved to lay the resolution on the table, for want of time to discuss it. The gentleman from Mississippi thought it singular I should make such a motion; whether he thought my motives pure or not, I appeal to the country if I was not right.

Mr. PRENTISS disclaimed the slightest intention to impugn the motives of the gentleman from New York.

Mr. GRAY said he did not intend to be understood as saying that the gentleman had impugned his motives; and I now, with great confidence that I am right, appeal to the House, and to the recollection of the oldest members in it, to bear me out in the assertion that no question of privilege was ever tried and disposed of in eight days, which is all that remains of the session. We have much important business on hand that must be passed over for want of time to do it. Should this matter be considered of sufficient importance to ride over the pressing business of the country, I again say, and I say it in no offensive sense to any one, that there is a question of privilege of a more serious character, which has precedence in point of time and importance; it is among the unfinished business of last session; it is a case viewed differently in different parts of the Union; it is one in which many conscientiously feel a deep interest. I speak of it in the language of my constituents and in the language of the law. And, sir, I ask gentlemen, who seem to be horror-stricken at this publication, before they give it precedence over the all-important business of the country, and the still higher question of privilege pending at the last session, to compare the two, if they can magnify the present case into a comparison; and a moment's reflection will show that if this was wrong, that was foul; if this is an insult, that was murder.

## WISCONSIN CONTESTED ELECTION.

REMARKS OF HON. C. CUSHING,  
OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

January 3, 1839,

On the Wisconsin contested election.

Mr. CUSHING said that his opinion of the present case was founded on the facts proved or admitted on all hands, and on the provisions of law contained in the statute-book. So far as he knew anything of the question, it was, indeed, a pure question of law upon the facts reported to the House. These were the true elements out of which a right judgment is to be formed as to the competing claims of the two gentlemen who respectively claim the seat. In briefly expressing his views on the subject, he should begin by collating the material facts in what he conceived to be the natural and proper course, and then apply to them the pertinent provisions and principles of law.

Mr. Doty comes here and presents the following certificate:

## TERRITORY OF WISCONSIN, EXECUTIVE DEPARTMENT.

To all to whom these presents shall come greeting:

This is to certify that, at an election held in the Territory of Wisconsin on the 10th day of September last, in conformity with the act of Congress establishing the territorial government, and the laws of the said Territory, James Duane Doty received the highest number of votes for the office of Delegate to Congress of the United States, and is therefore declared to be duly elected.

In testimony whereof, I have hereunto set my hand, and caused the great seal of the Territory to be affixed. Done at Mineral Point this 27th day of October, in the year of our Lord 1838.

[L. S.]

HENRY DODGE.

This certificate, it is admitted, is a true one; that is, at an election held in Wisconsin in September last, in conformity with the act of Congress establishing the territorial government and the laws of said Territory, Mr. Doty was chosen to be its Delegate in Congress. Was he elected for one year or for two years? Does his term of service apply to the present (the Twenty-Fifth) Congress, or to the next? That is the first question for the House to decide; for, as Mr. Doty claims a seat in the present Congress, he must make good that claim, and this upon the strength of his own title, not upon the defects, real or supposed, in the title of Mr. Jones.

Mr. C. said the first thing to be remarked on the face of the certificate was its absolute silence in regard to the tenure of the office, and the period of its beginning or close. It does not set forth that Mr. Doty is elected a Delegate for the term

of two years from the date of the certificate, in conformity with the provisions of the act of 1819, for the Territory of Michigan.

Nor was any legal inference deducible from the fact of its being dated in October. He (Mr. C.) held a certificate of his own election to Congress dated in November last. But that certificate gave him no claim to a seat in the present Congress. In Massachusetts (as it ought to be in all the States, and was in many of them) elections for Congress were held in anticipation of the period when, by the practical construction of the Constitution, each Congress had its legal commencement, namely, the 4th of March of each alternate year. It was neither strange nor irregular to hold the election for a second period of service during the currency of the first period. On the contrary, it was the most regular course, because thus only could there be a complete Congress ready to come into existence on the expiration of an existing Congress. To be sure, in his certificate the term of service was defined. But suppose it had not been: would that vary the case? Not at all. If the tenure of service were not expressed, the law of the land would come in to supply it, just as precisely and certainly as if the law had been recited in the certificate; and so it must be in the case of Mr. Doty.

But the Committee on Elections say that, according to common construction in all such cases, where an obligation is imposed, or a duty to be performed, and no time fixed for discharging the obligation or performing the duty, it is to be done forthwith. Mr. C. said he could not agree that such was the "common construction." In some cases the obligation or duty attaches forthwith; in others, after a reasonable time; in others, on demand or notice; and, as the only universal rule, the obligation or duty is to be discharged or performed at such time as the law of the land applicable to the subject-matter prescribes and defines; so that nothing is concluded by the date of Mr. Doty's election, or of his certificate. We are to look to the law of the land—that is, the Constitution or acts of Congress—to ascertain the tenure of office of a Delegate from Wisconsin.

In fact, if the certificate had been express, it could only have referred to and recognized the law of the land as defining the tenure of office. The Governor could not, by his certificate, create a new tenure of office different than that prescribed by statute. Thus, in his own certificate before cited, the tenure was "for the term by the Constitution of the said United States expressed, commencing," &c. The same general principle must control and construe Mr. Doty's certificate.

Nor do the other parts of the certificate contradict; but, on the other hand, they sustain and confirm this construction. The election was held, says the certificate, in conformity with the act of Congress establishing the Territory and the laws of said Territory. It could not lawfully be held otherwise. These words seem to relate only to the mode of election; but if they extended further, and affected in any way the tenure and term of service, they would not vary the conclusion. For the inquiry in either alternative would be the same. What say the laws of the Territory? Above all, what says the organic act of Congress establishing the territorial government?

This act passed April 20, 1836, to take effect the 4th of July following, provides:

"Sec. 14. That a Delegate to the House of Representatives of the United States, to serve for the term of two years, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as have been granted to the Delegates of the several Territories of the United States to the said House of Representatives; the first election shall be held at such time and place, or places, and be conducted in the same manner as the Governor shall appoint and direct; the person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given to the person so elected."

This act is explicit in providing that the Delegate shall be elected "to serve for the term of two years;" but it does not in so many words fix the termini of the period of service. And if the act contained nothing else on the subject, and there were no other law expressly applicable to the case, the presumption would certainly be in favor of making the term conformable to that of members of the House of Representatives chosen by the States under the Constitution. Mr. C. did not

mean to be understood as affirming that the provisions of the Constitution in regard to members of the House were of necessity applicable to Delegates from Territories. He was aware that Delegates had been treated as creatures of law rather than of the Constitution; and Congress had in the case of Michigan, and in some older cases, given its sanction to the idea that Delegates from the Territories might be chosen for a term differing from the constitutional term of Representatives from the States. But such a difference constituted an anomaly. It was also an inconvenient anomaly; because the effect of it would be, if the Delegate held a seat for two years, partly in one Congress and partly in another, he must be twice qualified, and twice subject to have his seat contested in successive Houses. And the anomaly would be the greater and the more inconvenient, if, as in the case of Michigan, the term of service not only covered fractions of two successive Congresses, but was subject to a shifting and arbitrary commencement, depending on the date of the certificate. The presumption of law, therefore, if there were nothing in the act of 1836, or in any other act, to control the presumption, or define the case specifically, would be in favor of the general principle of a term of service for the Delegate from Wisconsin corresponding to the constitutional periods of Congress.

But though the act of 1836 contains nothing to control this general presumption, yet it does contain a provision which supports that presumption. The Committee on Elections err in saying that the act of 1836 "is perfect in itself, and would seem to be independent of all other acts." It expressly refers us to some other acts or act on this very point. It declares that the Delegate from Wisconsin "shall be entitled to the same rights and privileges as have been granted to the Delegates of the several Territories," &c. It establishes a rule to measure his "rights and privileges, and refers us for this rule to some provisions of law governing "the several Territories" in this matter.

Is there any such provision for "the several Territories?" There is. It is not the statute of February 16, 1819, referring to the date of the certificate as the beginning of the service; for that is a particular statute for Michigan alone. It is the act of March 3, 1817, which provides that

"In every Territory of the United States in which a temporary government has been or shall hereafter be established, and which, by virtue of the ordinance of Congress of 13th July, 1787, or of any subsequent act of Congress, passed or to be passed, now hath, or hereafter shall have, the right to send a Delegate to Congress, such Delegate shall be elected every second year for the same term of two years for which members of the House of Representatives of the United States are elected."

This is the act, and the only act, which, so far as regards the term of service, defines the rights and privileges of the Delegates of the several Territories of the United States. It was enacted for the very purpose of doing away the inconvenient anomaly of a term of service for Delegates different from that of Representatives. It is not repealed by the act of April, 1836, establishing the territorial government of Wisconsin. It is not repealed expressly; that is plain enough; for the latter act omits to define the period of service expressly, and, above all, omits to reenact the peculiar provision of the Michigan act of 1819. Nor is it repealed by implication; for the two acts of 1817 and 1836 are compatible in terms. They are consistent in meaning. Placed side by side they constitute a complete and coherent whole. The act of 1836 does not cover the whole subject, but leaves us to go elsewhere to discover the termini of the term of service it contemplates; it expressly refers us to some general law on the subject; and that general law, as to this point, is the act of 1817, which thus comes in to continue the act of 1836, and to construe Mr. Doty's certificate, and to make his term of service begin on the 4th of March next, and be coextensive with the Twenty-Sixth Congress.

Mr. C. said he did not see how it was possible, in the face of the several statutes he had collated, to escape this conclusion; nor could the committee have escaped it if it had not mixed up the case of Mr. Doty with that of Mr. Jones, and undertaken to measure the term of service of Mr. Doty, not by the plain law of the case applied

to his certificate, but by some irregularities, real or supposed, in the preceding tenure of Mr. Jones. Mr. C. contended that the two cases were, in point of fact, absolutely distinct. Whatever might be the facts in the case of Mr. Jones, that of Mr. Doty must stand upon its own facts. Those facts are, that at an election in Wisconsin, duly held in September, he received the highest number of votes for the office of Delegate to Congress, and that he holds the Governor's certificate to this effect. And those facts are to be governed by the letter of statute, not by what Mr. Jones may have done in the Twenty-Fourth Congress. Mr. Jones did not and could not make or alter the law. Nor do the peculiar and anomalous facts appertaining to the admission of Michigan vary the law applicable to the case of Mr. Doty. Suppose a gentleman to come here from Massachusetts, and show that, in November last, he was elected to succeed him (Mr. C.) in the next Congress; that would not give him the place in this Congress. No, though he should proceed further, and show that he (Mr. C.) was now sitting here by mistake, or by open usurpation of right. The applicant must prevail on the legal import of his own election and his own certificate; yet, as the irregularities in the action of Mr. Jones, or of the House, in the incidents of the Twenty-Fourth Congress, had become involved with the present subject in the report of the Committee of Elections, and in the minds of honorable members, so as to confuse and obscure the whole case, Mr. C. would cursorily state his view of the claims of Mr. Jones.

Mr. Jones received two years ago the following certificate:

EXECUTIVE DEPARTMENT,  
WISCONSIN TERRITORY, November 1, 1836.

I, Henry Dodge, Governor of the Territory of Wisconsin, do hereby certify that, in conformity with the organic law of Congress, passed April 20, 1836, and agreeably to the fourteenth section of said act of Congress, I have caused elections to be held in the several counties in this Territory for a Delegate to the Congress of the United States, to serve for the term of two years; and I hereby declare and make known that George W. Jones, Esq., has been duly elected a Delegate to the Congress of the United States, agreeable to the provisions of said organic law.

Given under my hand and seal, this 1st day of November, anno Domini 1836.

[L. S.]

H. DODGE.

Mr. C. thought all the principles of law applicable to the certificate of Mr. Doty apply to this. It differs in words, but not in legal import. Or if there be any difference in the legal import, it is more in favor of the doctrine deduced from Mr. Doty's, that the term of service is intended to be coincident with that of Representatives from the States. It expressly cites the act of April, 1836, as governing both the election and the period of service. By the election of 1836, and the certificate issued thereon, Mr. Jones became a Delegate in the Twenty-Fifth Congress, and for the two years of that Congress and no other, beginning on the 4th of March, 1837, and terminating on the 3d of March, 1839; in the same way that, by the election of 1838, Mr. Doty became a Delegate in the Twenty-Sixth Congress, beginning on the 4th of March, 1839, and continuing for two years from that time. The two certificates are perfectly consistent, and have both of them a clear and certain construction when collated with the acts of 1836 and 1817, and they thus free the two cases of Mr. Jones and Mr. Doty from all collision or contrariety.

Mr. C. said he should not enter into any discussion of the peculiarities in the position of Mr. Jones in the Twenty-Fourth Congress, any further than to suggest why those facts could not control the present case. There was much room for debate concerning them, but they might all be admitted without shaking the principles he had laid down as the basis of his own conclusions. Thus, it is assumed that if Mr. Jones be held entitled to his seat here the present session, the effect will be to give him a service of three years. Not so. If his certificate in 1836 did not, by legal construction, take effect until the 4th of March, 1837, then the two years have not yet expired; and the error lies in assuming that he sat in the second session of the Twenty-Fourth Congress under that certificate. Suppose he sat here wrongfully that session: how could such a fact vary the legal construction of the present

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certificate? Suppose that he or the House, in fact, thought at the time that he was then sitting under the present certificate: how could that misconception, of himself or of any other man, affect the legal force and import of the act of 1817 applied to the act of 1836? Who ever imagined before that the mere mistake of an individual or of individuals repealed an act of Congress? In point of fact, Mr. Jones came to the Twenty-Fourth Congress, a Delegate from Michigan. He sat in the first session of that Congress as such without dispute, because, though a part of the previous Territory of Michigan assumed to be a State, and the credentials of Mr. Crary, as its Representative elect, were communicated to the House on the 16th of December, 1835; yet the State was not recognized as such by act of Congress until the 26th of January, 1837, nor was Mr. Crary sworn in until that time; and that part of Michigan now constituting Wisconsin still remained unquestionably a Territory long after the domestic organization of the State of Michigan. Nay, the political community which, in anticipation of the action of Congress, organized itself as a State, differed materially from that which was actually admitted into the Union as such. Accordingly, on the 7th of December, 1835, as appears by the Journal, Mr. Jones appeared and took his place as the Delegate from Michigan. He was chosen, and held a certificate for two years. When did that certificate expire? Whether it was cut short by the organization of the Territory of Wisconsin, in July, 1836, or whether (which seems the truer construction) it did not cease to have effect until the admission of Michigan as a State, in January, 1837—in either case, Mr. C. thought it left the organization of Wisconsin to stand upon its own merits, giving to the Delegate of that Territory a tenure of service corresponding in period and in duration with that of Representatives from the States.

## INDIAN AFFAIRS.

SPEECH OF HON. H. EVERETT,  
OF VERMONT,IN THE HOUSE OF REPRESENTATIVES,  
January 24, 1839.

The House having resolved itself into the Committee of the Whole on the state of the Union, for the purpose of referring the several subjects contained in the President's message, and having under consideration the following resolution:

*Resolved*, That so much of said message as relates to Indian affairs, except what concerns the defense of the frontiers against Indian hostilities, and the protection of the Indians against the intrusions of the citizens of the United States, be referred to the Committee on Indian Affairs,

Mr. EVERETT requested that the part of the message relating to Indian affairs might be read. Mr. E., interrupting the reading, said he presumed it would be sufficient to refer to the passages on which he intended to comment.

"The occasion is, therefore, deemed a proper one to place this policy in such a point of view as will exonerate the Government of the United States from the undeserved reproach which has been cast upon it through several successive Administrations. That a mixed occupation of the same territory, by the white and red man, is incompatible with the safety or happiness of either, is a position in respect to which there has long since ceased to be room for a difference of opinion. Reason and experience have alike demonstrated its impracticability. The bitter fruits of every attempt heretofore to overcome the barriers interposed by nature have only been destruction, both physical and moral, to the Indian; dangerous conflicts of authority between the Federal and State governments; and detrimental to the individual prosperity of the citizen, as well as to the general improvement of the country. The remedial policy, the principles of which were settled more than thirty years ago, under the administration of Mr. Jefferson, consists in an extinction, for a fair consideration, of the title to all the lands still occupied by the Indians within the States and Territories of the United States; their removal to a country west of the Mississippi, much more extensive, and better adapted to their condition, than that on which they then resided, the guarantee to them, by the United States, of their exclusive possession of that country forever, exempt from all intrusions by white men, with ample provisions for their security against external violence and internal dissensions; and the extension to them of suitable facilities for their advancement in civilization. This has not been the policy of particular Administrations only, but of each in succession, since the first attempt to carry it out under that of Mr. Monroe. All have labored for its accomplishment, only with different degrees of success. The manner of its execution has, it is true, from time to time, given rise to

conflicts of opinion and unjust imputations; but, in respect to the wisdom and necessity of the policy itself, there has not, from the beginning, existed a doubt in the mind of any calm, judicious, disinterested friend of the Indian race, accustomed to reflection and enlightened by experience."

"Occupying the double character of contractor on its own account, and guardian for the parties contracted with, it was hardly to be expected that the dealings of the Federal Government with the Indian tribes would escape misrepresentation. That there occurred in the early settlement of this country, as in all others where the civilized race has succeeded to the possessions of the savage, instances of oppression and fraud on the part of the former, there is too much reason to believe. No such offenses can, however, be justly charged upon this Government since it became free to pursue its own course. Its dealings with the Indian tribes have been just and friendly throughout."

"The United States have fulfilled in good faith all their treaty stipulations with the Indian tribes, and have, in every other instance, insisted upon a like performance of their obligations."

It will be seen, from these extracts, that the message was intended as a general defense of the conduct of the past and present Administration ("since it became free to pursue its own course") in regard to the Indians, against what the President is pleased to call "undeserved reproaches," "unjust imputations," "misrepresentation." And it affirms of this Government: "Its dealings with the Indian tribes have been just and friendly throughout," and that "the United States have fulfilled in good faith all their treaty stipulations with the Indian tribes."

Having in times past animadverted on the course pursued by the two Administrations towards the southern Indians, I cannot but take to myself a full share of the censure implied by the message; and I feel called on to examine on whom censure ought to rest. I will state distinctly some of the leading charges which have been made, and the grounds on which they rest; and will submit to the judgment of the people of this nation whether the charges contain aught of "undeserved reproach," of "unjust imputation," or of "misrepresentation."

I will first correct an historical error. The President attributes to Mr. Jefferson's administration the establishment of the remedial policy of Indian removals. I have found no document or fact in our history that gives countenance to it. And I will be obliged to any gentleman present to name one.

Mr. HAYNES referred to the Cherokee treaty of 1817.

Mr. EVERETT. That was after Mr. Jefferson's reign.

Mr. HAYNES. But it refers to facts during his time.

Mr. EVERETT. And what is the reference? It is to a fact the very reverse of the policy of Indian removal, as understood by Mr. Monroe, its real author. The fact referred to is this: In 1808, a portion of the Cherokees applied to Mr. Jefferson for permission to remove to the West; not for the purpose of being there civilized, but "to continue the hunter state." This, and this alone, was the policy proposed during the administration of Mr. Jefferson—to remove such and such only as desired "to continue the hunter life." On this subject I will make a reference to the report of the Committee on Indian Affairs in 1834, made under the supervision of one well acquainted with the history of our Indian relations. I allude to the present Executive of Georgia:

"Whatever difference of opinion may heretofore have existed, the policy of the Government in regard to the future condition of these tribes of Indians, may now be regarded as definitively settled. To induce them to remove west of the Mississippi, to a territory set apart and dedicated to their use and government forever; to secure to them there a final home; to elevate their intellectual, moral, and civil condition; and to fit them for the enjoyment of the blessings of a free government, is that policy." &c.

"The project for removing the eastern Indians west of the Mississippi may be referred for its origin to a proposition of a part of the Cherokee tribe, in 1808, 'to remove across the Mississippi river on some vacant lands of the United States,' and there 'to continue the hunter life,' in consequence of which, in 1817, they exchanged their lands east for lands west of that river."

"The Choctaw treaty of 1823, made 'to promote the civilization of the east Choctaw Indians, by the establishment of schools among them, and to perpetuate them as a nation, by exchanging for a small part of their land a country beyond the Mississippi river, where all who live by hunting, and will not work, may be collected together.' Neither a tract of land west of the river for that purpose. Neither of theseessions looked to the civilization of the Indians west of the Mississippi; and it is worthy of remark that this emigration, for the purpose of continuing the hunter life,

has, contrary to all thought or expectation, laid the foundation for Indian civilization; those who were thus sent off having far outstripped those they left behind in the arts of civilization and in the comforts of life."

"In 1825 the plan for the removal and civilization of the Indian tribes was officially pressed on the attention of Congress by the President's (Mr. Monroe's) message, and the report of the Secretary of War (Mr. Calhoun) of that year. The plan then proposed was 'to acquire a sufficient tract of country west of the State of Missouri and Territory of Arkansas, in order to establish permanent settlements in that quarter of the tribes which were proposed to be removed; to give them the strongest and most solemn assurances that the country given them should be theirs as a permanent home for themselves and their posterity, without being disturbed by the encroachments of our citizens; 'to add to such assurances a system by which the Government, without destroying their independence, would gradually unite the several tribes under a simple, but enlightened system of government and laws.'"

So much for the historical error; nor would it have deserved so much notice, were it not the fashion to draw on Mr. Jefferson for authority, when facts were not at command.

I now return to the charges and to the defense. Against the policy of Indian removals, as understood by Mr. Monroe, or as defined by the committee, no reproaches were ever made. I, certainly, have made none, neither against the policy, nor against any Administration for supporting it. It was one of the objects of the report to carry it into execution. That policy was to induce the Indians to remove, not to force them. And this constitutes the difference of the policy before 1829 and since—"since it (the Government) became free to pursue its own course." The "reproaches," the "imputations," have been made against this change of the policy, or, if you please, in the language of the message, to "the manner of its execution."

I proceed to the specification of the charges brought against the last and the present Administrations. I shall submit to the committee, and to the nation, whether its dealings have been just? Whether it has fulfilled all treaty stipulations with the Indian tribes—with the southern tribes?

I begin with the Seminoles. The charge is, that the Executive, in 1835, commenced war against the Seminoles, to enforce the execution of a treaty not legally or morally obligatory upon them; and, for that purpose, the war, thus unjustly commenced, is continued to this time.

In 1836 I attempted an examination of this subject in detail. At this time I shall content myself with giving a brief of one of the objections then taken, and to which the late special message of the President (document 93) has given additional force.

By the treaty concluded with the Seminoles—concluded on the 9th May, 1832, and ratified 12th April, 1834—they agreed to emigrate to the country west of the Mississippi, heretofore ceded to the Creek nation, on certain conditions; one of which was that the Creeks should assent to reunite with the Seminoles as one people, and that they should be "received as a constituent part of the Creek nation, and be readmitted to all the privileges as a member of the same." The terms of this condition have reference to former relations between the Seminoles and Creeks. The Seminoles were formerly a distinct band, having a separate location; and, as such, were a constituent part—a member of the Creek nation—or (as expressed in article four) of the "Creek confederation." They seceded from the Creek nation, and by the treaty of Camp Moultrie of 1823, were recognized as an independent tribe. The object and purpose of the condition was obviously to restore the ancient relations between the Seminoles and Creeks. This, however, required the assent of the Creek nation, as well of the part that had not emigrated, as of the part that had emigrated. The whole Creek nation numbered over twenty-five thousand—less than twenty-five hundred had emigrated. On the 14th February, 1833, it was attempted to fulfill the condition in the sense I have given it. A treaty was then made with the emigrant Creeks, by which they agreed that "the Seminoles will hereafter be considered as a constituent part of the said (Creek) nation, but are to be located on some part of the Creek country by themselves; which location will be selected for them by the commissioners" signing the treaty; and a location was immediately selected between the forks of the Canadian river. This arrangement was made at Fort Gibson, and

appears to have been satisfactory to the Seminole and emigrant Creek delegates then present, and only wanted the assent of the eastern Creeks to have rendered it a perfect fulfillment of the condition. But to them it was not communicated, nor was their assent asked. They, however, "discovered" the arrangement, and refused to sanction it. They sent word to the Seminole bands "that while they were willing to receive them within their limits as a portion of the nation, they would not suffer them to enjoy any separate allotment of their soil." And, sir, this fact came to the knowledge of the Executive before the ratification of the Seminole treaty. It came to the knowledge of General Eaton while negotiating with the Indians at Washington in the winter of 1834. And yet, notwithstanding this, the Executive procured the treaty to be ratified in the April following. The Seminoles refused to execute the treaty, on the express ground that the condition had not been fulfilled; that no separate location had been provided for them. I have the authority of General Eaton for saying that this "was the essential cause of their reluctance to go off." This, his opinion, he communicated to the Executive as early as March, 1835. This, sir, is the treaty that we have been endeavoring for the last three years to execute by the Seminole war.

The importance of the fulfillment of the condition to the Seminoles and to ourselves is illustrated by the late special message of the President, (Doc. No. 93.) From this it appears that the fortune of war has placed in our hands two thousand Seminoles, whom we have transported over the Mississippi. The Eastern Creeks have also been removed to the lands assigned them, and have taken possession of the lands allotted to the Seminoles; and they now say, as they said in 1833, "that they will not suffer the Seminoles to enjoy any separate allotment of their soil." And the Seminoles now, as in 1832, refuse to amalgamate with the Creeks. These two thousand Seminoles are now encamped in the Cherokee country, near Fort Gibson, where they must remain until a new location is provided for them. And now, at this late day, the President asks Congress for the authority to provide them a location elsewhere than that in the Creek country. How unfortunate that this had not been provided for before the ratification of the treaty—before the commencement of the Seminole war!

The charge, then, is, that the Executive, knowing that the condition of the treaty had not been fulfilled—knowing that nine tenths of the Creeks had objected to allowing a separate location to the Seminoles, and that they had given the Seminoles notice of the fact—yet, knowing all this, it proceeded to have the treaty ratified; and afterwards, knowing that this objection continued to be the essential reason why the Seminoles would not remove, it proceeded to compel them to remove by force. I lay out of the question a pretended subsequent agreement of a few of the chiefs, as having been the result of an equally unjustifiable force.

This, sir, is one of the specifications; and I ask, was this "dealing justly and friendly throughout?"

Another: In the course of the Seminole war, a number of the Seminoles came in under the protection of a flag, and under express assurance of its protection. That flag was violated; they were made prisoners—detained and transported beyond the Mississippi. Was this dealing just? On a former occasion, I stated that I thought the House would be satisfied with the course then (as was intimated to me) pursuing by the Secretary of War. I now state that I have no reason to be satisfied. I know not what was done. But no public notice has since been taken of the transaction—no public censure—no atonement to the Seminoles, or to ourselves. And what was the consequence? Even Indians will not in future respect your flag. You can hold no communication with the enemy. And you continue the war. And what do you propose? How is the war to be conducted or ended? Is it seriously intended, as has been proposed, to settle your lands in Florida by tenants, by Knight service? And are these feudal knights to be your defense against the Seminoles? Or, perhaps, as is suggested by

a friend near me, are they to defend your army against the Indians? This knight service, too, is to be the defense along the whole line of your western frontier. But, sir, perhaps I am trenching on the powers of the Committee on Military Affairs, to which I believe one of the resolutions commits this subject. I will, however, take leave to suggest a more simple and certain mode of terminating the Seminole war. It is this: as your flag may not be respected, dismiss one of the Seminole prisoners, with a message that, if the Seminoles will not cross a certain designated line, you will not. Both sides are equally tired of the war; and that line, I have no doubt, would be respected. On these terms you could have had a peace a year ago.

I pass from the Seminoles to the Creeks; and I make this charge, that the Executive removed the Creeks by a military force, in violation of an existing treaty.

By the treaty of 24th March, 1832, certain reservations were made to the Creeks, who, at the end of five years, were entitled to patents in fee, if they chose to remain; and in the meantime, the United States agreed to remove all intruders. The twelfth article is in these words:

"ART. XII. The United States are desirous that the Creeks should remove to the country west of the Mississippi, &c.: *Provided, however, That this article shall not be construed so as to compel any Creek Indian to emigrate, but they shall be free to go or stay, as they please.*"

The obligation to remove intruders was not regarded. The whites intruded upon them; and, by fraud, by persecution, by forgery, and by force, evicted many of the Creeks from their lands. This produced resistance on the part of a few, and this was magnified into a general hostility of the Creek nation. The Executive, instead of removing the intruders, removed twenty-two thousand Creeks by a military force. Their removal was attended with unparalleled suffering; resulting, as I am informed, in the death of six thousand within the first year. Such was the fate of the Creeks, such the dealings which are pronounced just and friendly throughout.

I pass to the Cherokees; and is it true that you have fulfilled your treaty stipulations with them? Permit me to say that this is the first time that I ever heard it asserted or pretended. It never has been contended on this floor that we had fulfilled them. I now refer to the treaty of Holston; and from that time to 1838 to the treaty of New Echota. I will refer you to the report of the Committee on Indian Affairs of 1830, and the debates of that session. In neither was it contended or pretended that we had fulfilled the stipulation with the Cherokees contained in the seventh article of the treaty of Holston:

"ART. VII. The United States solemnly guaranty to the Cherokee nation all their lands not hereby ceded."

The fact was notorious, conceded, that we had not fulfilled this stipulation. Instead of being denied, our neglect was attempted to be excused on the ground that we had not the power, consistently with the rights of the States. I do not enter upon the question of the validity of the excuse: it was debated at the last session: my present concern is with the allegation in the message, that the United States have, in good faith, fulfilled all its treaty stipulations with the Indian tribes, and with admitted facts as to the treaty of Holston.

The next charge has relation to the treaty of New Echota. It is, that this treaty was with less than one hundred adult Cherokees, against the known will of the great body of the nation, not one in forty assenting to it. At the last session this treaty was fully debated. I took part in the debate; and shall not now enter upon the details. I take the leading fact, the uncontroverted and incontrovertible fact, that this treaty was concluded with less than one hundred Cherokees acting for themselves alone; and I place it in opposition to the declaration in the message that "no instance of oppression and fraud" "can justly be charged upon this Government, since it became free to pursue its own course." And that "its dealings with the Indians have been just and friendly throughout."

I add one more charge to the list: it is, that the treaty was a fraud upon the Senate as well as on the Cherokees. The specification is, that in the month of November, 1835, secret instruc-

tions were given to conclude a treaty with a minority of the nation, which were not communicated to the Senate when the treaty was before it for ratification.

The instructions communicated were those of the 2d April, which required the assent of a majority of the nation; they were communicated as the instructions under which the treaty was made; the direct evidence of the fact that secret instructions were given which eventuated in the treaty, came out long after its ratification, and by one of those chances that happen in the oblique transactions of men. Strong presumptions arose from the letter of the Commissioner of the 30th of October, taken in connection with the then existing state of things; but we are indebted to a collateral circumstance for the disclosure of the fact that the secret instructions were given. It was this: the Auditor disallowed the charges for the special messenger who was sent for and returned with the instructions; to obtain the allowances, the Commissioner disclosed the fact to the acting Secretary of War, on which the account was allowed and paid. What sort of dealing is this?

Such are some of the charges which have been heretofore made against the Government "since it became free to pursue its own course." The proofs are in the records of its Departments.

I have a word to say of the execution of the treaty. The time allowed the Cherokees for removal expired on the 23d May, 1838. In consequence of an order previously issued, a military force of seven thousand men was then in the Cherokee country, for the purpose of removing the Cherokees. As the crisis approached, the Administration became alarmed at the probable consequences of a forcible removal of the Cherokee nation. I am willing to believe that a sentiment of humanity mingled with the alarm. On the 22d of May the President submitted to Congress a recommendation for a further appropriation for the benefit of the Cherokees, and for the allowance to them of the further time of two years for the completion of their emigration. (Doc. 376.) To prevent all mistake on this subject, I refer to the letter of the Secretary to the Cherokee delegation, of the 18th of May, communicated in this document:

"As it has been before observed, the Government of the United States could not agree to this article [viz: 'Such removal to be commenced at the earliest period, and to be fully completed within two years from this date'] without the consent of the States whose rights are involved, and whose interests may be affected by this stipulation. But the Executive pledges itself to use its best efforts to induce them to abstain from pressing their claims in a manner that would produce loss or inconvenience to the Cherokee people, and would be inconsistent with their being removed with every reasonable comfort. From the well-known humanity and generous character of the States of Georgia, Tennessee, and Alabama, there can be no doubt of their granting every indulgence which the interests of humanity require; and if two years are necessary for the comfortable removal of the nation, the undersigned will venture to assure the delegation that their request will be granted."

In my opinion, the Executive had the right to grant it without consulting any of the States. I pass that. My object is to show that the Executive submitted the proposition for the extension of time to Congress, with an undertaking on his part that it should be fulfilled. And how was it defeated? The proposition was immediately communicated to the Executive of Georgia, with corresponding instructions to General Scott. A correspondence ensued between the Executive of Georgia and the Secretary of War, (Doc. No. 421,) by which it would seem "that his Excellency must have misapprehended the true meaning and intent of the Government." General Scott had, on the 24th, commenced the work of arresting the Cherokees in view of their removal, and he was instructed "to continue the prosecution of the measures he had adopted to remove the Indians." A bill passed making a further appropriation for the Cherokees; General Scott continued the capture of the Cherokees, and all the grace they obtained was a respite till October, then to be removed under the conduct of their chiefs. This, I admit, was a great favor; yet, with all the care and prudence with which they have been removed, the consequences have been most fatal. The confinement of large numbers together, the change of diet, the agitation and fatigues of removal, have resulted in the loss of about three thousand. Much of this would have been pre-

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vented had the proposed delay of two years been allowed. That it was not allowed is to be attributed to the injudicious, and, if I may say so, the obstinate course of the Executive of Georgia, and to the want of firmness of our own. I have spoken of the consequences of that hasty removal, not of any intention to produce them.

It was not my intention when I came here, to have said one word on subjects that are past. The southern Indians have been removed—they are gone. I was disposed to let all past controversies rest. But, sir, I could not in silence submit to the sweeping denunciation of the message that all the charges heretofore brought against the Executive, on the subject of our Indian relations, were "undeserved reproaches," "unjust imputations," or "misrepresentations;" nor that history should falsify facts, however much to our credit, that, for the last ten years, all our dealings with the Indians have been just, or that we have fulfilled all our treaty stipulations with the Indian tribes; and I have to say that, so often as such denunciations and assertions shall be repeated, as often will the charges be restated.

## EXECUTIVE POWER.

## SPEECH OF HON. WILLIAM SLADE,

OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES,

February 22, 1839.

An amendment to the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1839, being under consideration in Committee of the Whole on the state of the Union—

Mr. SLADE said that it had not been his intention to trouble the House, during the present session, with any remarks on the great questions which divide the leading parties in the country. It was always with extreme reluctance that he addressed the House; and he felt his ordinary embarrassment much increased by a consideration of the extent and fullness of the discussions which these questions had recently undergone here and elsewhere. He had not the vanity to suppose that he could adduce any new facts, or urge any new arguments; yet he deemed the present a crisis when it is incumbent on every man to do his duty and his whole duty; and when it becomes no man to stand still until he can "do some great thing," before he attempts anything; but to do, according to his ability, whatever his hands find to do with all his might. In the fearful struggle going on between Executive power and constitutional freedom, every man should feel that he has a deep stake, and that the efforts of the feeblest and the humblest may not be unavailing to turn the scale and secure a victory. If I can influence but a single mind; if I can rouse but a single freeman, and give to his efforts a right direction, I shall be amply rewarded.

But, sir, I have other motives for addressing this committee. It has been my lot to stand on this floor as an opponent of slavery, and to be identified with those who are sometimes reproached as being men of "one idea;" in the contemplation of which they are so engrossed as to overlook all other public interests. I am willing to bear the reproach of being opposed to slavery, here and everywhere. I am not ashamed to own that, on this subject, I think much and feel deeply. But, sir, so far from forgetting other interests, in my desire for the emancipation of the enslaved, the contemplation of the great principles of justice which lie at the foundation of that cause does but inspire me with a firmer purpose to maintain another cause with which those principles are deeply identified.

I am opposed to slavery of every kind; to slavery of mind and slavery of body; to the slavery whose silken cords are artfully coiled around the spirits of freemen, as well as to the harsh and cruel bondage which forces the sweat and toil of him who moves at the bidding of a taskmaster. Sir, I cannot stand still and see corruption stalking through this land, and crushing everything beneath its tread, without standing up and opposing my feeble strength to its progress. No man can estimate the consequences of failure in the

present effort to arrest it. The crisis is one of momentous and fearful interest. The triumph of corruption now may be its enduring triumph; a triumph which may reach, in its consequences, far beyond the time when African slavery shall have been exterminated—as I pray Heaven it may soon be—from this and every other land. That slavery I abhor and detest, and shall do what I rightfully can to root it out from the world; but I also detest and abhor the slavery in which the policy of this Administration has long sought to bind the freemen of this country; and I intend to do what I can to take away the power of the oppressor, so that the oppressed may go free. In both cases I am for emancipation without delay. In one, I do not expect to see it accomplished immediately; in the other, I hope to see it effected on the 4th of March, 1841. Neither of these causes do I intend to forget in my zeal for the other. The sword of justice is two-edged; and both the "curse of slavery" and the "corruptions of Van Burenism" may be made to feel its power.

## THE PEOPLE TIRED OF DISCUSSION.

I have, Mr. Chairman, listened to the recent debate in this committee with some attention, and have heard some things which sounded to me very strangely. On entering this Hall two days ago, I found a gentleman from Maryland [Mr. Howard] replying to the arguments which had been urged against this Administration, and professing to defend it on its arraignment for corruption and abuse of power. And what did I hear from him? Why, sir, instead of a serious defense, there met my ear a most mournful complaint of waste of time in this discussion! Instead of an argument, we were gravely and reprovingly told that "the people were dissatisfied with us as a debating society." Yes, sir, standing in the high position of chairman of the Committee on Foreign Affairs—a position from which he might well be supposed to speak the sentiments of the Administration—the gentleman deems it sufficient to meet the indignant remonstrances of the people, through their Representatives, against the newly-developed results of Executive favoritism and corruption, by telling us that we are a mere debating society, with whose harangues our constituents are wearied! We are actually gowned by the gentleman and sent back to college, and held up as a class of sophomores, exercising our wits and sharpening our faculties by intellectual conflict. This is deemed by the honorable chairman of the Committee on Foreign Affairs as a sufficient answer to the arguments of opposition on this floor, and a fitting defense of the Administration against the heavy artillery drawn up to batter down its fortifications and level the walls of its last citadel.

The people dissatisfied with us as a debating society! Sir, so far from this being true, the people are looking from every quarter with the most intense anxiety to our deliberations, and to the investigations we have instituted into the abuses of Executive power. Many a man among the honest, unsophisticated yeomanry of the country, who has long held on to the Administration, under the hope of reform, which was artfully held out at the beginning of its deceptive career, is beginning to open his eyes upon the alarming results of pledges broken and power abused. "Give us light," is the cry that comes up to us from every quarter of the Union. "Send us speeches and reports of committees. We want to see the results of the promised 'reform,' and possess the means of judging of the conduct of those who have ruled over us for the last ten years." Such is the language addressed to me by many of my constituents; and it is, I have no doubt, addressed to almost every member on this floor who is known to be unpledged to sustain, right or wrong, the men in power. And, sir, these inquiries have not been prompted by any artificial excitement, got up to subserve the purposes of party; but they have been forced from the people by the practical results of the Executive policy—results which no arts could conceal—results which have been the legitimate fruit of seed long since sown, and which would produce its kind. The Administration have sown the wind and are now reaping the whirlwind.

Mr. Chairman, I commend the prudence of the gentleman from Maryland. He has made the best defense of the Administration that could be made. We are "a debating society!" and the people are sick of it! This is his answer to the murmurs of the people, and the arguments of the people's representatives. This is the language which is used to Congress and the country when, after a maladministration of ten years, which has brought us to the foot of Executive power, there is a roused and struggling effort to shake off the incubus, restore the Constitution to its just balance, Congress to its rights, and the people to their full and free breathing.

Mr. Chairman, the gentleman mistakes the feelings of himself and his political associates here for the feelings of the people, when he supposes they are tired of discussion. Sir, the people want discussion. They pray for light. They say, debate—debate fully and thoroughly. We will pay the expense. Go on. Probe matters to the bottom. Don't spare for their crying. We begin to find out that the boasting reformers have deceived and misled us, and we want to see further into the mystery of their political iniquity. Open the doors wide, if you can get the keys; and if you cannot, keep thundering at them till we can come to your aid with a reinforcement.

Tired of discussion! Well may this Administration be tired of it. It is a battering-ram that is shaking the walls of their castle, and threatening to bury them in its ruins. *Light and truth!* What horror takes hold of the abusers of power, when these stern and vigorous assailants look them full in the face—when quickened memory brings up with fearful celerity, and presents in dread array, their political transgressions, and "conscience, which makes cowards of us all," performs his office. Well may they cry out in the subdued agony of detected guilt, we are tired of discussion. But, sir, the people are not tired of it. They are aroused, and discussion will go on. If we hold our peace, they will not be silent. If we refuse to come to the rescue, then shall enlargement and deliverance arise from some other quarter. "Truth is mighty, and will prevail."

But suffer me, Mr. Chairman, to look a little more narrowly into the reasons why the friends of the Administration are tired of discussion. It is ten years since the present dynasty came into power. Those who are now so impatient of discussion have good memories. They have not forgotten with what professions they forced their way to the chief control. The means employed by them to supplant the preceding Administration have become matter of history. The pledges made to a deceived people are on record; and the gross and shameless violations of them now stare their authors full in the face. And, sir, it shall not be my fault if they are not made to look upon them until their eyeballs shall be seared with the sight.

## THREAT TO PUT DOWN THE "PURE ADMINISTRATION."

I well remember the history of the canvass which elevated General Jackson to the Presidency. I saw then, as clearly as I see now, and detested then, as strongly as I detest now, the means by which that elevation was effected. And I now say, without the fear of contradiction, that a grosser system of deception was never practiced upon any people than that by which the purest Administration the country ever had was supplanted, and the most corrupt put in its place. Who, Mr. Chairman, can fail to remember the declaration of a leading partisan of General Jackson, now the second officer in the Government, made at the outset of Mr. Adams's administration, that "it should be put down, though pure as the angels at the right hand of the throne of God?" And how was a pure Administration to be put down? The ingenuity of disappointed ambition was ready with an answer, raise the cry of "bargain and corruption," because a man who voted in the House of Representatives for the elected President has been selected as one of his confidential advisers. Let "bargain and corruption" be stereotyped, and placed at the head of every Opposition newspaper for four years. It was done! The columns of the United States Telegraph, and of all the affiliated journals of the

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"put down" party, now bare on their face evidence how faithfully this purpose was executed; while the sentiments of the whole country, from north to south, and from east to west, attest, with overwhelming unanimity, the utter falsehood of the charge. But it had its day, and wrought its intended effect.

#### PRETENDED ABUSE OF PATRONAGE BY MR. ADAMS.

Next came the charge of a prostitution of Executive patronage and abuse of Executive power. It is now a matter of amazement that there should have been found wickedness brazen enough to make the charge, and credulity weak enough to be duped by it. Yet such was the fact. Mr. Adams made two removals from office during his entire administration, neither of which was for a political cause, and yet the land was literally filled with clamor about the danger of an abuse of Executive power. That clamor was commenced in 1826, in the report of a committee of the Senate on the subject of Executive patronage, at the head of which was Thomas H. Benton, and among whose members were Martin Van Buren and Richard M. Johnson. That report dwelt with much apparent alarm on "the degree and amount of patronage now [then] exercised by the President," and came to "the conclusion that the same may, and ought to be diminished by law." For the professed purpose of effecting that diminution, the committee reported six bills, one of which, it is worthy of special remark, provided:

"That in all nominations made by the President to the Senate, to fill vacancies occasioned by the exercise of the President's power to remove from office, the fact of the removal shall be stated to the Senate at the time the nomination is made, with a statement of the reasons for which such officer may have been removed."

I wish, Mr. Chairman, that I had time to go fully into the report of that committee. But I must forbear. It labored to magnify the amount of patronage then exercised by the President; declared that "the power of patronage, unless checked by the vigorous interposition of Congress, must go on increasing, until Federal influence in many parts of this Confederation will predominate in elections as completely as British influence predominates in the elections of Scotland and Ireland in rotten-borough towns;" urged the necessity of "laboring to multiply the guards, and to strengthen the barriers against the possible abuse of power;" and spoke of the disposition manifested "in all ages to flock to the standard of power whosoever and by whomsoever raised." It also embodied a glowing and truly prophetic description of the effect of the exercise of Executive power, which I shall have occasion more particularly to notice hereafter.

It is useful to look back on this report from the point where we now stand. There was thrown around it an air of sincerity and regard for the public good which rendered it very imposing, and seemed to claim for its authors the merit of no common patriotism and discernment. But, sir, we can now see it in its true light. It was hypocritical cant, used to effect the purposes of unworthy ambition. Sound doctrines it indeed contained; but their promulgation was made under circumstances and in a manner clearly showing that it was intended not to lay a foundation for carrying them out in practice, but to give countenance to the false clamor against the then Administration. Nothing had occurred to justify alarm. No arbitrary removals from office had been made, suggesting the necessity of imposing on the President the duty of giving reasons for removals, or furnishing an occasion for the sudden and high-wrought solicitude manifested for the exemption of the country from the dangerous charm of Executive influence. But, sir, the conspirators understood it; and now we understand it, and the whole country understands it. The connection which that report—profusely scattered through the country—was made to have with the misrepresentations which were to be put down, and which did put down, a pure Administration, and the subsequent perpetration, by its authors and their political friends, as soon as they came into power, of all the abuses they pretended to deprecate, reveal to the broad light of day the great purpose of the report. That purpose was the acquisition of power. It was effected; and effected only to

enable those who accomplished it to fulfill their own worst predictions of the abuse of power.

I have said, Mr. Chairman, that none now dare to charge Mr. Adams with an abuse of Executive power. I recall the assertion, and admit that there is one exception. The gentleman from Maryland [Mr. Howard] has said in this debate that "General Jackson found the instrument [Executive patronage] bright from recent use, in the magazine stormed and taken on his coming into power." By this he intended to say that Executive patronage had been used by the preceding Administration for party purposes; and that its notorious use for such purposes by General Jackson and his successor has been but a following out of the policy of the Administration that preceded him. Now, sir, I demand the proof of the gentleman's assertion. I deny that there is a shadow of foundation for it. Sir, I am amazed at the temerity which can now make such an assertion. Who, I ask, did Mr. Adams remove from office for opinion's sake? Not one; no, sir, not one. On the contrary, have not the advocates of the "spoils" system long maintained that his neglect to use his official power to put down his enemies and put up his friends very much contributed to his defeat? Where is the active supporter of General Jackson and Mr. Van Buren, who has not attempted to defend their use of Executive power for party purposes, by referring to what has been denominated the fatal neglect of Mr. Adams to adopt that policy? And yet the chairman of the Committee on Foreign Relations rises here and gravely tells us that the use of Executive power for party purposes was an instrument that General Jackson "found bright from recent use" in the captured magazine of his vanquished enemy! Mr. Chairman, I must cease to be astonished at anything, and give it up that "all is fair in politics," when such assertions can be made in the face of the country by Representatives of the people on this floor. But while this assertion proves that "all is fair in politics," it proves another thing. It shows that gentlemen of the Administration feel pressed with the argument against the prostitution of Executive patronage, and see the necessity of meeting it by an excuse, at least, if they cannot find a justification. The notorious groundlessness of the excuse now offered leaves those who urge it in a position of no enviable weakness before the country. If they are content to remain in that position, I am willing to leave them there, "alone in their glory."

But I will proceed to consider, as among the means used to "put down" the "pure Administration," some of the pretensions set up and urged in favor of the candidate for the succession, and which professed to shadow forth the grand reform to be given the country under his Administration.

#### A LIBERAL ADMINISTRATION PROMISED.

And first, General Jackson was to be a great pacificator! Party spirit was to expire under his administration; or, at least, it was to be divested of all its asperity. Men were to be selected for office without regard to party, and solely on the ground of high personal qualifications and eminent fitness for official station. There was a large class of minds on which such assurances were fitted to operate, and on which they did operate with much effect. General Jackson's letter to Mr. Monroe, in 1816, was published, in which the most earnest advice was given touching the formation of his Cabinet and the principles which should govern him in his selections for office. I cannot resist the impulse to read a paragraph from that letter, to remind this committee and the country of the professions which were pressed into the service of the conspirators against the pure Administration which they were pledged to "put down."

"Pardon me, my dear sir, [said General Jackson,] for the following remarks concerning the next presidential term. They are made with the sincerity and freedom of a friend. I cannot doubt they will be received with feelings similar to those which have impelled me to make them. Everything depends on the selection of your ministry. In every selection party and party feelings should be avoided. Now is the time to exterminate that monster called party spirit. By selecting characters most conspicuous for their probity, virtue, capacity, and firmness, without any regard to party, you will go far to, if not entirely, eradicate those feelings which on former occasions threw so many obstacles in the way of Government; and perhaps have the pleasure and

honor of uniting a people heretofore politically divided. The Chief Magistrate of a great and powerful nation should never indulge in party feelings. His conduct should be liberal and disinterested, always bearing in mind that he acts for the whole, and not a part of the community. By this course you will exalt the national character, and acquire for yourself a name as imperishable as monumental marble. Consult no party in your choice. Pursue the dictates of that unerring judgment which has so long and so often benefited our country, and rendered conspicuous its rulers. These are the sentiments of a friend. They are the feelings, if I know my own heart, of an undissembled patriot.

"Accept assurances of my sincere friendship, and believe me to be, respectfully, your obedient servant."

"ANDREW JACKSON."

And now, Mr. Chairman, mark how full were General Jackson's expressions of a disregard of "party and party feelings." How deep and strong his abhorrence of "the monster called party spirit." How earnestly were "probity, virtue, capacity, and firmness" commended. How fitting was it then in the eyes of General Jackson, that the Chief Magistrate of a great and powerful nation should never indulge in party feelings." How important, then, that "his conduct should be liberal and disinterested, bearing in mind that he acts for the whole and not a part of the community!" Sir, I do not doubt the sincerity of this advice. General Jackson felt as that he wrote. He had not then become corrupted by ambition. He had not come in contact with the men who, afterwards, sought to use him in accomplishing their purpose of "putting down" all "pure" administration. He was General Andrew Jackson, fresh from the conflicts and toils and victories of war, and unpracticed in the arts of political chicanery. But what was sincerity in him, then, became the rankest hypocrisy in those who used it ten years afterwards. He deprecated, truly, the prevalence of a proscribing, exterminating party spirit. They sought to use him to accomplish its worst purposes. He saw and felt the value of "probity, virtue, and capacity" in public station. They saw and felt the value of his recommendation of these qualities in aiding them to crush a pure, virtuous, and capable Administration. He saw that Mr. Monroe might acquire for himself an imperishable name by following his noble advice. They saw, with the keen sight of political gamblers, that they might acquire power by skillfully using that advice; and that, having acquired, they might improve it for purposes of the foulest ambition.

But, sir, I will do them the justice to say that I do not believe they then contemplated the full extent to which the power they were grasping would be carried under the new Administration. It seems impossible they should have even dreamed that General Jackson, the author of the noble sentiments I have quoted, could ever be brought to enact, in his own administration, an utter falsification of every profession they contained—a falsification so complete that there should not be, as, in truth, there is not, found a single one of his friends whose face does not crimson with blushes at an exhibition of the contrast. But the fitting instrument for effecting that purpose had not then taken the stage as a chief actor. The time had not come for him to spread his toils and spring the snare. But it at length came. General Jackson was elected. His Cabinet was formed. The work was commenced! Mr. Chairman, you know its history. The country knows it. The arts by which an ambitious aspirant for the highest honors gained the confidence of the old chief, and the unscrupulousness with which that confidence was abused, are familiar to all. General Jackson yielded to the subtle influence; and without seeming to have been at all aware that he had ever discoursed of probity, virtue, and capacity as qualifications for office; without seeming to recollect that he had ever denounced party spirit as a monster, and recommended liberality and disinterestedness as indispensable for the Chief Magistrate of a great nation, he became suddenly and strangely metamorphosed into the mere President of a party—exalting party devotion above the qualifications he had so strongly commended, and converting the whole power of his high office to the illiberal and interested purpose of serving party friends and accomplishing the designs of party ambition. The history of inconsistency, from the beginning of time to this hour, cannot, I fearlessly assert, furnish a parallel.

## 25TH CONG...3D SESS.

## Executive Power—Mr. Stide.

## Hb. OF REFS.

GENERAL JACKSON WAS TO SERVE BUT ONE TERM.

But this is not all: there were other pledges. You remember, Mr. Chairman, how strenuously it was maintained during the administration of Mr. Adams, that a President should not be a candidate for a second election. It became a favorite doctrine of the Opposition. It was just then discovered that executive power might be used by a President to secure his own continuance in office. The danger of this was portrayed in strong colors; and General Jackson was the man in whose person a reform was to be commenced, if the people would honor him with their confidence. The suggestion took. Thousands believed, and voted for the man who would retire at the end of four years! He was elected; and so strong did he himself seem to be impressed with the danger of giving a President a second election, that he actually recommended, in three successive messages to Congress, an amendment to the Constitution, rendering the President ineligible for a second term; and yet, when the four years drew near a close, and the people looked to see him preparing to retire, behold, they found him preparing to extend his iron reign through another four years! The humbug had served its intended purpose. It had aided in putting down a pure Administration, and now it must be exploded to sustain the power of a corrupt one.

MEMBERS OF CONGRESS WERE NOT TO BE APPOINTED TO OFFICE.

I come now to another pledge made antecedent to the election which "put down" the "pure" Administration. It was among the earliest and loudest of the complaints against Mr. Adams that he had appointed Mr. Clay, a member of Congress, to the office of Secretary of State. You remember, Mr. Chairman, the stereotyped charge: "a bargain and corruption," as connected with that selection, the sweeping effect of which, in the hands of its inventors, was as signal as the conviction of its utter groundlessness is now universal. It was used not only to bring odium on the Administration for an act already done, but to fill the country with apprehensions of future danger from the practice of appointing members of Congress to office. The conspirators suddenly became great sticklers for the purity of the representative bodies, and eagle-eyed to see the danger to that purity from the practice in question. Upon the people everywhere was urged the great and indispensable importance of a reform, which should exclude the members of those bodies from Executive appointments, and General Jackson was held up as the man who would effectually work out that reform, and secure Congress from the corruption of Executive influence.

I said that General Jackson was held up as the champion of this promised reform. Sir, there was more than this. He held himself up in that character at the very outset of the canvass which resulted in his election. He was nominated by the Legislature of Tennessee in October following Mr. Adams's inauguration; and, on that occasion, in the presence of both Houses of the Legislature, who gave him a grand reception for that purpose, handed in his resignation of the seat he then held in the Senate of the United States. That resignation I hold in my hand, and beg leave to read a portion of it. The General was not content with merely resigning into their hands the trust he had received from them, nor, indeed, with an addition of reasons for it. There were purposes connected with that occasion which such a paper could not accomplish. He had just been nominated for the Presidency, and it fell in with the plans of the conspirators against the "pure" Administration, that he should seize that occasion to give countenance to the charge against it of corruption, and set forth, in due form, the danger to the independence and purity of Congress from the appointment of its members to Executive offices. This purpose he accomplished by embodying in his resignation a dissertation on the subject, which I will now read.

Having descanted on the importance of the amendment to the Constitution of the United States proposed by the Legislature of Tennessee, whereby the election of President should be made

directly by the people, without the intervention of electors, he proceeded to say:

"With a view to sustain more effectually, in practice, the axiom which divides the three great classes of power into independent constitutional checks, I would propose a provision rendering any member of Congress ineligible to office under the General Government during the term for which he was elected, and for twenty years thereafter, except in cases of judicial office." \* \* \* "The effect of such a constitutional provision is obvious. By it, Congress, in a considerable degree, would be free from that connection with the executive department which at present gives strong ground of apprehension and jealousy on the part of the people. Members, instead of being liable to be withdrawn from legislating on the great interests of the nation, through prospects of Executive patronage, would be more liberally confided in by their constituents; while their vigilance would be less interrupted by party feelings and party excitements. Calculations from intrigue or management would fail, nor would their deliberations or investigations of subjects consume so much time. The morals of the country would be improved; and virtue, uniting with the labors of the representatives, and with the official ministers of the law, would tend to perpetuate the honor and glory of the Government."

"But if this change in the Constitution should not be obtained, and important appointments continue to devolve on the Representatives in Congress, it requires no depth of thought to be convinced that corruption will become the order of the day, and that, under the garb of conscientious sacrifices to establish precedents for the public good, evils of serious importance to the freedom and prosperity of the Republic may arise. It is through this channel that the people may expect to be attacked in their constitutional sovereignty, and where tyranny may well be apprehended to spring up in some favorable emergency. Against such inroads every guard ought to be interposed; and none better occurs than that of closing the suspected avenue with some necessary constitutional restriction. We know human nature to be prone to evil: we are early taught to pray that we may not be led into temptation; and hence the opinion that, by constitutional provision, all avenues to temptation on the part of our political servants should be closed."

"My name having been before the nation for the office of Chief Magistrate during the time I served as your Senator, placed me in a situation truly delicate; but, delicate as it was, my friends do not, and my enemies cannot, charge me with descending from the independent ground then occupied, with degrading the trust reposed in me, by intruding for the presidential chair. As, by a resolution of your body, you have thought proper again to present my name to the American people, I must entreat to be excused from any further service in the Senate; and to suggest, in conclusion, that it is due to myself to practice upon the maxims recommended to others; and hence I feel constrained to retire from a situation where temptations may exist and suspicious arise of the exercise of an influence tending to my own aggrandizement."

"Accept, &c., ANDREW JACKSON."

It needs, Mr. Chairman, but a slight acquaintance with the history of the presidential canvass from 1825 to 1829 to see the drift and bearing of this extraordinary resignation. Mr. Clay had been, by the appointment of the President, transferred from the House of Representatives to the Department of State; and thereupon the clamor of corruption had been raised, and a conspiracy formed to "put down" the Administration. At this crisis General Jackson was brought out, and presented to the country as the man who was to put an end to the appointment of members of Congress to office, and dry up this source of corruption. Under his administration, legislative purity was to be maintained; Congress was to be "free from that connection with the executive department which" then gave "strong ground of apprehension and jealousy;" legislative independence was to be strictly guarded; "calculations from intrigue and management" were to "fail;" the "morals of the country" were to be "improved," and "the honor and glory of the Government perpetuated!" But this was not all. If the interference of Executive influence with legislative independence was suffered to "continue," by the appointment of members of Congress to office, it was the General's most solemn opinion that "corruption" would "become the order of the day;" that "the people would be attacked in their constitutional sovereignty;" and that "tyranny" would "spring up in some favorable emergency!" Human nature was then, in his opinion, very "prone to evil;" and the propriety of the prayer, "lead us not into temptation," was presented to his mind in a very impressive light! His situation was "truly delicate!" He could not descend from his "independent ground by intriguing for the presidential chair!" and felt "constrained to retire from a situation" (the Senate of the United States) where he might be tempted to act with a view to his "own aggrandizement!" What modesty and delicacy! What purity and patriotism! Who

could refuse to vote for the man who put forth such sentiments, and gave to his countrymen such pledges?

Mr. Chairman, it is no idle reminiscence that calls up these pledges. They throw a flood of light upon the administration of the present dynasty, and set it forth in bold and emblazoned relief before the country. If they had been faithfully fulfilled, what praise would not have been bestowed upon the purity, patriotism and consistency of their author! But, sir, they have not been fulfilled. Every one of them has been violated—openly violated. Instead of striving to maintain the legislative purity, this dynasty has, from the moment of its accession to power, sought to assail and corrupt it. Instead of laboring to sustain the independent, constitutional checks, they have been trifled with and trampled on. Instead of avoiding a connection between the Executive and Congress, which it was pretended gave such strong ground of apprehension and jealousy, that connection, in the most odious forms of Executive interference and influence, has been carefully cherished and maintained. Instead of legislative independence, there has been legislative subservience. "Calculations from intrigue and management," instead of being "defeated," have been relied on; and corruption has, indeed, "become the order of the day."

Does anybody deny this? Who is he? Can he be an Administration man? Surely not, sir, surely not; for will he not admit, can he refuse to admit, that all this must necessarily be connected with the practice of appointing members of Congress to office? Did not General Jackson say that it would? and will his friends make him a false prophet? Will they now contend, when the appointment of members of Congress to office has been very greatly increased by himself and his favorite successor, that the consequences that he predicted from the practice, as it existed before such increase, will not follow? If the appointment of members of Congress at the rate of five in an administration of four years (for that was all that Mr. Adams appointed) was to make corruption the order of the day, and produce all the evils predicted, what amount of corruption, and what multiplication of evils, must not have resulted from the appointment of twenty members of Congress during the first four years of General Jackson's administration? And how fearfully must the corruption have been augmented and the evils multiplied by the subsequent addition of more than twenty appointments of like character! What a "sum" is here for political arithmetic! What results would stare gentlemen in the face, if they would apply the simple rule of three to this case!

But startling as would be these results, they would not exceed the reality, as evinced by everything we see around us. Sir, we are overwhelmed with the evidence of corruption, intrigue, management, and legislative subservience which has been gathering strength ever since the day that General Jackson came into power, and "put down" the "pure" Administration. What observer of the "signs of the times" has not seen it? Sir, not a single Congress has been elected since that time whose members have not been brought within the charm of Executive influence, by a liberal distribution among them of the loaves and fishes of office—a distribution at the average rate of the appointment of about ten members of each Congress! And, what is worthy of special notice, there have been several cases of members of Congress, who having failed of a reelection by the people, in consequence of their unscrupulous devotion to the Executive, were subsequently rewarded for that devotion by appointments at his hands. It would be worth a little inquiry to ascertain the amount which has been paid as salaries, outfits, &c., under such appointments, since this dynasty came into power. But I have not found time to make the full examination which I intend to make hereafter. It was stated by a gentleman from Kentucky, [Mr. Allan,] in a speech on this floor, in March, 1836, that the amount at that time exceeded five hundred and thirty thousand dollars. It will be no exaggeration to estimate that it has swollen to more than seven hundred thousand dollars. Seven

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Executive Power.—Mr. Slade.

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hundred thousand dollars of the people's money thus used by an Administration that came into power as the boasted enemy of corruption, and the watchful guardian of congressional purity and independence!

But, sir, the gentleman from North Carolina, [Mr. BYNUM,] while he does not and cannot undertake to defend the Administration from the charge of an improper exertion of influence, by appointments of members of Congress to office, seems quite anxious to vindicate it from the charge of inconsistency; and, for this purpose, has read to us that portion of General Jackson's annual message of December, 1829, in which he recommended an amendment of the Constitution which should exclude members of Congress from all appointments "in the gift of the President in whose election they may have been officially concerned." Treating this as the profession, he asks, where is the inconsistency of the practice, since no member of Congress has been appointed to office who has been "officially concerned" in the election either of General Jackson or Mr. Van Buren?

Mr. Chairman, it is not the message of 1829 which we make the test of inconsistency in this matter; it is General Jackson's address to the Legislature of Tennessee, in 1825, when he was just starting in the race for the Presidency. In that address he said that he "would impose a provision rendering any member of Congress ineligible to office." In the message of 1829 he took care to limit the exclusion to such members only as "may have been officially concerned in the election of the President" who should propose to appoint them. So far, then, from the message of 1829 being the standard by which General Jackson's consistency is to be tested, that very message is proof of his inconsistency. Sir, the message was itself an artful abandonment of the profession of 1825, and was intended to prepare the way for the practical abandonment of it which followed. The profession of 1825 had answered its purpose; and, like all other professions, was now to be cast off and thrown to the winds. Power had been obtained by it, and now power was to be retained by its abandonment.

What a "change had come o'er the spirit of" General Jackson's "dream" in four short years! How marvelously the dangers of 1825 had vanished in 1829! How suddenly were the bars thrown down, and the President permitted to range through the Halls of Congress, (obstructed only by a contingency of rare occurrence,) with his hands full of bribes to tempt the people's representatives. Not a suspicion was breathed that members of Congress would be "liable to be withdrawn from legislating on the interests of the nation, through Executive patronage," or that "their vigilance would be interrupted by party feelings and party excitements," or that there was any danger to be apprehended from "intrigue and management." Not an aspiration was raised for the preservation of "the morals of the country," or an apprehension felt that "corruption would become the order of the day," or that "the people would be attacked in their constitutional sovereignty." "Human nature" was miraculously cured of its propensity to evil; and it had come to be seriously doubted whether it was at all necessary that members of Congress should pray that they might "not be led into temptation!" Such was the change of four years. Such the difference between candidate Jackson in 1825 and President Jackson in 1829!

#### PLEDGE OF RETRENCHMENT AND ECONOMY.

I close, Mr. Chairman, my allusion to the professions and promises which preceded the election of General Jackson, b. adverting to those of retrenchment and economy.

At no period, since the foundation of this Government, has there been a more reasonable and just regard to economy in the public expenditures than during the administration of John Quincy Adams. No considerable increase was made during that period either in the number or the salaries of the public officers; and the aggregate of public expenditures remained almost precisely the same at the close as it was at the commencement of that Administration. There was, it is true, a disposition to favor expenditures for works of internal im-

provement; but these, so far from furnishing a ground for the charge of extravagance, were but the using of the people's money to increase their facilities of intercourse, give an enhanced value to the productions of their industry, and bind the country more strongly together in the bonds of fraternal union. The charge of extravagance, however, was not fastened on expenditures for internal improvement. The conspirators against that Administration well knew that it must not be assailed on that ground; that that battery must be masked, as was that against the tariff, by the declaration of General Jackson in favor of a "judicious" tariff, until they could get possession of the Government, and be able to strengthen themselves for an attack on both those interests. If they had then openly assailed internal improvements and the tariff, they would now be able to say that there are two points in which their practice has corresponded with their professions! But they chose to make their attack on other points; the last of which, and its corresponding pledge of reform, I come now, for a few moments, to consider.

The foundation for the charge of extravagance against the administration of Mr. Adams was laid in efforts to create impressions against him personally. He was represented as haughty and aristocratic. Having spent a large portion of his life at foreign courts, it was represented that he had thereby contracted such habits of extravagance, and had become so corrupted in his principles, as to render him unfit to be President of a plain, republican people. And then the presidential mansion was represented to have been fitted up by him in a style of almost oriental splendor. To give an air of reality to this, the "East Room Letter" was written, and published in the Richmond Enquirer, and other papers, in which the writer (a Senator of the United States, one of the conspirators, writing anonymously) declared that, on visiting the President's mansion, he had found the East Room so gorgeously furnished that it could hardly be looked into without dazzling the eyes of the beholder, when he knew that there was not ten dollars' worth of furniture in the entire room! All these insinuations of personal extravagance originated with men who knew then, as all the world knows now, that the object of their slander was one of the plainest and most economical, unostentatious Chief Magistrates the country ever had.

And then, too, he was the son of his father! His blood was tainted with the sin of Federalism; and though he really possessed more genuine republicanism than the whole combined host of his calumniators, he was held up to the country as a high-toned aristocrat, without a single feeling in common with the mass of his countrymen.

It was by these and kindred means that the public mind had been prepared for the grand charge of extravagance, and the splendid professions of economy and retrenchment which closed the political campaign of 1825-29, and consummated the purpose of putting down the "pure" Administration.

I regret, Mr. Chairman, that I have not time to give a full history of the means employed to spread through the country the false clamor of extravagance, and the equally false as well as hypocritical professions of retrenchment and reform. But I must be brief, and shall confine myself to a single range of inquiry.

You remember, sir, the labors of the celebrated "retrenchment committee," appointed by the House of Representatives in the winter of 1828. Their report was made in May of that year, just in time to operate on the presidential election in November following; and was circulated through the country in unsparing profusion, and with a promptness and zeal worthy of an honest cause. The committee professed to have discovered great abuses in a useless multiplication of executive officers, especially in the Departments of State, Treasury, War, Navy, and Post Office, in this city; and declared their conviction that "by a judicious system of reform, at least one third of the number of clerks in those Departments might be reduced with safety to the public interest," independently of a considerable additional reduction which might be effected by the enforcement

among them of a due degree of industry. "We believe (said the committee) that there are, in fact, a corps of invalid pensioners attached to some of these offices; and just in proportion to their increasing disability to discharge their duties, is there an increased necessity for the appointment of new clerks." The committee said, however, that they could not propose "any specific reduction of the number of clerks," inasmuch as "without the cordial aid of the Executive, no effective scheme of retrenchment could be instituted." Nothing but the Executive stood in the way of a reform which should dispense at once with more than a third of the clerks, and make the remainder industrious and faithful! Nothing, of course, but a change of administration was necessary to consummate the reform!

The next session of Congress found the reformers at their posts. Retrenchment was still the watchword. General Jackson had been elected, and the "cordial aid" of the Executive was, of course, secured. In this state of things, the following resolution was offered by the author of the retrenchment report, and adopted:

"Resolved, That this House has a right to expect that the Executive will submit to Congress, at its next session, a comprehensive scheme of retrenchment, which shall extend to the lopping off of all useless offices, and the securing a more effective accountability in those which are retained."

Such, Mr. Chairman, had been the pretended discoveries of extravagance, and such was the note of preparation for "an effective and comprehensive scheme of retrenchment," when this Administration came into power.

And now, sir, let me ask—what has been done to redeem the pledges thus made? What expenditure has been diminished? What offices have been "lopped off?" Where is the promised "comprehensive scheme of retrenchment?" Has there been retrenchment to the amount of a single dollar in one of the Executive Departments? Mr. Chairman, I ask these questions in sober earnest. I ask them in the name of a deceived and abused people—a people who brought this Administration into power to get rid of offices they supposed to be useless, and cut off expenditures they believed to be extravagant.

I know, indeed, that, to make a show of attempting reform, the President in his first message, invited the attention of Congress to the subject, "to ascertain what offices can be dispensed with, and what expenses retrenched." That part of the message was referred to a committee of this House; and the committee called on the heads of all executive departments for information to what extent reductions might be made in their several Departments. And what replies do you think were given? Why, sir, from every one of them there came back the response that no reduction of officers could be made, while most of them actually asked for an increase! Yes, sir, an increase! The "reformers" had promised retrenchment if they could get possession of the executive offices, and have the "cordial aid" of the President. Well, they were gratified. They got a President of their choice. They took possession of the executive offices. And, sir, the President himself—if we can believe the declaration of the United States Telegraph, at that time his official organ—gave his "cordial" and efficient aid by actually visiting the public offices to see that everything was in order, and that every man did his duty! And yet his own Secretaries, thus acting under his own immediate inspection, told Congress that they wanted more officers!

Thus exploded the bubble of retrenchment; and, from that time to the present, the great effort has been to multiply offices as rapidly as possible, to enable the Administration to provide for the swarms of hungry, famished expectants who had for years been cursing extravagance, lauding economy, and praying for reform. Yes, sir, if you will take the trouble to examine the Blue Book you will find that, in every department, there has been a great increase in the number and the amount of compensation of the executive officers; while the aggregate amount of the expenditures of the Government has swollen from less than thirteen millions to nearly forty!

It is said, indeed, that there have been extraordinary demands on the Treasury within the last

few years—such as those arising from the Florida war, an increase of pensions, &c. Now, sir, without dwelling on the wasteful extravagance of expenditure in the Florida war, or the injustice on our part in which it originated, and deducting from the aggregate of expenditures all chargeable to that cause, as well as to every other of an extraordinary nature, there will yet remain an increase of several millions which the apologists of the Administration wholly fail to account for, consistently with their vaunted professions of retrenchment and economy.

Sir, there has not been the slightest effort to retrench or economize. No one, indeed, has even attempted, under all the goadings of the Opposition, to exhibit any evidence of retrenchment. All that we have witnessed have been awkward attempts to apologize for the vast increase of expenditure. One of these apologies has been that the natural increase in the business of the Government has called for an increased number of officers. Now, sir, if I had time I would go through the various Departments, and show you that the increase of officers in most, if not all of them, bears a very great disproportion to any reasonably assumed natural increase of their business. I must content myself, however, with referring to one department—that of the customs—as an example. I have before me a statement from the Secretary of the Treasury, communicated in answer to a call of the Senate at the last session of Congress, exhibiting the total annual expense of collecting the revenue for twenty years, commencing with 1818, and ending with 1837. It is as follows, omitting the fractions of dollars:

1818.....	\$769,206	1828.....	\$889,327
1819.....	870,220	1829.....	949,489
1820.....	777,764	1830.....	1,006,059
1821.....	700,598	1831.....	1,155,971
1822.....	723,964	1832.....	1,287,553
1823.....	745,989	1833.....	1,402,118
1824.....	758,350	1834.....	1,358,951
1825.....	864,085	1835.....	1,320,533
1826.....	855,162	1836.....	1,414,528
1827.....	851,521	1837.....	1,497,275

Now, sir, mark the rapid increase of these expenditures from the time the "pure" Administration was put down, in 1828—an increase of more than six hundred thousand dollars in eight years; being at the average rate of more than seventy-five thousand dollars a year. What does this mean? Was there a corresponding increase in the business of the custom-house department? Nobody can pretend it. On the contrary, all know that the revenue has, for the last few years, been diminishing. Mark, too, the striking contrast between this increase of expense and that of the preceding ten years. That increase, you will observe, was, in the whole, but \$120,000, being an average annual increase of less than one sixteenth the annual increase under the retrenching Administration!

But there is another view of this subject. What has become of the "one third" of the officers which the "reformers" told us, before they came into power, were "useless," and might be "lopped off?" Did they tell us the truth? If they did, then that one third retained was clearly enough, and more than enough, to do any additional business which could have subsequently fallen upon the Executive Departments. The very large addition, then, to the number of officers since 1828, forms a body of "useless officers" which ought to be "lopped off" without delay. Out of their own mouths shall the "reformers" be judged. The people will hold them to a real *bona fide* retrenchment. This was the promise—a promise, indeed, which they never intended to perform; but which they must perform, or stand self-convicted either of falsely accusing the Administration they put down, or of practicing the very extravagance they so loudly condemned.

But, sir, the "reformers" were not only pledged to retrenchment, and the "lopping off of all useless officers;" but their "comprehensive scheme" extended to "the securing of a more effective accountability." Yes, sir, "a more effective accountability!" Bear that in mind, Mr. Chairman, when you think of the glorious results of the "reform" in the "effective accountability" which has suffered a balance of \$1,250,000 to accumulate and run away in the hands of a single sub-treasurer

in the city of New York! Just about as much effectiveness in it as there was truth in the charge of extravagance, and sincerity in the pledges of reform.

Let me call your attention, sir, to one other point in the famous retrenchment report. The committee professed great alarm at the amount of "the Executive patronage of the press." Estimating that there were about one hundred printers employed in publishing the laws and Government advertisements, and doing job-work, they say:

"When your committee look at this amount of patronage, placed, without control or responsibility, in the hands of the Executive, or those of subordinate chiefs of his Departments; and when they reflect on the moral mechanism upon which this patronage acts, with a power that seems irresistible, they would deem their duty very inadequately discharged if they did not propose some remedy for abuses already existing, and essentially liable to be augmented."

"The danger which assails the freedom of the press, through the insinuation of this species of influence, is far more serious than any star-chamber code of pains and penalties. This pecuniary censorship of the press must end in its utter prostitution to an indiscriminate support of the acts of Government, however injurious to the rights and interests of the people."

To curtail this dangerous patronage, the committee proposed that the control of the printing of the annual volume of the laws should be taken from the Secretary of State and given to the Secretary of the Senate and the Clerk of the House of Representatives; that the Secretary of State should be compelled to select the paper published by the printer of the laws of each State to publish the laws of the United States; that the papers published by the printers of both Houses of Congress should be selected to publish the laws and Government advertisements in the District of Columbia; and that the job printing, binding, and stationery, for each Department, should be done and furnished under contracts made by the lowest bidders, on advertised proposals.

And now, Mr. Chairman, what account must I give of these promised reforms? Can I tell you that they were executed after the reforming Administration came into power? No, sir. Was no proposition made in Congress to that effect by the reformers? None. Did not General Jackson press the matter in his messages to Congress? Not at all? Sir, not a word was heard from him or his friends on that subject after he came into power. The visions of danger which stood before the terrified eyes of the retrenchment committee in 1828, had passed away "as a dream when one awaketh."

But it may be asked if no legislation was proposed as a "remedy for abuses" in the "Executive patronage of the press," did not the Executive himself very cautiously avoid such an exercise of that patronage as would "insinuate an influence" that should interfere with "the freedom of the press," and "prostitute it to an indiscriminate support of the acts of the Government?" Did he not, for example, direct the Secretary of State to divide the patronage of publishing the laws fairly among the papers of the different parties, having respect to location, circulation, and moral and literary character? Did he not say, however I may be disposed to "reward friends and punish enemies," I will never consent to extend that principle to the press, whose entire and perfect freedom from Executive influence is indispensable to its fidelity as a sentinel on the watch-tower of freedom.

Mr. Chairman, the President neither said nor did any such things as these questions suggest. No, sir; the very reverse of it was then, and has ever since been, the settled policy of the Administration. In carrying out this policy, the press has been approached with the same influence that has been brought to bear upon the host of applicants for office. Executive subserviency has been made the test. Support the Administration, or you shall not publish the laws of Congress, or the advertisements of the Departments, or do any work for the Government. There was not an Opposition press in the employ of the Government at the time this Administration came into power, that has been able to retain its employment without changing its political character; and there is not a single press now enjoying the Executive patronage, that can become truly independent but at the hazard of an instantaneous and entire withdrawal of that patronage. Nor is

this all. A great number, probably not far from one hundred, editors or printers of newspapers, have been appointed to lucrative offices. Many of them have received the office of postmaster, which has given to their establishments very peculiar advantages. Many presses, it is well known, have been kept from sinking by the mere aid thus received through Executive patronage.

Thus, sir, have the sound doctrines of the retrenchment report been disregarded. It aided to put patronage and power into hands that have since torn and scattered it to the winds. The patronage of the press, as well as every other branch of Executive patronage, instead of being regarded as a delicate public trust, to be used with a high sense of the danger of its perversion, has been treated as private property, vested in the President and his political heirs, to be used as an instrument of augmenting Executive influence, and perpetuating usurped Executive power.

#### PLEDGES OF GENERAL JACKSON'S INAUGURAL.

I have now, Mr. Chairman, done with the false clamor and the deceptive professions and pledges which preceded the election of General Jackson, in 1828. On the 4th of March, 1829, he took the chair of State. Sir, I shall never forget that day. It was not, however, its parade and pomp and pageantry that left the deep impression. The shouts of the immense multitude who gathered to witness the inauguration of the great "Reformer," soon died upon my ear. The mortification of seeing a "pure" Administration "put down," and its unscrupulous assailants elevated to power, I soon ceased to feel. But there were some things that I could not, and never can, forget, because they formed the soul of that ceremony, and sustained a deep and enduring relation to the subsequent administration of the Government. It was between the center pillars of the eastern portico of this Capitol, that I saw the President stand up, and, in the presence of assembled thousands, utter, as a part of his inaugural address, what I will now read:

"The recent demonstration of public sentiment inscribed on the list of Executive duties, in characters too legible to be overlooked, the task of reform, which will require, particularly, the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed, or continued, power in unfaithful or incompetent hands. In the performance of a task thus generally delineated, I shall endeavor to select men whose diligence and talents will insure, in their respective stations, able and faithful cooperation; depending for the advancement of the public service more on the integrity and zeal of the public officers than on their numbers. A diffidence, perhaps to just, in my own qualifications, will teach me to look with reverence to the examples of public virtue left by my illustrious predecessors, and with veneration to the lights that flow from the mind that founded and the mind that reformed our system. The same diffidence induces me to hope for instruction and aid from the coordinate branches of the Government."

Mr. Chairman, do not suspect me of misreading this inaugural. I know that it sounds strangely now. Then it was the admiration of thousands. Nothing was so true, or sound, or patriotic. What we now know to have been false in assertion, was then taken by the multitude as absolute verity; and what experience has since shown to have been hollow profession and hypocritical cant, was then regarded as evidence of an honest intention to reform abuses, and give the country a pure administration. Who does not now feel amazed when he looks back and sees General Jackson thus standing up and pouring forth, in the presence of the nation, this double-distilled essence of the four years' slander of his pure and upright predecessor? Who does not now see there was not a semblance of truth in the assertion that that predecessor had "brought the patronage of the Government into conflict with the freedom of elections?" Who now believes that there was the slightest intention to perform what was promised in that inaugural? Who, indeed, regards it as anything else than one of those splendid humbugs which have been made to dance in succession for the last ten years before the eyes of the American people?

Sir, everybody knows that all its professions and promises have been wholly disregarded; that they were disregarded, in fact, immediately after they were made. Do you not, sir, remember how flagrantly the President, within two weeks after

the inaugural was pronounced, set at naught the "instruction and aid" which he professed to "hope for from the coordinate branches of the Government," by dismissing the Senate from their special session, with a message informing them that he had no more business to lay before them, and then immediately proceeding to remove collectors, comptrollers, auditors, marshals, district attorneys, land registers and receivers, and ministers in foreign countries, and supplying their places by his own appointment, with "the advice and consent" of nobody but his unscrupulous and irresponsible partisan advisers? Do you not remember that among these examples of "reform," was the removal of the collector of the port of New York, for no cause but that of political non-conformity, and the appointment in his place of Samuel Swartwout, who has recently run away with \$1,250,000 of the people's money? Do you not remember how the work of "reform" was carried on during the whole of the recess between the dismissal of the Senate in March, 1829, and its reassembling in December following? and with what unsparring severity it has been carried on from that time to this? And is there a man who hears me who will assert that it has not been carried on from first to last, with the most unscrupulous devotion to mere party interests? Is there one who does not know that thousands of removals and thousands of appointments have been made for the very purpose professedly deprecated in the inaugural—that of "bringing the patronage of the Government into conflict with the freedom of elections?" Has not the promise to make "diligence, talents, integrity, and zeal," the test of qualification for office, been flagrantly violated? Have any qualifications been able to stand the competition of partisan "diligence," partisan "talents," and partisan "zeal?"

It has, however, been said, and recently said on this floor by a member from Ohio, [Mr. Duncan,] that there are a great many Whigs left in office; and he has undertaken to prove it, by professing to give the number of Whigs and Administration men now in office in the various departments in this city. Sir, I do not deny that there are Whigs left in office here. I know some of them; and I know them to be among the most capable and efficient officers of the Government. But, sir, I know, too, the reason why they have escaped the besom of the "reform." They would probably, all have been removed when it swept through the public offices here in 1829-30, but for a conviction that the public business could not be carried on without them. The names of many, and, I believe, of most of them, were on what was called the "black list"—a list of candidates for proscription, made out under the direction of the celebrated "Central Committee"—and it was well understood that General Jackson was urged to remove them, and that it would have been done but for the remonstrances of some of the heads of the Departments, who, driven by necessity to appreciate the value of old and experienced clerks, insisted that the public business must suffer unless the work of "reform" was arrested. The project of a full and entire sweep was thereupon abandoned. It is thus that these Whigs have been spared. Necessity, not liberality, has debated it.

But, sir, there was the less inducement to fill every office here with a devoted partisan, because the clerks in this city are in a condition to exert very little political influence, and can mingle in no elections affecting the general politics of the country. It is not so, however, elsewhere; and hence we find a general sweep of collectors, surveyors of ports, naval officers, all the subordinate officers of the customs, marshals, district attorneys, land registers and receivers, and postmasters. Wherever political influence has been wanted, there has the Administration been ready to cut down political opponents; and supply their places with the men who had done the most party service, and who would pay the most money, ride the greatest number of miles, and proclaim with the loudest voice the purity and consistency and preëminent democracy of the reforming Administration! There is not a State, nor a congressional district, nor a county in this whole Union where evidence of the truth of this assertion may not be found. Everywhere has the patronage of

the Executive been "brought into conflict with the freedom of election." Indeed, it has been the grand engine by which this dynasty has sought to sustain and perpetuate its power.

And what an inconceivable amount of power may be wielded by a single hand; when that hand holds the millions of patronage at the Executive disposal, and is guided by a will unregulated and uncontrolled by any principle save that of self and party aggrandizement. Establish the principle that every office in the gift of the Executive is held for disposal to the highest bidder—to the man who can pay the most in partisan services—and there is carried, with electric rapidity, throughout the land, an influence which pollutes and corrupts everything that it reaches. The standard of political morality becomes lowered; and every man who has a single aspiration for office is at once tempted to inquire, what will promote my interest? rather than, what is right in principle, and best for the interest of the country?

#### FULFILLMENT OF PROPHECY.

And, Mr. Chairman, no men in this nation have ever better understood the weakness of human nature in this respect, and the power which patronage can exert upon it, than those who have administered the Government for the last ten years. Sir, it is remarkable that the present President and Vice President of the United States, and the "expunging" Senator from Missouri [Mr. Benton] were leading members of the Senate committee on executive patronage in 1826, whose report—to which I have before adverted—drawn up by Mr. Benton, contains a most glowing description of the danger of an abuse of that patronage. Suffer me to read a paragraph from that report:

"The King of England (say the committee) is the 'fountain of honor'; the President of the United States is the source of patronage. He presides over the entire system of Federal appointments, jobs, and contracts. He has power over the support of the individuals who administer the system. He makes and unmakes them. He chooses from the circle of his friends and supporters, and may dismiss them, and upon all the principles of human action, will dismiss them, as often as they disappoint his expectations. His spirit will animate their actions in all the elections to State and Federal offices. There may be exceptions; but the truth of a general rule is proved by the exception. The intended check and control of the Senate, without new constitutional and statutory provisions, will cease to operate. Patronage will penetrate this body, subdue its capacity of resistance, chain it to the ear of power, and enable the President to rule as easily, and much more securely, with than without the nominal check of the Senate." "We must look forward to the time when the nomination of the President can carry any man through the Senate, and his recommendation can carry any measure through the two Houses of Congress; when the principle of public action will be open and avowed—the President wants my vote, and I want his patronage; I will vote as he wishes, and he will give me the office I wish for. What will this be but the government of one man? and what is the government of one man but a monarchy?"

Who, Mr. Chairman, will deny that Martin Van Buren, Richard M. Johnson, and Thomas H. Benton, were prophets in 1826? Sir, could prophecy itself have described more accurately than they did the effects of the abuse of Executive patronage which we have all witnessed during the last ten years? Here, in this single paragraph, is a complete epitome of the workings of Executive influence in its varied action on the host of executive officers, on both branches of Congress, and on the State Legislatures, during that period. What was prophecy in 1826 has become history in 1839.

I would that I had time to trace that history in its full details. I would present to you evidence of the extended and diversified workings of perverted and prostituted patronage, which should exhibit it as almost possessing the attribute of omnipresence to the furthest limits of this Union. Sir, there is not a department of the Executive Government which it has not penetrated, through its remotest and minutest ramifications. There is not a State government which it has not reached and influenced. There is not a single Whig member in Congress, and has not been for the last eight years, who has not, in obtaining his seat, been obliged to contend with this influence, exerted either through subservient office-holders, or a pensioned press. And, sir, while it has thus acted on elections to both branches of Congress, seeking thereby to secure a subservient Senate and House of Representatives, it has actually en-

tered these Halls with its party espionage and its party-drill. Not a question of great public interest has been decided here in which its power has not been felt. Not a member of "the party" has ever given signs of a determination to throw off the yoke, and stand up in the conscious dignity of legislative independence, who has not been made to feel the terrors of its retributions. Not a Congress has existed for the last ten years which has not witnessed the bestowment of rewards on some of its members for distinguished subserviency to the Executive; and upon not a few of them, after they have been "elected to stay at home," on account of such subserviency.

Mr. Chairman, no description of the workings of this subtle influence has ever come up to the full reality. Notwithstanding all that has been said on the subject, the half has not been told. Indeed, sir, how could it be? Consider for a moment the extent of the means which the vast patronage of the Executive enables him to employ to this end; and then remember that you have a Chief Magistrate with a mind so constituted by nature, and so trained by political education, that the idea of power to remove, or power to appoint, never enter his mind without an instant suggestion of the inquiry—how may this power be used so as to advance my interests and build up my party? Sir, you might as well expect that the Ethiopian would change his skin, or the leopard his spots, as that he who has long been accustomed to do this evil should learn to do well.

I have spoken of the means of accomplishing party purposes by the Executive. And have you ever thought, Mr. Chairman, of the prodigious efficacy, which unity of purpose gives to Executive power? Here are no permanently divided councils. Friends may advise, but a single will finally controls the whole. The President puts his hand to the crank of the mighty machine, and every wheel moves, so perfect is the mechanism, to the furthest extremities of the Union. Go, sir, into a cotton factory, and see its vast and complicated movements. Story rising on story is filled with machinery, all instinct with life, and moving in obedience to a single impulse, far removed from your observation, but nevertheless felt in its steady, effective power, from the basement to the attic story. This, sir, is but a miniature model of the mighty Executive machine which is moved by a single master spirit in this city. Is an increased political effort needed, for example, in Maine or Louisiana? Behold! a score of men are seen riding through the State, stirring up the faithful, and rallying them to an approaching political conflict. And what moves them? The fear of losing office, or the hope of obtaining it. See that political leader moving about among the subordinates of the custom-house in that city, and demanding of them a tax on their incomes, to support the expenses of an election! What gives him power to enforce his collections? Has he a legal process? No, sir. But there is a process by which he reaches the pockets of the taxed, and draws from them the "needful." Sir, it is not a legal, but a political process. They understand it. Their offices are their bread, and they do not choose to go hungry. That is the secret.

#### CUSTOM-HOUSE OFFICERS TAXED BY "THE PARTY."

[Since this speech was delivered, the report of "the investigating committee" has been made; by which it appears, from the examination of witnesses belonging to the custom-house department at New York, that the officers of that department have been regularly assessed, from one to six per cent. on their salaries, for political purposes, and have been called on by collectors for the amount. "It was assessed (says one of the witnesses) by the general committee of the Tammany Hall party. If the individual did not pay the amount he was taxed with, the collector would remark: you will be reported to the general committee; and everybody understood that proscription would follow. The collector of the general committee has an alphabetical book, which contains the names of persons taxed, and the amount each individual is required to pay."

Here we have a glimpse of the secret movements of the machinery by which Executive patronage is "brought into conflict with the free-

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dom of elections." There are more than four hundred officers of various grades connected with the custom-house in the city of New York; and here is an exhibition of the influence which moves them in a solid phalanx at the elections, and draws from the avails of their offices the means of aiding to secure party triumphs! A Tammany Hall committee gives them to understand that "proscription" will follow a refusal to pay the tax it imposes on them for political purposes! What would Martin Van Buren, Richard M. Johnson, and Thomas H. Benton (the prominent members of the committee on Executive patronage, in 1826, to whose report I have referred) have said, if the custom-house department at New York had then been under such an influence as is here disclosed? What horror would have seized them on making the discovery! The bare contemplation of the possible effect of the power of the President over the officers then connected with that custom-house was made the occasion of sounding an alarm by the committee. Hear them: After stating that the number then amounted to one hundred and seventy-four, and their compensation to \$119,620, [the present number is over four hundred, and the amount of their compensation more than four hundred thousand dollars,] the committee said:

"A formidable list, indeed, formidable in numbers, and still more so from the vast amount of money in their hands. The action of such a body of men, supporting them to be animated by one spirit, [what was then supposition is now reality!] must be tremendous in an election; and that they will be so animated is a proposition too plain to need demonstration. [Who so capable of giving fulfillment to their predictions as the prophets themselves!] Power over a man's support has always been held and admitted to be power over his will. The President has power over the support of all these officers, and they again have power over debtor merchants to the amount of \$10,000,000 per annum, and over the daily support of an immense number of individuals, professional, mechanical, and day laboring, to whom they can and will extend or deny a valuable private as well as public patronage, according to the part they shall act in State as well as Federal elections."

What the committee thus spoke of as possible and probable in 1826, has become sober reality in 1839; while there is added (what did not then enter the conceptions of the prophets) Tammany Hall taxation for political purposes, enforced by the threat of official proscription! Such are some of the fruits of the *corrupt principle* which the reforming dynasty have adopted in the bestowment of Executive patronage, and to which they have sought, and are still seeking, to give the force of a settled, permanent rule of Executive action.]

## MANUFACTURE OF PUBLIC SENTIMENT.

But, Mr. Chairman, there is another branch of this machinery which is not less perfectly organized, and not less completely within the control of the central power. I mean the affiliated party press of the country. Is it determined by the President, with the advice of the select political cabal, that any new party movement shall be made? A messenger is dispatched; the editor of the *Globe* appears; (though he is understood to be generally present as one of the advisers!) instructions are given, and the *Globe* moves. Straightway there is a corresponding and simultaneous movement in the party press in Vermont, in Pennsylvania, in Georgia, and in the far West. Public sentiment is manufactured, as the cotton is taken from the bale, in the lower story, and comes out a perfect web in the upper. Every editor and every executive officer knows his place; knows what is expected of him, and knows he shall be "shot for desertion." No military government was ever more absolute; no machinery was ever moved with a precision more perfect.

Wonder is often expressed that, with the most powerful means, so far as there is power in truth, (alas! it is too often powerless,) the Opposition are able to make so little impression, and are so often defeated when victory seems certain. Here, sir, is the secret. The President and his men understand it; and, while the Whigs talk of principle, they laugh at its inefficacy when brought into conflict with their party machinery. Mr. Chairman, how many illustrations of this might be drawn from the history of our political conflicts during the last ten years. Suffer me to refer you to one of them.

## EXECUTIVE INFLUENCE AND THE EXPUNGING RESOLUTION.

You remember, sir, the celebrated case of the deposits. The President "took the responsibility," and the public Treasury moved at his bidding. The Senate, alarmed at the high-handed usurpation of power, determined to rebuke it, and passed a resolution of censure. The President sent them a protest, in which he asserted principles and set up claims to power which made him little to an absolute monarch.

But he was not content with a protest. He could not rest on the sober, deliberate judgment of his countrymen. He must have present satisfaction! The Senate had offended him, and they must be humbled, and the record of the obnoxious resolution expunged. But how should it be done? How should such a result be accomplished? Sir, the means were not wanting. Party organization supplied them. Instructions from State Legislatures could accomplish the end, and party machinery was adequate to their production. The President willed it; and the result showed that his will, by a mysterious process, became the law of legislative action in numerous States of the Union.

For three years was this process going on. From year to year the expunging resolution struggled in the Senate, under the overwhelming arguments which were urged against it. On one occasion (March, 1835) the expunging words were stricken from the resolution by a vote of 39 to 7; upon which Mr. WEBSTER, in addressing the Senate, said:

"The attempt to induce the Senate to expunge its Journal has failed—signally and effectually failed. The record remains—neither blurred, blotted, nor disgraced."

Would to Heaven, sir, that it had thus still remained. The attempt to blot and disgrace it failed, signally indeed, but not finally. Executive influence was too strong for the most unanswerable constitutional arguments. The State Legislatures were surrounded and pressed with it. Many resisted, but many yielded; and Senators who, in 1835, had voted to strike from the expunging resolution its material words, and render it a nullity, were, two years afterwards, induced to yield to the President's wishes, and vote to expunge a record which the Constitution had commanded them to "keep." Sir, I was in the Senate Chamber when the final vote on that resolution was passed. I heard the responses to the call of the yeas and nays, and saw the result of the three years' Executive war upon the independence of that body. It was a disgraceful and humiliating spectacle, and seemed almost to impress upon the very image of the Father of his Country, as it looked down from the canvas, an expression of mingled sorrow, amazement, and indignation. There stood the Senator who, "solitary and alone," had, three years before, "set that ball in motion," swelling in triumph at the successful result of Executive influence and party machinery; and there sat the subdued and the humbled, who had been made, through that influence, the unwilling instruments of accomplishing the designs of "the great expunger!"

The vote had passed; the resolution was adopted. It was a moment of thrilling interest. The Secretary brought into the Senate the doomed record, and there executed the sentence by which it was "blurred, blotted, and disgraced."

Mr. Chairman, what a redemption from the disgrace of that scene might, at that moment, have been achieved! It was in the power of a single man. And why did he not seize upon it? Why did he not rally the energies of a soul indignant at the high-handed outrage which was about to be committed, and nobly and sternly refuse to become the instrument of its perpetration? Why did not the Secretary stand up, in the midst of the scene, and say to the President of that body, "Sir, I cannot, I must not, do this deed. My hand can never hold the pen that blurs and blots the record I have sworn to 'keep.' Take from me my office; consign me to beggary if you will; but do not require me to disregard my official oath, and violate the Constitution of my country. My duty has been to this moment, and shall continue to be, faithfully performed; but, come what will, that deed I cannot, I must not, I will not do!"

What a sublime example of self-sacrificing devotion to principle would have been thus exhibited! Sir, I would rather, so far as personal gratification is concerned, have occupied the position of that officer at that moment, than to be President of the United States to the end of my life. There would have been more true glory in such a refusal than in a hundred military victories; and the laurels which would have adorned his brow would have remained fresh when the name of one connected with that transaction shall have been consigned to execration and infamy.

But, Mr. Chairman, there *was* one redeeming act connected with that scene. It was the act of the distinguished Senator from Massachusetts, who rose, as the final vote upon the resolution was about to be taken, and in the name of himself and his colleague, read to the Senate their solemn protest against it. Sir, it was a noble sight!—the Senator standing up, with his erect form and manly bearing, and declaring to the Senate and the world, in the calm dignity of conscious uprightness and truth, the great principles of the Constitution, which forbid the deed that was about to be committed.

But, sir, the exposition of constitutional principles was not the only feature of the protest which gave it interest. It declared, with a becoming plainness and directness, the true origin of the influence which was then about to carry the expunging resolution. It says:

"We have seen with deep regret and sincere pain the Legislatures of respectable States instructing the Senators of those States to vote for and support this violation of the Journal of the Senate; and this pain is infinitely increased by our full belief and entire conviction that most, if not all these proceedings of States had their origin in promptings from Washington; that they have been urgently requested and insisted on, as being necessary to the accomplishment of the intended purpose; and that it is nothing else but the influence and power of the executive branch of this Government which has brought the Legislatures of so many of the free States of this Union to quit the sphere of their ordinary duties for the purpose of cooperating to accomplish a measure, in our judgment, so unconstitutional, so derogatory to the character of the Senate, and marked with so broad an impression of COMPLIANCE WITH POWER. But this resolution is to pass. We expect it. That cause which has been powerful enough to influence so many STATE LEGISLATURES, will show itself powerful enough, especially with such aids, to secure the passage of the resolution here."

Thus, sir, did the Senator from Massachusetts, at a moment of intense interest, and under circumstances of peculiar responsibility, stand up, in the face of the Senate and the world, and solemnly declare his "full belief and entire conviction" that it was the influence and power of the executive branch of this Government which had brought the Legislatures of so many of the States to quit the sphere of their ordinary duties to aid in carrying into effect the will of the President in the measure then about to be consummated.

And what reply was made to this charge? Was it answered? Was there any attempt to answer it? No, sir. Every expunging Senator cowered under its withering rebuke. All felt its justice, for its truth had been written on almost every page of our preceding three years' political history. The "promptings" had been visible to every intelligent observer. None could deny their reality—none did deny it—none dared deny it.

Thus, Mr. Chairman, have I glanced at the four years' warfare upon the "pure" Administration—at the pretended apprehensions, by the "put-down" conspirators, of danger from the abuse of Executive patronage—their extreme solicitude lest the purity of Congress should be assailed by the appointment of its members to office—their fears that corruption would become the order of the day—their alarm at the pretended discovery of extravagance—their grand preparations for retrenchment, as soon as they could have the cooperation of the Executive, and the pledges of the President that he would respect "diligence, talents, and integrity," in his appointments—see that power should not be placed in "unfaithful or incompetent hands," and take care that his patronage should not be abused to party purposes.

I have also reminded the committee of the violations of all these pledges by the men to whose hands a credulous people had been induced to confide the administration of their Government. And, sir, it is amazing to contemplate the extent and the openness of these violations. One could

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hardly believe his senses when he beholds them, especially when he looks at the bold and daring disregard of pledges in the prostitution of the whole patronage of the Executive to the purpose of enlarging his power, and bringing even Congress itself, in both its branches, to bow to the supremacy of his will.

#### PRETENSIONS TO DEMOCRACY.

But, Mr. Chairman, these violations of pledges are scarcely less wonderful than are the expedients which have been employed to keep up the delusion and retain the confidence of an abused and betrayed people. I cannot explore this field; but I must advert, in passing, to one of the most prominent of these expedients: it is the high-sounding and extravagant profession of a regard for Democracy. Nothing can exceed it; and nothing has ever equaled it but the professions of the "put down" party from 1823 to 1829.

Democracy! Yes, sir; notwithstanding the complete organization of an Executive corps throughout the country, moved by a common impulse from the Executive head; regarding his will as their law; striving, in the strength of a single master principle, to perpetuate his power, and elevate it above every other in the Government, and acting with an unceasing reference to interests distinct from, and adverse to, the interests of the people; notwithstanding all this, have we heard from the authors and finisiers of this system of Executive corruption and tyranny the loud and incessant cry of "Democracy! Democracy! Democracy!" Nothing can exceed the love professed for the dear people, and the regard pretended for their rights. Sir, the men who knew how to deceive the people to gain their confidence, know how to flatter them for the purpose of retaining it. They can "stoop to conquer." They know that, though the people cannot be corrupted, they may be deceived; and that approaches to absolute power may be successfully veiled by professions of regard for popular rights. They have not consulted the history of usurpation in vain. They know how insidiously power has encroached on right, in every country where liberty has found a grave or ambition a throne.

It is as wonderful as it is painful to observe the progress which has been made within the last ten years in the career of popular deception. General Jackson, at his inauguration, professed to "look with veneration to the lights that flowed from the mind that reformed our system." Jefferson was the reformer whom he thus professed to venerate, and to whose light the leaders of the party still profess to look for guidance. But, sir, they have left Mr. Jefferson, and the principles of his reform, at a rightless distance behind them. He was a Republican, and an enemy of accumulated, overgrown Executive power. He respected the equal rights of the people, and labored to secure and perpetuate them. But there were conservative principles in his Administration, which we shall in vain look for in this. "Republicanism" was then the word; a republicanism regulated and controlled by constitutions—a republicanism *jealous of power*—a republicanism whose essential element was a fair and free representation of the people uncontrolled by Executive influence. The madness of that sort of "Democracy" which breaks open flour stores—threatens to raze bank edifices to their foundations; and enters halls of legislation with an armed force, to assert constitutional rights was then unknown. Mobs had not then become a part of the Government of the country, and Lynch law had not a name!

But behold the change! Now, republicanism is an obsolete word, for whose meaning we must consult the dictionary; while Democracy is the first word that is learned after the alphabet is mastered. Every man who obtains an election through the power of Executive influence will you hear boasting that he has been elevated through the power of "the Democracy;" just as though "the Democracy" means something besides the people, and the whole people. Nothing can exceed the impudence of the systematic attempt to make that portion of the people of the United States who constitute "the party," and who are subjected to the mysterious action of Executive influence, the Democracy, and the exclusive Democracy; while that portion of the

same people who are struggling to break the charm of that influence, resist the encroachments of power, and maintain popular rights upon a broad, liberal, and constitutional basis, are treated as though they formed no part of the people, and are called by every name that has ever been associated with odium and reproach in our political history.

To blind the people to the falsity and absurdity of these pretensions to exclusive Democracy, and veil the deceptions practiced on them, the managers, with the art of the juggler, who, by sleight of hand, diverts attention from the true point of observation, take care to direct the attention of the people to other objects with which they are more familiar, and which are capable of being brought to bear more directly on their feelings and interests. While Executive power seems a great way off, and Executive influence, though advancing with a sure and steady step, is of a nature not to be immediately felt in its bearing on private interests, there is a class of objects near home which the managers know how to present so as to engross the popular attention. Thus, the rich are made an object of jealousy to the poor. The laborer is excited against the capitalist—the indolent and improvident against the industrious and frugal—the ignorant against the learned and intelligent—and even the vicious and abandoned against the virtuous and the upright. Associated wealth, no matter how widely it may embrace men of small means, or how greatly it may stimulate and reward industry, is declared to be monopolizing and dangerous. Banks, however prudently and safely managed, are denounced as the money-making machines of the wealthy, designed only to make the rich richer and the poor poorer. Facitious distinctions are created. Jealousies are excited. An imaginary aristocracy is raised up in the midst of every community; and nothing can be heard but the war-cry—down with monopolies, and down with the aristocracy.

#### PRESIDENT THE CHAMPION OF DEMOCRACY.

And now comes the grand movement! It is to put the President at the head of "the Democracy," and make him its great champion and leader in the war. And behold! forth from hundreds of well trained presses, and thousands of well disciplined partisan leaders in every quarter of the country, there go high sounding praises of the suprememinent Democracy of the President! He is the Democratic President, and has been elected by the Democracy. There is, moreover, claimed for him the representative character. Under the Administration that preceded the advent of the great "reformer," the Chief Magistrate was simply the President of the United States—the constitutional Executive. The representative character was understood to belong eminently to this body, drawn as it is from the midst of the people; elected by them for short periods; invested with the power of impeaching the President, and all other officers, in their name, and directly and exclusively responsible to them for the exercise of that and every other power. But, to carry out the scheme of deception and usurpation, it became important to claim a new and unheard-of relation between the President and the people. General Jackson, therefore, set up the pretension of being "the direct representative of the American people." Such was the claim of his memorable protest sent to the Senate in 1834—a claim intended to lay the foundation of a practical exemption from all other responsibility save a responsibility directly, without the intervention of either impeachment or investigation by Congress, to a public opinion which might be created by Executive influence through subservient subordinates and a subservient press. To give a party cast to this claim, it has, at length, assumed a new form; and the President is now presented to us (see Democratic Review for September, 1838) as "the national representative of the American Democracy." "The representative of the Democracy! Democracy personified! A living, moving, thinking, speaking representative of pure, simple, unadulterated, uncompounded Democracy!"

Such is the claim. The President is not slow in performing his part. He talks Democracy. He writes Democracy. He looks Democracy. And it is the Democracy! To monopolies he is

very hostile. Against banks he utters anathemas. "Associated wealth" (see his last annual message) he cannot endure. The aristocracy are intolerable. In short, to every thing that is opposed to Democracy, and especially to "the Democracy," he is most especially, and very exceedingly opposed!

The President is thus installed as the high priest of Democracy; and it would be about as safe for a Roman Catholic to question the authority of the Pope, as for one of "the party" to question the Democracy of the President. So complete is the delusion, that when the Whigs attempt to rouse the people to a sense of the danger of the President's overgrown influence, through the abuse of Executive patronage, "the Democracy" are made to believe that that influence is exercised for their special benefit, because it is all necessary to enable the President, who is their representative, to fight their battles, and put down the aristocracy!

The danger of Executive influence and power (the greatest of all dangers in our system of government) is thus veiled from the eyes of thousands. They see the President only as a mighty champion of "the Democracy," leading on its hosts to glorious victory; while every man who will not sustain him in the holy war is held up as an aristocrat and a Federalist, with "blue lights" burning all over and around him.

Thus, sir, are the people taught to look, not to their Representatives, as the guardians of their rights, and the exponents of their will, but to the President, (strange absurdity!) to the President—armed as he is with power, through hundreds of subservient presses, and thousands of equally official dependants, to execute the purposes of his single will, and accomplish the ends of an ambition which such power continually tempts to encroachment and corruption.

Thus it is that this new-fangled system rears up a colossal structure of Executive power on the broad basis of a deceived and misled Democracy. Like the Pyramids of Egypt, whose towering height and mighty massiveness gives insignificance to every object around them, so is the President, under this mis-called Democratic system, made to tower above and overshadow every other object within the political horizon. And, sir, just in proportion as the mighty structure is spread out, and carried up, is the cry of "Democracy" increased. There is not a man who shoulders a stone or carries a hod of mortar to aid in rearing the towering mass who will not tell you that he is building up the Democracy; and no man must dare appropriate to himself the name of Democrat who will not literally strip himself to the work.

It is by such means, Mr. Chairman, that this "reforming" dynasty has been laboring, for ten years, to hoodwink the people, and make them submit to be mounted and spurred, and jaded by the "Democratic" Jehus who have driven with reckless daring over the prostrate Constitution and laws of the country. And, sir, it is amazing to contemplate the success which has attended these efforts at deception; to see the height to which the presidential office has towered; to mark the movements of its influence and power—now standing erect, in grim and surly majesty, and "taking the responsibility," and now winding its sinuous and silent way, and distilling its slow but venomous poison through every department of the Government, and every portion of the country.

#### A DAY OF RECKONING HAS COME.

But, sir, a day of reckoning has at length come. Results are beginning to be wrought out. The people begin to see that all is not right. They begin to learn that "diligence, talents, and integrity" have not been made the passports to office; that the great principle which has governed in Executive appointments has elevated a race of mercenary, desperate politicians, and has put into the hands of the Linns, the Boyds, the Spencers, the Prices, and the Swartwouts, the money of the people, to be lost in speculation, squandered in extravagance, or used to aid Executive power in its treacherous "conflict with the freedom of elections." Sir, they are beginning to lay down their axes, their hoes, and their hammers, and, standing up and looking you in the face in the sternness and amazement of disappointed confi-

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dence, they thunder in your ears the appalling demand—GIVE AN ACCOUNT OF *THEY* STEWARDSHIP! Here, say they, are your pledges of retrenchment and reform; your professions of horror at the danger of an abuse of Executive power; your boasted regard for the freedom and purity of elections; your promises to give us upright and faithful officers; and your expressed fears that, if you were not placed in power, corruption would become the order of the day. And now here is the fulfillment of your pledges and promises in the ten years' administration which you have inflicted on the country. We call on you, as our servants, to tell us why the evils you predicted have not been averted, and the good you promised has not been done; why for bread you have given us a stone, and for fish a serpent; and why, when we looked that the vineyard should bring forth grapes, it has brought forth wild grapes.

## THE PRESIDENTIAL QUESTION IN CONGRESS.

And now, sir, what is your reply to the demands of a betrayed and abused people, urged, and ably urged, as they have been, by the people's Representatives on this floor? How do you meet the facts and arguments which are pressed upon you? Sir, you do it by endeavoring to stifle investigation; by deprecating discussion; by holding us up, as the chairman of the Committee on Foreign Affairs has done, as a debating club; and, in short, by every conceivable device which can tend to divert the public mind from the great questions we are struggling to bring out in their true magnitude and importance before the country.

It was in the spirit of this system of evasion that a gentleman from North Carolina [Mr. BYNUM] yesterday told us that these lengthened discussions would not be tolerated by the people; that these attacks on the Administration were intended to act on the next presidential election; and that it was "not our business to make Presidents," but to attend to our appropriate legislative duties. "It is a dangerous practice," said the gentleman, "for us to be employed in making Presidents."

The gentleman from North Carolina seems very much alive to the danger of our being engaged in making a President. But where have slept his apprehensions for the last ten years, while the President has been making members of Congress; while he has been reaching out the long arms of Executive influence, north, south, east, and west, and bringing into these legislative Halls men who would act in obedience to his will? And where were his fears when General Jackson made his successor? Did he discover any "danger" in that operation? No, sir, none. But now, when we seek to unmake him whom General Jackson made, the case is amazingly altered! It is a "dangerous practice."

Mr. Chairman, I deplore, as much as any one, the necessity which impels to discussions and investigations here, looking to a presidential election. But how are they to be avoided? Are we to sit still and see the Executive bestriding the country with his colossal power, and not warn it of the danger? Is corruption to go unrebuked? Are the grossest abuses to pass uninvestigated? Is this body the grand constitutional inquest of the nation, invested with the power even of impeaching the President, (notwithstanding his claims to the representative character,) and are we to be told that discussion shall cease, investigation be suppressed, and the Executive held to no responsibility to the people, through their Representatives, because it is not their business to make Presidents? The abusers of power may thus talk; they do not want motives for it; but the people hold a very different language.

Sir, I am aware that the presidential question has come to engross a large share of the attention of Congress, and that discussions bearing on it interfere, often very injuriously, with the ordinary business of legislation. Once it was otherwise; but in a fatal moment it was determined to "put down" a "pure" Administration. The combination was formed, the forces marshaled, and these halls were made the chosen theater for the onset. Day after day and month after month were they made to resound with the most groundless clamor and the most bitter invective against the Administration which it had been declared,

in advance, should be prostrated. It was then that the presidential whirlpool was set in motion, which has become a rapid, raging maelstrom, drawing and engulfing everything within its vortex.

And, sir, how can it now be otherwise, when the Administration, brought into power by means of the professions and pledges I have described, has disappointed a confiding people; when the President has "rushed madly" from his constitutional sphere, placed himself at the head of a party, used his patronage to build it up, and sought to make all the State governments and all the branches of this Government revolve around him as the great center of the whole? Sir, it is the abuse of power that has kept this maelstrom in motion. Let the Executive restore the balance of the Constitution which he has disturbed; let him go back to the constitutional sphere in which the predecessors of General Jackson were content to move; let him cease to pervert his patronage to selfish and party purposes; let him become the HIGH-MINDED, LIBERAL, DISINTERESTED, CONSTITUTIONAL CHIEF MAGISTRATE OF THE NATION, and the maelstrom will cease to move, and this Hall will be restored to what it was before the conspiracy was formed to put down the pure Administration.

But, sir, until this is done, investigation and discussion must and will go on here. If we will not investigate and discuss, the people will send those here who will. The great centralizing, all-engulfing power of the Executive must and will be resisted. It will be in vain to attempt to arrest this effort by telling us that it is not our business to make Presidents. Sir, we know our appropriate business. Long enough have we seen Executive influence moving around and through these Halls, and long enough have we legislated under its control. It is our first and most solemn duty to endeavor to repel it; to restore the independence of these legislative bodies; to drive the Goths and Vandals from this Capitol. We have nothing to do with making this or that man President; but we have something to do with Executive corruption and usurpation, (both of which have much to do with us,) something to do with that Executive influence which has disturbed the constitutional balance of this Government—which has made its way to the ballot-boxes, elected a President, brought into these Halls members of its own creation, and assailed the independence of these bodies by Executive bribes on the one hand, and Executive denunciation on the other; that influence, in part, so prophetically described in the report of the committee of the Senate on Executive patronage, in 1826, (made by Martin Van Buren, Richard M. Johnson, Thomas H. Benton, and others, to swell the false clamor against the "pure" Administration,) in which it was said:

"The power of patronage, UNLESS CHECKED BY THE VIGOROUS INTERPOSITION OF CONGRESS, must go on increasing." \* \* \* "PATRONAGE WILL PENETRATE THIS BODY, SUBDUCE ITS CAPACITY OF RESISTANCE, CHAIN IT TO THE CAR OF POWER, and enable the President to rule as easily, and much more securely, with than without the nominal check of the Senate."

Sir, if it is not our appropriate business to discuss and investigate when this prediction is literally fulfilled before our eyes, then we may as well determine, at once, to submit! and when we have submitted, we shall have no more to do but to dissolve these bodies, and leave the Executive to govern the country without the forms of the Constitution.

## SHALL POLITICAL TREACHERY BE REWARDED?

Having, Mr. Chairman, dwelt at some length upon the connection between the maladministration of those in power and their professions and pledges, I anticipate the inquiries—why talk so much of professions? Why dwell so long on pledges? If the Administration is bad, show it; but the measures of a bad Administration will be made no worse by proving that the men in power have made hypocritical professions, or that they have violated their pledges.

Sir, there are two questions before the country for decision, namely: Shall a corrupt and pernicious system of policy be perpetuated? and shall hypocrisy and treachery be rewarded with a triumph? It need hardly be said, sir, that

the proof of the corrupt character of the policy, drawn from a consideration of its nature and tendency, finds "confirmation strong" in the professions and promises of its authors. They are judged out of their own mouths. They pronounced in advance their own condemnation, and furnished the arguments to sustain it.

But, sir, there is something in the treachery of a deliberate violation of pledges solemnly made to obtain power, which is deserving of distinct and deep consideration. While the pledges were made upon an assumption of abuses which were known not to exist, their violation has been the result of deep, settled, systematic purpose. The Administration have sinned with their eyes open—in the very face of their own professions and pledges. They have been constantly reminded of their inconsistency. They have had spread out before them General Jackson's letter to President Monroe in 1816; his address to the Tennessee Legislature in 1825; the report of the Senate committee on Executive patronage in 1826; the retrenchment report of 1828; and the inaugural address of 1829. But it has all been to no purpose, but to show the world with what perfect coolness and deliberation professions may be falsified, pledges violated, and power abused.

And now, sir, do you not perceive, in this view of the subject, a distinct and very strong reason for deprecating the triumph of those in power? Did you ever see an individual who had risen by a successful course of chicanery, to wealth and importance, triumphing in a purchased respectability, and reveling in the enjoyment of ill-gotten gain? and did you not mark the pernicious moral influence of his success—especially upon the young men of the community? Can any influence be more dangerous in private life than such examples of successful villany? And shall such examples teach us nothing? Can we fail to perceive their application? Can we shut our eyes to the moral influence which must follow a triumphant consummation of the system of political chicanery which I have described? Can we measure the height and depth, and length and breadth of its bearings on the broad and boundless future in our country's history? If, sir, the political charlatanism of this Administration is to meet with no rebuke from the people, but is to be sanctioned and rewarded by them, then, indeed, shall corruption become "the order of the day," and its current acquire a strength which it will be very difficult, if not impossible, successfully to resist.

## NATURE AND TENDENCY OF THE "SPOILS" PRINCIPLE.

Sir, it is my deliberate conviction that we have arrived at a point whence, if a successful stand is not made against this current, it will become resistless and overwhelming. I do not think that we are, any of us, sufficiently awake to the existing reality on this subject. I do not believe that we are fully aware of the progress which corruption has made under the administration of the present dynasty. We have not sufficiently reflected on the nature and tendency of the principle which enters into the entire policy of the Administration touching the bestowment of Executive patronage. We have not considered how strongly it appeals to the selfish and sordid passions of our nature; nor how systematically and perseveringly the means have been sought and found of giving it effect. We have not been aware how rapidly its insidious influence is debasing the moral feelings of our countrymen, and lowering the standard of political morality. Why, sir, what an instantaneous effect must the full disclosure of this principle produce on the moral feelings of the army of office-holders scattered throughout the country? How suddenly must they feel the promptings of interest urging them to seek to retain their offices, not by an independent, manly, conscientious discharge of duty, but by a mean and selfish subserviency to the power that dispenses patronage! How, under this system, must patriotism wither at the very approach of Executive influence! How rapidly will principle yield to expediency, and self rise up and take the place of country! With how little ceremony will conscience be thrust aside as an old-fashioned puritanical counselor, unsuited to this age of political

refinement and reform! How soon will office-holders come to adopt the maxim that "all is fair in politics;" naturally concluding that, if it is fair for the President to act on the mercenary principle in appointing them, it is fair to carry out the same principle in supporting him; and that, if he may bribe with patronage, they may bribe with money, and resort to every conceivable trick and stratagem to sustain his administration and perpetuate his power.

Sir, a man whose living depends on subservience to power must be "thrice armed" with virtuous principle to maintain a high and uniform political integrity. If his continuance in office is made to depend on a conscientious performance of his duty, then will his very office become the means of strengthening his good principles; while, on the other hand, if it is made to depend on subservience to power, his office will become the instrument of perpetually tempting him to debasing compliances and a total shipwreck of virtuous principle.

Thus, sir, while the great principle on which removals and appointments are made, adds to the power of the Executive, by purchasing subservient friends, it sends, through hosts of office-holders and office-seekers, contamination and corruption through the whole length and breadth of the land.

But the whole extent of the mischief is not yet disclosed. The moral influence of high station is immense and immeasurable. And what a tremendous influence on the general standard of moral feeling must be produced by the known and admitted fact that the PRESIDENT OF THE UNITED STATES is perpetually overlooking if not "punishing" honest merit, for the purpose of purchasing support to himself by the "rewarding" of political subservience and profligacy. If the CHIEF MAGISTRATE of this great nation may with impunity thus disregard sound moral principle in the daily exercise of his high functions, in what department of society will not the influence of this example be felt? Sir, it will be to our country what the original transgression was to the world, when

"Earth felt the wound, and Nature from her seat,  
Sighing through all her works, gave signs of woe  
That all was lost."

If political dishonesty is seen in the high places of this nation, what sort of dishonesty will it not encourage and countenance? Well did General Jackson say, when addressing the Tennessee Legislature in 1825, that "corruption would become the order of the day," when but one branch of this system should be carried into execution. But if corruption to that extent was to be the effect of the practice of appointing members of Congress to office, what shall we say of the effects, direct and indirect, of the application of the mercenary principle to the entire administration: of the removing and appointing power? Sir, it is like the pestilence that walks in darkness. It contaminates the very air we breathe, and sends disease through every artery and vein of the body-politic.

But, sir, this corrupting process is carried on not only through office-holders and office-expectants, and the influence of presidential example, but through a purchased and prostituted press. The poison is thus mingled with the daily food of thousands and hundreds of thousands of minds which are fed by the newspaper press of the country, and to which it is thus administered, under disguises which render them alike unconscious of its nature, and unaware of its origin.

And, finally, there is given to the whole of these combined influences the greatest possible energy, through a party organization the most perfect, and by a party discipline the most "rigid, exact, unsparring, and inexorable."

Such is the great principle which lies at the foundation of the leading policy of the Administration: such the means of giving it efficacy; and such its withering, blighting influence on public and private virtue.

#### COMPARATIVE IMPORTANCE OF THE QUESTION OF EXECUTIVE PATRONAGE.

I am aware, Mr. Chairman, that, by many, the leading topic on which I have dwelt may be regarded as of comparatively inconsiderable import-

ance. The abuse of Executive patronage is an old and trite subject. The currency, the markets, and the safety of the public moneys, are matters of present and engrossing interest. If the currency is sound, the markets good, and the public money safe, all is, by many, considered to be well. Questions of power are regarded as abstractions; and Executive encroachment is deemed a matter of no great moment, unless it comes to bear directly on the present interests of the people. Thus, the sub-Treasury scheme (five times rejected by Congress, but still the pet measure of the Administration) is, by many, thought of only in its mere pecuniary relations, without reflecting on the object of the Executive in urging it; without perceiving that its danger consists not so much in the insecurity of "leg treasurers"—manifest as that is—as in the augmented patronage and power which the system would give to the President—and which, in fact, has formed his leading motive for pertinaciously pressing it upon Congress and the country.

I am, sir, far from undervaluing the importance of these questions of the currency, the markets, and the safe-keeping of the public moneys, in their pecuniary bearings. But there are matters of mightier moment connected with them. While the last of these questions sustains a relation to that of Executive patronage and power, which gives to it its chief importance, the two former involve interests which lie quite beyond the mere comfort and gratification of pecuniary competence and independence. The true value of nothing on earth can be estimated, independently of its bearings on the higher nature of man. It is in this light only that we can justly estimate the value of individual and national prosperity; which confer the full measure of their blessings only when they minister to the high and noble purposes of moral and intellectual improvement—the *truest wealth and glory of a nation*. But there is danger of overlooking these interests, and making the acquisition of wealth, the advance of population, the improvement of the face of the country, the development of its physical resources, and the augmentation of its physical power, the great and all-absorbing objects of regard and effort. There is danger of forgetting that, in all these respects, we may make very rapid advances, while, in the process of doing it, we may plant, and nourish to rank vegetation, the seeds of national corruption and decay. Sir, it is not great wealth, nor natural or artificial defenses, that constitute a truly prosperous and secure commonwealth;

"But men, high minded men;  
Men who their duties know, yet know their rights,  
And knowing dare maintain."

Let the currency be deranged; let banks be driven to suspension; let property fall in value; let millions be sacrificed, and yet the energies of a people may remain substantially unimpaired; and they may rise from the pressure, profited by its experience, and wiser for its severe and painful inflictions.

The nation, too, may be assailed from without; it may be pressed with the demands of injustice; it may feel the shock of invasion; it may be compelled to pour out its treasures and its blood in its defense; it may be doomed to suffer reverses, and be brought to the brink of ruin; and yet it may retain unimpaired, and even invigorated, the elements of its triumph and prosperity. Invasion may unite its people; injustice may deepen their sense of right; oppression may make them feel for the oppressed; dangers may develop their resources of skill and courage; privation and hardship may give patience to endurance; and adversity may impart strength to virtue. Our own glorious Revolution presents an illustrious example of all this. The noble minds that founded our institutions, and the stern virtues that sustained them amid the perils and weakness of their infancy, exhibit some of the fruits of that severe and trying conflict.

But, Mr. Chairman, where are the redeeming qualities of that influence which silently infuses corruption into the life-blood of a people? What shall restore a nation thus contaminated? What shall change corruption into purity, convert base servility into love of country, and give to selfishness the lofty elevation of stern, uncompromising virtue? Will the Ethiopian change his skin, or

the leopard his spots? Then will corruption cure its own leprosy, and the worm which is gnawing at the root of our republican institutions consume itself.

Sir, one good, sound moral principle effectually wrought into the very heart and soul of this great nation, and watchfully cherished there, is worth more for its permanent defense from foes without and its security from foes within, than all the wealth of both the Indies, and all the fleets and armies which that wealth can purchase and employ. Let the great moral principles on which our institutions are based, and which were bodied forth in the persons of our revolutionary and constitutional fathers, cease to exert a controlling influence upon the men to whom is intrusted the government of this country; and let their dereliction from these principles receive the deliberate sanction of the American people, and this nation, with all its show of high health and vigor, shall feel to its very extremities a paralysis from which it will require little less than a miracle for its recovery.

#### CAUSE OF DEFALCATIONS.

There has, Mr. Chairman, been much said recently about the defalcations of public officers; and the amount of losses through public agents, especially one of them, has been dwelt on with much emphasis. Sir, this is right. We may well feel the loss of the large sums of which the Treasury has been defrauded. But the amount of money lost is not the true measure of the mischief; nor would it be if it were twenty times multiplied. It rouses, indeed, the public attention; but if that attention is not fixed upon something beyond the mere loss of money, and beyond even the means of future security by checks and penalties, it will be employed to a very inadequate purpose. These defalcations have been the results of the dangerous and corrupting principle of Executive removal and appointments, to which I have called your attention.

The appointment of Samuel Swartwout—who has been suffered, by a most culpable neglect, to accumulate in his hands and squander \$1,250,000—was, as I have before intimated, one of the first of the appointments made by General Jackson, after dismissing the Senate in 1829; an appointment made upon the removal of a competent and faithful officer, for the express purpose of rewarding an active and devoted partisan. The question of trustworthiness was not made the question in that case. If it had been, Jonathan Thompson would have been retained. But, no; partisan friendship and partisan services outweighed all other considerations, and Thompson was removed and Swartwout appointed.

That removal and appointment was a fair sample of the great mass of removals and appointments made under this dynasty; and it will be found that the numerous cases of defalcation have been those of men who have been thus appointed upon removals for opinion's sake. They have, as a matter of course, been more solicitous to serve the Executive than to discharge their official duties; and have, moreover, felt that they might expect special indulgence from an Executive bound to them by strong party ties, and reluctant, from motives of party pride, to have them exposed. It would have been a miracle if the public moneys had not been plundered, under such circumstances. The defalcations, therefore, which have so startled the country, have been the legitimate fruit of the corrupt use of Executive patronage with which it has been cursed for ten years, under the name of "reform." If, sir, this fruit shall lead the people to consider the nature of the tree which has produced it, and shall beget a determination to cut it down and destroy it, the nation may well afford to sustain all the losses complained of. Yes, sir; if a hundred millions, and twice a hundred millions could purchase for the country a perpetual exemption from that abuse of Executive power which I have described; if it could secure an indefinite succession of administrations, formed, in this respect, upon the model of the "pure" Administration which General Jackson "put down," it would be a richer purchase than two hundred or ten hundred millions ever made.

But, sir, what cannot be purchased with money, the people may be roused to accomplish by their votes; and I trust they are preparing to accomplish

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it in a manner which will be long remembered by those who have abused their confidence and betrayed their rights. They are beginning to feel their strength, and put it forth upon the massy pillars of the temple of corruption. Give them one full and fair "heave," and it shall tumble into ruins.

#### PRETENDED REFORM OF 1829 REALLY NEEDED IN 1839.

It is not a little remarkable, Mr. Chairman, that the abuses which the Whigs are now laboring to reform, by putting down the Administration, are of the very same nature with the pretended abuses whose reform was promised by the leaders of the present Administration party, ten years ago. If, sir, I were to search for an exhibition of the principles of Whig reform, I could find them nowhere more clearly and fully set forth than in General Jackson's letter to Mr. Monroe, in 1816; in his address to the Tennessee Legislature in 1825; in the Executive patronage report of 1826; in the retrenchment report of 1828; and in General Jackson's inaugural in 1829. What a revolution would be effected in the administration of this Government, if the principles contained in those papers could be carried out for the period of a single administration of four years. What a gratification would it be to every true Whig in the United States to see elevated to the Presidency a man who would stand up in this Hall on the 4th of March, 1841, and put forth the very language used by General Jackson on the 4th of March, 1829; provided there could be a reasonable assurance that it would be honestly and faithfully carried out in his administration. How consonant to genuine Whig principles, and how appropriate to the present state of things, would be the following portion of General Jackson's inaugural, in the mouth of a Whig President:

"The recent demonstration of public sentiment inscribes on the list of Executive duties, in characters too legible to be overlooked, the task of reform; which will require particularly the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed or continued power in unfaithful or incompetent hands. In the performance of a task thus generally delineated, I shall endeavor to select men whose diligence and talents will insure, in their respective stations; able and faithful co-operation, depending, for the advancement of the public service, more on the integrity and zeal of the public officers than on their numbers. A diffidence, perhaps too just, in my own qualifications, will teach me to look with \* \* \* \* \* veneration to the lights that flow from the mind that founded, and the mind that reformed our system. The same diffidence induces me to hope for instruction and aid from the coordinate branches of the Government."

Mr. Chairman, I ask no better Whig Administration than one that will make these promises and faithfully fulfill them in their true spirit. But, for one, I want no more violations of pledges—no more "keeping the word of promise to the ear, and breaking it to the hope." I would rather have an Administration that will not vow at all, than one that vows and will not pay. Let us have, at least, the reform of frankness and straightforwardness. If we must have such an Administration as the Jackson-Van Buren "reformers" have given us, let us not have it under a Whig name. Let it carry its own appropriate colors. Let it bear aloft the black flag.

#### CAN ANY ADMINISTRATION EFFECT A REAL REFORM?

But, Mr. Chairman, can we have an Administration that will make these pledges and faithfully redeem them? Sir, I fear we cannot; and that fear is much stronger than I entertain that we shall not have a nominally Whig Administration. Such an Administration, I trust the people are prepared to give us; but that such an Administration, or that any Administration, can now come into power and effect a genuine, thorough reform in the great matter of Executive patronage, I lament to say I very much doubt.

Sir, it is among the worst of the evils connected with the misrule of this Administration, that, while it has given to party spirit great bitterness, it has begotten an alarming indifference to the character of the means by which it may be gratified. The danger of retaliation on a change of Administration, none can fail to perceive. Such an exercise of the appointing power as shall be necessary to restore a just equilibrium, and give

to each of the parties of the country their just proportion of offices, so as to divest the exercise of that power of its present party character, would, under the influence of party feelings, and a remembrance of party injustice, be very liable to degenerate into the same abuses that have marked the course of this Administration; and this liability would be increased by the diminished restraint of public opinion which has, under a ten years' Administration upon the mercenary "spoils" principle, become accustomed to the application of that principle in the exercise of the removing and appointing power. The thirst for office has been greatly increased within the last ten years; and the men who feel it have too often thought its gratification, in connection with the removal of incumbents, to be satisfied with a President who will not furnish them such gratification at the expense of such removal.

Under the influence of a perverted public sentiment, there are doubtless many Whigs who would deem a Whig President quite too scrupulous and "strait-laced," who should hesitate to follow the fashion of "rewarding friends and punishing enemies." To stay the downward progress of public sentiment in this respect, and bring it up, at once, to the point of demanding, in accordance with General Jackson's advice to Mr. Monroe, the appointment to office of men "most conspicuous for probity, virtue, capacity, and firmness, without regard to party," and requiring that the President should "act for the whole, and not a part of the community," would be an achievement little less than miraculous. General Jackson might have adopted this principle and carried it out in his Administration; for it would have been not only following his own advice, but the example of his immediate predecessor. But can it be done now? Sir, we want a President who is able to do it. It is an object of the very highest importance. He must not only have the inclination, but the power. He must possess such a weight of character and have such a hold on the confidence of the country, independently of party associations, as shall enable him to sustain his Administration upon the basis of such a reform; and carry it out successfully and triumphantly. Long enough have we had Chief Magistrates whose influence has been used to pervert the public mind to an approval of a corrupt policy. May we not have a President, at length, who will nobly take the true ground, and who can carry into his high station such a moral power as shall enable him to purify and elevate a public sentiment which that station has, for ten years, lent its whole influence to corrupt and debase?

Sir, the Whigs have a mighty work to do to achieve a victory; but, if that victory shall be achieved, there will remain a greater work to accomplish—that of wisely and justly improving it. Indeed, the victory will not, in truth, have been achieved until the principles of this Administration shall have been put down, and superseded by an elevated, disinterested, manly policy, in opposition to the groveling, selfish, vindictive one which we have witnessed for the last ten years. And, sir, let me say, that the man who can come into the Presidency in the midst of the corruptions of this period, and commence and carry forward and sustain his administration on right principles, will have achieved a triumph whose glory shall as far transcend the glory of the highest military achievement as that falls below the triumph of truth over error, patriotism over selfishness, and purity over corruption.

#### RIVER AND HARBOR IMPROVEMENTS.

#### SPEECH OF HON. R. P. MARVIN, OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

February 5, 1839,

On the report of the Committee of Ways and Means relating to the state of the Treasury and the expenditures of the Government.

Mr. MARVIN said that, before he concluded his remarks, he intended to move a recommitment of the report to the Committee of Ways and Means, with instructions to report a bill making

appropriations to continue the improvements of the harbors and rivers, according to the estimates reported to Congress from the proper Department.

I have examined with some care (said Mr. M.) this report from the Committee of Ways and Means, and I have done so with no little astonishment. For some time previous to the coming in of this report, I had anticipated that the committee would report the usual bill for the continuance of the public works upon our northern lakes, and the improvement of the navigation of rivers, which works had been commenced under the former legislation of Congress. From the little experience I have had here, I did suppose that it was almost a matter of course that the committee should report those bills making appropriations for the continuance of those works which had been provided for by previous legislation.

I well recollect that at the last session of Congress, when we had a discussion upon the bill making appropriations for continuing the Cumberland road, a question was raised as to the opinions of a majority of the Committee of Ways and Means which had reported the bill, and that the chairman rose in his place and stated that if the committee were to report no bills to the House except such as a majority of the committee approved, very many of our appropriation bills would never be reported at all. A majority of the committee was opposed to the bill for continuing the Cumberland road; and I have understood the fact perfectly well that the majority of that committee were also opposed to the harbor bill; nevertheless it was reported at the last session of Congress, according to the recommendations of the proper department, and that, too, in exact accordance with the estimates for each work as proposed by the Department. And when I learned from this report that the committee had decided not to report a bill for the action of Congress continuing these improvements, I confess, sir, I was greatly astonished; and though generally silent here, I determined to avail myself of the earliest opportunity to vindicate these improvements from the dangerous attack which has been made upon them, and to speak freely of this report, and of the course which the Committee of Ways and Means have decided to pursue. They have taken the responsibility of nullifying the former legislation of Congress, and the recommendations of the Department having charge of these works. They have taken upon themselves the responsibility of discriminating between the recommendations of one Department and another. And so far as their action is concerned, they have determined that this House—that the Representatives of the people—shall not be trusted to vote upon the question whether these works shall be continued or abandoned. I ask whether it would not have been more respectful to the House if the committee, in accordance with well-established precedent, had reported the bill to the House, and left a majority of the Representatives of the people to act their pleasure in relation to it? We all know that the rules of the House are such, that it is very difficult to get an expression of opinion upon propositions which a member may wish to submit. If the committee will report the bill, and after a fair and full consideration, the majority here shall decide against the continuance of these works, then it will become me to submit to such decision; but until there be a fair discussion and vote upon the question, neither I nor my constituents will be satisfied.

This report, sir, is prepared with considerable ability, and displays much ingenuity in the arrangement of its matter for the purpose of accomplishing the object which the writer doubtless had in view. It goes on to speak of the increase of the expenditures of this Government from its organization to the present time. It institutes comparisons between many items or classes of expenditure in 1829, and for a few years past. It speaks of the enormous increase of expenditures under the civil list, in the Army, the Navy, and in other branches of the administration of public affairs; but, generally, these are mentioned only to be defended. Suggestions are thrown in all along to palliate and excuse the enormous increase of these expenditures, with very few exceptions, one of which is the pension system. The report then comes down to what is called the

internal improvement system, and thus solemnly introduces the subject:

"The committee feel it to be their duty to bring to the special notice of the House the heavy and rapidly increasing expenditures upon harbors and rivers."

The residue of the report, constituting more than one third of the whole, is devoted almost exclusively to an assailment of these works.

I do not understand, sir, that the chairman of the committee, [Mr. CAMBRELENG,] who is the author of this report, maintained that these appropriations are positively unconstitutional. It is true, he has thrown out suggestions of doubt, and has spoken of expenditures, "foreign, as your committee believe, to the original design of the Constitution;" but I say I do not understand him, anywhere in this report, to avow the opinion that such appropriations are without constitutional authority. If gentlemen shall be disposed to meet the question on constitutional grounds, I shall not object to do so at any time, as I have no doubt of the authority in the Constitution to make these appropriations for the construction of those works which are national in their character, and which are necessary to facilitate the commerce of States, and in time of war greatly enlarge our means of defense and powers of resistance. If we may rely upon the opinions of the framers of the Constitution, of those eminent statesmen who were contemporaneous with it, upon the precedents established by them, and acted upon by all Administrations, from that of General Washington down to the present; if we may rely upon the commentators upon the Constitution; if any question in this country is ever to be settled by the combined authority of legislation, of practice, and the opinions of men eminent as jurists and statesmen, then I say the constitutionality of these appropriations is settled. I will not, however, at this time, enter into a discussion of the question. Were I, however, to do so, the principal authorities which I would cite should be from that portion of the United States where this authority is now the most stoutly denied.

As to the policy and expediency of these appropriations, I will ask the attention of the House to a few facts, and, in the outset, I wish to disembarass the subject, and to relieve the harbors on the northern and northwestern lakes (for I propose to confine my remarks principally to them) from the odiousness of the large expenditures charged against them. Congress has for several years annually passed a bill, which, in common parlance here, has been called "the harbor bill." It is a bill making appropriations for harbors on the lakes and sea-coast, and for the improvement of the navigation of rivers, and for other purposes. This report states that over twelve million dollars have been expended for these purposes—for what has been denominated internal improvements. I will hereafter remark upon the manner in which these \$12,302,533 66 are made up. Now, sir, what portion of this large amount has been appropriated for the lakes—for the northern coast—upon the most important frontier of the United States? The whole amount appropriated is but little over two million dollars. Previous to the last session of Congress the whole amount which had been appropriated was a little over one million six hundred thousand dollars, which had been nearly all expended upon twenty-eight works of the United States on the northern lakes.

I ask gentlemen, if they can, to point me to any part of the United States where the sum of \$2,000,000 has been expended for objects more national, or where greater national benefits have been produced. It is idle to say that it is constitutional and proper to appropriate money for the improvement of harbors on the sea-coast, and for the protection of commerce upon the high seas, but that it is unconstitutional and improper to appropriate money for the improvement of harbors and for the protection of commerce on these vast inland seas. What is the amount of commerce upon these waters? How much business is done there? On Lake Erie alone the amount of tonnage is thirty-four thousand. There are upwards of fifty steamboats, and they are among the largest in the United States. The amount of commerce is now very great and is rapidly increasing. This commerce cannot be safely carried on without the

protection which these harbors afford. It is out of the question. There is no natural harbor on the whole southern coast of Lake Erie.

These works were originally commenced as experiments, and they have been eminently successful. They were cheap structures in the first instance, and it is now necessary to repair them in a more permanent manner. If you withhold appropriations, what would be the consequence? what would be the condition in which these works would be left? Many of them are much exposed, and would necessarily go to decay. Could not the Committee of Ways and Means select out any other items of expenditure as the objects of retrenchment, except those which are actually necessary for the protection of our commerce and for the defense of our frontier; or was it necessary to assail these works in order to yield to the demands of a party representing another section of country, from which so much declamation is constantly heard against these appropriations? Why, sir, I am astonished at the view taken of this subject. The other day a bill came up here appropriating \$500,000 for the protection of the northern frontier, and upon the bare request of the chairman of the committee, the bill was passed almost *sub silentio*, and I believe without a single dissenting voice. Last winter, the sum of \$625,000 was appropriated for the same purpose, and the bill passed without opposition; thus, more than half as much money has been appropriated by these two bills as has ever been expended on all the harbors upon the lakes.

Mr. M. was here interrupted by the expiration of the morning hour, and the House proceeded to other business. The next day the morning hour was consumed without taking up the report of the Committee of Ways and Means, and on the day following the select committee on the public lands made a report, which took precedence for the morning hour over the consideration of the report from the Committee of Ways and Means. A bill, however, making appropriations for military purposes, came up in the House, with an amendment making the usual appropriation of \$30,000 for surveys, &c.; when Mr. M. continued his remarks as follows:

Mr. Speaker, I understand that the report made this morning from the select committee on the public lands takes precedence of the consideration of the report of the Committee of Ways and Means upon which I submitted a few remarks the other morning. A debate has sprung up upon this land report, and from present appearances I presume it would not be a very extravagant prediction to say that it will occupy the morning hour for the remainder of the session, unless some other committee should come in, and by permission make a report which shall take precedence of this, and thus override it; in either event, I do not see but I am fairly cut out of my remarks if I wait for the opportunity of continuing them upon the order of business upon which they were commenced. I am assured, however, by all the old members about me, and particularly by the chairman of the Committee of Ways Means, that my remarks upon his report and in defense of harbor and river improvements will be perfectly in order in the present debate. At any rate, sir, I shall not be liable to interruption from the expiration of the morning hour. I will, therefore, proceed now in my remarks.

When arrested, the other morning, I had just called the attention of the House to the fact that two bills had been passed by the present Congress appropriating \$1,125,000 for the defense of the northern frontier, a sum equal to half the amount which had ever been appropriated for the construction of harbors upon that extensive frontier. My object in calling the attention of the House to these appropriations was not for the purpose of condemning them, for I approved of them at the time, and I believe that the amount appropriated for that purpose at the last session was fruitful in good; but my object was to show that, without the aid derived from the existence of these harbors, we might have been obliged, for the purpose of accomplishing the same objects, to have appropriated double or treble that amount. I maintain that these harbors are absolutely necessary for the protection of your northern frontier, and that there are no other objects

upon which money can be so judiciously expended, having in view the defense of that extensive frontier; and for the correctness of this opinion I think I might safely appeal to all your military officers having any knowledge upon the subject. Had it not been for the existence of these harbors, it might have been very difficult, during the last year, to have preserved your neutrality laws. After the patriots had abandoned Navy Island, and had dispersed themselves, with an understanding that they were again to meet at some point on the western extremity of Lake Erie, after having forwarded their arms and such munitions of war as they had, Colonel Worth, one of the most active and enterprising officers in your Army, chartered a steamboat at Buffalo, and, with a small body of men, in eight and forty hours, traversed the whole length of the lake, having landed at the principal harbors along our shore. He ran into the harbor of Dunkirk, forty-five miles from Buffalo, early in the morning, landed his men, and marched to the village of Fredonia, three miles from the lake, and seized a large quantity of the arms of the Patriots, returned to his boat, and continued his voyage, and was entirely successful in breaking up the enterprise of a set of misguided men, who were doing all in their power to involve us in a war with Great Britain. Now, sir, if these harbors had not been in existence, this enterprise of Colonel Worth could not have been performed; no such voyage could have been made.

I am now considering these works in a military point of view, and as necessary for the defense of the country, or rather as very important and necessary means of defense. I take it that it is not denied by any one that the obligation to protect and defend the country, the entire country from foreign invasion, rests upon this General Government. If I show that these works are necessary in a military view, for the defense of the country, it will then at once be conceded that they are national. I shall call the attention of the House to some extracts from the reports of United States engineers, who are superintendents of these works. I read first from the report of Mr. Smith, the engineer superintending the construction of several of these works on the southern shore of Lake Ontario. He says:

"The harbors on the southern shore of Lake Ontario are important for two purposes, commercial and military."

He then speaks of them as agents of commerce, and adds:

"The existence of such places of refuge is of great importance to those navigating the lake; for, where harbors abound, shipwrecks seldom happen, but where they do not they are frequent. The safety thus insured in the navigation of the lakes, is one of the greatest benefits that the General Government could confer, and is one, too, clearly its duty, as well as interest, to bestow."

"It has been said that these harbors are important for military purposes. In the event of a war between the United States and Great Britain, this frontier would necessarily become one of the scenes of active operations. On the Canada side of Lake Ontario, there are a great number of good natural harbors, in which vessels might be fitted, stored out, and manned, and from which, after the Welland canal has been enlarged, they might be sent out to harass the whole of the northern inland coast; and, were it not in the power of the United States to meet them with their own weapons, disastrous consequences might ensue."

"Moreover, there now exists between Kingston and Montreal an internal communication, confessedly for military purposes; and, when the contemplated ship canal around the rapids of the St. Lawrence has been constructed, the whole of this same coast might not only be exposed to the mercy of vessels from Canadian ports, but likewise to a British fleet from the ocean."

I will read, sir, another extract or two from this able report, bearing upon the question I am now considering; for I am anxious that the chairman of the Committee of Ways and Means should take a more enlarged and comprehensive view of the whole subject. I wish to satisfy him that the whole country has an interest in them, and that their benefits are not confined to "cities, towns, and villages," which may be located near them:

"All the artificial harbors on the southern shore of Lake Ontario, will admit, when completed, vessels drawing thirteen feet water; and Big Sodus bay is large enough to contain a fleet of any size, and well adapted for such purposes. Not only, then, will the whole of the coast be amply provided with good harbors, but the connection between them and the interior of the country is such that, at any one of them, all the munitions of war and men necessary for a military expedition could be concentrated with the utmost celerity. The facilities for conducting military movements with unusual rapidity in this section of the country are now

very great, and must in a short time be still greater. For, along the whole southern coast of Lake Ontario runs the Erie canal; south from Rochester, extending across the State of New York, will be the Genesee valley canal; stretching from Big Sodus bay to the Susquehanna river, another communication; from Oswego to the Erie canal is another; from the same place to Syracuse or Utica will be a railroad; parallel to the Erie canal, the Great Western railway, beginning at the Atlantic, and terminating at the lakes; and through the southern part of the State still another, intersecting the two transverse communications."

Sir, we might here stop and pause in admiration at the wonderful change which has been wrought on that frontier since the war of 1812, and in that noble State whose shores are washed by the billows of the Atlantic, and the waves of Erie and Ontario. The question might be asked, and it would be pertinent, to what power, to whose enterprise, is the United States—yes, sir, the United States—indebted for these works of intercommunication, which enable them to transport troops and munitions of war with a celerity and at an expense unknown in any other part of the world? But, sir, I will continue to describe things as they exist, and for the present leave gentlemen to make the application, begging them to bear in mind that my proposition is, that this Government is bound to defend the country, and that these harbors are necessary for the defense of one of its most important frontiers.

In the extract which I have just given from Mr. Smith's report, mention is made of Big Sodus bay, and it is said to be large enough to contain a fleet of any size. In the report made last year by the local superintendent, Mr. Swift, I find this description of Big Sodus bay:

"This bay extends to the south five miles from its entrance into Lake Ontario, and two and a half miles in width, which forms a sheet of water of twelve square miles, affording an anchorage to any number of vessels of the increasing navigation of the lake in water of from twelve to forty feet in depth."

He adds that "it is now connecting with Lakes Cayuga and Seneca and the river Susquehanna by a canal and a railroad."

Now, sir, this harbor or bay was inaccessible from the lake by reason of a sand bar at its entrance or communication with the lake. At a moderate expense the obstruction may be removed, and vessels in time of war may take shelter here, where they will be perfectly safe, as the entrance to the bay may be easily defended.

Sir, I have not been thus particular in calling the attention of the House to a particular description of some of these harbors on Lake Ontario because they are more important, in a military point of view, than others; for such is not the fact. They are all important, and are all intimately connected with the interior by means of roads, canals, rivers, and railways; and most of them have a large commerce with Canada, and with remote parts of the United States. The trade between Oswego and the upper lakes is very great. And are these mere works of local interest, constructed for the sole benefit of the towns or villages near them? This is a narrow, limited, and illiberal view of the whole matter, unworthy of the spirit of the age in which we live. I have already remarked that there are no natural harbors on the southern shore of Lake Erie; and perhaps there is no more dangerous navigation in the world than upon this lake. If, in case of a war between this country and Great Britain, we are to have the command of this lake, we must complete the harbors on our coast, and keep them in a safe condition. Without them, it would be impossible to maintain a navy upon the lake. Your ships might be destroyed by the elements in a much less time than was consumed in their construction. If hostilities shall ever break out on that frontier, the battle must be fought on the water. The enemy must never be allowed to set foot upon our soil. Our cities and villages are now scattered all along upon the border; and if an enemy were allowed to land upon our shores, the destruction to property would how be far greater than in the late war. The report of the committee speaks of "steam batteries" for the defense of harbors, and suggests the propriety, instead of authorizing any further expenditures for fortifications, that, for the present, we confine our expenditures to the armament of the fortifications we have finished, and await the result of future experiments, which will become necessary to as-

certain whether floating steam batteries are not superior to stationary fortifications in guarding the entrance into, and in defending harbors.

I am inclined, myself, to the opinion, that our system of harbor defense along the coast will, in a short time, undergo an entire revolution, and, instead of depending upon fortifications on the land, our fortifications will be built upon the water, and will be floated by the power of steam from place to place in our large bays and harbors. But if this mode of defense is to be resorted to, will it dispense with the necessity of harbors? Most assuredly not. Perhaps the gentleman, while writing this part of his report, had no thoughts of these inland seas which divide us from a foreign country, and over which, in case of war, we must have the command, over which we must be supreme, cost what it may, for we have no fortifications along their shores to defend our numerous cities and villages. I am of the opinion, sir, that our supremacy upon these waters is to be secured and maintained by armed steamboats, which, instead of being subject to the instability of the winds, will be, under ordinary circumstances, propelled by steam, and move from one end of the lake to the other. A very few of them will, in all probability, be sufficient to defend our commerce on the lakes and the country bordering on them. But you can neither have steam batteries, steam ships, or boats, or vessels, or navy of any kind upon these lakes without harbors. Why, sir, I have been, and still am, astonished at the persevering opposition which is made to all appropriations having for their object the improvement of the country. On the score of economy, there never were, in my judgment, any \$2,000,000 more judiciously expended, if we look simply to the placing of the country in a proper state of defense, than the \$2,000,000 expended upon these harbors. I have been looking into the expenditures of this Government, and I find that, previous to 1812, the expenditures for what is called "military services, including fortifications, arsenals, armories, ordnance, internal improvements," &c., varied from \$632,807 to (in 1809) \$3,335,772. In 1811 they were \$3,032,828. The average to 1812 is between one and two millions annually. In 1812 these expenditures rose to \$11,817,798; in 1813 to \$19,652,013; in 1814 to \$20,350,806; in 1815 they were \$14,794,294; in 1816 they were \$16,012,096; thus showing the expenditures under this head in five years to amount to \$82,627,007. This, sir, was a part of the cost of the second war of independence; and I have called the attention of the House to these items for the purpose of remarking that wars are very expensive at all times, and that their expense is very greatly enhanced in the absence of all facilities for carrying them on. A large portion of this amount was expended in the defense of the northern frontier.

I maintain that at the present time, in the present improved condition of the country, with our extensive works of internal improvement connecting all sections of the interior with the frontier, with our numerous harbors on the lakes, and with the great resources of the country in the immediate neighborhood of the seat of war, all the military operations which were then performed could now be performed at an expense to the United States not exceeding fifty per cent. of the amount which was then actually and necessarily expended. How immensely important, then, in a military point of view, do all these improvements become. Our documents show us that the war in Florida with a few Indians, which has been going on for two or three years, and which is not yet terminated, has cost us about \$20,000,000. And why has it been so expensive? One reason is that you had to create and bring into existence there nearly everything which was necessary for the prosecution of the war. Large sums have been expended in making roads and constructing bridges for the army—your wagons were to be imported—from five to ten thousand dollars a month have been paid for the use of steamboats—nothing could be done without great expense, owing to the condition of the country, and the want on the spot of all the facilities for conducting the war. I do not mean to say that there has not been great extravagance there, a wasteful and prodigal expenditure of the public money. I believe that there has been; but in the

unimproved condition in which that portion of the country was at the time that the war broke out—I mean, sir, destitute of all the resources, the aids upon which an army relies—the expenditures at best must have been great. Would it not have been good policy, if this war could have been foreseen, to have expended a million or two of dollars in creating in that country the necessary facilities for the army?

Sir, there have been expended since the organization of the Government under the present Constitution, up to 1837, inclusive, for what is called the "military service," including fortifications, &c., \$234,549,966. The "naval establishment" has cost us, for the same period, \$134,881,122. Out of the former sum about two millions have been expended in the construction of harbors upon the northern and northwestern lakes, upon a coast of about two thousand miles in extent, for one of the most important and exposed frontiers; and which expenditure, I venture to say, has been more productive in developing the resources of the country, in strengthening and increasing its power, in binding together in the strong bonds of interest distant and remote sections of this great country, than double the like expenditure anywhere else; and yet, notwithstanding all these beneficial effects, these great national results from so small an outlay, the cry of denunciation, from a certain quarter, is constantly heard upon this floor, and now the Committee of Ways and Means come in, and, with all the power which their position gives them, unite with the enemies of these works.

But it is time, sir, that I proceed to consider the importance of these works in their relation to commerce; and here I greatly deceive myself, if I shall not be able to vindicate the national character of and general interest in them. I lay down the proposition, in the beginning, that it is the duty of this General Government to afford protection to the commerce of the country. It is a national obligation, and arises out of the very nature and objects of the Union. This Government possesses the exclusive power to regulate commerce with foreign nations, and among the several States. It possesses the exclusive power of levying imposts, and collecting duties. One great object in the formation of the present Constitution was the protection of our commerce, and that there should be a system of commerce for the whole country—a uniformity in commercial laws and regulations. The proposition which I lay down will not be disputed as long as we expend annually so many millions in supporting our Navy upon the high seas for the protection of our commerce in all parts of the world, and in constructing harbors along the sea-coast for the safety of the merchantman.

Well, sir, I contend that the commerce on the lakes is equally entitled to protection with that upon the high seas. The internal commerce of any country is as important to it as its external; indeed, it will have little foreign commerce if its internal commerce be limited and obstructed. Facilities must be afforded for the transportation of the productions of the interior, and for the introduction of foreign articles for consumption in exchange.

If gentlemen will turn their attention to the actual state of things in this country, I apprehend that they will find that the internal, the domestic trade of this country, far exceeds its foreign trade. I mean, that the commerce, in the productions of the country, among the several States of this Union, and the people of those States, far transcends all the foreign commerce of this country. Much of this commerce is carried on between States separated many hundred or a thousand miles from each other, and the channels of communication are the great lakes upon your northern border, your mighty rivers which penetrate the interior for thousands of miles from the ocean. Now, sir, it is idle to say that you will spend millions annually for the protection of foreign trade, and that you are under no obligation to expend a dollar to facilitate and protect the internal trade of the country. Allow me, sir, for a few moments, to call the attention of the House to some of the data, showing something of the extent of this internal commerce, and every American citizen may well be proud of his country, as

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River and Harbor Improvements—Mr. Marvin.

U. S. HO. OF REPS.

its resources, its power, and its wealth are developed and spread out before him.

In a document recently laid upon our tables, coming from the Secretary of the Treasury, it is stated that "the tonnage of all the steamboats in the United States is computed to exceed one hundred and fifty-five thousand nine hundred and seventy-three. Of this, one hundred and thirty-seven thousand four hundred and seventy-three is in boats ascertained or reported. By the official returns, the whole tonnage would now probably equal near one hundred and sixty thousand tons, having been, in 1837, equal to one hundred and fifty-three thousand six hundred and sixty." The report adds, that "in England the tonnage is estimated to have been sixty-seven thousand nine hundred and sixty-nine, in 1836." This great amount of tonnage is all employed in the home trade, the internal commerce of the country. Our steamboat tonnage is considerably more than double that of Great Britain. I read further from this interesting document:

"The whole number of steamboats ascertained and estimated to be now in this country is eight hundred. In England, in 1836, the whole number is computed to have been six hundred. On the western and southwestern waters alone, near four hundred are now supposed to be running, where none were used till 1811, and where, in 1834, the number was computed to be only two hundred and thirty-four."

From this extract, and the one I have just read, showing the amount of tonnage, it appears that the steamboats in the United States are much larger than in England. It is stated, in this report, that the average tonnage of the steamboats in the United States is about two hundred. Observe, too, sir, the rapid increase of steamboats on your western waters, "where none were used till 1811, and where, in 1834, the number was computed to be only two hundred and thirty-four," and, but for the expenditures of the General Government, in removing the snags and sawyers from the noble rivers upon which these boats float, how many do you suppose there would now be? But it is time, sir, that I called your attention to the water craft upon the lakes, as showing the amount of business done upon them. And here, sir, I think I shall have no difficulty in showing the chairman of the Committee of Ways and Means that they have kept pace with the "rapidly increasing expenditures" so much condemned in his report.

Mr. Brown, an intelligent and enterprising United States engineer, having charge last year of several of the works on Lake Erie, states, in his report of last year, that

"There are now fifty steamboats on Lake Erie, whose tonnage amounts to ten thousand five hundred tons; and eleven more launched and on the stocks, which will be ready next season, whose tonnage will be about five thousand tons; and there are two hundred and thirty ships, brigs, schooners, and sloops, amounting to fourteen thousand nine hundred and thirty-one tons. The steamboats make their trips once a week, and the sail vessels once in two weeks; so that the coasting trade of the upper lakes, next season, will amount to seventy-five thousand nine hundred and four tons per month. To the residents in this section of the country, it is well known that the whole of this immense commerce owes its safe existence to the United States harbor improvements."

Allowing six months as the period of navigation, it shows you an amount of tonnage per annum, of over four hundred and fifty-five thousand tons.

Mr. Williams, an able engineer of the Topographical Corps, who is the present general superintendent of the United States works on the lower part of Lake Erie, in his report of last fall, states the aggregate tonnage for Lakes Huron, Michigan, and Erie, the bulk of which, he says, belongs to the latter, at thirty-four thousand tons, and that there are in all about three hundred vessels. The amount of tonnage belonging to Buffalo and its immediate vicinity is ten thousand three hundred and forty-one tons; and he adds:

"The whole amount of tonnage belonging to the port of Buffalo and vicinity, in 1830, was one thousand nine hundred and fifty tons; being an increase of eight thousand four hundred and eleven tons, or four hundred and thirty per cent., at Buffalo alone, in seven years."

Here is an increase of tonnage and business, I venture to say, not paralleled in any other portion of the world; owing their existence, in the emphatic language of Mr. Brown, to the United States harbor improvements. In 1832 the amount of canal tolls received in Buffalo, principally on

freight going forward on the Erie canal to Albany, from the country bordering on the lakes above, amounted, in round numbers, to \$66,000; in 1836, to \$158,000. It is well known that this is no fair index of the increase of business upon the upper lakes. During all this period the emigration into this vast country bordering upon the upper lakes, particularly into Michigan, the northern part of Illinois, and Wisconsin, has been so great that heavy drafts have been made upon the country bordering upon the southern shore of Lake Erie, principally Ohio, for breadstuffs to feed the new settlers, till they should be able to produce a supply for themselves. This state of things will not long exist; indeed, it is now nearly, if not quite, at an end; and hereafter all these sections of country will produce a surplus which must seek a market east of the lakes. The business, therefore, in my judgment, will go on increasing for some years to come, in a much greater ratio than heretofore.

It will be seen by the extracts I have read from these documents, that about one tenth of all the steamboat tonnage of the United States is upon Lake Erie alone. What reflections does this fact alone produce? In number, they are one sixteenth part of the whole. This shows that they are, on an average, larger than the other boats in the United States.

The first steamboat which floated upon Lake Erie was launched in 1818. It was named the Walk-in-the-Water. And we have now the largest steamboats in the United States, with the exception of one—the Natchez.

Mr. GIDDINGS remarked that the Great Western, recently launched on Lake Erie, was larger than the Natchez.

Mr. MARVIN. Well, sir, we have, then, the largest steamboats in the United States upon this lake, and I think my friend from Ohio for correcting me, and claiming the honor as belonging to the enterprising proprietors of steamboats on the lake. The tonnage of several of these boats is between seven and eight hundred tons. But, sir, the comparison is not fairly and fully made if we confine ourselves to steamboats alone. Nearly all the commerce upon your great western rivers is carried on by means of steamboats, and no ships or schooners are employed but upon the lakes. We can avail ourselves of the power of the winds as well as steam; and hence it is that there are employed on the upper lakes near two hundred and fifty ships, brigs, schooners, and sloops, which, in the aggregate, exceed eighteen thousand tons.

Now, sir, all these steamboats in the United States, together with the other vessels on the lakes, are employed exclusively in the inland, the internal trade of the country, in the commerce between and among the several States, in transporting the productions of one State to another. None of them are employed in the foreign trade, though they feed and sustain with the rich productions of the interior your foreign trade, and receive in exchange the various products of foreign climes, and distribute them among your citizens in all parts of this wide-spread Confederacy, from the Atlantic to the Rocky mountains. I now ask, sir, in all candor, whether the construction of works absolutely necessary for the safety of this immense business, and without the construction of which this commerce could not exist, is a matter beneath the notice or care of this Government? Are works which are prominent agents in producing such results mere local "county, city, town, and village improvements?"

Near four hundred of these splendid floating storehouses which are propelled by steam are to be found in the valley of the Mississippi; upon that mighty river and its tributaries, many of which claim for themselves the proud career of more than a thousand miles before they are lost in and swallowed by the Father of Waters, which, without apparent augmentation, pursues its majestic course to the ocean. The power of steam has successfully combated and overcome the powerful current of these great rivers, and your noble steamers now plow their way in safety from the Gulf of Mexico up these rivers nearly to their sources. On these rivers and in these boats the commerce of a region of country unsurpassed in fertility and natural resources, suffi-

ciently extensive to afford a comfortable home for all the inhabitants of Europe, is carried on; and the commerce of this vast region, accumulating and increasing from year to year and from age to age, is always to continue to flow in these natural channels, supplying the millions of our people who are to inhabit the country with the comforts and luxuries of life, stimulating them to industry by the advantages that they possess in sending their abundant surplus to market and bring their labor and their enterprise into competition with the labor and enterprise of the whole world. Sir, a home in the center of this vast continent would be little desired and would possess few attractions if there were no natural inlets or outlets to it. Few would be found to make it an abiding place. Our admiration and our patriotism should ever be deeply awakened when we contemplate the great extent and wonderful resources of our country. And where nature has not accomplished all that we desire, but has left something for man to do in removing obstructions, or erecting safeguards, instead of grudging the means necessary, it is the part of wisdom and patriotism to grant them liberally. Appropriations have been made by the General Government to remove obstructions in these rivers, and without the removal of those obstructions no business could have been safely done upon them. Will it be contended that these appropriations are local? for mere local objects? that they are not of general interest?

Sir, these rivers are the highways for the commerce of States, of numerous States, of half the States in the Union; and there is no State in the Union that is not deeply interested in them. Ask Massachusetts whence comes the pork for the supply of her people engaged in manufacturing; and she will answer, much of it from Cincinnati, by the way of the Ohio, the Mississippi; and the ocean; and the cotton to feed her million spindles comes from Arkansas, Mississippi, and Louisiana. And Massachusetts pays the debt thus incurred by returning from her manufactories the fabrics necessary for the comfort of their people. The objects of these appropriations are not local, they are general. Suppose, sir, some snag, or sawyer, or other obstruction, is required to be removed from that part of the Mississippi river which washes the shore of the State of Mississippi: which State shall perform the service? Shall Mississippi do it? She may say no; Kentucky; Missouri, Ohio, or even Pennsylvania, is as much, and perhaps more, interested in it than Mississippi. Say to Kentucky, "you must do it," and the answer would be, "no; Kentucky will not expend her means for making an improvement in which a dozen other States have as direct and deep an interest;" and thus the snag or sawyer will remain, endangering the whole navigation of the river, and putting at hazard the lives of thousands of our citizens. It is possible, indeed probable, that Mississippi, or some private company under her authority, would consent to undertake the business of keeping the river clear and free from obstructions along her border, if you will permit them to levy a duty upon all the commerce and all the passengers that use the river; but this would not for a moment be endured. The navigation of the river is free, and so it must forever remain.

No, sir; these are great national works, of national interest, of general concern; they affect large portions of the people of the United States directly; and all of them, in a greater or less degree; they must be under the direction and control of one head; of a single power, a common power; that power which regulates trade with foreign nations, and among the several States.

But, sir, I will return to the lakes; and I must be indulged in reading still further from the reports in relation to these harbor improvements. I fear that the Committee of Ways and Means have not read them. They are full upon the questions I am now considering, and their importance is urged in a manner more forcible than I can employ.

The proposition which I have laid down is, that it is the duty of the General Government to protect the commerce upon these lakes; and I have already remarked that there can be little or no commerce on these waters without the creation

of artificial harbors as places of resort and refuge, and that in the natural condition of Lake Erie there are no harbors. All our harbors upon that coast are artificial; often, and I may say generally, made at a small expense, compared with their importance. I read now, sir, the general remarks of Mr. Smith, the general superintendent of most of the public works on Lake Erie, contained in his report of last year, and which preceded the particular description of each work under his charge:

"Until the commencement of the system of improvement of the lake harbors by the Government of the United States, the immense extent of country occupying the south shore of Lake Erie, or dependent on it for commercial facilities, was a wilderness. The navigation of the lake was attended with the utmost delay, difficulty, and danger. The mouths of the several streams emptying themselves into the lake were uniformly obstructed by sand and vegetable matter, creating stagnant bodies of water which overflowed the lowlands for miles, generating an atmosphere which rendered the country nearly uninhabitable from disease; at the same time that the streams themselves were entirely inaccessible as a refuge for vessels, and in all respects an evil rather than a benefit to the surrounding country. It is almost unnecessary to say that the judicious improvements made under the acts of Congress have entirely changed all this; and many millions of acres of land of the most fertile description, embracing the western portion of the State of New York, the northern part of Pennsylvania, Ohio, Indiana, and Illinois; and the whole of Michigan, owe their present settlement and improvement, in a very great degree, to this cause. These improvements have also been the direct cause of the unexampled sales of the public lands in the northwestern States and Territories, lying along or dependent on the great lakes for their principal means of access and commerce. The mouths of the Huron, Black river, Cuyahoga, Grand river, Ashtabula, and Conneaut—across each of which the beach of the lake was continuous, and the only drain for which was by filtration through the sand—were opened, and kept open by piers and other improvements; beacon light-houses have been erected, and these streams, as well as other works at the east end of the lake, now afford secure harbors, accessible at all times to vessels navigating the lake. The improvement at the mouth of the Raisin, the only one on Lake Erie within the State of Michigan, is of similar character, though from its greater difficulties it has been rather more expensive."

This extract furnishes much matter for reflection. It clearly sustains my position that the commerce on the lake is dependent upon the harbors, and that without them, it could not be successfully prosecuted. Observe that many of those rivers in the mouths of which our vessels now find safety from the storms, and upon which are now located many of the finest and most flourishing cities and villages of Ohio, formerly found their way into the lake by filtration through the sand thrown up by the action of the water. In times of freshet or high water, they would open a passage for themselves into the lake, and the improvement now consists simply in extending parallel piers or jetties into the lake to a sufficient depth of water, and beyond the action of the beach or sand, and thus confining the current of the river, and enabling it, at all times, to preserve a clear and open channel.

Mr. Smith stated further that

"These works, originally but experiments, though now found so admirably to answer the purpose for which they were designed, were built of perishable materials; it is generally to render them permanent, that the appropriations are recommended on the estimates for the coming year. The nature of the permanent improvement is to remove the woodwork of the piers, already much decayed, to the depth of two feet below low water mark, and erect on the old foundation a superstructure of stone. Unless this course is adopted without delay, the action of time and the elements will speedily render useless all that has been found of such vast benefit to the commerce of the West. This has been done at Buffalo heretofore, and has since my last report, been, under the appropriation of last year, fairly commenced at Cleveland. By using the old work as a foundation, permanent works may be erected at comparatively small cost, sufficient to defy the action of the elements for ages; but I beg leave to urge again that the commencement should not be delayed for a moment."

Other engineers take the same view of this matter, and press upon us the importance of rendering these works permanent, and completing them in a style which will insure their durability, and relieve them of the constant expenses which are now necessarily incurred in making repairs to prevent their entire demolition. Mr. Brown says, speaking of Dunkirk harbor,

"That the timber work above water decays rapidly, and this cause has already been productive of great expense and injury. In the last three years the sum of \$8,000 has been laid out in repairs, which would have been unnecessary if the material used above water had been stone. Nothing can show more forcibly than this fact the propriety of proceeding, without delay, to place on a permanent footing these Government works, which experience has shown to be productive of such immense benefits."

These works were originally but experiments. And it was a matter of great doubt whether they would succeed. Their success is now fully tested; they are built of cribs formed of timbers, which are sunk in the lake and filled with stone; they adhere firmly to the bottom, and there is no danger of their being displaced or removed by the action of the water, unless it makes a breach over them. The timber part above water is rapidly decaying; and in some instances is now in a dilapidated condition. It will readily be perceived that if they are suffered to remain in their present exposed condition, there is imminent danger of the upper part being washed away; and whenever this is the case, it will be the work of but a few hours, in a violent storm, to plow up and sweep away the whole structure, thus destroying your harbor, and wasting, by your ill-advised and unwise parsimony, all which you had previously expended. The plan now is to remove all the wood-work which is exposed to the action of the wind and water, or, in other words, to decay, and erect upon the present foundation, which is the best in the world, a permanent superstructure of stone and masonry. It is believed that these works will then be safe and permanent, and that but very little, if anything, will thereafter be required to keep them in repair. If you enter upon this work at once, without delay, the expense will not be great; the foundation, the most expensive part, is there—is completed. But if you delay you may lose this foundation entirely. Is it the part of wisdom, then, to procrastinate, to stop here? I think not, sir. I think with the engineers, that it is all-important that not a moment be lost.

Sir, true economy demands that the works be prosecuted without intermission. Your engineers and superintendents are now on the spot, with all the information they have acquired from past experience. You have now the tools and implements necessary; you have dredging machines; you have men, laborers who have acquired experience in this business. Is it wise to discharge them? But it is said that one half of the amount appropriated last year is to be expended this. There are nine harbors out of the twenty-five on the lakes, for which appropriations were made, where the appropriation was, in each case below twelve thousand. And, in these cases, nothing was reserved for the present year, and some of them are now much exposed, and require immediate appropriations.

Mr. LEGARE was understood to admit the importance of these works, but asked why the States did not make them?

Mr. MARVIN. I will endeavor to answer the question of the honorable gentleman. Sir, I have maintained all along that this Government should construct those works which are national in their character; which are of general interest; in which the commerce of States participated. I do not advocate the construction of works by this Government in a State, such as roads, canals, and railways, which are peculiarly State works, and upon which the State may charge tolls. I would not to-day vote an appropriation of a million dollars to aid my own State in the enlargement of its Erie canal, or for the construction of a turnpike or railway. These are works which can be much better performed by State authority. They may be used for national purposes, and may partake, in many instances, of a national character, but the State can and should make them, and control their use, and charge a reasonable toll upon them for its own indemnification. But how is it in relation to these harbors along your northern coast? They are for the protection of commerce generally—the commerce of many States.

Why, sir, to illustrate, take the harbor of Dunkirk, in my district, situated forty-five miles from Buffalo; steamboats leaving Buffalo daily, bound up the lake to Cleveland, Detroit, or Chicago, run into Dunkirk for a supply of fuel, land and receive passengers, and pursue their voyage. Ships going up or coming down the lake, encounter a storm, and run into Dunkirk as a place of refuge and to avoid shipwreck. Now, does not the honorable gentleman perceive that Ohio, Michigan, and all the country beyond Dunkirk, are more directly interested in this harbor than the State of New York, although it is situated in New York? Which State, then, shall construct

it, and keep it in repair? Is this a local work? No, sir; Massachusetts and all the eastern States are directly interested in it. Indeed, sir, so far as western New York is concerned, I might say, if I could be actuated by so narrow and illiberal views, that all these harbors on the upper lakes are prejudicial. The staple production of that part of the State is wheat, which finds a market in our eastern cities and the New England States. Now, sir, break up the commerce of the lake by destroying the harbors and preventing Ohio from coming into competition with our farmers, and they will enjoy a monopoly to a great extent. But I repudiate the argument; I go for the great good of the whole, for facilities which will enable us to trade with all parts of the country, and thus equalize the value of labor and the productions of the country. And we maintain that those harbors along the lake coast are as much national as those along the Atlantic coast, and that this Government is as much bound to construct them as it is to improve the harbor at Charleston, or to erect and keep up the numerous light-houses on the sea-coast. The great difference is, that where one dollar is required for the protection of our trade on the lakes, hundreds are required and expended for the same purpose on the high seas.

Let this Government perform its duty and its part in these great enterprises, and the States of the North and Northwest, at any rate, will perform theirs. Why, sir, they are now greatly in advance. There are now over two thousand five hundred miles of canals and railways already constructed, or in the process of construction, by the States bordering on the upper lakes, whose common center is Lake Erie. Illinois is tapping, by a gigantic work, Lake Michigan, thus connecting that lake with the Mississippi. Indiana is engaged in some of the most noble enterprises of the day, and the extent of her canals and railways will soon enable her to take her place by the side of those States which led the way in internal improvements. Ohio has connected her noble river with the lake, and she is still pressing forward with other important works calculated to develop her great resources. Michigan, though a State of but yesterday, has boldly put forth her strength, and is connecting by several lines one great lake with another. Eligibly situated, nearly surrounded by the lakes, possessing many valuable harbors, she is connecting the interior with them. I need not mention generally the works of Pennsylvania, but I will call the attention of gentlemen to one which has been recently undertaken, and its importance to the United States for military purposes will readily be perceived. I allude to the Sunbury and Erie railway, which will open a direct communication between Philadelphia and Erie, upper Lake Erie, and bring Philadelphia within about four hundred miles of the lake. Sir, suppose, during the last war, that Erie harbor had been improved as it now is, and this communication by railway between Philadelphia and Erie had been completed; how many million dollars could have been saved to this Government in carrying on the operations of the war?

As to my own State, it will not be denied that she has performed, and is performing, her duty to herself, to the States west of her, and to the United States. She asks no aid from this Government, or any other, in constructing her great works and completing her splendid and magnificent system of internal improvement. She has decided, and is now prosecuting vigorously the enlargement of her Erie canal, at a cost which will probably exceed fifteen million dollars. This is done for the accommodation of the trade of the great West bordering on the upper lakes.

Mr. LEGARE inquired as to the tolls collected on the canal.

Mr. MARVIN. It is true, sir, that the State expects that the revenue to be derived from the canal will, in time, reimburse the State; but, at the same time, the enlargement is for the benefit of the West. As you increase the volume of water in the canal, you will lessen the cost of transportation. While upon this subject of the State improvements, I will read an extract from Mr. Smith's report, to which I have already called the attention of the House, showing the important and intimate connection between the United States

works on the lakes and State works leading into the interior, into the very heart of the Republic; and hence their importance in military and commercial points of view:

"In regarding them in a commercial point of view, not only must the nature of the harbors themselves be considered, but likewise their relation with the interior of the country, with other States, and with Canada. Their relation with the interior of the country is highly important; for nearly all the improvements now going on or contemplated within the State of New York will be connected, either directly or indirectly with the waters of Lake Ontario. The enlargement of the Erie canal, which runs parallel with, and is but a short distance from, the shore of the lake, has been commenced, and will be prosecuted with all the energy possible. The increase to be given to its breadth, and depth will make it large enough to receive vessels navigating the lakes; and when it has been completed, the communication between the Atlantic and western States will be greatly facilitated. The construction of the Genesee Valley canal, by which the Erie canal at Rochester will be connected with the Alleghany river at Olean, will open one of the most extensive and fertile regions in the State of New York to this channel of internal communication. The pine lumber of Alleghany county, the wheat of the Genesee valley, and the bituminous coal and iron ore of Pennsylvania, will all seek a market by this route, until the New York and Erie railroad has been constructed, or the navigation of the Alleghany river improved. The improvement of the navigation of the Alleghany river, which is said to be quite feasible, would at once open an internal navigable route between the Genesee valley and that of the Ohio river, thus facilitating still more the increasing business between the eastern and western States. Besides opening the whole country south of Rochester to Lake Ontario, the construction of a ship-canal between Big Sodus bay and the Erie canal at Clyde, to be continued from thence to Cayuga lake, is contemplated. The Cayuga, Seneca, and Crooked lakes are connected by means of canals, and are surrounded by a country well settled and in a high state of cultivation, with a rich soil, producing wheat, grass, and fruit in great abundance. The construction of such a canal would not only give great water power near its debouch into the lake, but would open the whole of this fine region of country to Lake Ontario, thereby forming a line of internal navigation of six hundred miles in extent, and, when taken in connection with the Ithaca and Owego railroad and the Chemung canal, opening a direct communication between the lakes and the Susquehanna river."

Here, sir, are collected, in this extract, some of the great enterprises of a single State, and their direct connection with the works of other States, and the harbor improvements of the General Government. The latter are necessary to complete the system, and to connect the State works together, and as I have endeavored to show, are of such a character that they cannot be constructed and controlled by the States. The amount expended and to be expended by the General Government is a mere fraction of the amount which the States will have expended. And is this whole system to be broken up, and all the commerce dependent upon it to be abandoned, from the neglect of this Government to perform its duty? I trust not, sir. But, sir, I have not done with this report of the Committee of Ways and Means, this general declaration of war against harbor and river improvements.

"Should these Federal expenditures be permanently continued, [says the report,] they must corrupt the legislative branch, and entirely change the practical operations of our Government from its original and constitutional design."

Really, sir, I am at a loss to discover how the Government is to be entirely changed "from its original and constitutional design" by carrying out the very objects of the formation of the Government. I have always understood that one of the main objects of the Union was general protection to the whole country and its commerce. But, it seems, it will "corrupt the legislative branch." May not the legislative branch be trusted with these appropriations as well as others?

"The whole amount appropriated and invested is \$12,300,000, of which \$5,190,000 has been granted to a district of country not one hundred and fifty miles from the capital."

Is it quite fair, in presenting the indictment against harbors and rivers, to include over three million dollars which have been assumed for the corporations of this District, contracted in building a canal, on which I have never yet seen a boat, and assumed by the United States to save these corporations from being sold to the Dutch? I, sir, am not defending such appropriations. I only advocate those great national works which serve to connect the State works and bind the Union together. I place the question upon broad and comprehensive grounds; I ask not for money to build roads and canals in the States; but when great and remote sections of the Union may be

connected and bound together in the strong bonds of interest, by overcoming or removing some intervening obstacle, let it be done. This great country is naturally divided into three great sections, the East, the middle, or the Mississippi valley, and the North. And is it not of national importance to unite them; and, by a few great connecting links, bind the whole country together for its common defense and common welfare? Take the Alleghany river, which is one of the principal branches of the Mississippi, and which flows out of the northern "section." By rendering it navigable from Pittsburg to Olean, in the State of New York, you at once connect the whole valley of the Mississippi with the northern section of the Union. You supply the connecting link between all the works of internal improvement in New York, and all the rivers, and State works communicating with them, in that vast valley west of the mountains. Nature had so strongly indicated this river as an important connecting link between the North and the South-west, as an important channel for military and commercial purposes, that Mr. Calhoun, while Secretary of War, in his celebrated report of 1819, in relation to national improvements, mentions it as one of the great channels to be improved by the General Government. Sir, this river furnishes four fifths of the water constituting the Ohio below the junction of the Monongahela and the Alleghany; while the former furnishes twenty thousand cubic feet per minute, the latter furnishes eighty thousand cubic feet. The improvement of this river is a mere extension of the navigation of the Ohio into the State of New York.

If the navigation of this river had been improved previous to the last war, this Government would have saved double and triple its cost in the transportation of cannon and munitions of war to the frontiers. Mr. Calhoun, who was Secretary of War, saw and appreciated all this. And will it be maintained that this is a local work—a work not national in its character? Why, sir, the present Secretary of War, in his annual report, called our attention to one of these connecting links. He asks for an appropriation to make a survey between Fox river (which discharges itself into Green bay) and the Wisconsin. Only a few miles divide these streams, and he recommends a survey, "with a view of establishing a water communication from Lake Michigan to Mississippi river, which would be in the highest degree important to this Department in time of war, and useful for the transportation of supplies in time of peace." These are the kind of works, sir, which I advocate; but I suppose, in the estimation of the honorable chairman of the Committee of Ways and Means, they are "foreign to the original design of the Constitution."

But, says the chairman of the committee, whose duty it is to point out the "ways and means" for carrying on the Government, we have not the means to go on as heretofore. A plea of insolvency is interposed. Well, sir, this is a humiliating confession. The countless millions which have been poured into your Treasury are gone. And where? and how? and to whom? Sir, I cannot now stop to answer these questions; but I deny, in behalf of the harbor and river improvements, in behalf of the internal trade and commerce of the country, that it has been lavished upon them, though it be the object of this report to convict them.

Nevertheless, such is the fact, according to this report. I quote its last expiring sentence, "the conclusion of the whole matter:"

"Should Congress authorize the usual amount of new appropriations, and the three millions proposed for fortifications, harbors, &c., it will be necessary to provide five or six millions for the Treasury, in addition to all the resources and receipts existing or contemplated."

But let us see how this matter stands. I find some discrepancies between the estimates of this report and the estimates of the Secretary of the Treasury. The Secretary estimates the receipts into the Treasury for 1839 at \$31,645,342, including an estimated balance in the Treasury on the 1st of January, 1839. This report estimates the whole at \$28,900,000, including the sum of \$3,200,000, which is now ascertained to have been in the Treasury on the 1st of January, 1839. In this latter estimate, the proceeds of the fourth

bond of the United States Bank, \$2,380,000, is not contained.

The Secretary estimates the receipts from customs at \$19,000,000, which this report states at \$18,000,000; a difference of a round million. The Secretary estimates the expenditures for the current year at \$30,500,000, and strikes a balance in favor of the Treasury of \$1,045,342. Now, sir, I shall not trouble myself about these discrepancies. I take the Secretary, the responsible officer, at his word. He says he will have money enough. And in his estimates of expenditures he has included those for "harbors and rivers," and given us the items in detail, amounting in the aggregate to \$1,713,690 55. I prefer his estimates to those of the honorable chairman of the Ways and Means.

Mr. CAMBRELENG remarked that the Secretary had omitted any estimates for the Florida war, and two or three millions which he had included in his report.

Mr. MARVIN. Well, sir, I shall leave these matters to be settled between the chairman and Secretary. If the Secretary, in the midst of all his troubles, had forgotten the war in Florida, I hope he may be excused. But here is a difference in the estimated receipts of a million from the customs. Now, sir, we have every reason to believe that the customs will produce over \$19,000,000. All our information from New York shows us that money is rapidly accumulating in the hands of your sub-treasurer there, and I hope it is not expected that he will abscond with it.

But suppose we are a little short in our means: is it right, is it just, is it wise, is it true economy, to withhold all appropriations for the harbors and rivers, those great agents in promoting the internal trade of the country, and thus augmenting the very sources from which you derive revenue? No, sir; they are among the last objects you should abandon. Could not the chairman's keen eye discover, in the almost infinite variety of expenditures, any other items for retrenchment? Can there be no reform in any of the Departments—in the bureaus? How many Indian agents and commissioners have you, spending their summers in making tours of pleasure through the country, and their winters here, at eight dollars a day? Can there be no retrenchment there? Or would this, in very truth, retrench the patronage of the President? Is there nothing to retrench in your civil list, which has increased so enormously for a few years past? Can nothing be found to retrench and reform in your Navy, where I see the estimate for this year is \$5,891,096 07? Is all right in your Army? Can no retrenchment be made there? Is all this mighty effort of the Administration for retrenchment to fall upon an item of some million and a half for the improvement of your rivers and harbors throughout this vast country, and having accomplished so great an object, then to expire? Verily, it would seem so. Else why single out this item for attack, and palliate, if not justify, all others, always excepting the late pensions?

I, sir, am for retrenchment, for reform, and always have been. I am in favor of an economical administration of the Government, but I would not select the item which protects and sustains your great internal trade, in which the great body of the people are all interested, which seems to develop the resources of the country, and which, in its results, returns into your Treasury tenfold the amount of the expenditure. Why, I repeat, is the whole artillery of retrenchment opened upon this single item? Is it a party move? Is it deemed necessary for the purpose of strengthening the Administration in a certain quarter? Are further demands made upon the Administration from that quarter? I wish to know all about it. My constituents wish to know—they have an interest in knowing. They will not consent that all their important interests shall be sacrificed by any political arrangement. Last year the committee reported the bill, and it passed with the usual opposition. The Treasury was certainly as much embarrassed then as now; but, sir, the sub-Treasury bill did not then pass. This year the committee refuse to report the bill to the House. All this, sir, looks strange to me. If this cry of retrenchment is really made in good faith,

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if a retrenchment of some million and a half will do, why not divide it among the appropriations of some thirty millions? There was nothing of this cry last year, when the bill was passed increasing your standing Army from six to twelve thousand. Sir, I opposed that bill, and voted against it. I understood that it would occasion a permanent charge of three or four million dollars upon the people; I believed such an increase of the standing Army unnecessary. I was willing to vote for a small increase; but to double the standing Army at once, and create some *hundred and fifty new officers* in the Army, was, in my opinion, an act of injustice to the militia, and an unnecessary expenditure of the people's money. Yet this measure is palliated and justified in this report on the ground that our frontiers are very much enlarged, and we require more troops to defend them. Why, sir, how is this in point of fact? Have we really any more frontier which requires troops to guard than we had ten years ago? I had supposed not.

What, sir, was our main object in removing all the Indians west of the Mississippi? Was it not to concentrate them upon a single frontier, and thus shorten the line which it would be necessary to defend? Certainly it was. No, sir, though the area of the occupied part of the United States is very much enlarged, our frontier, which requires defending, is not enlarged. All you now need, in ordinary times, is sufficient troops to take care of your fortifications and the public property in them, and to defend the western frontier. Your policy has been to concentrate the Indians there upon the borders of Arkansas and Missouri, against the wishes of the people; and God forbid that any vote of mine should deprive them of protection. I will, as I have done, vote for their military roads, their forts, and for a sufficient force for their protection; but, sir, you do not want a standing army on that frontier of eight or ten thousand men. You want a sufficient force to man your fortifications and suppress the sudden incursion of the savage, and to form a nucleus about which, in the day of danger, the bold and hardy hunters of Arkansas may rally. It is a slander upon the people of the West to say that they require a standing army of ten thousand to protect them. It is an insult to the militia to say that they cannot be relied on to defend their firesides and their homes.

Mr. Speaker, I dislike listening to the denunciations which are poured out against measures which I deem so important to the prosperity and welfare of the country; and that the friends of these measures should be charged with plunging their hands into the public Treasury, and taking therefrom, unconstitutionally and unjustly, these appropriations. I claim, sir, that the people I represent are actuated by motives as patriotic and by views as enlarged and liberal as any people in this Union; and I should be recreant to duty, to the impulses of my nature, were I to suffer these unjust charges to pass unrepelled. I place these improvements upon national grounds, upon high considerations of State duty and State policy. I only demand and insist that this Government shall discharge the duty imposed upon it in the Constitution, of defending the country, and protecting its internal commerce as well as its external.

Every consideration of patriotism demands that you put in a proper state of defense your frontiers upon the lakes; upon them the future battles of the country are to be fought, and, I repeat, we must there be supreme.

We indulge with peculiar satisfaction in the reminiscences of the past, and the mention of Erie awakens within us emotions of patriotism. One of the most glorious achievements of the late war was upon her proud waves. There the gallant Perry, with his little fleet, encountered the power of Great Britain, and obtained one of the most splendid victories ever recorded in history. Your flag was triumphant. The power of Great Britain on the lakes was broken. This was at the darkest period of the struggle; the whole nation was looking on with the deepest anxiety, and as the news of the victory flew, all were amazed. Victory succeeded victory on the land. Had the enemy acquired the ascendancy on the lake, no one can say how long the war would have been

procrastinated, or the calamities which would have been inflicted on that frontier. If, in any future war, we shall loose our ascendancy upon these inland seas, the heroes who fought and triumphed on Champlain and Erie would rise from their graves and rebuke us for degeneracy. But, sir, give us harbors, encourage and protect our commerce, and the day is gone by when England's power on the lakes is to be feared. Our commerce on the lakes is a school for sailors. While you make appropriations on the Atlantic for schools for the education of boys for your Navy, our commerce on the lakes is making sailors of lads who may hereafter man your fleets. Abandon these harbors, and let them go to decay, and you abandon everything on the lakes. You surrender all up; but I will not believe that this course, so suicidal to the best interests of the country, so disgraceful to it, will be adopted.

Sir, complaints are sometimes made here that in these appropriations injustice is done to certain sections of country, by not fairly distributing what some choose to call the bounties of the Government. Such suggestions are rare, and I have always looked upon them as unpatriotic. I had supposed that these appropriations were for national purposes, or objects of general not local interest—for the defenses of the country. Well, sir, judge of my surprise, then, on finding in this report of the Committee of Ways and Means, this sentence:

"Should we continue to increase them, appropriations for national defense will become of secondary importance, and will be reduced, to increase the expenditures of our CONGRESSIONAL DISTRICTS."

How, sir, is this language to be understood? Is it intended as an invitation to gentlemen here to begin a *scramble* for the public money? Or is it intended to intimate that the Representatives of the people here, on this floor, will cease to be influenced by high and patriotic considerations, and become the mere suitors for the share of their "congressional districts?" What a suggestion! It will not take, sir. There is too much patriotism here, yet. You cannot get Kentucky to listen to such suggestions; she will not stop to inquire how much more Ohio or New York gets than she. All she desires to know is, that the appropriation is for great national purposes, for the general interest; that its fruits will inure to the benefit of the United States as a whole. Why, sir, what does Kentucky want of defenses of fortifications? Her fortifications, her bulwarks, are the surrounding States; no foreign foe can tread upon her soil till one of the great States of this Union shall have been conquered. The battle, for the defense of Kentucky even, is to be upon the borders, and there you want your defenses.

## INTERFERENCE IN ELECTIONS.

## SPEECH OF HON. W. C. PRESTON,

OF SOUTH CAROLINA,

IN THE SENATE, February 15, 1839.

The Senate having again taken up the bill to prevent the interference of certain Federal officers in elections, and Mr. CRITTENDEN having offered a substitute for the whole bill, which differed from it in making the penalty dismissal from office, and in exempting postmasters with a salary of less than \$200 from the operation of the bill—

Mr. PRESTON said: The attention of Senators, Mr. President, having been somewhat divided and confused in consequence of the multifarious and important topics which have been introduced into discussion, I will briefly make a statement of the case before us, as it has been presented, and as it is now understood, that the various points at issue may again be made for the purpose of giving the discussion a definite and distinct direction on the subject really before us.

The Senator from Kentucky, on his own responsibility, and as he had a right to do, has presented for the consideration of this body a bill; that bill, in the ordinary course, was referred to a committee, and on that the committee have made a report. Now, to understand the points at issue between that gentleman and the committee, and to ascertain the justness and precision of the proceedings on the question by the committee them-

selves, it is necessary to ascertain both what was submitted to them and what they have reported. The bill introduced by the Senator from Kentucky was a bill to prevent the interference of certain Federal officers in elections; and there is a statement in its preamble, that its purpose and object is to the end that the great powers of the Executive should not be used in interference with elections, which ought to be free and incorrupt; and it was therefore to be enacted by the bill that certain Federal officers therein enumerated should not, in any manner whatsoever, endeavor to persuade or dissuade any elector in relation to the vote which he should give, nor should said officers intermeddle in any of the elections, or use any means with intent to influence or control them. This is the purport of the bill of the Senator from Kentucky, and it was the bill alone that was referred to the committee, thus placing out of their proper sphere all reference to any subject beyond it, or which did not bear on the merits of the bill.

There were, therefore, two points to which the committee might legitimately direct their attention; the first of which related to the general principles of the bill, and the second to the details according to which the mover proposed to carry out those principles; and to these two points their report was, by the nature of the reference, necessarily confined; and it is entirely competent in the committee to approve the principles and reject the details, or the reverse, or to reject them both; or, if they approved the principles, and were not satisfied with the details, it was necessary for them so to fashion the details as to give to the principles their due practical efficiency. These two objects are the main design of such a reference; and, in the present case, the committee have decided against both the details and the principle.

And now, sir, I ask, in the first place, have the committee decided wisely against the principle of the bill? What is it? It is to prevent the interference of certain Federal officers in elections—that is the principle; and the object of the bill is to provide the means for preserving the purity and freedom of elections, which ought to be free and incorrupt. Against both these propositions the committee have reported. They denounce both the principle and the policy of the bill, and advise the very opposite of it distinctly and emphatically; and, therefore, if they had framed an antagonist bill to this, it would have been a bill to enforce and encourage the interference of Federal officers in the elections, to the end that they may be used to influence the elections, which ought to be free and incorrupt. At all events, we have negatived these two propositions, (the principle and policy of the bill,) deliberately and in terms, and we have, at least, declared that we will not assert that these officers ought not to interfere in elections, and that we will not assert that, by the Executive, their offices and exertions should not be used for electioneering purposes.

Now this, Mr. President, in ordinary times and circumstances, would have shocked the public mind so much, that the Senate would have immediately revolted at the mere suggestion of propositions so monstrous. And yet this statement not only shows this fact, that the Senate have negatived the principle and policy of the bill, but I am prepared to demonstrate that the converse of these propositions is now argued and maintained, which is, that it is the bounden duty of the executive officers to interfere in elections, and that any restriction upon them is unconstitutional, proscriptive, horrible, monstrous, and deserving the severest possible castigation by the committee. And now, Mr. President, on what times have we fallen, and what state of things has been produced, when, instead of the usual and uniform direction of argument and declamation against these practices, all at once there is an open and bold avowal that they are not to be controlled, but they are vindicated, and justified, and stimulated by official rhetoric? Heretofore we could not find an argument in relation to them in which they were not regarded and treated as fit subjects of denunciation. Will gentlemen of the committee deny this? They have declared there has been no such mischief, and that, even if the practice existed, it would not be a mischief, and that it is not only justifiable, but desirable and

praiseworthy; and such is the language of the report itself. Sir, these are extraordinary propositions; and what has brought us to this monstrous and appalling decision? Sir, I can well understand that in private affairs, and in a private way, things are done which no man dare vindicate in public affairs, and all know that there has in fact been interference in the elections by public officers. But never till now has there ever been the open and daring avowal that the thing is right in principle, and that it is one of the political acts of the country which is expedient and proper, and that it is desirable that it should be encouraged by all possible means.

Sir, principles make practice; and still more fully true is it, that practice makes principles. Because this thing has been done, the idea of it first becomes familiar, though abhorred; then it is seen to be necessary for the support of party; and now they rise up and declare that these practices, which have heretofore been denounced with epithets freezing the blood, are founded on correct principles.

Mr. WALL. The gentleman has assumed things which are not in the report, which I utterly deny, and which are not true.

Mr. PRESTON. I will show the gentleman that he denies what is true, and that these principles abound both in the arguments of Senators, and in the formal report. If it were not so, I might not regard it with the same seriousness. I might think it the temporary effervescence of a heated imagination on the part of the gentlemen concerned, which, when sober, they would not sanction. But the doctrines of the report struck the approbation of the gentlemen at once, as if by an electric movement, and they forthwith sent them abroad in thousands of copies; as the foundation on which the party purpose to place these great questions. Sir, I confess that I had then made up no judgment in regard to this bill. But when this report was heard, and its principles suddenly and instantly received the approbation and applause of gentlemen on the other side, I shrunk from it appalled. And every one of those gentlemen, by voting to print ten thousand copies of that report, has made it his own, and given it the sanction of his name.

And, now, if the gentleman will allow me, I will proceed to show that the principles of the report are such as I have described, and that it embraces every principle to which I have alluded. Well may he be terrified at such a specter, and at the boiling and bubbling clamors of the decoction contrived by his own ingenuity. But has he not said that the principle of the bill, which is to restrict the interference of office-holders in elections, is wrong in terms; and has not the total rejection of the bill involved necessarily the rejection of that principle? Has he not denied the existence of any such interference, and denounced every part and portion of the bill? But I will not make a mere statement of the contents of the report, I will give its words, *ipsisima verba*, its very propositions.

One of its propositions is, that the elective right of the United States is universal, and not confined to any parts or portions of the people, and therefore it concludes that, as office-holders are all people and citizens of the United States, this circumstance guarantees to them the right to be active in the elections, which cannot be infringed. The report says, (page 2:)

"The elective right belongs to representative government, and springs from its very nature; and the very essence of that right, under our institutions, is the right of electing the members of the General and State Governments."

Here he maintains the proposition that the elective right is universal, not merely by the Constitution, but from the very nature of free government. He then places Federal officers on special grounds in reference to the mass of the people, putting them above and over them:

"The value and the advantage of this right, so far as respects the public, depend on the knowledge of public measures and of the qualifications of candidates for public trust, and, consequently, upon the equal and unrestricted freedom of discussing their comparative merits and demerits. The citizen who, by the choice of his fellows, is distinguished by being selected to perform official duties and trusts, is not thereby elevated above them; nor degraded below them. He parts with no rights of citizenship, but remains an equal among equals; still connected with them by the strong and

enduring ligaments of mutuality of rights and privileges. Under our Constitution the people, not the Government, possess the sovereignty; and the doors of office can be opened only by the powerful charm of the public voice, and no degrading sacrifice of any of the privileges of citizenship, or any separation from the community of rights, feelings, and interests, which bind the people to the Government, is required."

Here, sir, the honorable chairman alludes to supposed grounds of peculiar claims to the electoral right; arising from the distinction of serving the public, and of having been selected from the general mass; and, on the high ground of having been thus selected, is placed the right of interfering, of persuading and dissuading, in the popular elections. But the honorable chairman proceeds:

"The object of the Constitution is the protection of the equal rights and privileges of all—the few as well as the many. The spirit of despotism is widely different; erected upon the destruction of the rights of man, its main object is to protect the few against the many. Hence the policy of separating its officers from all sympathy of feeling and interest with the many, by attaching to office attractive distinctions and seductive privileges, which creates a distinct class, and elevates them above the mass, or, by degrading them by unnatural mutilations, below their fellow-men, prepares them to become fit instruments of arbitrary power. Despotism who surround their thrones with eunuchs and mutes act upon the latter principle, and are impelled by the instinct of fear to resort to unnatural and unjust means to retain what is unjustly acquired. Happily our institutions, resting upon the just foundation of popular rights, neither demand nor will admit of the mutilation of the person or the privileges of citizenship as a prerequisite for office."

Now, sir, it is somewhat difficult to perceive the course of reasoning of the honorable chairman. [Here Mr. P. made some remarks not well heard by the Reporter, in which he was understood to argue some inconsistency in the report in relation to protecting the few as well as the many, and to insist that the object and actual effect of the English election laws was to protect the many against the few, and that this was precisely what was now proposed by the bill. He thought the argument of the report on this point was greatly confused, even if it was not full of sophistry.]

But, says the honorable chairman, "the object of the bill is to render what is lawful and praiseworthy, and in strict conformity both with the letter and spirit of our institutions, for all citizens, criminal in a particular class, who have been honored by the confidence of the people of the whole States." Now, sir, I hold him to his words in the face of his denial that I had quoted him rightly. Praiseworthy! Praiseworthy! I have said that he represented the interference of Federal officers in elections as deserving of eulogy; and has not he pronounced it praiseworthy? I said that he vindicated it; and does he not say that it is praiseworthy? What, sir, is the object of the bill? It is to prevent interference in elections. This is not disputed. But the report says the object of the bill is to render that illegal which is praiseworthy. This interference, the bill implies, is wrong, and demands legislation; but the report in terms not only denounces this, but goes much further, by vindicating such interference, and declaring it praiseworthy; thus eulogizing it, while the object of the bill is declared odious because it provides to do away that which is praiseworthy; and the whole argument of the report goes to this result. But to the extract:

"The object of the bill is to render what is lawful and praiseworthy, and in strict conformity with both the letter and spirit of our institutions, for all citizens, criminal in a particular class, who have been honored by the confidence of the people of the whole States. It is not to punish a crime *malum in se*, but to create a new crime. It is not to punish bribery and corruption, the robbery of the ballot-box, the suppression or forging of returns, or usurpation or neglect of official duty in giving effect to the will of the majority in elections, but the use of *persuasion* or *dissuasion* of *intermeddling* to control or influence voters by means that are lawful and right in others."

The very terms which are used in the bill of the Senator from Kentucky, and this intermeddling of these officers is the precise thing which the gentleman calls praiseworthy.

Sir, let us pause a moment. It is not, says the gentleman, *malum in se*, an offense in itself. Sir, the gentleman is a lawyer, and let me ask him, is there no political offense subject to legislation but what is *malum in se*? Is there any one in the whole catalogue of political offenses which is *malum in se*? If the gentleman should find out that the ballot-box has been abstracted after the polls were fully made up, is that *malum in se*? Is to offer or

take a bribe *malum in se*? Is it a thing at which nature revolts as criminal in itself? Sir, all these are but creatures of the law, conventional crimes, depending on broad and general principles; and yet the Senator from Kentucky is censured because this thing is not *malum in se*. But the report proceeds:

"Every citizen ought to qualify himself by study, conversation, and every other means of acquiring knowledge, to understand the theory and principles of our institutions, and to ascertain the best mode of administering them in their true spirit, so as to promote the greatest good of the greatest number, and to render himself capable of discharging any trust that may be conferred on him by his fellow-citizens."

It is their duty to do all; to agitate, to discuss, to enter into an interference illimitable, in direct contact with elections is declared not only to be praiseworthy by the committee, and good in itself, but they simultaneously announce that it is not only right and praiseworthy, but it is a duty, to make use of patronage and power in elections, to take the lead and control them, (for the very word *control* is used.) And now, sir, will the honorable gentleman tell me that he does not rally the office-holders to interference in the elections? That he is not contravening in terms the purpose and object of the bill by declaring it the duty of Federal officers to control the elections? And is not this using a power of interference in elections, against which they ought to be free?

But further, sir, the report says:

"It is as well his right or his duty to dismiss and promulge freely the measures of any Administration, and the character and conduct of those who support or oppose it, as well to control them by the censorship of public opinion as to subject them to the test of the Constitution."

To control them by the censorship of public opinion! The public officer is bound to advocate or contest against the men and measures of an Administration, thus controlling them, and working themselves up into a censorship of public opinion; that is, any public opinion which may be held by the office-holders of the country, for that, by the committee, is made the standard to which the acts and the character of an Administration are to be referred; that is, to the public opinion which they make it the duty of the office-holders to establish.

The report says further: "In doing so, he may win the confidence of his fellow-citizens"—an emanation from, and a dependant on, the Executive—"by his declared opinions; or may become identified with some great principle which conciliates their support."

Sir, the report not only declares it his duty, but furnishes reasons and arguments why he should go forward and endeavor to identify himself with some great principle; and what will that principle be in fact? The principle of self-preservation—my bread, my office, my support: they will be led by that principle; and a control over the elections to the great end sanctifying this principle of self-preservation.

But the gentleman denies that he has vindicated this interference, while in his report he says, "all this is innocent and praiseworthy." Yes, sir, all this interference, in every possible way and to every possible extent, is not only innocent, but praiseworthy; and further, and more than this, I have adverted to the usual motive of the interference as a reason why it should not take place: and why? Because that motive is selfish, having no direct reference whatever to the public good. But this reason the gentleman has rejected. He assures us, first, that the motive for interference is such, and then he vindicates the proceeding on the ground that the motive is corrupt. Hear him:

"All this is innocent and praiseworthy, even if the motive is the acquisition of office, because it promotes the public good."

All this the gentleman encourages and stimulates to it; for all he says is not only innocent, but praiseworthy, even if it is done with no motive but the acquisition of office. Sir, this course of argument would revolt the mind and conscience of Machiavel.

Sir, what is the purity and absence of corruption in our institutions? What is the great safeguard of our rights? What is the broad principle of suffrage which lies at the bottom of our institutions? It is purity of motives, patriotism, and public good, moving and directing the vote of every citizen. And yet this report, with

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unappalled step, enters the very penetralia of the temple of freedom, and gives this cup of pollution to the officers themselves, and says, this is the sacrifice; take no care as to your political motive, which by admission is known to be unworthy to exist; for though it is the corrupt motive of office-seeking, it is not the less to be received, and is even more to be valued than a regard for the people.

And now, Mr. President, have I rightly characterized this report? I have used perfect freedom with its doctrines, not to wound the gentleman, but the report itself sets an example of a strength of language and tone of denunciation which doubly surpasses all to which I may have been excited; and if, in the execution of this document, drawn up in the closet, under a sense of the responsibility of sending it abroad as the manifesto of the leading principles of the party, if in all this what was due to candor and decorum was forgotten, surely I may be indulged in some freedom of remark on so uncommon a production. But if I, for words used in denouncing it, should fail of excuse, and with the bill itself and the Senator from Kentucky should also be denounced, I will at least ask the indulgence of the Senate when I say great freedom of debate ought to be allowed on a document which is itself covered all over with the spirit of vituperation.

I have now proved that the principle and policy of the bill is not only contradicted and contravened by the report, but that it justifies and eulogizes the interference of executive officers in elections; and not only so, but proscribes it as a duty to be performed by them all.

The report says further:

"Is it [the discrimination made by the bill between 'one set of functionaries of the Federal Government, all those of the State governments, the officers of the corporations of associated wealth, and a few proscribed men upon whom this bill puts a gag and fetters'] to guard against the corrupting influence and patronage of the Federal Administration? If so, the effect of the bill would be still more objectionable, as, in degrading them by taking from them the rights common to all others, it would prepare them to become the willing instruments of corruption or ambition."

And yet it is settled by the report that these officers may, in their own behalf, act as instruments of corruption, because it is for the public good; and surely ambition is not less praiseworthy. But further:

"This bill would create a caste among office-holders, deriving their authority from the same high source, the people, and requiring the same high qualifications to discharge their duties. Those enumerated would be degraded by the very acceptance of office, which would cut them off from all identity of feeling, interest, and sympathy with their fellow-citizens, by the voluntary mutilation of the very manhood of citizenship. It converts those officers into imitators. It enforces temporary outlawry of the dearest and most inestimable rights of citizenship, with a penalty suspended over their heads during the continuance of office, which may be cut by a word, message, writing, or even a look, and dooms them to become outcasts—political lepers. They would be dishonored by the very act of surrendering such rights for the mercenary motives of pecuniary gain and rewards of office, and proclaim themselves slaves, and the fit instruments for making slaves of others. They would find the badges of slavery and dishonor written upon their commissions."

Well, sir, the officer is not to be thus degraded and prevented from interfering in elections; and if he does not reject his office under such conditions with disdain, he is mercenary and corrupt, and he is a fit instrument for power to use in effecting its corrupt or ambitious purposes, if he will consent to be appointed to office on these terms. Yet the report says that if he endeavors to control and influence the polls for the purpose of attaining office, it does not disqualify him; "all this is innocent and praiseworthy, even if the motive is the acquisition of office;" but he would be a mercenary and corrupt tool if he would forego the privilege of interference.

I will make one more remark as to the intention of the committee in this report to contravene the bill. On the eighth page they say:

"The committee will only advert to one other objection to the policy of the bill."

And what is the policy of the bill? It is to prevent interference in elections. And what do they say against the policy of the bill?

"Its obvious tendency is to alienate the people from the Federal Government, by infusing a jealousy of its powers and officers, by unjust discriminations between the two sets of functionaries chosen by the people, to carry on the two

coördinate departments of the one single and integral Government formed by the compact of the States; to array the State government and its functionaries against the Federal Government and its functionaries, and thus gradually to undermine or weaken it; by treating as aliens the State governments to those who accept office under the General Government. In short, its tendency would be to 'alienate one portion of the country from the rest, and to enfeeble the sacred ties which now link together the various parts,' and therefore, in the opinion of the committee, it ought to be resisted in the beginning."

Here is the general summing up of the whole report in a single sentence, in the last remark, which embraces and contravenes the whole policy and object which is at the bottom of the bill itself. And what is that? It is to prevent the jealousy of the people against office-holders; and what is especially taken for granted in this report is, that the office-holders and the people are all one, and this is done with a view to prevent that very jealousy. Sir, what is the price of our liberty and of our free Government, and how are we to sustain them? It is by eternal vigilance alone that the public liberty can be maintained, and it is by this very jealousy, denounced and depreciated by this report, by this jealousy alone, unslumbering and undying, that our form of Government can be preserved. It is passed into a proverb that only by watchfulness and jealousy can a free government long be maintained. What is Government, in its very nature? Is it not the concentration of power from the many in the hands of the few, which is ever more or less liable to be turned by them against the public liberty? Are not we simply a part of the Government in whom power resides, and have we not now unanimously and exclusively acted on the ostensible ground of the jealousy of power, the one side denouncing this bill as tyrannical, and the other as a salutary and necessary measure in giving effect to this very jealousy of power? And yet this report insists that the people must be lulled, that they must not be separated or alienated from their fellow-citizens, the holders of office, by any kind of jealousy, but receive them to their bosoms as equal brothers in one common interest, and be carried along on one common stream of sympathy with office-holders, and as unsuspecting sacrifices, perchance, to the iron embrace of a despot.

Nor does this even give a full and sufficient view of the argument of the report, which is, that we should not be jealous of ourselves, nor divided from ourselves; and what more than this could be said to lull us into security in regard to the Government, and to close the eyes of the people against the eternally encroaching spirit of power? What sort of an argument is it to say that this is to divide one portion of the people from the other, and to enfeeble the sacred ties that link them together? What language is this? The Government is to be preserved by the strong domination of aspirants, being regarded as simple portions of the people of the country; and this argument is pressed for the purpose of blindfolding the people to the movements of Executive power, as if it were also for the purpose of surrendering our rights. Bind together portions of the country! And what portions? The office-holders, the postmasters, and the people; these are to be bound together, and they are to listen unanimously to the sly office-holders at elections, embrace them as brothers, and give them their confidence, and wish them prosperity; and if this is not done, the tendency is to divide one portion of the country from the rest, and enfeeble the sacred ties that now link together its various parts! Ay, sir, these are the sacred ties of the office-holders and people which are bound around us; and it ought to cover our cheeks with shame that we have permitted these ties thus to be put around us. But let these ties, and those who make them, beware. The time may come when the people, perceiving the kind of brotherhood in which they are linked, will snap these ties asunder.

Now, I think, Mr. President and Senators, I have shown that the policy of this measure is distinctly contravened by the report; and that interference in the elections has, by the highest considerations of honor and duty, been inculcated on office-holders. This result has been reached in an oblique manner by the committee, rather than by any direct action on the bill itself. And allow me to remark, though in no spirit of giving of-

fense, that I have come to the conclusion that this whole report is absolutely incompatible with the opinions and principles of some gentlemen of the Republican party; and it is not in the nature of things that gentlemen who, in the earlier portion of their lives, have been devoted to principles different from those of the resolutions of 1798, should come to a just conclusion on the principles of those resolutions, or understand the premises from which they derive their deductions. Gentlemen who were Federalists in ancient times now propose to build up a new theory of government on the doctrines of republicanism.

Mr. President, it may not be, it is not possible, that he who in his youth has been indurated in his advocacy for power will be found in his age with a disposition to pull down that power. These principles of freedom are peculiarly congenial to the counsels of young and ardent bosoms. But when in early life all this has been rejected, when the youth of twenty-one does not feel the fire of Grecian and Roman liberty, he may, indeed, believe in after life that he is approaching the great doctrines of republicanism. But it cannot be. In youth and age it is the same in politics as in love; and for a man to grow republican by age is equally absurd as if he should pass his youth in utter coldness and apathy to the feeling of love, and then in his old age should assume or affect the passions and emotions appropriate to his younger years. It cannot be.

It has been said that the young man who is not a Democrat is a fool, and the old man who becomes so is a knave. It is the natural tendency of things. I can well imagine that in youth a man may struggle against free notions, and in after life he may endeavor to square his principles to the state of things in which he finds himself under free institutions; and, while his heart grows cold and his head hot, he may fancy that he is changed in his political principles; but it is altogether a mistake. Once a Federalist is always a Federalist; and I venture the assertion that no gentleman who in his younger days has denounced the truth of the resolutions of 1798, and seceded from them, whatever may be his motives, will find his heart warm toward them in after life. And therefore I, for one, who was born under the influence of these principles, had them infused into me during the whole of my youth, and have cherished them ever since as the breath of life, will not permit myself to be schooled in these doctrines by those who in their youth have been devoted to different and opposite principles. Not that I intend these remarks but in the most general sense; for I am not one of those who denounce the Federal party. They were a high-minded, intelligent, and generous party. But they were wrong, though they were apparently following that great light of a glorious horizon who was regarded as one of the party. But even if theirs were the notions of Washington, I humbly think those notions were wrong, and I do not believe them. I have rejected them from my earliest days, and have adopted the resolutions of 1798. On these resolutions gentlemen propose now to proceed; and I have discussed their construction and application of them, contrasted with their construction and application by the Senators from Kentucky and Virginia, [Messrs. CRITTENDEN and RIVES,] who are both native to these resolutions. They may be mistaken, but I would in preference cling to them; and I am not to be told that such gentlemen as they are are to be schooled by those who have ever differed from them on the great principles on which our Revolution and Government were founded.

And now, sir, what application has been made of these glorious principles in the present case? And what are the principles of the resolutions of 1798, and for what purpose were they drawn up and adopted? It was on a question between the State and General Governments in respect to their relative powers, and their object was to define and lay down the legitimate powers of the General Government, for the purpose of vindicating the rights of the States, and of comparing them with those of the General Government. And what did those resolutions inculcate? They urged restriction upon this Government. This Government had transcended its powers, by abstracting and appropriating to itself the powers of the States,

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and a war was waged by means of these resolutions against this Government and its office-holders, on the part of the States and their office-holders, to prevent the interference and encroachments of the general authorities. And yet the doctrines of this report are laid down now to establish the principle that this interference is praiseworthy; that it is the duty of the General Government to make it, and that it is desirable in every respect. That is the principle, and it is attempted to be established on the ground of our second bill of rights—the resolutions of 1798—because that secured to all equal rights. All this is the result of the fundamental and irradicable mistake that the officers of this Government are the true people. That radical mistake, owing to the school in which gentlemen have been nurtured, never can be worn off, that the office-holders and the Government are the people, and in prescribing the rights of the office-holders and the Government, they have but to make a transcription of the rights of the people.

But who are the office-holders? Are the office-holders the people? The report goes on the ground of protecting the guaranteed rights of the people. But are they the people, in any meaning of the terms? In all political meanings, the Government and the people are disconnected and divided. The Government is to be guarded and limited; but is that true of the people? Are not the office-holders part and parcel of the Government of the United States; and, in guarding against them, do you not guard against the Government? These officers embraced by the bill hold their office at the will of the Executive; and are they not a portion of the Government? The Government consists of three departments, one of which is the executive, and are they not executive officers? They, therefore, in a most important sense, are a part of the Government; and on this, from its very nature, you impose restrictions.

It has been repeated, till the words are almost disgusting, that Executive power has increased, is increasing, and ought to be diminished. And are these officers not part and parcel of the Executive? Gentlemen talk about putting fetters on the people; but on whose hands do we propose to put fetters? It is on the Briarean hands of power, which the President has emphatically proclaimed to be his own hands, and in their official functions and tenure, as I said before, they are part and parcel of the Executive—the mere ministers of his will; and here, [on Mr. P.'s desk,] in a somewhat unwieldy shape, are papers from the celebrated President Jackson, in which he maintains the doctrine that they are to report every part of their doings to the Executive; that they are but an emanation from his center light, exercising his functions, and that he is President in and over them all, and, annihilating time and space, he, in effect, is everywhere, and at every time present. That is his language when he was President. But I will not trouble the Senate any further, for they know his doctrines on this point. This, then, is a portion of the Executive, through whom we propose to restrict the President himself, when acting in this way.

Well, sir, will the gentleman go on to the monstrous conclusion that in forging fetters for the Executive we are forging fetters for ourselves? That we are not only not to be jealous of him, but that he is amalgamated with ourselves? And will he believe that when we put fetters on the Executive, we in fact put them on the hands of the people? Sir, I know full well how much more easily a delusion of this kind may arise in our Government than in the British or any other monarchical Government, and it is true that there is danger of an imperceptible increasing of Executive power unknown to us from this circumstance, that the Executive is but an emanation from the people; he is the individual, for the time being, whom the people delight to honor, and thus, when fetters are imposed on the Executive, he and his supporters can all the more readily persuade us that they are imposed on the people themselves. General Jackson took the ground boldly that he was the people, the very impersonation of the Democracy; that he represented the Democracy; and he argued that all the powers of the people were in his own person; that he was

to be looked to as a sound impersonation of the people, providing and controlling everything. Ay, sir, and he did; he trampled down everything that came in his way, even to the Capitol itself; at one fearful blow he crushed us, and the record of our shame is to be found in the proclamation and law in regard to South Carolina. The legitimate effects of his doctrine on this point were felt everywhere, and it was felt because General Jackson was regarded as the impersonation of the Democracy of the whole country. And he was so; and, in consequence, the Government was turned topsy-turvy. But this was not our Government, this was not a republican Government with distinct and different departments. Sir, the very object of your occupying that chair is to watch the Executive. And are gentlemen to tell us that to forge manacles for that power is to forge them for the people? De Tocqueville speaks of the danger of our Executive power as comparatively imminent and alarming, for in the contest between the crown and the people, at every doubtful or suspicious movement of the Executive, many are alarmed for their rights, and rise up at once; but in this country, where the people feel that the President is an emanation from themselves, they are liable to argue that when he augments his own power, it is for the people, and thus every Executive may go on in the acquisition of the proper power of the Legislature and the Judiciary. And we have all been mutually waging war against each other as different branches of the Government, but none for the people; yet it was a war of one branch against another. And we have, in fact, permitted the power of one man to rule the country; and now we have a proposition, settled, as far as the approbation of this Senate is concerned, that Executive office-holders are the people. Sir, it does not require to go one inch further to prove that the President is the people.

Before I proceed to answer another branch of the subject, I wish to advert to two alleged and principal facts which serve as the foundation of this report, and I will show that no such facts exist. On page 3 of the report, it is stated as a fact, and an inceptive principle on which the committee rested, that the State governments have made no discrimination between the mass of their citizens and the office-holders of the General Government. Now, sir, the fact is exactly the opposite; for such is the habitual jealousy of the States, and their watchfulness of your power, that, I believe, in every State there is a fundamental law forbidding the officers of the United States Government from holding any office of profit or trust in the gift of the State. The very fact of holding office under this Government is regarded as a disfranchisement in all the States of the Union. But I beg leave to quote the language of the report:

"Happily our institutions, resting upon the just foundation of popular rights, neither demand nor will admit of the mutilation of the person or the privileges of citizenship, as a prerequisite for office. Under the existing laws, a citizen of a State does not by accepting any of the offices (designated in the bill) under the Federal Government, forfeit any of the rights and privileges which belong to him as a citizen of a State."

Forfeits no right! Sir, he is disfranchised if he holds office under this Government. And what is the fact in regard to the soldiery of the United States? And on what principle can you disfranchise a soldier any more than an office-holder, if these rights are inherent in him as a citizen? Unquestionably you have in that case no such right. Yet a United States soldier does not vote; and gentlemen from all parts of the House, *vis a voce*, have declared that the office-holders are the enlisted soldiers of the Executive, thus identified as the very persons who are disfranchised. And yet these persons who are thus characterized as enlisted soldiers, it is now declared are not to be disfranchised, while the whole Army proper, of eight or ten thousand, are so in fact.

Mr. President, the report proceeds to make another assertion which is altogether at variance with fact, and which is the fatal source of all the evil principles which flow out of it; and to that I beg the attention of the Senate. It is the alleged fact that office-holders are appointed by the people, that they are emanations from the people, and the agents of the people. But is that the fact? No, sir; they hold their office in spite of

the people, by Executive power, and for Executive purposes.

Mr. CLAY, of Kentucky. And often against their wishes.

Mr. PRESTON. Notoriously so. The people are flouted, and their opposition is a reason why these men are appointed and retained in office. Sir, look at my own State, where four fifths of its citizens are on the other side. What is the case in respect to office-holders with us? The very fact that the people wished certain office-holders appointed was the very reason why they were not appointed. They were appointed against us, and over us, to control us in spite of ourselves.

Another alleged fact in the report is, that the committee have not known this power to be brought in conflict with the elections. Let us recapitulate a little. In 1821 or 1822, by a distinguished Governor of a State, it was solemnly declared to be a fact. De Witt Clinton presented it solemnly as an existing evil which required correction, under the administration of Mr. Adams; and it was proclaimed and blazoned forth in every corner of the country, that the office-holders had interfered with the freedom of elections, and General Jackson received a torrent of applause in the expectation that he would crush this mass of evil, which put the country in a foam, and raved round the land; and yet the gentleman never heard of it! Mr. Jefferson and General Jackson came in under the same conditions, denouncing this as an existing evil, and promising to correct it. And now, as I have adduced the testimony of Jefferson, Jackson, and Clinton, what is the testimony of this report? It contradicts and denies the truth of their testimony. Even if it were admitted to be in its nature a grievance, the report and the committee deny the fact, and they also repudiate the principle; and gentlemen have sent abroad ten thousand copies of a report which says that they give Mr. Jefferson the lie; and further, it declares them guilty of the enormous crime of giving General Jackson the lie, declaring that all which both these gentlemen asserted on this point, is a lie. Mr. President, this is a very intrepid report. It boldly marches up to the face of Mr. Jefferson, and denounces him at the very moment when it professes to ground its doctrines on his principles. Mr. Jefferson said this was an evil; the report says it is none; he says it existed; the report denies it; he said he would correct it; the report says that it is unconstitutional and tyrannical. And this is not all; but, bolder than this, though it might be supposed that the bones of Jefferson were not to be desecrated or passed by with irreverence, the report goes higher and further than this; it denounces Jackson, and gives him the lie in relation to a matter of fact. It dares a conflict with the power of his opinion.

And with what face can gentlemen tell me that the combined power of this Government cannot suppress a grievance which is acknowledged to exist? What did Mr. Jefferson propose to do by his individual power? He pledged himself to suppress this evil before he entered upon his office; and he did suppress it.

I will not read the report of the Senator from Missouri [Mr. BENTON] but refer to a passage or two, and see how it squares with this report, in which honorable gentlemen say, in regard to these officers, that the people are delighted to trust them, in blind confidence, with all their rights and functions. And what said the Senator from Missouri, when, in a different position from his present one, he was a leader in the Opposition?

"That the whole of this great power will center in the President. The King of England is the fountain of honor: the President of the United States the source of patronage. He presides over the entire system of jobs and contracts. He has power over the support of the individuals who administer the system. He makes and unmakes them. He chooses from the circle of his friends and supporters, and may dismiss them; and, upon all the principles of human action, will dismiss them, as often as they disappoint his expectations. His spirit will animate their actions in all the elections to State and Federal offices. Again, we must then look forward to the time when the public revenue will be doubled, when the civil and military officers will be quadrupled, when its influence over individuals will be multiplied to an indefinite extent, when the nomination of the President can carry any man through the Senate, and his recommendation can carry any measure through the two Houses of Congress; when the principle of public action

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will be open and avowed: the President wants my vote, and I want his patronage; I will vote as he wishes, and he will give me the office I wish for. What will this be but the Government of one man, and what is the Government of one man but a monarchy? Names are nothing."

Perhaps I have satisfied the Senate in reading from all the wise objections to this report, and I now put it to gentlemen whether it would not be proper for them, if they will not censure this report, to declare their disapprobation of what the Senator from Missouri expressed on this subject in 1828. Such were his sentiments then; and yet we have now declared in this report that office-holders are not in conflict with the people; and more: the report has argued (page 4) that the patronage of the Government is a disadvantage to those in office, and that, on the whole, they would be better without patronage. But, if it is so, let them cease to exercise it. They say these officers have not interfered. Sir, is not this erroneous, and in the face of the fact throughout the country? Where have these gentlemen been? All these officers are continually engaged in the elections everywhere. Every officer of this Government is an electioneering outpost. Sir, I would not discuss the matter in the face of a fact of that kind. There are twelve thousand postmasters, of which, perhaps, one thousand make a pecuniary sacrifice for the office, and I usually take it for granted that where there is an act of self-deprivation the occupant is a Whig. But show me the office of which the income is \$200, or more, where they are not continually tugging at electioneering for the Administration. We have a postmaster in our own little village, who is a most thorough electioneer, devoting his days and nights to that praiseworthy employment, and in his little caboose of a post office I have found electioneering interferences, which the honorable gentlemen of the committee must have been able to discover if they had been on the spot. At the times of elections, the office is unusually incumbered with electioneering pamphlets. I have seen the room crowded all up with "addresses to the Republican party," calling on the people of the United States to support this Administration. [Laughter.] After a public meeting at the Capitol, scraps from General Jackson, the Globe, &c., were served up as a cold hash for breakfast, and were sent forth to the country as the manifesto of the Republican party. I cast my eyes around the post office, and there, in staring capitals, were to be seen, "Glorious Triumph!" "The erect Democracy have carried Constantinople!" "Grand news from Alabama!" "The Democratic party in the ascendancy!" "One hundred guns!" and there present, with his wand, was the master of these cabalistics, putting the question, "Will you not vote for the Democratic party?" He was advocating the principle which the party once avowed, "Principle in proportion to interest!"

And now I put it to Senators whether any one will rise in his place and say, on his honor, that he believes Federal officers do not pay a tax, *pro rata*, for electioneering purposes. Will any gentleman even say that he doubts it? [No sign.] I do not yet assert it, but do we not know it? I do not especially urge this as an attack on the present Administration, but it is in the nature of these things when they are under instructions from high quarters to that effect. The Senator from New York says it is the duty of office-holders to interfere in elections.

Mr. WALL. There is nothing of that in the report.

Mr. PRESTON. I have just read it to the Senate. And the Senator from Pennsylvania says, if he were President, he would appoint officers of his own political principles.

Mr. BUCHANAN, in a low tone, was understood to say either that he should not be President, or that he did not make the supposition that he might be President.

Mr. PRESTON. May be so; but the gentleman represented it as the duty of the President to appoint men only of his own principles. And what then? He would have none in office but men of his party. And then what? He would have one hundred thousand men bought and paid for, imbued with the spirit and principles of one man. And will gentlemen say that all this would give the party no support? Will they say they

would have lost ground notwithstanding? Ay, sir, and but for these, how long ago would their political stronghold at New York have been broken up? What has been done there with their millions at the custom-house, which have at length proved unavailing? And I hope that in spite of these myrmidons, they will effectually storm that fortress, and that the party are doomed by the handwriting already on the wall.

Sir, I had hoped, from the growing weakness of the party in power, they would have manifested a disposition to reform. But this report clouds that prospect, and there is again every cause of alarm. I have seen that their ultimate purposes, when matured and manifested, cannot but revolt every honest and patriotic mind; and I say there is a natural condemnation in our bosoms of the interference of office-holders in elections. No man really approves it. And I will venture to say that there is no gentleman now on this floor who will say in terms that he approves it. There is an impropriety which we ourselves feel, if we would but announce it, in entering the canvass for the purpose of sustaining or prolonging our power. But all the principles of liberty on this subject come from the minority for the time being, and they are in uniform contrast with the doctrines of the report of the Senator from New Jersey.

Sir, in what condition do we find ourselves in regard to the question of patronage? It became the duty of a distinguished member from South Carolina [Mr. CALHOUN] to examine into and to report on the power of the Executive, and its alarming increase within a few years, and, in doing that, he pointed out the various sources of this power, and spoke of this very source as endangering the liberties of the country. In this report the subject was more expanded than in that of the Senator from Missouri; and it was made eight years afterwards, when Executive power had assumed a more fearful aspect. [Mr. P. read some passages from this report, in which it was said that so long as offices were considered as a public trust, they were filled with those who would best and most faithfully perform the duties of office; but that gradually a great change had been effected, so that a faithful performance of duty no longer assured an appointment to office, or a continuance in it; and it might in truth be said that the expenditures of the revenue had become corrupt and subservient to corruptions.]

Sir, there are twenty passages of this kind, but I will not consume the time of the Senate in adverting to them. They are full of wisdom; and yet all this is now denounced which it was the policy of this bill to carry into practical effect, and it is declared unconstitutional, unwise, and tyrannical.

Mr. P. further remarked that this report was made five years ago; that the rapidly increasing patronage of the Government was then held up as greatly alarming; that from the Administration of Mr. Adams to that time, which was nine years, there had been an increase of annual expenditure from \$12,000,000 to \$25,000,000; and now, in five years more, it had increased to \$40,000,000. And now, with such an increase before us, will gentlemen tell us that there is no danger from this source, and that it is wrong to guard against it? They have heard the testimony of Mr. Jefferson, of De Witt Clinton, of Andrew Jackson, and of others distinguished among themselves, and now, if they sanction the doctrines and principles of this report, they will subvert all that these gentlemen have said on this subject.

But, sir, I will take higher ground than all this. All the essential principles of liberty known in the history of our ancestors, are repugnant to the abominable principles of this report. Well and consistently did the gentleman act in flouting and repudiating the free doctrines of our European ancestors. Well does it become him, under a democratic Government, to denounce all control of public officers; ay, and when monarchical Europe, with its Kings and its despotic laws, yet impose fetters on their executive officers for the security of popular rights, and the gentleman's mind is all on fire in behalf of the American Government and its liberties, as the liberties of the people. He says that this restriction of execu-

tive officers is a tribute to English despotism; and so, in the same way, would our restrictions be a tribute to office-holders. English liberty says the wolf shall be caged; but the gentleman says, no; keep down the iron bars; he is a part of the flock. English despotism!

I know, sir, it has been a trick with certain politicians of this country to denounce anything that is English. But I have not the heart to denounce the native country of liberty, which has erected the proudest and most glorious temple of freedom of any country in Europe. She is an old nation, proud in arms, and has long battled in the cause of liberty through blood and carnage. And she has propagated it in this country. Think you that we should have found it without her? Hers was the native soil of our freedom and our blood. And did it ever stagnate in our veins or blanch in the fight? No, sir, no; wherever it is found, in Europe, Asia, Africa, or America; where ever the sun has blazed upon it, its native tint remains indelible, and we still feel proud of our blood, and honored from our illustrious ancestors. And yet you say they have fought for despotism there, while in effect you are so making manacles for our people as no one there dare do. Since the time of Walpole, no English Minister would have dared to present such a report as this. He could not have done it and retained his place. The King of England, from the house of Hanover, whose German notions were not yet obliterated, denounced the bill restricting his executive officers, and called it a villainous bill; and the King's language in this was the language of a King. But the Commons and the people held a different language, and determined that the King should take the bill, villainous though it might be.

And when such was the language of the British Commons, what is said of a British lord, with blue ribbons? One instance of the interference of the Executive with the elective franchise was brought before the Commons in this wise.

[Mr. P. read from history, that the almoner of the Queen in the county of Worcester wrote to several of his friends, soliciting them to oppose the election of one of the candidates for Parliament. The Commons voted that this was a violation of the liberty of the people, and asked the Queen to dismiss the offender from office; and the Queen dismissed him accordingly. Mr. P. also read another example of the kind, which occurred in 1779, when an executive officer was detected, in the county of Southampton, taking part in the election; and when the case was brought before the House of Commons, Lord North remarked that it was a case in regard to which there was no great cause for alarm; and instantly, on all sides of the House, the remark was followed by such indignant clamors and uproar that Lord North was compelled to explain; and the House forthwith adopted a resolution that it was highly criminal for an executive officer to use his office in influencing elections to Parliament.]

Thus, under what gentlemen call a despotic Government, were the liberties of the people jealously guarded and protected; and wherever there is power and patronage and interference of this kind, they are part and parcel of the Government. Even there, an interference in elections by a letter of an officer of the Crown was held an indignity, and the silence of Lord North in regard to it has consecrated it to us as the evidence of the genuine spirit of British liberty. Sir, I call on Senators to place some mark of their reprobation on the report which has been submitted to us.

Mr. President, I did not feel myself called on to support the bill, because for that task I deemed the ability of the Senator from Kentucky abundant; and I should not now have troubled the Senate, but that I was alarmed at the doctrines of this report, and at the fact that gentlemen were about to send them through the country as the principles of the party in power, on which they intend to act. If gentlemen do so, the people will be forewarned and forearmed; and, knowing the purposes of those in power, they will be sufficiently notified that they ought to be on the alert against them; and if they do not then defend their liberty, it will only be another proof that it is not tyrants who make slaves, but slaves who make tyrants.

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Party Politics—Mr. Pope.

Ho. of REPS.

## PARTY POLITICS.

SPEECH OF HON. JOHN POPE,  
OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

February 15, 1839,

On the bill making appropriations for the civil and diplomatic service for the year 1839.

Mr. POPE said:

Mr. CHAIRMAN: I hope that no apology is necessary on my part for addressing the committee at this time at large on the several topics of public policy and political principles to which the attention of the country has been called in our debates, here and elsewhere, and in the public journals. My colleague, [Mr. CHAMBERS,] the able and faithful chairman of the Committee of Claims, knows that I have remained at my post, late and early, to aid him to obtain the action of the House in favor of the poor and humble and suffering citizens who have fair demands on our justice; and the chairman of the Committee of Ways and Means, of which I am a member, will have the candor to admit that I have not taken a course to impede his Administration measures, whether I concurred with him or not. I have been ever willing to afford him a fair opportunity to present them, with his views, to the consideration of the House and nation. In order that the necessary public business might be done at this short session, I have abstained from wasting time in useless debate on plain and unimportant subjects, and I would exhort gentlemen of the legal profession, who so often hammer us for two or three hours, like an ignorant jury, on trite questions, to believe that those of us who are not fond of speaking merely for the sake of speaking have some small stock of sense and information as well as themselves.

I am inclined to present my views on the political state of the nation, and the principles and measures involved in the approaching contest, not only to this House and the public, but to my immediate constituents, to whom I am directly responsible, and before whom I am to appear at the approaching election in August next. It is my duty to treat them with fairness and candor, to explain my position here, and to give them my opinion on public affairs. The crisis is deeply interesting to every American citizen, and requires every man to speak out with decision, calmness, and truth. A man of observation, who takes a survey of the present state of things in this country, will be surprised to discover that questions of policy, constitutional law, and all subjects connected with the course of the National Government, are less settled and more afloat than forty or forty-five years ago, when our present Constitution was first put into practical operation. The power to protect navigation, manufactures, and agricultural productions, by duties on foreign articles, even mere discriminating duties, or bounties on fishing vessels in the northeast, that great nursery of seamen to man our Navy, the right arm of our national defense, is denied. The power to establish a national bank, declared to be necessary by the wise, patriotic, and godlike Congress of 1780, that of 1791, of 1816, and of 1832, approved by Washington, Hamilton, Gallatin, Dallas, Crawford, Madison, and a host of others, the most enlightened statesmen of our country, is also denied, and the institution denounced as dangerous and wicked, after a successful experiment of forty years. Yes, sir, the political men of yesterday boldly denounce the great, wise, and good men who have gone before us, the authors of our independence and founders of our Republic, as incompetent to construe the Constitution, the work of their own hands, or to judge of the utility of such an institution as a fiscal agent and a check on the excessive issues of a paper currency. The scattering fires and random shots constantly kept up by the different parties at each other render it difficult for a stranger, or even for ourselves, to understand with definite clearness the questions in issue between them, or the leading principles involved in the mighty struggle now pending before the great jury of the American people.

I am constrained, Mr. Chairman, to express

my high approbation of the manner in which my colleague, [Mr. MURRAY,] the other day, made the best defense I have heard of the course of the Administration. It is just to say to him, if he has not convinced me of the soundness of his views, and correctness of the facts he has asserted, that his course in this debate has been marked by that decorum and propriety which ought to characterize this representative body. He has not applied to his adversaries offensive epithets or unpopular names, or dealt in mere denunciation of his political opponents; he has not substituted the terms Democrats, Whigs, or Federalists, for argument. He has considered the two great parties which now divide the country as supporters and opponents of the Administration. Those who believe, as he does, that the principles and measures of this Administration are sound and will conduce to the preservation of the public liberty and to advance the general prosperity, ought to support it; and it is the duty of those who entertain a contrary opinion to oppose it. A gentleman, by calling himself a Democrat or a Whig, does not prove the course of the Administration right or wrong. The tendency of the principles and measures of the Administration is to be shown by reason, argument, and fact, and not by mere names and electioneering slang. When I hear members of this House talk of Democrats and Democracy, to prove one party right and the other wrong, I am reminded of a conversation I had with Mr. Gideon Granger, a citizen of Connecticut, thirty years ago, when Postmaster General under Mr. Jefferson.

In one of the newspapers there was an account of a large meeting of the people of New Haven, in that State, indicating an intention to resist the embargo law; but before they proceeded to business, some of the reverend clergy were called on to say grace over them. I expressed my surprise to Mr. Granger that the clergy should give open countenance to an insurrection against the laws. "Friend Pope," answered he, "you don't know us Yankees; whatever we do, whether we work for God or the devil, we do it all in the name of the Lord." And some gentlemen seem to imagine that whether the Administration works for the good of the people or the ruin of the people, for God or the devil, all their doings can be sanctified in the name and by the high priest of Democracy. A man in my own State of some intelligence, many years ago, made a deep impression on me in reference to this subject. He told me that a son of his, a distinguished citizen of Tennessee, from the commencement of his career in life, had determined to act on the assumed ground that the people were to be fooled by somebody, and that a man was a fool who did not fool them for his own advantage. And not many years ago, I addressed the people at what is called a candidate's meeting, and explained my views of a national bank, besides touching on other topics. In the evening, after the people had dispersed, a warm personal friend of mine, of good talents, whom I considered, as everybody else did, among the most thorough-going Democrats, rode with me a few miles, and in the course of our conversation, observed that the world supposed me to have much more sense than him; but, said he, they are mistaken, you have not half my sense. You talk about a national bank, give large national and extended views of the benefits and utility of such an institution, but very few of your hearers can appreciate the merits of what you consider statesmanlike argument. Now, says he, I go for Democracy and Government, or treasury people's bank. I have no faith, said he, in this Democracy, but it is the road to success. I tell you, I have no faith in it, but I am determined to go for Democracy, and no fellow shall out-Democrat me. He assured me that he would support me, when a candidate, whether I was right or wrong, but he must condemn my opinions before the people, for I tell you, said he, that I don't intend to be beaten at the game of Democracy.

Mr. Chairman, I have no particular objection to the word Democrat, Whig, or Federalist. Gentlemen are at liberty to assume any name they please; but I protest against the use of any such epithets to prove a measure right or wrong. He had been, and ever should be, democratic in his feelings and actions towards his fellow-men. He

had never oppressed the poor, or dealt hardly with them; and in his public course, both in the Kentucky Legislature and in Congress, he had been uniform in defending the fair claims of the actual and *bona fide* settlers of our new lands. He was in favor of a kind and liberal policy towards the poorer classes, who, unable to purchase lands at high prices in the old and rich States, had migrated to the new and unsettled regions of the West. Some of his public acts may have been wrong, and some of his opinions, and especially about a national bank, were called by many Federal. He had formed his opinion on that subject at an early period of his congressional career, after profound consideration and an earnest inquiry after truth. He had maintained that opinion through good and evil report, and had discovered no good reason to change it. Whether his opinion was called Federal or Democratic, was a matter of indifference to him; and he had little respect for a man who was afraid to obey the conviction of his understanding, lest he should be called Federalist, Whig, Democrat, or anything else. Let every man be persuaded in his own mind that he is right, and go ahead.

Mr. Chairman, I repeat that I like the course of my colleague in recognizing but two parties—the party for the Administration, and the party against it. Those who disapprove of the principles and measures of the Administration owe it to themselves, their country, and their immediate constituents, to put in good and substantial pleas in bar to their continuance in power with a verification, and to sustain their pleas by proof and argument at the bar of the nation. There are, however, some other parties or squads of parties that merit a passing notice. I hear of a State-rights party, whose creed I would be as much at a loss to define as that of the Mormon party of the far West. I do not know any anti-State-rights men anywhere. If there are such, I know them not. I have heard of anti-Masonic party; and we have an abolition party, more dangerous in its character, tendency, and objects than any which has arisen since the foundation of this Government—a party which threatens to weaken, if not destroy, our Union, disturb our domestic tranquillity, and shake the foundation of private property. Until lately, I have been disposed to receive their petitions without attaching much importance to them; but I am now satisfied that no such petitions, tending to engender discord here, and disturb the general tranquillity, ought to be received. I had not before this felt any serious concern about this matter, for I have never known a Yankee emigrant to the South or Southwest to set a slave free. A very cultivated and intelligent gentleman from New Hampshire settled in my neighborhood about twelve or fourteen years ago, and was at first clamorous and rude in his remarks about slaves and slaveholders. After he had been with us two or three years, he took a fancy to a fine widow, a friend of mine, who had some very valuable slaves. Some of her counselors were opposed to the match, and she, knowing that I was very much disposed to encourage matrimony, and that I would advise her to do precisely what she wanted to do, conversed with me upon the subject. Having never indulged or excited prejudices against Yankees, I told her that the first article in their creed was to provide well for their household; that he would make a good husband, and urged her to marry him, which she did, and their union has been fortunate and happy; and he has never, I believe, said one word about abolition from that day to this. He is a good husband, and a much better master than most of us, for he gets twice as much labor out of his slaves as I ever could.

Mr. Chairman, about the close of the last war I felt proud that we had at the city of New Orleans a military chieftain who, by his bravery and military skill, defended our soil against the finest army that ever crossed the Atlantic, and shed a luster on our national character. About the same time, I was gratified to learn that we had an enlightened statesman, an intellectual Hercules, at the head of the American mission at Ghent, sent to negotiate a treaty of peace with Great Britain, who, with the weapons of reason and argument, vanquished the first statesmen of the British empire on the contested question about

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the fishing rights and privileges of the Americans on our northeastern coasts and seas. The British commissioners contended that, according to the law of nations, the treaty of 1783, by which our fishing rights and privileges were acknowledged and secured, was abrogated by the war of 1812. My friend from Massachusetts [Mr. Adams] admitted the general rule settled by the law of nations in regard to ordinary treaties, but insisted that, as these fishing rights and privileges existed and were enjoyed before the peace of 1783, they were not abrogated by the war; that it was not a debatable question; and he ultimately silenced the British pretensions in relation to the fisheries.

Ten years ago I read a letter of that gentleman [Mr. Adams] on this question; and have reviewed it a second time during the present session, among the most able and eloquent productions of his or any other pen. Mr. Chairman, (continued Mr. P.) before that gentleman presents any more petitions for the abolition of slavery, I beseech him to review that letter, and see if his argument will not bear with great force on the slavery question; because slavery existed not only before our Constitution was formed, but before the peace of 1783 or the Articles of Confederation. If our fishing rights and privileges were not abrogated by war, and were not debatable, because they existed and were enjoyed before the Revolution, upon what ground can our northern brethren claim the right to petition, or in any way disturb, the institution of slavery? Sir, I must deny that slavery is a grievance of which the people of the free States have any right to complain by petition, or to ask the interference of Congress. The President has called on us for severe laws and a million dollars to prevent our people from interfering in the affairs of Canada, when it is known that Upper Canada is a place of refuge for our fugitive slaves; and when they get there, neither the people nor the British authorities will have them surrendered to their owners. Mr. P. said that he did not think the British Government, in relation to Upper Canada, had much claim on us to use extraordinary means to protect it from the interference of our citizens. He was willing to do what our character as a nation, and our amicable relations with that Power, demanded, to maintain neutrality; but it seemed to him that the slave States of this Union had as high claims to the protecting authority of the President and Congress against the abolition schemes of the North. If the slave and free States were separate communities, combinations, if permitted in the free States to disturb the slave institutions of the South, would be deemed just cause of war: and now that they are united by political compact, one leading object of which was to preserve our internal peace and tranquillity, ought not the President, in his message which expressed so much solicitude about Canada, to have called on Congress, if not the free States, to exert their whole constitutional power to suppress all combinations against our internal peace; and, if necessary, to have placed a force on Mason and Dixon's line, to enforce neutrality in relation to our slave property?

Mr. P., with some pleasantry, remarked, that if he could be assured that he would be reelected next August to this House without opposition, he believed he would make a tour through the northern and eastern States, and deliver lectures to them on this very interesting subject, and exhort them to pause before they cut asunder the ties of interest, amity, and blood, by which this great and rising nation was united; and he would more especially appeal to the ladies, who, by artful addresses to their finer sympathies, had been induced to take a warm and active part in behalf of the slaves of the South.

At this moment Mr. POPE was arrested in his remarks in relation to abolition, as he had been once before, by a call to order, on the ground that he was departing from the matter under debate, and that the question of abolition was not a debatable subject.

Mr. P. disavowed any intention to discuss the question of abolition, and had only designed to present to the committee, in a concise manner, his view of this right of petition. He, however, acquiesced in the decision of the Chair, and, with leave of the committee, proceeded in the discus-

sion of topics admitted to be within the scope of the debate.\*

Mr. P. assured the committee that nothing but a strong solicitude to present this right of petition in its true aspect could have prompted him to this departure from the usual course of debate. He would now call the attention of the committee to those principles and measures of this Administration in issue between the two contending parties, here and in the nation. My colleague, and other friends of the Administration, not content with defending their measures and principles, have, to make out their case, gone back for years to assail the measures and opinions of other men, and especially those supposed to be candidates for the next Presidency. All this seems to me to be irrelevant. We are not here, or ought not to be, engaged in making or unmaking Presidents. We are here discussing the principles and measures of public concern. The conduct of the Administration, and their principles, are arraigned at the bar of the public. Is it a fair or legitimate defense to say that other men have done wrong, and been in favor of bad measures? Could a judge, impeached at the bar of this House, screen himself by telling us that other men had done wrong, and that, if he was removed, another as bad would be appointed in his place? Would it do for a Representative on this floor, when censured by his constituents, to tell them that they must select him, because, although he had acted badly, and had abused the trust reposed in him, another would do as bad, or worse? that those who were opposed to him, and found fault with his conduct, were not Democrats, but rag-barons, aristocrats, &c.? Would this be a fair and honorable defense?

\* If permitted to examine the right of petition to the extent contended for, Mr. POPE would have insisted on the impregnable ground assumed by Mr. ADAMS in relation to the fisheries, and ultimately assented to by Great Britain, that the rights and privileges which existed and were enjoyed before the foundation of this Confederacy, and recognized by the articles or compacts of union, did not admit of debate or controversy, and were not grievances coming within the scope, right, or intent of petition in its broadest sense. The right of petition for redress of grievances implies the existence of a grievance of which the petitioners have a right to complain, and a power in the body to which it is addressed to afford the relief called for; and I might contend with force and plausibility that the subject and object of the petition ought to be consistent with the peace and safety of the nation. Mr. P. could never admit that any set of men had the unconditional, unrestricted right, under color of the right of petition, to cast firebrands into this Hall tending to sap the foundation of our social harmony and political union. It is monstrous to contend that the time of this House must be wasted, and our deliberations disturbed by such vain if not wicked efforts. The Representatives of the people must on this as on all other subjects of petition, exercise their sound discretion under the high responsibility which they owe to their country and constituents. If the free and slave States were separate communities, could the free States, consistent with the principles of international law, permit societies and combinations to be organized within their limits to interrupt the peace and property of their neighbors? Would it not be cause of war? Mr. P. would, if he could address the single Indies of New England, endeavor to give their finer feelings and sympathies another direction. He would hold a very different language to them from that which they so often hear from puritanical lecturers, who appeal to their sympathies and their pockets in behalf of the imaginary sufferings of the southern slaves. Mr. P. would tell them that he had lived in the far West; that those fertile regions abounded with active, enterprising, and promising young men; that young ladies were rather scarce; and he would with sincerity and zeal exhort the ladies of the East to turn a deaf ear to the idle tales and appeals of the artful agents of the Abolitionists, and take up their march to the West. They would soon, do doubt, get good husbands in those new regions, and will render more essential service to this great and rising Republic in raising up good Democrats to fight the future battles for liberty and their country, than in sending petitions here to wound the feelings of their southern friends and brethren. Mr. P. regretted that the rules established at the present session precluded him from presenting his views more in *extenso* on this subject of abolition. Negro slavery, whether right or wrong, whether for good or for evil, had been so long incorporated into our system, that it must be left to the operation of causes hidden from human ken, and to the mysterious plans of a wise Providence—not to be seen even through a glass darkly. Let every citizen of this Republic remember, with deep concern, that this is a most delicate and dangerous topic, and cannot be touched without hazard to our peace and union, prosperity and happiness. Mr. P. would have declared his disapprobation of the last resolution of the gentleman from New Hampshire, [Mr. ATHERTON], because by implication it seemed to concede the right to present abolition petitions, instead of refusing to receive them. It is the duty of this House, Mr. P. would have insisted, to tell the Abolitionists in a decided tone that their petitions would and could not be received, because they asked an interference with this Government for purposes and objects incompatible with our peace and safety, and the legitimate objects of the Constitution.

Would a people of common sense, with ordinary concern about the administration of public affairs, listen to a defense of this sort? Certainly not. The course of argument pursued by these gentlemen would prove too much; it would prove that this Administration and themselves ought to be perpetuated in power, whether they did right or wrong.

Now, the true question is, are the principles and measures of this Administration right? have the public affairs been fairly and honestly administered? and is it not necessary that the Administration should be changed, to correct and reform those abuses, blunders, and the derangement of our currency and other branches of the public service, which have occurred under this Administration? When gentlemen talk of aristocrats, bankites, &c., I really do not understand them in reference to the people of the district I represent. In the five counties comprising that district, there is no bank, or branch of any bank; nor do I know that there is \$10,000 of bank stock held in the district. There are no very wealthy men there, and but few so poor as not to have the reasonable comforts of life. They are farmers generally, with a portion engaged in other pursuits. They constitute the industrious middle class of society, which, in all countries, is the most virtuous, happy, and independent class—the salt of the earth. We have no public officers among us, except postmasters with small incomes. No public money is expended there. We pay our full proportion of the revenue; more than South Carolina; and more, in proportion to our population, than any of the southern States east of the Alleghany. The people do not complain of all this, if no more is drawn from them than is necessary, and fairly expended. They ask nothing from this Government but good laws, good money, and that their money may not be stolen or plundered by unfit and unfaithful officers and agents.

Mr. Chairman, I am not a mere partisan here, nor do I indulge any unkind feelings towards the President, or those in power, or those who support the Administration. I do not predicate my course here on the ground that gentlemen of either party are enemies to our republican institutions or their country. I should be very unwilling to indulge any such uncharitable opinion of those who may happen to differ from me in my political views. We know that the best republicans become spoiled and corrupted by too long enjoyment of power. They too often feel power and forget right, and become aliens in some degree to that republican spirit and feeling which animated them before they came into power. We know, too, that adversity in both private and public life is the school of virtue, and tends to purify those who have been too much exalted by prosperity or long continuance in authority. It is well known that in England the Whigs, after long contending with zeal and sincere patriotism for the power and privileges of Parliament and the people, against the prerogatives and usurpations of the Crown, have often, after ousting a Tory Ministry, and getting into power, turned Tories in principle and practice; and the Tories, stripped of power, and identified with the popular party, have, in time, in their turn become Whigs. Such is human nature, and such the course of human affairs; and occasional changes of the high executive officers of the Government may be justly deemed the great conservative principle of freedom. I believe that a change of this Administration is essential to the healthy action of the body-politic, and necessary to restore the constitutional balance of the Government. I am willing to see the Whigs come into power; after being so long out, they will, probably, administer the Government well for a while. I have no confidence in their extraordinary purity or infallibility, nor do I know that I shall be one of their party if they get in. I shall give no pledges. To me it is matter of no individual concern who is in or out. I act, and shall continue to act, under the influence of public considerations and public duty. Some material errors will, I expect, be corrected, and abuses reformed.

Mr. Chairman, I cannot approve the principles and measures of this Administration, so far as they have been developed since I took my seat in

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the present Congress. Permit me to say to gentlemen of the Whig party, that they will confuse the public mind by making too many points in their cause, some of them irrelevant and untenable, and others of a doubtful character and not to be depended on in a great contest of principle. When I first came to the bar, I was in the habit of urging to the jury many points when two or three would have been sufficient. I ever found that course unfortunate; my adversary met and defeated me on my weakest ground, and the attention of the jury was too often diverted from the true question at issue. Experience soon demonstrated to me that, if my cause was good, the most honest and best policy was to select my strong points and press them, unobscured by immaterial matters, on the attention of the jury. I must be permitted to say to gentlemen of the Opposition, if their cause is good, honesty and fairness is the best policy. I would advise that good and substantial pleas in bar to the continuance of the present men in power should be put in, and verified by proof and argument.

I will now endeavor to place before this House and the people the principles contended for by the President and his friends. By the third section of the second article of the Constitution, it is provided that the President shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. This is the only grant of power to the President to influence, direct, or control the legislative action of Congress in advance. After Congress has acted, and presented a bill to the President for his approval, he is authorized to consider it, and may return it with his objections, which can only be overruled by a majority of two thirds. With regard to measures which Congress may judge necessary and expedient for the good of the people, the President is not authorized to prejudge or veto in advance, and has no authority to interfere until Congress shall have acted. To denounce a measure beforehand, to prevent the action of Congress, is either an assumption of authority or an exercise of influence incompatible with the spirit of this free system of government. The President, in his first message to this Congress, not content with discharging the duty imposed on him by the Constitution, in recommending measures for the consideration of Congress, imputes an uncompromising hostility to a national bank, and indirectly menaces us with a veto. If the advocates of a strict construction of the Constitution, who protest against implied and constructive powers, can indorse this unauthorized assumption of the Executive, I must declare my dissent from it.

The President next called on Congress for a bankrupt law, to annul the State banks which had abused their powers—banks owing their creation to State power, and responsible only to the States. This appears to me the highest prerogative ever claimed for this Government over the sovereignty of the States, and aims a more fatal stab at their authority and independence than has been ever suggested since the origin of this Federal Government. The alien and sedition laws were trifles compared with this most extravagant pretension. Whether banks deriving their charters from State authority have abused or forfeited their charters are questions of State cognizance exclusively, and beyond the pale of Federal authority. The proposition advanced by the President is so obviously and palpably monstrous, that no argument can be necessary to expose its fallacy; no reasoning has ever been advanced in either House to sustain it. If the State-rights gentlemen can countenance for a moment this assault upon the sovereignty of the States, they will excuse me for declining to be of their party. In the second message of the President to this Congress in December, 1837, he imputes the result of the elections in New York to bank influence, and at least indirectly impeaches the motives of the people when acting in their highest sovereign capacity. Are the motives and conduct of the people, in the exercise of the right of self-government, to be questioned before any human tribunal? If the people are not sovereign in the selection of agents to manage their affairs, how, or where, or when is the principle of self-govern-

ment seen, felt, or understood? and where, unless at the polls, is the sovereignty of the people displayed? If they are sovereign, who dare to arraign their purity and infallibility? The sovereign is ever to be presumed right, just, and wise; and if wrong, that sovereign alone must correct its own errors. From what part of the Constitution does the President deduce the high prerogative of instituting an inquisition into the motives and conduct of the people, the common sovereign over all public agents and functionaries known to this Government? The polls, the ballot-boxes, are the channels through which the public will is most clearly and constitutionally expressed; and the inquiry can never be made, what influenced the voters? but can only go to the fact, has the popular will been expressed, and how has the sovereign spoken?

The President, in his last message to Congress, has traveled out of the sphere of Executive action, and assailed the decision of the inferior court and Supreme Court of the United States in the mandamus case against the Postmaster General. Now, Mr. Chairman, where does the President deduce the constitutional authority to arraign the decisions of the judicial tribunals at the bar of this House? The executive, judicial, and legislative departments are declared to be separate and distinct, and their respective powers are defined by the Constitution. It certainly does not belong to the Executive to revise and condemn the decisions of the Judiciary; but to Congress, and more to this House, has the Constitution assigned the power to inquire into the conduct of the judges, and to impeach them, if necessary and proper to do so. If the President had suggested the propriety of repealing the power to issue the writ of mandamus in the cases referred to, I certainly should not find fault with him; because, Mr. Chairman, I solemnly protest against the power of the Judiciary or the Executive to order money out of the Treasury of the people without the authority of the Representatives of the people. Congress, and more especially this House, has, by the Constitution, control of the public purse. Mr. P. said he had not read or considered the opinion of the court in the mandamus case, nor was he prepared to pronounce it right or wrong; but he was inclined to concur with the President, that the power, if it existed, to order money out of the Treasury by mandamus, ought to be repealed. The first and vital principle of free government held by enlightened Whigs in England and America, and for which so much blood has been shed by our ancestors, consists in preserving to the representative body the exclusive guardianship and control of the public purse.

This is the cardinal point involved in the mighty political struggle now pending before the nation. Shall the Treasury of the people be divorced from the control of the President, and restored to the care of their immediate Representatives? is the great question to be decided in the present political contest. This is the great conservative principle which has been maintained for ages by the enlightened friends of freedom in England and this country, as the best and only effectual security for the liberties of the people against tyranny and oppression. It is the old question between the friends of liberty and the power and privileges of Parliament and the supporters of the power and prerogatives of the Crown. In that contest, after a long and bloody struggle, the Whigs of England triumphed over the advocates of Executive power, as they will here if they will only make this the prominent plea in bar to the continuance of this Administration. I beseech gentlemen not to obscure this leading point by vague and indefinite talks about large expenditures, for which a large portion of the Opposition voted, or Executive patronage, which they have aided to increase. Mr. P. said that, by the removal of the deposits from the care of those to whom it had been confided by Congress, the custody and control of the public funds had been wrested from the representative body; and this sub-Treasury scheme, urged upon Congress and the nation by the President and his friends, was intended to consummate the usurpations of his illustrious predecessor. The President and his supporters contend that the key of the strong box should be placed in the

hands of the President and those under his immediate direction, while his opponents insist that the public money should be confided to agents under the control of, and directly responsible to, Congress. It is, I repeat, in essence, the old question between the power of Parliament and royal prerogative. And I would exhort the Opposition to let nothing divert the public attention from this leading and great question. I shall be one of the last to speak in terms of disrespect or reproach of General Jackson, a brave man and a patriot, who so often staked his life for his country, and shed luster on our national character. Few men have felt more grateful than myself for his public services or more admiration for his brilliant achievements. I was zealous and sincere in my efforts to bestow on him the highest honor in the gift of his country.

While I respect this illustrious individual, and am ready to honor him for his deeds of valor, I can never indorse his assaults upon the fundamental principles of the Constitution, and his disregard of the powers, will, and action, of the legislative body. With his motives I have no concern, nor do I intend to question their purity; but I owe it to myself, to my country, and to my immediate constituents; to raise my voice, on all proper occasions, against that arbitrary, ruinous measure, the removal of the deposits. By that act, the wall of partition placed by the Constitution between the legislative and executive departments was broken down, and the equilibrium of power established by that instrument overthrown. It was done in defiance of the expressed will of the legislative body; and it was an unauthorized interference with the official powers and duties of the Secretary of the Treasury, for which I could never find any justification or apology. The public money was placed in the United States Bank by the Legislature, never to be removed by the Secretary without reasons, and those reasons to be assigned to Congress, instead of the President. I insist that the officer at the head of the Treasury, according to the true intent and spirit of the Constitution and laws, is the officer of Congress *quoad* the custody and management of the public money; and that the President could not rightfully direct or control the action of that department. The power of removal for gross misconduct does not carry with it the right to direct the fiscal operations of the Treasury Department. No President had ever assumed such direction or control; not even Washington or Jefferson, whose popularity enabled them to enlarge Executive power and influence more than any Presidents, until the reign of General Jackson. By a reference to the first laws creating the several Departments of this Government, a marked difference will be noticed between the Departments of State, War, and the Navy, and the law creating the Treasury Department; that of State, War, and Navy, are called Executive Departments, and placed under the control and direction of the President; whereas the Treasury Department is not called an Executive Department, and the head of the Treasury is to perform such duties as shall be directed by law. This distinction runs through most of the State constitutions, and the money department is considered everywhere directly under the control and direction of the legislative body. The submission of this people and their representatives to this lawless interference of the Executive with the public money, in defiance of legislative will, has surprised and mortified me more than anything which has occurred in our political history.

The reign of General Jackson, in many of its features, may be compared with that of Queen Elizabeth, called by the English commentators the greatest of English monarchs. She maintained the most absolute authority, without losing the affections of the people. By her energy and skill she defeated the most formidable fleet that had ever sailed on the ocean, called the Spanish Armada, and laid the foundation of the naval power of England, and gave to England a rank in the scale of nations unknown before. Her course was, in many respects, tyrannical, but her deportment was popular. She professed love for the people and acknowledged their liberties, but took care to use her own dictionary to define the term liberty. Her will was, in a great degree,

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the law of the realm. The friends of the free principles of the English constitution were unable to make a stand against her power and overwhelming influence. It has been well remarked by the historian that she obtained a lease for life of arbitrary power, and that if the force of free principles and free institutions were not destroyed, they were suspended during her reign. Her successors attempted to tread in the footsteps of their illustrious predecessor, without the ability, energy, or popularity to sustain the high ground of royal prerogative occupied by Queen Elizabeth; and, after her death, the friends of freedom rose in all their strength, resisted the arrogant and tyrannical pretensions of succeeding monarchs, and, after a long and bloody struggle, settled the principles of English liberty by the revolution of 1689.

General Jackson was elevated to the presidential chair by the gratitude and affections of the American people for his heroic achievements. His military career, his energy and decision of character, his admitted patriotism, his popular deportment, his professed devotion to the principles of the Constitution and the liberties of the people, as he took the liberty to understand them, gave him an ascendancy over the public mind which rendered resistance to his administration vain and fruitless. The affections and admiration of the American people granted him a lease for his term of service to act in a great degree according to his own will. Besides removing the deposits, he exercised the veto power in a manner and to an extent unexampled in our Government, and beyond anything known in the history of Great Britain in modern times. Indeed, it can hardly be presumed that such an exertion of the veto power by a British King would be tolerated or submitted to, and the probable result would be rebellion and civil war. He ordered the public money to be removed from the place assigned by law, without the consent of Congress, and deposited it in the hands of bank agents created by State authority, and in no manner responsible to this Government.

I will not advert to other matters often presented to the consideration of the people. The present Administration is pledged to maintain the principles and measures of the last, and it is for the good sense of the community to decide whether they will adhere to the successor of General Jackson in support of the measures and the principles to which I have adverted. I was born in the Old Dominion, and have ever been proud to claim it as the land of my birth, until that State bowed in submission to these usurpations of the Federal Executive. But I was still more mortified to hear that this great Commonwealth had required the Senate of the nation, composed of the representatives of the States, to be degraded and humbled in dust and ashes at the feet of the American monarch, because they had dared to disapprove his usurpations. The enlightened friends of liberty throughout the world must be astounded at the fact, that the people of Virginia, the birth-place of Washington, Henry, Jefferson, Mason, Madison, and a host of others of republican stamp, could look on with composure at these outrages on the principles of our free system, and in derogation of powers and privileges confided to the legislative body. I will not, Mr. Chairman, despair of the Republic, but indulge a hope that there must be a political regeneration in the Old Dominion, and that we shall soon see on this floor her sons animated with the spirit of Washington, Henry, and other friends to constitutional liberty, ready to restore to Congress, and especially to this body, their control over the public purse, and to rebuild the partition wall reared by the founders of our system, between executive and legislative power. I trust we shall soon have a majority here who will order the original mandate for the removal of the deposits to be brought to this House, and marked and branded with public condemnation, or burnt like the Yazoo act of Georgia, by fire from Heaven. When this solemn duty shall be performed, I will then believe this Republic still lives in substance, as it came from the hands of our forefathers.

Mr. Chairman, the President denounces corporations and associated wealth. Such slang might be tolerated at cross-roads or grocery taverns; but

I feel surprised and mortified to find such in a State paper emanating from the Chief Magistrate of a great nation. It is not the language of a dignified statesman, but the slang of an electioneering demagogue. Whether I agree with a President or not in his views, I can respect him as the first officer of my Government, if his course is marked by dignity and propriety. In this war on corporations and associated wealth, he only imitates a British tyrant, James I., or one of the Charleses, who, in the plenitude of his royal prerogative, asserted the right to annul the charters of incorporation in England. I think he annulled one, that of the city of London, and alarmed others into a surrender of their charters, and they obtained new charters from his Majesty upon the payment of a bonus. He did not make war on corporations to secure the liberties or good of the people, but to increase the power and patronage of the Crown, and to fill the coffers of the King. Whether any higher motives influence those who denounce corporations here, I leave to others to determine. What is meant by associated wealth to create prejudice or odium, I do not understand. This slang either has no definite meaning, or is the lowest sort of Locofocoism—intended, as I imagine, to array the poor against the rich. A State, every political association or body-politic, is a corporation; it is associated wealth; men unite and form a State or body-politic, to secure property as well as life and liberty, and for the general happiness and prosperity. An incorporated city or town is a body-politic; an association of wealth or property, for the better security of property, as well as life and liberty, and every other blessing incident to the social state. Many corporations are composed of individuals with small funds, who put small sums together to accomplish some useful object, to which the surplus capital of no one individual is competent. Bridges, roads, insurance companies of every kind, are formed in this way. But I will not detain the committee by details on this subject. These corporations, formed by many individuals, create a common interest, and are so many fixtures in the State, giving strength and stability to the whole frame of human society.

From the report of the Committee of Ways and Means, drawn and presented by the chairman, the organ to this House of the executive Administration, we must infer that the Executive is against a tariff to protect American industry; against internal improvements of any kind, national or local, including harbors. He is against the distribution of the public land, or its proceeds, among the States; he is for holding the proceeds as a part of the permanent annual revenue. With regard to a protective tariff nothing need now be said, because that subject has been compromised and settled until the year 1842. I do not understand that any man, of any party, is for disturbing the question before that time. With regard to internal improvements, no discussion is necessary, because, with the exception of two or three roads of a national character, and of great necessity and utility, which this Government has commenced, and seems to be bound in good faith to complete, I am not aware that any public man is urging on Congress or the nation the policy of engaging in a system of internal improvements. General Jackson conceded the power to make improvements of a national character; and I believe no person contends for more, and but few for that much. It may be necessary to make a few roads with reference to military operations or carrying the mail. I consider these questions of tariff and internal improvements disposed of for the present. If my friend from Virginia [Mr. ROBERTSON] will read a part of my speech on the bank question, in 1811, he will find that, although we may not agree about a national bank, we are nearer together about the line of demarkation between Federal and State powers than he supposes. I there contend that this Government ought to avoid, as far as possible, any agency in the interior of the States, and leave to them all matters of local concern, confining this Government to matters strictly national.

The President, as I have before stated, contends for a sub-Treasury to place the public money under the control and in the keeping of the Executive and officers holding at his pleasure,

and is opposed to a national bank to be made our fiscal agent and directly responsible to Congress. I shall not at this period discuss this subject at large. At the called session, I presented a proposition for a national bank, reserving one third of the stock to be divided among the States, and precluding foreign stockholders from any control or management of the institution, with other provisions, to be found in the proceedings of this House. Without discussion, that subject was silenced by the previous question. There never has been a majority in this Congress for a national bank, sub-Treasury, or the State bank agency. I must ask leave, on this occasion, to say to the conservative gentlemen that I cannot indorse their scheme of State banks, because I have no faith in them; they will multiply and expand until they explode again. I may vote for them in preference to the sub-Treasury, but it will require an effort with myself to make a choice. Gentlemen talk much of the danger of one bank monster which has proved useful and safe, and stood the test for years. Now, sir, a many-headed monster of State banks is more frightful to me than one. We are called on to appoint at least twenty-six bank agents, under the authority of the twenty-six States, not under the control of this Government, or responsible to keep the public money. In the city of New York half our revenue is collected; and suppose twelve or fifteen millions of the national revenue deposited in the New York banks, and that great State was to array herself against the laws and authority of this Government, and renew the scenes of nullification, tell their banks to withhold the revenue, and give them a pledge of indemnity—what, sir, would be our condition, and how could the funds be reached when perhaps most wanted? I beseech gentlemen to weigh this matter like statesmen, and not sacrifice their country to preserve their consistency in error. Every candid man must perceive at once that if bank agency is necessary and proper for this Government, it must have the power, and ought to exercise it, to create a sound, safe, and responsible bank agent, with branches in every State to receive and pay out the public funds, according to the directions of Congress. This Government, with regard to cardinal powers clearly and distinctly granted, ought to be independent in its action of any other authority, and the public purse should be divorced from the control of executive, judiciary, and every authority, except the representatives of the people in Congress. This is the great principle for which I contend, and the leading question now before the American people.

I repeat, that I have a mortal aversion to this many-headed monster, the State banks; and, if I should vote for any such project, it will be for no other purpose than to defeat another measure, the sub-Treasury, the leading object of which is to place the public purse more directly under Executive direction. There is but one right course about anything; the course marked out by the wise and enlightened statesmen and patriots who have gone before us—and that is in relation to our fiscal agent, a national bank; and their wisdom has been fortified by the experience of forty years. Every other experiment has failed, with great loss and injury to the country; and yet gentlemen insist that they must be consistent. The more I reflect on this State bank system, in connection with this Government, the more I dislike it. It has a tendency to bring the moneyed interest and institutions of the States in contact, and under the influence of this Government. Previous to the year 1811, when the charter of the first bank expired, our monetary system was safe and sound, the banking system had been generally honestly and prudently conducted, and no redundant or spurious paper currency had cursed this people. Many enlightened and disinterested men of the Republican party assured me at that time that no bank in the world had been better managed than the bank created with the sanction of President Washington, the charter of which was then about to expire. It was generally believed for some time before that period that the charter would be renewed, and every vote given in the two Houses of Congress had indicated that result; but from causes not necessary now to explain, the bill to renew the charter failed in the

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Separate by the casting vote of the Vice President. This event gave birth to a host of State banks, the history of which is well known. After an experiment of four years of this State bank system, another national bank was created, with the sanction of Mr. Madison and his friends. The State banks, without the controlling check of a national institution, will not, I fear, succeed in securing to the people either a uniform or sound currency. A Bank of the United States, with a large and sound capital, will not only be a useful fiscal agent, but will furnish a currency of unquestionable value. The Constitution has assigned to Congress the power to coin money and regulate the value thereof; and, if gold and silver will not answer over this extensive country, and if a paper representative is to be furnished for the convenience of the people, it has ever seemed to me that it ought to emanate from the authority of the National Government.

Some object to depositing the money in a bank for the benefit of the stockholders; and in that I agree with them, and will only do it for an equivalent in money or public services. The bank is an insurer of the safety of the fund placed in it; if the bank is robbed, the Government does not lose it, but the bank; the bank must place the public money in different parts of the United States where it is wanted, without risk or expense to the Government. In the language of the Constitution, and in the spirit of our free institutions, I am opposed to the grant of any privileges to any man or set of men, but in consideration of public services. Are not the public funds more safe in sound banks, under our control and responsible to this Government, than in the hands of individuals, with whatever security they can give? Government rarely makes anything out of securities; and, indeed, it is probably better that the Government should lose by the appointment of a bad officer, than that innocent individuals should be ruined. On this subject I will only add, that I can make no compromise of opinion or principle, unless controlled by the will of my constituents. Mr. P. could not avoid expressing his astonishment at the assault made by his colleague [Mr. MURRAY] on the Bank of the United States. A man may have honest scruples about the constitutionality of a national bank, but the utility of such an institution has been generally admitted by the intelligent portion of all parties in the nation. It is most wonderful to me that a western gentleman of sense and candor should object to it. Our trade is carried on with distant States, and a national currency is more important to us than to any portion of the Union. Our traders now bring the notes of distant banks and diffuse them among the people, the value of which I cannot tell my neighbor, if he asks me; but send him to the merchant; if he is a poor man or a laborer, he may want a ten or a twenty-dollar note converted into silver to pay small debts; and the merchant will tell him, probably, that it may be good, but not very current; he will, however, change it, if the man will take the whole or part in goods, or discount one, two, or three, or ten per cent.; and the holder will be driven to accept the terms; and in this way the poor and laboring classes are shaved constantly, for want of a currency stable, sound, and which can anywhere and everywhere be converted into gold and silver. In this state of things, every merchant, besides a host of others, is reaping a rich harvest by shaving and robbing the ignorant and laboring classes of the country.

One of the first and highest duties of this Government is to relieve and secure the people against a ruinous, inconvenient, or uncertain medium. No part of this Union was more injured by fictitious and swindling banks and depreciated bank notes than the West; and it took many years after the last Bank of the United States was established to redeem us from the evils to which I have adverted. A sound and uniform currency was ultimately restored to the West, chiefly by the operation of the branches of the United States Bank established there. At first they were not as prudently managed as they ought to have been; but for about ten years before the removal of the deposits, we had a good currency, and our condition in regard to currency and commerce was sound and healthy. Branch banks were estab-

lished at Pittsburg, Chillicothe, Cincinnati, Lexington, Louisville, St. Louis, Nashville, Natchez, and New Orleans, and all worked well; and I never heard that any of them engaged in the party politics of the country. Something was said against the Louisville branch, and promptly repelled by two or three directors, warm Jackson men of high standing. It may not be improper or irrelevant, in connection with this subject to allude to the pecuniary condition of the western and southwestern States. They have no surplus capital to make banks or internal improvements, and resort to loans for such purposes. Not only the States west and south, but many States on the Atlantic, have made large loans for those objects. The several States are now indebted, and a great part to foreigners, between one hundred and one hundred and fifty million dollars, at an annual interest of five or six per cent. Yes, sir, after all the clamor about foreigners and foreign influence, the States owe a large amount to foreigners for loans to make banks; and if the funds should be badly managed, or swindling directors get the control of the banks, the money may be plundered, and then the people must be taxed to pay the principal and interest of these debts, or this Government may be called on again to renew the funding system. I trust no such consequences may grow out of this state of things; but I must appeal to the gentleman to answer me with candor, whether it would not have been better to create a national bank, require at least one branch, with a reasonable capital, to be placed in every State, and to lend money at five or six per cent. to aid the business and enterprise of the people? On this plan no debts could have been incurred by the States, and a better currency would have been furnished. It would certainly have been the interest of the bank to furnish as much capital to each State as their business required. It must be admitted that the branches in the West were well conducted for the last ten years of their existence, whatever may be said of the mother bank in her struggle with the Government. I have never looked into the controversy, but can readily suppose that the bank may have been guilty of some impropriety and indiscretion, such as are incident to every human association. They are, however, unworthy the grave consideration of statesmen in deciding on a great measure of national concern. I repeat, that a man may object, with some plausibility, on constitutional ground, but a western man can have no other reason for clamoring against the bank, but because General Jackson denounced it.

My colleague, without using any personal or offensive language, has made a lunge at Mr. CLAY, a distinguished Senator from our State, in relation to the American system, which seems to me to have been uncalled for and unjust, owing, I must believe, to misapprehension of facts and the history of that system. Whatever my relations to that gentleman have been, or are now, I feel it my duty to place him, with regard to that policy, in a proper light before this committee and the public. At no time in my life, whatever may have been his course towards me or the country, have I treated him unfairly. At one period, I had reason to complain of the intolerant and proscriptive spirit of himself and his friends; free, however, from any personal bitterness on either side. After he became Secretary of State, in alliance with my friend from Massachusetts, he never offered me the hand of fellowship, and he was armed with additional power to deprive me of any share in the political concerns of my country. I thought I owed him a debt, which, with the aid of the hickory stick, I concluded to discharge. I did so, and balanced the account between us. I now am ready to act towards that gentleman under the influence of public considerations alone. My colleague seems to impute the American system, with all its imaginary evils, to him; for he has not told us of the mischief it has done, nor have I ever been able to find out, from the writings, speeches, and denunciations of gentlemen, what the evils are to which they refer. They seem to suppose that the surplus in the Treasury was the result of the American system. There is certainly no foundation for the assertion, and Mr. CLAY is not responsible for what accumulated in 1835 and 1836, and was de-

posited with the States by the act of 1836. That surplus was the result of the transfer of the public moneys from the Bank of the United States to State banks, with a recommendation to expand their issues, which gave birth to that scene of wild and extravagant speculation in public lands in 1834, 1835, and 1836, that brought into the Treasury or the banks that enormous surplus distributed among the States in 1836 and 1837; and which, by withdrawing so large an amount from the ordinary channels of trade and business, conducted much to that derangement of the currency and convulsion in our commercial affairs in 1837. The deposit act of 1836, with a small variation, was, in substance, a division of the land fund among the States, according to Mr. CLAY's views. Mr. CLAY made every effort in his power to prevent a surplus in the Treasury, by a distribution of the proceeds of the public lands among the States; and if his bill had not been defeated by President Jackson, there would have been no surplus. Cut off the land fund from the Treasury, and the tariff would not have produced more than was necessary to meet the usual demands on the Treasury.

A very small amount was expended for internal improvements during the administration of Mr. Adams, compared with that expended under the administration of General Jackson. The first great national improvement—the Cumberland road—had its origin under the administration of Mr. Jefferson; the work was commenced under that of Mr. Madison, and continued under every Administration since. In 1811, the State of New York applied to this Government to aid her with funds to make a canal from the waters of the Hudson to Lake Erie. Mr. Madison sent a message to Congress, recommending the subject to our favorable consideration, and commending in the strongest terms the policy of connecting by internal improvements the Atlantic with the western country. To cut down the mountains and facilitate the intercourse between the East and West, was a popular doctrine at that time, as well as to render this country independent of the workshops of Europe. The southern, western, and middle States, were generally, at least a large majority, for this policy. The people of New England were less favorable to it than any portion of the Union. I might with truth and justice deny that Mr. CLAY is entitled to the credit of originating the American system; for I believe Virginia, South Carolina, and New York, have equal if not superior claims. The system became popular, and the eastern States, after some resistance, acquiesced; and Mr. CLAY, with his usual political tact, made himself the prominent actor. When he became Secretary of State, and seemed to be on the high road to the Presidency, other aspirants were alarmed, and determined, if possible, to blast his prospects. To render the American system unpopular was an object of the first importance with the enemies of Mr. CLAY. The system was too popular then to be directly resisted; and the high tariff of 1828 was a contrivance of the Jackson party for effect on the system, calculated to injure Mr. CLAY, whether his friends supported or opposed it. I was one of that party at the time, and it is well known that Mr. Van Buren and most of the Jackson men supported it. I was a zealous supporter of General Jackson at that time, and we were very unwilling for the General to commit himself, in a manner to embarrass his friends or injure himself. We were fortunately soon relieved by the old hero, who came out for a judicious tariff, a ground which rendered him unassailable from any quarter. Mr. Chairman, a review of our past political history will show that many of the leading measures of this Government have been carried or rejected by reference to a presidential election.

My colleague [Mr. MURRAY] professes to admire Mr. CLAY much, although the author of so much mischief, but seems to admire nullification more. At the moment General Jackson was preparing, by proclamation and force bills, to demolish nullification and its supporters, Mr. CLAY interfered and averted the storm. This I have considered the best and most patriotic act of his life, and have ever given him full credit for it; and I think my colleague, as an act of sheer jus-

tice, while eulogizing General Jackson and nullification, might have bestowed on a distinguished citizen of our State some little praise for it.

Much is said about the increase and extravagance of our public expenditures, but to what extent this Administration is responsible I am unable to form a clear and satisfactory opinion. That there have been many improvident expenditures is certain, and that many of these have been voted for by a portion of both parties is equally true. During the present Congress at least two million dollars have been appropriated against my will and vote, and carried by a combination of a part of the Whigs with a portion of the friends of the Administration; and I therefore hesitate to rely on this as a substantial ground of objection to the men in power. My objections are not so much to the amount of expenditure as the manner of expenditure. Has the money collected from the people been fairly and carefully expended for their benefit? Public money, honestly and fairly disbursed for necessary and beneficial purposes, generally benefits the poor and laboring classes. That there have been many instances of improper expenditure, I have no doubt; but so many have participated in them, that I find it difficult to fix the blame exclusively anywhere. My impression is strong that the Indian war might have been avoided, and the sum of \$10,000,000 saved to this Government, if the advice of General Eaton, when Governor, and others, had been followed. The war was badly managed. The expenses were increased by drawing volunteers from the distant parts of Missouri, and employing the northern Indians at much expense, and without the least utility. I confess that I am not surprised at a considerable increase of our expenses. They have grown, and will grow, with the growth and wealth of the country and the extension of our settlements. I repeat that my objections are to the manner of expenditure. I fear that we are plundered to a great extent, from want of vigilance in the selection of officers and agents. The good and success of the party enter too much into the consideration of the appointing power.

With regard to Executive patronage, about which we have heard much, I have little to say, because it must continue, to a great extent, so long as the Constitution remains unaltered. To the President the Constitution has assigned the power of appointing all officers except such of a subordinate character as Congress may think proper to confide to the heads of the Departments. How far the abuse of this power can be restrained or regulated by law, I have not time to examine. The officers of the Treasury Department ought, I think, to be rendered more independent of Executive dictation in the performance of official duty, and the power of removals may possibly be subjected by law to some salutary checks. The general power of appointment, the founders of our Republic deemed it most wise and safe to place where it is. To remove a man fit and faithful, without other cause than a difference of political opinion, seems to be tyrannical; and good behavior and fitness ought to be the guarantee for his continuance in office. Whether this power can be controlled by law or public opinion, is matter of grave consideration. When a new President is elected, and enters upon the duties of his office, there would seem to be some strong political considerations in favor of the right of the President to select the prominent executive officers, not only of the Cabinet, but throughout the Union, on whose fidelity and ability he must rely for the execution of the laws, and the executive administration of public affairs. But, after he has made his selection, and they have proved fit and faithful, I would deem it an impeachable offense to remove for expression of opinion. Such tyranny tends to make slaves and hypocrites, and to break down that spirit of independence and freedom of thought and action which belong to the genius of our system. The public officers and the people should be told by the Chief Magistrate that moral worth and fitness are paramount to party merit. This course is essentially necessary to preserve that moral force in the nation, upon which the durability of this Republic depends.

I am satisfied that many defalcations and official abuses have occurred, because the selections

have been made more with reference to the good of the party than the good of the public. Party efficiency is estimated higher than integrity or qualifications; and here I must be permitted to say that I cannot admit the excuse for bad appointments usually offered—that the President and other executive officers have been deceived. He who is determined not to be imposed on, and will be honest and vigilant in his inquiries, will not be mistaken once in a thousand times. Sir, they are in most instances willing to be deceived, if the good of the party is to be advanced. I am aware that there are many useless offices and agencies, adding to the patronage and influence of the President, which ought to be abolished. There are, I am convinced, at least forty land offices which might be dispensed with; forty registers and as many receivers, making eighty or ninety in the whole, receiving salaries, besides the contingent expenses of these forty offices; and, if I should be honored again with a seat here, I will avail myself of the first opportunity, when there is the least prospect of success, to prune, if possible, this branch of Executive patronage. There are, no doubt, other offices and agencies which ought to be pruned off.

Mr. Chairman, the disposition of the public lands is another subject of deep interest to the people of the United States, to which the attention of this House and the nation has been called during the present session, on which the parties seem to be divided here. The leading question appears to be whether the proceeds shall be divided among the States, or brought into the national Treasury as part of our permanent annual revenue. The President and most of his friends are against the distribution among the States; and I infer that my colleague goes with the President. If I am mistaken in regard to the views of the President on the questions to which I have adverted, and more especially about the public lands, of such cardinal importance, I wish to be corrected. I desire to know whether his friends endorse his views. I can assure gentlemen that I neither wish to misunderstand him or them, but design to place the Administration fairly before the people. He and his friends, with my colleague, are opposed to distribution.

On this question I would, if practicable, tread in the footsteps of my old friend, President Jackson. In one of his messages to Congress, he says that after the payment of the public debt, we ought no longer to look to the public lands as a source of revenue, but to sell them to actual settlers at a moderate price. With this statesman-like view I entirely concur; but the plan is not practicable; neither my State, nor any of the old States, will consent to it. The next best plan is that presented by Mr. CLAY's land bill, with a little alteration. I am for allowing a preemption to actual *bona fide* settlers, at the Government price, the proceeds of the lands to be divided among the States, to be applied, at least one half to common schools, and the residue to internal improvements, under the direction of the Legislatures of the States; the distribution to be made according to the apportionment under the next census. The West will then have more than one third of the Representatives of the nation; and instead of the whole land fund being drawn from the West, to be expended in other sections of the Union, more than one third will be retained in that section to be expended there. My colleague's course is strange, passing strange, on this subject. He complains that no public money is expended in Kentucky, while large expenditures are made in other States, and yet supports the President in draining the West of \$5,000,000 every year, to be expended in other parts of the Union, without giving Kentucky any portion of it. The estimate of the Secretary of the Treasury of the annual proceeds of the public lands is \$5,000,000; the proportion to be received by Kentucky, Tennessee, and Indiana, after the next census, will be about the same, probably near two hundred and fifty thousand dollars each, annually; Ohio nearly double that sum; Illinois and Missouri about one hundred and fifty or one hundred and sixty thousand dollars each. I do not pretend to strict accuracy, but I feel assured that my calculation is substantially correct, so far as concerns the argument in favor of distribution. By this

arrangement, the States will be enabled to diffuse common schools for the benefit of the poor classes, and improve roads, rivers, harbors, and other works of internal improvement, without calling on the General Government for aid. And why shall not this fund be divided in this way, by which the expenditure in the interior will be equalized? Because the President, my colleague, and others, say if you withhold the land fund, the tariff may be raised. My colleague admits that Kentucky pays her full share of the tariff, without any expenditure; and yet he is willing to tariff the West by a drain of \$5,000,000, without retaining any portion for the use of his own State. While Mr. CLAY is for a general tariff, operating on the whole, he is for dividing this fund so as to give his own State \$250,000 a year.

I will beg leave to present the views of a constituent of mine, a zealous friend of President Jackson, and well known to my colleague; a man of strong understanding, bold and independent in the expression of his opinions; when wrong he can never be put right, and when right can never be changed. On a public occasion he contended that public land belonged to the people as tenants in common; and if divided, a poor man would be entitled to as much as a rich man; that if the proceeds of the lands were applied to the payment of revenue, or to relieve the wealthy from the payment of their share of the revenue, it was a robbery of the poor for the benefit of the rich. He contended that if a wealthy man paid a tax of \$100, and a poor man only five dollars, and the land fund was applied to pay or lessen the taxes, then the rich man paying \$100 would receive twenty times as much land as the poor man who paid five dollars. He insisted that the revenue, according to the principle and spirit of the Constitution, ought to be paid in proportion to the property or ability of each individual; and that to make the land fund revenue was unequal and unjust. In this view there is much plausibility and force, and it is in conformity to the plan adopted by the State of Georgia for the division of their vacant lands. The President and his friends are for taking the fund belonging in common to all, to relieve the consumers of foreign luxuries and finery from any additional burdens. The debts charged on our public lands are paid; and I concur with President Jackson that we ought no longer to look to that source for revenue. According to my plan, the benefits of this fund will be as nearly equalized as practicable, but may be improved after further examination and reflection.

I cannot resume my seat, Mr. Chairman, without a slight notice of remarks made on this floor and elsewhere by gentlemen from the Old Dominion. They seem to make a national bank a test question. How long, I ask, has this been the doctrine of Virginia? Many of the members from Virginia voted for the bank in 1816, and were re-elected; and some were elected by the Legislature to the Senate of the United States, after voting for the bank, unless I am very much mistaken. William H. Crawford was chairman of the committee in the Senate, in 1811, who reported a bill to recharter the first bank, and made a very able speech in support of the constitutionality and expediency of such an institution. Yet Virginia supported Mr. Crawford for the Presidency, with great zeal, against General Jackson; and Mr. Van Buren, the President, notwithstanding his uncompromising hostility to the bank, was the right bower of Mr. Crawford in opposition to the General. The course of Virginia towards Kentucky, her first-born, seems to be unnatural and ungrateful. Kentucky followed in the wake of Virginia for thirty or forty years; supported all her distinguished men for the Presidency; and now, when she presents for that office a man of the first order, born and raised in the Old Dominion, they turn their back on him because he entertains the same opinion now which Mr. Madison and many other Virginians did in 1816, and transfer their influence and votes to a citizen of New York. I could hardly consider a man's opinion about a national bank, whether for or against it, an invincible objection, provided he would follow the advice of Mr. Jefferson, that the President in a

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doubtful case, ought not to defeat, by veto, the will of Congress and the nation.

I was desirous to call the attention of the committee to other topics of much interest, but I feel too much exhausted to proceed. I hope, on some other occasion, to add to the views now presented to the committee. I have stated with frankness, without any partisan feeling, other than results from difference of opinion, my objections to the principles and leading measures of this Administration. I verily believe, as I have before said, that a change of Administration is necessary to the healthy action of the body politic; and that we have no reason to expect that the errors and abuses which have occurred will be reformed, or that our currency will be restored to a sound and stable condition, without a change. It is necessary, Mr. Chairman, to restore the principles of the Constitution to their former strength and activity.

## PUBLIC LANDS.

## DEBATE IN THE SENATE,

Monday, January 7, 1839.

The Senate having taken up the bill to reduce and graduate the price of the public lands, and the question being on the amendment reported by the Committee on Public Lands, in pursuance of instructions, and limiting the benefits of the bill to actual settlers—

Mr. CLAY, of Alabama, from the Committee on Public Lands, moved to amend this amendment by extending the benefits of the bill to settlers on lands adjacent to those sold under the bill, for the increase and improvement of their farms; and spoke briefly in explanation and support of this amendment.

Mr. CLAY, of Kentucky, said: I do not think, Mr. President, that, without any disrespect to the committee, the report which they have made is in conformity with the instructions received; and, in the first place, I say that the committee have not reported a restriction as to the quantity of land which the purchaser might be allowed to hold under the bill, at the reduced price, and according to what I supposed the Senate intended in their instructions. The proposition which I made embraced two restrictions, one confining the benefits of the bill to actual settlers, and the other was a restriction as to the quantity for each purchaser, which was not to exceed one hundred and sixty acres. At the moment of putting the question, I consented to strike out the one hundred and sixty acres, leaving the quantity in blank, which I supposed the committee would fill up with one hundred and sixty or two hundred and twenty acres, or something of the kind. The committee notwithstanding, have reported no quantity, but have contented themselves with abiding by the restriction on this point in the original bill, which it may be shown amounted to no restriction to the amount of land to be procured under the bill.

And, in another respect, I think the committee have not exactly conformed to their instructions. According to parliamentary usage, when the bill was recommitted, it was with instructions, and the committee had no power to go beyond them. It was required of them both to comply fully with the instructions, and not to transcend them. But the committee have not only failed to report such a restriction as I have intimated as to the quantity of land under the bill, but they now offer an amendment which was not in the instructions given them. Of this I do not much complain, because, if the committee had offered no such amendment, it would still have been competent in the Senate to make it, but with this important difference, that it now comes with the weight of the name and character of the committee, instead of a single member giving it his own weight and influence. So much for the manner of bringing in this amendment, and now for the question itself.

And I entreat the attention of the Senate to the proposition here made, and, above all, the attention of the Senators from Virginia. Mr. President, there is no difficulty now in the way to prevent any man in the United States, whoever he may be, from procuring any of the public lands

in the market by paying \$1 25 per acre; and if there are farmers or planters in the new States who desire it, they are allowed, at that price, to enlarge their estates, and add, if they please, to their already almost boundless sections. There is nothing in the existing laws to prevent it. But what is the proposition to which the old States are now called on to submit? Sir, the bill provides for the reduction of the land under it, from \$1.25 to 75 cents per acre, which is a reduction on every section of \$320; and the reduction to one dollar is equivalent to a grant of \$180 on every section. And now what is the import of this amendment? It is that any planter or farmer in the new States shall be allowed to purchase an additional section at the reduced price, while no planter or farmer in the old States is allowed that privilege—a privilege which amounts to an actual grant to each of \$180 or \$320. The whole amount of the proposition, in the sense which the Senate expressed when the bill was recommitted, was to limit the bill to actual settlers. But this amendment does not propose that; the committee go a step further, and propose that a planter or farmer in Alabama or Indiana, who owns in all half a dozen sections, may add another to them at a reduced price; nay, more, there is an estate on the Mississippi river worth \$1,500,000, to which an addition may thus be made under this bill, whilst the owner of an estate in Virginia, of only fifty acres, is not allowed that privilege unless he become an emigrant to the new States. And where, sir, is there authority in the laws or Constitution for this discrimination? As to the privilege of buying land adjoining any estate, no one refuses that privilege, and the owner may buy to any extent, if he chooses, at \$1 25 per acre. But on what principle do we grant them this gratuity of \$320 or \$180? On what principle is this donation to be made, and how shall we go home and say to our constituents in Pennsylvania or Virginia, or the other old States, from some of which the Government has received the most magnificent grants ever made by one State to another—in what a position shall we be placed when going home and saying, “we have allowed the farmers in the new States to purchase land adjacent to their farms at a reduced price, amounting to a gift of \$180 or \$320 each; but we have refused you the same privilege unless you will leave the home of your family and the tombs of your ancestors, and emigrate to the far West? We have given them a bounty, a premium, to enable them to purchase adjacent land, but we prohibited to you, we withhold from you, the least gratuity unless you will abandon the homes and tombs of your ancestors.”

Sir, I think it unwise, at the present session, to legislate at all on this subject, for reasons which I assigned on a former occasion; and if the sense of the Senate continues as it was when the subject was up before, the argument in favor of this bill increasing the revenue is of no force, for it was then dissipated by a vote of the Senate, (in favor of restriction.) And nobody believes that the effect of the bill, without such limitations as I have suggested, would be any other than to create afresh the spirit of speculation. But if the Senate are to legislate on this subject at this session, I shall go with the sense of the Senate, expressed on a former occasion, in favor of restriction, and not in favor of discriminating between the farmers and planters of one portion of the Union and of another, to the disadvantage of one and for the benefit of the other; but I would place the whole on the same broad platform: Entertaining these views, I am of the opinion that the amendment is repugnant to the spirit of the Senate as manifested on a former occasion; and if this bill is a process for raising the new States, and if gentlemen desire to increase the wealth and population of those States, they may do it without such discrimination as is proposed, and without depriving the poor emigrant of lands adjacent to other estates, which they otherwise might purchase.

Mr. C. called for the yeas and nays on the amendment; which were ordered.

Mr. WALKER said the Senator from Kentucky had come out more boldly than he had done during the past week. He had then confined him-

self to considerations connected with the merits of the question, but he had now made a bold and open appeal to the jealousy of the older States, and had called upon them by name, especially on Pennsylvania and Virginia, to vote, by their Senators here, against the amendment. But the Journal of 1837 would show that when the bill of that time was up, restricting the sales under it to actual settlers, the Senator then denounced what he now advocates.

Mr. W. would call the attention of the Senate particularly to the extraordinary position of the Senator from Kentucky. That Senator now said that the amendment under consideration made a discrimination between the old and the new States. But was that feature of discrimination in the original bill? No; that offered its benefits equally to all the citizens of the United States. Who was it then that drew this distinction which the Senator now represented as unjust and unconstitutional? It was introduced, and the Journal would show it, on the motion of that Senator himself, and on his motion the committee were required to confine the bill to actual settlers, thus discriminating between Pennsylvanians, Virginians, and the citizens of the other old States, and those of the new States, and confining the benefits of the bill to citizens of the new States only; yet that Senator now asked what right the Senate had to make any discrimination. This was a two-edged sword with the Senator. While the friends of the bill left it open to all the citizens of the United States, the Senator then announced it as a measure to aid and encourage speculators; and now, when that objection had been disposed of on his own motion, he denounced it as unjust and unconstitutional because it made discrimination. The Senator could not escape this extraordinary position in which he had placed himself.

Mr. CLAY. Yes, he will.

Mr. WALKER. But the Senator complained that the committee had not restricted the right in regard to the amount of land for each individual. Yes, they had confined it to one section. Where, then, was the ground of complaint? The amount had been left in blank by the Senate, and the committee had made it as it was in the bill originally, which was a restriction to one section. Where, then, had the committee violated their instructions? On the bill of the last session the question was put in regard to the quantity; and it was decided at that period, by a solemn vote of the Senate, that the quantity should be limited to one section, so that, so far from acting against their instructions or the sense of the Senate, the committee had acted in accordance with that sense as expressed at the last session.

But the committee were also told that they had violated their instructions by reporting an additional amendment, for the purpose of prompting individual Senators to vote in its favor. It was not for that; but it was because the sense of the Senate required an enlargement of the bill beyond the amendment of the instructions to the committee; so as to make it more similar to the act of 1837, extending the right under the bill to those who cultivated adjoining lands; and the committee only asked that, before the vote should be taken on the restriction, it should be taken on the proposition of the committee to enlarge the benefits of the bill to this class of citizens.

The committee, in this recommendation, had not acted without precedent; so that, if the Constitution should be violated by it, it had been violated before, both by the Senate and the House. A similar principle to this was embraced in the act of April 5, 1832. [Mr. W. here read a provision that no person should enter more than one eighth of a section in his own name, “unless for cultivation or the use of his own improvement.”] And the benefit of this act was to be enjoyed—by whom? First by the actual settler, and secondly by others for the use of their improvements, or for the use of a farm already cultivated. This principle, then, was adopted by Congress in 1832, which was similar to that of the amendment now proposed. And what was the objection? If it was a discrimination between the old and new States, was there not the same discrimination in the proposition of the Senator from Kentucky, confining the benefits of the bill to actual settlers? [Mr. CLAY. No.] Was a res-

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ident of Pennsylvania an actual settler in Mississippi? No. He must go to the land, and reside upon it himself, and could not do it by proxy.

If the Senate should adopt this amendment, allowing these refused lands to be added to adjacent farms at the low price, lands which no individual would buy at \$1 25, two or three hundred thousand acres of them might be sold, which would perhaps never sell if the Senate should refuse to permit them thus to be sold. The whole of this would be for the benefit of the new States, and also for the benefit of the whole Union, enabling the Government to sell lands which otherwise they could not sell.

Mr. SMITH, of Indiana, said: I understand, Mr. President, that the question now before the Senate is upon the amendment proposed by the Committee on Public Lands to the instructions committed to the committee, and reported back by them, by which amendment the committee propose to grant the graduation privilege to persons owning adjacent lands upon which they reside, as well as to the actual settler upon the refuse lands which may be entered hereafter at the graduated prices. The bill, with the amendments, having assumed its present shape, it appears to me to be a proper time to say something upon the entire subject. I can only promise the Senate as much brevity as the importance of the question, and the views I entertain of the merits of the different propositions, will allow, and a long silence will justify. Before I take up the subject, permit me to recur for a single moment to the history of this bill; it may not be without its use in the progress of the argument. The subject of the public lands, as referred to in the President's message, was sent at an early day to the Committee on the Public Lands. The President recommended graduation, with a special mode of ascertaining their value by actual assessments. The committee, however, reported a bill graduating the price of the public lands, without any restriction in favor of actual settlers, and relying on the efflux of time as the criterion of value.

The Senator from Kentucky [Mr. CLAY] then moved to recommit the bill to the committee, with instructions to limit its operation to actual settlers, or those who might enter for settlement and occupancy; a leading member of the committee asked a division of the question, and the question was first taken on the recommitment of the bill, which was decided in the affirmative; and upon the instructions the almost entire vote of the committee and many of the other professed friends of graduation were found in the negative, denying the benefit to the actual settler in preference to the speculator. I must confess, sir, that vote surprised me; I had heard so much said in favor of the settler that I did suppose there would not have been a dissenting voice on the question, but it seems that I was mistaken. After all the cry about speculators by gentlemen, they are now willing to play into their hands to the full extent of the seventy million acres operated upon by this bill. So much for the difference between professions and practice. But, sir, the whole principle of graduation is opposed by certain Senators, and reasons, which to their minds no doubt are satisfactory, have been urged against it; many of them plausible, and some of them conclusive against the bill as it was originally introduced. I propose, Mr. President, to proceed with a brief examination of the objections to the principle, as well as the reasons and arguments which have been advanced in its favor. For, sir, I do not fully concur with either; it seems to me the truth lies between.

First. It is contended that the graduation principle unsettles and disturbs the whole land system of the country under which it has prospered, and the new States have settled beyond our most sanguine anticipations. I admit, sir, that the long-established principles and measures of the Government should not be disturbed for slight causes, nor without mature consideration. I am aware that the greatest novice that may be selected to either branch of Congress no sooner takes his seat here than he feels himself not only qualified, but called upon, by his great love of country, to either change the established laws of the land, or what is still more important, the Constitution of the country. Hence you see, sir, the numerous

resolutions to amend that great charter of our liberties not unfrequently introduced by men who have very indistinct views of our form of Government. I admit all this, sir, but still I humbly conceive that, when it shall appear manifest that a change in the policy of Government is required by the public interest, we ought to act in accordance with that interest. If such were not the fact, experience, which is said to be the best and safest teacher, would be entirely thrown away and discarded in our legislation here. But, sir, the land system has been repeatedly changed, modified, or unsettled, if you please, from time to time, as the public good required. From six hundred and forty acre tracts, it has been divided and subdivided, until a purchaser can enter forty acres, giving the poor man an opportunity of obtaining a home for the sum of fifty dollars. The price has also been reduced from two dollars to one dollar and twenty-five cents, and the cash system has been introduced in lieu of the credit. Will any Senator say that these modifications of the system have not resulted in the public good? I trust not; and yet, if the argument that the land system should not be disturbed had obtained at that time, we should have lost the benefit of those valuable modifications of the system. So that I am inclined to believe that we are not estopped to reexamine this subject, and to introduce any other modifications that the best interests of the country seem to require.

Secondly. It is contended that this system inures to the benefit of the land speculator. I am willing to confess, sir, that such would have been the case to some considerable extent had the bill of the committee become a law without any restriction, and I am not prepared to say that the objection would not have been well taken to that bill. But I am not able to discover how the bill with the amendments can possibly benefit speculators; on the contrary, it seems to me that they are expressly excluded from any benefit under it by the clause confining it to the actual settler in limited quantities.

Thirdly. It is contended that the length of time lands may have been in the market is no evidence of their value; on the other hand, the committee seem to have supposed that time is conclusive evidence of that fact. On this point I am satisfied, Mr. President, that the truth lies between the two positions. That time is not conclusive evidence of the value of the public lands, I well know; for, sir, to my knowledge, large districts in Indiana that were acquired by the treaty of St. Mary's, in 1818, lying on the waters of White river and the tributary streams of the Wabash, and Miami of the Lake, of first-rate lands, have been entered within the last five years, after they had been over ten years in market, while other lands greatly inferior in quality had been entered years before, though they had not been near so long in market; and yet, sir, I would not say that the length of time lands have been in market is no evidence of their value; it is, however, scarcely *prima facie* and will depend much upon the question whether new Government lands in sufficient quantities to supply the demand, by taking a few selections from each new congressional township, are continually held out to the purchasers, or whether they are confined to the old districts until a full examination of quality is made. But, sir, the old adage that "distant fields are green," is applicable in all its force to the emigrant to the new States. Emigrants seem to take it for granted that the best lands are the furthest off; that the promised land is still ahead; and so deeply rooted is this opinion in the minds of most of them, that you can scarcely get one to stop long enough in the old district to look at the lands, until since our works of internal improvement have attracted their notice. Ask them to examine lands in Indiana, they will tell you that they were going to the West. Iowa, I believe, at present, is the most popular point; the further off, however, the better. Purchase a country at the mouth of the Oregon, on the Pacific, running up the inclined plane to the Rocky mountains, and open land offices there, and, my word for it, that country would be all the rage; few emigrants would stop this side of the Rocky mountains. Yes, sir, "distant fields are green" in the eyes of the emigrant; and here let me add, the great benefit I anticipate from the

graduation is, to stop a portion of this emigration in the old land districts of the new States, to extract from the rolling tide a few drops at least for the refreshing of the old districts, to offer a bounty, or rather an inducement, for examination and settlement, to those who may desire to purchase in the old districts at the reduced prices. But, sir, I will not further anticipate the argument on this point at the present moment.

Fourthly. It is said that this bill is calculated to reduce the price of real estate, by the reduction of the price of so large a quantity of the public lands. There might be something in this objection if the reduction was to all public lands to all persons; but as it applies only to the refuse lands, and is confined to settlers, the objection loses its force; for each successive improvement that is made by the settler would add more to the value of the surrounding lands than the difference between the price at which the public lands are sold and the proposed graduated price. Hence, real estate cannot be affected in price by the operation. Immediately connected with this question is the objection to the amendment proposed by the committee to extend the graduation principle to those individuals who are already resident freeholders of the new States of contiguous land, to attach to their improvements. It is said this is giving them a bounty that citizens of other States do not enjoy. To this it may successfully be answered that if those settlers have by their labor and money, in improving the lands they have purchased of the Government, increased the value of contiguous lands that would have been otherwise valueless, they ought not to be deprived of the benefit of the reduced price. They are already settlers, and in many cases the contiguous lands are of value for wood or for a range for stock, to the cultivator of other lands, when you could not get settlers to locate on them at any price.

I will now, Mr. President, examine the grounds upon which some Senators have placed this bill. The Committee on Finance attempt to sustain this as a financial measure—a relief measure to an exhausted Treasury. It strikes me, sir, that there has been a great change in the policy of those Senators upon this point within a few years. It will be recollected by the Senate that, upon the removal of the public deposits from the United States Bank to the local banks, the Secretary of the Treasury issued a circular to the local deposit banks, requesting, nay more, requiring them to loan liberally, to supply the vacuum that would be created by the withdrawal from circulation of the notes of the Bank of the United States; and it cannot have been forgotten that the local banks loaned most liberally, and that the currency of the country was greatly increased; that a corresponding rise in the price of produce, as well as in real estate, followed. The public lands remaining at the maximum price of \$1 25 per acre, were, consequently, not only the safest, but the cheapest article in the market in which capital could be invested; hence the large sales that followed. The banks were then paying specie; the notes of the banks could, so far as the amount received for the public lands was concerned, have been converted into coin upon demand; the Treasury was overflowing; when, all at once, the whole policy changed; the celebrated specie circular was issued and maintained upon the open and avowed principle that the public lands were selling off too fast; that the sales must be stopped; that the whole of the public domain would go into the hands of speculators; and hence the propriety of arresting the course by the circular requiring our western citizens to pay for their lands in specie, while an eastern debtor to the Government for duties, or otherwise, could pay in bank paper. Yes, sir, the specie circular was maintained upon the ground alone of arresting the sales of the public lands, and upon that ground the President refused to rescind it. And it cannot have been forgotten by the Senate that, pending the question to rescind it before the Senate, the Senator from Missouri [Mr. BENTON] warned western Senators that the repeal would at once throw the whole of the western domain into the hands of speculators, and called upon them to resist its repeal. I could not then see with that Senator, and I voted to do away the discrimination; and, sir, what has been the

result? Look at the case as it is now presented by the same Senator—the specie circular rescinded; and yet, instead of the public lands falling into the hands of the speculators, the Senator now calls upon us to make this question a financial measure, to accelerate the sales of the public lands.

As the Senator from Missouri was not very fortunate in his predictions as to the effect to be produced by the repeal of the specie circular, I may possibly hazard too much when I say to the Senate that I shall be agreeably disappointed if this measure shall benefit the Treasury one dollar in the aggregate amount which will be received for the public lands for the next five years. I agree with those Senators who have stated that the sales of the public lands can never exceed the quantity required for use, either mediately or immediately, unless you make them an object to the capitalist to invest his funds for subsequent speculation, which all admit to be destructive of the best interests of the country, and, not in a few instances, ruinous to the individuals concerned. I do not, Mr. President, therefore, maintain this measure as a financial measure. I place it upon other grounds; and if the Secretary of the Treasury shall rely on any aid from the public lands, to be produced by this bill, beyond about three or four millions per annum for the entire sales, I think he will be deceived.

I have said, Mr. President, that I did not support this bill with the amendments as a financial measure. I maintain it upon the ground that it is the duty of this Government to aid in settling the States as fast as possible, or at least to throw no obstacle in the way of their settlement; that the States have a deep interest in appropriating to actual settlers the domain within their limits. They surrendered, with the Articles of the original Confederation and the adoption of the new Constitution, the right to lay imposts on foreign merchandise for the purpose of raising revenue with which to carry on the State governments. Their principal resort is to direct taxation, and the more there are to contribute, the lighter will be their burdens. But, sir, it is the policy of all good Governments to increase the number of freeholders as rapidly as possible, to attach as many as possible to the soil, not as the serfs of Russia are attached, as appendages, but attached by interest. Persons so situated are the instruments of a nation's prosperity in time of peace and her shield in time of war.

Sir, the Senator from Kentucky has pointed to the unparalleled prosperity of the new States as conclusive upon the land question. He argues, and with great plausibility, that the policy of the Government has been good, and that the lands have been, and are, low enough, or why the vast increase in the population of the new States? He points specially to the States of Ohio, Indiana, Illinois, and Michigan. Sir, the picture he draws of the state of improvement of these States, however vivid, was not too highly colored; indeed, Mr. President, the half has not been told. Should a person who had never crossed the mountains before, at this day pass through those States, he would scarcely credit his own eyes; instead of finding a country sparsely populated, with here and there an opening to break the solitary dullness of extensive forests, as was the case a few years ago, he would witness a much higher state of improvement than many of the older sections of the Union exhibit. I hope to be excused for speaking of myself, but I see no better way of illustration. In the year 1820 I settled in Indiana, within five miles of the western boundary of civilization; the village in which I lived was crowded with Indians daily, the country west of the Mississippi was a dense forest, except where it was broken by the intervention of a prairie, or an inland lake; not a white man was settled more than five miles west of me. How stands the case now? The whole of that large district of country is laid off into counties; which gave, at the last election, from eight hundred to four thousand votes to a county; our seat of government for Indiana, located fifty miles west of me, has become a beautiful city, and is rapidly improving; other cities and towns, in every part of the State, have risen up as if by magic, and present a most beautiful appearance; the log cabin of the pioneer is

giving place to the comfortable dwelling of the prosperous farmer; the State is rapidly developing her resources—works of internal improvement, canals, railroads, and macadamized turnpikes, are being constructed in almost every part of our State, which will shortly place our agriculturists of the interior almost, if not entirely, upon an equal footing with those upon the navigable waters.

By the late report of the chief engineer of our State, made to the Legislature now in session, it appears that there are four hundred and ninety miles of canals, rail and macadamized roads, either finished, or in a rapidly progressive state of construction, in the State, which, with those works yet to be commenced agreeably to the provisions of the internal improvement laws of the State, will, when completed, give the people every reasonable facility for the transportation of their surplus produce, as well as for the importation of their necessities from abroad. And here, Mr. President, it may not be out of place for me to account for the large sales, within the last few years, of our refuse lands in Indiana, that so much has been said about by Senators. I think, sir, it can be accounted for in but one way, and that is, that our works of internal improvement running through, by, and intersecting them, have made them desirable and really valuable, on account of their contiguity to these works, and not because of their original intrinsic value, as some Senators have urged. And, sir, as I said before, here is the consideration you have received for the grants you have made to the States to aid us in those works of internal improvement. Many of these lands could not have been sold for years but for the State works. Sir, such has been the great increase of our population in Indiana, that from one hundred and forty-seven thousand souls which it contained in 1820, we shall return, at the next census, near eight hundred thousand. I have confined my remarks to my own State principally, leaving other Senators to speak specially of the progress of improvement in their respective States.

But, Mr. President, while I freely admit the premises of the Senator from Kentucky, I do not acknowledge the conclusions he draws from them. The prosperity of these States may be traced to other causes, and, amongst the most prominent, I would name the fertility of our soil, the enterprising character of our citizens, and our internal policy, but, above all, our free institutions. The soil of these States, however diversified in character and climate, seems to reward labor most amply everywhere. He who sows will always reap the reward of his industry there. But, sir, I attribute much of our prosperity to the enterprising, industrious, economical character of our citizens. These States are settled with a class of citizens who would make any country prosper—men who know how to labor, and are not afraid of soiling their hands to do it—none of your exclusive consumers. Sir, we have but few drones in the hive, and you know what must be the result. We must, we do, prosper beyond all example. But I said there was another cause which, above all others, contributed to our great and unparalleled prosperity. I allude to our free institutions, or to be more explicit, to the prohibition of slavery by the constitution of our State. I speak of this not to wound the feelings of others, but as a fact connected with our rising greatness.

I do not intend to go into this question at length; it is too vast for the brevity of the remarks I intend to submit; volumes could be spoken upon it. I do say, however, that it is to our free institutions that we owe much of our prosperity. Our population is composed of emigrants, young and enterprising, from the free States, and of the very best of the citizens of the slave States—a class of men who depend upon their own labor, and not upon that labor which consumes the greater part of its value. Of the flowing tide of the entire emigration from the East to the West, few settle east of the Ohio river—the free States receive them; there they find institutions similar to those they left behind, and, though in a strange land, they feel at home so soon as they arrive amongst us.

Mr. President, as the traveler passes down the

Ohio river, the first thing that will strike his attention is the marked and palpable difference in the two sides in the value of real estate, the state of improvement, the appearance of the cities, towns, and villages. I think it may be safely asserted that the lands on the side of the free States will bring at least fifty per centum more than on the side of the slave States; and there is even a greater difference than that in the state of improvement and the size and appearance of the towns on the margin of the river. I speak of these things as facts, that require no embellishment to make them strike the mind with all the force consequent upon their truth; but still they speak a language not to be misunderstood, of the great importance we should attach to the frame of our State governments in the States to which the Senator has referred. To the combined causes which I have named may be attributed the unparalleled increase of the population and wealth of these States, and not exclusively to the price of the land or the paternal care of the General Government.

Sir, the Senator from Missouri, [Mr. BENTON,] in a very earnest address, the other day, attempted to trace the rise in the price of western produce to the destruction of the tariff and the price of cotton in the South; and he even carried his arguments so far as to attribute the recent rise of the article of salt in the West to the duty of six cents per bushel on the foreign article. I was surprised, nay, astonished, to hear such arguments from that Senator. Does the Senator believe—does he think he can make others believe—that a duty of six cents could possibly produce a rise from seventy-five cents [Mr. CLAY, of Kentucky, here said that he had bought his salt in the forepart of the fall season, at Maysville, at fifty cents a bushel] from fifty cents; then, to two dollars and fifty cents, the price it bore at the time the Senator addressed the Senate? I am told that it now sells for four dollars per bushel at Cincinnati. Will the Senator still contend that this increase is owing to the six cents duty? I presume, Mr. President, the trifling circumstances of the low and frozen stage of the Ohio river, and the almost impossibility of conveying salt from the salines to the points where it is wanted for pork packing and winter use, have quite as much to do with the price as the duty.

But, sir, it is not my intention specially to note this remarkable argument of that Senator. My main object was to say that, in my opinion, the rise of western produce within the last few years may fairly be traced to other causes than those to which the Senator from Missouri credits it like his duty on salt. It seems to me he has overlooked—unintentionally, no doubt—the real cause, in his great anxiety to strike a blow at the dying tariff; although I find he was very willing to keep up a high duty on the article of lead, produced by Missouri, and voted for the high tariff of 1828. Mr. President, may not the rise in the value of western produce be attributed to the great increase of western capital, as well as eastern—bank capital, if you please—to the increase of our circulating medium, to the large sums of money drawn from abroad by the sale of our stocks, and appropriated to our works of internal improvement? Let me put to the Senator from Missouri this question: suppose we were to withdraw all the bank capital from the West, except what we had before the rise of produce in the West, and should be placed upon a specie circulation alone, and should also pay up the amount we owe for the money loaned by means of the sale of our stocks abroad; does he believe, does any one believe, that the price of the produce in the West would be even as high as it was in years before its rise, produced by the causes which I have stated? No, sir. We owe the present prices to the character and quantity of our circulating medium and to the amount of capital of which we have the use, combined; and here, sir, I hope I shall not be considered as digressing too much to allude to a portion of the past history of the times recently.

It will be recollected that one of the most formidable objections that was urged against the late Bank of the United States was, that foreigners held stock in the institution. "British lords and ladies!" This was supposed to be injurious in

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time of peace, and dangerous in time of war; although they had no vote for the directory. Yet, strange to tell, the very men who raised this objection, and urged it upon the people, now go all lengths for the sale of our State bonds in foreign markets. They fear none of the injuries they predicted from the use of foreign capital. I ought not to complain of this, for I am not one of those who ever were much alarmed for the safety of the country because we had some foreign capital. I believed at that time, and I still believe, that it was capital that we needed, that we required, to give impetus to the industry and enterprise of our citizens, to enable them to develop the immense resources of the West; and I cannot but feel gratified to see that those who appeared horrified at the idea of using foreign capital have become satisfied that it is simply a question, as it always was, whether the use of the capital was worth to us the interest we had to pay for it; and that it mattered not from what country, place, or individual, it was received.

I have now said, Mr. President, what occurs to me as belonging immediately to the subject. I have here condensed my thoughts perhaps too much; but still I hope I am understood by the Senate. And here I should have closed my brief remarks, but for the most extraordinary course that has been taken in this debate by the Senator from Mississippi, [Mr. WALKER.] That Senator, sir, has made the charge, in no set terms or measured language, that the distinguished Senator from Kentucky [Mr. CLAY] is an enemy to the West. It may be asked why I feel called upon to repeat this charge. It is made against the Senator from Kentucky, and not against myself, and therefore the Senator may say, leave the Senator from Kentucky to defend himself. It is most true, Mr. President, the defense of that Senator is most safe in his own hands, and were he alone concerned in the charge, I certainly should not interfere. But it will occur to the Senate that the Senator from Kentucky has been for a long series of years prominently identified with many of the great questions in which the West, as well as the nation at large, has been deeply interested. Neither can it have escaped the observation of the Senator from Mississippi that all the politicians, great and small, of the West, stand committed either for or against all these measures. As for myself, having taken some humble part in the political discussions of the day, it was very natural that I should have become identified with many of the political doctrines, for the advocacy of which the Senator from Kentucky is now stigmatized as an enemy of the West. I, therefore, in defense of myself and the doctrines which I have advocated, feel justified in examining very briefly how far the evidence goes to sustain the charge of the Senator that the Senator from Kentucky is the enemy of the West. I hope, Mr. President, I need not say to the Senate and the country that if I was satisfied that the Senator from Kentucky was the enemy of the West, he could no longer expect me to be his political friend; for, sir, I would sustain no man, however distinguished, who is the enemy of the section of country in which I reside.

It is highly probable that I am too much of a western man, too sectional in my feelings, for a statesman. I acknowledge my warm and devoted attachment to the West, yet I trust I could do justice to the other sections of the Union, for I know I have no unkind feelings towards any section. I do not claim the Senator from Kentucky as exclusively the friend of the West; I believe him to be the friend of the Union, the whole Union. The tree shall be known by its fruit, so shall the public man by the measures he advocates. If some of his doctrines bear hard upon a particular section of country, so far he may be said to be inimical to that section; but if the whole of the measures taken together are beneficial, he cannot, in justice, be said to be an enemy. This is, perhaps, the correct rule; but, in the case of which I am speaking, I do not ask for so much justice as that rule would give me. Ever since I left my native State, Pennsylvania, and settled in the West, I have had my eye directed to the measures brought forward or advocated by the Senator from Kentucky; and, so far from viewing him our enemy, I have looked to

him as the great advocate of western interests. Sir, I saw the nation involved in war with Great Britain; I saw him selected by Mr. Madison as one of the representatives of the Government to the convention of ministers at Ghent. I saw the termination of that convention, heard the national rejoicing which followed the sounds of peace, and witnessed the withdrawal of the combined British and savage forces from an infant and bleeding frontier. For his great exertions in extending the jurisdiction and power of the Government west, and to restore to a suffering nation the blessings of peace, and, with it, to the western frontier that repose and security which it so much needed, I could not look upon him as an enemy to his country, much less to the West.

Mr. President, the admission of the new States of the West into the Union, upon an equal footing with the other States, received the support of the Senator from Kentucky at the earliest possible moment that they were constitutionally eligible to become members of the Union. The creation of new Territories in the West has also received his warm support at all times. From these measures I could not infer the hostility charged by the Senator from Mississippi upon him, nor do I believe the people of the West view his exertions in their behalf in that light.

Sir, it is to the votes and active exertions of the Senator from Kentucky for the continuance of the Cumberland road west, that the Senator from Mississippi infers hostility to that section of country? It is very possible that such is his belief, as I find, with all his professed zeal for the West, he uniformly opposes that great western work which, let me say to that Senator, is considered by myself, as well as the people of a large portion of the West, of great, of paramount importance to their interest. And, sir, the Senator from Mississippi will have great difficulty in satisfying them that the Senator from Kentucky is their enemy in supporting it. I cannot leave this subject without tendering to the Senator from Kentucky my thanks for his continued support of this work—a work which will in all subsequent time, as it now does, redound to the national glory, and be viewed as an evidence of the wisdom of a Jefferson and his successors; and while its great benefits shall be daily felt by the East as well as the West, it will remain one of the strongest ligaments that bind the people of this nation together.

It is not very remarkable, Mr. President, that the Senator from Mississippi and myself should view the Senator from Kentucky in such a very different light, when we differ so widely on this great western measure. My object is defense, not crimination, or I might throw back upon the Senator from Mississippi and his friend from Alabama the charge they prefer against the Senator from Kentucky; and let me assure them my charge, unlike theirs, would have evidence to support it. I submit the question, to be decided by the people of the West, whether, in the support of this great measure, the Senator from Kentucky has manifested hostility to their best interest, and whether the charge of the Senator from Mississippi is not wholly groundless, at least so far as this measure is concerned?

Sir, I have seen appropriations made by Congress in aid of commerce, some part of which was directed to be expended in the West, in removing obstructions from the Mississippi, the Ohio, the Cumberland, the Red, and other rivers; and, sir, I have seen funds provided by Congress to clear out and prepare for the reception and protection of commerce the harbors on the northwestern lakes; and how, Mr. President, has the hostility of the Senator from Kentucky manifested itself on these important and indispensable measures to the prosperity of the West? Let the Journals answer the question. He has been at all times their steadfast and powerful advocate. But the Senator from Mississippi, who is "an honorable man," says he is an enemy to the West. Mr. President, the Senator will pardon me if I should give such evidence as this greater weight in deciding upon this charge against the Senator from Kentucky, than the naked assertion of a political opponent, however elevated he may be.

But, sir, it is probable that the Senator from Mississippi alluded to the votes of the Senator

from Kentucky in favor of the grants of land to the new States of alternate sections, to aid them in the construction of their canals, railroads, and other works of internal improvement, as evidence of his hostility to the West. If so, that Senator must excuse me for differing from him again, as widely as I did on the Cumberland road question. It is true that the character of these grants has been little understood in many parts of the country, as well as by gentlemen on this floor. We not unfrequently hear them designate these grants as donations to the States in which they lie. This is a very erroneous view of the question. So far from being donations, the General Government has already received a full consideration for the grants in the increased price of the alternate sections, and the large amount received into the national Treasury from the sale of public lands lying contiguous to our works of internal improvement, which would not have been sold for years to come had not the improvements been made, as I have already stated. I view these grants as mutually beneficial to the General Government and the States in which they lie, and as a policy, so far from being against the interest of the West, directly identified with that interest. It is not very remarkable, therefore, that I cannot acknowledge the truth of the charge against the Senator from Kentucky that he is an enemy to the West, while he stands by that interest in these great measures identified with its prosperity.

Sir, did the Senator from Mississippi found his charge upon the bill which was reported by the Senator from Kentucky from the Committee on Manufactures, and which passed both branches of Congress, and was neither signed nor returned by the late President of the United States, for reasons which were, no doubt, satisfactory to him, but which candor compels me to say I could not concur in? Was that great measure at war with the best interest of the West? If so, then, indeed, in this instance, the Senator from Kentucky was found in opposition to that section of country. But, sir, happening to be amongst those who favored the principles, provisions, and objects of that bill, as a western man, I cannot set the Senator from Kentucky down as an enemy to the West for supporting it. What were the views of the Senator from Kentucky as returned to the Senate with the bill. Mr. President, I hold in my hand the very able report that accompanied the bill, and, with the permission of the Senate, I beg leave to read an extract from it, Mr. S. read the following extract from the report made to the Senate on the 16th of April, 1832, by Mr. CLAY:

"Complaints exist in the new States that large bodies of lands in their respective territories, being owned by the General Government, are exempt from taxation to meet the ordinary expenses of the State governments and other local charges; that this exemption continues for five years after the sale of any particular tract, and that lands being the principal source of the revenue to those States, an undue share of the burden of sustaining the expenses of the State governments falls upon the resident population. To all these complaints it may be answered that, by voluntary compacts between the new States respectively, and the General Government, five per cent. of the net proceeds of the sales of the public lands included within their limits is appropriated for internal improvements leading to or within those States; that a section of land in each township, or one thirty-sixth part of the whole of the public lands embraced within their respective boundaries, has been reserved for purposes of education, and that the policy of the General Government has been uniformly marked by great liberality towards the new States in making various and some very extensive grants of the public lands for local purposes."

Does the Senator from Kentucky complain of this liberality? Far from it, Mr. President; hear him on that subject:

"But in accordance with the same liberality, the committee would recommend an appropriation to each of the seven States referred to, [Ohio, Indiana, Illinois, Missouri, Mississippi, Alabama, and Louisiana, Michigan and Arkansas being then Territories,] of a further sum of ten per cent. on the net proceeds of the sales of that part of the public land which lies within it."

Does this look like hostility to the new States? Sir, the bill, as it passed Congress, gave twelve and a half per cent. of the proceeds of the lands to the States in which they laid, and to each of the States named a quantity of land, which, with what they had received, made them equal with Ohio. Under this bill, sir, the State of Indiana would ere this have received over two and a half

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million dollars as her distributive share, besides a large additional donation of land, creating a fund which would have been amply sufficient, had the policy been continued, to educate every child in the State, and pay the taxes of the people for ages, besides aiding greatly in our works of internal improvement. It will be recollected that we had in the West a doctrine, at one time called the eminent-domain doctrine; a kind of South Carolina doctrine, under which some of our politicians claimed the whole of the public lands within the States, by virtue of our State sovereignty. I say, you cannot have forgotten that such was the claim set up by some of our western politicians; as for myself, I could not bring my mind to the conclusion that the claim was more than plausible, if even so much. But, sir, the friends of that measure exhibited to the people the great advantages which would result to the new States, should it succeed, by making the whole of the public domain within their limits a fund for the education of the youth, the support of the State governments without a resort to taxation, and in aiding them with their works of internal improvement. All this was admitted; but then came the compacts, the deeds, and objects of cession, the means and treasure employed in their acquisition, as barriers to the realization of the fondly-cherished hopes of our eminent-domain men, and for several years we have heard nothing on the subject. But, sir, my object at this moment is not to censure those who believed in the eminent-domain doctrines, but to say to them, as well as the Senate, that the land bill of which I have been speaking was infinitely more advantageous to the new States than their favorite policy. In the one case, your claim ended with the appropriation of the lands lying within your limits, the best of which had been culled and sold by the General Government; and in the other, as proposed by the bill, you received one eighth of that sum, with the additional grants of land proposed in the bill, of the lands lying within the limits of your State, and then received your equal share of the proceeds of the residue in the respective States and Territories, besides your equal proportion, according to your Federal representation, of the proceeds of the seven hundred and fifty million acres that lie beyond the States and Territories. I therefore repeat, that the amount to be received under the provisions of the distributive land bill of the Senator from Kentucky, by the new States, would have been infinitely more beneficial to them than a grant at that time of all the lands within their limits, in a pecuniary point of view.

But, sir, there is another view which struck my mind as being entitled to great weight in the decision of that question—I mean its nationality. It has been said by the wisest and greatest men, and I believe truly said, that it is not the mere parchment scroll, called a Constitution, that binds the people of this great nation together, but an equality of rights and a community of interests; and should this equality or that community be destroyed, as was that between the mother country and the colonies; should the Gordian knot be cut or untied, it will be precisely the same in its results—equally disastrous to the people. That is, therefore, wise legislation which strengthens these ligaments of equality and interest which bind us together as a nation. And it does seem to me, sir, that the tendency of the land bill was to produce that happy effect. The Senator from Mississippi will therefore pardon me if I cannot, with him, see in this great measure of the Senator from Kentucky hostility to the best interest of the West, nor do I believe that a majority of the people of the West so view it.

I come now briefly to examine another of the favorite measures of the Senator from Kentucky. I allude to the act to distribute the surplus revenue. I have heard that measure denounced on this floor in no measured terms, as being hostile to the interest of the West—not specially by the Senator from Mississippi, but by others. It is highly probable, however, that this measure, in the eyes of that Senator, forms one of the hostile acts of the Senator from Kentucky. I propose, therefore, to examine it very briefly, and to show that such was not its operation. What was the state of the case before Congress and the country

at the time of the passage of that act? Why, sir, the national debt was paid, and it was obvious that a large surplus of public money would remain in the Treasury after the payment of the usual expenses of the Government. The question then arose as to the proper disposition of these surplus funds. The Senator from Missouri [Mr. Benton] proposed to enter upon a grand system of fortifications, the construction of which would have absorbed the whole of the surplus, and still have required as much more to complete and arm them, without any corresponding benefit whatever to the country. This project had but few adherents; and its rival measure, the distribution of the surplus amongst the States according to their Federal representation, was warmly advocated by the Senator from Kentucky and others, and became a law. By this law, the money that had been drawn from the pockets of the people, principally from the extra sales of the public lands, was returned again to them or to the States, to be appropriated for their use. It is very true, sir, but three of the installments have been received by the States; and it is due to candor to say that I consider the matter settled here that the States are to receive no more, and that the Government is to view the amount received by the States as a donation or gift to them not to be returned. So I presume this matter will end. The States having received the three installments, were clearly benefited to that amount; while the counter project, the fortification system, would have been beneficial to no person, except perhaps the contractors. Between these modes of disposing of the surplus revenue, it seems to me I could not have hesitated; nor can I view the support given to the distribution act by the Senator from Kentucky as hostile to the interest of the West; but, on the contrary, highly beneficial to that section of country.

Sir, the support given by the Senator from Kentucky to the protective system in days gone by has been again and again referred to by the Senator from Mississippi as hostile to the western interest. It is not to be denied by me that the Senator from Kentucky has been the advocate of the protective system, or, in other words, the protection of American industry against a too powerful foreign competition, by duties on the importation of the foreign article. I feel no disposition to revive the argument on this question; much may be said on both sides of it. It has always appeared to me that, as we derive our revenue to support and carry on the operations of the Government from our imposts, it was but right and proper to confine those duties to articles which could be manufactured in the United States in sufficient quantities to supply the demand, and thereby make the tariff for protection and revenue identical. In this light, no one at this day denies the power or duty of the Government to lay protective duties, by whatever name they may be called. The West, so far as I ever heard, was favorable to protecting our own industry. The President of the United States voted for the tariff of 1828, which was the highest protective tariff ever laid in the United States; and yet I have never heard him censured for it in the West. No, sir; we believe in a proper tariff, making revenue and protection mean the same thing, and confining the duties, where there can be no protection, to articles of luxury—such articles as minister only to the vanity and extravagance of life—while we would wholly remove it from the necessities of life, in daily and common use by all classes of the people. I am not prepared to admit that the Senator from Kentucky has shown hostility to the West in advocating the protective system. I might trace the Senator from Kentucky through a long, laborious, and valuable life, (for he has traveled the highways on all important subjects,) would time permit; and I feel very confident that the evidence would still strengthen the defense, and tend even further to remove all probable cause for the charge of the Senator from Mississippi; but I feel that it is useless. Sir, I have seen the Senator from Kentucky the great pacificator on the Missouri, and other questions that were rocking the Republic to its center, not for the benefit of the West alone, but for the Union—the whole Union.

There is one other great measure, Mr. President, to which I presume the Senator from Mississippi points, to show the hostility of the Senator from Kentucky to the West. I allude to the bill which passed the Senate at the last session, and fell in the House, known as the sub-Treasury bill. I do not propose, sir, to revive the debate on that measure at this time; it will probably come up again ere long; and as I have on two former occasions given my opinions on it somewhat at large, concurring with the Senator from Kentucky, it is not to be expected that I can see in an opposition to that measure hostility to the West; far from it. I have said that the great desideratum in the West was capital and credit; the one sufficient to form a just and safe basement for the other to rest upon; and any measure that reduces the one or destroys the other is injurious to the West. It is true, an exclusive specie circulation, divorce of the Government from the banks, collect and disburse the revenues in every part of the country in gold and silver by the officers of Government without the aid of banks, are not unpleasant sounds to the ear; but, in my humble opinion, it is in theory only that they may be tolerated, for then reason is left free to combat them. In practice, I have shown their operation, at large, on former occasions, and full and mature reflection has only confirmed the opinions I then expressed. I believe the whole measure, in practice, would be injurious to the nation, and especially to the West.

Mr. President, the remarks which I have submitted, connected with the measures which have been supported by the Senator from Kentucky, have been entirely defensive. I have not attempted to show who are not the friends of the West; who have, or who have not, sustained those great western measures to which I have alluded. My object was not to criminate or to make charges, but to show some of the evidence which had operated on my mind, creating the belief that the Senator from Kentucky was not an enemy to the West; and now let me say to the Senator, I do not believe one word of his charge. The Senator from Kentucky an enemy to the West! Impossible! If no one act of his long and useful life proved the contrary, his position forbids it. No man, sir, can be an enemy to the West who resides there, whose private interest, whose family and friends are there; even should his philanthropy embrace the whole human family, still the country of his home must necessarily predominate in his affections. I would as soon believe that my worthy colleague, [Mr. Tipton,] who fought side by side with the brave and lamented Spencer in that bloody conflict at Tippecanoe, and who has rendered his State and the West such valuable services since he has been a member of this body, is an enemy of the West. The Senator from Kentucky an enemy to the West! I would as soon believe that charge against you, Mr. President, who have stood by the West in all her great measures; you who poured out your blood like water in defense of the western frontier; impossible—impossible, sir. The Senator from Kentucky an enemy of the West! Satisfy me that the hero of Tippecanoe, the patriotic, the gallant, the distinguished Harrison, who periled his life again and again for the West and his country, and whose long and valuable life has been identified with her interest and glory, is hostile to the West, and you may make me believe the charge against the Senator from Kentucky. *Fiat justitia, ruat cælum.*

## ABOLITION PETITIONS.

SPEECH OF HON. HENRY CLAY,  
OF KENTUCKY,

IN THE SENATE, February 7, 1839,

On presenting a petition against the abolition of slavery in the District of Columbia.

Mr. CLAY, of Kentucky, rose to present a petition, and said: I have received, Mr. President, a petition to the Senate and House of Representatives of the United States, which I wish to present to the Senate. It is signed by several hundred inhabitants of the District of Columbia, and chiefly of the city of Washington. Among them

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I recognize the name of the highly esteemed Mayor of the city, and other respectable names, some of which are personally and well known to me. They express their regret that the subject of the abolition of slavery within the District of Columbia continues to be pressed upon the consideration of Congress by inconsiderate and misguided individuals in other parts of the United States. They state that they do not desire the abolition of slavery within the District, even if Congress possess the very questionable power of abolishing it, without the consent of the people whose interests would be immediately and directly affected by the measure; that it is a question solely between the people of the District and their only constitutional Legislature, purely municipal, and one in which no exterior influence or interest can justly interfere; that if, at any future period, the people of this District should desire the abolition of slavery within it, they will doubtless make their wishes known, when it will be time enough to take the matter into consideration; that they do not, on this occasion, present themselves to Congress because they are slaveholders; many of them are not—some of them are conscientiously opposed to slavery—but they appear because they justly respect the rights of those who own that description of property, and because they entertain a deep conviction that the continued agitation of the question by those who have no right to interfere with it, has an injurious influence on the peace and tranquillity of the community, and upon the well being and happiness of those who are held in subjection. They finally protest as well against the unauthorized intervention of which they complain, as against any legislation on the part of Congress in compliance therewith. But, as I wish these respectable petitioners to be themselves heard, I request that their petition may be read. [It was read accordingly, and Mr. CLAY proceeded.] I am informed by the committee which requested me to offer this petition, and believe, that it expresses the almost unanimous sentiments of the people of the District of Columbia.

The performance of this service affords me a legitimate opportunity, of which, with the permission of the Senate, I mean now to avail myself, to say something, not only on the particular objects of the petition, but upon the great and interesting subject with which it is intimately associated.

It is well known to the Senate that I have thought that the most judicious course with abolition petitions has not been of late pursued by Congress. I have believed that it would have been wisest to have received and referred them, without opposition, and to have reported against their object in a calm and dispassionate argumentative appeal to the good sense of the whole community. It has been supposed, however, by a majority of Congress that it was most expedient either not to receive the petitions at all, or, if formally received, not to act definitely upon them. There is no substantial difference between these opposite opinions, since both look to an absolute rejection of the prayer of the petitioners. But there is a great difference in the form of proceeding; and, Mr. President, some experience in the conduct of human affairs has taught me to believe that a neglect to observe established forms is often attended with more mischievous consequences than the infliction of a positive injury. We all know that, even in private life, a violation of the existing usages and ceremonies of society cannot take place without serious prejudice. I fear, sir, that the Abolitionists have acquired a considerable apparent force by blending with the object which they have in view a collateral and totally different question arising out of an alleged violation of the right of petition. I know full well, and take great pleasure in testifying, that nothing was remoter from the intention of a majority of the Senate, from which I differed, than to violate the right of petition in any case in which, according to its judgment, that right could be constitutionally exercised, or where the object of the petition could be safely or properly granted. Still, it must be owned that the Abolitionists have seized hold of the fact of the treatment which their petitions have received in Congress, and made injurious impressions upon the minds of a large por-

tion of the community. This, I think, might have been avoided by the course which I should have been glad to have seen pursued.

And I desire now, Mr. President, to advert to some of those topics which I think might have been usefully embodied in a report by a committee of the Senate, and which, I am persuaded, would have checked the progress, if it had not altogether arrested the efforts of abolition. I am sensible, sir, that this work would have been accomplished with much greater ability, and with much happier effect, under the auspices of a committee than it can be by me. But, anxious as I always am to contribute whatever is in my power to the harmony, concord, and happiness of this great people, I feel myself irresistibly impelled to do whatever is in my power, incompetent as I feel myself to be, to dissuade the public from continuing to agitate a subject fraught with the most direful consequences.

There are three classes of persons opposed, or apparently opposed, to the continued existence of slavery in the United States. The first are those who, from sentiments of philanthropy and humanity, are conscientiously opposed to the existence of slavery, but who are no less opposed, at the same time, to any disturbance of the peace and tranquillity of the Union, or the infringement of the powers of the States composing the Confederacy. In this class may be comprehended that peaceful and exemplary society of "Friends," one of whose established maxims is, an abhorrence of war in all its forms, and the cultivation of peace and good will amongst mankind. The next class consists of apparent Abolitionists—that is, those who, having been persuaded that the right of petition has been violated by Congress, cooperate with the Abolitionists for the sole purpose of asserting and vindicating that right. And the third class are the real ultra Abolitionists, who are resolved to persevere in the pursuit of their object at all hazards, and without regard to any consequences, however calamitous they may be. With them the rights of property are nothing; the deficiency of the powers of the General Government is nothing; the acknowledged and uncontested powers of the States are nothing; civil war, a dissolution of the Union, and the overthrow of a Government in which are concentrated the fondest hopes of the civilized world, are nothing. A single idea has taken possession of their minds, and onward they pursue it, overlooking all barriers, reckless and regardless of all consequences. With this class, the immediate abolition of slavery in the District of Columbia, and in the Territory of Florida, the prohibition of the removal of slaves from State to State, and the refusal to admit any new State comprising within its limits the institution of domestic slavery, are but so many means conducing to the accomplishment of the ultimate but perilous end at which they avowedly and boldly aim; are but so many short stages in the long and bloody road to the distant goal at which they would finally arrive. Their purpose is abolition, universal abolition, peaceably if it can, forcibly if it must. Their object is no longer concealed by the thinnest veil; it is avowed and proclaimed. Utterly destitute of constitutional or other rightful power, living in totally distinct communities, as alien to the communities in which the subject on which they would operate resides, so far as concerns political power over that subject, as if they lived in Africa or Asia, they nevertheless promulgate to the world their purpose to be to manumit forthwith, and without compensation, and without moral preparation, three million negro slaves, under jurisdictions altogether separated from those under which they live.

I have said that immediate abolition of slavery in the District of Columbia and in the Territory of Florida, and the exclusion of new States, were only means towards the attainment of a much more important end. Unfortunately, they are not the only means. Another, and much more lamentable one, is that which this class is endeavoring to employ, of arraying one portion against another portion of the Union. With that view, in all their leading prints and publications, the alleged horrors of slavery are depicted in the most glowing and exaggerated colors, to excite the imaginations and stimulate the rage of the

people in the free States against the people in the slave States. The slaveholder is held up and represented as the most atrocious of human beings. Advertisements of fugitive slaves to be sold are carefully collected and blazoned forth, to infuse a spirit of detestation and hatred against one entire and the largest section of the Union. And like a notorious agitator upon another theater, they would hunt down and proscribe from the pale of civilized society the inhabitants of that entire section. Allow me, Mr. President, to say that whilst I recognize in the justly-wounded feelings of the Minister of the United States at the Court of St. James much to excuse the notice which he was provoked to take of that agitator, in my humble opinion, he would better have consulted the dignity of his station and of his country in treating him with contemptuous silence. He would exclude us from European society—he who himself can only obtain a contraband admission; and is received with scornful repugnance into it! If he be no more desirous of our society than we are of his, he may rest assured that a state of eternal non-intercourse will exist between us. Yes, sir, I think the American Minister would have best pursued the dictates of true dignity by regarding the language of the member of the British House of Commons as the malignant ravings of the plunderer of his own country, and the libel of a foreign and kindred people.

But the means to which I have already adverted are not the only ones which this third class of ultra Abolitionists are employing to effect their ultimate end. They began their operations by professing to employ only persuasive means in appealing to the humanity and enlightening the understandings of the slaveholding portion of the Union. If there were some kindness in this avowed motive, it must be acknowledged that there was rather a presumptuous display also of an assumed superiority in intelligence and knowledge. For some time they continued to make these appeals to our duty and our interest; but impatient with the slow influence of their logic upon our stupid minds, they recently resolved to change their system of action. To the agency of their powers of persuasion, they now propose to substitute the powers of the ballot-box; and he must be blind to what is passing before us, who does not perceive that the inevitable tendency of their proceedings is, if these should be found insufficient, to invoke, finally, the more potent powers of the bayonet.

Mr. President, it is at this alarming stage of the proceedings of the ultra Abolitionists that I would seriously invite every considerate man in the country solemnly to pause, and deliberately to reflect, not merely on our existing posture, but upon that dreadful precipice down which they would hurry us. It is because these ultra Abolitionists have ceased to employ the instruments of reason and persuasion, have made their cause political, and have appealed to the ballot-box; that I am induced upon this occasion, to address you.

There have been three epochs in the history of our country at which the spirit of abolition displayed itself. The first was immediately after the formation of the present Federal Government. When the Constitution was about going into operation, its powers were not well understood by the community at large, and remained to be accurately interpreted and defined. At that period numerous abolition societies were formed, comprising not merely the Society of Friends, but many other good men. Petitions were presented to Congress praying for the abolition of slavery. They were received without serious opposition, referred, and reported upon by a committee. The report stated that the General Government had no power to abolish slavery as it existed in the several States, and that these States themselves had exclusive jurisdiction over the subject. The report was generally acquiesced in, and satisfaction and tranquillity ensued; the abolition societies thereafter limiting their exertions, in respect to the black population, to offices of humanity within the scope of existing laws.

The next period when the subject of slavery and abolition, incidentally, was brought into notice and discussion, was on the memorable occasion of the admission of the State of Missouri into

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the Union. The struggle was long, strenuous, and fearful. It is too recent to make it necessary to do more than merely advert to it, and to say, that it was finally composed by one of those compromises characteristic of our institutions, and of which the Constitution itself is the most signal instance.

The third is that in which we find ourselves. Various causes, Mr. President, have contributed to produce the existing excitement on the subject of abolition. The principal one, perhaps, is the example of British emancipation of the slaves in the islands adjacent to our country. Such is the similarity in laws, in language, in institutions, and in common origin, between Great Britain and the United States, that no great measure of national policy can be adopted in the one country without producing a considerable degree of influence in the other. Confounding the totally different cases together, of the powers of the British Parliament and those of the Congress of the United States, and the totally different situations of the British West India Islands, and the slaves in the sovereign and independent States of this Confederacy, superficial men have inferred from the undecided British experiment the practicability of the abolition of slavery in these States. The powers of the British Parliament are unlimited, and are often described to be omnipotent. The powers of the American Congress, on the contrary, are few, cautiously limited, scrupulously excluding all that are not granted, and, above all, carefully and absolutely excluding all power over the existence or continuance of slavery in the several States. The slaves, too, upon which British legislation operated were not in the bosom of the kingdom, but in remote and feeble colonies, having no voice in Parliament. The West India slaveholder was neither represented nor representative in that Parliament. And whilst I most fervently wish complete success to the British experiment of West India emancipation, I confess that I have fearful forebodings of a disastrous termination of it. Whatever it may be, I think it must be admitted that, if the British Parliament treated the West India slaves as freemen, it also treated the West India freemen as slaves. If, instead of these slaves being separated by a wide ocean from the parent country, three or four million of African negro slaves had been dispersed over England, Scotland, Wales, and Ireland, and their owners had been members of the British Parliament—a case which would have presented some analogy to that of our own country—does any one believe that it would have been expedient or practicable to have emancipated them, leaving them to remain, with all their embittered feelings, in the United Kingdom, boundless as the powers of the British Parliament are?

Other causes have conspired with the British example to produce the existing excitement from abolition. I say it with profound regret, but with no intention to occasion irritation here or elsewhere, that there are persons in both parts of the Union who have sought to mingle abolition with politics, and to array one portion of the Union against the other. It is the misfortune in free countries that, in high party times, a disposition too often prevails to seize hold of everything which can strengthen the one side or weaken the other. Charges of fostering abolition designs have been heedlessly and unjustly made by one party against the other. Prior to the late election of the present President of the United States, he was charged with being an Abolitionist, and abolition designs were imputed to many of his supporters. Much as I was opposed to his election, and am to his administration, I neither share in making nor believing the truth of the charge. He was scarcely installed in office before the same charge was directed against those who opposed his election.

Mr. President, it is not true, and I rejoice that it is not true, that either of the two great parties in this country has any designs or aims at abolition. I should deeply lament if it were true. I should consider, if it were true, that the danger to the stability of our system would be infinitely greater than any which does, I hope, actually exist. Whilst neither party can be, I think, justly accused of any abolition tendency or purpose, both have profited, and both have been in-

jured, in particular localities, by the accession or abstraction of abolition support. If the account were fairly stated, I believe the party to which I am opposed has profited much more, and been injured much less, than that to which I belong. But I am far, for that reason, from being disposed to accuse our adversaries of being Abolitionists.

And now, Mr. President, allow me to consider the several cases in which the authority of Congress is invoked by these abolition petitioners upon the subject of domestic slavery. The first relates to it as it exists in the District of Columbia. The following is the provision of the Constitution of the United States in reference to that matter:

"To exercise exclusive legislation in all cases whatsoever over such District (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States."

This provision preceded, in point of time, the actual cessions which were made by the States of Maryland and Virginia. The object of the cession was to establish a seat of Government of the United States, and the grant in the Constitution of exclusive legislation must be understood, and should be always interpreted, as having relation to the object of the cession. It was with a full knowledge of this clause in the Constitution that these two States ceded to the General Government the ten miles square constituting the District of Columbia. In making the cession they supposed that it was to be applied, and applied solely, to the purposes of a seat of Government, for which it was asked. When it was made slavery existed in both those Commonwealths and in the ceded territory, as it now continues to exist in all of them. Neither Maryland nor Virginia could have anticipated that, whilst the institution remained within their respective limits, its abolition would be attempted by Congress without their consent. Neither of them would probably have made an unconditional cession if they could have anticipated such a result.

From the nature of the provision in the Constitution, and the avowed object of the acquisition of the territory, two duties arise on the part of Congress. The first is, to render the District available, comfortable, and convenient, as a seat of Government of the whole Union; the other is, to govern the people within the District so as best to promote their happiness and prosperity. These objects are totally distinct in their nature, and, in interpreting and exercising the grant of the power of exclusive legislation, that distinction should be constantly borne in mind. Is it necessary, in order to render this place a comfortable seat of the General Government, to abolish slavery within its limits? No one can or will advance such a proposition. The Government has remained here near forty years without the slightest inconvenience from the presence of domestic slavery. Is it necessary to the well-being of the people of the District that slavery should be abolished from amongst them? They not only neither ask nor desire, but are almost unanimously opposed to it. It exists here in the mildest and most mitigated form. In a population of thirty-nine thousand eight hundred and thirty-four there were, at the last enumeration of the population of the United States, but six thousand one hundred and nineteen slaves. The number has not probably much increased since. They are dispersed over the ten miles square, engaged in the quiet pursuits of husbandry, or in menial offices in domestic life. If it were necessary to the efficiency of this place as a seat of the General Government to abolish slavery, which is utterly denied, the abolition should be confined to the necessity which prompts it, that is, to the limits of the city of Washington itself. Beyond those limits, persons concerned in the Government of the United States have no more to do with the inhabitants of the District than they have with the inhabitants of the adjacent counties of Maryland and Virginia which lie beyond the District.

To abolish slavery within the District of Columbia, whilst it remains in Virginia and Maryland, situated as that District is, within the very heart of those States, would expose them to great practical inconvenience and annoyance. The District would become a place of refuge and escape

for fugitive slaves from the two States, and a place from which a spirit of discontent, insubordination, and insurrection might be fostered and encouraged in the two States. Suppose, as was at one time under consideration, Pennsylvania had granted ten miles square within its limits for the purpose of a seat of the General Government: could Congress, without a violation of good faith, have introduced and established slavery within the bosom of that Commonwealth in the ceded territory, after she had abolished it so long ago as the year 1780? Yet the inconvenience to Pennsylvania in the case supposed, would have been much less than that to Virginia and Maryland in the case we are arguing.

It was upon this view of the subject that the Senate, at its last session, solemnly declared that it would be a violation of implied faith, resulting from the transaction of the cession, to abolish slavery within the District of Columbia. And would it not be? By implied faith is meant that when a grant is made for one avowed and declared purpose, known to the parties, the grant should not be perverted to another purpose, unavowed and undeclared, and injurious to the grantor. The grant in the case we are considering, of the territory of Columbia, was for a seat of Government. Whatever power is necessary to accomplish that object is carried along by the grant. But the abolition of slavery is not necessary to the enjoyment of this site as a seat of the General Government. The grant in the Constitution of exclusive power of legislation over the District, was made to insure the exercise of an exclusive authority of the General Government to render this place a safe and secure seat of Government, and to promote the well-being of the inhabitants of the District. The power granted ought to be interpreted and exercised solely to the end for which it was granted. The language of the grant was necessarily broad, comprehensive, and exclusive, because all the exigencies which might arise to render this a secure seat of the General Government could not have been foreseen and provided for. The language may possibly be sufficiently comprehensive to include a power of abolition; but it would not at all thence follow that the power could be rightfully exercised. The case may be resembled to that of a plenipotentiary invested with a plenary power, but who at the same time, has positive instructions from his Government as to the kind of treaty which he is to negotiate and conclude. If he violates those instructions, and concludes a different treaty, his Government is not bound by it; and if the foreign Government is aware of the violation, it acts in bad faith. Or it may be illustrated by an example drawn from private life. I am an indorser for my friend on a note discounted in bank. He applies to me to indorse another to renew it, which I do in blank. Now this gives him power to make any other use of my note which he pleases. But if, instead of applying it to the intended purpose, he goes to a broker and sells it, thereby doubling my responsibility for him, he commits a breach of trust, and a violation of the good faith implied in the whole transaction.

But, Mr. President, if this reasoning were as erroneous as I believed it to be correct and conclusive, is the affair of the liberation of six thousand negro slaves in this District, disconnected with the three million slaves in the United States, of sufficient magnitude to agitate, distract, and embitter this great Confederacy?

The next case in which the petitioners ask the exercise of the power of Congress, relates to slavery in the Territory of Florida.

Florida is the extreme southern portion of the United States. It is bounded on all its land sides by slave States, and is several hundred miles from the nearest free State. It almost extends within the tropics, and the nearest important island to it on the water side is Cuba, a slave island. This simple statement of its geographical position should of itself decide the question. When, by the treaty of 1819 with Spain, it was ceded to the United States, slavery existed within it. By the terms of that treaty, the effects and property of the inhabitants are secured to them, and they are allowed to remove and take them away, if they think proper to do so, without limitation as to time. If it were expedient, therefore, to abolish

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slavery in it, it could not be done consistently with the treaty, without granting to the ancient inhabitants a reasonable time to remove their slaves. But further: by the compromise which took place on the passage of the act for the admission of Missouri into the Union, in the year 1820, it was agreed and understood that the line of 36° 30' north latitude should mark the boundary between the free States and the slave States to be created in the territories of the United States ceded by the treaty of Louisiana; those situated south of it being slave States, and those north of it free States. But Florida is south of that line, and, consequently, according to the spirit of the understanding which prevailed at the period alluded to, should be a slave State. It may be true that the compromise does not, in terms, embrace Florida, and that it is not absolutely binding and obligatory; but all candid and impartial men must agree that it ought not to be disregarded without the most weighty considerations, and that nothing could be more to be deprecated than to open anew the bleeding wounds which were happily bound up and healed by that compromise. Florida is the only remaining Territory to be admitted into the Union with the institution of domestic slavery, while Wisconsin and Iowa are now nearly ripe for admission without it.

The next instance in which the exercise of the power of Congress is solicited is that of prohibiting what is denominated by the petitioners of the slave trade between the States, or, as it is described in abolition petitions, the traffic in human beings between the States. This exercise of the power of Congress is claimed under that clause of the Constitution which invests it with authority to regulate commerce with foreign nations, and among the several States, and with the Indian tribes. The power to regulate commerce among the several States, like other powers in the Constitution, has hitherto remained dormant in respect to the interior trade by land between the States. It was a power granted, like all the other powers of the General Government, to secure peace and harmony among the States. Hitherto it has not been necessary to exercise it. All the cases in which, during the progress of time, it may become expedient to exert the general authority to regulate commerce between the States, cannot be conceived. We may easily imagine, however, contingencies which, if they were to happen might require the interposition of the common authority. If, for example, the State of Ohio, were, by law, to prohibit any vessel entering the port of Cincinnati, from the port of Louisville, in Kentucky, if that case be not already provided for by the laws which regulate our coasting trade, it would be competent to the General Government to annul the prohibition emanating from State authority. Or if the State of Kentucky were to prohibit the introduction, within its limits, of any articles of trade, the production of the industry of the inhabitants of the State of Ohio, the General Government might, by its authority, supersede the State enactment. But I deny that the General Government has any authority whatever, from the Constitution, to abolish what is called the slave trade, or, in other words, to prohibit the removal of slaves from one slave State to another slave State.

The grant in the Constitution is of a power of regulation, and not prohibition. It is conservative, not destructive. Regulation *ex vi termini* implies the continued existence or protection of the thing regulated. Prohibition implies total discontinuance or annihilation. The regulation intended was designed to facilitate and accommodate, not to obstruct and incommode the commerce to be regulated. Can it be pretended, that under this power to regulate commerce among the States, Congress has the power to prohibit the transportation of live stock, which, in countless numbers, are daily passing from the western and interior States to the southern, southwestern, and Atlantic States? The moment the incontestable fact is admitted, that negro slaves are property, the law of movable property irresistibly attaches itself to them, and secures the right of carrying them from one to another State, where they are recognized as property, without any hinderance whatever from Congress.

But, Mr. President, I will not detain the Sen-

ate longer on the subjects of slavery within the District and in Florida, and of the right of Congress to prohibit the removal of slaves from one State to another. These, as I have already intimated, with ultra Abolitionists are but so many masked batteries, concealing the real and ultimate point of attack. That point of attack is the institution of domestic slavery as it exists in these States. It is to liberate three million slaves held in bondage within them. And now, allow me, sir, to glance at the insurmountable obstacles which lie in the way of the accomplishment of this end, and at some of the consequences which would ensue if it were possible to attain it.

The first impediment is the utter and absolute want of all power on the part of the General Government to effect the purpose. The Constitution of the United States creates a limited Government, comprising comparatively few powers, and leaving the residuary mass of political power in the possession of the several States. It is well known that the subject of slavery interposed one of the greatest difficulties in the formation of the Constitution. It was happily compromised and adjusted in a spirit of harmony and patriotism. According to that compromise, no power whatever was granted to the General Government in respect to domestic slavery, but that which relates to taxation and representation, and the power to restore fugitive slaves to their lawful owners. All other power in regard to the institution of slavery was retained exclusively by the States, to be exercised by them severally, according to their respective views of their own peculiar interest. The Constitution of the United States never could have been formed upon the principle of investing the General Government with authority to abolish the institution at its pleasure. It never can be continued for a single day if the exercise of such a power be assumed or usurped.

But it may be contended by these ultra Abolitionists that their object is not to stimulate the action of the General Government, but to operate upon the States themselves in which the institution of domestic slavery exists. If that be their object, why are these abolition societies and movements all confined to the free States? Why are the slave States wantonly and cruelly assailed? Why do the Abolition presses teem with publications tending to excite hatred and animosity on the part of the inhabitants of the free States against those of the slave States? Why is Congress petitioned? The free States have no more power or right to interfere with institutions in the slave States, confided to the exclusive jurisdiction of those States, than they would have to interfere with institutions existing in any foreign country. What would be thought of the formation of societies in Great Britain, the issue of numerous inflammatory publications, and the sending out of lecturers throughout the kingdom, denouncing and aiming at the destruction of any of the institutions of France? Would they be regarded as proceedings warranted by good neighborhood? Or what would be thought of the formation of societies in the slave States, the issue of violent and inflammatory tracts, and the deputation of missionaries, pouring out impassioned denunciations against institutions under the exclusive control of the free States? Is their purpose to appeal to our understandings, and to actuate our humanity? And do they expect to accomplish that purpose by holding us up to the scorn, and contempt, and detestation of the people of the free States and the whole civilized world? The slavery which exists amongst us is our affair, not theirs; and they have no more just concern with it than they have with slavery as it exists throughout the world. Why not leave it to us, as the common Constitution of our country has left it, to be dealt with, under the guidance of Providence, as best we may or can?

The next obstacle in the way of abolition arises out of the fact of the presence in the slave States of three million slaves. They are there, dispersed throughout the land, part and parcel of our population. They were brought into the country originally under the authority of the parent Government whilst we were colonies; and their importation was continued in spite of all the remonstrances of our ancestors. If the question were an original question, whether, there being no

slaves within the country, we should introduce them, and incorporate them into our society, that would be a totally different question. Few, if any, of the citizens of the United States would be found to favor their introduction. No man in it would oppose, upon that supposition, their admission with more determined resolution and conscientious repugnance than I should. But that is not the question. The slaves are here; no practical scheme for their removal or separation from us has been yet devised or proposed; and the true inquiry is, what is best to be done with them? In human affairs we are often constrained, by the force of circumstances and the actual state of things, to do what we would not do if that state of things did not exist. The slaves are here, and here must remain, in some condition; and, I repeat, how are they to be best governed? What is best to be done for their happiness and our own? In the slave States the alternative is, that the white man must govern the black, or the black govern the white. In several of those States the number of the slaves is greater than that of the white population. An immediate abolition of slavery in them, as these ultra Abolitionists propose, would be followed by a desperate struggle for immediate ascendancy of the black race over the white race, or rather it would be followed by instantaneous collisions between the two races, which would break out into a civil war that would end in the extermination or subjugation of the one race or the other. In such an alternative, who can hesitate? Is it not better for both parties that the existing state of things should be preserved, instead of exposing them to the horrible strifes and contests which would inevitably attend an immediate abolition? This is our true ground of defense for the continued existence of slavery in our country. It is that which our revolutionary ancestors assumed; it is that which, in my opinion, forms our justification in the eyes of all Christendom.

A third impediment to immediate abolition is to be found in the immense amount of capital which is invested in slave property. The total number of slaves in the United States, according to the last enumeration of the population, was a little upwards of two millions. Assuming their increase at a ratio—which it probably is—of five per cent. per annum, their present number would be three millions. The average value of slaves at this time is stated by persons well informed to be as high as five hundred dollars each. To be certainly within the mark, let us suppose that it is only four hundred dollars. The total value, then, by that estimate, of the slave property in the United States is \$1,200,000,000. This property is diffused throughout all classes and conditions of society. It is owned by widows and orphans, by the aged and infirm, as well as the sound and vigorous. It is the subject of mortgages, deeds of trust, and family settlements. It has been made the basis of numerous debts contracted upon its faith, and is the sole reliance, in many instances, of creditors within and without the slave States, for the payment of the debts due to them. And now it is rashly proposed, by a single fiat of legislation, to annihilate this immense amount of property! To annihilate it without indemnity and without compensation to its owners! Does any considerate man believe it to be possible to effect such an object without convulsion, revolution, and bloodshed?

I know that there is a visionary dogma which holds that negro slaves cannot be the subject of property. I shall not dwell long with this speculative abstraction. That is property which the law declares to be property. Two hundred years of legislation have sanctioned and sanctified negro slaves as property. Under all the forms of government which have existed upon this continent during that long space of time—under the British Government, under the Colonial Government, under all the State constitutions and governments, and under the Federal Government itself—they have been deliberately and solemnly recognized as the legitimate subjects of property. To the wild speculations of theorists and innovators stands opposed the fact, that in an uninterrupted period of two hundred years' duration, under every form of human legislation, and by all the departments of human government, African negro

slaves have been held and respected, have descended and been transferred, as lawful and indisputable property. They were treated as property in the very British example which is so triumphantly appealed to as worthy of our imitation. Although the West India planters had no voice in the united Parliament of the British Isles, an irresistible sense of justice extorted from that Legislature the grant of £20,000,000 sterling to compensate the colonists for their loss of property.

If, therefore, these ultra Abolitionists are seriously determined to pursue their scheme of immediate abolition, they should at once set about raising a fund of \$1,200,000,000, to indemnify the owners of slave property. And the taxes to raise that enormous amount can only be justly assessed upon themselves or upon the free States, if they can persuade them to assent to such an assessment; for it would be a mockery of all justice, and an outrage against all equity, to levy any portion of the tax upon the slave States to pay for their own unquestioned property.

If the considerations to which I have already adverted are not sufficient to dissuade the Abolitionists from further perseverance in their designs, the interest of the very cause which they profess to espouse ought to check their career. Instead of advancing by their efforts that cause, they have thrown back for half a century the prospect of any species of emancipation of the African race, gradual or immediate, in any of the States. They have done more: they have increased the rigors of legislation against slaves in most, if not all, of the slave States. Forty years ago, the question was agitated in the State of Kentucky of a gradual emancipation of the slaves within its limits. By gradual emancipation, I mean that slow but safe and cautious liberation of slaves which was first adopted in Pennsylvania at the instance of Dr. Franklin, in the year 1780, and according to which the generation in being were to remain in slavery, but all their offspring, born after a specified day, were to be free at the age of twenty-eight, and, in the mean time, were to receive preparatory instruction to qualify them for the enjoyment of freedom. That was the species of emancipation which, at the epoch to which I allude, was discussed in Kentucky. No one was rash enough to propose, to think, of immediate abolition. No one was rash enough to think of throwing loose upon the community, ignorant and unprepared, the untutored slaves of the State. Many thought, and I amongst them, that, as each of the slave States had a right exclusively to judge for itself in respect to the institution of domestic slavery, the proportion of slaves compared with the white population in that State, at that time, was so inconsiderable, that a system of gradual emancipation might have been safely adopted, without any hazard to the security and interests of the Commonwealth. And I still think that the question of such emancipation in the farming States is one whose solution depends upon the relative numbers of the two races in any given State. If I had been a citizen of Pennsylvania when Franklin's plan was adopted, I should have voted for it; because, by no possibility could the black race ever acquire the ascendancy in that State. But if I had been then, or were now, a citizen of any of the planting States—the southern or southwestern States—I should have opposed, and would continue to oppose, any scheme whatever of emancipation, gradual or immediate, because of the danger of an ultimate ascendancy of the black race, or of a civil contest which might terminate in the extinction of one race or the other.

The proposition in Kentucky for a gradual emancipation did not prevail, but it was sustained by a large and respectable minority. That minority had increased, and was increasing, until the Abolitionists commenced their operations. The effect has been to dissipate all prospects whatever, for the present, of any scheme of gradual or other emancipation. The people of that State have become shocked and alarmed by these abolition movements, and the number who would now favor a system even of gradual emancipation is probably less than it was in the years 1798-99. At the session of the Legislature held in 1837-38, the question of calling a convention was submitted to the consideration of the people by a law passed

in conformity with the constitution of the State. Many motives existed for the passage of the law, and among them that of emancipation had its influence. When the question was passed upon by the people at their last annual election, only about one fourth of the whole voters of the State supported a call of a convention. The apprehension of the danger of abolition was the leading consideration among the people for opposing the call. But for that, but for the agitation of the question of abolition in a State whose population had no right, in the opinion of the people of Kentucky, to interfere in the matter, the vote for a convention would have been much larger, if it had not been carried. I felt myself constrained to take immediate, bold, and decided ground against it.

Prior to the agitation of this subject of abolition, there was a progressive melioration in the condition of the slaves throughout all the slave States. In some of them schools of instruction were opened by humane and religious persons. These are all now checked; and a spirit of insubordination having shown itself in some localities, traceable, it is believed, to abolition movements and exertions, the legislative authority has found it expedient to infuse fresh vigor into the police and laws which regulate the conduct of the slaves.

And now, Mr. President, if it were possible to overcome the insurmountable obstacles which lie in the way of immediate abolition, let us briefly contemplate some of the consequences which would inevitably ensue. One of these has been occasionally alluded to in the progress of these remarks. It is the struggle which would instantaneously arise between the two races in most of the southern and southwestern States. And what a dreadful struggle would it not be! Embittered by all the recollections of the past, by the unconquerable prejudices which would prevail between the two races, and stimulated by all the hopes and fears of the future, it would be a contest in which the extermination of the blacks, or their ascendancy over the whites, would be the sole alternative. Prior to the conclusion, or during the progress of such a contest, vast numbers, probably, of the black race would migrate into the free States; and what effect would such a migration have upon the laboring classes in those States?

Now the distribution of labor in the United States is geographical; the free laborers occupying one side of the line, and the slave laborers the other; each class pursuing its own avocations almost altogether unmixed with the other. But, on the supposition of immediate abolition, the black class migrating into the free States, would enter into competition with the white class, diminishing the wages of their labor, and augmenting the hardships of their condition.

This is not all. The Abolitionists strenuously oppose all separation of the two races. I confess to you, sir, that I have seen with regret, grief, and astonishment, their resolute opposition to the project of colonization. No scheme was ever presented to the acceptance of man, which, whether it be entirely practicable or not, is characterized by more unmixed humanity and benevolence than that of transporting, with their own consent, the free people of color in the United States to the land of their ancestors. It has the powerful recommendation that whatever it does is good; and if it effects nothing, it inflicts no one evil or mischief upon any portion of our society. There is no necessary hostility between the objects of colonization and abolition. Colonization deals only with the free man of color, and that with his own free voluntary consent. It has nothing to do with slavery. It disturbs no man's property, seeks to impair no power in the slave States, nor to attribute any to the General Government. All its action and all its ways and means are voluntary, depending upon the blessing of Providence, which hitherto has graciously smiled upon it. And yet, beneficent and harmless as colonization is, no portion of the people of the United States denounces it with so much persevering zeal and such unmixed bitterness as do the Abolitionists.

They put themselves in direct opposition to any separation whatever between the two races.

They would keep them forever pent up together within the same limits, perpetuating their animosities, and constantly endangering the peace of the community. They proclaim, indeed, that color is nothing; that the organic and characteristic differences between the two races ought to be entirely overlooked and disregarded; and, elevating themselves to a sublime but impracticable philosophy, they would teach us to eradicate all the repugnance of our nature, and to take to our bosoms and our boards the black man as we do the white, on the same footing of equal social condition. Do they not perceive that in thus confounding all the distinctions which God himself has made, they arraign the wisdom and goodness of Providence itself? It has been His divine pleasure to make the black man black and the white man white, and to distinguish them by other constitutional differences. It is not necessary for me to maintain, nor shall I endeavor to prove, that it was any part of His divine intention that the one race should be held in perpetual bondage by the other; but this I will say, that those whom he has created different, and has declared, by their physical structure and color, ought to be kept asunder, should not be brought together by any process whatever of unnatural amalgamation.

But if the dangers of the civil contest which I have supposed could be avoided, separation or amalgamation is the only peaceful alternative, if it were possible to effectuate the project of abolition. The Abolitionists oppose all colonization, and it irresistibly follows, whatever they may protest or declare, that they are in favor of amalgamation. And who are to bring about this amalgamation? I have heard of none of these ultra Abolitionists furnishing in their own families or persons examples of intermarriage. Who is to begin it? Is it their purpose not only to create a pinching competition between black labor and white labor, but do they intend also to contaminate the industrious and laborious classes of society at the North by a revolting admixture of the black element?

It is frequently asked what is to become of the African race among us? Are they forever to remain in bondage? That question was asked more than half a century ago. It has been answered by fifty years of prosperity but little checkered from this cause. It will be repeated fifty or a hundred years hence. The true answer is, that the same Providence who has hitherto guided and governed us, and averted all serious evils from the existing relation between the two races, will guide and govern our posterity. Sufficient to the day is the evil thereof. We have hitherto, with that blessing, taken care of ourselves. Posterity will find the means of its own preservation and prosperity. It is only in the most direful event which can befall this people that this great interest, and all other of our greatest interests, would be put in jeopardy. Although in particular districts the black population is gaining on the white, it only constitutes one fifth of the whole population of the United States. And in taking the aggregates of the two races, the European is constantly, though slowly, gaining upon the African portion. This fact is demonstrated by the periodical returns of our population. Let us cease, then, to indulge in gloomy forebodings about the impenetrable future. But if we may attempt to lift the veil, and contemplate what lies beyond it, I, too, have ventured on a speculative theory, with which I will not now trouble you, but which has been published to the world. According to that, in the progress of time, some one hundred and fifty or two hundred years hence, but few vestiges of the black race will remain among our posterity.

Mr. President, at the period of the formation of our Constitution, and afterwards, our patriotic ancestors apprehended danger to the Union from two causes. One was the Alleghany mountains, dividing the waters which flow into the Atlantic ocean from those which found their outlet in the Gulf of Mexico. They seemed to present a natural separation. That danger has vanished before the noble achievements of the spirit of internal improvement, and the immortal genius of Fulton. And now nowhere is found a more loyal attachment to the Union than among those very western

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people, who, it was apprehended, would be the first to burst its ties. The other cause, domestic slavery; happily the sole remaining cause which is likely to disturb our harmony, continues to exist. It was this which created the greatest obstacle and the most anxious solicitude in the deliberations of the convention that adopted the general Constitution; and it is this subject that has ever been regarded with the deepest anxiety by all who are sincerely desirous of the permanency of our Union. The Father of his Country, in his last affecting and solemn appeal to his fellow-citizens, deprecated as a most calamitous event, the geographical divisions which it might produce. The convention wisely left to the several States the power over the institution of slavery, as a power not necessary to the plan of union which it devised, and as one with which the General Government could not be invested without planting the seeds of certain destruction. There let it remain undisturbed by any unhallowed hand.

Sir, I am not in the habit of speaking lightly of the possibility of dissolving this happy Union. The Senate knows that I have deprecated allusions on ordinary occasions to that direful event. The country will testify that if there be anything in the history of my public career worthy of recollection, it is the truth and sincerity of my ardent devotion to its lasting preservation. But we should be false in our allegiance to it, if we did not discriminate between the imaginary and real dangers by which it may be assailed. Abolition should no longer be regarded as an imaginary danger. The Abolitionists, let me suppose, succeed in their present aim of uniting the inhabitants of the free States as one man against the inhabitants of the slave States. Union on the one side will beget union on the other; and this process of reciprocal consolidation will be attended with all the violent prejudices, embittered passions, and implacable animosities which ever degraded or deformed human nature. A virtual dissolution of the Union will have taken place, whilst the forms of its existence remain. The most valuable elements of union, mutual kindness, the feelings of sympathy, the fraternal bonds, which now happily unite us, will have been extinguished forever. One section will stand in menacing and hostile array against the other. The collision of opinion will be quickly followed by the clash of arms. I will not attempt to describe scenes which now happily lie concealed from our view. Abolitionists themselves would shrink back in dismay and horror at the contemplation of desolated fields, conflagrated cities, murdered inhabitants, and the overthrow of the fairest fabric of human government that ever rose to animate the hopes of civilized man. Nor should these Abolitionists flatter themselves that, if they can succeed in their object of uniting the people of the free States, they will enter the contest with a numerical superiority that must insure victory. All history and experience proves the hazard and uncertainty of war. And we are admonished by Holy Writ that the "race is not to the swift, nor the battle to the strong." But if they were to conquer, whom would they conquer? A foreign foe—one who had insulted our flag, invaded our shores, and laid our country waste? No, sir; no, sir. It would be a conquest without laurels, without glory—a self, a suicidal conquest—a conquest of brothers over brothers, achieved by one over another portion of the descendants of common ancestors, who, nobly pledging their lives, their fortunes, and their sacred honor, had fought and bled, side by side, in many a hard battle on land and ocean, severed our country from the British Crown, and established our national independence.

The inhabitants of the slave States are sometimes accused by their northern brethren with displaying too much rashness and sensibility to the operations and proceedings of Abolitionists. But, before they can be rightly judged, there should be a reversal of conditions. Let me suppose that the people of the slave States were to form societies, subsidize presses, make large pecuniary contributions, send forth numerous missionaries throughout all their own borders, and enter into machinations to burn the beautiful capitals, destroy the productive manufactories,

and sink in the ocean the gallant ships of the northern States; would these incendiary proceedings be regarded as neighborly and friendly, and consistent with the fraternal sentiments which should ever be cherished by one portion of the Union towards another? Would they excite no emotion, occasion no manifestation of dissatisfaction, nor lead to any acts of retaliatory violence? But the supposed case falls far short of the actual one in a most essential circumstance. In no contingency could these capitals, manufactories, and ships, rise in rebellion and massacre inhabitants of the northern States.

I am, Mr. President, no friend of slavery. The Searcher of all hearts knows that every pulsation of mine beats high and strong in the cause of civil liberty. Wherever it is safe and practicable, I desire to see every portion of the human family in the enjoyment of it. But I prefer the liberty of my own country to that of any other people, and the liberty of my own race to that of any other race. The liberty of the descendants of Africa in the United States is incompatible with the safety and liberty of the European descendants. There slavery forms an exception—an exception resulting from a stern and inexorable necessity—to the general liberty in the United States. We did not originate, nor are we responsible for this necessity. Their liberty, if it were possible, could only be established by violating the incontestable powers of the States, and subverting the Union, and beneath the ruins of the Union would be buried, sooner or later, the liberty of both races.

But if one dark spot exists on our political horizon, is it not obscured by the bright and effulgent and cheering light that beams all around us? Was ever a people before so blessed as we are, if true to ourselves? Did ever any other nation contain within its bosom so many elements of prosperity, of greatness, and of glory? Our only real danger lies ahead—conspicuous, elevated, and visible. It was clearly discerned at the commencement, and distinctly seen throughout our whole career. Shall we wantonly run upon it, and destroy all the glorious anticipations of the high destiny that awaits us? I beseech the Abolitionists themselves solemnly to pause in their mad and fatal course. Amidst the infinite variety of objects of humanity and benevolence which invite the employment of their energies, let them select some one more harmless, that does not threaten to deluge our country in blood. I call upon that small portion of the clergy which has lent itself to these wild and ruinous schemes, not to forget the holy nature of the divine mission of the founder of our religion, and to profit by his peaceful examples. I entreat that portion of my countrywomen who have given their countenance to abolition to remember that they are ever most loved and honored when moving in their own appropriate and delightful sphere, and to reflect that the ink which they shed in subscribing with their fair hands abolition petitions may prove but the prelude to the shedding of the blood of their brethren. I adjure all the inhabitants of the free States to rebuke and discountenance, by their opinion and their example, measures which must inevitably lead to the most calamitous consequences. And let us all, as countrymen, as friends, and as brothers cherish in un fading memory the motto which bore our ancestors triumphantly through all the trials of the Revolution; as, if adhered to, it will conduct their posterity through all that may, in the dispensations of Providence, be reserved for them.

## PRESIDENT'S MESSAGE.

## SPEECH OF HON. JOHN BELL,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

December 26, 1838.

The House being in the Committee of the Whole on the state of the Union for the purpose of considering and referring the President's Message—

Mr. BELL said:

Mr. CHAIRMAN: The message of the President of the United States must always be an important document—one which would be looked to with

interest, not only at home but abroad; a paper which would be examined and carefully weighed, not only with reference to the casual and extraordinary topics which might engage the public mind for the moment, but in reference to subjects less fleeting and temporary—to the doctrines, the principles, and the practices which appeared to be countenanced and propagated, doctrines and practices which were calculated to produce, which were fundamental, which related to the organic construction of our system; and he had risen to make some observations more in reference to these general and prominent topics touched upon in the message, than to the exciting and absorbing sub-Treasury scheme, or the mode of collecting, safe-keeping, and disbursing the public revenue; and, taking the views he did, he should proceed at once to notice some passages in the message which, in his opinion, called for public scrutiny and animadversion.

In treating of our system of Government, and more particularly of the Federal Constitution, the President informs us that—

"It has proved amply sufficient for the various emergencies incident to our condition as a nation. A formidable foreign war; agitated collisions between domestic and, in some respects, rival sovereignties; temptations to interfere in the intestine commotions of neighboring countries; the dangerous influences that arise in periods of excessive prosperity; and the anti-republican tendencies of associated wealth; these, with other trials not less formidable, have all been encountered, and thus far successfully resisted."

Among the most prominent dangers to which our form of government is exposed, the President here enumerates "the anti-republican tendencies of associated wealth." I suppose it will be said that he refers to the association of capital accumulated in the State banks; but, in the opinion of the community generally, this language will warrant a more extensive application—an application far more operative, and demanding more serious reflection. But, before we inquire into the true import and probable drift of this address to the American people on the subject of the "anti-republican tendencies of associated wealth," one remark occurs to me as proper to be made on what appears to be an omission in this part of the message. I observe that no notice is taken of the danger to be apprehended from the concentration of power in the hands of one man, or of a few. Whatever may be said of the selfish, exclusive, grasping, monopolizing, and anti-republican tendencies of mere wealth, I will not deny; yet, I will say that all these bad qualities and tendencies may, with as much truth, and far more reason, be affirmed of political power; and it must strike the mind of every watchful observer, that in the enumeration of the many dangers to which our country and its peculiar institutions are exposed—an enumeration made in order to put the people on their guard—the President has omitted to mention the most formidable of all—one which is known to have existed in the experience and progress of every free Government, and in the progress of every civilized society from the beginning of time. I mean concentrated power—associated official power. I mean (to speak practically) the concentration of power in the executive branch of the Government of the United States. It is worthy of serious notice, that in a paper emanating as this does, from the President himself, and which professes to set forth to a free people the most prominent dangers which threaten their liberties, and to awaken their vigilance against those evil tendencies which lurk in the system, the one which has always proved the most fatal—the tendency of power to accumulate in the hands of one man, and the grasping and monopolizing tendency of that power—is altogether omitted. Why is this? Why not admonish the people, when speaking of the tendencies of wealth in banks or elsewhere, that there was another most formidable danger in this and in every other free Government, which united all the evils of mere wealth with the more fearful passion of ambition? I affirm, then, sir, that this enumeration of the perils to which our free institutions are exposed is not perfect.

If this warning given to the people in relation to the "anti-republican tendency of associated wealth" is only intended to be a continuation of the attacks heretofore made with so much acri-

money upon the banking institutions of the country, I will not undertake to answer it in my own language, or by any arguments of my own, for I have never felt disposed to become the champion of those institutions; but in the language and by the arguments of a man of far more weight and influence, both from the station which he fills, and the larger share of respect and influence he has always enjoyed with the party in power—a man whose political career was directly connected with the most extraordinary incidents of the late Administration—a man who owes his present elevation to the hearty approval with which his party sustained him in the most questionable act of that Administration—a man whose opinions upon the question now under review were then received as orthodox and incontrovertible. I allude to the Chief Justice of the United States, (Mr. Taney.)

[Mr. B. read from a letter of Mr. Taney, while Secretary of the Treasury, to the Committee of Ways and Means, of the 13th of April, 1834, a few paragraphs strongly commendatory of the State banks, and asserting in very broad terms the indispensable agency in a country like ours of banks and a paper circulation founded on credit.]

But, Mr. Chairman, if I correctly understand the import of the passage now under consideration, it manifests a laxity of principle, a recklessness of consequences, such a spirit of desperation in the choice of means to sustain power as ought to receive the severest reprehension from every well-wisher to our free institutions. This covert denunciation of wealth and of the rich is, without doubt, intended to be understood by those whom it pleases as a proof that the author of it is a friend and champion of the poor as distinguished from the rich. Viewing it in this light, it is a sort of argument—an electioneering cant, which, however shameful and indefensible, may be allowed in the public speeches of ordinary candidates for a seat in the Legislature, or for some office or station in a State, or even for a seat in this Hall of the Representatives of the nation; but in a Chief Magistrate it is wholly unworthy and detestable.

The next passage I shall notice in this extraordinary paper is in these words:

"Each successive change made in our local institutions has contributed to extend the right of suffrage, has increased the direct influence of the mass of the community, given greater freedom to individual exertion, and restricted more and more the powers of Government."

In the remarks I propose to make on the sentiment here expressed, I would not be understood as finding fault with the extension of the right of suffrage. In the State of Tennessee and the southwest generally, the right of suffrage has long existed in the fullest extent; nor am I disposed to say aught against the policy of other States, in this respect; but I have a word or two to say in reference to the conclusion which the President has drawn from this and other changes in our local institutions. He undertakes to announce to the world that the effect of these changes has been to "increase the direct influence of the mass of the community, and to restrict more and more the powers of Government." Now, sir, however true this may be, when affirmed of the influence of the mass of the community, in the several States alluded to, and upon the measures and policy and the restrictions which may have followed upon the powers of the State governments, if it is intended, by inference, to affirm that the direct influence of the mass of the community upon the measures and policy of the National Government has been increased, or that the powers of the General Government have been restricted by any changes which have been made in any quarter, I deny that such is the fact. I make the issue direct. I affirm that whatever improvements may have followed from the changes of any kind in the constitutions of the States; whatever restrictions may have followed upon the powers of the State governments, no such beneficial consequences have been felt in the operations of the Federal Government; though we might have supposed that the benefits of the extension of the right of suffrage, or other change in the local institutions, would have been felt, in some small degree at least, in the action of the General Government.

But, sir, at no anterior period in the history of this country has the influence, direct and indirect, of the mass of the community been so little felt in the conduct of our national affairs, nor have the powers of the Federal Government ever before been strained to so high a point, if we may judge of these powers by the practice of the late and present Administrations. Never before were the mass of the community so powerless. Of late, they have substantially nothing to do, having neither part nor lot in the affairs of the Government or of the country, but to follow blindly, and give their sanction, when called upon for that purpose, to whatever schemes and measures of public policy the heads of the party, some three or four men at most, are pleased to dictate to them. Such is and has been the power of party discipline, such the despotic principle of party association for years, that the mass of the community have rather stood in the relation of subjects to be governed, than the controlling elements of power. How this has been brought about—by what artful means—by what powers of intimidation on the one hand, and of seduction on the other, the mass of the people have had so little actual influence in the affairs of Government of late—I have often described on this floor. I have repeatedly referred to this subject as the origin of all the evils which now afflict the country. I content myself, for the present, by repeating that the mass of the people have for years been degraded to the rank of mere machines in the hands of a few men who have had the talent and address to use them for their own purposes. Never before were a free people under such positive, such despotic control, as the people of the United States have been, by the artful management of a few men, acting in conjunction with the powerful influences of overgrown patronage. I again affirm that at no period since the organization of the Government, in 1789, have its powers been so extensive in practice. Of late, they have undoubtedly been carried far beyond the example of any preceding Administration. Then, sir, I conclude that the President holds out an unfounded assurance to the country. We cannot safely congratulate ourselves that the people have had the sphere of their influence increased, or that the powers of the Government have been restricted.

After enumerating many of the happy results of our republican institutions, the President expresses the following sentiment:

"This review of the results of our institutions for half a century, without exciting a spirit of vain exultation, should serve to impress upon us the great principles from which they sprang—constant and direct supervision by the people over every public measure," &c.

Now, sir, I should be pleased to be informed what is meant by the "constant and direct supervision of the people," which is here enumerated as one of the great principles to which we are indebted for the glorious results of our system. Will some gentleman who is better acquainted with the sentiments of the President upon this subject enlighten me? Will he tell me what is the true import of the language, "the constant and direct supervision by the people?" It is intended by this passage in the message, and the other doctrines which are more or less openly inculcated, to give the high official sanction of the Chief Magistrate of the Union to the new impulse which has recently been given, or sought to be given, to what are called the democratic tendencies of our system? You must be aware, Mr. Chairman, that unusual pains have been taken of late to show that our system needs a radical revision. The people are told that our ancestors, who framed the Constitution in 1789, were a half century in the rear of the improvements of the present age; that they had not the benefit of the new lights which experience has shed upon the subject of government since that time, and which are now in full blaze around us. The science of government, we are told, has made great strides since our Constitution was formed; and, indeed, that instrument is beginning to be looked upon by many rather as a device of bad men, to advance the interests of the few at the expense of the many, and forming an actual obstruction to that full tide of happiness and prosperity which awaits us when the inventions of modern Democracy shall be substituted for it. At all events, it is

proclaimed to be the duty of every man who would improve the condition of the human family to strengthen the democratic tendencies of the Constitution, and to disrobe, or rather strip, it of those limitations or restrictions upon the popular will, with which our unimproved ancestors have thought it necessary to encumber it.

Some progress has already been made in implanting this sentiment among the people in some of the States. New party names have been invented for this purpose. New definitions have been given of free Governments. An old-fashioned republican is denounced as little better than an aristocrat. We hear, of late, from the leaders of one of the great parties which divide the country, of little else than the Democracy of the country—the great Democratic founder—the Democracy of numbers! In truth, sir, it cannot be disguised that there are a class of politicians in the country at this moment whose aspirations it does not suit that any restriction, any limitation whatever, shall exist in the practice of the Government upon the will or absolutism of the majority; and, in the estimation of all their followers, our Constitution is defective. It imposes quite too many trammels, in their judgments, upon the beneficent designs of the reformers. Does the President mean to be understood as countenancing the doctrines of these reformers, by pointing to the "constant and direct supervision by the people" as an important principle in a free Government? Sir, I would be the last man in this House to question the true constitutional principle of popular supervision over the measures of the Government. It is to the operation of that principle that we are to look for safety in times which, perhaps, may be worse than the present; and I trust we shall not look to it in vain. But, sir, according to our system, the people do not, and cannot, exercise any direct supervision over any public measure. Their power, their influence, their supervision, can be constitutionally exercised only by petition and remonstrance, and by the utterance of their voice at the ballot-box. And it is that feature in our system that at once distinguishes it in form from a democracy, and secures it from the fatal catastrophe which has always attended democracies, or Governments in which the people exercised a direct supervision over public measures.

But it would be gratifying to know what change in our Constitution is meditated by which the people may be admitted to a "direct supervision" of public measures; or is it intended that the people shall interpose their authority whenever, in their judgment, the constitutional functionaries shall err, or fail in the discharge of their duty, without any amendment of the Constitution? We have very lately had a specimen of this improved system of government announced through the medium of an Executive communication. We have heard the doctrine proclaimed on this floor; we have seen it announced in several of the most influential journals in the country, and, among the rest, the official organ of this Administration, (the Globe,) that the direct interference of the people, or, in other words, the democracy of the country, in the settlement of constitutional and legal questions, is not only allowable, but justifiable! We have heard it proclaimed from all these high and authoritative sources that an excited and agitated assembly of the people may properly rush into a legislative hall, fill all the aisles and other vacant places, and, by their menaces and clamors for the blood of obnoxious individuals, drive the Speaker from his chair, and the members from their seats! In such a proceeding, it is said there is "no positive violence;" and when successful, it is proclaimed a triumph of the democracy—a triumph of the people! Is this the sort of "direct supervision" of the people which has been the source of so many happy and glorious results past; or is it only from such a supervision of the people that the future peace and happiness and prosperity of the country are to spring? Is it already come to this, under the reforming hand of the party in power, that if on an occasion similar to that which occurred in this House only a year ago—I allude to the vote of the House in excluding the members from Mississippi, [Messrs. PRENTISS and WORD,] although clearly chosen by the people of Mississippi, upon

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the ground of a mere technicality, and thereby depriving an entire State of any representation whatever in this House for several months—I ask again, has it come to this, that if in that case this Hall had been suddenly filled with a heated and turbulent multitude, menacing violence and blood, and calling upon the House to reverse its decision, the proceedings would be sustained and justified as a wholesome and proper supervision of the people? Is this one of the improvements in government which our ancestors were ignorant of when they framed the Constitution?

Suppose, sir, that the gentlemen from Mississippi had called their partisans and personal supporters to this Capitol—and no two gentlemen on this floor could have rallied a band of more devoted friends around them—suppose them arrived in the city, and, in their fury, preoccupied this Hall, calling upon the House to revise its sentence, and denouncing vengeance against all who should oppose their wishes: would the friends of the Administration upon this floor, would the leaders of the party anywhere, have declared such an irruption into this House a wholesome interposition of the people? And when we had tamely submitted, reversed our decision, and restored the rejected members to their seats, would they have proclaimed it a triumph of the people? A triumph, indeed, it might be; but it would have been a triumph over the Constitution; and, however palpably erroneous, however shocking to reason and common sense, the decision of the House was in the case alluded to, it may be a subject of just exultation to the Opposition; and it ought to be a subject of serious reflection with every honest man in the whole country that not one of them would for one moment have tolerated the suggestion that the House ought to be awed into submission upon that question by the direct interposition of the people.

In another passage of the message we are assured by the President that,

*"To this practical operation of our institutions, [which he had described,] so evident and successful, we owe that increased attachment to them, which is among the most cheering exhibitions of popular sentiment."*

I deny, most confidently and emphatically, that we are authorized to boast of this "increased attachment" to our institutions. On the contrary, I affirm that, for years, the attachment of the people to our institutions, and their confidence in their efficacy and durability, have been weakening and diminishing, just in proportion as the principles and practices of the party in power have been more and more developed and brought to light. I affirm that, instead of increased attachment, there is manifestly increased distrust; and thousands of honest and intelligent citizens throughout the land look with apprehension and dread to the future—that future which may come sooner upon us than you or I now dream of. Again, sir, I affirm that, in the entire period since the organization of the Government, there has never been so general a relaxation of all the ties and obligations, legal and political, which bind society together, as prevails at the present moment. At no former period has so general a spirit of opposition to legal restraints or requirements manifested itself throughout the country, when they stand in the way of willful passions or purposes of any kind. Slight regard for the Constitution and laws, commencing with the Government itself and its administrators, has gradually diffused itself over society.

There was a period in British history which presented a striking parallel of the times in this country. Had I been prepared for this debate, I might have presented such a picture, drawn from that period, as would have been recognized at once as the prototype of the state of things in this country at the present moment. It was just a century ago that violence and licentiousness took the place of law and sound public morals in Great Britain, and from causes very like those which exist in this country at this good time. Party spirit was excited to the highest state of violence, consistent with the existence of Government; and the people, generally, in the progress of the conflict, were alternately excited by distrust of the intentions of the Ministry, and a contempt for the authority of the Government. One man, of singular coolness and forbearance

in temper; by practicing upon the principle that the mass of every society is moved by the mere love of gain—that there is no honesty in politics—that every man has his price, contrived to sustain himself in power nearly twenty years, in the face of a powerful opposition in both Houses of Parliament, and in the midst of the loudest clamor and discontent among the people. It was generally believed that he had grossly abused the great trust which had been confided to him by his sovereign; that he had distributed and prostituted the immense patronage of the Crown to the purpose of enriching himself and his personal favorites. He interfered directly in the election of members of Parliament, both by his personal influence and by the application of large sums of the public moneys; and he filled that body with placemen and dependants. He practiced so openly upon the spoils system, that he once declared in his place, in the House of Commons, that he would be a pitiful fellow of a minister who would not remove any man from office who opposed his measures. In such a state of things, general distrust and discontent banished all respect and confidence; confusion and disorganization usurped the place of law and order; and the same causes must produce the same results here.

The next passage of the message which I am tempted to notice, is in these words:

*"Nearly eight million dollars of Treasury notes are to be paid during the coming year; in addition to the ordinary appropriations for the support of Government. For both these purposes the resources of the Treasury will undoubtedly be sufficient. IF THE CHARGES UPON IT ARE NOT INCREASED BEYOND THE ANNUAL ESTIMATES."*

Much is said in the succeeding paragraph of the message of the frauds committed by the public officers upon the public revenue; and many severe remedies are suggested to correct this great public evil. Some remedy is also imperatively demanded by the public interest for the repeated and systematic frauds and impositions practiced upon the public credulity by the highest functionaries of the Government in their communications to this House and to the public, professing to contain their political creed, and to present a candid view of the condition of the finances and other branches of the public service. The people are reluctant to conclude that the very highest and most honored public officers, and those in whom the nation has expressed its confidence, would deceive them; and thus the most shameful official hypocrisy and delinquency are rewarded with renewed confidence, instead of resentment and indignation. I was struck with the remark of a very acute and able member of this House the other day, upon the subject of the relative prospects of the Administration and Opposition. He said the Opposition would probably not succeed, whatever apparent advantages they may have in the contest. If the Opposition, said he, claim any merit as the advocates of economy in the public expenditures, or, as the champions of the policy of limiting Executive power and patronage, they will find that the claim will avail them nothing; for, upon none of these questions, nor upon any other popular doctrine of a similar nature, will the Administration make an issue with them. On the contrary, in the messages, and the communications from the Treasury Department, the members of the Administration will be found to be as much the friends of economy, of reform, and as much opposed to the increase of Executive power and patronage, as any member of the Opposition.

Sir, this is very near the truth, at least. Those under whose auspices the annual expenditures of the Government have been increased, within a term of less than ten years, from thirteen to thirty million dollars, and Executive patronage in a corresponding ratio, can point to public documents emanating from their own hands, in which they have written with as much apparent earnestness, and said as many fine things in favor of economy and every other republican principle and practice, as any of their opponents. This, sir, I contend, is a species of fraud which calls for a remedy. Those who have practiced it should be stripped of the mask under which they have heretofore deceived the people.

In the present message we have an earnest exhortation to Congress to confine the appropriations for the year 1839 within the estimates of the Sec-

retary of the Treasury. In the report of the Secretary himself, there is a similar appeal made in behalf of economy and retrenchment. The Secretary of the Treasury, in his last annual report, estimates the appropriations which will be required for the next year (1839) at \$21,665,089. What amount will actually be required for the public service, we shall see at the close of the session. But whatever degree of candor may characterize the estimates of the Treasury for the year 1839, cannot excuse or atone for the gross deception practiced by that Department in the annual estimates for the present year (1838) submitted December 3, 1837; and the still more glaring and shameful attempt to mislead the public, by the statement drawn up under the direction of Mr. Woodbury, and presented to the Senate on the 29th of June last, (1838). That statement purports to show the amount of the annual estimates and the annual expenditures, exclusive of the public debt, with the excess of appropriation above the estimates, in each year, from 1823 to 1837, inclusive. The statement was drawn up, no doubt, to answer or parry the arguments of the Opposition to the Administration, drawn from the fact that, in 1836, the annual expenditures of the Government had risen to thirty million and upwards; and in 1837 to upwards of thirty-nine million. Before this statement made its appearance, the partisans and apologists of the Administration affirmed that the expenditures of the Post Office Department, amounting to some four and a half million, were included in the amounts charged to those years; but that was found to be a mistake. But they also said, with more truth, that some five million of moneys received under the treaties of indemnity with France and Naples, and in trust for several Indian tribes, were included in the \$39,000,000 charged to the year 1837, which would reduce the actual expenditures of the year 1837 to \$34,000,000. But, as this still appeared very large, it was contended that some five or six million of that amount ought not to be charged to the extravagance of the Administration, because that sum was expended in that year in suppressing Indian hostilities! A pretty story, when it is well known, to those who have devoted any attention to the subject, that the Administration is not only justly chargeable with the most unparalleled waste of the public treasure in the late and existing wars with the Indians, but that those wars may be fairly traced and charged to the culpable neglect and bad management of the department of the Government charged with the direction and control of Indian affairs.

Another defense was, that the expenditures attending the removal of the Indians from the east to the west of the Mississippi, amounting to several millions annually, ought to be regarded as extraordinary; and such as would have occurred under any administration. Whoever will look into this subject will be satisfied that the necessary expenses attending the purchase of Indian lands and the removal of the Indians have been increased more than one hundred per cent. by the imbecility and faithlessness of the agents employed in the various branches of that service. But the charge which was most successful in blinding the people, and confounding the less informed, was that all the excess of expenditure under the late and present Administrations, beyond the annual expenditures under Mr. Adams's administration, was to be ascribed to the extravagant and unprincipled course of the Opposition in Congress. The Administration, it was said, had always been in favor of economy; and to prove the assertion true, the statement of Mr. Woodbury, before adverted to, was relied upon. The estimate sent to Congress by the Secretary of the Treasury, it was said, were always moderate and economical, and so it would appear from a reference to that statement. For example, the estimates for the year 1837, sent in from the Treasury Department in December, 1836, are ostentatiously displayed in one column of the statement as amounting to no more than \$22,651,442, while, in another parallel column, it appears that Congress appropriated \$39,164,745; showing an excess of moneys voted by Congress above the estimates of the Treasury for one year, of \$17,073,321! It is manifest that the well-informed only would be able to detect the fallacy of this argument, or to

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expose the hypocrisy of those who advanced it. If it be said that the Secretary might have been honestly mistaken in making an estimate of appropriations for the year 1837, greatly below the actual demands of the service, inasmuch as the expenses incurred in suppressing Indian hostilities, in that year, greatly exceeded the expectations of all parties, still that does not excuse the attempt to impose upon the people by exhibiting the estimates, and contrasting them with the appropriations, as an argument in favor of the greater economy of the Executive administration; and still less does it excuse the attempt to keep up the same delusive appearances in the estimates for the service of the present year (1838) submitted on the 6th of December, 1837. In the report then submitted to Congress, the estimates of appropriations for the service of the year 1838, are stated at \$20,523,249 only. Very moderate, indeed, and worthy of all praise, in a republican statesman, considering the actual circumstances of the country at that time. But let us examine for a moment what those circumstances were. There were at that moment between eight and ten thousand troops employed in the prosecution of the Florida war, with no certain prospect of ending the war, at all events before the spring of the next year; and it afterwards appeared, I believe, that at the time those estimates were sent in, the arrears then due in that branch of the public service, and for which there was no appropriation, exceeded \$1,000,000; and upwards of \$7,000,000 were afterwards actually appropriated for the service of 1838, not one cent of which was included in the estimates of the Treasury!

There were, also, at the period of those estimates, (December, 1837,) five or six Indian treaties already signed under the direction of the President, involving an expenditure of more than \$3,000,000; and although they were not then ratified, yet, as their ratification was regarded as a matter of course, the Secretary of the Treasury was without apology for failing to notice in some form the appropriations necessary to carry them into effect. These treaties were afterwards ratified, and \$1,200,000 were actually appropriated to be expended in the year 1838, according to their stipulations. But this is not all. At the time the Treasury estimates were sent in, the Secretary could not have been ignorant that the Secretary of War and the President had united in an earnest recommendation to increase the rank and file of the standing Army to fifteen thousand men, and to augment considerably every branch of the military establishment and defenses of the country; and many concurrent circumstances, besides, indicated that this would be done; yet no notice whatever was taken by the Secretary in his estimates of the increased charges upon the Treasury on this account. The Army proper was increased so as to number between twelve and fourteen thousand men, and the other branches of the military establishment were also augmented, to meet the expenses of which in the year 1838, upwards of \$700,000 were voted by Congress. Those few items, that I have referred to merely from memory, show an aggregate of \$9,000,000 demanded for the service of 1838, all, or the greater part, of which ought to have been, and probably was, foreseen by the Secretary of the Treasury; yet no part of it was included in his estimates. It is by such concealments and artifices as these that the Administration seeks to uphold a character for economy and retrenchment, and to throw upon the Opposition and Congress the charge of extravagance. I conclude my remarks upon this part of the message by repeating my opinion that the public interests demand the application of some remedy for this mischief. Some adequate penalty should be imposed to protect the people against such false pretenses.

I now propose to notice another part of the message, which, from its connection with the subject of greatest interest at the present time, will be regarded as the most interesting and important of the whole.

After adverting to the defalcation of the late collector of the port of New York, (Mr. Swartwout,) and very naturally associating with it the idea of the necessity of a more "secure and safe system for the safe-keeping and disbursement of the public moneys," the President insists "that

the application of the public money to private uses should be made a felony, and visited with severe and ignominious punishment." "The Government, it must be admitted," says the President, in the same paragraph, "has been, from its commencement, comparatively fortunate in this respect."

Here, then, is a fair admission, that until recently but a small portion of the public moneys has been embezzled by the officers charged with its collection; yet the method of collecting and safe-keeping heretofore in use is denounced and repudiated; a new system is projected and insisted on; and the further security is suggested of severe and ignominious penalties. The enormous abuses successively brought to light under the Administration continue to be imputed to any but their true cause. The system of collection and disbursement is defective; the method of accounts is defective; the laws are defective! This has been the ready apology of the late and present Administrations for all abuses. There were no serious complaints of abuses or defalcations in the Post Office Department until the party now in power undertook, as they said, to bring about a general reform of the Government; but when a few years of mal-administration had brought about a general derangement and the most corrupt practices in that department, it was immediately proclaimed that the laws regulating the Department were eminently defective; the system of accountability in use, it was said, was a bad one; in fine, that nothing could retrieve its condition but a new organization. The same excuses have repeatedly been urged in defense of the gross abuses which have prevailed in the War Department, in the Departments of Indian Affairs and of the Public Lands. Bad laws and a bad organization are the only causes of abuse ever admitted by the friends of power; and the only remedies proposed or applied are new laws and a new organization. But I now take leave to notify the gentleman from New York, [Mr. CAMBRELENG,] that when he shall introduce his bill to provide the remedies suggested in this message, I shall insist that the rules of this House be strictly enforced, and that his bill shall take rank in the rear of a bill now on the Calendar of the House, entitled "A bill to secure the freedom of elections;" but it might with more propriety be called "A bill to secure in future a skillful and honest administration of public affairs;" a bill, sir, which provides the very best and the only effective remedy in the power of Congress to adopt, for all the abuses in the public service. Lest the provisions of this bill may have been forgotten, I hope the clerk will be allowed to read it.

[The clerk read the bill, which proposes in the preamble to declare removals from office upon political grounds, or for opinion's sake, "a violation of the freedom of elections, an attack upon the public liberties, and a high misdemeanor." The first section provides a penalty of not more than \$1,000, removal from office and perpetual disability to hold office, against any officer, agent, or contractor, under the Federal Government, convicted of intermeddling in any manner with elections, State or Federal, except in giving his own vote. The second section provides a penalty of \$5,000, removal from office, and perpetual disability, against any officer of the Federal Government, having, under the Constitution and laws, the power to appoint, or nominate and appoint, any officer or agent of the Government, who shall be convicted of promising or bestowing any office or agency, upon any agreement on the part of the appointed to render political or other services in elections or otherwise; and a penalty not exceeding \$1,000, dismissal from office, and perpetual disability, against any subordinate officer convicted of receiving office upon such terms. The President and judges of courts are excepted as to the penalty of removal from office.]

The remedies proposed in this message are applicable to evils in subordinate offices, which are but the consequences of greater ones which exist in higher places. I insist, sir, that when we begin again to apply remedies, we shall begin higher up on the calendar; that we shall begin at the head of the list. There exists a canker at the core which must be eradicated before we can expect to heal the eruptions on the surface of affairs. All

the remedies devised by the Administration are applicable to others and to subordinates only, while the radical vice is in themselves. It is the spoils principle, it is the principle of corruption itself, which has been adopted by the party in power as the only effective party cement; it is the false, corrupt, and corrupting principle upon which the appointing power has been, and continues to be, exercised under the present proscriptive dynasty; it is the practice of appointing desperate, worthless, and unprincipled men to office—men who, in general, possess no other merit than their partisan services and efficiency in elections. This, then, sir, is the great and fundamental evil. And now, sir, when most of the offices of greatest trust in the country are filled by this class of men—by clamorous and needy favorites—when their abuses, and defalcations have become so monstrous that their own patrons are compelled to acknowledge that nothing but the fear of the penitentiary can restrain them, a vain and idle attempt is made to substitute ignominious pains and penalties for an honest course of Executive appointment and supervision; and a hope equally idle and delusive is thrown out to the public that unprincipled public officers may be made honest men by law. And who are they who are set to watch—whose duty it is to watch defaulting receivers and collectors of the public moneys? Men themselves who acquired and now hold their stations by the successful operation of the same false and corrupt principle of appointment which placed all those who are subordinates to them in office. The one class cannot be supported without the other—all must be sustained or fall together.

But, Mr. Chairman, this is an old and threadbare theme with me. I have employed my time for years in an effort to attract the attention of the public to this subject in vain. I have often repeated all the arguments which have suggested themselves upon this subject on this floor, and I am sorry to say, with small effect. I have ever believed, since I became advised of the extent to which the appointing power continued to be abused, that there could be but one result, under the gross abuse of the appointing power which has prevailed of late. I have never doubted that time would develop an amount of fraud, speculation, and corruption, which would amaze and arouse the people; if the system should not effectually undermine the public morals, and destroy all sense of national pride and honor before their eyes could be opened. Sir, I may claim to have penetrated still further into the probable results of this system. I foretold, upon this floor, that other results besides mere injury to the public service, would necessarily, in due course of time, follow in the train of the spoils system, as established and acted upon in some of the States in the Union, as well as at Washington. I predicted that the time would come when these contests for the spoils, into which all elections would soon resolve themselves, would be decided by the sword. We have recently had a very fair illustration of the working of this system at Harrisburg; and that, sir, is but the beginning—the first-fruits of the system. We shall see the same scene exhibited by-and-by upon a larger theater. When this detestable principle of party aggregation shall extend itself into all, or nearly all, the States of the Union, as it promises soon to do, we shall see our national elections contested and settled by the direct intervention of office-holders and office-seekers, backed by their respective partisans, made furious and desperate by the prospect of losing their share of the public spoils, and resolved to incur every hazard to themselves and the country in asserting their claims.

But having so often urged the abuse of the appointing power as the true cause of the gross abuses known to exist in the public service, I am unwilling that the ground assumed shall rest upon my own assertion, when so many proofs are at hand to confirm what I have said. In the report of the committee of the Senate appointed to investigate the condition of the Post Office Department in 1834, (page 8,) it will appear, by the admission of the head of that Department himself, (Mr. Barry,) that between the 1st of April, 1829, and the 1st of September, 1834, there had been one thousand three hundred and forty removals from office in that Department alone! The com-

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mittee resolved to inquire into the grounds of so many removals; and, that there might be no want of specification, they took up the case of John Herron, who had been appointed postmaster at Putnam, in Ohio, in the place of Henry Safford, removed.

[Mr. B. here read so much of the report of the committee as relates to the case alluded to, by which it appeared, from the statements furnished by the Post Office Department, that Herron was appointed in July, 1829, and continued in office until November, 1831, when he was dismissed. The amount due from him to the Department, during the time he continued in office, was estimated at \$558 64, no part of which had ever been paid, and he had finally absconded. The committee then called upon the Postmaster General for the grounds upon which Safford had been removed and Herron put in his place; but the Postmaster General denied the right of the Senate to go into such an inquiry.]

But the committee of this House appointed in the same year, (1834,) and charged with the same duty, resolved to take up the inquiry into this case, where the Senate committee were stopped in the inquiry. It appears from the report of the minority of the committee of the House (Doc. 103, p. 215,) that the Postmaster General promptly communicated the letters and other papers on file in that Department relating to the removal of Safford and the appointment of Herron; but the majority of the committee, consisting of Mr. Boardsley of New York, Mr. Connor of North Carolina, Mr. Stoddert of Maryland, and Mr. Hawes of Kentucky, passed an order that they should be returned to the Postmaster General before they were copied. In this way it happened that these papers have never been communicated to the public; but the minority of the committee, consisting of Mr. Whittlesey of Ohio, Mr. Everett of Vermont, and Mr. Watmough of Pennsylvania, state the contents of them from memory, they having heard them read in committee; and by that statement it appears that an application was made to remove Safford upon the ground that although he was a professed friend of the Administration, yet he was believed not to be thorough in his feelings. His friends hearing of the attempt to get him removed, represented to the Department that he was a true friend of the Administration. There was no exception taken to his capacity or integrity, yet he was removed, and Herron, whose party fidelity was unquestioned by any one, was appointed in his place. Here is a pretty specimen of this evil, in the bud, which has since expanded into such monstrous shapes of abuse! But there is yet a more important circumstance connected with this inquiry. Besides the strange development, that a Postmaster General should not appear to be conscious of any misconduct in having dismissed an honest and competent public servant from office upon such grounds, the still more astonishing fact appears in the shape of an order adopted by the majority of the committee that they sanction the principle of this removal. The committee declare, in express terms, that they can see "nothing in the letters and petitions transmitted by the Postmaster General, touching the removal of H. Safford as postmaster at Putnam, Ohio, and the appointment of J. Herron as his successor, which, in the slightest degree, impeaches the motives or criminalizes any act of the Postmaster General, or is, in any respect, material to any object of legislation, or of public interest or concern."

Here is the solemn opinion of a majority of the committee of the House, composed of some of the most prominent men of the party in power, pronounced in favor of the principle of removals for opinion's sake; nor did they regard the question as of any public interest or concern! Though the successor, brought into office upon the ground of his superior fidelity to the party, had turned out to be a knave, and had actually run away with every cent of the revenue collected at his office in his pocket, still the public were declared to have no interest in the principle upon which the appointment had been made! This case also presents a good specimen of the refinement upon simple proscription which prevailed with the late Administration, in the footsteps of which the present one treads. It was not sufficient that a

man should be a friend of the Administration; if he was suspected of lukewarmness by any man of undoubted standing with the party, it was enough to destroy him. These are the principles upon which the appointing power has been exercised in this country; and this the manner in which the patronage of the Government has been distributed for the last nine years. Is it any wonder that the loss of millions of the public treasure should be the consequence? We have seen, by the order adopted in the committee of the House, how the further progress of the inquiry into the grounds upon which the great number of removals in the Post Office Department was arrested. Further inquiry was, in fact, useless, if the principle assumed by the committee was well founded.

I am not willing to lay aside these valuable reports, without adverting to the facts which were incidentally brought to light before the committee of the Senate, relating to the removal of Wyman, postmaster at Lowell, Massachusetts, and the appointment of Case. It belongs to a class of abuses which are now well known, I suppose, in every part of the Union. I allude to the corruption of the public press, and the direct connection which exists between the Administration papers generally and the Post Office Department. It appears, by the report of this committee, (page 11,) that William Wyman, an honest and competent postmaster, was removed from office, on the recommendation of the "Democratic committee" of Lowell, without any other reason being assigned than that he was not a friend of the Administration, and Eliphalet Case, the editor of the Lowell Mercury, a paper zealously devoted to the Administration, was appointed in his place. It was a condition of this appointment, plainly implied in the arrangement made between the several parties, that Case should continue to edit the Mercury for nothing, he having formerly received \$300 per annum for that service; and it was proved that he complied with his bargain. How many hundreds of worthy men have been removed from their employment in this Department, upon pretenses and suggestions equally repugnant to reason and equally corrupt, the people of this country can never be informed; for, while the evidence was in existence, the Postmaster General either refused to allow the papers in his office to be inspected, which, in general, was the only evidence that could be reached, or the party in the majority in Congress refused to investigate. But, sir, the door which might once have been opened upon a mass of evidence and proof is now closed forever! The papers in the office of appointments have been consumed by fire! Still enough remains to stamp with shame and dishonor the character of a party which could sanction a principle so intolerant, so tyrannical, and so utterly subversive of all public virtue.

It is a fact which ought to be more publicly known, that he who is now President of these United States was the first man of any great political distinction in this country who, as a party man, openly and shamelessly proposed that the Post Office Department should be administered upon party principles, and the immense influence of the appointing power connected with that Department should be prostituted to such uses. But this fact will sufficiently appear from the correspondence which took place, in 1822, between Mr. Van Buren and President Monroe, and also with Mr. Meigs, the Postmaster General, upon the subject of the appointment of a postmaster at Albany, in New York. There every observant reader will find the germ of the spoils system. In that correspondence it will appear that the appointment of a political partisan was claimed as a matter of right on the one side, and of duty on the other, (the appointing power,) in order to give to the dominant party in New York the advantages of a political partisan at a point so important as Albany; but the patriotism and independence of Mr. Monroe and Mr. Meigs resisted the application. They refused to act upon any such principles; and when a man was appointed who had the misfortune to be a Federalist in politics, an appeal was taken from the decision of the Postmaster General to the people. A public meeting was held in Albany, vindicating their right to have a Republican appointed to the office

in question, and calling upon the President to apply the constitutional remedy in such cases for their relief: and what do you suppose, sir, these Republicans meant by a constitutional remedy in such cases? It was the remedy of removal from office for opinion's sake!

But to return to the message. Why consume our time in debating the remedies proposed by the President? Why pursue, with relentless vengeance, the incumbents of subordinate offices; particularly the miserable speculator who has only made off with a few thousand dollars? Why pursue such small game, when the great delinquents are still allowed to revel in the uninterrupted enjoyment of power, possessing neither the principles nor the capacity to be useful to the public, and daily abusing their trusts, to the infinite prejudice of every public interest? I allude, of course, to the leading executive chiefs, and, in a party point of view, the most influential—the very men who are the original and responsible authors of all the defalcations and abuses committed by the subordinates, to whose zealous and efficient support in the public elections they owe their own elevation; and without which aid they could not remain a single day in office, but for the impediment which the Constitution interposes to prevent their immediate downfall. I repeat, it is small game which we are pursuing, in an economical point of view. I had occasion to speak of the defalcations disclosed in the report of the Secretary of the Treasury made to the House at the last session, and I made an estimate of the gross amount for which Hawkins, Harris, Boyd, Linn, and others, were deficient, and found the aggregate about four hundred thousand dollars. If we set down the defalcations of Swartwout and Price both at \$1,500,000, the entire sum of the late defalcations will not exceed two millions—perhaps the ultimate loss will not exceed one million dollars. Now I conjure honorable members to reflect that this sum, though large, is but a fraction of the losses sustained by the people of this country by defalcations of a different kind—by defalcations in capacity, in requisite skill, and, above all, in sound political principles, on the part of the Administration. Let any man attempt to estimate the actual losses in dollars and cents, which this country has sustained by an incompetent, unprincipled, and electioneering Administration, and he will at once see that our business now is with higher game than that upon the track of which we have been put by the President. Without pretending to estimate the indefinite injury, the hundreds of millions in losses, which a few years of great commercial and financial derangement must have inflicted upon a great nation like this, let us take a more practical view of the subject. Let us set down a few of the leading items in the account, which the people may, upon clear and tangible grounds, state against the great national defaulters to whom I have alluded, and who have not been removed or dismissed from office.

First. There was the Black Hawk war—a war which originated in the sheer neglect and culpable negligence of the Administration, and which cost the country \$3,000,000.

Second. There was the late Creek war—a war notoriously caused or instigated by the speculators in Indian lands, and which might have been averted, but for the imbecility of some, and the want of principle in others, of the public agents intrusted by the Administration with the execution of the treaty of 1832. I estimate the cost of that war at \$1,500,000.

Third. We may safely estimate the extra cost of the Florida war, or the clear excess above what a competent and faithful system of administration would have expended on this war, at \$12,000,000. I, sir, predict that the entire cost of this war to the country will not be less than \$20,000,000. And when it is borne in mind that this disastrous war would have been prevented by a judicious selection of agents in the management of the Indians, the charge which I make against the Administration of an excess of expenditure upon it will be considered moderate. This, it must be recollected, was purely an Executive war—a war commenced and waged entirely at Executive discretion. Congress was only appealed to, from time to time, to vote the sums of money which were said to be essential to its

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successful prosecution; and these appeals were often made after the troops were in the field, and no alternative was left but to vote the money. I take this occasion to remark that it was for voting for such appropriations, as these, and occasionally for large sums stipulated in Indian treaties ratified by the Senate, that the Whigs in Congress have been charged by the apologists of the Administration as equally to blame with themselves for the large expenditures incurred under these heads; but with what justice the public will decide.

Fourth. The increased cost of Indian treaties and Indian emigration, in consequence of the unnecessary multiplication of officers and agents employed, the incapacity and dishonesty of many of them, and the general want of skill and fidelity in the superintendency—I estimate the loss under this head at \$5,000,000 at least.

Fifth and last. I will mention the item of \$1,000,000 which the country has been taxed with to suppress disturbances on the Canada frontier. Every cent of this expenditure, I maintain, would have been saved to the nation if the President, instead of temporizing and waiting to see what public sentiment would be, and suffering the feeble proclamations of the Governors of the States to go forth as a substitute for his own, had, upon the first indication of disturbances in that quarter, issued such a proclamation as he has only done within a few weeks past. But, sir, that did not suit the policy of an electioneering Administration. It was hazardous quite too much to take ground in advance of public opinion throughout the Union; and so the inhabitants on the border, not being advised of the real intentions of the Government, many of them became committed, of course, according to their natural sympathies and feelings, and the national character has consequently suffered with the Treasury. These few items, selected only because they are the largest and most obvious, make, in the aggregate, a loss of upwards of twenty million dollars.

Let us, then, instead of wasting our energies in the pursuit of small defaulters, direct our inquiries and point the indignation of the country against the great official delinquents—against those who, being the real authors of all the abuses which exist in the land, still hold their places, and arrogantly seek to gain credit with the people by proposing remedies for evils of their own creation. This country is peculiarly situated in reference to a weak and unprincipled Administration. In England, a bad Ministry can be brought to the bar of public opinion at once; and upon the heel of any great official delinquency, judgment is pronounced upon them, and they are hurled from power before time shall have softened public indignation, or afforded the offenders the opportunity of diverting public attention to some other subject. Here it is only at stated times, fixed by the Constitution, that a bad Administration can be brought to account, or be removed from their places; and they may go on for years in a constant course of administrative abuse and imbecility; they may commit the grossest infractions of the Constitution itself; they may prostitute the patronage of the Government to the vilest and most selfish purposes, and, after all, escape the sentence of an injured people. Ample time is afforded to enable them to court and flatter when they find they have given offense, to get up some new subject of excitement, and turn away the stroke of popular wrath before it is allowed by the Constitution to fall upon the culprits. I therefore admonish the Opposition in this House not to be too sanguine of the result of recent developments, whatever impression they may make for the present. It is yet two years before the people can decide finally upon them; and the puny defaulters, whom it is proposed to pursue and hunt to destruction, will soon be forgiven. They will, at best, only become the scapegoats of their superiors in station. It is against the principles and practices of the Executive chief himself that opposition can be made effective. It is by carrying the war into the heart of power, and exposing the defects and corruptions which exist there—it is by administering a corrective to the original fountain of evil alone that we can expect to bring about real reform, and confer a lasting benefit upon the country.

The next clause of the message which struck me as deserving notice is in these words:

"But the appointing power cannot always be well advised in its selections; and the experience of every country has shown that public officers cannot always be proof against temptation."

This must be regarded as a singular and precious admission, coming as it does from the appointed successor of General Jackson. What! the Executive not infallible! And is it admitted at last that there are abuses in some branches of the public service? Truly, public officers are not always proof against temptation, nor can the Executive be always well advised in its selections. But how does it happen that the late and present Administrations have been more unfortunate in this respect than all those which went before them? That is the question. How does it happen that when the Executive has been well advised—how does it happen that when it has been advised of former defalcation and delinquency, it has formed no objection in making its selections, as in the case of Linn, as I understand that case, and as was certainly the case of a late district attorney in Alabama? Ill does it become such an Executive to complain that it cannot always be well advised. How has it happened that the appointees of the late and present Administrations have so generally given way when exposed to temptation? I answer, because both the advice and the selections were based upon false and corrupt principles and maxims. Partisan service and party fidelity have been the only tests of fitness for office; and when the Executive was well advised upon these points, it was all that was required.

In the same paragraph every well-informed reader will be astonished to find a true constitutional principle connected with such a subject recognized by such authority, and an exhortation to Congress to enforce it:

"Congress cannot be too jealous of those who are intrusted with the public money; and I shall at all times be disposed to encourage a watchful discharge of this duty."

"If a more direct cooperation on the part of Congress in the supervision of the conduct of the officers intrusted with the custody and application of the public money is deemed advisable, it will give me pleasure to assist in the establishment of any judicious and constitutional plan by which that object may be accomplished."

Who would have believed that we should have had so decided and unequivocal a recantation of the doctrines applicable to this subject avowed and so successfully maintained under the late Administration, and that, too, by a man pledged to walk in the footsteps of the late Executive chief? That Congress cannot be too jealous of those who have the custody of the public money, is frankly admitted; and the President actually tells us that he will encourage the exercise of that duty! But he earnestly recommends a direct cooperation of Congress in the supervision of the conduct of public officers! This must appear incredible to those who have been conversant with the doctrines of the party in power for several years past—but nevertheless it is true. Congress is actually invoked to cooperate with the President in the business of superintending the conduct of his subordinate officers! This amounts almost to revolution. Still all is not yet told. The President further submits to our consideration—

"Whether a committee of Congress might not be profitably employed in inspecting, at such intervals as might be deemed proper, the affairs and accounts of officers intrusted with the custody of the public moneys." \* \* \* "They might report to the Executive such defalcations as were found to exist, with a view to a prompt removal from office unless the default was satisfactorily accounted for."

The great Democratic party must certainly be confounded by this last proposition; or is this message intended to be a new confession of political faith for the whole party? Congress is unequivocally invited to institute investigations into the conduct of executive officers, and not one word is said of the necessity of specifications, or of impeachments, as conditions precedent! The doctrines and recommendations of this part of the message appear to me to be so entirely repugnant in every particular to the opinions and sentiments of the late President, that I am tempted to go back to the messages and other state papers emanating from the late Administration, and to trace the contrast, that we may see what the creed of the dominant party is to be for the future.

From the grant, in general terms, of "the Executive power" to the President, by the Constitution, and the assignment to him, in the same general terms, of the duty of taking "care that the laws be faithfully executed," and the terms of his oath of office, by which he is required to "preserve, protect, and defend the Constitution," a degree of power was deduced and arrogated to the Executive under the late Administration, which was truly appalling, and would, if sustained by the country, inevitably lead to despotic power. From the grant of the "Executive power," the late President claimed the exclusive direction and control of everything in the affairs of Government in its nature executive and not legislative. It being made his duty to "take care that the laws be faithfully executed, and to preserve, protect, and defend the Constitution," it followed that this duty devolved upon him exclusively, and that any interference on the part of Congress, with a view to the same object, was gratuitous and unconstitutional, except in the discharge of the duties expressly assigned to it in the Constitution. He also derived from the same source the idea of his exclusive responsibility for the faithful execution of the laws, and the preservation, protection, and defense of the Constitution; and, building upon this foundation, he claimed, first, the right, in all cases, to give such construction to the Constitution and laws as he thought proper; for, it was contended it would be highly unreasonable and absurd to make any man, or any department of the Government, responsible for the protection and defense of the Constitution, and the faithful execution of the laws, according to the construction of any other department or any other tribunal whatever. Secondly, he maintained that every officer under the Government, except the judges of the courts, were only instruments in his hands, created for no other purpose but to enable him to execute these solemn constitutional duties. From hence, also, was deduced the doctrine that the supervision of the conduct of all public officers was the sole right and duty of the Executive. From hence, also, the deduction was natural and easy, that the President ought to be allowed not only to select all the instruments to be used by him in the execution of the laws, and for the preservation of the Constitution in the manner provided in the Constitution, but that he ought to have the further power, not given in the Constitution, of setting aside those instruments at his discretion.

If these doctrines and assumptions of Executive duty and authority do not present a perfect scheme of despotic power—if they do not amount to a clear and substantial concentration of all power in the hands of one man—I have no conception of what more would be requisite for such a consummation. If any one of these powers can be maintained in the extent contended for, then the late President was well warranted in maintaining that Congress could pass no law, however ingeniously devised—adopt no form or mode for the deposit, safe-keeping, or disbursement of the public moneys, which could deprive him of the actual custody and disposition of them. He had a perfect right to consider not only the Secretary of the Treasury, but the Bank of the United States also, as his mere instrument, contrived, with a view to enable him to discharge his appropriate duty of keeping the public moneys safely, and paying them out for the support of Government, according to his own construction of his duty and power in this as in every other branch of Executive administration. He had a right to dispense with either, or both, as he thought proper. According to the same theory of Executive powers and duties, the attempt of Congress to investigate the condition of the Executive Departments, or into the conduct of public officers, at a late session, was an impertinent intrusion into matters that concerned others; an attempt, in fact, at usurpation on the part of Congress, the supervision of the conduct of public officers being an act in its nature executive, and the President being also exclusively responsible for the conduct of all the departments, and all public officers.

The tremendous power of removal, claimed without any other responsibility than that which attaches in making the original appointment, under the power and duty of seeing that the laws

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be faithfully executed, and that the Constitution be preserved, is also well founded, according to these views of the extent of Executive power. And, sir, it will be found that all these extravagant notions of Executive power were sustained by the majority in this House during the late Administration. The Postmaster General (Mr. Kendall) took ground boldly in his letter to the investigating committee of this House, in 1836, refusing to communicate any information as to the motives or reasons upon which he had removed one postmaster and appointed another in his place, alleging that he considered it his duty to "regard the constitutional limitations of power, and to give the information required would tend to subvert them;" and this doctrine was acquiesced in by the House. I have already referred to the opinion of another committee, which was acquiesced in by the House, that it is no misdemeanor in the Executive, and a matter of no public interest or concern whatever, that a public officer should be removed on account of his politics. Thus, sir, was a system of tyranny lately upheld and established upon alleged constitutional grounds, which possessed the merit, at least, of consistency in all its assumptions of power. It was upon the ground of the exclusive responsibility of the Executive for the conduct of all his public officers, and his absolute power over them, and because it was highly convenient at the same time, that, when any one under the late Administration ventured to find fault with any subordinate officer of the Government, the answer in this House invariably was: why do you not attack the President himself? He is responsible for the faithful execution of the laws. Why do you not have the manliness to attack him directly, who is an antagonist worthy of you? Why do you seek to vent your hostility to General Jackson in attacks upon the officers appointed by him, and for whose good conduct he is bound to answer?

But, sir, what do we find to be the duties of the present Chief Magistrate upon these fundamental doctrines? It is true, sir, he is silent upon some of them; but we may justly congratulate ourselves and the country that the proper constitutional rights and powers of Congress over the public treasure have been fully recognized in principle, whether the President intended to go that length or not. It is of no use now to inquire under what circumstances this recognition has been made. The power of Congress to inquire into and supervise the conduct of all public officers we also regard as yielded without limitation. But, above all, we have reason to rejoice that the foundation upon which that most odious, mischievous, and despotic of all powers, the unlimited power of removal, has been maintained, is removed. I am far from thinking that the President would put this construction upon his own message; but such will be the force of the principles he does admit. The doctrine of exclusive duty and responsibility in taking care that the laws be faithfully executed, and that the Constitution be preserved, is expressly abandoned. It is admitted to be both the right and the duty of Congress to interfere, both by legal enactments and by direct supervision of the conduct of public officers. Again, it is admitted that Executive supervision is incompetent to the task of seeing that the laws be faithfully executed without the aid of Congress! In truth, the Executive power, in the hands of the present incumbents, is proclaimed by the President himself, in the message before us, to be a failure! He is not only willing to divide the responsibility of the Executive department with Congress, but he admits that, without the cooperation of Congress in the discharge of Executive duties, the public service must suffer. There is, therefore, no longer any plausible ground remaining upon which to rest the unlimited power of removal.

But, Mr. Chairman, while I applaud the candor of the President in making the important admissions to which I have alluded, I cannot agree that his proposition of a congressional committee upon the terms he suggests is entitled to be treated with equal respect. It looks as though he wished to stipulate an equivalent for the concessions he has made. When we come to analyze the character and tendency of the proposition, nothing could be more insulting to Congress. In the first place,

it appears to come in the shape of a boon—an act of grace and favor by the President. Congress may or will hereafter be permitted by the Executive to institute committees of inquiry to a limited extent! Heretofore, it is true that this power in Congress has been actually denied; but still the country did not acquiesce in the prohibition, and the President will not acquire any credit for conceding to Congress a privilege which was always its right, primarily and fundamentally. But this is not the most objectionable feature in the proposition. If I understand the nature of the duties the committee of Congress proposed by the President would have to perform, they would be the mere scavengers of the President, compelled to grope their way into the private recesses, the inner closets of suspected public officers—pursuing their victims through all manner of tainted and infected places, often bound to disregard every feeling and sympathy that is honorable to our nature, dragging to light the concealed and venal weaknesses and aberrations of men standing high in the estimation of society, and who, perhaps, are still more honest than their neighbors who have never passed through such an ordeal; and to what end or purpose, at last, will Congress have descended to take upon itself as one of its ordinary duties a service so revolting? Can they give effect to their investigation? No; they cannot remove a single officer. Our committees will only act in the capacity of informers and catchpoles for the Executive; and when we shall have presented a wretched delinquent to the notice of the President, he may or may not punish him, or remove him from office, at his discretion.

But, besides the degradation, there are two capital objections to this plan of a congressional committee, founded on higher principles. First, the entire responsibility of seeing that the public moneys are in safe hands, and that the public officers generally are honest and capable, will be shifted from the President, and thrown upon Congress. Who, after such a system of congressional supervision of all public officers shall go into operation, would ever dream of making the President responsible for any defalcation in subordinate officers? It would be said at once, in answer to any attack upon the Executive, that it was the business of Congress to have been more diligent in their inquiries into the conduct of the defaulting officer. Secondly, nothing could add more to the influence of the Executive than a plan which proposes to leave him in the full possession, not only of the appointing power, as heretofore exercised, but of the power of discretionary removal; and, at the same time, relieves him from the burden and odium of official scrutiny into the conduct of political and personal favorites, and of removing them upon his own suggestion. He would thus be left in the full possession of all that is beneficent and desirable, connected with the appointing power and the distribution of Executive patronage, and relieved of all that is ungracious. When he would be called upon to remove an old friend and partisan from office for good cause, the report of the committee would shield him from any unpleasant responsibility of a personal nature. Another objection to this plan would be, that Congress, from its composition and constitution, would be incompetent to examine and supervise the conduct of public officers, as a regular and reliable means of securing a faithful discharge of official duty. The Executive alone is competent to that duty in general; and if Congress should undertake it, the consequence would be greater abuses in the public service than ever. In my opinion, therefore, when either House of Congress shall appoint an investigating committee, it will become their character and dignity to act independently of Executive recommendation or pleasure, and, standing upon the high ground of constitutional duty and privilege, institute inquiries at their own discretion, whenever the public interest shall appear to demand them.

There is but one other portion of the message upon which I desire to make a few remarks. In the argument submitted by the President in behalf of his favorite sub-Treasury scheme, after referring, in exaggerated terms, to the disasters in trade, the reckless speculations, and other evils

incident to imprudent expansions of bank credit, and then adverting to the strong interest which existed while the banks were the fiscal agents of the Government, that money should be accumulated in their hands, he makes the following reflections:

"It is thus that a concentrated money-power is tempted to become an active agent in political affairs, and all past experience has shown on which side it will be arrayed. We deceive ourselves if we suppose that it will ever be found asserting and supporting the rights of the community, at large, in opposition to the claims of the few."  
 "Nor is it the motive of combinations for the acquisition of legislative influence to confine their interference to the single object for which they were originally formed."  
 "The influence in the direction of public affairs of the community at large is, therefore, in no slight danger of being sensibly, and injuriously affected by giving to a comparatively small, but very efficient class, a distinct and exclusive personal interest in so important a feature of the legislation of Congress as that which relates to the custody of public moneys."  
 "Laws acting on private interests should be confined within the narrowest limits; when not thus instituted, they lead to combinations of powerful associations, foster an influence necessarily selfish, and turn the fair course of legislation to sinister ends."

I am persuaded, Mr. Chairman; that, if the President had not been infatuated, absolutely blinded, by the strong interest he feels in carrying his sub-Treasury scheme, he would never have presented to the public an argument which, when it shall be considered in connection with the true state of the question, will appear the very strongest that the opponents of that most mischievous measure could desire. Who is it that tells the people of the danger of a concentrated money power? The man who, directly or indirectly, controls an annual distribution of \$30,000,000! the very man under whose direct and absolute control it is proposed to place whatever surplus money may be in the Treasury at any time, thus adding to his money power, already too great for the safety of our institutions; for who now does not understand that, by the established doctrines of the day, no officer can be authorized by law, charged with the custody of the public money, who will not be subject to the absolute control and direction of the President? No officer can be appointed, according to this doctrine, who will not always feel that he holds his office at Executive discretion; nor is there any power in Congress, according to this doctrine, to protect such officer against the arbitrary and corrupt interference of the Executive. Until the power of removal is regulated by law, this must be the necessary result of this scheme; and we find in the bills which have heretofore been presented, no provision against the uncontrolled exercise of that power over the keepers of the public money. The supervision by a committee of Congress proposed by the President does not imply any disposition on his part to waive the vast power claimed under the late Administration, of assuming the custody and control of the public moneys whenever he shall think it expedient, by the exercise of the power of removal.

But the mere custody and control of the public moneys will add but an inconsiderable degree of influence and power to the Executive in the comparison, when we reflect upon the far greater source of power which this famous sub-Treasury scheme proposes to vest in the President. It is expressly avowed in a subsequent part of the message that the plan of the sub-Treasury which he has in view, will not preclude the Government from employing the State banks, "like other State institutions." "They may be used or not in conducting the affairs of the Government," as public policy or convenience may require. Thus the monstrous proposition is entertained and attempted to be carried through Congress, by which the Administration will have eight hundred banks once more invited and tempted to vie with each other in subserviency to power—in such a course of conduct as will conciliate the Executive, and induce it to vouchsafe a portion of the public moneys to their keeping and use as heretofore. But it is not by the principle of favor or hope alone that it is proposed to subject all the banks and the whole banking system to the influence and control of the Administration. Fear and the principle of self-preservation, in general much more powerful influences, are also intended to be brought into active use, if need be. It can be demonstrated that if the sub-Treasury system is established with the principles which prevail in

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this Administration, no bank of the eight hundred now in operation in the United States can, with safety to itself, provoke the hostility of the Administration; or ever fail to second its policy and support its interests; and thus, sir, the entire money power of the country, public Treasury, banks, and all, will be resolved into an increase of Executive patronage. If you ask me how this subjection of the banks to the Administration can be brought about, I answer in a manner at once simple and effective. The Administration will only have to select some one or more confidential and trust-worthy partisans, who they shall already have appointed to the chief places of trust in the sub-Treasury scheme; and intimate to him that such a bank requires to be dealt with, and in thirty or sixty days at furthest, its work is done—it will be discredited, or compelled to wind up its affairs. A fund of fifty or a hundred thousand dollars would be sufficient in most cases; in some others a greater; and in some, perhaps, the temporary use of half a million would be required to effect the destruction of the obnoxious institution.

How perfectly simple and easy the process of sending a secret agent into any of the States of the West, for example, with some few hundred thousands of the public money, or with authority to draw on some eastern bank, employed to disguise the source of the attack; no difficulty will exist in exchanging such funds at any time for the local currency. That effected, it would only remain to convert the notes of the several banks in a State, thus picked up, into the notes of the one marked out for destruction; then present the notes thus collected for payment; and if one blow thus suddenly dealt should not suffice, repeat it until it could be borne no longer. He that supposes such a scheme of influence and intimidation in regard to the State banks wholly improbable, from the atrocity of the proceedings necessary to accomplish it, knows nothing of this Administration, its policy, its principles, or its practices. All this may be done in a manner so stealthy, that no trace of Government agency can be found, even by the proposed congressional committee, in the whole proceeding. The Globe may safely assure its readers that the Administration are wholly guiltless; but the sharp-sightedness of every bank in the Union will see whence the blow came, and they would govern themselves accordingly. Now, let an honest people look into this subject, and inquire in what quarter they are to apprehend the existence of a "concentrated money power;" in whose hands it will be "tempted to become an active agent in political affairs." Will the interest of the "community at large" or "the claims of the few," be most apt to prevail in such hands? Who are they who would be most apt to form "powerful associations" to "foster an influence necessarily selfish, and turn the fair course of legislation to sinister ends?" Again, who are they, as a class, whose private interests are to be most promoted by this measure? Who are the "few" whose interests are most likely to be supported at the expense of the "community at large?" I answer all these questions confidently, and I trust satisfactorily, by pointing to the possessors of official station and power—the office-holders—those whose salaries, whose influence and consideration in society depend upon remaining in office. This is the tribe most concerned in the establishment of the sub-Treasury.

## EXPENSES OF GOVERNMENT.

## SPEECH OF HON. JOHN BELL,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

February 27, 1839,

On the civil and diplomatic appropriation bill.

Mr. BELL said he had intended, if the public business had permitted, to submit his views upon several important subjects connected with the Executive administration of the Government before the bill passed from the committee into the House; but he had become satisfied that it was his duty to forbear, whatever reasons of a personal nature might urge him to do so. If any member of the House owed it to himself to vindicate his course

against attacks which had in a variety of ways been made upon it in that House, he might claim the indulgence of the House for that purpose. The views he had submitted on the message at an early day of the session, had not only been replied to with great freedom and latitude of remark; but with much unfairness and acrimony. Still he had thought it of more consequence that certain bills upon the Speaker's table, and other measures should be taken up and acted upon, than that he should occupy the time of the House in replying to gentlemen who had spoken against and at him in the several discussions which had intervened since December.

Mr. B. said that he would now ask the indulgence of the House for a very short time. He had both a general and a special object in view in rising to say a few words; but as it might not be in order to present the views he desired upon the particular amendment under consideration, he would move to strike out the enacting clause of the bill.

After the question was stated from the Chair upon this motion,

Mr. BELL resumed. He said the particular object he had in view was to correct, so far as regarded himself, an impression which appeared to prevail relative to the vote of the House upon the resolution of the gentleman from Virginia, [Mr. MALLORY,] directing the Secretary of the Navy to lay before the next Congress a plan for the reorganization of the Navy Department. Many persons, both in and out of the House, had taken up the impression that all those who voted for the resolution had adopted the argument and concurred in the statements made in favor of the motion to strike out the appropriation to pay the salary of the Commissioners of the Navy Board; and consequently were prepared to disown the board for the future. For one, I beg leave to disclaim the intention imputed to me in this respect. However plausible the inference, it is not well founded in regard to myself, and, I believe, with regard to many others. I desire to state that I was by no means satisfied, from anything urged in the discussion, that the present organization of the Navy Department is defective, or that the present condition of that branch of the public service is justly attributable to the existence of the Navy Board; but it was a sufficient reason with me to support the proposition for a report from the Secretary of the Navy upon the proper organization of that Department, that many gentlemen, some of whose opinions are entitled to much respect, stated their strong conviction that the present organization was radically defective. I was willing to hear what the Secretary had to say upon the subject; and what he would consider an improvement in this branch of the public service. I was then, as I hope I shall always be, prepared to be guided by sufficient facts and reasons, and to sustain whatever plan may appear, upon full examination, to be for the good of the service. But there was a part of the reasoning employed by gentlemen in support of the motion to strike out, which I intended to disclaim at the time, had not the debate terminated abruptly by the withdrawal of the motion.

One of the principal arguments advanced by the gentleman from Michigan, [Mr. CARY,] who made the motion, and by others, was, that the Navy Board, by being composed of more than one member, admitted of no adequate responsibility; there was no head; there was no individual accountability; and it was to this cause that were to be referred all the miscarriages and gross blunders which had marked the administration of that Department. To this cause was attributed, in the argument, the shameful mismanagement of the exploring expedition, as well as every other abuse admitted to exist in that branch of the service. I apprehend these views are founded upon a total misconception of the law and of the powers vested in the Navy Board. If I am not grossly mistaken, the Commissioners of the Navy Board have no uncontrollable or discretionary powers, but are in all their leading duties subject to the authority and control of others. When it is said that there is no responsible head, that there is no individual responsibility, and that all the abuses in this Department are to be ascribed to this board, I ask honorable gentlemen to inform the House what

disposition they have made of the Secretary of the Navy? What are his powers? what his duties and responsibility? Is he not a unit? Is he not that very head which they so much desire? And if he is not, what else is he? And again: what has become of the President of the United States, the executive head of the Government—he upon whom, in the language, and according to the doctrines of the day, rests the entire and exclusive responsibility of the whole executive administration? I contend that there is, first, the Secretary of the Navy, who is the head of the Navy Department, and who is responsible to this House and to the country for the proper and faithful administration of that Department; that he has, by law, the control of the Navy Board; and that he is, and ought to be, responsible for its conduct. I assert, in the second place, that the President himself is responsible for the conduct of the Secretary of the Navy, and for the proceedings of the Navy Board also. There is, then, no deficiency in the legal and constitutional provisions to secure a proper individual responsibility. The want of this responsibility is certainly not the source of the evil which all admit exists. What is the most probable source of the evil, I will attempt to point out before I sit down.

It is a remarkable circumstance that not one of the several gentlemen who pressed the necessity of dispensing with the Navy Board, and dwelt with so much earnestness upon the wretched condition of the Navy, made the slightest reference to the possible imbecility and incapacity of those gentlemen who have for years presided over that department. No exception whatever has been taken to the qualifications or competency of any of the late Secretaries. But the facts stated by the gentleman from Michigan, [Mr. CARY,] coming from the source they do, are entitled to the particular attention of the House and the country. No one, no matter to what political party he may belong, will charge that gentleman with a design to do injustice to the existing Administration, or to the party which has been in power during the last ten years. No one will question either his orthodoxy or the truth of any statement he makes which is in any way unfavorable to the interests of his political friends. I am glad I can take my facts from a source so unquestionable. If I had ventured to make the statements he has furnished us with, they would have been denied, and denounced by half the country as the offspring of disappointed ambition and party rancor. That gentleman told us that, after the expenditure of millions upon millions upon the Navy, it was still in no better condition than it was at the close of the late war! Is this true, sir? For one, I do not gainsay or doubt the truth of the statement. The gentleman might, also, with the same propriety and truth, have stated that, although the late and the present Administrations owed their existence to the determination of the people to provide a more faithful and effective Administration, and one which would supply the defects and correct the abuses which their predecessors, it was alleged, had permitted to prevail in every branch of the public service, yet, after an experiment of ten years, and an increased expenditure upon the Navy, it was, in the year 1839, in no better plight, scarcely in any one respect, than it was in the year 1829.

The gentleman from Michigan made another statement, for which I am obliged to him, for it referred to a period and a crisis in our affairs which was, at the time, held up as of the utmost interest and delicacy. I allude to the period of 1835-36, when it was supposed by many that we were upon the eve of a war with France. The course of some of my political friends, together with my own at that period, was violently assailed by our opponents. The gentleman from Michigan has confirmed by his statement all that I either said or did or thought in reference to the conduct, or rather to the gross and culpable negligence, of the Executive, in all that concerned the public defenses, and especially that most important of all—the Navy, at that period. The gentleman from Michigan now admits, that when it appeared probable that we might be suddenly involved in a war with France, and, he might have added, when a war with that Power was provoked and even desired by many influential

though reckless partisans of the Administration, the Commissioners of the Navy Board were called upon to state the actual strength and condition of the Navy, and what number of vessels could be sent to sea in the event of immediate war, and the reply was, that no more than one frigate and two smaller vessels were then fit for immediate service, nor could any considerable addition be made to them within the year! I may now state that I was informed by a gentleman of skill and science in the profession of arms, at the period alluded to, that a single French frigate, skillfully managed, could have burned or laid under contribution any of our richest or most populous sea-port towns. The gentleman from Michigan might also have informed us, had his attention been directed to that part of the public defenses, that there was scarcely a gun mounted in any one of the fortifications along our extensive seacoast at the period in question; not even upon those which were intended to protect our naval stations!

We are now, sir, supposed by many to be upon the eve of a war with another great nation. I hope, sir, it will be found, upon inquiry, that our rulers, profiting by the experience of the defenseless condition in which the country was found at the period alluded to, have diligently and successfully applied themselves to supply the former deficiencies. I hope it will be found that the forts designed for the protection of the principal towns upon the Atlantic, and upon which so many millions of the public treasure have been expended, have been supplied with some considerable portion of the requisite armament; and that a large proportion of our ships-of-war may be got ready for service in a reasonable time; but that this arm of the national defense will be found to fall far below the just expectations of the public, the members of this House are now well advised. I trust I am not guilty of any indiscretion in speaking of the dilapidated condition of the public defenses just now. All that I know upon this subject, and all that I now state respecting it, all the world may know, and all that are concerned to know their condition doubtless do know quite as much as myself. If we are to have a war, Mr. Speaker—if we must have a war to maintain the honor of the country and the integrity of our territory, for one, however much I deprecate such an event at this time, I do not fear the issue of it. Whatever may be the defenseless condition of our interior frontier; however unprotected the most important points upon our Atlantic coast may be; whatever may be the disordered condition of our finances; however weak and incompetent those public servants may be who are constitutionally assigned to the chief direction of public affairs for the present; and I will add, whatever disasters may and probably would befall our arms by sea and by land during the first years of the war, yet the spirit and the resources still abound in the country to surmount all these adverse circumstances in our condition, and to bring the war to a successful and glorious termination. But this confidence shall not restrain me, nor should it restrain any portion of the country, from holding those to a just accountability who have exposed it to temporary disaster and defeat.

As to the conduct of the President since the recent disturbance upon the northeastern boundary, and the general tenor of the message of yesterday, I am free to say that I find nothing to disapprove in them; but I cannot concur with the gentleman from South Carolina [Mr. THOMPSON] in the unqualified approval which he gave to the entire course and conduct of the Administration in the management of this delicate and important subject. While I approve heartily the recent course of the President, I can see just cause of censure in his past conduct. I remember, sir, when the bill for the increase of the Army was under consideration near the close of the last session of Congress—a bill which I opposed as ill digested—and when I urged that the public interest would be promoted by the postponement of the subject until the present session, it was strongly urged on the other side, by the gentleman from Maine, [Mr. EVANS], and others from that section of the country, that the passage of the bill at that time was demanded by the most

powerful considerations, growing out of the excited state of the population on the northern frontier, and particularly on the ground of the circumstances which constantly threatened the peace of the country on the northeastern boundary. It was earnestly pressed upon the House that the few regular troops stationed upon that frontier were altogether insufficient to suppress the disorderly, and to prevent the occurrence of hostile collisions between the inhabitants of the two countries, which might involve us in a war when we least suspected it; and when we might be wholly unprepared for it. The very crisis which was then predicted as the probable consequence of the continued neglect of the Government to provide an adequate military force upon that boundary, is now actually precipitated upon us by the recent conduct of the Governor of Maine. I have a strong impression that it was urged, in debate upon the Army bill, that one of the new regiments proposed to be raised was intended to be employed on the Maine frontier. I am very certain that such an idea prevailed in the House, and contributed in no small degree to pass the bill; and I call upon the gentleman from Maine [Mr. EVANS] to state in his place if he did not urge the passage of the Army bill at the last session on the ground I have just stated?

Mr. EVANS said he did not remember that he had stated in debate his expectation that a regiment would be added to the small military force then stationed near the disputed boundary, but he did take great interest in the passage of the Army bill upon that ground; and he did so, because he understood from the Secretary of War that it was his intention, if that bill passed, to station a regiment there, in which he (Mr. E.) had been disappointed.

Mr. BELL. I was not mistaken as to the substance of what was stated in the debate on the Army bill; and upon these facts, I submit to this House, and to the public, whether the Administration has any right to claim an exemption from all censure in the past management of this business. The danger is now imminent that we shall be involved in an immediate war with a nation which, of all others, we have the least will and the greatest power to do us mischief when once the die shall be cast, and a war shall be actually kindled up between the two countries; and this danger is the result of the failure of the President to provide an adequate military force upon the exposed frontier. This neglect would be more excusable if the country was, in any respect, prepared for war; but when its finances and every branch of the public service are in the utmost disorder, such negligence becomes of serious consequence to the country, and justly merits public censure. Even now, sir, if the executive branch of the Government commanded that respect and obedience which are constitutionally due to its authority and influence, a war need not, and would not be the consequence of the recent disturbance on the Maine boundary; but what ground of confidence can we have that the authority of the President will be duly exercised, when we reflect upon the course of the Administration in similar exigencies for several years past? The same imbecility, the same absence of the requisite and ministrative skill and energy which have allowed the public defenses to lie neglected, the public finances to be thrown into disorder, and every branch of the public service to become paralyzed by abuse, are well calculated to cut off all hope of a due and vigorous exercise of authority in the present emergency. This reflection brings me to the consideration of a point I most desired to bring to the notice of the House when I rose; that is, the real source of these evils.

I had intended, Mr. Speaker, to move the committee to strike from the bill the salary of the chargé d'affaires at Naples, Mr. Throop, and to make that motion the occasion of expressing some general views connected with the abuse of the appointing power. I mean no disrespect or disparagement to the Court of Naples by making an example of our representative at that Court. I had selected him, not as the most prominent object of attack which the list of our public officers affords, but as the most proper, under all the circumstances, for my purpose. If the practice prevailed here which is often exercised, with

good effect, in the House of Commons of Great Britain, after the proceedings of yesterday, [the message on the recent disturbances on the Maine boundary was read and discussed on that day,] the first motion made in the House this morning would have been for an address to the President upon the expediency of forming a more efficient Administration. Certainly, in the present crisis, no motion is called for by so many important considerations; but it seems that a practice of advising the President in the choice of his ministers has never been thought safe or expedient. The Executive is supposed to have an existence so separate and independent of this House, that any attempt to control him in the exercise of his constitutional powers is thought to be of dangerous example. But is not this a defect in our practice, or in our system of Government? Ought there not to be a more direct sympathy and co-operation between the two departments of the Government, in order to effect the very objects of the institution of both? They are necessary constituents of the same Government—parts of the same unit. There must be harmony—a general correspondence of views in the policy and designs of both, or they can never act with the best effect for the country. The President must, for many and most important purposes, be regarded as the head of the Government; he is in for four years; we cannot remove him, however defective in skill and ability, except by impeachment—a mode of redress against a President which is now never thought of, and might as well be stricken from the Constitution.

It would then seem to be necessary that we should resort to some other remedy within our reach—some substitute for the power of removal—some mode, at least, of making known to the President the sentiments of the country and the House itself, in a form that could not be altogether disregarded. Some such mode of redress is imperiously demanded by the circumstances of the country at this moment. Must we continue patiently and quietly to behold the most important interests of the country sacrificed, the whole power of the Government falling into contempt and disuse, at the very moment when its controlling authority and influence are most required by the state of our affairs? I ask the House to consider how long this state of things shall be allowed to continue before it may become expedient to deny appropriations for the payment of salaries to ministers notoriously and grossly deficient in the qualifications essential to the performance of the duties of their stations. I have made no motion, nor had I intended to make a motion of that nature, with a view to press it to a decision, because I did not suppose that public sentiment or the sentiment of this House was ripe for such a proceeding. I selected an inferior officer as the subject of a motion upon which I might express these sentiments; and I did not wish to discriminate between the higher functionaries, though it is well known that many in that rank might have been selected as fit subjects of such a motion without any injustice to their characters.

But, Mr. Speaker, there is evidently, from some cause, an increasing debility in the Executive, which embarrasses and paralyzes him in the exercise of his constitutional duties, if he possessed the disposition to perform them with proper energy. There may be, there is such a thing, both in theory and in fact, as a Government possessing all the power and influence requisite to perpetuate itself, and all the abuses engendered by it, for a series of years, and yet incapable of performing any one of the great and beneficent ends of its establishment; a Government strong only in upholding itself, and weak and contemptible when its authority is invoked to control those ebullitions of passion and irregular movements which often infect whole communities, and which, if not restrained, lead to disorganization or to revolution. Such a Government will in the end cease to command the respect of any portion of the people, and consequently will be quietly dissolved, or give place to despotic rule. I do not mean to state that the powers of the Federal Government ought to be enlarged, or that any amendment of the Constitution is required to make the Government more

efficient. The clear powers given by the Constitution are wise and ample, they only require to be employed and executed with due energy when the occasion for their exercise arises. But, sir, will any man undertake to maintain that the civil authority and influence of the Federal Government is felt or duly respected upon any of your exposed and excited frontiers? You have in fact no Government, no law, in those very emergencies where Government and law are most required!

What has been the history of the country in this respect for several years past? What is its actual condition now? A general spirit of disorder and insubordination has notoriously prevailed for years, in consequence, in part, no doubt, of the general diffusion of the feeling which dictated the sentiment embraced in the celebrated saying, "I take the responsibility." The moral power of Government and of law has ceased to have the slightest effect; and the wishes or recommendations of the Chief Magistrate of the country have no weight where they do not happen to accord with the passions and interests of those to whom they are addressed. Witness the actual preparation for war between the State of Ohio and the Territory of Michigan, a few years ago. There was an instance in which the President had only to speak his fiat, and all would have been peace and order instead of those hostile movements on both sides which were, under the circumstances, a great disparagement to our system. I repeat, that the President had only to command his own ministerial functionaries, and the country would have been spared the mortification of such occurrences; for the Executive functionaries of Michigan were but the ministers at will of the President, and the entire government of Michigan was then but an emanation of Federal power; yet the President, prompted by those interests and feelings of mere party which are rapidly supplanting every higher motive of action in the public councils, dispatched a special mission, an embassy, to negotiate with those whom he had the authority to command; those whom his own adherents admit and assert he had a right to remove from their stations for a mere difference in political principle!

We had disturbances, also, upon the Mexican frontier, before the revolution in Texas was complete; then came the disorderly movements upon the Canadian border; but in neither case were the laws at all respected, or the authority of the civil magistrate either seen or felt. Not only the public faith and honor were openly infringed and violated, but the peace of the country was absolutely endangered by the absence of all restraint on the part of the Government. It is true that, after the excitement on the Canada boundary seemed to threaten an immediate rupture between the United States and Great Britain, and after the Governors of the adjoining States had been prevailed upon to issue their feeble proclamations in vain, the President did come forth with a proclamation, which conveyed the first authentic intelligence to our citizens that the Administration at Washington did not intend to connive at their irregularities in giving aid to the insurgents in Canada contrary to the obligations of existing treaties and the law of nations. From the same time-serving and electioneering timidity, on the part of the Executive branch of the Government, we are every day exposed to the danger of being involved in war with the numerous and powerful tribes of Indians on our western frontier. To show in what little respect and consideration the authority of the Government is held on the frontier, I ask the attention of the House to an extract, which I propose to read, from a recent message of the Governor of Wisconsin to the Territorial Legislature:

"I would suggest the propriety of memorializing the War Department, requesting that a thousand stand of arms, one half rifles and the other muskets, with fixed ammunition prepared for them, should be forwarded to Fort Crawford as early in the season as the navigation of the Mississippi will permit; the arms to be subject to my orders in case of emergency.

"These precautionary measures I deem of the first importance to assure the removal of Winnebago Indians early in the spring, to prevent intrusions on the property of the frontier settlers, and to preserve peace with the Indians on our borders; and unless the Government takes the proper steps to effect their removal early in the spring, I will as-

sume the responsibility of raising a mounted volunteer corps of riflemen (and head them in person) sufficient to effect their removal from this Territory," &c.

No doubt the object the Governor has in view, in taking this course, is praiseworthy; his motive is doubtless good, and the expediency of removing the Winnebagoes may be unquestionable; but I refer to the message to show with how little ceremony the authority and influence of the Federal Government is set aside by its subordinate functionaries. Here, sir, it is manifest that the country is in danger of having a war kindled upon its northwestern border, in which, besides the sacrifice of lives, the blood and carnage necessarily incident to a contest with the fierce tribes of that region, millions of the public treasure must be expended, and all in consequence of the general prevalence of the opinion that public officers as well as private citizens are justifiable in assuming "the responsibility" with or without proper authority, whenever great interests and great risk to the actors are involved in the issue. We shall see how this business will terminate, whether the President of the United States or the Governor of Wisconsin will bear sway.

But there is another evil consequence growing out of the conduct and policy of the Government in this respect which I wish to bring to the notice of the House. I speak of an Administration of the Government which acts with so much promptitude and energy in everything that relates to the acquisition and distribution of patronage, or when these high and commanding qualities are called for in the removal of a public officer whose political principles are suspected, but is yet so feeble and powerless in whatever concerns the public peace and prosperity. When any disturbance arises upon the frontier, or any exertion of superior skill and talent is required in the emigration of an Indian tribe, the civil magistrate and superintendent—the appropriate lieutenants of a Government of law—the law itself, and all the moral influences of established Government, are no longer felt or relied upon. The public, in all such cases, have their fears and apprehensions quieted by seeing it announced that some military chief of discretion and weight of character is charged with the duty of pacification and conciliation. Our commanding generals, in some cases regimental officers, become the only efficient agents in the execution of the laws. The civil magistrates, the civil administration, are actually in contempt in every quarter where they should be most felt and respected; and the bayonet threatens everywhere to become the arbiter, when the personal influence and harangues of commanding colonels and generals shall fail to enforce obedience and acquiescence. The truth is, sir, that, without perceiving it, we are rapidly approximating a crisis, which will have a strong tendency to settle forever the problem of free Government. Can a popular representative system be maintained? Is a due degree of efficiency and energy in such a Government compatible with the constant dependence of the Administration upon popular influence and support?

How it has happened that so much debility should be manifest in the exercise of constitutional authority and influence by the Federal Government at this period, and how this state of things should succeed, or rather accompany, the highest, most arbitrary, and unquestionable exercise of power by the Executive, in matters connected with the public treasure and public patronage, ever successfully dared by a President of the United States, should excite inquiry in the mind of every patriot in the land. Such a combination of debility and energy is not the result of accidental circumstances; nor is it a result without a cause. There is, there must be, some existing and operative cause at the foundation of all this—one which is either new in the operation of our system, or which is only now fully developed.

There is, Mr. Speaker, a cause existing, and flagrant in its operation, fully adequate, in my judgment, to produce such a result—fully adequate to generate the whole amount of evil which now afflicts the country. The President, the head of the executive branch of the Government, is elected by a compact between men who are associated upon principles which have no manner of reference to any particular political system—no

one set of political principles more than another; and hence they are men who are more apt to be totally indifferent to the public welfare, or the stability of our form of Government, than other portions of the community. The political agitators and leaders throughout the States combine to make a President upon the principle of mutual favor, patronage and support. They give their influence, and entrap the people into his support, by ascribing just such principles and intentions to him, from time to time, as suit the exigencies of the case, and he, on his part, is to provide for all his active followers.

To consider the public offices, and all the favors of the Government, as public spoil, to be thus distributed, was first a stipulation in the compact between the parties, and thence, of necessity, it became an article in their political creed; proscription is only the necessary counterpart of this stipulation, and is not practiced, in general, from any bad feeling towards the proscribed. The obligation on the part of the President to provide for his active supporters is binding equally upon his honor as upon his interests and prospects. If he should fail to perform his part of the contract in this respect, he would, for that cause, be instantly deserted: the obligation, like the oath of allegiance, is mutual—each party is bound to give protection and support to the other. When all the most important official stations are filled upon such principles—when every branch of the civil administration of the Government is committed to the management of men thus selected, what ground of hope does or can exist, of a better state of things than now unhappily prevails? Is it not clear that no one of these clamorous or efficient partisans will or can ever forget that the President is the work of his own creation? Or can the President himself safely forget that he owes his station to the services of the men, good or bad, who now fill the public offices? And is it not equally clear that a President elected upon such principles can never safely venture to turn one of his followers out of office, except for some breach of trust or other misdemeanor too gross to be disguised or concealed from the public? Mere negligence, however gross, or imbecility in office, can never be a cause of removal. If a removal for any other cause than I have supposed is ever made by such a President, it will be of some poor fellow who has lost his power to be serviceable to the party, and who will then be told that he is to go out upon the principle of rotation in office, in order to let in some follower who has not received his promised reward. Under the administration of a President elected upon the principles I have stated, the power of appointment and removal can only be exercised to advance party objects and individual aggrandizement, such is the inevitable result of the nature and object of the compact upon which he was elevated to power.

I had selected the case of the charge d'affaires at the Court of Naples, as a striking illustration of these views. Mr. Throop, a devoted partisan of the President, filled the station of naval officer of the port of New York from 1829 to March, 1838, a place of considerable profit and high responsibility. It appears from the information which has been laid on our tables, and by the conclusive argument of my friend from Ohio, [Mr. Bond,] that the defalcation of the late collector of New York could not have occurred but by his connivance, or a total neglect of the duties of his office. Next to the collector himself, this man, then, stands before the public as the most culpable of all the subordinate officers of the Government; yet, it seems, he had interest enough at court to escape the storm which he must have known would soon break over his head in America, by getting a high official station abroad. He was either privy to the defalcation of the late collector, or he must be regarded as one of the most lucky men of the age, to get so well-timed a transfer from New York to Naples. There, it appears, he is deemed worthy to remain, after all the late disclosures of his misconduct. He is an existing and striking example of the way in which the spoils system operates. A faithless, or, at all events, a most worthless and negligent public servant, originally appointed to a responsible and profitable station, without any particular merit or

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qualification, after being the culpable cause of the loss of more than a million dollars to the public Treasury, is promoted to a still more desirable station, and is thought to be a fit and worthy representative of the character and principles of this Government at a foreign Court. I do not recognize the principle of rotation even in this promotion. It is singular that two such important offices in succession should be conferred upon a man of no higher merit, even in a party point of view; but what his services may have been in that respect, we do not know. It would be an instructive labor if any one were to inquire, and inform the public of the whole number of officers who are retained in office for the same reasons that Mr. Throop is now enjoying one—to the utter neglect and contempt of the character and interest of the country.

The evil of this system of appointment and removal has been increasing since the year 1829. It has been signally exemplified in each great branch of the public service in the mean time; each has successively, or rather contemporaneously, fallen into disorder and dilapidation; yet the public (such has been the extraordinary fermentation of party feeling and prejudice) do not appear to be conscious of the cause of the public mischief. The abuses and corruptions of the Post Office Department first attracted the public notice, but not until after they became so enormous that concealment from the most simple and ignorant was no longer possible, but the authors of the mischief had the address to make the public believe that all the abuses which had recently come to light in that Department were the result of *bad laws and a defective organization*! Some new laws were passed, and a man of great industry and considerable business qualifications succeeded to the head of that Department, but a man, at the same time, notorious as a bitter and virulent partisan; and it yet remains to be seen whether the public will have any reason to rejoice in the change. I pass over the gross abuses in the Indian service and in the management of the public lands as too notorious and flagrant to require further reference to them in order to impress them upon the minds of those who are not blinded by their interests or party attachments. For a like reason I pass over the successive blunders, impostures, and frauds, exhibited in the management of the Treasury Department—the almost irretrievable and sunken condition of the finances, and the miserable devices which have been adopted to screen the true condition of the Treasury from public observation. These things are now becoming so familiar that they cease to be the subject of more than ordinary notice and concern, much less of surprise. It must not be forgotten, however, that in all these various branches of the public service, not excepting the Treasury itself, whatever abuses have been disclosed, the invariable pretext set up by those who have the management of them is, *bad laws and a defective organization*!

But the prostrate and imbecile condition of the Army was no longer and better concealed. The causes which led to its prostration and utter inefficiency are still but little known in the country, nor have I time now to attempt to notice them in detail. The public has been informed of the actual state of this branch of the service at an expense of \$20,000,000! The Florida war revealed not only to ourselves, but to the whole world, the decayed and wretched condition of the military establishment of the United States. But what ought to excite the surprise and indignation of the whole country, the authors of the mischief in this, as in other cases, had the hardihood last year to come forward and charge the whole default to *bad laws and a defective organization*! We have heard only a few days ago from the supporters of the Administration, whose opinions and statements will not be questioned, that the Navy is in no better condition than the other departments of the public service, and that, after the annual expenditure of millions, it is not at all improved.

Now, sir, after this enumeration, I ask honorable gentlemen to inform me what remains of the Government, or of the public service, which can be said to be in a prosperous condition, or which is well administered? Every important depart-

ment of the public service has been admitted by the supporters of the Administration to be, or to have been, deranged and to abound in abuses, yet the sole cause assigned for these universal disorders, all these abuses, is bad laws and a defective organization! It would seem to me, sir, that, by this time, all mankind ought to see that the defect is neither in the laws nor in the particular organization which does or has prevailed in these various departments of the public service, but in the administrators. But while the people continue to be deluded with the story that the public service and the public interest of every description are a continual prey to bad laws and a bad organization of the several Departments, is it not to be feared that they will soon be led to inquire whether there must not be something radically wrong and defective in the form and organization of that system of Government which permits so many bad laws, and adopts so many defective plans for conducting the public business? Rely upon it, sir, this is the point to which we are hastening. If the party in power shall continue to act upon the system of fraud and plunder—if the spoils of office shall continue to be the watchword of their partisans everywhere, as heretofore, the public service must continue to suffer—the public interest must continue to be sacrificed, and, in a few years, the question will be directly presented, whether our system of Government must not undergo a radical change. Instead of new laws and a new organization for the regulation of the public business in the various departments of the public service, the cry will be for a new and reformed system of Government—a new Constitution, or none at all, and let the people be, as they should be at all times, and under all circumstances, sovereign, and the judges and dictators of what should be done in every emergency without the trammels of constitutional limitations and restrictions on their will—the cunning inventions of the aristocracy to secure their separate advantages and privileges! I repeat, sir, that “to this complexion we must come at last,” if the present state of things continues many years longer. There are men desperate and reckless enough to bring the public mind to this issue, before they will consent to abandon power, or resign their present prospects. A mercenary, a feeble, an inefficient and corrupt Administration can and will do more to bring our system of Government into disrepute with the people than all other causes put together. Such a cause of disparagement now exists, and new and strange fancies and apprehensions begin to intrude themselves into men’s minds, but they are not now conscious to what results they may yet lead them.

The power which the Constitution and laws provide to secure a faithful and efficient administration of the various departments of the public service is now rendered powerless, except for evil. The gentleman from Michigan [Mr. Crary] plainly tells us, and with the approbation of his party, that the power of removal for opinion’s sake ought to be more rigidly and extensively exercised than it is, not for the purpose of securing a more faithful and able performance of official duty—no, not one word on that point—but to secure the ascendancy of particular and favorite political principles against certain adversary principles, which, he says, are always at work to undermine the better sort. The Democratic principles of government, in the judgment of the friends of Democracy throughout the country, are now, it is said, and always will be, in danger from the machinations of the aristocracy of the country, and the “anti-republican tendencies of associated wealth;” and it is only by the proper exercise of the power of appointment and removal that the equal rights of the people can be maintained. This is the substance of the argument. Every department of the public service, every department of private industry, every resource of comfort and happiness, all had better perish; public and domestic peace and order had better be overthrown, the laws themselves rendered abortive, the public Treasury and the public domain plundered, the national honor and the integrity of the national territory violated, than any defeat to Democratic principles should be risked by the adoption of any other system of adminis-

tration in regard to the distribution of the public patronage, and the exercise of the appointing power. If, sir, it is true that this perpetual war is waged in this country between adverse political ends and principles—if it be true that there is any class among the citizens of this great Republic which seeks either systematically, as is alleged, or is prepared to avail themselves of any fortunate emergency in the public affairs, to defeat and overthrow any one of the democratic or popular features in the established form of government, there would be some weight in the arguments of these advocates of the present odious system of administration. If there is, in truth, any one class, capitalists or others, who seek any undue or unequal benefits from the operation of our chosen form of government, there would be some weight in the argument of those who maintain and justify the spoils principle, of which proscription, as I have already said, is but the counterpart. We ought to suffer great public and private loss and inconvenience; mere property ought to be as nothing in the balance against high principles, against the great and cardinal principles of equal laws and equal benefits among the members of the same political community; but the preliminary fact ought surely to be established upon clear and satisfactory grounds, before so much public and private suffering is inflicted.

Is there, in truth and in fact, any such war as is alleged now waged between any two classes of our citizens? Is there any such “elemental war” as the partisans of power pretend? Is not the existence of such a contest between antagonist principles assumed as a mask—as the most effective disguise under which the artful managers and caterers for power seek to secure their own personal advancement, and to make spoil of the public property and interests? I conclude by expressing the hope that the people of this country may, before the catastrophe to which we are hastening, awake to the knowledge of the truth, and be enabled to decide for themselves between what is real and what is only feigned.

## THE ADMINISTRATION.

## SPEECH OF HON. C. H. WILLIAMS,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

February 22, 1839,

On the General Appropriation Bill.

Mr. WILLIAMS said:

Mr. CHAIRMAN: I feel it to be a duty that I owe to my constituents and to the station I occupy, to give to this House, and through this House to the country, my views upon several important political topics of the day. If an attempt on my part to arraign this Administration at the bar of public opinion, for its sins of commission and omission, shall subject me to the charge made by the gentleman from North Carolina [Mr. BRYN] against other members, that of President-making, or should it subject me to the indignant scowl of the gentleman, I have only to say be it so; for, if a custom that has been universally indulged in since the organization of this Government, that of according to each member the privilege (when in Committee of the Whole on appropriation bills) of giving to the country, and especially his constituents, his views generally on the state of public affairs, is to be denounced, I, for one, sir, shall consider that we have fallen upon evil times. Although I consider it my duty to address the House, still I am not like the gentleman from North Carolina, who seemed to consider it due to history and posterity that he should make his effort. I might, by possibility, be so unfortunate in the selection of my materials, and so unhappy in my mode of expressing myself, that, peradventure, my effort might perish on the wayside, and fail in adorning the page of history, and consequently not reach posterity.

I do not promise this House any great degree of order or system in my address, nor will I violate the time-honored custom of the House, by confining myself to the immediate question under consideration. I only promise an honest effort upon my part to pour hot shot into the hull and

rigging of this Administration; and if I fail, surrounded as I am with rich and ample materials, it must be for the want of ability on my part to perform the task. I design, also, to pay a passing notice to the speech of the gentleman from North Carolina, [Mr. BYNUM.] I will not attempt to follow him through his winding, desultory argument. You are perfectly aware of the fact, Mr. Chairman, that some speeches are put together in such a manner, that if you attempt to analyze them, in order to find their point, so as to enable you to answer them; you are most woefully deceived. Fearing that I might meet with that difficulty in this instance, I shall only notice a few select expressions of that gentleman.

I concur most heartily with him, "that there is a party in this House attempting to to blacken and pie-ball another great party." If I was called upon for my proof, I should avail myself of the various speeches I have heard delivered by that gentleman since I have had the honor of a seat upon this floor, and especially his revised and enlarged edition of the day before yesterday's date. I also most heartily agree with the gentleman that, so far as mere promises are concerned, the Administration party occupy high ground as Democrats; but when you attempt to apply the test of acts to their claims, you will find a "beggary account of empty boxes." Modern Democracy has been brought down to such a nice point that you may confine it in a nutshell, (if I may be permitted to use a favorite expression of the gentleman from Georgia, Mr. HAYNES.) All its doctrines and all their bearings are embraced in one short paragraph: "He who knows his master's will and does not obey it, shall receive thirty-nine stripes." As I do not wish to deal in round assertion, I will endeavor to prove the truth of what I have said. Look, if you please, at the situation of the Senator from Virginia, [Mr. RIVES.] We all know that only a short time since he was hugged to the bosom of this Administration with fond delight, but now how altered the case! Has he changed his political opinions? No, sir; he entertains the same opinions now upon the great questions of credit and currency that he did when he was so fondly petted by the party; and what is more, they were once the opinions of the Administration themselves; but now a "change has come over the spirit of their dream"—they have changed, but he adheres to his former position. He has not wheeled to the right-about at the bidding of the President, and for this he is hunted down and proscribed by the Administration organ and its kindred prints, with a fiend-like malignity of purpose worthy only of the regions of the damned.

I have said that this Administration occupies high ground as Democrats, so far as mere promises are concerned. I will now try and prove the assertion; and as the gentleman from North Carolina seems not to be fond of light reading, I will, in imitation of his example, deal in facts. Who is there, Mr. Chairman, that does not recollect that the year 1828 was particularly distinguished in the political annals of our country as the year of promise? It was then that the party now in power came in sight of the holy land; it was then that they pledged themselves to the American people that if they would permit them to enter this land flowing with milk and honey, they would usher in a glorious millennium; that the cry and watchword of the Administration should be, "Reform! Reform! Reform!" In short, that a pure fountain of water should gush through the Augean stable, purify and cleanse all that was corrupt in the executive branch of the Government. Who is there that does not also recollect that the year 1828 was particularly distinguished by the organization of two celebrated reform committees, the one in this House composed of a majority of Opposition members to the then Administration, with General James Hamilton, of South Carolina, as its chairman, while the committee of the Senate had for its chairman the Senator from Missouri, Thomas H. Benton? The Executive Departments were thrown open to their scrutiny. No special pleas were urged, no specifications were demanded, nor was this attempt at investigation pronounced to be "worse than a Spanish inquisition." No, sir; special pleas, specifi-

cations, and denunciations, were reserved for the age of reform and Democracy.

The House committee, after a thorough investigation, made an elaborate report, and gave it as their deliberate opinion that there was corruption and extravagance in the management of the different Departments, and declared that the only reason why the committee were unable to propose a remedy for the correction of the abuse was, that it could alone be remedied by a hearty concurrence on the part of the Executive and the heads of Departments, clearly permitting the inference to be drawn that the President and Secretaries of the Departments were opposed to an economical administration of the Government. I have taken the trouble to make out an account current for the years 1828 and 1837, nine years after the reformers had had full and peaceable possession. The account I have made out is taken from the book of receipts and expenditures, annually published and laid upon each member's table; and I find that the whole expense of the different Departments, including every item of expense, amounted, in 1828, to \$481,748. I also find that the expense of the same Departments, for the year 1837, amounted to \$958,523, leaving a balance due against the reform Administration of \$476,775. This, sir, is a reform with a vengeance. The House committee, also, after sifting with great care the State Department, reported to the House and the world the astonishing fact that, comparing the last three years of Mr. Monroe's administration and the first three years of Mr. Adams's administration, \$60,000 more had been expended for the State Department under Mr. Adams than there had been under Mr. Monroe. This was enough. The trump of alarm was sounded, and the cry of "corruption" and "extravagance" rang through the land, in all its modes and variations. I have also made out an account current as to that particular Department for the years 1827 and 1837. During the year 1827, the entire expense of that Department was \$287,463; for the year 1837, it was \$631,997, which exhibits a balance against the reformers of \$344,534. I wish it to be particularly remembered that the usual defense relied upon by the party, to wit, that the extravagance is chargeable to the votes of the Opposition, will not apply to the examples that I have chosen in order to expose and contrast the promises with the acts of this Administration; not one dollar was appropriated by Congress but what was asked for and demanded by the officers of the different Departments.

Mr. Chairman, I do not wish the committee should misunderstand me. I have not stated, nor will I do so, that there was extravagance and corruption in the management of the Departments for the year 1837. I have not the materials before me to enable me to arrive at any such conclusions; nor am I sufficiently acquainted with the routine of business to decide that question. I am inclined to the opinion, though, that, with proper management, the business of the Departments could be as well done as it is with less expense. But I shall take warning by the rock on which the reform committees of 1828 split, and not make charges that I do not know to be true. It is evident, from the facts now adduced, either that those reform committees of 1828 made the charge of extravagance and corruption on very slight evidence of their existence, or that they willfully slandered those in power; or that, since they have come into power, they have forgotten their pledges of retrenchment, and acted more corruptly and extravagantly than those whom they denounced. One of the three things is inevitable. I have been particular in selecting such examples, that there should be no dispute about where and on whom the responsibility attached, for I had no wish to go into a general discussion upon the question of the expenses of the Government; my only object was to show that profession was one thing and performance another, and I think I have done that satisfactorily and unanswerably.

Mr. Chairman, the principal object I had in view in addressing the committee, was to prove that there is more danger to be apprehended to the liberties of my country from Executive power and influence in this House, than from "the anti-republican tendencies of associated wealth." If

you will only take a calm and dispassionate view of all the circumstances that have given birth to the thrice-recommended and thrice-rejected sub-Treasury bill, you will be bound to view it as an illegitimate banding of a party, who, after having run roughshod over the best paper currency the world ever saw, are now seeking an "inglorious" retreat, by denying that they have the power constitutionally to do that which they have been doing in the open face of day, and boasting of their "better-currency" deeds for the last seven years. For my own part, sir, whenever I permit myself to take that view of the subject, I feel armed and fortified in the position I have assumed, that there is more danger from the Executive branch of this Government than there is to be apprehended from the anti-republican tendencies of associated wealth.

What are the particular circumstances that have led to the introduction of this ill-shaped Executive measure? Ten years ago it was the will of the American people to elevate to the presidential chair General Andrew Jackson, a distinguished military officer. When he entered upon the duties of his station, his country was in a prosperous and happy condition. She was blessed with a circulating medium that passed at par with gold and silver in every part and portion of this extensive Republic; nay, in China itself. We were also blessed with a cheap foreign and domestic exchange. Add, if you please, the fact that the people had just ejected an Administration for its alleged extravagances. Although the annual expenses of the Government, ordinary and extraordinary, only amounted to the average sum of \$12,500,000, still the charge went forth, and was believed; and, unfortunately for my country, it was also believed that there was an attempt on the part of the President to wield the patronage of his office for other purposes than a pure administration of the Government. The indignation of the country was aroused; the people were anxious to lessen the patronage of the President by the passage of restrictive laws, and a return to the good old days of economy. So apparent was this sentiment, that the President elect, in his inaugural address, felt bound to indulge in the following emphatic language:

"The recent demonstration of public sentiment inscribed on the list of Executive duties, in characters too legible to be overlooked, the task of reform, which will require particularly the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed or continued power in unfaitful or incompetent hands."

During my proposed remarks, I shall be enabled to prove as plain as the noonday's sun, that every principle embraced in the extract I have read was totally disregarded by the party, and the acknowledged wish of the people trampled under foot. President Jackson, in his first message, calls the attention of Congress and the country to the condition of the currency, and declares that it was admitted by all that the United States Bank had failed in giving to the country a sound and a uniform currency. I shall not attribute to this distinguished individual improper or unworthy motives in the presentation of this question to the people. It is enough for my purpose simply to state facts. It is wholly immaterial, in order to arrive at truth in the investigation of this subject, whether you attribute to him improper motives, or the most high and lofty patriotism, for men who are in the possession of both honesty and patriotism often err; and when the individual's brow is encircled with the halo of glory, it gives currency and importance to the error; nay, sir, it is a passport to errors of every kind and degree. In a case of that kind we judge the man, and not the measure. You know, sir, full well, that General Jackson's popularity, power and influence were such, only a few short years ago, that he could wheel this House to the right or left with the same ease that I can turn that door upon its hinge. It is not my wish to indulge in improper or unbecoming language, and especially towards that distinguished individual; for, however widely I may have differed from him, and however conscious I may be that the measures of his administration were unfortunate for his country, still his name is associated with his country's glory;

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and God forbid that I should ever attempt to rob him of any portion of his well-earned reputation. Often has he been styled the Old Roman, upon this floor and elsewhere. I, before my God and my country, believed that if his political advisers and leading friends had possessed any portion of his Roman firmness, the condition of my country would have been far different from what it is. It is to the base truckling, the time-serving sycophancy of his friends, that I ascribe his bold and onward course in error; no matter what he did, no matter what he said, it was pronounced the best act of his life, and shouts of applause went forth from this hall, which were blindly echoed from one end of the country to the other by the party presses of the day. Yes, sir, the representatives of freemen, according to their own showing, would rally around him, and pat him upon the back, and say, "Go it, my old hero, right or wrong." If the representatives of the American people had acted as became the representatives of freemen, and, instead of shouting hosannas to everything he did, had said to him, "Sir, we respect and honor you, but we differ with you as to this or that measure, and we cannot go with you," General Jackson would not have been deceived. The great misfortune of his administration, in my opinion, was this: he mistook the selfish and interested support that was given to his measures as the result of honest conviction on the part of his friends as to the correctness of those measures, when, in fact, their support sprang from the dread of his overtopping popularity. Then, sir, how easy was it for him to be deceived. Honest himself, thought others to be equally so. Fatal, fatal, error! It has overspread his country with calamity; and but for the fact that an impartial historian will expose to merited scorn the time-serving sycophants with which he was surrounded, the name of Andrew Jackson would have been handed down to posterity in a very unfavorable light. How pleasing must be the reflection to each lover of his country, that there are materials enough left to secure to General Andrew Jackson the proud and elevated station upon the page of history that his name is so justly entitled to occupy, while the names of his deceivers and flatterers will be consigned to that infamy which they so richly deserve.

Mr. Chairman, it is time I should return to the thread of my story. General Andrew Jackson, in an evil hour, determined to give the country a better currency. If, in the course of my remarks I shall be able to prove, from unquestionable documents, that the promise to better the currency, the promise to destroy monopolies, the promise to retrench expenditures of the Government, the promise to curtail presidential patronage, all signally failed, or were totally disregarded; and that in the midst of the consternation and alarm which attended the blow-up of these fond and favorite schemes, the occupant of the White House was revolutionized in twelve days, called Congress together, and recommended the sub-Treasury as the last and only anchor upon which to rest a hope that the sinking fortunes of the Administration might be rescued, will I not have proven that this sub-Treasury scheme is the result of one of those political revulsions that, in the history of human affairs, occasionally overtake a party in their mad and daring career, and that it is not the cool, mature, and well-digested plan of statesmen? May I not, then, turn round and appeal to my countrymen, and ask them, with some point and meaning, whether they are willing to receive at the hands of the miserable stock-jobbers in politics this sub-Treasury scheme upon trust? I will now produce my proof, and, in confirmation of what I have said, I will read various passages from President Jackson's different messages, beginning with his first and ending with his farewell address:

"The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too soon present it to the deliberate consideration of the Legislature and the people. Both the constitutionality and the expediency of the law creating this bank are well questioned by a large portion of our fellow-citizens, and it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency."

Does not this passage most clearly prove that the declaration of war against the United States Bank was made for the sole purpose of bettering the condition of the currency?

Again, the President, in his second message, says:

"The importance of the principles involved in the inquiry, whether it will be proper to recharter the Bank of the United States, requires that I should again call the attention of Congress to the subject. Nothing has occurred to lessen in any degree the dangers which many of our citizens apprehend from that institution as at present organized. In the spirit of improvement and compromise which distinguishes our country and its institutions, it becomes us to inquire whether it be not possible to secure the advantages afforded by the present bank through the agency of a Bank of the United States, so modified in its principles and structure as to obviate constitutional and other objections. It is thought practicable to organize such a bank, with the necessary officers, as a branch of the Treasury Department, based on the public and individual deposits, without power to make loans or purchase property."

Here is an acknowledgment of the importance of a United States Bank, and a governmental one recommended, by the very individual who reorganized and disciplined the modern Democrats of the day. Where slept their Democracy then? It was surrendered at discretion. Let me read to the House a portion of Mr. McDuffie's celebrated report, that "expunged," even from the mind of the President himself, for a time at least, if not forever, his Treasury bantling. So convincing, so overwhelming was this report, that not even one partisan newspaper editor was found unblushing enough to defend the President's plan of a bank.

"The mind almost instinctively shrinks from the contemplation of an idea so ominous to the purity of the Government and the liberties of the people. No Government of which the committee have any knowledge, except, perhaps, the despotism of Russia, was ever invested with a patronage at once so prodigious in its influence and so dangerous in its character. In the most desperate financial extremities, no other European Government has ever ventured upon an experiment so perilous. If the whole patronage of the English monarchy were concentrated in the hands of the American Executive, it may be well doubted whether the public liberty would be so much endangered by it as it would be by this vast pecuniary machine, which would place in the hands of every Administration \$50,000,000 as a fund to reward political partisans. Are there not those who sincerely and honestly believe that public offices are legitimate objects of political warfare, and the rightful reward of the victorious party, as disinterested and as patriotic as the great body of every political party is admitted to be? The fact is no less true than it is lamentable, that the most devoted and active partisans are very often mere soldiers of fortune, who watch the political signs and enlist at the eleventh hour under the banners of the party most likely to be successful."

Comment on such an extract as this is useless, and I will pass on to the President's third message:

"Entertaining the opinions heretofore expressed in relation to the United States Bank as at present organized, I felt it my duty, in my former messages, frankly to disclose them, in order that the attention of the Legislature and the people should be seasonably directed to that important subject, and that it might be considered and finally disposed of in a manner best calculated to promote the ends of the Constitution, and subserve the public interests. Having thus conscientiously discharged a constitutional duty, I deem it proper on this occasion, without a more particular reference to the views of the subject then expressed, to leave it for the present to the investigation of an enlightened people and their representatives."

Well, Mr. Chairman, let us see what the enlightened people's representatives, to whom the matter was referred, did upon the subject. During the same session of Congress at which this message was communicated, the enlightened people's representatives rechartered the Bank of the United States. The President, although he had left it with the representatives, vetoed the bill. The same enlightened people's representatives, at the same session, passed the following resolution:

"Resolved, That the Government deposits may, in the opinion of this House, be safely continued in the Bank of the United States;"

forty-six members voting against, and one hundred and nine voting for the resolution. Still, on the 18th day of September following, General Jackson "takes the responsibility," and removes the public deposits from the Bank of the United States, and places them in State banks! The same Congress, assembled in December afterwards, ratified and approved of the acts of the President! Had I not, then, some authority for the assertion that General Jackson could wheel this House to the right or left with the same ease that you could turn that door upon its hinges?

The war of extermination was now at its highest pitch. The political existence of the Administration seemed to be shivering in the wind; all was doubt and uncertainty. The people at last sustained the Administration, relying upon the promises of the party that they would give them a better currency, and manage the fiscal operations of the Government better through the agency of the State banks than had been done by the United States Bank. In the sixth annual message we find the following triumphant announcement:

"Happily, it is already illustrated that the agency of such an institution is not necessary to the fiscal operations of the Government. The State banks are found fully adequate to the performance of all the services which were required of the Bank of the United States, quite as promptly and with the same cheapness. They have maintained themselves, and discharged all these duties, while the Bank of the United States was still powerful, and in the field as an open enemy."

Then, sir, are you surprised that the people supported the State bank system under such a shower of promises, and the announcement of such happy success? It is true, it all turned out to be a mistake. Still it was, for a time, believed; General Jackson, in his seventh annual message, for the first time denounces monopolies as a system at war with the genius of all our institutions. There is connected with this part of his message a remarkable fact, which I wish to state, and permit every man to draw his own conclusions. It was announced in Niles's Register, November 7, that the State of Pennsylvania would charter the United States Bank. The message, in which banks and monopolies are denounced, is dated the 3d day of December following. To say the least of it, is it not strange that the idea of monopolies being dangerous to liberty did not occur to the mind of the President until that late period? and that, too, not until there were premonitory symptoms that the monster with whom he had been waging a seven years' war was about to live in a new shape? Where slept the zealous and watchful guardians of liberty, when other State banks were springing up around them like mushrooms, the growth of a night, until their numbers had increased from little over three hundred to over seven hundred? While this gallant band of Democrats, Don Quixote like, was charging home upon the monster with only a capital of thirty-five millions, little monsters to the number of four hundred, with a capital of two hundred and fifty or three hundred millions, made their appearance, which produced a bloated and unhealthy prosperity, (as pointed out by the Opposition before it happened.) Still it was seized upon and proudly pointed to as evidence of their wise administration. But I will proceed with my extracts. General Jackson, in his farewell address, again warns the country against monopolies, and seems to lay the flattering unction to his soul that his humble efforts had done much towards putting them down, while, in fact, their number had more than doubled. He there uses the following remarkable language:

"My humble efforts have not been spared during my administration of the Government to restore the constitutional currency of gold and silver, and something, I trust, has been done towards the accomplishment of this most desirable object."

The future historian will be at a loss for the evidence on which he founded this assertion. How it is possible he could have conceived such an idea is unaccountably strange. The fact is, the gold and silver that had been imported had found its way to the vaults of the different State banks, and, instead of gold and silver, we had its representative, in the shape of State bank bills. Then, it is evident, the result of his efforts was to substitute State banks and a local currency for a United States Bank and a general currency, with this difference, that there was in circulation double the amount of paper money when he wrote his farewell address than there was when he entered upon the duties of his administration. In addition to that, it must be apparent to all who understand the component parts of our Government, that the only way gold and silver can become the circulating medium is, by amending the Constitution of the United States, and taking away the power from the States to charter banks. There never having been any such attempt, I view all other attempts as mere humbuggery, designed to gull the country.

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Mr. Chairman, let us now, for a few moments, examine the opinions of Mr. Taney, the Secretary of the Treasury, and the chairman of the Committee of Ways and Means, [Mr. Polk,] and see if they thought banks were monopolies, calculated to destroy the liberties of the country. The following is an extract from Mr. Taney's report of 1834-35, indorsed by Mr. Polk, chairman of the Committee of Ways and Means:

"It will be seen from this statement that it is no part of the proposed plan to dispense with the State banks. It obviously is not in the power of Congress (if it desired to do so) to take any measure for that purpose without an amendment of the Constitution, and the States would not, and ought not to surrender the power of chartering banking companies. The State banks are now so numerous and are so intimately connected with our habits and pursuits, that it is impossible to suppose that the system can ever be entirely abandoned, nor is it desirable that it should be. They are often abused, like other human institutions, yet their advantages are many, and, under proper regulations, and with the metallic basis now proposed for their paper issues, they will be found of much public advantage. If there were no State banks, the profitable business of banking and exchange would be monopolized by the great capitalists."

Again, he says:

"They are convenient and useful for the purposes of commerce. This cannot be obtained without the aid of paper circulation founded on credit."

This does not look as if banks were considered dangerous at one stage of the political game that has been played off upon the American people. I will pass on to Mr. Speaker Polk's testimony. The following extracts are taken from his speech delivered in the House of Representatives during the session of 1834-35:

"Through the agency of State banks, the fiscal operations of Government have, during the past year, been eminently successful."

Again, he says:

"It is now no longer a question of doubt whether they [State banks] can, with facility and promptness, transfer the public funds to the most distant parts for disbursement, and perform all other duties which, as fiscal agents, they may be required to perform."

Alas, how changed are the views of this gentleman and the party to which he belongs! It is now all wrong; they have not the constitutional power to take paper money in payment of the public dues, or to make banks the fiscal agents of the Government; thereby virtually declaring that they, through ignorance or corruption, I care not which, have been exercising a power not delegated by the Constitution. Consistency, thou art a jewel! The same party now turn up the whites of their eyes with holy horror at the idea of the dear, dear people's money being used by banks, notwithstanding it is notorious that they encouraged, extended, and enlarged the practice of discounting freely upon the public deposits. In fact, the Secretary of the Treasury ordered the deposit banks to discount to the merchants freely. Now it is a sin of the most damning nature. Yes, sir, banks are pronounced to be the enemy of the laboring classes; attempts are being made to set up one portion of the community against another, by drawing distinctions in society, and by inflated appeals to the vulgar passions and prejudices of our nature.

Sir, never, never do I witness an appeal of the kind, come from what quarter it may, but it secures to the utterer my supreme and ineffable contempt. My mind is instantly carried to other countries and other scenes; there is presented to my view revolutionary France, and I behold a Marat, a Danton, and a Robespierre, weltering in human gore, riding over the prostrate religion of their country and all of its hallowed institutions, yet all the time shouting hosannas to the people, and boasting that the mind of man was on its onward march to freedom, and that the spirit of the age was bursting asunder the bonds of priestcraft, and that they were erecting upon the throne of reason the only true religion; until, finally, they fell victims to their own damning doctrines, and left their country and their country's liberty an easy conquest to the military genius of a Bonaparte. Compare the equalizing and mobocratic doctrines of the day with the doctrines just alluded to, and you will be astonished to find how well they agree. What do we hear now? That banks are behind the spirit of the age; that the mind of man is on its onward march to freedom; and that we are about to burst from around us bank shackles, and, in the language of another,

"walk forth redeemed, regenerated, and disenthralled, through the irresistible genius" of the free banking age. Sir, such sentiments as these produce a dread upon my mind that possibly the day is not far distant when similar blood-stained scenes may be enacted over in this yet free country, and all in the name of the much-abused words of "liberty" and "democracy." I, for one, look upon the banking system (well regulated) as a blessing given to us, founded upon the past experience of mankind; as a system more secure and safe than private banking companies, and as a shield and protector to those who have but little means against those who have an abundance of means. But all must now be abandoned for the sub-Treasury scheme, even at the expense of a political Somerset. What is this much-talked-of sub-Treasury bill? It is simply to substitute individuals in the place of banks as the fiscal agents of the Government. I propose to adopt as my own Mr. Polk's speech, delivered at the session of 1834-35, against this change. It is an excellent argument; I cannot better it; but let it speak for itself:

"That amendment provides that the collectors of the public revenue shall be the agents of the Treasurer to keep and disburse the same, and that they shall receive an annual compensation for their services. The Secretary in his report has not overlooked the description of personal agency here proposed, but has submitted his views to Congress in relation to it. He states that 'this kind of personal agency is, in his opinion, to be avoided in all practicable and safe cases under our present system of selected banks, because it would render the system less convenient, less secure, and more complex, if not more expensive. Unless the States and the United States should both deem it proper, gradually, and in the end entirely, to dispense with the paper system, and which result is not anticipated, the Government cannot escape occasional losses from that quarter, and can never hope to escape all losses from banks as fiscal agents, except by the employment in their place of other and individual agents who will probably be found less responsible, safe, convenient, or economical.' A corporation may be safer than any individual agent, however responsible he may be, because it consists of an association of individuals who have thrown together their aggregate wealth, and who are bound in their corporate character to the extent of their whole capital stock for the deposit. In addition to this, the Secretary of the Treasury may require as heavy collateral security in addition to their capital stock paid in, from such a corporation, as he could from an individual collector or receiver, which makes the Government deposits enter in the hands of a bank than it could be with an individual. It may be well questioned whether the heaviest security which the most wealthy individual could give, could make the public deposits safe at the point of large collection. In the city of New York half the revenue is collected. Several millions of the public money may be in the hands of a receiver at one time, and, if he be corrupt, or shall engage in speculation or trade, and meet with a reverse of fortune, the loss sustained by the Government would be inevitable. With ample security, as it was supposed, the Government lost a million or more in the tea cases a few years ago. The losses in three cases alone, as stated in 1827 and 1828, when it was supposed ample care had been taken to secure the debt, amounted to near two millions. As, then, between the responsibility of a public receiver and bank corporations, as banks do exist, and are likely to exist under State authority, the latter, upon the ground of safety to the public, are to be preferred. Banks, when they are safe, recommend themselves to the service of the Treasury for other reasons. The increased facility they possess over individual collectors or receivers in making transfers of public money to distant points for disbursement without charge to the public. Indeed, this is a service which individuals, to the extent of our revenue, could not perform."

"It may happen, in the fluctuation of the amount of revenue and expenditures, that there will be at some times a surplus in the Treasury, which, though it may be temporary, if it be withdrawn from circulation, and placed in the strong box of a receiver, the amount of circulation will be injuriously disturbed by hoarding the deposit, by which the value of every article of merchandise and property would be affected. So that, inasmuch as we cannot anticipate or estimate what the exact amount of revenue or expenditure may be from year to year, there may occur an excess in the Treasury not immediately called for to be disbursed, which it would be very inconvenient to abstract from trade and circulation. Whilst the deposit is in bank, the bank may use it, keeping it itself ready, at the same time, to pay when demanded, and it is not withdrawn from general circulation, as so much money hoarded, and drawn from the use of the community. If in the hands of a receiver, they may either hoard it by keeping it locked up in a strong box, or use it, at their own risk, in private speculation or trade, or they must, for their own security, and on their own responsibility, place it at last on deposit in the banks for safe-keeping until they are called upon by the Government for it. This temporary use of the money on deposit in banks constitutes the only compensation which the bank receives for the risk of keeping it, and for the services it performs. If receivers be employed, they can perform no other service than to keep the money, and must be paid a compensation from the Treasury."

Mr. Chairman, to my mind this is a very conclusive argument. The gentleman must surely have had, at the time of its delivery, misgivings

as to Swartwout's and Price's recent failure; at all events, it was pointed out in his remarks with amazing accuracy. Sir, it must be admitted by all that this new scheme of finance will increase the Executive patronage. Still it is asked for in the name of liberty and Democracy; and the party that oppose it are dubbed "Federalists." The object of the framers of the Constitution had been to create between the various portions of our political system a just balance of power, and for this purpose they had placed the Executive as a balance-wheel to regulate the movements of all the rest of the machine; but it was obvious that, if too much power was thrown upon the balance-wheel, it must accelerate the motion of the other parts in an undue and destructive degree. Yet the modern Democrats are clamorous for this increase of power.

Mr. Chairman, independent of that view of the subject, I wish to ask the committee a plain common-sense question, which goes to the vitals of this sub-Treasury project. In the transaction of men's daily business, do they deposit their money in iron safes, or do they deposit it in banks? If every business man in the country prefers banks as the safest and the best, why should not the same reason apply to the money of the Government? Is the interest of the Government different from that of individuals, when the question of safety is the only one involved in the transaction? There can be no reason for applying a different rule. All the Government and all the individuals want to arrive at, is the safe-keeping of their money. It is the duty of the General Government to accommodate its action to the action of the different State governments. The States use banks as fiscal agents, and receive bank paper in payment of public dues. If the General Government should be so conducted as to move on regardless of the action of the States, the inevitable result must be a jarring in the machine, and, if it continues, it must end in general confusion and anarchy. I had marked in my notes Senate document No. 88, and had noted several portions of it to be read, but I will not detain the committee. It is the celebrated reform and retrenchment report of the Senate of the United States, made in 1828. I will read but one of the extracts. The writer, after having portrayed in vivid colors the dangers to be apprehended from Executive patronage, continues by remarking:

"That the whole of this great power will center in the President. The King of England is the fountain of honor; the President of the United States the source of patronage. He presides over the entire system of jobs and contracts. He has power over the support of the individuals who administer the system; he makes and unmakes them; he chooses from the circle of his friends and supporters, and may dismiss them; and, upon all the principles of human action, will dismiss them as often as they disappoint his expectations. His spirit will animate their actions in all the elections to State and Federal offices. Again: we must then look forward to the time when the public revenue will be doubled, when the civil and military officers will be quadrupled, when its influence over individuals will be multiplied to an indefinite extent, when the nomination of the President can carry any man through the Senate, and his recommendation can carry any measure through the two Houses of Congress; when the principle of public action will be, open and avowed: the President wants my vote, and I want his patronage. I will vote as he wishes, and he will give me the office I wish for. What will this be but the government of one man? And what is the government of one man but a monarchy? Names are nothing."

Mr. Chairman, when I read this report, I am bound to believe that Thomas H. Benton was permitted to lift up the curtain of time, and view with his naked eye the transactions of the present day. How completely is the presidential question swallowing up everything else! In my own State a candidate for Governor has made a tour of the State, addressing the people. He scarcely condescended to notice State policy. He seemed to act from the belief that if he could prove Henry Clay to be the biggest scoundrel on earth, and that a United States Bank was the greatest monster on earth, it would follow as a matter of course that Martin Van Buren was a clever fellow, the sub-Treasury bill a harmless little animal, and of course that he would make a good Governor. These certainly were jumping conclusions. Nevertheless, it seemed to be the opinion of the gentleman that it was the only process necessary to accomplish his gubernatorial purpose. What have become of the pledges made to curtail this patronage by the party? I

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aver that there has not been even an attempt on their part to fulfill them. The Administration came into power under solemn pledges to do so, and to prevent office-holders from meddling in the freedom of elections, and to place in office only competent men. Yet how often have these pledges been violated? It had been rumored through the House at the last session of Congress, I will not say with what truth, that a certain distinguished gentleman from Pennsylvania (Mr. Muhlenberg) had been appointed Minister to Austria chiefly because he was able to speak Dutch. His rival, who held an inferior station under the General Government, became displeased; rumor said he was about to resign his office and retire displeased, if not an opponent of the Administration. What did the country see next? He was speedily appointed collector at the port of Philadelphia, and in quick time this gentleman's name was paraded at the head of a list of office-holders, calling on the people of that State to rally around the President, and support the sub-Treasury bill. Then, sir, have I not spoken truth, when I aver that the pledges and promises of the party have been most shamefully violated? They pledged themselves against all interference with the freedom of elections; yet what has been heard this very day in the other end of the Capitol? There the Administration Senators were openly advocating and defending the right of Federal office-holders to interfere in the State elections! Surely they are the very last men on the face of the earth who should avow such an opinion; for the reverse of that opinion was the very key which opened the door of power for their party. It was their perpetual theme. Yet now they are unblushingly sustaining the direct reverse of all they had been singing in the people's ears for years together! I glory in the thought that, humble as I am, even in the midst of General Jackson's bright and palmy days, I denounced the precedents as wrong and dangerous to the future prosperity of my country.

The party promised the nation reform; where is it? They promised economy, and yet themselves have spent more money, three times over, than the Administration they cried down for its extravagance. They turned out thousands to make room for their own partisans; and what do these new office-holders turn out to be? Let the quarterly, monthly, almost daily return of new defaulters answer. When the Opposition asked for a committee to inquire into some of the gravest of these defalcations, they were met by every effort to evade scrutiny or make it ineffectual. The Secretary of the Treasury was defended upon this floor, (with all the lawyer-like tact and ability that distinguishes an able counsel, while defending a criminal at the bar of his country,) though obviously guilty of direct connivance at fraud, or the most obvious neglect of duty.

I will point out the means which were resorted to in order to render the sub-Treasury bill palatable to the people. They well knew that that scheme of finance never would go down with the country unless under a state of great excitement; hence, the party are anxious to draw off the public mind, and get it occupied with anything but this; they are trying to make an issue about the tariff, about internal improvements, about abolition; but all these questions have nothing to do with the matter. Who is seeking to disturb the tariff? Who has ever proposed any direct action of Congress for the abolition of slavery in the States? Nobody. The most extravagant appeals are made, but all on collateral issues. They are trying to make the people believe that all the old party distinctions are to be revived. I would be glad to have any gentleman point out to me, as existing now, one single thing that went to mark the line of demarcation between Federalists and Democrats in 1793. There is not one left, not one. There are many great systems of policy, which, under one set of circumstances, would be good and wise, and under different circumstances might be just the reverse. The history of the tariff and internal improvements by the General Government may be cited as instances in proof of this idea. Still, sir, demagogues are found traveling over the country, denouncing one man, and praising another, when both have given their

support to the same objectionable measures, (I mean Henry Clay and Martin Van Buren,) and both with the change of circumstances that surrounds the tariff and internal improvements, have abandoned those systems. Is it not the duty of every American statesman to declare that the real question now at issue in this country is the question between a sub-Treasury and a Bank of the United States? Is it a worthy course to attempt to deceive and delude men not familiar with these subjects? I would be the last man that would support an individual for the Presidency who would revive doctrines which he has ever repudiated.

I have detained the committee far too long a time, and will bring my remarks to a close, with a word or two upon the question of banks and currency. I am satisfied that the country has yet to pass through another "experiment;" seeming prosperity will again surround us, and then reverses and bankruptcies will ensue. There is something to my mind so licentious in the idea of a free banking law; it is so novel, so absurd, to think of banking, not only upon all the gold and silver, but upon real estate, that I am astonished that the system should find an advocate on earth; still, I greatly fear that it is to become the popular doctrine of the day; if so, the advocates of a United States Bank must again wait the result of this new experiment. It is the duty of the Government to regulate the currency, as much so as it is the duty of the General Government to regulate weights and measures. We have a Government within a Government, requiring the action of separate Legislatures, and it is impossible to have a uniform and sound currency without the action of the General Government. True, Martin Van Buren, in his message at the extra session, labored to prove that England suffered by the late revulsion as much as the United States. It was a hasty remark. In England, they had overtraded, and were embarrassed; the circulating medium passed at par, coextensive with the Government; exchanges, domestic and foreign, were cheap. Then, sir, indebtedness alone was all they complained of. In America we had, added to our indebtedness, a currency deranged, and at a ruinous discount; domestic and foreign exchange extravagantly high. The difference is very striking. My constituents ask at the hands of the Government a policy that will guard against a similar misfortune. Every schoolboy knows that overtrading, and, consequently, revulsions, will take place occasionally in any country, no matter whether the currency is gold and silver or paper; and all the country asks is, that when overtaken with adversity the jarring action of the States and Federal Government shall not add to their misfortunes an unsound and depreciated currency. Give them a currency that is uniform in value, and they will not be found knocking at the door of Congress for relief, nor will your President have it in his power to say to them that they are in the habit of looking to the Government for too much. The Americans are brave, intelligent, and enterprising; and let your Government pursue a steady and fixed policy, and not be changing with each popular breeze that may sweep over the land, and they will be found buffeting the waves of life's tempestuous sea without a murmur.

Mr. Chairman, I have done; and I offer as an apology to the committee for the length of time I have detained them, the fact that I speak but seldom.

## PUBLIC DEFAULTERS.

SPEECH OF HON. J. UNDERWOOD,  
OF KENTUCKY,  
IN THE HOUSE OF REPRESENTATIVES,  
January 16, 1839.

On the motion for an inquiry into the late defalcations of public officers.

Mr. UNDERWOOD said that he rose to state some facts to the House in relation to the defalcation of General Gratiot, which he considered very important, connected with the subject under consideration. The facts would place the conduct of the Administration, upon one point, beyond all

cavil and dispute. The facts would prove that General Gratiot was retained in office for years after he was a known defaulter, and treated as such by the stoppage of his pay. The evidence was conclusive, and fully established a remarkable lenity, if not a criminal connivance, on the part of the Administration.

It is true that General Gratiot claims a right to retain the money to satisfy demands which he has against the Government; and the foundation of this claim is stated in the communication made by General Gratiot, and ordered to be printed with the papers from the Department. But, whether General Gratiot's view be right or wrong, and whether the claim set up by him is or is not allowed by the judicial tribunal which shall ultimately decide the question, can have no effect whatever in judging of the propriety of the conduct of the Administration in retaining him in office. He was considered, treated, and finally dismissed, as a defaulter. It is the principle of the Administration—the principle by which the "party" is governed—that concerns the people at large, much more than the nature of General Gratiot's defense, or the motives by which he has been actuated in using the public money.

As the report from the Secretary of War was in response to a resolution adopted by the House at my instance, I thought I might follow the document to the printer's office, and there examine it before it was printed. I did so. It appears from the document that, on the settlement of General Gratiot's accounts, there was a balance struck against him on the 24th of March, 1831, amounting to \$8,958 91. In this settlement the accounting officers did not allow all the sums claimed by General Gratiot as credits. If his principles for settling the account had been adopted, he would, at that time, have been indebted \$2,508 52 only. The large balance, to wit, \$8,958 91, was reported to the Second Comptroller of the Treasury as being due by General Gratiot on the 31st of August, 1831, for the purpose of having his pay stopped; and again reported on the 11th of August, 1832. In September, 1831, the acting Secretary of War, Mr. McLane, suspended the stoppage of pay. I had not time to peruse all the correspondence, and cannot, therefore, say whether any reason has been assigned, or is to be found among the papers, for the step taken by the Secretary in suspending the stoppage of pay. Nor did I discover any renewal of the order stopping pay until 1836. Nor did I find any reason assigned why the act of the 25th of January, 1823, requiring the stoppage of the pay of defaulting officers of Government was not enforced and applied to General Gratiot, for the time running between the 11th of August, 1832, and the year 1836, when the order stopping his pay was renewed, and continued in force until his dismissal in December last.

In April, 1833, General Gratiot presented a new account, in which he abandoned his claim for a per diem allowance for superintending certain public works, and which he relied on in 1831, and claimed as compensation for his extra services one per cent. on the amount of public money disbursed by him. The claim of one per cent. on his disbursements was rejected by the accounting officers. It thus appears that he was unable to liquidate the balance found against him in 1831 by shifting his position and assuming new ground.

Notwithstanding the difference which had taken place between General Gratiot and the accounting officers of the Treasury Department in regard to the settlement of his accounts, and although he was a reported defaulter in 1831 for more than eight thousand dollars, fifty thousand dollars were placed to his credit in the year 1835, in one of the New York banks. Soon thereafter he returned \$15,000 of the money to the Treasury, and the balance, \$35,000, in addition to the \$8,958 91, he still retains. I have thus given the House a brief statement of the important facts of the case, as I collected them from a hasty examination of the papers. What will the American people think of them? What can they think of those at the head of the executive Government, who detect a defaulter, then stop his pay, then suspend the stoppage, then put into his hands more money to augment the defalcation, then stop his pay again,

keep him in office from 1836 to 1838, applying the emoluments of his office to the discharge of the defalcation, and then dismiss him from service! And yet, sir, all these things have been done under the auspices of Andrew Jackson and Martin Van Buren! Were they ignorant of General Gratiot's defalcation? Did the Secretary of War and the accounting officers of the Treasury keep them in ignorance of the facts during a period of more than seven years? If that be the excuse, what becomes of that Executive vigilance so much lauded during Jackson's administration, and which, it was said, carried him into all the Departments, inspecting everything minutely, and correcting all abuses, and which enabled him to certify to the American people that all was well? Sir, it was never anything but a hollow pretension circulated to deceive the people. Can you find cases like this under the administration of Washington, or the five succeeding Presidents? We have been told by the gentleman from Maryland [Mr. THOMAS] that defalcations have happened under all Administrations, and may be expected to happen again; that no President can prevent it. And the gentleman from New York [Mr. TAYLOR] has busied himself making calculations to prove that, if you regard the amount lost by defalcations, the administration of Jackson will occupy a very favorable position when compared with that of any other President. These statements may be all true; but, if they are, what do they amount to in this discussion? Nothing at all, except to draw off the minds of the people from the real issue between the great parties in this country. The question is not whether defaulters can be found under all Administrations, and how much money the people have lost by them under the different Administrations. No, sir; such matters are artfully suggested to decoy us—to lead us off from the ground where the game lurks. The real issue—the only point in controversy—involves the principles of the present and late Administrations in reference to defaulters and their treatment. Do those in power set their faces against defalcations with a withering sternness and justice calculated to make the guilty tremble? or do they coax and soothe the wink at the defaulter while they see him pocket the people's money? That is the question.

Sir, let gentlemen go back to the days of Washington, and find an instance where a man has been kept in office seven years after he was found to be a defaulter upon the settlement of his accounts; let a case be found where large sums have been advanced to an ascertained defaulter, and no suit brought to recover the public moneys; and when such a case is brought forward, then I will go into comparisons—then I will contrast the purity of Washington's administration with the semblance of Jackson's, and not till then.

It is remarkable, and it will so be put down in history, that the distinguishing characteristic of Jackson's administration consists in fair promises, in patriotic professions, by which the people were deceived, and which were utterly disregarded after they were made. At the commencement of his official career, the doctrine promulgated as orthodox led us to believe that every one who touched the public money, or used it contrary to law, should be severely punished. You remember the case of Tobias Watkins. He was disgraced, removed from office, indicted, convicted, incarcerated, and his family left to shift for themselves or starve. How many years he lay in jail I have forgotten. His offense was, appropriating to his own use a few thousand dollars of the public money. Not more than three or four thousand, if I remember rightly. Here was an example set. How has the precedent been followed? What officer since the days of Watkins, who has appropriated the public money to his own use, has been indicted for malversation and swindling? Who among the numerous defaulting receivers has been called to the bar of justice, to answer as a criminal? Watkins, who only got two or three thousand, is punished; but those who get fifty or a hundred thousand go scot-free. Ay, sir, they not only go unpunished, but they are recommended by Government agents as proper persons to be continued in office, in consequence of a certain looseness in public morals, which renders it impracticable to find a successor who would not

do the same thing; and, therefore, we are told it is better to continue the incumbent, who had already taken as much public moneys as he could conveniently use, than to induct an empty, hungry, ungorged successor, greedy for more "spoils." Sir, the letter and recommendation of Mr. Garretts will long be remembered by the American people.

The conduct of the late and present Administrations in respect to Watkins, and the host of defaulters who have subsequently disgraced the country, reminds me of an occurrence in the far West. I will tell the story, but conceal the names of the parties. Pity shields them from presentation to public scorn. An old man; who was perpetually extolling his own virtues and decrying those of other people, and who was above all "concealment," according to his repeated avowals, was passing, on his way home, after running down the noblest buck in the forest, by a little cornfield of a neighbor, remotely situated from the dwelling-house. His son and his dogs were along, much fatigued by the recent chase. The old man discovered in the field a single hog—a runt—engaged in breaking down the stalks and eating the corn. He immediately swore "by the Eternal" that he never could witness such a sight without feeling the strongest indignation against the guilty brute, and he instantly ordered his son to set the dogs on, declaring at the moment that, if they tore him to pieces, it would be a good thing, inasmuch as by such means the neighborhood might get clear of a bad breed of hogs. The boy obeyed, and the dogs reluctantly engaged in the less noble work; and, being the more furious and savage in consequence of fatigue, mangled the animal until his life was in danger. The youth, not wholly destitute of compassion even towards a hog, at length seized and threw him over the fence, and called off the dogs. The old man said it was useless to go round the fence to stop the holes, as he was certain the lesson would effectually teach the hog never to enter there again. So they went on home without repairing the fence, taking care, however, to pass by the owner of the field, to let him know how kind and neighborly they had been in turning the hog out.

Not long afterwards the old man, his son and the dogs, were going by the same field, and in it, instead of one, they discovered a large gang of hogs, of all sizes, variously engaged. Some were breaking down the stalks and cracking the corn with voracious appetites; some, apparently surfeited, were moping at the heels of those stimulated by hunger; and a goodly number had husks and fodder in their mouths; some frisking, and others deliberately marching to the panels of the fence, there to make themselves pleasant beds with the "spoils." As the old man saw what was going on at a distance, he said to his son, "Now, my boy, our dogs shall have sport." Indeed, the prospect of a general uproar, some fighting, and the comminglement of shouting, yelping, and squalling, in a neighbor's cornfield, was a scene by no means disagreeable to the old man's taste. He therefore mounted the fence with alacrity, intending to post himself and witness the feats of his son and the dogs, while "sitting on a rail." But he no sooner straddled the rider,\* than his aspect suddenly changed. He turned to his son, climbing up behind him, and said: "Why these are my hogs!" The boy gazed in silence a moment, and then, with an arch look, replied: "As I live it is true! but I reckon, though, I must dog them a little." The old man took a "sober second thought," and, after a minute's gaze, he said: "Perhaps, my son, it would have been better for the owner of the corn if we had stopped the holes the other day. We broke down a good deal of corn, and did mischief in getting out a single runt with dogs, and we shall not leave a stalk standing if we serve all my gang in that way. I know, too, your mammy will not like it; for I have often heard her say she could not bear to make souse out of hogs' ears that had been torn by dogs. I will, therefore, take the dogs off, and leave you to tole or drive the hogs out as peaceably as you can." The boy ventured to ask, "What will the owner

of the corn think if he finds out that we do not treat our hogs like those of other people?" The old man put his fore finger upon his lip, gave his son a significant look, and departed with the dogs in silence. But, unfortunately for his reputation, he had not more than got out of sight of the field, when he met the owner on his way to it. Their conversation was very brief, as the old man said he was in a hurry. His son was found in the field, toiling and coaxing the hogs to a gap. The circumstances were so plain that the owner of the corn ever after told the story I have related, and no one doubted its truth.

You now propose to raise a committee to inquire into the depredations upon the Treasury, and your resolutions direct the committee to inquire into the "causes" of the late defalcations. Why, sir, it seems to me there is no difficulty in assigning the immediate "causes" of these peculations. Your officers are not trustworthy; they cannot resist temptation; they are dishonest. These are the immediate causes of defalcations. I admit, where an officer has a claim against the Government, which in his conscience he believes to be just and legal, and retains as much money as will pay himself, and no more, there may be extenuating circumstances which will excuse him from the imputation of base motives; but I reject the idea totally that an officer should be permitted to redress himself by appropriating to his own use the public money in his hands, upon the pretext that the Government is indebted to him. The system which allows officers to raise accounts against the Government for extra services is wrong. We should have the nature of the service and the compensation so well defined by law that there could be no dispute in settling accounts. But, sir, the largest class of defaulters have no pretext of indebtedness to them by the Government, behind which to escape from public odium. They have used the public money knowingly, willfully, and wickedly. There is no palliating circumstance. The cause of their conduct is to be found in their destitution of moral principle; they are atheists of the French school; their god is the world; their heaven is the gratification of their senses. They fear no punishment, and they march to their object by plundering the public. The evil lies in appointing such officers. Can it be that the nation is so corrupt we cannot find honest men to receive and disburse the public money? I do not believe we have reached that point of degradation yet; but we shall come to it, unless the unprincipled career of political jugglers can be arrested. Sir, the Executive, for the last ten years, has selected for office brawling politicians, overlooking business talents and habits. Capacity for, and devotion to, and success in, the mechanical, agricultural, or commercial pursuits, or the professions of physic or law, have been no recommendation in behalf of an individual seeking public employment. On the contrary, the very fact that the individual prospered in his avocation, whatever it might be, seemed to constitute a barrier to political preferment and promotion in the estimation of the Executive. Such persons have been overlooked, and offices conferred on those who have, by their conduct, by their failures, manifested a want of capacity or energy in their business.

Thus it has been that the Executive department, in its appointments to office, has violated the plainest dictates of common sense and common prudence. The man who has failed in every other business he engaged in, as the last resort, tries the trade of politics. He manufactures and circulates falsehoods; he assails the reputation of all those who stand in his way; he extols and flatters all those from whom he expects aid; and he unites with others alike destitute of principle to advance to the Presidency a man who will dispense rewards to his supporters—who will use the patronage incident to his exalted station for the benefit of a party. These are the men who live by the trade of politics. Their object and their aim is self-aggrandizement. They go for the "spoils" of office. They have no idea of that lofty gratification, that tranquil delight, which flows to a great mind and a liberal heart as the most precious reward of the proper discharge of official duties. They have no idea of those enjoyments of the true patriot resulting from official

\*The highest rail which rests upon the stakes of a fence.

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benefactions to his fellow-citizens, and which, with him, are the chief considerations imparting value to office. The Father of his Country knew the value of office and station in these respects. The modern office-holder tests its value by dollars and cents. And think you, sir, when, by combinations, and all sorts of deceptions, tricks, and artifices, power is obtained, those who get the power intend to relinquish the dollars and cents—to give up the end and aim of all their struggles? No, sir, they will do no such thing. Those who fight for "spoils," if victory is theirs, will not be restrained by the commander-in-chief after the battle is over. He is compelled by his position, as the commander of such soldiers, to yield to their wishes. They will exact a compliance on his part with the conditions of their enlistment, and would decapitate their general sooner than be restrained in the work of plunder. It is not at all surprising, when a man obtains office by such means, and with such motives, that he should forget the Divine injunction, "Servants be content with your lawful wages."

The remote causes of the deplorable defalcations which exist are to be found in the system introduced in the beginning of the last Administration, of removing officers for opinions honestly entertained, and appointing others in their places whose subserviency to the will of the President, and devotion to the interests of party, constituted their principal recommendation. Since the introduction of this system, party contests have thrown their blighting influences over us, embittering the feelings of society, and threatening destruction to our republican institutions. With the servile and selfish horde who follow after the loaves and fishes, the only question is, how can we elect our man to the Presidency? Success secures to the fortunate party food, raiment, and shelter, and leaves to the disappointed poverty and suffering. These conflicts of party have mingled themselves with all the operations of our Governments, both State and national, prostrating in their tornado violence the principles of law and Constitution, until the prospect before us is one of desolation. It has already come to this, that a constable cannot be chosen by a county court without first knowing who he voted for, or intends to vote for, as President. Members of Congress are elected because they are favorable or opposed to this or that candidate for the Presidency; and when they take their seats on this floor, should their political chief occupy the Executive mansion, the creed of party requires them to follow his dictation, right or wrong; and generally, if not invariably, they do it. Thus it is that the will of the President is paramount to the will of the people, and the representative forgets his constituents, and surrenders himself to Executive control. Presidential electioneering connects itself in an alarming manner with the deliberations and acts of Congress. The public lands and the public money are disposed of, not with a view to produce the greatest possible good to the greatest number, but with a view to sustain the members of a party, and to perpetuate power in the same or kindred hands.

Thus, sir, you bid for the votes of the new States, and pay with the public lands; and you grant millions to remove an oyster shoal or a sand-bar at the mouth of a creek emptying into the sea or lakes, and refuse to appropriate a dollar to improve the rivers of the interior, unless they are of such magnitude as to interest two or more States. Do not suppose I am again about to contrast Green river with New river, "the North Carolina Spring branch," as I said on another occasion; nor shall I detain you by drawing a parallel between the Cumberland road and the roads leading through Kentucky. I have done this heretofore, for the purpose of placing before my constituents the glaring injustice of your legislation. It is with heartfelt exultation that I inform this House that there is now nearly one hundred miles of the finest navigation in the world ready for use on Green river; and in twelve months from this time there will be double that number. It is all the work of Kentucky; and, sir, we are going ahead with our roads in the same manner, relying upon the State, without coming here to beg favors. But, sir, I glance at these things for the purpose of asking whether

any man supposes these palpable inequalities could exist for a moment but to subserve political purposes, and to advance the interests of particular individuals, instead of the general welfare. With an empty Treasury you vote, hundreds of thousands to the Cumberland road; you go in debt to keep that work in progress, and you attempt to reconcile the nation to your conduct by two flimsy pretexts: one, the idea of indemnity for the expenditure out of the two per cent. fund; the other, the idea that the public faith is pledged to finish the work. These ideas, without a shadow of foundation for either of them, are played off upon a confiding and deceived people to reconcile them to the grossest partiality.

I have a remedy, and I shall prescribe before I take my seat. I have been greatly amused in the course of this discussion, and, as a prelude to stating my own, I propose to notice briefly the remedies proposed by others.

The gentleman from Virginia [Mr. Wise] recommends a "general turn-out" of the official corps. That many ought to be "turned out" of office I do not doubt. But were all that accomplished, it would avail nothing unless a better set can be found to fill their places. I remember the fable of the fox and the flies. I do not want a new swarm to suck the remaining blood of an exhausted people. I desire those who come hereafter may bring healing in their wings, and not the appetites and probosces of gallinippers.\* If it be no more than a partisan war between *ins* and *outs* that now agitates the nation, I predict that no good will result from its termination in favor of either party. I have but little confidence in those of any party who make politics a trade to live by. With such, money is the main object; and when they obtain power they are very apt to use it for purposes of *legal*, if not criminal, plunder. I mean, by the term "legal plunder," that they will, by immoral, partial, and even vile legislation, promote private and sectional interests at the expense and to the detriment of the people at large; that they will *legalize* iniquity. [A member was heard to say, "the Whigs would not do so."] I hope and believe they will not; but the "turn-out" remedy, even if it should succeed in a great degree, will not effectually eradicate the disease. It will do no good to turn the hogs *out* unless you stop the holes. My remedy is to repair the fence.

But, sir, I have another and a strong objection to the "general turn-out" remedy. Such a course would be to follow the deleterious example set by our political adversaries. It would be to punish for opinion's sake, and to rivet upon the American people the odious practice of making the offices of Government nothing more nor less than stakes put up to be played for by political gamblers. Sir, there is great danger, from the temper of the times, that such will be the future practice of all parties in this country. I will read you, by way of sample, what the friends of the recently elected Democratic Governor of Maryland dictate to him. The paper called the Washington County Democrat says:

"There has been a great deal of speculation as to the course likely to be pursued by Mr. Grason relative to the public offices of this State—whether he will appoint his friends or his enemies to the offices under his control, &c. If we know anything of Mr. Grason's character, and if he knows the obligations imposed upon him, every *Whig* officer of the State (with few exceptions) will be removed. Such a course Mr. Grason owes to his friends, and to his party, and such a course we have no doubt he will pursue."

The Baltimore Republican gives its dictum in staring capitals thus: "WE SAY, DISMISS THEM TO A MAN." Not even an exception is to be tolerated. Thus, sir, it has become "Democratic" in these days to exact that a "Democratic" Governor shall play the tyrant, to discharge the debts he "*owes to his friends*," by removing from office all political opponents, no matter how great may be their qualifications in point of fidelity, integrity, industry and talent! When this shall become the settled practice of the national and State Governments (of which there is imminent danger) upon the election of a new Executive, then, truly, "the post of honor will be the private station." Then men of high moral and intellectual

\* *Gallinipper* is the common name of a large species of mosquito in the West.

worth, engaged in the various avocations of life, and the humble and honest, yet less gifted, but equally meritorious citizens, who earn a support for his beloved family by the sweat of his face, will stand aloof from political corruption and official plunder, until they become intolerable; and when that period arrives, they will stand by their arms.

But, sir, can we get a better set to fill the vacant places upon a "general turn-out?" It will be very difficult to do, if the ideas of the gentleman from South Carolina [Mr. Pickens] be correct. He seems to think that the accumulation and appropriation of immense sums of money by this Government is the true cause of the recent defalcations, and his remedy, therefore, is to dry up the sources of revenue. He supposes that human nature cannot withstand the temptation which immense piles of burnished gold present, and therefore concludes that our condition will not change for the better until the legislation of Congress takes a new direction. He thinks corpulency is the disease, and that depletion and starvation constitute the proper remedy. I admit, sir, that a knave or a thief, before perpetrating a crime, usually considers the chances of escape and detection; and hence, if he were about to steal a turn of corn, he would prefer going to the crib and shelling out for himself, rather than take the full bag already prepared for the mill. The owner might not miss the two bushels and a half taken out of the heap. He would at once discover he had been robbed if the full bag disappears, and hot pursuit might ensue. But this reasoning is not at all applicable to filching money from the Treasury. Whether there be overflowing millions, or whether it be reduced to the last turn, the amount is, or ought to be, accurately measured up; and, if a cent is subtracted, you ascertain the loss with mathematical accuracy. The depredator meets with no encouragement, therefore, in the reflection that he may escape detection by stealing a large pile or heap. Is the temptation increased in proportion to the magnitude of the treasure? I think not. There are stories extant of generous robbers, who plunder the rich to give to the poor; but I apprehend we cannot with truth attribute any palliating sentiment of that sort to our official defaulters, in extenuation of their conduct. No, sir. The Holy Book says:

"There is a generation whose teeth are as swords, and their jaw-teeth as knives, to devour the poor from off the earth, and the needy from among men."

Doubtless the text was prophetically uttered in reference to the sub-Treasury defaulters of this country at the present day. They have no sentiment that does not concentrate in self. They do not steal in consequence of the magnitude of the treasure, or the ability of the Government to sustain the loss. No, sir. Unrestrained by moral principles, they are under the dominion of vicious propensities, and care not into what crime they steep their hands, provided it can be done with impunity. Their motives of action are to be found in their own inbred corruptions, and not in temptations from without. The fault lies in placing such men in situations where they can act out their principles. Office has not made them rogues; but office has furnished opportunities for them to manifest what they always were. The public money can never be safe in the hands of such men, and the remedy is to find men of different characters. And, sir, they can be found, provided you will hunt for them in those walks of life where the noisy, lying, sycophantic, calumniating partisan—the vile tool of party—is never a well-composed guest. I claim no preeminence for my constituents over those of any other member, but I will venture to assert that I could select in my own district men enough, who could and would receive, keep, and disburse every dollar of our vast revenue, without fraudulently misapplying one cent. I would take those who succeeded in their business as farmers, mechanics, merchants, and professional men, and not those who made politics a trade as their dernier resort. I would pass by those who believe the chief good consists in the possession of iron chests crammed with yellow coins stamped with the likeness of some royal fool, and select those content with the comforts of life, earned by their own industry, and

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who would not exchange the convictions of their accountability to God, and their faith of immortality, for all the gold and diamonds of earth. There are men who discharge public trusts under a sense of obligation to a higher power than the tribunals of this world; and such men cannot be influenced by the temptations which the gentleman from South Carolina supposes must overcome poor human nature. Sir, I do not like the gentleman's remedy! I do not like the idea of putting an end to thievery by keeping nothing on hand to tempt a thief. I do not take consolation for poverty in the reflection that I can defy the robber.

The gentleman from Tennessee, [Mr. BELL,] and a very talented and esteemed Representative of Kentucky in the other branch of Congress, have suggested and pressed bills to prevent Federal officers from interfering with the freedom of elections, as the panacea suited to the political diseases of the present time. I will go with them as far as the Constitution will allow in restraining the corrupt and corrupting practices of these intermeddlers with the rights of suffrage. But I apprehend that the danger is far greater from intermeddlers who wish to obtain, than those who already have office. The officer only fights to defend his citadel, to retain his station, to repel assaults; whereas the seeker must undermine and blow up the incumbent, to dislodge him, and make a vacancy for himself to occupy. As the incumbent is intrenched behind official walls, he feels more secure, and the known fact that his position gives him the advantage in the contest renders the assailant the more reckless in the use of weapons. He uses poisoned arrows, in violation of all the rules of honorable warfare. He becomes a brute and a savage, and pursues his victim without principle or mercy. Now, sir, the sin of the last ten years has been, that an aspirant for office has been esteemed meritorious and talented just in proportion to the success which attended his efforts in raising a Swiss corps to storm the battery, to fight for their leader, right or wrong. Instead of denouncing the wretch who filled his ranks with recruits by deceptions, tricks and false promises, and who seduced his adversary's sentinels and caused them to desert by bribery, the policy was and is to reward such a man, to give him a bountiful share of the good things dispensed by Executive patronage, and to displace friends as well as foes to make room for a powerful demagogue. Thus it is that the essence of merit, in the estimation of the present dominant party, consists in the ability to control the largest number of votes. The corrupt means by which it is done constitute no objection to the claim for official promotion. It is no wonder that office thus acquired should be used for selfish and corrupt purposes. Indeed, in the nature of things, it cannot be otherwise. The seed and the ground in which it is sown are cursed with corruption, and how can the fruit be pure?

Sir, the remedy of my friends who would punish Federal officers for intermeddling with elections will hardly mitigate, much less cure, the disease. Why, sir, the party in power preach the doctrine of rotation in office. I know they practice upon it by occasionally rolling the incumbent from one fat office to a fatter, and then to the fattest; and I know, too, when party policy requires, they seem in good faith to respect the principle of rotation. Thus, sir, out of thirty good and true Democratic Representatives from the State of New York in the Twenty-Fourth Congress, only three of them were returned to serve in the Twenty-Fifth Congress, and two out of these three came from the city of New York. The "party" lost no strength by the changes made in reference to the Twenty-Fourth and Twenty-Fifth Congresses. The people of that great State have made many changes in regard to the Twenty-Sixth Congress, founded upon the condemnation of the creed of the "party." A revolution in public sentiment has changed the delegation of the State, and not the principle of rotation in its party sense. Sir, there never was a more cunningly-devised ad captandum scheme to cheat and deceive the people than this same doctrine of rotation in office. How does it work in reference to Representatives on this floor? According to the example of New York, just

referred to in relation to her delegation in the Twenty-Fourth and Twenty-Fifth Congresses, a new set of men are introduced, comparatively ignorant of the rules of this body, unacquainted with its members, and not so well informed as those of more experience in respect to the affairs of the Government in all its relations. Under such disadvantages, a new delegation, elected upon party grounds, cannot be otherwise than instruments in executive hands, and they follow their leader in Indian file, and make but one track in their march. Sir, it is a doctrine favorable to executive supremacy. Does a sensible man hold to the doctrine of rotation with his blacksmith or his shoemaker? No, sir. He will not change a long-trying and faithful workman, who keeps honest accounts, for a stranger. And yet, by the time a member of Congress learns how to discharge his duty independently and beneficially to the country, he must give place to a new-comer, according to the doctrine of rotation. It is a doctrine which prevents a member from becoming independent of the Executive. It extinguishes the light of experience, and leaves the country to pursue its destiny in the dark, or to follow the meteor glory of a military chieftain, or the ignis fatuus—the jack-o'-lantern—of a boggy magician.

Sir, I do not make these remarks out of the least disrespect to the New York delegation now here, to whom I am politically opposed. Far from it. I admit they would probably have been applicable to myself in their full force if Mr. Clay had been President when I first came into Congress. Unexperienced in legislation here as I then was, I might have surrendered my own to follow the thoughts and suggestions of his administration. I mean no personal disrespect to any one. I am warring against a system, the tendencies of which are to erect a despotism. Give me responsibility in office; give me every facility to punish aggressions and chastise derelictions of duty; let the people have the power to hurl a stupid or corrupt public servant from his station, and to consign him to a long disgrace; but let them, if they choose, say "Well done, thou good and faithful servant," and keep him upon the watchtower, without being cashiered or dismissed by the party principle of rotation. Under this party doctrine of rotation, how easy a matter would it be to evade any law restraining Federal officers from interfering with elections! A is a receiver or collector, in office. Well, sir, he will nibble his cheese as mute as a mouse two or four years, while his friend B agitates every element in getting voters to the polls. If A should submit to a contribution of ten or fifteen per cent. of his salary during the time, to help B to raise the wind, and both should keep that matter a secret, the public would never be the wiser. Rumor is a truthless hussy, indeed, if such contributions have not already been made in some places. But be that as it may, suppose A does not say a word about elections while in office; suppose he only votes punctually, and B makes all the noise when he is nothing more than a plain citizen; suppose, after the election is over, the principle of rotation is enforced, and A should give up the office and take the field as an electioneer for the next four years, and B should step into the office and there remain as quiet and peaceable as a lamb; suppose such a game to be played, and what will a law avail providing punishments to deter Federal officers from intermeddling with elections? I will not stop to answer the question, but hasten to other matters.

The gentleman from New York [Mr. TAYLOR] thinks that an "Independent Treasury" is the remedy. Well, sir, I, too, have faith in an "Independent Treasury." But I apprehend the gentleman uses the term to convey one idea, while I use it to convey a very different one. He means by it the exploded sub-Treasury system—the receivers general, their cashiers, clerks, iron chests, &c., all dependant upon the will and pleasure of the President. He calls a plan devised and recommended for its subserviency to the Executive an "Independent Treasury." If he uses the term to indicate fiscal machinery above the people and their Representatives, and which will act "independent" of them, then, sir, he makes a proper

use of the term. In that sense an "Independent Treasury" constructed by Locofocoism means an Executive engine with which party work is to be performed. Now, sir, the "Independent Treasury" which I shall favor is one over which the Executive shall have no control. I call it "independent," because it is to be free from the dominion of the Executive, and unfettered by the chains of party—because it is to be an instrument in the hands of the people, through their Representatives, with which to perform all the fiscal operations of the Government, in conformity to well-defined legal principles, and not a power in the hands of a despot, with which to prostrate the very temple of liberty. The gentleman from New York said that the Whigs were for leaving things in the worst possible condition, and that they would not propose a remedy for existing evils. His very charge against the Whigs is an admission that his own party, holding the reins of Government in their hands for the last ten years, have driven the car of State into a quagmire, where the trembling earth threatens to give way, and let drivers, team, and all, sink, through slime and mud, into the abyss of destruction. Well, sir, as the gentleman seems to call for a remedy from the Whigs, he shall have mine, at least, although he may not yet be sick enough of past follies to adopt it.

But, before prescribing, I desire to say to the gentleman, that I deem it altogether unnecessary to inquire into the correctness of his calculations designed to prove that the administration of General Jackson will bear a very favorable comparison with the preceding Administrations in regard to the sums lost by defaulters. The test of merit is not the amount lost during this or that Administration, but it turns on the character of the persons selected to fill office by the President. Let the gentleman look to the character of the appointees—the official corps of General Jackson—and then estimate the amount they have pilfered, not only during his administration, but down to the latest period they were permitted to remain in service, and I believe he will find that the public loss from officers appointed by him has been double, yea, sir, quadruple the amount lost by the appointees of any other President. That is the true test, and it has been evaded in the whole of this debate. But, sir, the whole defense made by the gentleman from New York, and others, based upon the ground that defalcations have existed under every Administration, is unworthy of the subject. Can a thief justify himself upon the ground "that others steal as well as he?" If I charge you, sir, with having highwaymen for associates, do you vindicate yourself by retorting that my companions are robbers? I have heard that such a course is the usual mode of settling matters in a fish-market. I should expect to witness it in Billingsgate, but I am astonished to hear anything like it in an American Congress.

I would, moreover, suggest to the gentleman from New York that, even according to his own mode of ascertaining the merit and demerit of the several Administrations, he has omitted to take into consideration the defalcations in the Post Office Department. I have seen no document which gives the necessary information on that subject; and I believe there are numerous cases of defalcations where the Government has sustained no loss, because the sureties of the defaulter have paid up the money. I should like to see a report from the Department showing the number and amounts of those cases. The first "reform" in my district, after General Jackson was elected, consisted in the removal of a faithful postmaster, and appointing one who soon used the public money: his sureties paid it. I have made a fruitless search to find some redress for them during this session.

But to proceed with my remedy: the root of the evil may be found in the combinations of bad men for the purpose of securing the emoluments of office to themselves by party discipline. The great means to secure the end is the election of a party President. My remedy consists in erecting new constitutional barriers: it is, to drive the hogs out, and mend the fence.

In the first place, I would render the President ineligible to a second term; I would do this to

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prevent him, while in office, from using his powers and patronage with a view to his reelection.

I would next render members of Congress ineligible to any office which the President can confer, during the term for which they were elected, and for two years after its expiration. My object in this is to render members of Congress independent of Executive influence. To prevent subservience on the part of the member with a view to procure Executive favors, it should be impossible for him to receive the reward. Under such a regulation, he would look exclusively to his constituents in discharging his duties.

I would allow a majority of the members elected to the Senate and House of Representatives to enact laws, notwithstanding the President's veto, instead of requiring two thirds of a quorum. I would amend the Constitution in this respect, with a view to make the President a follower of public sentiment, as expressed by the Representatives of the people, instead of its dictator.

I would break up the whole machinery of caucuses and conventions in the nomination of candidates for the Presidency, by devolving the duty of nominating on the Legislatures of the States; and I would give a direct vote to every free white male citizen of full age, without employing a college of electors. Any candidate having a majority of all the voters should be declared duly elected; if no one had such majority, then Congress should elect, each member having one vote. This change would be more democratic, (I use the term in its true and former sense, and not in its modernized meaning, when it conveys the idea of sacrificing Constitution and law at the shrine of an elective despotism,) and render those combinations impossible by which political jugglers so manage as to secure to themselves the "spoils of victory."

I would partition the Executive power into several independent departments, instead of concentrating it in the hands of a single man. There is too much power lodged by the present Constitution, and the construction it has received in the hands of the President. He is too strong for the other departments. He can trample on Constitution and law with impunity. He is so powerful that liberty is in danger. There is no remedy, in my opinion, but to divide his powers, and to confide distinct portions to separate independent executive departments. With this view, I would have the Secretary of the Treasury annually elected by the House of Representatives, and responsible to it alone; except that I would allow the President to arrest him for official misconduct, and suspend his action until reelected, or another was chosen. I would give to the Secretary thus elected the nomination and appointment, by and with the advice and consent of the Senate, of every officer whose duty mainly consisted in collecting, receiving, or disbursing the public revenue, and I would place the same barrier of ineligibility in the way of members of Congress, to prevent their obtaining office from the Secretary, which I have already mentioned in regard to the President.

I would render the Post Office Department, with its twelve thousand five hundred postmasters, independent of the President. I would organize this Department as that of the Treasury, in the manner already suggested.

I regard this division of the Executive power into independent Departments as an essential ingredient in any plan to reform the abuses of the times. Sir, the idea of partitioning power, and confiding distinct portions to separate bodies of magistracy, is the very groundwork of American freedom. The accumulation of all power, legislative, judicial, and executive, into the hands of one man, is Mr. Jefferson's definition of despotism. That is precisely the crisis in the state of public affairs at present. With what the Constitution grants, with what erroneous constructions have conceded, with those added which have been arbitrarily grasped, the President is already an elective monarch. He has a hundred times more to do and to look after, in the various operations of our vast governmental machine, than it is possible for one man to attend to. His supervision is so general that it is almost worthless. The consequence is, that he necessarily confides to others; and, in doing it, he selects the flattering, unprin-

ciple sycophant, ever ready to burn incense on the altar of power, and to sacrifice the interests of the people for their own aggrandizement. To secure a more beneficial and faithful superintendence, and, above all, to prevent the concentration of patronage to a focus, to a single point, around which all the insects and beasts of party swarm and congregate, nothing can be effectual short of the partition proposed. It is better to have several fires diffusing a genial warmth in different circles, than to have but one of intense and scorching heat, which endangers, if it does not consume, everything which falls under its influence. If a partition of Executive power takes place, and independent departments should be established as proposed, you still leave the President at the head of the Army and the Navy. He is still at the head of the diplomatic corps, and conducts our intercourse with the other nations of the earth. These and his other untouched duties would leave him employment and patronage enough to engage all his faculties.

The idea of partition which I am now insisting on is already the basis of our institution. We divide power into State and national. We have a State executive and a national Executive, performing different functions in fulfilling different executive powers; and why not, in the same Government, have different executives, performing different functions in the execution of different powers? By the constitution of nearly, if not all the States in this Union, the sword and the purse are separated a *vinculo matrimonii*, (effectually divorced.) Why not imitate the States, and elect the Secretary of the Treasury, and make him independent of the President? The States and this Government cut up judicial power into civil and criminal courts, and render the one independent of the other. Why may not the same thing be done in regard to Executive powers? Sir, the great principle in the whole of it is the division of labor. It is the principle of civilization itself; and it is impossible, in the nature of things, that it should do otherwise than produce the most beneficial results. It is about as unwise to place a vast mass of Executive duties in the hands of one man as it is to require an individual to tan his own leather, make his own shoes, weave his own cloth, make his own clothes, catch the fur, and make his own hat. Why, sir, the man who should pretend to follow the trades of tanner, shoemaker, weaver, tailor, hunter, and hatter, and be master of each, would incur the ridicule of everybody. I firmly believe, sir, that if the science of government is improved, and carried to the greatest perfection, it will be done, it can only be done, by classifying and dividing its powers still further, and confiding each subdivision to an appropriate and different set of magistrates. The same intellect is no more capable of performing mental labor of every sort, and attaining preëminence in every department of science, than is the same body capable of performing labor with equal perfection in every art. By devoting our faculties exclusively to one or a few things, we may excel, and become public benefactors in a particular business. By dividing and distracting our attention between many things, we do nothing well, and most frequently do all we attempt very badly. It is the decree of the Almighty that things are so. It is His ordinance, written on the face of human affairs, as a perpetual rebuke to the overreaching vanity of man. It is the height of human folly to disregard this unchangeable law of God. And yet, sir, men may be found who are greatly incensed, unless you admit that they can physic you at night, attend to your law suit in the day, and preach on Sunday, better than Æsculapius, my Lord Coke, and the Apostle Paul!

There is but one idea more which I wish to suggest, and then I shall have presented the chief ingredients of my remedy. It is this: I would correct the erroneous construction of the Constitution by an amendment, declaring that the President might arrest, but should not dismiss or remove, an officer, until he should be found guilty of misfeasance or malfeasance in office, or culpable omissions in the performance of his duties, by the tribunal established by law for trying the charges against him. My object in doing this would be to impart an independent feeling to the

subordinate executive officers, and to rid them of that tame servility to superiors which exists under the present system. I desire to see them strictly responsible to the law, and not to the caprice or prejudice of those in higher stations. I wish, also, to deprive the President of the power to punish political opponents, and to reward his partisans, by taking office from one without fault, and giving it to another without merit. I wish to unlock the mouths of subordinates. Does any man believe that Ogden and Phillips could or would have looked upon the infamous conduct of Swartwout, with a full knowledge of it during five or six years, and not open their mouths to inform the President or the public, if a system of terror and corruption had not been established under that power which allows the President to make arbitrary removals and appointments! Sir, they were afraid to speak when Swartwout began to plunder, because at first he took small sums, which he could have replaced, and then denied their charges, which no one would have believed; and they would have been dismissed to starvation and ignominy, as slanderers of their noble, pure, and talented superior. They did not speak when they saw Swartwout taking hundreds of thousands, because they had remained silent when they knew he was pilfering, and could not assign any reason for changing their course at a later period, which would not prove a shameful connivance and want of principle on their part in allowing him to go on unexposed for so long a time. The law does not allow the slave to give evidence against his master. The consequence of that principle is, that the slave will see his master commit murder, and not open his mouth. The principle is the same in kind, if not in degree, which silences the subordinate under the system of removals and appointments, or punishments and rewards, introduced into this Government by Andrew Jackson! The system must be broken up, sir. It is incompatible with public liberty and safety.

The silence of these men, Ogden and Phillips, is a striking illustration of the worthlessness of the sub-Treasury scheme, so often pressed by the Administration and its friends. You will have two or three keys, each kept by a separate officer, and each key must be used before getting into the strong box where the treasure is kept; and thus, if you can stumble upon one honest man, you will save the treasure. Good—admitted. But my objection is, that your system of rewards and punishments, your electioneering schemes, your pursuit of the "spoils," is demoralizing and corrupting; and that, until these are reformed, it is useless to talk about locks and keys and strong boxes, and separate officers to watch one another. The cream will be no safer by appointing two or three instead of one cat to watch it.

I have thus briefly presented my remedy for prevailing evils. I have had it before this House, in the shape of resolutions to amend the Constitution for years, but have had no opportunity to discuss it. I have now only glanced at the reasons in its favor. The known political character of the House, and the certain rejection of the "reform" I propose, have reconciled me in some measure to the neglect, or rather the past omission to consider and discuss the subject. But I trust, sir, there is a day coming, and that it is not far distant, when my propositions will receive the deliberate attention of Congress and of the nation. I look to the success of the Whig cause as essential to secure the desired, the real "reform." I hope and believe, if the Whigs ever come into power, they will apply the proper remedy to the diseases which afflict us. If I could foresee events, and in my vision of the future behold the Whigs seated in power, and then witness a faithless non-compliance with their pledges and promises to the country, as faithless as that of the last Administration, I should mourn over their coming disgrace, and repent of my efforts, humble as they are, to elevate men who, like their predecessors, forget their professions as soon as they get power. If we are destined to see one party succeed another, and crying abuses remain unredressed, the people will lose all confidence in the character of public men, if they do not despair of the institutions of the country.

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In the course of this debate, we have been told by the gentleman from Indiana [Mr. BOON] that the denunciations of the Whigs, their cries of "corruption," "corruption," remind him of the shepherd boy in the fable, who deceived by exclaiming "wolf," "wolf," until no one paid the least attention to the sound. If I remember the fable aright, the sheep were devoured at last by neglecting the warning. With a proper application of the moral of the whole story, the people should at least learn caution, and look to their affairs, even if the sentinel should sometimes give a false alarm. The gentleman says the people will not and do not believe the cry, and he exults in their unbelief. We are taught in sacred places that a want of faith is a damning sin. I call upon the people to examine the evidences, to look into the facts upon which we raise the cry of political corruption. Let them do that, and, if they will, I am greatly mistaken if they do not perceive, not one wolf coming, but an army of wolves already devouring their substance. If the people ought to have faith, and have it not, they must take the consequence of their unbelief; they must perish—there is no salvation for them.

I know, sir, it is very difficult to secure the considerate attention of a man, or to reason with him, when you wish to eradicate his errors and prejudices. He arms himself against your first approaches, and he sets up his passions as an impenetrable wall of protection. He hates you. He will not sacrifice his vanity, his consistency, his infallibility, his self-love, so far as to be convinced by you. Convert a political zealot! Why, sir, the thing is next to an impossibility. I would almost as soon undertake to convince a Mormon that their new revelation from Heaven was nothing but the trick of an artful knave, or to save the victim of superstition and idolatry from self-immolation under the car of Juggernaut, or to arrest the crusades set on foot by Peter the Hermit. Reason cannot stand up against a hurricane of passion. I have no hope of converting the gentleman from Indiana. He is seared by unbelief. He is like the last man who perished in the flood; who, standing tiptoe upon the mountain top, with the water up to his chin, addressed Noah, as the ark floated by, "Ride on, my old boy, I don't believe there will be much of a storm after all." I know, sir, that a man's time and breath are wasted in attempts to reason coolly with heated zealots about anything. And in the days that are gone, when fifes and drums and the firing of cannon on the 8th of January were resorted to as appropriate means to excite the passions, and to suppress the suggestions of the understanding, it was in vain to talk about trampling constitutions and jaws under foot. Hundreds and thousands would not listen. But those days have passed by, and I trust we shall never see their like again. We never shall, if history makes the proper impressions by her teaching. The last 8th of January passed away as silently as the falling meteor. I rejoice in the victory of that day as much as any man, but I have lamented in bitterness that its glory has been prostituted to create a *huzzza sentiment*, justifying the General in setting the Constitution and laws of his country at defiance. Since General Jackson was first elected, the boys of eleven and twelve years have grown up to be voters. They will reason in looking upon past transactions which occurred when they were too young to have their prejudices and passions enlisted by being actors and voters. And notwithstanding the asseverations of the gentleman from Indiana, [Mr. BOON,] there have been some converts—some who admit they once were blind, but now know they see. The signs of the times, taken altogether, are encouraging. The Madisonian declares for the election of a Secretary of the Treasury by Congress. Other papers will follow that lead. A committee, during the last session, reported unanimously in favor of rendering members of Congress ineligible to Executive appointments, and incapacitating them to receive office from the President for a limited time after the termination of their membership. There is a moving of the waters which I trust will heal the nation.

The gentleman from Maryland [Mr. THOMAS] has taken occasion, in the course of this debate, to complain of (as he has been pleased to term it)

the "cruel and outrageous" course pursued on this floor towards the Administration and its friends, in the cry of "corruption!" "corruption!" Sir, I am glad to hear the gentleman complain. There is hope of reformation where there is sensibility left. I only regret that, while he was rebuking us, he did not remember the course of his own associates, and bring them in to share in the benefits of his lecture. Has he forgotten the charges made against the purest and best patriots of the land—that they were the bribed tools of the Bank of the United States, laboring for corrupt wages? Does he not read the daily outpourings of the official organ, whose chief means of defending its cause consists in a fathomless reservoir of fetid water, and unprincipled efforts to sprinkle it in the path of truth and patriotism, in the hope that their votaries may be induced to veer about in order to avoid the stench? Let the gentleman first pluck the beam out of his friends' eyes before railing at the mote in the eyes of those who may not listen so kindly to his advice. I deprecate as much as any one the party denunciations and political slanders of the times. I have always set my face against them; but no one should be deterred from speaking what he believes to be the truth from the fear of being *gazetted*, or of having his motives assailed by those who wish to rise by prostrating others. I should rejoice to see the disgraceful war of vituperation come to an end. The gentleman and the Administration he sustains may do much to bring about that result, by cleansing the official organ; and I should be glad if their first efforts would take that direction. One of the reforms I desire to make is, to sever the connection between the patronage of the Government and the party press. It is a part of my remedy; and it would be very efficacious in many respects, which want of time prevents me from detailing now.

I had prepared myself to submit some remarks on the subject of the sub-Treasury, the banks, and the currency, in reply to the gentleman from New York, [Mr. TAYLOR;] but I have already detained you so long that I am unwilling to go into these questions now, and shall therefore defer what I have to say in regard to them until another time.

## PUBLIC DEFAULTERS.

SPEECH OF HON. S. S. PRENTISS,  
OF MISSISSIPPI,  
IN THE HOUSE OF REPRESENTATIVES,  
December 28, 1833.

The House being in the Committee of the Whole on the state of the Union, and having under consideration the President's Message—

Mr. PRENTISS, of Mississippi, said:

Mr. CHAIRMAN: I had intended, upon a former occasion, to have expressed my views upon some of the topics embraced in the President's message, more especially the subject of the recent defalcations. I am, however, so unfortunate as to be viewed by the official eye of this House through an inverted telescope, and it is not often that I can obtain the floor. With much pleasure, therefore, I avail myself of the opportunity at present afforded me. That portion of the message to which I shall principally turn my attention, to wit, the defalcations of the public officers, has been already ably considered by my friend from Virginia, [Mr. WISE,] as well as by the distinguished member from Tennessee, [Mr. BELL.] But it is a subject which cannot be too often or too thoroughly discussed. Its examination will, I am confident, eviscerate more of the principles upon which this Government has for some years been administered, and furnish us more valuable lessons for future guidance than any other matter that can occupy our deliberations. I am sorry to observe a rapidly increasing hostility upon this floor to the discussion of great political principles. One would suppose, in listening to some gentlemen, that Congress was constituted, like a county court, for the trial of petty individual claims, instead of being the great political tribunal of the nation, whose province and duty it is not only to notice all important events in the action of the Government, but to investigate the causes from which they have resulted.

Defalcations of the most alarming character, and for an immense amount, carried on and concealed for a series of years by the collector of the principal commercial city of the Union, have been recently developed. The President has seen fit to call our particular attention to this case, and to make, in connection therewith, divers suggestions as to the best mode of preventing similar occurrences hereafter.

"It seems proper [says the President] that, by an early enactment similar to that of other countries, the application of public money by an officer of the Government to private uses, should be made a felony, and visited with severe and ignominious punishment."

He further recommends that a committee of Congress be appointed to watch the officers who have the custody of the public moneys, and that they should "report to the Executive such defalcations as were found to exist, with a view to a prompt removal from office, unless the default was satisfactorily accounted for."

The Secretary of the Treasury has also given us a report upon this same subject, in which he expresses his astonishment that such an occurrence should have happened without his knowledge; exhibits, like the President, a most holy horror at the enormity of the offense, and recommends the appointment of an additional tribe of officers to watch over those already in power, as the best mode of avoiding similar mishaps in future.

To listen to the well assumed astonishment of the President and Secretary at the discovery of Swartwout's peculations, one would readily suppose that defalcation, under the present Administration, like parricide among the ancients, had heretofore been a crime unknown, and consequently unprovided for by justice. Harken to the philosophical musings of the President on this point:

"The Government, it must be admitted, has been from its commencement comparatively fortunate in this respect. But the appointing power cannot always be well advised in its selections, and the experience of every country has shown that public officers are not at all times proof against temptation."

Wonderful sagacity! Unparalleled discovery! Who will now deny the title of "magician" to the man who has developed the astounding fact "that public officers are not at all times proof against temptation?"

The embezzlements of Swartwout have caused this truth to flash upon the sagacious mind of the Chief Magistrate, and with philanthropic eagerness he recommends that we put a stop to this new sort of wickedness by making it a penitentiary offense.

Mr. CHAIRMAN, if I should tell you that all this is sheer hypocrisy—gross and miserable pretense—a tub thrown out to amuse the popular whale, and divert his attention from the miserable and leaky canoe which bears the fortunes of this Administration; if I should tell you that, during the last five or six years, a hundred cases of defalcation have occurred, more outrageous in principle, more profligate in character, than the one we are recommended to investigate; that the President has continued defaulters in office, knowing of their violations of duty, knowing of their appropriation of the public moneys to private uses; that the Secretary of the Treasury has, during that whole period, habitually connived at these defalcations, and extended over them the mantle of his protection; if I should tell you that these defalcations constitute a portion of the "*spoils system*"—that system which has been to this Administration what his flowing locks were to Samson—the secret of its strength; if I should tell you all this, I should tell you no more than I conscientiously believe; no more than I shall attempt to prove before this House and the country. These defalcations I shall trace to their origin, and not stop to inquire so much into their amounts, as into the causes which have led to them. It is not the question, where is the money? but where is the guilt? that I wish to investigate. The recent developments to which our attention is invited are but some of the bubbles that are every day breaking upon the surface of the still and mantling pool. I shall not stop to measure their relative size or color, but will, unpleasant as the task may be, dredge for the corrupt cause which lies at the bottom. These cases are but the wind-

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falls from that tree of Sodom—Executive patronage. Heretofore, the Representatives of the people have in vain urged an examination into the character of its fruit; but it has been guarded with more vigilance than were the golden apples of the Hesperides. Now our attention is solicited to it by the President. Is he in earnest? Let him but give us a chance to shake this tree, and he will find its rotten pippins falling from every limb and branch.

But our attention is called, particularly, to the case of Swartwout. The Administration has delivered him over to our tender mercies; they have dropped him, as the bear, when hotly pursued, drops one of her cubs, for the purpose of distracting the attention of the hunter, and so escaping with the rest of her young. I, for one, shall not be thus diverted from my purpose, but will follow the dam to her den, and there, if possible, crush at once her whole breed.

Swartwout has been found out. This is the unpardonable sin with the present party in power. Their morality is the Spartan morality; not the theft, but the discovery, constitutes the crime. Sir, if every office-holder's mantle was thrown aside, how many, think you, would be found without a stolen fox fastened to the girdle?

Mr. Chairman, I have no confidence that the President has recommended this investigation in good faith, or that his partisans here intend to permit it. They dare not do it. They are not yet sufficiently maddened, scorpion like, to dart the sting into their own desperate brain. No, sir, it is a mere ruse. Regardless of the maxim that "there is honor among thieves," the rest of the office-holders are very willing to turn State's evidence against Swartwout, to gain immunity for themselves, and favor with the Commonwealth. Let the Administration give us a fair committee, favorable to investigation, not packed by the Speaker; throw open to us the doors of your departments; those whitened sepulchres, within whose secret vaults corruption has so long rioted and revelled; let your insolent subalterns be taught that they owe some allegiance to the laws; compel them to submit their official conduct to a rigid examination by this House; then, and not till then, will I believe them in earnest; then, and not till then, shall I expect any good to come of investigation. But, sir, though little is to be expected from the action of this House, I anticipate much good from the discussion. This Hall is the ear of the nation; what is said here touches the auditory nerve of the whole country. Before this mighty audience do I impeach both the President and the Secretary—not before the Senate—no, sir; but before the people—before fifteen millions of freemen.

I charge them with knowingly appointing and continuing in office public defaulters—men who had appropriated the public moneys to private use; who had committed, in office, acts of as great moral turpitude, and deserving of as much odium, as attaches to the case of Swartwout; acts which the President now professes to think are deserving of the penitentiary. I charge the Secretary, directly, with having caused, by negligence, and knowing, wilful connivance, some of the most important defalcations which have occurred. I charge him specifically with having, in one case, literally watched a defalcation through a period of more than two years, and seen it gradually swell, during that time to upwards of one hundred thousand dollars! I charge him with having permitted, in numberless instances, the repeated and continued neglect and violation of what he himself asserts to be the paramount duty, without removing from office, or even reprimanding the delinquents. I charge him with having, in his official capacity, received, and favorably considered, correspondence degrading to his high office, insulting to him as an honest man, and of a corrupt and profligate character.

Sir, the Secretary can only escape by the plea of "non compos mentis." Out of his own mouth I will convict him; I will but let loose upon him the documents he himself has furnished, and, like the hapless Acteon, he will be torn to pieces by his own hounds!

Mr. Chairman, the cases which I am about to examine, in support of my positions, have been selected at random from the reports of the Secretary himself, and I present them merely as speci-

mens; scores of the same sort—the phosphorescent glimmerings of corruption—break through the darkness, and illuminate the path of the Secretary, from the very moment he came into office. Should I treat of them all, the 4th of March would find me here, and the chronicles of the defaulters still unfinished.

The first case to which I will call attention is that of Colonel John Spencer, receiver of public moneys at Fort Wayne, Indiana, and which commenced in 1836. The report of the whole case is found in Document No. 142, of the second session of the Twenty-Fourth Congress. I shall extract such portions as are in point.

Under date of the 25th of April, 1836, the Secretary writes to Colonel Spencer, among other things, as follows:

"As these statements for January and February last have not been received at the Department, I must claim your attention to the omission, and insist on their transmission, in future, immediately after the close of each month. At the same time, I would also claim your strict attention to the regulations of the Department in respect to the periodical deposits of the public money, and to the duty of transmitting the usual evidences of such deposits to the Secretary of the Treasury, as the instructions require."

Immediately afterwards, the Secretary writes again to the following effect:

TREASURY DEPARTMENT, May 23, 1836.

Sir: Since the date of my letter to you of the 25th ultimo, your returns for the month of April have been received, from which I perceive that the public moneys in your hands on the 30th ultimo amounted to the sum of \$247,251 64, which amount is the accumulated receipts of your office since the 1st of January last. You cannot but be aware that the retention of the public moneys in your hands, beyond the period of one month, unless the receipts of such month be less than \$10,000, is a violation of your instructions. The object of this letter is, 1. To require that the whole balance on hand at the time of the receipt of this letter shall be immediately deposited, and a certificate of such deposit transmitted to the Department without delay. 2. To inform you that the Department cannot overlook the omission to do so, or your future neglect to deposit monthly, and to transmit your monthly returns, accompanied by the evidence of your deposit, in time to be received at this office within the month next preceding that for which the return is rendered. 3. That any neglect or inattention to these requirements, unless satisfactorily accounted for, will require of me, from a sense of official duty, that you be reported to the President, with a recommendation that you be removed from office.

I am, very respectfully, &c.,

LEVI WOODBURY,  
Secretary of the Treasury.

Colonel SPENCER.

On the 8th of July, the Secretary directed that Mr. West (who, it seems, was a sort of rotary portion of the Department, called an examiner) should proceed in person "to make special inquiry into the matter, and report to the Department the result."

Accordingly, Mr. West proceeded to Fort Wayne to examine into the delinquency of the receiver; and having accomplished his task, made a report to the Department. From this report it appears that he met Colonel Spencer, who was on his way to Richmond to raise money to make up his deficit to the Government. The following is an extract from the report in relation to a charge of "shaving" upon the public moneys:

"Upon the subject of using the money of the United States, I beg leave to state that I find it universally stated and believed, and it is conceded to as a fact by the clerks in the receiver's office, that both he and his relative Dawson have been much in the habit, in the office, of shaving money; that is, exchanging the money which could not be received for public lands; the rate of exchange or discount varying from three to five per cent. I find in the case of Isaiah Wells, of Marion county, Ohio, that, so recently as the 6th instant, he paid into the hands of the receiver, in his office, eight dollars for exchanging \$240 of Ohio bank notes of five dollars each. To what extent this 'shaving' business has been carried on in the office, of course I do not know, but I am satisfied it has been to a very considerable extent, and that the Government money paid in by one person has been handed out by the receiver in exchange for uncurrent (or not land office) money—he receiving, for his own private use, the discount as agreed upon; and that the same Government money again is passed into the land office to be again used for the like purpose, in pay for the public lands."

"That the receiver has taken in bank notes of five dollars, contrary to orders, the schedule prepared at his office, herewith inclosed, will prove; that he received a bonus for taking the same is, I think, almost beyond a doubt."

In a postscript to his report, he says:

"Mr. Spencer has just come in, having been so far as Richmond, where, by obtaining a discount upon some drafts due in September, originally taken here for land, he was enabled to swell his deposit there to \$52,831 34; which, together with the money taken with him from here, the silver in the bank here, and some other money, enabled him to deposit," &c.

The following is the supplemental report of Mr. West:

MIAMI COUNTY, INDIANA, August 23, 1836.

Sir: I hasten to correct an oversight in my statement of Mr. Spencer's account, in the postscript of my letter from Fort Wayne. I wrote the postscript just upon the point of starting; and Mr. Spencer being present, requesting me to give the assurance of his good intention for the future, must be my excuse for the oversight.

It consists in passing either the whole amount of his deposit at Indianapolis, in which is included a certificate of deposit of \$25,000 of silver at Fort Wayne, or, as the gold was left in the bank at Fort Wayne as collateral, to make up a deficiency of \$2,000 silver, I should not have passed all the gold to his credit.

His account, as corrected, should stand thus:

THE RECEIVER—Dr.

June 30. To balance.....	\$100,599 32
Received in July (\$355,897 75),.....	356,155 95
Received in August, up to 11, at 3 p. m. ....	29,774 64
	<hr/> \$486,529 91

CONTRA—Cr.

June 30. To cash deposited at Indianapolis.....	\$445,906 00
Gold in bank at Fort Wayne, \$5,332 37,	
—less \$2,000, its liability for the deficiency of silver of \$2,000.....	3,332 37
Bank notes, &c., in office.....	17,350 50
Gold in office.....	357 90
Silver in office.....	1,874 00
Scrip.....	2,435 00
Forfeited land stock.....	75 20
Balance due United States.....	5,206 84
	<hr/> \$486,529 91

It is also proper for me to state that I am quite satisfied Mr. Spencer, by his visit to Richmond, was enabled to increase his available fund there \$94,054 92, (he having drawn in favor of the Indianapolis branch for that much more,) by obtaining a discount there; and upon drafts received by him at Fort Wayne for public lands, before the 1st of June last, which drafts were not due till September; and of course, in order to reduce the same now to cash, he made a deduction. Whether the deduction for the yet remaining time was equal to what was allowed him in May last, of course I do not know; but the difference of time would seem to place it beyond a doubt that it was much less.

The latter view, in part, applies to the discount upon uncurrent (or not land office) paper, which he deposited at Indianapolis; a certificate of the loss upon which I inclosed at his request.

Very, &c.,

NATHANIEL WEST.

To ETHAN A. BROWN, Esq.

By this document it appears that the receiver had turned his office into a "shaving shop" for himself and his friends. It further appears that he had not merely failed to deposit the public moneys according to law, but had used them; for when he came to make a settlement with Mr. West, after having scraped together all the means within his reach; after selling drafts, obtaining a private discount at Richmond, bringing forward all the public money in his hands, and, in the language of Mr. West, "some other money," still he falls short \$5,206 84, which he does not profess to account for in any way. In other words, by this report Colonel Spencer stood before the Secretary and President an acknowledged, confessed, and convicted peculator and embezzler of public moneys to the amount of \$5,206 84, without a shadow of excuse or defense.

And what think you was done with this defaulter by the moral, upright, sin-hating Secretary? And what has been done by the President, who thinks this offense ought to be made felony, and punished with the penitentiary? Before I answer this question, I will read you a letter from a then Senator of the United States, which will perhaps throw some light upon this subject. It will be perceived this letter was written during the examination of the office by Mr. West, and was doubtless intended to obviate the effect of the report:

MADISON, August 31, 1836.

Sir: I am informed that some things are stated recently to the prejudice of Colonel John Spencer, receiver at Fort Wayne, and I am requested to write you. In doing so, I can only say that I have been gratified in learning that his deposits have been made to your satisfaction; and, if so, I hope that minor matters, if mere irregularities, will be overlooked. He is reputed to be an honest and honorable man, and I do not believe that he has intentionally either done wrong or violated his instructions. It would so often produce excitement if he were removed, for he has many warm and influential friends, both in Fort Wayne and in Dearborn county, from which he removed to his present residence. Better let it be.

With much respect,

WM. HENDRICKS.

Hon. LEVI WOODBURY, Secretary of the Treasury.

"With much respect;" ha! I doubt it. The honorable Senator could not have had much respect for the honorable Secretary, or he would

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never have dared to write him such a letter. Those two last sentences, like a lady's postscript, contain the whole substance: "it would produce excitement," "forsooth, to remove the defaulter;" "he has influential friends;" "better let it be." Sir, in these few words you may behold the morality, the policy, and the strength of the party in power. Like the flash language of the London swells, they open, to those who understand the true meaning, the whole secret of political roguery. Being interpreted, the honorable Mr. Hendrick's letter would read: "Dear Levi: I am told Colonel Spencer is a defaulter, and you are going to turn him out. Levi, you're a fool; you must do no such thing; it would injure the party to turn him out; he's a strong politician, and has got a great deal of influence; he isn't cheating us; it's only the people. If you know which side your bread is buttered, keep him in office."

And what says honest Levi to all this? Listen; here is his answer:

TREASURY DEPARTMENT, September 7, 1836.

SIR: Your letter of the 31st ultimo is received, and I am happy to inform you that Mr. Spencer's explanations have been such that he will probably continue in office.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,  
Secretary of the Treasury.

Hon. WILLIAM HENDRICKS, Madison, Indiana.

Which, being interpreted, reads: "Dear Billy: who's a fool? I never intended to turn him out; I only talked about it to gull the people, and make them think I was honest. He shall be retained." Ay, and he was retained, and soon rendered good service to his master as well approved the sagacity which refused to part with him.

He has been continued in office by Mr. Van Buren, and is now receiver at Fort Wayne. There is one more circumstance developed by this document, to which I invite attention. The Secretary, in his letter of the 23d of May to Colonel Spencer, tells him, "that any neglect or inattention to these requirements, [that is, to deposit monthly the money on hand, and make monthly returns thereof,] unless satisfactorily accounted for, will require of me, from a sense of official duty, that you be reported to the President, with a recommendation that you be removed from office."

Now, in connection with this extract, read the following letter from Colonel Spencer, written just upon the eve of the presidential election, and about six weeks after the correspondence between Hendricks and the Secretary:

RECEIVER'S OFFICE, FORT WAYNE,  
October 27, 1836.

SIR: This is to inform you that I have forwarded to the deposit bank \$104,000, in silver, there to remain until I arrive with the gold and paper money.

My Democratic friends think that I ought not to leave until after we hold our election for President, on the 7th November, which I have concluded to await, and shall leave on that evening, or the next morning, to deposit, with all the funds on hand up to that time. I shall write you again before I leave. The sales are rapid; mostly paid in gold and silver. My quarterly report will be forwarded by next mail, for last quarter, which ought to have been done sooner, only for the want of help in the office. Hereafter I think I can get my reports off without much delay, after the close of the month and quarter.

I am yours, respectfully,

JOHN SPENCER, Receiver.

Hon. LEVI WOODBURY, Secretary of the Treasury.

What think you of this? The repeated injunction of the Secretary had been, that at the end of each month he should deposit the public money in hand; and if he failed to do so, without good excuse, he should be removed from office. Well, sir, he fails to make his deposit in October, not by accident or necessity, but voluntarily; and sends, in advance, his excuse to the Secretary. What is that excuse? It is that his Democratic friends thought that he ought not to leave until after the election for President; in other words, that his duty to the party was paramount to his official duty; that his obligations to Mr. Van Buren, (the candidate for the Presidency,) were greater than his obligations to the country, in whose service he was at least nominally employed.

Accordingly, he neglected his most important duties for many days, that he might use in the election that political influence of which the honorable Mr. Hendricks speaks with so muchunction.

The Secretary receives this excuse; recognizes its sufficiency, by not recommending his removal from office, as he had promised to do, in case the

reason should not be satisfactory; and has thus convicted himself of entertaining and practicing the profligate doctrine that interference in elections by an office-holder is not only justifiable, but involves a higher degree of obligation than the mere performance of official duty. It was not merely to exercise his elective franchise as a citizen that Spencer violated the injunction of the Department; this right he could have exercised where his duty called him, as well as at Fort Wayne. But that would not do; he had influence at the latter place, which it was important to the party he should exercise. Having thus violated his solemn official obligations, for the purpose of assisting Mr. Van Buren into the presidential chair, it was of course no more than fair that the President should return the favor. He did return it. He continued Colonel Spencer in office; and thus, at the same time, exhibited his gratitude, violated his duty, and prostituted his high station. This, Mr. Chairman, is but a specimen of that corrupt reciprocity of service which constitutes the ligature that binds together, like the Siamese twins, the Executive and the office-holders.

Sir, the document from which I have made the foregoing extracts is a public record, and was furnished to the Senate at the time when Mr. Van Buren was President of that body. Of course, he cannot plead ignorance of its contents. Yet, in the face of the report of West; of the profligate letter of Hendricks; of the shameless avowal of the receiver himself, that he neglected the paramount duties of his office for the purpose of exercising his influence at the election—in face of all this, the President neglects and refuses to apply the power of removal; and the unblushing partisan still remains in office, ready, doubtless, at the next election, to play again the game which proved so profitable at the last.

I will no longer detain the committee with this disgraceful case, but, leaving it and the parties concerned to the judgment of the country, proceed to the consideration of another. I will take the case of Harris, receiver of the land office at Columbus, in my own State. In this instance I expect to convict the Secretary of the Treasury, not of a single isolated neglect of duty, but a continued, daily, miserable winking and connivance at malversation and defalcation, during a period of two years, implicating alike his honesty, his veracity, and his capacity. First, however, I will show what importance the Treasury Department attached to the duty incumbent upon collectors and receivers; of depositing in bank, at stated periods, the public moneys in their hands, because it was from the continued violation of this duty that the defalcation in the case of Harris as well as in most others, occurred; and because it will leave the Secretary no excuse, from the supposed insignificance of the duty, for the gross and culpable negligence on his own part, which makes him, in justice and truth, a *particeps criminis* in the whole affair.

I hold in my hand a book of some four hundred pages, entitled "Letters from the Secretary of the Treasury, transmitting copies of letters to collectors and receivers who have failed to comply with the laws and regulations for their government; and also copies of reports of examinations of land offices since 1st January, 1834," &c. It is Document 297, and was furnished the House by the Secretary on the 30th of March, 1838. It is the most extraordinary publication that ever fell under my observation. It is a moral, political, and literary curiosity.

If you are a laughing philosopher, you will find in it ample food for mirth; if you belong to the other school, you cannot but weep at the folly and imbecility which it exhibits. The Secretary must have been frightened when he compiled it, for it is without form, and darkness rests upon its face. It contains two hundred and sixty letters to defaulting collectors and receivers; in some instances, from ten to twenty to the same defaulter; yet, so curiously is the book constructed, that you must read the whole of it to trace a single case. Its contents are as strange as the "hell broth" that boiled and bubbled in the witches' caldron. From this fragment of chaos I shall proceed to extract and arrange such matter as is material to my purpose. And first, to show, as I proposed, what importance the Secretary attached to

the duty of depositing the public moneys in bank, at stated periods, so that they might not accumulate in the hands of the collector, and thus afford temptation to defalcation.

The first letter I shall quote was from Mr. Taney, then Secretary of the Treasury. It is No. 1 of the letters to receivers, is dated January 16, 1834, directed to R. B. Sterling, receiver of public moneys, and concludes as follows:

"I will only further add that the obligations to deposit the public money promptly, and to render your returns and accounts punctually, are imperative, and must in future be regarded as paramount to all other duties."

Again, under date of 18th of May, 1834, Mr. Taney writes to J. W. Dickson, receiver at Mount Salus, Mississippi:

"Certificates of deposit are to be addressed to this office; these, and the prompt and punctual deposit of the public money, are to be regarded as paramount duties, the strict performance of which will be insisted on."

On the 18th of July, 1834, Levi Woodbury writes the following circular to some seven or eight receivers:

"I regret to be under the necessity of noticing your omissions to make returns for the months of April, May, and June last. By a circular, dated the 15th of January last, you were advised of the necessity of promptitude in this respect. It remains that I should again remind you, once for all, that this is a duty which must be punctually observed."

In a letter to the receiver at Augusta, Mississippi, dated August 4, 1834, he says:

"Upon the subject of the request made in your letter of the 6th instant, I have to observe that the Department cannot relax in the regulations prescribed for the periodical deposits of the public money."

On the 30th January, 1835, he writes to the receiver at Helena:

"The Department having received no duplicate of the monthly returns required by its regulations, showing the transactions of your office, since your appointment, it becomes proper to call your immediate attention to this duty, and to inform you that punctuality in this respect, and in the deposit of the public money, are to be regarded as paramount duties, and will be insisted on accordingly."

To Linn, receiver at Vandalia, he says, February 12, 1835:

"Once for all, then, I will inform you that a strict observance of the regulations of the Department for the periodical deposit of the public money, and the transmission of your accounts and returns, are paramount duties, the neglect of which will be reported for the action of the Executive."

To the receiver at Demopolis, he writes, February 20, 1835:

"I embrace the occasion to say to you, once for all, that punctuality in making your returns, and deposit of the public moneys, are to be regarded as paramount duties, the neglect of which will be reported for the action of the Executive."

Again, February 28, 1835, in a circular to some fifteen receivers:

"I cannot omit the occasion to impress upon you the necessity of a strict attention to, and punctual compliance with, the duties required of you in regard to the prompt deposit of the public money, and transmission of your returns; and to say to you that the performance of those duties must be regarded as paramount to all others in your official station."

Again, July 30, 1835, the Secretary writes to the receiver at Helena:

"The regular deposit of the whole of the public moneys, as prescribed by the regulations of the Treasury, and the punctual transmission of your accounts and monthly returns, ARE PARAMOUNT OFFICIAL DUTIES."

I give these extracts from the letters and circulars of the Secretary to show that the periodical deposit of the public money was a paramount duty of the collectors and receivers.

If, then, I show that the Secretary neglected to enforce the performance or punish the neglect of this paramount duty, it may be fairly inferred that he is either unwilling or incompetent to enforce, in his subordinates, the performance of any duty whatever.

I come now to the case of Harris, which I will present in the shape of fourteen letters from the Secretary, and a rarer specimen of official correspondence cannot be easily found.

Mr. Harris was receiver of public money at Columbus, Mississippi. The correspondence commences during Mr. Taney's administration of the Treasury Department, from whom there are some three or four letters to Harris, complaining of his neglect of official duty.

I will quote, however, only Mr. Woodbury's epistles, and beg you to mark how well he en-

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forces the performance of *paramount duties*. His first letter follows:

TREASURY DEPARTMENT, February 6, 1835.

SIR: I regret that there should be occasion for again calling your attention to the omission to render your monthly duplicate returns to this office, for the months of November and December, (those being in arrear,) and to remind you that punctuality in this respect is indispensable.

I am, &c.,

LEVI WOODBURY,  
Secretary of the Treasury.

W. P. HARRIS, Esq.,

Receiver of Public Money, Columbus, Mississippi.

This refers to the previous defaults, and shows that Mr. Woodbury was cognizant of them. The next month he writes again:

TREASURY DEPARTMENT, March 17, 1835.

SIR: Having received no monthly duplicate return of the transactions of your office since that for the month of October last, it becomes my unpleasant duty to call your immediate attention to the omission. Allow me to express a hope that there may be no further occasion to remind you of the importance of punctuality in the transmission of these returns.

I am, &c.,

LEVI WOODBURY,  
Secretary of the Treasury.

W. P. HARRIS, Columbus, Mississippi.

Here, it seems, Harris was in arrear for four returns; in other words, had violated four *paramount duties*.

But Mr. Woodbury is a man of long-suffering; so he writes again, and with some severity. He is determined to be trifled with no longer. Hear him:

TREASURY DEPARTMENT, June 25, 1835.

SIR: Having, in a communication addressed to you on the 17th of March last, and on several prior occasions, urged upon you the indispensable necessity of a strict attention of making your monthly returns, and finding that no returns have been received from you since that for the month of November last, it becomes my unpleasant duty to say to you that if these in arrear are not transmitted by return of mail, I shall be constrained to report your neglect for the action of the Executive.

I am, &c.,

LEVI WOODBURY,  
Secretary of the Treasury.

RECEIVER OF PUBLIC MONEY, Columbus.

I think, if Mr. Harris don't make his returns now, he's a gone case; the Secretary is in earnest. Here is another letter. Let us see:

TREASURY DEPARTMENT, August 28, 1835.

SIR: Agreeably to the intimation given you in my letter of the 20th June, it has become my disagreeable duty to report your continued neglect to the President, who has instructed me to say to you that if the monthly returns required from you by the regulations of the Treasury, which are in arrears, are not received at the Department on or before the 10th of October next, you will then be dismissed from office.

I am, &c.,

LEVI WOODBURY,  
Secretary of the Treasury.

WILLIAM P. HARRIS, Esq.,

Receiver of Public Money, Columbus, Mississippi.

There, sir, I told you so. If Mr. Harris don't make his returns by the 10th of October, he will be dismissed; the President himself has said it, and General Jackson is a man of his word.

In the mean time, however, the Secretary gives him another hint:

TREASURY DEPARTMENT, September 22, 1835.

SIR: Allow me to inquire why it is that your deposits are not made in the branch of the Planter's Bank at Columbus, instead of the parent bank at Natchez? Does the branch refuse to receive them, and credit the amount at the mother bank?

I am, &c.,

LEVI WOODBURY,  
Secretary of the Treasury.

WILLIAM P. HARRIS, Esq.,

Receiver of Public Money, Columbus, Mississippi.

P.S. Your return for the month of February last has been received to-day, and shows a large amount on hand not deposited; and you are hereby required, if not already done, to deposit any balance still on hand in the above branch, to the credit of the Treasury, and forward receipts therefor, in order to save time and expense in traveling to Natchez.

Before the fatal 10th of October, the kind-hearted man writes still again, that he may give the victim one more warning before the day of grace is past:

TREASURY DEPARTMENT, September 28, 1835.

SIR: I regret to say that the reasons assigned in your letter of the 14th instant, for withholding your monthly returns, cannot hereafter be deemed satisfactory. I can perceive no sufficient cause for their being delayed longer than the first week in each succeeding month, as there can be no difficulty in ascertaining at once the amount of money received within the month, or in stating the amount of your disbursements and deposits during the month. This is all that is required in them. The object of these returns is to afford the Department the earliest information in regard to the money operations of the Land Office, and the punctual transmission of all the moneys received to the bank of deposit. They are, therefore, of paramount importance, and cannot be permitted to await the completion of detailed

book entries, or the perfection of other business, be its character what it may.

I am, &c.,

LEVI WOODBURY,

Secretary of the Treasury.

W. P. HARRIS, Esq.,

Receiver of Public Money, Columbus, Mississippi.

And now, sir, I am sorry to say this contumacious receiver paid no attention to these kind warnings and friendly solicitations. He did not make his returns; the 10th of October is passed; and Mr. Harris is doubtless removed; for General Jackson and Levi Woodbury have both said it. But, softly; here is a letter dated the 12th of October; no doubt it is the letter of dismissal. Let's read it:

TREASURY DEPARTMENT, October 12, 1835.

SIR: Trusting to the assurances given in your letter of the 14th ultimo, and to those of your friends made in your behalf, the President has consented, upon the facts now before him, to continue you in office until the 12th of November proximo; then, unless your monthly returns are all rendered, and satisfactory evidence that the whole of the public moneys with which you are chargeable are deposited, [is received,] you must be removed from office, however painful to both him and this Department.

I am, &c.,

LEVI WOODBURY,  
Secretary of the Treasury.

W. P. HARRIS, Esq.,

Receiver of Public Money, Columbus, Mississippi.

Well, this is strange! a reprieve! and based upon Mr. Harris's letter of the 14th ultimo? Why, the Secretary says in his last, that the reasons given in this letter of the 14th ultimo, for withholding the returns, are unsatisfactory; that he can perceive no sufficient cause for their being delayed.

I wish Levi would explain why he and General Jackson violated their pledge in this case. I confess I do not understand it. I thought if Harris did not make his returns he would certainly be removed. But if he does not make all his returns and deposits by the 12th of November, he will positively have to go, "however painful" to both the President and the Department. Lest he should forget all about the matter, the Secretary in a few days writes again:

TREASURY DEPARTMENT, October 26, 1835.

SIR: I have to observe, in reply to your letter of the 9th instant, that the allowance authorized by the regulations of the Department, as a compensation for traveling expenses, and risk in the transmission of the public moneys to the bank of deposit, can only be made when such expenses and risk have actually been incurred, and not in any case where both are avoided by means of the facilities afforded by the mail or deposit banks; moreover, inasmuch as the branch Bank of Columbus receives and credits the moneys received by you in the first instance, I can perceive no reason why each deposit in past months should not have embraced the whole amount in your possession at the time of such deposit, as the instructions require.

I am, &c.,

LEVI WOODBURY,  
Secretary of the Treasury.

W. P. HARRIS, Esq., Receiver of Public Money, Mississippi.

Sir, the 12th of November arrived and passed; and yet Harris had failed to deposit the public moneys with which he was chargeable, according to the requisition of the Secretary's letter. Of course he was dismissed without further hesitation, you exclaim. Not so fast; do not be rash in your conclusions. I have become suspicious about the matter since the reprieve. I do not believe now he was removed at all.

And, sure enough he was not. Here is the very next letter from the Department, talking to him as mildly as if he had never offended:

TREASURY DEPARTMENT, November 28, 1835.

SIR: Your letter of the 11th instant, and return for the month of October, is received. As your deposits of public moneys are made at Columbus, no reason whatever can be seen why the whole money in your hands at the end of the month is not deposited. It is expected that it will be hereafter.

I am, &c.,

LEVI WOODBURY,  
Secretary of the Treasury.

W. P. HARRIS, Esq.,

Receiver of Public Money, Columbus, Mississippi.

Very true; no reason can be seen why he should not have deposited the money, and no reason can be seen why he was not removed for failing so long and so repeatedly to do it. But to the correspondence:

TREASURY DEPARTMENT, March 28, 1836.

SIR: Your letter of the 13th instant, inclosing your return for the month of November, is received. Again it becomes my unpleasant duty to complain of your neglect in this respect, and to inform you that the omission to transmit the required monthly statements, for a whole quarter after they are due, cannot be permitted in any public officer; and especially after having been heretofore so often reminded of the consequences of such neglect. On the return of the mail, therefore, if the usual statements for the other months in arrear are not received, I shall be under the

disagreeable necessity of again submitting the subject to the President for his immediate action.

I am, &c.,

LEVI WOODBURY,  
Secretary of the Treasury.

W. P. HARRIS, Esq.,

Receiver of Public Moneys, Columbus, Mississippi.

Why, Mr. Secretary, you are crawling out at the same place you crept in. This is the tune you played at the commencement. It is rather too late in the day to think of frightening Harris now, by threatening to turn him out, when he and everybody else know you never intend to do it.

Mr. Chairman, let me crave your patience. We are nearly through this case, and then we will rest for a moment. The following letter begins to exhibit the catastrophe:

TREASURY DEPARTMENT, June 6, 1836.

SIR: Your letter of the 23d ultimo, accompanied by your returns for the month of April, is received. Seeing the balance of public moneys in your hands amounted to \$128,884 70 at the end of that month, I have to request that you will explain why it was that the whole of the public moneys in your hands on the last of the previous month was not deposited, instead of a part, in conformity to explicit and frequent instructions on that point. It is painful to be obliged to ask you so often for explanations.

I am, &c.,

LEVI WOODBURY,  
Secretary of the Treasury.

RECEIVER OF PUBLIC MONIES, Columbus, Mississippi.

Yes, I should suppose it was painful. The Secretary is truly a man of much patience. He must be a lineal descendant of Job. He gives to his subordinates "line upon line," "precept upon precept," "here a little" and there a great deal. He strives hard to teach them honesty. Whether his ill success is attributable to master or pupils, I will not pretend to say.

At length Mr. Harris does what neither the President nor the Secretary dare to do—he dismisses himself from office; in other words, he resigns.

TREASURY DEPARTMENT, September 21, 1836.

SIR: Your letter of the 27th ultimo, addressed to the President, has been referred to this office. Your duties as receiver will, of course, have ceased, or been suspended, after the 31st ultimo, the time when you propose your resignation should take effect; immediate steps, it is hoped, will be taken to adjust your accounts, and pay over the balance. Soon as the President returns, a further communication will be made to you.

I am, &c.,

LEVI WOODBURY,  
Secretary of the Treasury.

W. P. HARRIS, Esq., Columbus, Mississippi.

He resigns, a defaulter for \$100,000. He had quite a moderate appetite, compared with Swartwout and some others.

There is but one more morsel of this correspondence on record, and it is of a piece with the balance. It consists of regret on the part of the Secretary that legal steps had been taken "to attempt to secure" what was due the Government:

TREASURY DEPARTMENT, November 19, 1836.

SIR: I have received your letter of the 1st instant, by the mail of this morning, and regret to inform you that, as long ago as August last, steps were taken by the Solicitor of the Treasury to attempt to secure the balance due from you.

I am, &c.,

LEVI WOODBURY,  
Secretary of the Treasury.

W. P. HARRIS, Esq., Columbus, Mississippi.

Now, will any one dare deny that General Jackson and Secretary Woodbury were literally guilty of this defalcation? Did it not result from their wilful neglect of duty—from absolute and unqualified connivance? For two years and a half this receiver was never for a single instant out of default; he was during that whole period in continued violation of the acknowledged "paramount duties of his office." The Secretary was aware of the whole of it. The case at length becomes so ripe that it falls of itself—a good round golden apple of the value of \$100,000 and upwards. And yet the Secretary swears that no such fruit grows in his garden.

But let us again take a bird's eye view of this correspondence. Let us group it: without giving the exact language, we will take the meaning—the idea.

Letter 1st. Mr. Harris, I am sorry to tell you again, you hav'n't made your returns.

2d. Mr. Harris, you hav'n't made your returns.

3d. Mr. Harris, if you don't make your returns I'll tell the President.

4th. Mr. Harris, you had better settle up; if you don't, out you go.

5th. Mr. Harris, please to tell me why you hav'n't settled; do, that's a good man.

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6th. Mr. Harris, now don't behave so.  
7th. Mr. Harris, how would you feel if you were dismissed from office? Better pay up, or you'll know.

8th. Mr. Harris, it's lucky for you you've got strong friends; that's the reason we don't turn you out. But you'd better mind your eye.

9th. Mr. Harris, fie!

10th. Mr. Harris, ain't you ashamed?

11th. Mr. Harris, perhaps you don't know it, but you are very much behindhand. Do you intend to pay up, or not? I wish you would. 'Tis very strange you will hurt my feelings so, and the President's too.

12th. Mr. Harris, how comes it that you are a defaulter for \$128,884 70? I don't wish to hurt your feelings, but I should like to know. I have a curiosity on the subject; can't you tell me?

13th. Mr. Harris, you've resigned, have you? Well, that beats anything. What a cunning dog you are? Feathered your nest well, ha? I'll tell the President all about it when he comes home. How he will laugh!

14th. Dear Mr. Harris, I regret to tell you that the rascally Solicitor of the Treasury is a going to try and recover back that money you've got, which belongs to the Government. Never mind; we'll fix it some way.

Such is an epitome of the correspondence of Levi Woodbury, Secretary of the Treasury, and constitutional adviser of the President. What a rich specimen of an American statesman!

But to our task. The next defaulter whom I shall mention was Boyd, the successor of Harris, a "follower in the footsteps." In little better than six months after he had been in office, we find the following account of his fidelity. It is extracted from the report of one V. M. Garesché, who was sent out by the Secretary to examine the condition of the land offices. It is dated 14th June, 1837. In relation to Boyd, he says:

"The account of the receiver, which I have made out and transmit herewith, presents against him a balance of \$55,965 34. His own account makes it \$53,272 73; it is also annexed. His assets, of which I also send you the list, amount to \$61,549 98, *voting the land at \$25 only*, but might probably realize double the amount. *The man seems really penitent; and I am inclined to think, in common with his friends, that he is honest, and has been led away from his duty by the example of his predecessor, and a certain looseness in the code of morality, which here does not move in so limited a circle as it does with us at home.* Another receiver would probably follow in the footsteps of the first. You will not, therefore, be surprised to recommend his being retained, in preference to another appointment; for he has his hands full now. He will have not been disposed to speculate any more. He will have his bond signed by the same sureties, and forwarded in a few days to Washington. This speaks favorably. He has, moreover, pledged his word that, if retained, he will strictly obey the law, and receive nothing but specie in payment for lands. He tells me that he is about selling a great portion of his lands; that, and some other negotiation, will enable him to discharge a large portion of his debt to the United States before the expiration of the present quarter. Lenity towards him, therefore, might stimulate him to exertions which severity might perhaps paralyze. I have, in the mean time, enjoined the closing of the land office until the bond is completed and returned. No land has been sold since the 20th ultimo."

Sir, who but a profligate panderer could have written the above? Who but a political bawd could have received it without indignation and contempt?

"You will not be surprised if I recommend his being retained;" "for he has his hands full now."

No; I presume the Secretary was not surprised, though any honest man would have been, at the corrupt and wicked proposition.

The licentious familiarity of this, as well as other of the reports and letters to the Secretary, cannot fail of arousing in the breast of every premeditated man sentiments of scorn and disgust.

But, says this polypus feeler of Levi Woodbury:

"The man seems really penitent; and I am inclined to think, in common with his friends, that he is honest, and has been led away from his duty by the example of his predecessor, and a certain looseness in the code of morality which here does not move in so limited a circle as it does with us at home."

Now, sir, a more infamous slander was never promulgated against an intelligent and moral community; for a more upright, intelligent, and moral community cannot be found in the Republic than that which is the subject of this vile libel. Why, sir, I do not believe there is a citizen of that com-

munity who would not spurn, with honest and indignant scorn, the profligate sentiments of this self-constituted "censor morum."

No, sir; it was that looseness of political morality which marks the party in power, which more especially illustrates the official conduct of the Secretary of the Treasury, that induced Boyd to embezzle the public property.

And he did it with a vengeance. His accounts exhibit his defalcation as of some fifty or sixty thousand dollars in money. But it was a more splendid robbery than this: it was of some twenty-eight thousand acres of the public domain, which, by virtue of his office, he transferred to himself, without even paying for it a single dollar. Sir, this was a bold operation; most of the appropriators of other people's property prefer personal chattels—something which can be concealed, and, if necessary, taken across the waters. But "there be land rats as well as water rats;" and Boyd, it seems, was a land rat. What a huge slice he cut from the public loaf!—twenty-eight thousand acres of land! Why, it is more than a German principality. The Norman robber, when he divided out the broad lands of merry England, gave not to his haughty barons such wide extent of wood and field. Who would not be the feudatory of this Administration, when the tenure is so easy, and the reward would constitute materials for a dukedom?

Sir, the Secretary deserves impeachment for this case alone. Why has he not proceeded to set aside the illegal and false titles to these lands? The receiver never had a shadow of right to them. Yet his pretended title has been recognized, and portions of the land are now being sold by the officers of the Government, as the property of the delinquent.

After this extensive land conspiracy, what does the Secretary do? Does he, with virtuous indignation, turn him out of office? No, sir. He permits him to resign at his leisure. Two months after Garesché's report, he writes him as follows:

TREASURY DEPARTMENT, August 8, 1837.  
SIR: I am happy to hear of the frank and honorable course proposed in your letter of the 24th ultimo. It would be convenient to have the bond and resignation arrive here by the early part of September.  
I am, &c.,

LEVI WOODBURY,  
Secretary of the Treasury.

G. D. BOYD, Esq.,

Receiver of Public Moneys, Columbus, Mississippi.

Yes, sir; according to the morality of the Secretary, resigning after robbing the Government of twenty or thirty thousand acres of land, is very "frank and honorable."

I will give you one case more, and then I am done. It is the case of Linn, receiver of public money at Vandalia.

As early as June 23, 1834, Mr. Taney wrote to him, admonishing him of his neglect in depositing the public money, and warning him of the indispensable duty of doing so.

On the 20th of October, 1834, Mr. Woodbury writes him on the same subject; calls to his mind his continued neglect and violation of this duty, and tells him that if he fails any longer in its performance, "it will be my painful duty to submit the case for the action of the Executive, and to recommend the appointment of another person as your successor."

Again, under date of 4th of December, the Secretary renews the complaint of neglect in the deposit and non-compliance with the positive directions of the Department.

Instead, however, of being removed for this continued contumacy, Linn receives the following letter from the Secretary:

TREASURY DEPARTMENT, February 12, 1835.

SIR: Although it has pleased the President, under the explanations given, notwithstanding your past neglect in some cases to deposit the public moneys as required by law and the instructions of the Department, to reappoint you for the office of receiver of public money at Vandalia, and your nomination has been confirmed, yet it is not to be inferred from this evidence of his regard, that any future omission in this respect can be overlooked. Once for all, then, I would inform you that a strict observance of the regulations of the Department, for the periodical deposit of the public money, and the transmission of your accounts and returns, are paramount duties, the neglect of which will be reported for the action of the Executive.

I am, &c.,

LEVI WOODBURY,  
Secretary of the Treasury.

WILLIAM LINN, Esq.,

Receiver of Public Money, Vandalia, Illinois.

But it seems Mr. Linn thought differently; and

came to the conclusion that, "from this evidence of the President's regard," "future omissions would be overlooked." And it seems his opinion on the subject turned out to be more correct than that of the Secretary; for, under date of July 25, 1836, we find the indefatigable Mr. Woodbury still complaining of Linn's failure to deposit the moneys on hand; yet he does not have him dismissed.

September 2, 1836, he tells him, with as much gravity as if it were for the first time:

"The Department trusts your deposits will hereafter be promptly made, and that no exchanges whatever of money will take place, on any terms, as they open a door to improper practices and unfounded imputations."

December 8, 1837, he says:

"Again it becomes my duty to call your attention to the subject of my former letters, in reference to the deposits of the public money, and to inform you that, if by return of mail, evidence is not received of your having complied with the requisitions of my letters of the 16th August and 3d November, it will be my unpleasant duty to report your neglect to the President, and to recommend your removal from office."

Well, sir, instead of being removed, he is permitted, like Boyd and Harris, to retire with honor, upon his own voluntary resignation, as appears by the following and last letter of the infamous series:

TREASURY DEPARTMENT, January 26, 1838.

SIR: Your letter of the 7th instant is received, and your resignation is accepted by the President. I regret that so large a balance stands unadjusted in your hands, and trust that certificates of deposit for the amount with the Bank of Missouri, will, without delay, be forwarded here.

I am, &c.,  
LEVI WOODBURY,  
Secretary of the Treasury.

WILLIAM LINN, Esq., Vandalia.

Now, how dare the President and Secretary to say that defalcation deserves to be punished with the penitentiary, when they did not consider it deserving even of removal from office in the case of Linn, who was allowed to resign and retire a defaulter for \$—

But the Secretary says he was not bound to notice these defalcations; that it was impossible for him to scent them out. After reading the foregoing letters and extracts—"elegant extracts" they may be called—I am inclined to think Mr. Secretary Woodbury has taken his cue in this matter from the following fable, which, if my friend from Virginia [Mr. WISE] will do me the favor to read, he will afford a moment's relief both to the House and myself.

Mr. WISE read, with much humor, from a paper handed him by Mr. P.

"And how did it happen, Pat, that *Misther Van Buren* always kept in with the old General as he did?"

"Why, I'm thinking, Murphy, it was because he always had such a bad cold, jist!"

"An what had his having a cold to do with the matter, at all, at all?"

"Why, did ye never hear, Murphy, my boy, of the fox that had a cold? Then I'll tell ye. Once there was a lion that wanted to know how polite all the bastes were. So he made a great smell in his den with brimstone—or something else, I don't mind what, jist, but it smelt enough to knock you down intirely; and then he called in the bear, and says he, 'Good morning, Mr. Bear; and what d'ye think of the smell here this morning?' And says the bear, says he, 'Why, it smells bad.' 'What's that you say?' says the lion; 'take that,' says he, (ating him up altogether!) 'take that, and see if it will tache ye politeness, ye unmannerly son of a cub!' Now, when the bear was ate up, the lion called in the monkey, and asked him the same question precisely. Now, the monkey, seeing the bear that the lion had swallowed lying dead in the corner, says he, 'May it please yer Majesty,' says he, 'it's jist the most delightful smell I ever smelt in my life, at all, at all.' 'So it is,' said the lion, (patting him on the head, easy like, so as to bate the breath clane out of his body,) 'so it is,' said he, 'and now you'll not tell another lie soon, I'm thinking.'"

"Now, when the lion had kilt the bear and the monkey, he called in the fox to him, and says he, (looking very savage, and ready to ate him up if he should make the laste fox-paw at all,) 'Good morning, Fox,' says he, 'how does my parlor smelt to-day?' And says the fox, (wiping his nose with the brush of his tail, and pulling down his eyelid with his paw, as much as to say, 'D'ye see any green there, my honey?') 'Faith,' says he, 'may it please yer Majesty, I've a very bad cold this morning, and it's me that can't smelt at all, at all.' So the lion laughed, and told the fox he was a very clever baste, and he might tread in his footsteps if he could straddle wide enough, and that all the other bastes should mind him, or he would ate them up as he had done the bear."

Mr. PRENTISS. The Secretary, though in other respects he resembles a much larger and less cunning animal, yet, in this matter, has certainly taken a lesson from the fox. "He's had a very bad cold," and "couldn't smelt at all, at all." No, sir; the stench of corruption, which has been so long steaming up from his Department, has

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not, it seems, yet offended his olfactory. Besides all this, his friends excuse him by saying that the Government will, probably, not ultimately lose anything by these defalcations; that the money will be recovered back, either from the defaulters or their sureties.

Sir, if a thief is detected, and compelled to disgorge the subject of his larceny, does it relieve the rogue and his accomplice from guilt? does it extinguish the crime? Upon the answer to this question depends the validity of the Secretary's excuse.

It is also urged in his favor, that defalcations have occurred under other Administrations; that the public money has been stolen before. This plea I feel compelled to allow to its whole extent. "Brave men lived before Agamemnon," and great rogues before Levi Woodbury. In justice to the Secretary, I cannot deny that his *pets* are not the first thieves on record; and I give him joy of the able defense which his friends have extracted from this remarkable circumstance.

And now, Mr. Chairman, what do you think of this Secretary of the Treasury? of his epistolary talent? of his capacity and fitness for the station he occupies? He resembles much, both in manner and morality, that worthy old lady who lived at "The Mug," in Bulwer's "Paul Clifford," and rejoiced in the name of "Mrs. Margery Lobkins," more familiarly called "Peggy Lob."

His correspondence with his subalterns cannot fail of calling to your recollection the exquisite admonitions of honest "Peggy" to "Leetle Paul."

Thus moralized, not Levi, but the kind-hearted dame:

"Mind thy kittychism, child, and reverence old age. Never steal, specially when any one be in the way. Be modest, Paul, and stick to your situation in life. Read your Bible, and talk like a pious 'un. People goes by your words more than your actions. If you wants what is not your own, try and do without it; and, if you cannot do without it, take it away by insinuation, not bluster. They as swindles does more ad risks less than they as robs."

Yes, sir; "people goes more by your words than by your actions." Well has the President studied this maxim, and cunningly did he practice upon it when he recommended that defalcation should be made a penitentiary offense. Peggy Lob placed in "leetle" Paul's hand the sum of five halfpence and one farthing. "There, boy," quoth she, and she stroked his head fondly when she spoke, (just as Levi caresses his subordinates,) "you does right not to play for nothing—its loss of time! But play with those as be less than yourself, and then you can go for to beat 'em if they says you go for to cheat."

Ay, and it has not been long since this was the doctrine of those in power, and "to go for to beat those who say you go for to cheat" became the watchword of the party. I recollect well, and my honorable friend who sits near me [Mr. Wise] recollects still better than I do, these days of terror, when he had to legislate, as he told us the other day, with "harness on;" when the best argument was the pistol, and the only law was club law. It was the time when "Hurrah for Jackson!" constituted the "open sesame" of power, which gained at once admittance into the robber's cave and participation in the plunder.

Then General Jackson had but to whistle, and

"Instant from copse and heath arose  
Bonnets, and spears, and berded bows."

His followers, like those of Roderick Dhu, started up in every direction, ready and eager to perform his bidding. He had but to point his finger, and his fierce blood-hounds buried their muzzles in the unfortunate victim of his wrath.

Then were the saturnalia of the office-holders; and, like the locusts of Egypt, they plagued the land. Few dared to whisper of corruptions or defalcations; and a bold man was he who proposed to investigate them, for it was sure to bring down upon his head the rage which never relented, and the anger which nothing but furious persecution could assuage.

There was one man, however, who blanched not before General Jackson's frown, and who dared to propose an investigation into frauds and corruptions which had become so palpable and gross as to be an offense in the nostrils of the community. He occupied, at that time, a seat

in the other end of this building, as Senator from my own State; a State upon whose laws and institutions his talents and genius are indelibly impressed. The political history of Mississippi is illustrated by his name from its very commencement. He served her in all her departments; and as legislator, judge, and Governor, advanced her prosperity and added to her character. What he was as Senator you all know. He stood proudly among the proud, and lofty among the loftiest, at a time when the Senate Chamber contained the garnered talent of the country; when its intellectual giants shook the whole nation with their mighty strife; when, sir, it inclosed within its walls the most transcendent deliberative body that ever was assembled upon this earth. The floor of that body was his proper arena. To a correctness of judgment, which would have given him reputation even without the capacity of expression, he joined a power of debate which for parliamentary strength and effect was unsurpassed. To all this was added a stern, unyielding attachment to his political principles, and an indomitable boldness in expressing and sustaining them.

Do you not recollect, sir, when General Jackson, like Charles I., strode to the legislative chamber, and thrust among the Senators a despotic edict, more insulting than if he had cast at their feet a naked sword? It was that fierce message which commenced with breaking down the independence and character of the Senate, and finally resulted in that worse than felon act, the desecration of its records. But the mandate passed not unopposed or unrebuked.

When it burst, like a wild beast from his lair, upon the astonished body whose degradation it contemplated, and in the end accomplished, most of the distinguished Senators were absent; but he of whom I speak was at his post. Single-handed and alone, like Cæsar at the head of the bridge, he held at bay the Executive squadrons, and for a whole day drove back the Mamelukes of power; till at the sound of his voice, as at the sound of a trumpet, his gallant peers, the champions of freedom, the knights—not of the black lines, but of the Constitution—came flocking to the rescue. Sir, it was a noble scene, and worthy of the best times of the Republic. A Senator of the United States, in bold and manly pride, trampling under foot Executive insult, and protecting, at the same time, the honor of his country and the dignity of his high station. There was a moral chivalry about it far above the heroism of the field. Even now, the contemplation of it makes the blood thrill through the veins, and flush the forehead to the very temples.

I need not tell you that man's name was George Poindexter, a name that will long and honorably live among the lovers of independence and haters of tyranny. But he dared to propose an investigation into the frauds and corruptions of the Government, and from that moment his doom was sealed. The deep, turbid, and resistless current of Jacksonism swept him from the State in whose service the best of his life had been expended; and, ostracised from her councils, he became an exile in other lands.

Sir, the office-holders in this country form an oligarchy too powerful to be resisted. Why was not Spencer removed? why was not Harris? why not Linn and Boyd? I will tell you. The Administration did not dare to remove them, even had it wished to do so; like pachas, they had become too powerful for the Sultan, and would not have hesitated in twisting the bowstring round the neck of the messenger who presented it.

Since the avowal of that unprincipled and barbarian motto, that "to the victors belong the spoils," office, which was intended for the use and benefit of the people, has become but the plunder of party. Patronage is waved like a huge magnet over the land, and demagogues like iron filings, attracted by a law of their nature, gather and cluster around its poles. Never yet lived the demagogue who would not take office.

The whole frame of our Government, the whole institutions of the country, are thus prostituted to the uses of party. I express my candid opinion, when I aver that I do not believe a single office of importance within the control of the Executive has for the last five years been filled with any

other view, or upon any other consideration, than that of party effect; and if good appointments have in any instances been made, and benefit accrued to the country, it has been an accidental, and not a voluntary result. Office is conferred as the reward of partisan service; and what is the consequence? Why, the office holders are not content with the pitiful salaries which afford only small compensation for present labors, but do not in their estimation constitute any adequate reward for their previous political services. This reward, they persuade themselves, it is perfectly right to retain from whatever passes through their hands. Being taught that all moneys in their possession belong not to the people, but to the party, it requires but small exertion of casuistry to bring them to the conclusion that they have a right to retain what they may conceive to be the value of their political services; just as a lawyer holds back his commissions. The Administration countenances all this, winks at it as long as possible, and when public exposure is inevitable, generally gives the bloated plunderer full warning and time to escape with his spoils.

Do you not see the eagerness with which even Governors, Senators, and Representatives in Congress, grasp at the most trivial appointments, the most insignificant emoluments? Well do these sons of the horse-leech know that there is more blood in the body than what mantles in the cheek, and more profit in an office than is exhibited by the salary.

Sir, I have given you but three or four cases of defalcations; would time permit, I could give you a hundred. Like the fair Sultana of the oriental legends, I could go on for a thousand and one nights; and even as in those eastern stories, so in the chronicles of the office-holders, the tale would ever be of heaps of gold, massive ingots, uncounted riches. Why, sir, Aladdin's lamp was nothing to it. They seem to possess the identical cap of Fortunatus. Some wish for \$50,000, some for \$100,000, some for \$1,000,000; and behold it lies in glittering heaps before them. Not even

"The gorgeous East, with richest hand,  
Showers on her kings barbaric pearl and gold"

in such lavish abundance as does this Administration upon its followers. Pizarro held not forth more dazzling lures to his robber-band when he led them to the conquest of the Children of the Sun.

And now, Mr. Chairman, have I not redeemed my promise? Have I not shown that the President is but a hypocrite in his pretended horror at defalcation; that the Secretary is much worse—a conniver; a weak, imbecile *particeps criminis*? Let his defenders reconcile his conduct in the case of Harris with his official duty, with the dictates of common honesty, if they can; I dare them to the trial. Let them reconcile his licentious correspondence with Spencer, Hendricks, and more especially Garesché, with the principles of common decency.

Mr. Chairman, it is not my intention to examine minutely the case of Swartwout. I know not why the President should have selected it out of so many as the subject of special communication. There is, however, one curious matter connected with this subject, which I shall notice. The President, the Secretary, and the party, all profess to unite in the belief that the defalcations of Swartwout, Price, and others, afford the best possible argument in favor of the sub-Treasury scheme. Most of these defalcations, say they, occurred under the deposit system; and, therefore, to that system these losses are attributable. Now, sir, if you will look over this Document 297, you will find that, out of the two hundred and sixty-five letters to receivers and collectors, nearly two hundred contain complaints that the public money had not been deposited in bank, but retained in the hands of the officer. If you will look into the cases of Harris and Boyd, you will see that their defalcations could not have taken place had the Secretary not indulged them in a continued and habitual violation of this duty of periodical deposits. But the proposition itself is grossly absurd. It amounts to this: that the running away of sub-Treasurers with large amounts of the public money is proof of the safety of the sub-Treasury system; in other words, stealing is proof of

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honesty. It is the holding of the money in the hands of the officer which produces the temptation to speculate. By having it in his custody, by continual viewing and counting, he comes at length to look upon and use it as his own.

The system is corrupt in its tendency; all experience says so. The first sub-Treasurer, since the Christian era, was Judas Iscariot; he carried the bag; and it was doubtless as much by his disposition to appropriate its contents to his own private use, as by the thirty pieces of silver, that he was tempted to betray his master.

But I understand the Executive goes still further; and, pointing to those very defalcations, demands an additional band of officers to watch the rest, and prevent them from walking in the footsteps of their predecessors. So Pisistratus gashed himself with unseemly wounds, and telling the people they had been inflicted by his enemies, asked for an additional guard to protect him. His request was granted; fifty men were given him, with whom he immediately seized upon the citadel, and became tyrant of Athens. Let the lesson not be lost, when you are asked to increase the number of the office-holders.

No, sir; these defalcations teach another lesson, and one well worth the cost, if we will but profit by its admonitions. They teach that the sub-Treasury system is but the hot-bed of temptation and crime. They teach that the public treasure cannot be safely confided to individual custody.

Sir, this Government may determine to watch, like Turks, with jealous care, its golden harem; but it will seek in vain for the financial eunuchs who have the power to guard without the wish to enjoy.

Mr. Chairman, the amount of money we have lost, great as it is, presents a question of but little comparative importance. If this whole Administration would take passage in the Great Western, and, with the Treasury in their pockets, follow after Swartwout and Price, I doubt not the country would cry "quite," and think it a happy riddance. But it is a deep and vital question, how such things are to be prevented in future; how this running sore is to be healed; how this system of negligence and corruption is to be stopped, and the action of the Government brought back to its original purity.

Give us the right sort of a committee—one that will go through the Departments as Van Tromp swept through the British channel, with a broom at the mast head—and something, perhaps, may be done. But for my own part, I look for no permanent good except in a change of rulers.

This Administration was "conceived in sin and brought forth in iniquity;" it has not belied its parentage. It is essentially and radically corrupt. In the language of an English historian, describing the reign of Henry VIII., "it has attained as near to perfect depravity as the infirmities of human nature would permit." Just before an election it will talk of reform, and deprecate, with holy horror, the consequences of its own misdeeds; but no sooner is the object accomplished, than it returns to its policy, like a dog to his vomit.

I have no hope of reform in the party in power; my only hope is, that the people, convinced of their hypocrisy and wickedness, will hurl them from the high places they have so long disgraced. That a consummation so devoutly to be wished for may be obtained, let us unite in exhibiting to the country their true principles; let us fasten upon them the responsibility of their actions. In this patriotic work I trust I shall find with me my honorable friend from South Carolina who sits near me, [Mr. PICKENS.] Often has he led the fierce assault against these very corruptions. "Has his hand waxed weak, or his heart waxed cold," that his war-cry has not yet tingled in our ears? Surely the "horn of Roland" will sound again; surely in this, his favorite battle, he will strike one more blow for Christendom before he renounces the cross and assumes the turban. Sir, I see by his flashing eye his soul is with us; the spirit of the past is rising before him; he recollects that many moons have not yet waxed and waned, since this very party who now claim him as an ally, crouched and howled like an exorcised demon beneath the magic of his burning words. Let him come out from among them—he and his

friends, for they are not of them: eagles mate not with kites and carrion crows.

Sir, I should rejoice to see the gallant gentleman resume his original position. I should be proud to win my spurs under so well approved and accomplished a leader.

Let me call to his mind a fable, with which he is doubtless familiar. A gaunt and ravenous wolf, hastily gorging the spoils of some plundering expedition, was choked by a bone, and lay at the point of death. A stork happened to be passing that way, and, moved by an ill-judged pity, extended her long neck down the wolf's throat, and extracted the bone. Upon modestly suggesting the propriety of some reward for so generous an act, the stork was told, with a wolfish scowl, that she ought to consider herself fortunate that her head was not bitten off during the operation.

Now, I take it that it requires no name written beneath this picture, to enable the most obtuse to recognize in the ravenous wolf the present party in power. The picture will also call to mind how this party, some years ago, while gorging with wolfish appetite upon the "spoils," got a bone in its throat, and lay at the point of dissolution. I leave it to the sagacity of the gentleman from South Carolina to finish the resemblance; to say who acted towards the Administration the part of the benevolent stork; and to reflect upon the boon she is likely to receive for her kindness.

Sir, the immense peculations of Swartwout, Price, and others, or rather the exposure of them, has alarmed the Administration.

They propose to make up the losses by retrenchment. And what do you suppose are the subjects of this new and sudden economy? What branches of the public service are to be lopped off on account of the licentious rapacity of the office-holders? I feel too indignant to tell you.

Look into the report of the Secretary of the Treasury, and you will find out. Well, sir, what are they? Pensions, harbors, and light-houses. Yes, sir, these are recommended as proper subjects for retrenchment. First of all, the scarred veterans of the Revolution are to be deprived of a portion of the scanty pittance doled out to them by the cold charity of the country. How many of them will you have to send forth as beggars upon the very soil which they wrenched from the hand of tyranny, to make up the amount of even one of these splendid robberies? How many harbors will it take—those improvements dedicated no less to humanity than to interest; those nests of commerce to which the canvass-winged birds of the ocean flock for safety? How many light-houses will it take? How many of those "bright eyes of the ocean," as my friend from Virginia beautifully calls them, are to be put out? How many of those faithful sentinels who stand along our rocky coast, and, peering far out in the darkness, give timely warning to the hardy mariner where the lee-shore threatens; how many of these, I ask, are to be discharged from their humane service? Why, the proposition is almost impious. I should as soon wish to put out the stars of heaven.

Sir, my blood boils at the cold-blooded atrocity with which this Administration proposes thus to sacrifice the very family jewels of the country to pay for the consequences of its own profligacy. If they wish to retrench, let them cut down salaries, instead of light-houses; let them abandon offices instead of harbors; let them turn out upon the world some of their wide-mouthed parisons instead of the soldiers of the Revolution.

Mr. Chairman, I have done. I had intended to notice other portions of the message, but shall defer it, for I have already too far taxed the patience of the committee. I shall vote in the House for an investigation, though I do not expect much from it. My hope is in an investigation by a higher authority than this House—by the people. The evil of the times lies not in particular cases, but in the principles of the party. Legislation cannot reach it. It is a radical evil, and the people alone can cure it. That they will do so, and in the only way it can be done—by a change of rulers—I have a high and holy confidence. This Administration has eaten, like a cancer, so far into the institutions of the country that, unless the remedy be soon applied, it will be too late. I do most conscientiously believe

that if the present dynasty is continued in power, constitutional liberty cannot survive. Already our institutions are half corrupted; already anarchy and despotism are leagued together against the Constitution and the laws. Let him who doubts it look at the proceedings in a neighboring State, and the conduct of the Federal Executive in relation thereto.

Let Mr. Van Buren be reelected; let him continue to be guided by the counsels of Mephistophiles and Asmodeus, the two familiars who are ever at his elbow—those lords, the one of letters and the other of lies—and it will not be long that this mighty Hall will echo to the voice of an American Representative. This Capitol will have no other uses than to attract the curiosity of the passing traveler, who, in melancholy idleness, will stop to inscribe upon one of these massive pillars, "Here was a Republic!"

## PUBLIC DEFAULTERS.

## SPEECH OF HON. HENRY A. WISE,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

December 21, 1838.

On the subject of the late defalcations.

Mr. WISE rose to address the House, on Mr. CAMBRELENG's motion for a select committee to investigate the defalcation of Samuel Swartwout, late collector at New York. Several gentlemen solicited him to defer his remarks until to-morrow. Mr. WISE declined, and said:

Mr. SPEAKER: After once losing the floor in the manner I did, by complying with such requests the other day, and by your decision yesterday, that petitions had precedence for thirty days over this motion, I feel very timid of locofocoism in yielding it again. I see, sir, gentlemen desire that this discussion should not proceed, at least not yet. They are afraid that public sentiment will be forestalled. They are heartily sick of this subject already, and would gladly get rid of it altogether. For their sakes, then, I shall go on; let them be patient under the operation; if they are hungry, let them go home and get their dinner; I shall not have concluded before their return; for, by refusing me leave to proceed yesterday, they have only given me more time to provide more materials; they have only laid up for themselves wrath against the day of wrath. I feel better prepared, much better, in body and mind than I was before; and, with this bank of documents before me, I could rain forty days and forty nights upon their sins and iniquities!

Sir, in my rambling remarks the other day I said many things which I will prove now. I said the proposition of the gentleman [Mr. CAMBRELENG] did not go far enough. Instead of inquiring only into the manner and extent of Swartwout's defalcation, it should propose an investigation of the official conduct of the Secretary of the Treasury, with a view to his impeachment, if sufficient be found on which to base the articles of specification.

Let gentlemen understand me. I measure my terms. I speak in no spirit of bravado. I declaim not when I say that if a majority of this House would do their duty without fear, favor, or affection, the Secretary of the Treasury would, before this House adjourns, be impeached. If ever a felon deserved the hangman's knot, the Secretary of the Treasury, Levi Woodbury, deserves impeachment! That is the proposition which I will now proceed to demonstrate.

This is a bold declaration; I know the weight of its responsibility; it requires some exertion to prove it; and I must be permitted to go back a little, to take a review of the past, from the beginning, and to gather, and group, and array all my exhibits and proofs.

To go back to the beginning, then; you all know that this present Administration that now is, is only a continuation of the one which went before it; a different stage of the same disease. It came into power a reform Administration, an investigating Administration! Yes, sir, they were hot in the pursuit and detection of all the iniquities of the reign of the venerable gentleman before me, [Mr. ADAMS,] and they found victims

on whom to glut and gorge their party vengeance, on whom to vent their holy hatred of corruption, and through whom they might gain public confidence by making an example of one offender, which would at once blast the character of the past Administration, and emblazon their own immaculate purity and self-righteousness. They succeeded. Their first and last victim was Tobias Watkins; they seized upon him and his effects, incarcerated him nearly four years for a defalcation of less than \$4,000, prostrated the power and the party which trusted him with place, and ingratiated themselves in the favor of the nation as pure patriots and honest men who would reform and retrench all abuses, and who were themselves incapable of like transgressions.

They were vigilant and faithful, energetic and efficient, untiring and relentless; they swept like new brooms; they swept clean as long as any of the dirt of the Adams administration was left in any of the Departments. They, in this time, exposed all the enormities of their predecessors, and began to form a character for themselves. It was thought that they—they who had been such scourges to all offenders against the purity of the Government, would hardly be suspected of like offenses themselves. But mark you, sir, as soon as the immaculate administration of General Jackson had been long enough in power to conceive iniquity and bring forth corruption and crime, worse—tenfold blacker than had ever before been perpetrated, all at once we witness an entire change, and hear from “the party” a different tone. The cry of corruption was now heard from another quarter; the trumpet-blast came loud and long from a different point of the field. The Post Office Department was first charged with every crime in the calendar of malversation and malfeasance in office. The charges were denied; those who made them vilified; and investigation was scorned and scoffed at, until the complaint became too popular to be unheeded longer. A committee was at last granted by both Houses of Congress; their investigations could not be stifled; and their reports from both sides, in both branches of Congress, exposed more bribery and corruption, more flagrant violations of official duty and crying abuses of official power and trusts, than had ever been charged or dreamed to exist. The Administration made a narrow escape; they ran the gauntlet through this exposure, and they were by it taught a lesson which they have ever since remembered—not foolishly again to grant or yield so another investigation. To appease the public indignation, Mr. Barry, the only honest man among that den of thieves, was given over to the tender mercies of—what? A FOREIGN MISSION! O. B. Brown was permitted to resign with eclat and the gains he had laid up against a day of trouble from the profits of favored mail contractors, and the rest and worst of the robbers were retained in their places.

But, sir, I was not for permitting the Administration to be “whipped and cleared” after conviction upon indictment against one Department, the Post Office alone. I believed that there were other Departments as foul, and that investigation was more necessary in the Treasury Department, especially, than any other. I so charged during the long session of 1835-36. I was laughed at as a madman. The Globe denounced me as the tool of a faction, and daily were I and my friend [Mr. PERRY] placarded for calumny and falsehood, “by authority,” in the official organ. During that session, whilst there was time to investigate, we were not heeded, except by bitter denunciation for false clamors. But our clamors brought forth fruit at the next session—an official notice, though indirect, in the message of the President—the “last annual message” of the greatest and best.

In December, 1836, General Jackson sent to us his “last annual message,” in which he gave a certificate of honesty, probity, and good demeanor to all the officers of all the Executive Departments. It was given, no doubt, expressly to falsify the charges which had been intimated by myself and others at the previous session respecting the then connection between the Treasury and Reuben M. Whitney. He held to Congress this language:

“Before concluding this paper, I think it due to the various Executive Departments to bear testimony to their prosperous condition, and to the ability and integrity with

which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation.”

And, sir, as if to give this certificate all possible solemnity of asseveration, it was made immediately to precede that closing paragraph in which as with a sigh of regret heaved from the bosom of the old Cæsar at the thought of leaving power, he pours out his gratitude to his fellow-citizens for their encouragement and support—expresses his consciousness of having come short of all he desired to accomplish, his confidence in a favorable construction of his motives, his consolation that his errors would find a corrective in the intelligence and patriotism of those who would succeed him, his inspiration of increased confidence in our institutions, and his pledge, if spared by age and infirm health in retirement, so much desired by him, to invoke that beneficent Being to whose providence we were already so signally indebted, for the continuance of His blessings on his beloved country.

We will soon see whether there were errors to be corrected, and time has developed whether “intelligence and patriotism, sufficient in those who succeeded him, have been found to apply the ‘corrective.’”

Sir, I forthwith joined issue with the propositions of this certificate. I reviewed this “last annual message” in a speech, to which I now refer, as part of the “*res gesta*” of this subject. I denied the proposition—

1. That the various Executive Departments were in a prosperous condition.
2. That they had been conducted with ability and integrity.
3. That it had been the aim of the Executive to enforce in all of them a vigilant and faithful discharge of the public business.
4. That there was no just cause of complaint from any quarter at the manner in which they had fulfilled the objects of their creation.

I charged the very reverse of these propositions upon the pure, virgin administration of him who could do no wrong, and declared it was more corrupt than that which had, on the plea of corruption, been thrust out of power. I pledged the proof, and demanded a committee. It was not until within one month and twelve days of the 4th of March, 1837, of the expiration of the Twenty-Fourth Congress, that I was able to wring from a reluctant Executive majority the appointment of a committee of investigation. It would never have been granted had not an issue been tendered by the President himself.

And here, sir, before I proceed in the regular chronology of my history of investigation, I must pause to draw your attention to the message of President Van Buren, of December 10, 1838, transmitting Mr. Secretary Woodbury's report of December 6, 1838, “in relation to the RECENTLY DISCOVERED default of Samuel Swartwout,” &c. Such is the new title of this old work! The fact disclosed in this report, to which I wish to call your attention, is, that the deficit of Mr. Swartwout at the end of each successive year was as follows:

On the 31st December, 1830.....	\$692 34
On the 31st December, 1831.....	1,168 87
On the 31st December, 1832.....	30,801 33
On the 31st December, 1833.....	35,298 54
On the 31st December, 1834.....	50,370 04
On the 31st December, 1835.....	137,061 69
On the 31st December, 1836.....	336,718 69
On the 31st December, 1837.....	1,016,955 32
On the 28th March, 1838.....	1,225,705 69

Thus is it now officially reported by Mr. Woodbury in 1838, who was himself Mr. Secretary at the head of the Treasury Department, in December, 1836, when the certificate was given, that then, at the very date of the presidential certificate of honesty and probity, ability and integrity, Mr. Swartwout's deficit was \$336,718 69! So much for the “integrity” of the chief officer of the custom-house at New York. While I was denounced for insinuating even a breath of suspicion that any one of the President's pets was impure, here was the officer in receipt of customs at the very flood-gate of duties—the very emporium of commerce, embezzling public money to the tune of \$336,000! And was he alone a defaulter? Was

it at the receipt of customs alone that the public money was purloined? No, sir. Other Judases held the other bags. The receivers at the land offices, too, were, at the same date, equally in default, morally, and in a pecuniary point of view. There were tens and fifties of cases even worse in moral turpitude, though less in amount of dollars and cents, than the case of Swartwout, as I will show directly by House document No. 297, dated March 30, 1838, containing the official correspondence of Mr. Woodbury with receivers, and the reports of commissioners upon the “condition” of their offices; a document which shows defaulting receivers were as numerous as land offices themselves. I did not know of these cases then; no one had heard a whisper of the defalcations of a single one of the long list which is now reported. All was then kept quietly and snugly concealed in the dark chamber of Mr. Woodbury's secret cabinet. I did not know, but, in Yankee phrase, I “guessed” a great deal, though not half of what is since told.

To return to my history. I challenged the opportunity of inquiry and investigation, and not until the 17th day of January, 1837, the session necessarily to expire on the 4th of March, it was granted—grudgingly, delusively, hypocritically, it is true, but it was granted.

Now, let us see what then were the doctrines and practices of the administration, of the President, of the heads of Departments, of the Speaker of this House, of the committee appointed by him, of the House itself, and the whole party, touching the rights and powers and duties of investigating the official abuses and corruption in the Government?

Sir, the whole party, from the President down to you, sir, resorted to every device to evade, and finally defied and denounced, all inquiry and all investigation. You all attempted to bell the cat! You warned the rats. You hid them. After ostensibly giving full scope in the resolution of inquiry, to gull the people with fair pretensions, you shut the doors of the Departments; you silenced all resolutions and interrogatories in the committee rooms!

On the 17th day of January, 1837, the House of Representatives passed the following resolution:

“Resolved, That so much of the President's message as relates to the ‘condition of the various Executive Departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation,’ be referred to a select committee of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various Executive Departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said Departments, or their bureaus or offices, or any of their officers or agents of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest; and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper.”

The committee appointed by you, sir, was constituted thus: Mr. WISE, Mr. PEARCE of Rhode Island, Mr. MÜHLENBERG, Mr. CAMPBELL, Mr. HANNEGAN, Mr. PARKS, Mr. LINCOLN, Mr. MANN of New York, and Mr. CHANEY.

Six good liege men, and true, to three in favor of investigation! Thus constituted, stocked, the committee went to work; proceeded with its task until the 3d day of March, 1837, and on that day made three reports, as was to have been expected. One report was signed by the majority of six, the other by the minority of three, and I made a separate report, in which Messrs. LINCOLN and CAMPBELL did not or could not unite, for want of time to examine it in detail. If I am wrong in assigning this reason for not having his signature with mine, the gentleman, [Mr. LINCOLN,] now present, will correct the statement.

Mr. LINCOLN here nodded assent to its truth. Mr. WISE. This report at large, written and composed wholly by myself, I beg leave to read in part, as the best commentary I now can make upon the history and proceedings of that committee.

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[Mr. W. read that part of his report which showed that the committee was not organized until the 21st of January; that the resolution of the committee was broad enough to embrace every species of legitimate inquiry; that there were many subjects of inquiry near at hand which the committee could pursue; that they took up four of them, and adopted four resolutions: first, as to patronage to the public press; second, as to appointments without consent and advice of the Senate; third, as to contingent expenses of Departments; fourth, as to sinecures; that these resolutions were all amended by the President's own friends by inserting the words "without authority of law;" that they were adopted on the 23d of January, 1837; and he, as chairman, was ordered to communicate them to the President and heads of Departments; and that he did communicate them on the 24th of January, in a respectful note; that, on Friday, the 27th of January, Mr. Wise was called on, together with Mr. BELL and others, by Mr. MANN, of New York, to answer the question: "Do you, of your own knowledge, know of any act by either of the heads of the Executive Departments which is either corrupt or a violation of their official duties?" That he (Mr. Wise) was proceeding to answer this question, when the Private Secretary of the President entered the committee room, and presented to the committee the following letter in reply to his of the 24th, communicating the resolutions of the committee:

WASHINGTON CITY, January 26, 1837.

SIR: I received, on the evening of the 24th instant, your letter, covering a copy of certain resolutions purporting to have been adopted by a committee of the House of Representatives of which you are chairman, and request that you will lay before that committee this, my reply, which I hasten to make.

It appears, by the published proceedings of the House of Representatives, that the committee of which you are chairman was appointed on your motion. The resolution offered by you, and finally adopted by the House, raised a direct issue with that part of my annual message in which I held the following language:

"Before concluding this paper, I think it due to the various Executive Departments to bear testimony of their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce, in all of them, a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the object of their creation."

Your resolution is in the following words:

"Resolved, That so much of the President's message as relates to the condition of the various Executive Departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint from any quarter, at the manner in which they have fulfilled the objects of their creation," be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various Executive Departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said Departments, or their Bureau or offices, or any of their officers or agents, of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the object of their creation, or have violated their duties, or have injured and impaired the public service and interest; and that said committee in its inquiries may refer to such periods of time as to them may seem expedient and proper."

It also appears from the published proceedings of the House that this resolution was accompanied and supported by a speech of considerable length, in which you prefaced many severe but vague charges of corruption and abuse in the Executive Departments. The resolution adopted by the committee, as well as that adopted by the House itself, must be taken in connection with your introductory speech, which gives a character to the whole proceeding. When thus regarded, it is obvious that, by the resolution of the House, an issue is made with the President of the United States, as he had alleged in his annual message that the heads of the Executive Departments had performed their official duties with ability and integrity. In your speech you denied this; you charged them with manifold corruptions and abuses of trust, as you had done in former speeches, to which you referred; and you demanded an investigation through the medium of a committee. Certain other members of Congress, as appears by the published debates, united with you in these accusations; and for the purpose of ascertaining their truth or falsehood, the committee you demanded was ordered to be raised, and you were placed at its head. The first proceeding of the investigating committee is to pass a series of resolutions, which, though amended in their passage, were, as understood, introduced by you, calling on the President and the heads of the Departments—not to answer to any specific charge; not to explain any alleged abuse; not to give information as to any particular transaction; but assuming that they have been guilty of the charges alleged, calls upon them to furnish evidence against themselves!

After the reiterated charges you have made, it was to have been expected that you would have been prepared to reduce them to specifications, and that the committee would then proceed to investigate the matters alleged. But instead of this you resort to generalities even more vague than your original accusations; and in open violation of the Constitution, and of that well-established and wise maxim, "that all men are presumed to be innocent until proven guilty according to the established rules of law," you request myself and the heads of the Departments to become our own accusers, and to furnish the evidence to convict ourselves; and this call purports to be founded on the authority of that body in which alone, by the Constitution, the power of impeaching us is vested! The heads of Departments may answer such a request as they please, provided they do not withdraw their own time, and that of the officers under their direction, from the public business, to the injury thereof. To that business I shall direct them to devote themselves, in preference to any illegal and unconstitutional call for information, no matter from what source it may come, or however anxious they may be to meet it. For myself I shall repel all such attempts as an invasion of the principles of justice, as well as of the Constitution; and I shall esteem it my sacred duty to the people of the United States to resist them as I would the establishment of a Spanish Inquisition.

If, after all the severe accusations contained in the various speeches of yourself and your associates, you are unwilling, of your own accord, to bring specific charges, then I request your committee to call yourself and your associates, and every other member of Congress who has made the general charge of corruption, to testify before God and our country, whether you or they know of any specific corruption or abuse of trust in the Executive Departments; and, if so, what it is. If you are able to point to any case where there is the slightest reason to suspect corruption or abuse of trust, no obstacle which I can remove shall be interposed to prevent the fullest scrutiny by all legal means. The offices of all the Departments will be opened to you, and every proper facility furnished for this purpose.

I hope, sir, we shall, at last, have your charges, and that you will proceed to investigate them, not like an inquisitor, but in the accustomed mode. If you either will not make specific accusations, or if, when made, you attempt to establish them by making freemen their own accusers, you will not expect me to countenance your proceedings. In the short period which remains of my official duty, I shall endeavor, as I have heretofore endeavored, to fulfill the obligations of that oath of office by which I engaged "to the best of my ability, to preserve, protect, and defend the Constitution of the United States;" and for this, and other reasons of the most solemn character, I shall, on the one hand, cause every possible facility, consistent with law and justice, to be given to investigation of specific, tangible charges; and, on the other, shall repudiate all attempts to invade the just rights of the Executive Departments, and of the individuals composing the same. If, after all your clamor, you will make no specific charges, or bring no proof of such as shall be made, you and your associates must be regarded by the good people of the United States as the authors of unfounded calumnies; and the public servants whom you have assailed will, in the estimation of all honorable men, stand fully acquitted.

In the mean time, I cannot but express my astonishment that members of Congress should call for information as to the names of persons to whom contingent moneys are paid, and the objects of those payments, when there are six standing committees, under the 7th rule of the House of Representatives, whose special duties are to examine annually into all the details of those expenditures in each of the Executive Departments. The like remark is applicable to some other branches of the information sought by you, ample details in respect to which are to be found in the reports laid before Congress, and now on your files; and to which I recommend you to have recourse.

I am, respectfully, &c., ANDREW JACKSON.  
To the Hon. HENRY A. WISE, Chairman of the Investigating Committee on the Abuses and Frauds of the Executive Departments—charged.]

Sir, this was an extraordinary letter to be addressed by the President of the United States to a committee of the House of Representatives. It at once explained to me why I had been called on first to purge myself on oath of all knowledge of Executive corruption. I immediately changed positions with Mr. MANN—assumed the seat of interrogator, and put him upon the witness stand, as to what information he had been carrying to the palace of the proceedings of a committee of the House of Representatives charged to inquire into executive abuses. He admitted, on oath, that he had informed the President of our proceedings, and swore that "the President told" (him) "that he would desire" (the) "committee to examine, upon oath, such gentlemen as had charged corruptions and abuses against the heads of the Executive Departments." But, sir, the report is the best history and commentary upon this extraordinary letter and all its incidents.

[Mr. W. again read from his report, showing "this letter to be an official assumption of authority by the Executive over the proceedings of the House of Representatives, and over the proceedings of one of its committees; an official attack upon the privileges of members of both Houses of Congress; and that it opposed an unauthorized resistance to the just powers of the House and its committee, in direct hostility to inviolable principles necessary to the ad-

ministration of a free Government;" that the letter was official; that in this official letter the President assumed authority over the proceedings of the House; it shows he did not look to the results alone of those proceedings, but assumed to look behind them, and to supervise what each House, for itself alone, by the Constitution, has power to determine—the proceedings by which it arrived at those results; that the President did not look to the resolution alone, but to its mover and its advocates, and to their speeches on this floor; that the President assumed to control as well as supervise the proceedings of this House; that the House had ordered an inquiry into the condition of the Government; that, in coming to that order, it was contended in debate there should be specific charges on the one hand, and on the other that, whether the condition of the Government was good or bad, it was simply a duty of Representatives to inquire into its condition; that magistrates were but trustees and servants of the people, at all times amenable to them, and that they might be required at any time to render an account, without being specifically charged with a fault; that it was the duty of the President, by the Constitution, "from time to time to give to the Congress information of the State of the Union;" that officers were removable from office on impeachment; that the House had the sole power of impeachment, which it could not exercise without inquiring into the conduct generally of public officers; that the Congress had power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, and it could not protect the public lands and public money without inquiring for information necessary to protect them from abuses and corruption; that, in reply to all these arguments, it was urged by the friends of the Administration that the resolution constituted an *inquisition*; and violated that part of the Constitution which provides—"the rights of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated."

In reply to this, it was contended that the rights here spoken of were rights of the people; that they were not the rights of the public Departments; that the Departments, the public houses, papers, and effects, were not the private property of Executive officers; that, if this resolution was *inquisitorial*, the standing rules of the House had, from the foundation of the Government, been *standing inquisitions*, which proved that the right of inquiry into the condition of the Government had never before been denied; that there were various precedents for inquiry—the resolution offered by Mr. CONNOR, in June, 1834, in relation to the Post Office Department, was general and sweeping; that General Jackson himself had, in his message of 1829, recommended "general and minute inquiry into the condition of Government," especially in relation to "frauds on the Treasury;" and upon this discussion the House rejected an amendment requiring specific charges, and thereby declared that such should not be required before "general and minute inquiry." The President said, in his letter, in direct contradiction, that he would repel all inquiry as he would the establishment of a Spanish Inquisition, unless specific charges were made. The House declared that a member should not be required to prefer an accusation before inquiry. The President declared he should be so required; and, if he did not prefer and prove his charges, he denounced him and his associates as authors of unfounded calumnies. The House declared inquiry should not be perverted into impeachment. The President declared the House should not inquire unless it did impeach. The House declared the committee to be necessary and proper by constituting it. The President denounced it as unnecessary and improper. The House resolved the committee should have power to send for persons and papers. The President declared that the heads of Departments should devote themselves to their public business, in preference to any calls for information, which he was pleased to denounce as illegal and unconstitutional.

But he not only supervised and controlled the proceedings of the House, he supervised and controlled the proceedings of its committee. He was informed by one of its members that its first pro-

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ceeding was to pass a series of resolutions; that they were introduced by the chairman, and that they were amended in a particular manner on their passage. It was believed that a system of espionage was in terrible operation in this metropolis, and began to be felt throughout every precinct of power in the land; but it was not imagined that a member of Congress on a committee would degrade himself to the level of an informer, and regularly report its proceedings to the President, without license to do so. That the President controlled the proceedings of the committee by the bold request, amounting to an order to the committee to examine upon oath such gentlemen as had charged corruption and abuses against the heads of Executive Departments; that the President did inquire about the acts of the committee, was informed by a member of the committee concerning its proceedings, did indicate to that member, in conversation, and afterwards to the committee itself, in writing, his desire that it should call upon members of Congress to testify to the truth of their speeches on the floor of either House in debate; that the member and the committee obeyed his desire and request, and did cause members obnoxious to Executive displeasure to be summoned to testify in manner as the President had indicated in conversation and in his letter; and he thus repelled inquiry from the Executive, and turned an inquisition upon the two Houses of Congress, making the committee what he denounced it to be, and invaded their privileges and violated the Constitution, by holding members directly accountable to him for words spoken in debate—holding them accountable in the most odious and insulting manner, by the oppressive torture of a test oath! that the Constitution provides that "for any speech or debate in either House, the Senators and Representatives shall not be questioned in any other place;" that yet, notwithstanding this sacred protection, the President's verbal and written, his secret and open orders, were summarily obeyed by instantly summoning hoary and honored Senators, and young and inexperienced Representatives, to purge themselves, on oath, of their contempt to the Executive! They obeyed not the mandate of a master or summons of his slaves, but a sense of obligation to the country, to show that their speeches were not the declamation of demagogues, not *ad captandum* harangues, not merely "spargere voces," to excite false alarms, or to raise a senseless clamor, but that they solemnly believed the truths they had uttered, and were ready to seal that belief with their oaths! That if they had speed before them the whole catalogue of Executive offenses against law, liberty, right, reason, justice, truth, principle, precedent, the Constitution, and the country, they would scarcely expect to find one offense more ruthless than this official act of the President, characterized, as it was, by the worst principles, prejudices, and passions, in violation of his duty, and injurious to private rights and the public institutions!

The House, the Congress, the nation should rebuke this act with patriotic indignation—with the indignation of freemen, of jealous lovers of liberty and of the law by which it was secured; that they should defy it as they would treason and tyranny; that if this Executive act and its pretensions should be sustained and go unrebuked—if it should be settled that there should be no inquiry into the condition of Government without specific charges against its officers—that inquiry was trial and inquisition—that public officers were to be secure in their departments, and the houses, papers, and effects belonging to the people, as private persons in private rights—that public servants were as free as their masters, the people, from all scrutiny—that they were not subject, neither indeed could be, to reasonable accountability—that they must be impeached before they could be called on to report to the people—that select committees should not be appointed to ascertain abuses—that agents unknown to the law might be protected, for that very reason, from all search into their conduct—that there should be no general and minute investigation—that there was no constitutional power in the House of Representatives to inquire into the conduct of Executive officers—that there should be no inquiry tending to impugn the veracity and

integrity of the President—that inquiries should tend to render odious those who institute them—that the President might supervise and control the proceedings of both Houses of Congress, and of their committees—that he might resist their just powers—that he might convert their committees of inquiry into inquisitions upon themselves—that he might officially denounce their proceedings, grossly insult their members in the discharge of their duties, and violently trample upon their most sacred privileges—then was utterly gone all purity, all honesty in the Government, its strength, its dignity, its glory, its freedom, itself?

Such, sir, was the letter of your reform President in 1837, when simple inquiries were addressed to him by an investigating committee, then in mere mockery constituted, and such, sir, were then my views of its character and tendency—views which have been more than confirmed by experience, reflection, and time. When the indictments, the prosecutions, were pressed unrelentingly against poor Watkins—when the Administration was crying, Shylock-like, "my bond, my bond!" against one of Mr. Adams's defaulters, then "general and minute inquiries" were not only lawful, but a duty; but, sir, the moment the band of investigation touched one of his "little ones," then inquiry was worse than a "Spanish Inquisition."

I did not notice the personal attacks upon me contained in this letter, because General Jackson was honored by office and by age. He had fought the battles of his country, and was the President of the United States. Besides, sir, the wrongs of the country and the Constitution merged the individual wrongs of a person as insignificant as I or any other one man or Representative. But, sir, could my voice now reach him in that retirement which he professed to desire so much, I would, with all deference to him, but with still more deference to truth and the public weal, inquire of him whether I and my "associates" were the "authors of unfounded calumnies"—whether even "the severe accusations of myself and my associates" were false—and whether "the public servants, whom we assailed, would, in the estimation of all honorable men, have stood acquitted?" I would ask him, had a full examination been permitted and aided by him, as it should have been, whether his favorites could have borne the scrutiny of inquiry, and whether inquiry would not probably have saved millions of the public money? Sir, the President, in this letter, prated about the records of the Government and the public documents as if he had read and examined them. I doubt whether he ever examined, or read to examine, any one subject thoroughly, whilst he was in office. No, sir; I venture to guess that Amos Kendall—"honest Iago"—whose official misconduct was most likely to be exposed, was the infamous author of this daring outrage; he was a tool fit to be its author, of every word and letter and doctrine of it; he was the President's thinking machine, and his writing machine—ay, and his lying machine! Sir, if General Jackson had been elected for the third term, one great good would have come of the evil—Amos Kendall would have been worked to death! Poor wretch, as he rode his Rosinante down Pennsylvania avenue, he looked like Death on the pale horse—he was chief overseer, chief reporter, amanuensis, scribe, accountant general, man of all work—nothing was well done without the aid of his diabolical genius. Since Jackson's "retirement," he has assumed to be obeyed himself, instead of being a slave. He has worked hard for his lever of mischief. God send the country may not suffer for his pains in obtaining the supremacy which he now holds.

Sir, I have read to you this letter and my report upon it, to show the landmarks of the respective positions assumed by the Executive and the Opposition in relation to inquiry and investigation, in 1837. You, see, sir, that the very first principles of our Government were denied by the President, and the very A, B, C doctrines of free government had to be contended for by the Opposition, because they were denied and scoffed at and trampled upon by the tools and advocates of a lawless power. They had the impudence to appeal even to the Constitution itself to shield them. They raised the very shield of the people

themselves from unreasonable search-warrants and seizures, forsooth, as a safeguard and protection to them, the public servants, against the people's right of investigation, through their representatives, into their conduct whilst plundering the pockets of the people!

And, sir, not only did the President thus resist the right and the attempt of inquiry by the House of Representatives, but the heads of the Executive Departments, to a man, followed his example—they all replied to the queries of the committee in the same tone and temper, especially the Postmaster General, Amos Kendall.

You remember the name of the celebrated Alfred Hocker, who was so truly faithful to "the party" Democracy as to withhold the votes of the people in the election of Moore and Letcher, in Kentucky, to give the minority candidate the return, whose acts have since been made felony by the laws of that State. To reward him for that Democratic party service, an honest and faithful servant was removed from a post office at Stanford, Kentucky, in order to make room for this *ex post facto* felon. The committee determined to inquire into the case, and, on Tuesday, January 31, the committee adopted a resolution calling on the Postmaster General for information as to the removal of the late postmaster at Stanford, Kentucky. The next day this resolution was communicated to the Postmaster General, and on the 4th of February the following letter was received from him:

POST OFFICE DEPARTMENT, February 3, 1837.

SIR: I have received your note of the 1st instant, inclosing a resolution of the committee of which you are chairman, requesting me to furnish you with the following papers:

- "1. The papers relative to the removal of the late postmaster at Stanford, Kentucky.
- "2. The papers and letters recommending the appointment of any person or persons other than the individual who was appointed and who now holds the office.
- "3. The papers and recommendations in favor of the appointment of the present postmaster, Alfred Hocker."

In reply, I have the honor to state that the power of making appointments is vested by the Constitution and laws in the President, heads of Departments, and courts of law; checked, in relation to the higher appointments, by the Senate of the United States.

No power whatever in relation to them, except the power to impeach for corrupt or illegal appointments, is vested in the House of Representatives. Although there is nothing in this case (so far as I am personally concerned) I could wish to conceal, yet, believing it to be one of the duties of my station to regard the constitutional limitations of power, and that a compliance with the request of your committee would be a precedent tending to subvert them, I am compelled most respectfully to decline it.

In justice to a persecuted fellow-citizen, I deem it proper to add, that Alfred Hocker's private character is believed to be without a blemish, and his qualifications undoubted; and that to hunt him through life for an error of opinion, in a particular case, as to his legal power, appears to me as unjust as it would be inhuman.

Very respectfully, your obedient servant,

AMOS KENDALL.

HON. HENRY A. WISE, Chairman, &c.

Such are specimens of the conduct of the President and his heads—hydra heads they were! Now, sir, I propose to show that your committee obeyed the will of their master. Yes, as you had done, by packing and stocking the committee. It was your committee—peculiarly and emphatically yours—its appointment, its conduct, its honor or infamy, will forever attach itself, sir, to your name. In illustrating the conduct of that committee, I could consume days to show how the plainest and most obvious and undeniable propositions were voted down; how resolution after resolution, question after question to witnesses, going into the very vitals of inquiry, were unblushingly rejected and stifled by the majority of the committee. But I will give you but one specimen.

I had received information of the most outrageous frauds upon the Indians and the Government in the land sales of Mississippi, under the Chickasaw and Choctaw treaties. It was represented to me that various companies and individuals were combined in practicing these frauds; that they frequently came into conflict with each other in purchasing from the Indians; that the Government land officers there were more or less concerned in the purchases and frauds; that the settlers and honest people of Mississippi were grossly cheated and imposed upon by the speculators; that the State was likely to be shingled over with conflicting land titles; that the President of the United States, in all cases of dispute

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as to whom patents were to be issued, decided in the last resort; that it was found necessary to have some one interested with speculators, who had the good will and the ear of the President, to influence his decisions; that Amos Kendall was selected by one of the companies, the Boston Land Company, as their palace pimp, let into profits to the amount of \$50,000, perhaps without the advance on his part of a cent, but merely in consideration of his good will with the President in deciding upon the issuing of patents. All this was given to me in writing through a responsible person, who vouched for the source whence the information was derived. This charge was handed to me in writing, with the caption, "Story of Indian reservations." When Mr. Kendall was before the committee I handed him the paper, and propounded to him the interrogatory:

"Will you please look upon the paper handed you, and state what you know respecting the facts therein spoken of?"

The question was objected to by Mr. MANN, and rejected as follows:

"YEAS—Mr. Campbell, Mr. Lincoln, Mr. Wise—3.

"NAYS—Mr. Hannegan, Mr. Muhlenberg, Mr. Pearce, Mr. Parks, Mr. Mann, Mr. Chaney—6."

The question was not allowed to be put—size-ace, or rather size-tray, was the throw. Thus shielded, Mr. Postmaster Kendall then assumed pretty high airs. He began to be bold, and actually made a fuss about the matter! Sir, he wrote us a letter—a letter full of indignant virtue! Amos's virtue! As soon as I received this letter, I immediately (February 18, 1837) offered the following resolution:

"Communication from Mr. Kendall.

"Mr. Wise presented and read a letter from Hon. Amos Kendall, with a request by the writer that it be entered on the journal; whereupon, Mr. Wise submitted the following:

"Resolved, That, whereas the chairman of this committee did offer to propound a certain question, to wit: 'Will you please to look upon the paper handed you, and state what you know respecting the facts therein spoken of?' The paper handed was in these words:

"'Story of the Indian reservations.

"Some years ago, certain tracts of land, situated principally or wholly in the State of Mississippi, were reserved by Congress (or by Indian treaty to which Congress assented) for the use of the Indians, and to be disposed of by them, and for their benefit, whenever the President of the United States should give his assent to such sale and transfer, (not otherwise). These lands were known to be very valuable, and the poor Indians could be easily enough managed—perhaps they had, or were about to leave, the east for the west side of the Mississippi river; but how to obtain the assent of the President to so large a sale of Indian lands to a company of speculators seemed a more difficult matter. A company was formed in Boston, two or three years ago, with, as it is believed, a capital of \$300,000, to try to effect this object. Amos Binney, Esq., was a leading man in the company, and it is believed that Broadhead, navy agent at Boston, was another; and various other individuals had a greater or less interest in it; but what did, as is believed, obtain the President's assent to the sale and transfer, was the admission of Amos Kendall, at present Postmaster General, into the concern; he to have one third part of the profits of the speculation when it shall be closed up, without, in fact, paying one dollar of the consideration, although he may appear to have paid his part as well as all the others. Yet the agreement of the other partners with Mr. Kendall was, that they would furnish the money to pay his one third part of the consideration, free from interest, provided he, Kendall, would obtain the assent of the President to the sale, and would, when requested so to do by the other partners, go to the lands and transact such matters and things relating to their common interest as the company might deem expedient. The lands were purchased by the company; therefore, we are to infer that Mr. Kendall did obtain the President's assent to the sale; but Mr. Kendall was not, and probably will not be, called on for any further services. Those interested in the purchase speak confidently of their expectation of realizing, at the end of the sales, three or four dollars for every one invested. The people of the United States, by this transaction, have not been defrauded or overreached; but the interest of the Indians in these reservations has probably been obtained by this company for less than half its market value. How far the President should guard the interest of the Indians for him and Congress to determine; possibly it may have some connection with his oath of office. But if the interests of the Indians must or may be sacrificed, shall it be so done for the benefit of a few favorites, and at the sole suggestion of one individual, himself more deeply interested than any other?"

which this committee refused to permit to be propounded to Amos Kendall; and whereas the said Kendall has this day communicated the following letter, to wit:

"WASHINGTON, February 20, 1837.

"SIR: You will remember that, while I was under examination before your committee, an anonymous letter was produced, and made the basis of a question, which the committee refused to let me answer, although requested. Of that refusal I do not complain; but I complain that the anonymous letter was permitted to be put on your journal.

"That letter, sir, is an atrocious libel on the President

of the United States and on myself, and, in all its essential parts, is utterly false. I never made such a bargain as is therein described; nor has the President, under such circumstances, or under any others, so far I know and believe, confirmed the sales of any Indian lands purchased by a Boston company.

"This infamous libel has been placed upon your journal; it is presumed it will be reported to the House, and will thus be published. And where is my remedy? By the Constitution and laws of my country, I am authorized to seek protection for my character, as well as my person, from the attacks of private citizens, in the courts of justice; but in this case, members of Congress, around whom the Constitution spreads the shield of privilege, become the publishers, and the name of the libeler is withheld from me. Of this I complain. By me, the immunity of a member of Congress, in the performance of his public duties, will ever be held sacred. But I deny his right to extend the like immunity to every villain in the country who has malice enough to stab, but not courage enough to meet the responsibility. I deny his right to receive and publish, under his privilege, any anonymous libel in any shape. To say the least, it is an abuse of a constitutional immunity, which was granted for purposes more noble and more just.

"I ask, therefore, that the name of the libeler in this case may be ascertained and communicated to me. After entering the libel upon their journal, the committee, I respectfully conceive, cannot, in justice, do less than place me in an attitude where I may avail myself of the protection and redress which the Constitution and laws promise, in like cases, to every citizen.

"Very respectfully, your obedient servant,

"AMOS KENDALL.

"Hon. HENRY A. WISE, Chairman, &c."

this committee will proceed to examine into the facts and circumstances involved in, and alluded to, by the said question and the said letter; and will cause witnesses to be summoned to prove or disprove the said facts and circumstances.

"Which resolution was rejected by the following vote:

"YEAS—Mr. Campbell, Mr. Lincoln, Mr. Wise—3.

"NAYS—Mr. Pearce, Mr. Hannegan, Mr. Parks, Mr. Mann, Mr. Chaney—5."

Thus, sir, I took him in his temper and at his word, and proposed to try the truth of the charge and the sincerity of his passion; but the vote of the committee was the same again—the same old throw—size-tray! I had put this same interrogatory to Kendall, eye to eye, face to face. It was explicit and specific. He was willing, oh! how willing, to answer it! But then, sir, his own friends on committee were so cruel and unjust as to allow the charge to go upon the journal unanswered. Not exactly so either. I caught David Henshaw, of Boston, in the city. I put him upon the witness stand. After proposing to him numerous questions, which the committee rejected, I did get in one or two questions, and as many answers, which satisfied me fully that there was foundation for the information given to me:

"Question 9. Have you any information of persons interested with Mr. Kendall in the profits of buying and selling public land? If so, state what.

"Answer. I have no information of any persons interested, at this time, with Mr. Kendall, in the profits of buying and selling public lands.

"Question 10. Have you any information of persons who have been interested with Mr. Kendall since he has been an executive officer, in the profits of buying and selling public lands?

"Objected to by Mr. Parks, and rejected as follows:

"YEAS—Mr. Muhlenberg and Mr. Wise—2.

"NAYS—Mr. Hannegan, Mr. Parks, Mr. Mann, and Mr. Chaney—4."

The committee could not be coaxed to permit fair and full investigation.

Sir, I could show you pile upon pile of proof, but these instances will serve as specimens of the manner in which you, the Speaker, the President of the United States, the heads of the Executive Departments, your committee, and your whole party, combined and conspired to stifle investigation, when proposed in 1837.

Sir, not only did you and the Administration pursue this course upon the committee to examine the condition of the various Executive Departments, of which I was chairman, but, in like manner, you played the same game on the committee and towards the committee of which my friend and colleague [Mr. GARLAND] was chairman. You repelled inquiry, refused interrogatories, prostrated and postponed resolutions, encouraged contumacy in witnesses, resisted investigation in every form there, too, with this difference only, that there the usual throw of the die was "cinque-four" instead of "size-tray," my colleague, the chairman, usually voting with the minority of three—Johnson, Peyton, and Wise.

Such was your reform Administration! You denied, resisted, and defeated all investigation, all inquiry. One of the committee was appointed to sit on Reuben, and the other on Levi. One was to investigate the pet bank concern, the other

was to examine the virtue and honesty of the Treasury Department. Sir, Reuben and Levi were then in Co—they "rode and tied." But how soon, sir, did truth—"mighty truth, prevail," notwithstanding all your resistance and attempts to stifle her mighty throes! Sir, this was in the session of 1836-37; these committees reported on the 3d of March; before sixty days expired, the explosion of the pet banks, the crush of credit, the destruction of confidence and commerce, the ruin of everything, proclaimed, thundered the truth of my charges, to establish which the Garland committee was raised—thundered it, sir, in the ears of every man—touched the nerves of every man's pocket, and was literally so tangible as to be felt by every man, woman, and child in the country. The Secretary Levi himself admitted the system to be corrupt and unsafe to the called session, and poor Reuben has been turned to the dogs. And now, sir, the truth of the charges against the Departments is about to be verified as clearly by the explosion of the sub-treasurers, Swartwout, Price, Gratiot, and others, as the truth of the charges in relation to the pet banks was made manifest by their explosion!

Some of Mr. Wise's friends entreated him to yield the floor for a motion to adjourn.

Mr. WISE. No, sir, I do not yield the floor. I may never get it again until the 4th of March, 1839. I will go on, without turning aside from my purpose, to expose these outrages upon the country. I feel better now; much better, sir. I was sick last night; these documents made me sick. I was poring over them late last night. The discussion of them makes me perspire; the perspiration comes now freely, and I am relieved. I distrust you, sir, to be frank; I will go on, and you must bear it.

First came the explosion of the pet banks—now come the explosions, one after another, in quick succession, of the sub-treasurers who were, or are to be, substituted for banks, and I will show you that they prove all I ever charged to be true.

I said that in December, 1836, when General Jackson gave his certificate that all was well, honest, fair, this very leg-treasury, Swartwout, at New York, was in default \$336,718. Well, sir, now it appears that, in twelve months after, he was in default to the tune of \$1,016,955! and, three months after that time, was a defaulter in the still larger sum of \$1,225,705 69! Previous to my attempt at investigation, he had been stealing public money at the rate of \$56,000 per annum. After the cat was belled, he stole in one year \$680,236 63, and in the next three months \$208,780 37. Yes, sir, after the President had given him a certificate of honesty, and you, sir, and the House, and the committee, and the Executive, had shielded him from all scrutiny, he stole in one year the sum of \$680,236 63, and in the next three months at the rate of more than eight hundred thousand dollars per annum—his defalcation averaging, throughout his official career, the sum of more than one hundred and seventy thousand dollars per annum, for seven years—and this, too, we are now told, without the least suspicion! "A Jew may believe it: but I don't!"

Sir, I said the other day that I did not rejoice in these public losses and calamities, though I confessed I did feel a thrill of triumph at having gained a victory for the truth. The pet bank system and the sub-treasurers have exploded, as I said they would, and exposed their hidden enormities, concealed until they could be concealed no longer; but I do not rejoice at it. I made me no booth to sit and watch for the destruction of corrupt Nineveh. But, sir, there is one poor human being on this earth, alone now in the world, wrecked in reputation, blasted, slighted by men not half as worthy as he, whose soul at scenes like these does rejoice, must exult. Who, and where is he? Sir, if you will go down Pennsylvania avenue to the corner of Four-and-a-half street, beneath Mrs. Peyton's boarding-house, you will find a gray-headed man, stricken in years; his name is Tobias Watkins! That man, for borrowing money of public officers, funds in their hands, not converting funds in his own hands to his own use, was imprisoned on the 14th of August, 1829, and tried on three several indictments, on all of which he was convicted.

and fined, on one the sum of \$750, on another \$300, and the third \$3,000. He was sentenced to be imprisoned three months on each indictment, in all nine months; but though imprisoned in August, 1829, he was not released until March, 1833. Kept in jail three years and six months for a real or factitious defalcation of \$3,050!

Where are now the defaulters of this reform Administration? Where is Swartwout, after embezzling public money for eight years in succession, till he had taken and carried away \$1,250,000? Where is Price? Where is Gratiot? How long since their carriage-wheels proudly hurled the Olympic dust of the fashionable streets and avenues of your metropolis of court and of fashion? No marshals at their heels; no district attorneys prosecuting against them triple indictments; they ran away, or walked away, unforbidden, and none to hinder! Where is Boyd? that land-office defaulter, who appealed to "the misfortunes of speculation" to elect him to the Senate of his State of Mississippi! These are all innocent and unfortunate or escaping defaulters! These are full-handed public plunderers, pet plunderers, and go "unwhipped of justice." Sir, so was Tobias Watkins unfortunate. He was born and bred a gentleman; dazzled by the tinsel glare of this metropolis of "splendid misery and shabby splendor"—as it was once, with equal force, truth, and beauty, described by that unequalled orator of Virginia, John Randolph—of liberal mind, and habits, too, he lavished some three thousand imprudently, thinking in his heart that he should be able to replace that sum, and more, and "make all straight," and he was imprisoned for his imprudence for nearly four years, and made to bear a felon's brand! Ah, sir, but he was a gentleman; he belonged to "all the decency," to the "silk-stockinged gentry;" he was not one of your Locofoco defaulters; he was not *unfortunate* to the amount of millions; he was no robber on a large scale; he was not one too full-handed to be touched by the rude hands of the tipstaff; he was not a defaulter of the great Democracy, and, poor fellow, he suffered for being a gentleman! By-the-by, sir, that word reminds me of the fact that it was during, or not until the past summer, your party first discovered that your President was a gentleman! The discovery was made first, I think, by granny Ritchie. That venerable gentleman took me to task for finding some gentlemen in Petersburg, and, as a set-off, it seemed, boasted that President Van Buren, too, was actually a gentleman! Very strange, that a man whom they made President, the successor of the "illustrious" in 1837, they did not find out to be a gentleman until the summer of 1838! They must surely have been trying to make him out a Whig. For myself, I always knew he was, in the ordinary sense, a gentleman; and it was mortifying to me to see that the Enquirer, by implication at least, had supposed until lately that the President of the United States could be other than a gentleman—judging, I mean, from its boast of the sudden discovery; but my colleague there [Mr. DROMGOOLE] will not, however, recognize Mr. Ritchie as a genuine Locofoco editor.

Mr. DROMGOOLE. No, no; he is a conservative.

There is a cheering consideration connected with this discovery, though by the Administration press; it is the brightest omen which has occurred for years of Mr. Van Buren's downfall. Yes, sir, that cry of "gentleman" upon him by his friends will finish him—with the party which supports him, they might as well have cried "mad dog!" It is a certain prognostic that he is going down. From the hour that father Ritchie made that fatal discovery, the man's doom was sealed. But, sir, the gentleman defaulter, Watkins, as I was saying, met his fate; and now that he has been purified by the fires of the law, we may be permitted to do him justice, and to make him the instrument of retribution. I call him up; I invoke his wrongs, his sufferings, his injuries, his expiation, to rise in judgment against his persecutors to condemn them. Where is he now? In a station where he is, no doubt, far happier than in his day of precarious and terror-haunted show, when he toiled as a poor slave in one of the stalls of your document factories called Departments. He is now an humble apothecary; and here I will

say, for the benefit of all who would be honest, and who wish to be clean, that he keeps for sale the very best of "palm soap" and chloride of lime, and other chemical compositions, to take off the spots of locofocoism, and to cleanse from all corruption! I recommend to certain sub-Treasury gentlemen to go and buy; but what if they be once washed white as snow, they will, like the hog, return to their wallowing in the mire.

The Administration may pretend that they wish investigation. It is full time. But how is the matter pressed? Every now and then the chairman of the Committee of Ways and Means [Mr. CAMBRELENG] comes forward, and, in solemn tone, asks you to drop the subject for what he is pleased to term "business;" as if it was not the business of this House, and its chief duty now—a-days, to look into abuses. Sir, "the party" are in reality, at heart, as much opposed to inquiry now as of old. It serves their turn at this time to pretend to be diligent and zealous for inquiry. They are no more its friends now than they ever were.

Mr. CAMBRELENG. I hope the gentleman will not do me injustice. I never voted against any of his investigations. Never.

Mr. WISE. I said your party.

Mr. CAMBRELENG. My party; ha! ha! That is another affair.

Mr. WISE. Yes, sir, I believe the gentleman is "another affair" since the New York election. And now that the iniquities of your party are daily coming to light, now that concealment is no longer possible, every man of "the party" is prompt to exclaim, "you can't say I did it!"—the party itself must be brisk to make the disclaimer, lest the people set all down as rogues together, those who are found out, and those who are not. The people are beginning to compare Watkins with Swartwout—hundreds of cases of defalcation with one—thirteen millions of expenditure with thirty or forty millions—and to see that the administration of Adams, however bad, was, in comparison with the iniquities of this dynasty, about as Watkins to Swartwout—\$3,050 to \$1,225,000—thirteen millions to forty millions—one case of defalcation severely punished, to one hundred not only unrebuked, but countenanced and connived at!

And this, sir, brings me to the message of this session. So enormous, appalling, have your iniquities grown, that at one time we were called to an extra session to cure one system of experiments, and again another system's blotches and blains are the special subjects of Executive communications. The President himself, in self-defense, and Mr. Secretary, are compelled to acknowledge them in order to account for them. This message of Mr. Van Buren directly contradicts the letter and certificate of his "illustrious predecessor." He confesses that all the Departments are not, and were not, sound, and is all in a hurrah for investigation. Let us see:

"A change in the office of collector, at one of our principal ports, has brought to light a defalcation of the gravest character, the particulars of which will be laid before you in a special report from the Secretary of the Treasury. By his report, and the accompanying documents, it will be seen that the weekly returns of the defaulting officer apparently exhibited, throughout, a faithful administration of the affairs intrusted to his management."

Sir, *quere de hoc?* I will endeavor to show you directly that this is an error; that "the weekly returns," if they had been properly examined and compared in the Secretary's office, would have detected and exhibited the very reverse of "a faithful administration" long ago. But the President proceeds:

"It, however, now appears that he commenced abstracting the public money shortly after his appointment, and continued to do so, progressively increasing the amount for the term of more than seven years, embracing a portion of the period during which the public moneys were deposited in the Bank of the United States, the whole of that of the State bank deposit system, and concluding only on his retirement from office," &c.

Sir, this is a confession which tallies well with the illustrious predecessor's certificate of the "ability and integrity" of the Departments in December, 1836:

"The way in which this defalcation was so long concealed, and the steps taken to indemnify the United States, as far as practicable, against loss, will also be presented to you. The case is one which imperatively claims the attention of Congress, and furnishes the strongest motive for the

establishment of a more severe and secure system for the safe-keeping and disbursement of the public moneys than any that has heretofore existed."

Ay, sir, and from this we learn the most extraordinary deduction that this defalcation of a sub-treasurer, of the "gravest character," is an argument to recommend to our favor the sub-Treasury system!

"It seems proper, at all events, that, by an early enactment, similar to that of other countries, the application of public money by an officer of Government to private uses should be made a felony, and visited by severe and ignominious punishment."

I will soon show you, sir, that millions of the public money have been applied by officers of the Government to private uses, with the knowledge of the Administration:

"The Government, it must be admitted, has been, from its commencement, comparatively fortunate in this respect. But the appointing power cannot always be well advised in its selections, and the experience of very country has shown that public officers are not at all times proof against temptation."

Is the Government fortunate in this respect? Can any one tell us how much we have lost? We have certainly been taught of late that Government officers are not always proof against temptation; and we may all verily pray that part of the Lord's prayer which prays: "Lead us not into temptation!"

"If a more direct coöperation on the part of Congress in the supervision of the conduct of the officers intrusted with the custody and application of the public money is deemed desirable, it will give me pleasure to assist in the establishment of any judicious and constitutional plan by which that object may be accomplished."

Now, sir, what would the President consider a judicious and constitutional plan? We recollect that his illustrious predecessor considered a committee to report to Congress as worse than a Spanish Inquisition. What is Mr. Van Buren's plan? We will soon see:

"I submit to your consideration whether a committee of Congress might not be profitably employed in inspecting, at such intervals as might be deemed proper, the affairs and the accounts of officers intrusted with the custody of the public moneys. The frequent performance of this duty might be made obligatory on the committee in respect to those officers who have large sums in their possession, and left discretionary with respect to others."

Sir, all this would seem to be reversing the rule and line of conduct pursued by General Jackson. He would seem to be coming at last to my doctrine of inquiry and investigation. But no, sir, hear him:

"They might report to the Executive such defalcations as were found to exist, with a view to a prompt removal from office unless the default was satisfactorily accounted for," &c.

Ah, sir, here the mystery is solved. Here is the clew to all executive concession—it is but another step to executive aggrandizement. The committee of Congress is to report to the Executive, is it? A committee of Congress is to travel all over the United States, as Executive servants, to supervise the officers of a President who is sworn to see that the laws are faithfully executed. And pray, what have we an Executive for? Why have we a President, and Secretary, and Auditors; and Comptrollers, with plenary powers, to do this very service? Could they not have done this, whenever they pleased to do their duties, for the last nine years? We are to convert our committees into missionaries. This House is to be a new sort of "American Board," with this difference, that, instead of being missionaries of Christ, we are to be missionaries of Mr. President Van Buren! General Jackson claimed it as the duty and prerogative of the Executive alone to see that his subordinates executed the laws faithfully; but his successor asks Congress to perform the executive duties for him. Does Mr. Van Buren mean to say that it has been for want of such congressional aid heretofore that there has been no such supervision by the Executive? That there has been no such supervision is true; but that such aid was wanting, or necessary, is not true. The President has always had the full power of this supervision; he might have found some honest men of his own party fit for offices, and have appointed honest commissioners to supervise those who were not fit. This, sir, is an insuperable objection, that the President not only asks us to go out of our usual course, but to become merged in the Executive. What, sir, is

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this House in fact, in actual service, to become an executive slave? Is it the aim of the President still more to prostrate the dignity of the legislative branch of Government? Would any other President have dared to propose such a thing? I would ask the venerable gentleman from Massachusetts whether he would have dared to ask Congress to direct its committees, by law, to report to him? That gentleman's worst foes, those who vilified him most, never charged him with thus insulting the dignity of Congress. Is this the sort of committee you are now asking from us? I would prefer that defalcations should go on; that the public moneys should all be squandered; that the public character and morals should go with it overboard, to having the great lines of demarkation between the coordinate branches of the Government destroyed, to amassing all power in the Executive. This would bring us at once, and at a leap, to the lowest degree of degradation—whither defalcations and general corruption were only gradually and slowly leading us—to the very footstool of a despot.

But, sir, I come to the important question now: With what view would the President have these committees report to him? He tells us, "with a view to a prompt removal from office." This brings me to another branch of this subject. I will proceed now to show that case after case has been reported to the Executive, of defalcation, and of delinquency in office, and violation of duty, in subordinate officers—reported by commissioners appointed by the President himself—cases not only of default, but fraud, of repeated applications of public money to private uses—no less than forty since 1835, in three years—and yet the officers were retained in office, and reappointed to office after their delinquencies and moral turpitude were known to the Department. I will go further: they have been countenanced and encouraged to become defaulters, and to perjure themselves and defraud the Treasury. I am not declaiming—I will prove what I say. When I say forty cases, I mean that number, at least, which I can enumerate since 1834—I can give the names; I have them before me. I will first take up the case of Joseph Reckless, a collector at Perth Amboy, New Jersey. I advert to this case particularly to do General Jackson justice. I believe that he was imposed on in this case by a false abstract of testimony made out at the Treasury Department. William Van Hook, of New York, preferred the charges against Reckless in a letter to Secretary Woodbury:

New York, January 3, 1835.

SIR: The following facts of fraud upon the Government of the United States came to my knowledge some time since; but being desirous of satisfying myself of their truth before I submitted them to you, I delayed doing so till this time. I now feel it my duty to charge J. W. Reckless, the collector of Perth Amboy, New Jersey, with the following frauds, committed by him, in his official character, upon the Government.

First charge.—A willful omission to credit the Government, in his accounts, with the sum of \$147, received by him as collector, on the 18th July, 1833, or thereabouts, for tonnage duty on the schooner Pacific, seized by his predecessor in office for a violation of the revenue law, and remaining under seizure when he came into office, and which remains unaccounted for at this time. This sum was received from Messrs. F. Secor & Son, of this city, under a compromise made with them by said collector, of the sum actually due, and which amounted to about four hundred and seventeen dollars.

Second charge.—That the said collector has charged the United States, in his quarterly accounts, a sum of about one hundred dollars per quarter, for wages of the boatmen of his revenue barge, more than he has ever paid them. The mode in which this has been effected, was by obtaining from them receipts in blank as to the sums paid, and, after paying them, filling up the amount with such sums as suited his views.

This practice commenced, I believe, with the third quarter of 1833, and has been continued in all his accounts since, as I believe; by comparing his accounts for the first two quarters of 1833 with those subsequently rendered, and by comparing them with the accounts of the collector who preceded him, I think the fact will appear.

The first charge can be proved by F. Secor & Son, of this city; and the second charge can be also proved by the comparison of the accounts, and by the boatmen in Perth Amboy, and also by F. W. Brinley, of Perth Amboy, who was his deputy for some time, and was removed from office because he would not consent to be the instrument of his frauds. Any communication you may think fit to make to me will be answered promptly.

Respectfully, I am your obedient servant,

WILLIAM VAN HOOK.

The Hon. LEVI WOODBURY,

Secretary of the Treasury.

WASHINGTON, January 5, 1835.

SIR: I transmit, herewith, a letter to you from William Van Hook, Esq., of New York, containing a representation of frauds upon the Government, committed by Joseph W. Reckless, collector of the customs at Perth Amboy, in New Jersey.

Mr. Van Hook is a gentleman of high standing for integrity, and, in addition to his representation, I do not hesitate to add my own belief of the charges made by him to their full extent. With the facts relating to the tonnage duty on the schooner Pacific, I am personally acquainted; and the receipt of the amount of \$147, and the withholding the credit for it to the Government, are facts of which no doubt exists.

The overcharge of wages to the crew of the revenue boat, as detailed by Mr. Van Hook, is no doubt correct. My personal observation and knowledge of the employment of that boat (being in view of my own house) would satisfy me that the account rendered is grossly overcharged, were I not apprised of the fact otherwise.

Circumstances, unnecessary here to be detailed, have delayed the making of these charges officially before this time; but a proper examination into the conduct of the collector will substantiate these and probably other frauds.

I am, with great respect, sir, your obedient servant,

JAMES PARKER.

Hon. LEVI WOODBURY,

Secretary of the Treasury, Washington.

Such were the charges of Mr. Van Hook, vouched by the Hon. JAMES PARKER, then a member of the House of Representatives, and a partisan of the Administration. On the 6th of January, 1835, Mr. Woodbury notified Reckless of the charges, and asked him for explanations. January 22, 1835, Reckless replied, as follows:

WASHINGTON, January 22, 1835.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, covering a copy of charges made against me, in my official capacity, to the Department over which you preside, by William Van Hook, and requesting to be furnished with my explanations in regard to the same. In accordance with that request, I have the honor to state, in relation to the first charge, that, when I came into office as collector at Perth Amboy, I found the schooner Pacific under seizure by my predecessor for a violation of the laws of the United States. This vessel was a foreign bottom, employed in carrying stone from South Amboy to New York, and was destitute of papers at the time she was seized.

Soon after entering upon the duties of my office, I consulted the district attorney, G. D. Wall, Esq., as to the course I should pursue. He advised me to adopt that course by which I could obtain the value of the vessel without further delay. In accordance with that advice, I made a compromise with Messrs. F. Secor & Son, who represented the owners, and received from them the sum of \$200, which I considered the full value of the schooner, and a sum about what a ship carpenter valued her at. This sum was held to meet the various claims which then existed against the vessel, and for which I had made myself liable; and when paid, the balance to be brought to the credit of the Government in my accounts. The charges which I have paid are as per receipts accompanying:

August 7, 1833. M. Bruen, for wharfage.....	\$23 00
Sept. 28, 1833. G. D. Wall, district attorney, for advice and directions.....	41 40
Dec. 30, 1834. B. Maurice, wharfage.....	29 29
	93 69
The sum received in compromise.....	200 00
Balance due the Government.....	\$106 31

This sum will be brought to the credit of the Department, in my accounts for the present quarter.

In regard to the second charge, it is true that the quarterly accounts which have been rendered by me do embrace a sum beyond that which has been paid for wages to the boatmen of the revenue barge, because incidental expenses have been united with those under that head for the same time; but not one sou has been charged which has not been actually expended. When I came into office, I found Mr. F. W. Brinley in that of deputy collector. He suggested this mode of charging incidental expenses; by which I was led to suppose that it was in accordance with the established previous usages of the office. This mode of keeping the accounts and making those charges has continued ever since.

Any further explanations I shall at all times be happy to give, in case they be deemed necessary.

I am, very respectfully, your obedient servant,

J. W. RECKLESS.

Hon. LEVI WOODBURY,

Secretary of the Treasury, Washington.

With this letter the two receipts for wharfage and the receipt of Wall, were transmitted. January 24, 1835, Woodbury notified Van Hook and Parker of Reckless's explanation, in which, it will be observed, he admits second charge, and offers excuse for it. February 2, 1835, Mr. Van Hook replied, as follows:

NEW YORK, February 2, 1835.

SIR: I have the honor to acknowledge the receipt of your letter of the 24th ultimo, covering the copy of the answer of J. W. Reckless to the charges of fraud preferred by me against him, and asking my "assent or dissent to the correctness of his explanations, and whether any further inquiry is desired."

Your letter would have been replied to sooner, but my absence from town has prevented it. I maintain the utter untruth of the explanations he has made. I am ready to prove the truth of the charges made in all such parts not

admitted by the statement of Mr. Reckless, or fully to the extent of them as made, in such manner as you shall require. A copy of the original receipt of Mr. Reckless for the money received under the compromise, and which I can produce to you, will show a variance of the items contained in it, and in his statement, and will show an afterthought in regard to the amount he alleges he has paid out of the sum received; I can, by this and other testimony, prove that, at the time the settlement was made for the tonnage of the schooner Pacific, the accounts against her had been ascertained, and that they were separately and specifically paid for by Messrs. Secor, the owners of the vessel, and will therefore fully sustain that charge.

His accounts will show that he has applied for, and obtained from, the Treasury, large sums of money to pay the expenses of his office since the receipt of this money; and I cannot imagine a satisfactory reason, why an honest man should conceal the receipt of this sum, or any other; to me the reason he assigns is utterly unsatisfactory, because I believe it untrue.

As regards the boatmen's wages, he admits the amounts are untrue, and that the sums charged are beyond the sums paid. That charge requires no further proof, according to my understanding of his answer; should it be required, I will furnish it. I deny that the overplus money, or difference between the money paid the boatmen, has been expended for public purposes, and challenge Mr. Reckless to show the fact. I assert that it was applied to his own use, and to his emolument; and this I can prove, if it is required. As regards the reason for stating his accounts in the manner he alleges, that he has done it under the advice of Mr. Brinley; this I also deny. I will prove by Mr. Brinley that it is wholly, and in all its parts, untrue. He never advised the mode of keeping or rendering his accounts as he alleges; but, on the contrary, expressly stated to him, at the time, that it was incorrect and improper.

I am, sir, with respect, your humble and obedient servant,

WM. VAN HOOK.

Hon. LEVI WOODBURY, Secretary of the Treasury.

February 7, 1835, Woodbury notified Parker, Van Hook, and J. W. Reckless, to take affidavits, upon notice, of witnesses, for and against the charges. On the 31st of March, 1835, Joseph Marsh, Mayor of the city of Perth Amboy, returned and certified the examinations had before him.

Mr. Reckless admits that the sums set forth in the statement in the revenue boatmen's time-book, and which is set forth in Mr. Brinley's affidavit, are the sums actually paid to the boatmen, and no more, in the several quarters mentioned.

JOSEPH MARSH,

Mayor of the City of Perth Amboy.

I, Joseph Marsh, Mayor of the city of Perth Amboy, in the State of New Jersey, do hereby certify that, on the 30th day of March instant, Francis W. Brinley, Benjamin Maurice, and James Parker were severally duly sworn and examined before me, and that the said examinations are hereto annexed, and were signed by them, respectively, and were reduced to writing in my presence, except the direct examination of said F. W. Brinley, which he produced to me in his own handwriting, and was admitted by Mr. Wall, of counsel for Mr. Reckless, should be received as his examination. And I do further certify that said J. W. Reckless attended said examinations, and Garret D. Wall, Esq., his counsel, also attended said examinations.

In witness whereof, I have hereunto subscribed my name, in the city of Perth Amboy, this 31st day of March, 1835.

JOSEPH MARSH,

Mayor of the City of Perth Amboy.

1833—January 7. To 70 80-95ths admeasurement..	\$ 76
Wharfage—Mr. B.'s wharf, December 14 to 20.....	\$ 50
January 8 to 14.....	\$ 1 50
December 20 to February 4, 1835.....	23 00
February 1. Wharfage—Mrs. P.'s wharf, July 15, 1833, 23 at 14, 27	
23 weeks 5 days.....	35 60
Three trips for gen. tonnage, at 50 cents per ton.....	105 60
Attorney's bill.....	35 01
	\$200 00

Received of F. Secor the above \$200, in full for expenses for light tonnage against schooner Pacific.

J. W. R., Collector.

EXHIBIT 1.

SCHOONER PACIFIC, Dr.	
1833—January 7. To admeasurement of vessel, 70 80-95ths, at 1 cent.....	\$ 76
To wharfage at Mr. Bruen's wharf, from Jan. 8 to 14, 6 days..	\$ 1 50
From January 14 to February 26, at the wharf, 41 days..	21 50
	23 60
February 26. To wharfage at Mrs. Patrick's wharf, up to July 13, 1833, 19 weeks and 4 days, at \$1 50 per week.....	29 25
To tonnage money, at 50 cents per ton at each trip, four trips to and from South Amboy....	147 00
	\$200 01

Received the above amount of \$200, in full for expenses against the schooner Pacific, and prior to date.

J. W. RECKLESS, Collector.

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PORT OF PERTH AMBOY, NEW JERSEY.

The above for Francis Secor, and delivered to J. MARSH.  
18, 1833.

I, Francis W. Brinley, of Perth Amboy, in the State of New Jersey, do solemnly, sincerely, and truly swear to the truth of the following statement:

That I was deputy collector and inspector of the customs for the district of Perth Amboy from the 11th day of November, 1830, to the 7th day of May, 1834; during which time I served under James Parker, collector until the 1st day of April, 1833; and on his resignation, at the last-mentioned date, under Joseph W. Reckless, his successor in office.

That during the whole of said time, it was part of my duty to prepare and make out the quarterly accounts and returns of the office, under direction of the collector for the time being, to be transmitted to the Treasury Department, at Washington, after the same had been examined, corrected, and signed by the collector.

That, in the first or early part of the month of July, 1833, Joseph W. Reckless being then collector, I made out the accounts and returns for the second quarter of that year, (ending 30th June,) according to the established forms and instructions from the Comptroller of the Treasury, which forms I had, from my first holding the office, universally followed; charging only to the revenue-boat account and pay-roll; the sums actually paid to the boatmen, which sums were ascertained each quarter from a rough book kept for the purpose, called the "revenue boatmen's time-book," wherein were noted the days and times that each of the boatmen was employed, and stating the contingent or incidental expenses of the office not chargeable to the United States in the "statement of salary, fees, emoluments, and expenditures," for the quarter, as will appear by reference to these accounts, sent to the First Auditor of the Treasury, and which were proved to be correct by their allowance without alteration. These accounts for the quarter were minutely examined by Joseph W. Reckless, and many questions asked by him relative thereto, which I answered, and also referred him to the printed forms and instructions from the Comptroller of the Treasury, and the accounts of Mr. Parker, his predecessor in the office; from which, and the knowledge he had then obtained of the duties of collector, (during the three months he had then been in office,) Mr. Reckless was satisfied of their correctness, and the same were signed by him and sent to the First Auditor of the Treasury, as before stated, and allowed without alteration.

The schooner Pacific (foreign bottom) had, previous to the resignation of Mr. Parker, been seized by him for transgressing the laws of the United States regulating the coasting trade, by carrying stone from the State of New York to the Camden and South Amboy railroad, at South Amboy; and, in the answer of the Comptroller of the Treasury, under date of the 6th of February, 1833, to Mr. Parker's letter advising of the seizure and requesting instructions, he directs "to charge the vessel for every trip you can ascertain she has made since she was sold in the United States." Mr. Parker accordingly proceeded to collect proof, and obtained from Mr. Thomas Conover, agent at South Amboy for the Camden and Amboy Railroad, a list of the dates of eleven trips made by the schooner from the date of Mr. Conover to Mr. Parker was dated the 19th of February, 1833; and (with the letter of the Comptroller) is, or ought to be, now on file in the collector's office at Perth Amboy. These two letters were handed over by Mr. Parker to Mr. Reckless, on the 1st day of April, 1833, with a memorandum of the date of the seizure, of the time the vessel had subsequently lain at the wharf of Matthias Bruen, and the date when she was taken from thence to the wharf of Mary Ann Patrick; at which latter wharf she was still lying under seizure on the 1st of April, 1833. The bill or memorandum delivered by Mr. Parker to Mr. Reckless was as follows:

Charging the vessel with admeasurement.....	\$0 75
75 80 95ths tons, at fifty cents per ton, \$37 90—eleven trips.....	416 90
Wharfage at Mr. Bruen's wharf, (stating the dates and time).....	23 00

Date when the vessel was removed to M. A. Patrick's wharf, and rate of wharfage.

The schooner continued to lie at Mrs. Patrick's wharf until she was given up by Mr. Reckless.

In July following (1833) I was informed by Mr. Reckless that he had agreed to deliver up the schooner to Francis Secor & Son, New York, who were, or who represented the owners, for \$200.

I stated to Mr. Reckless, that this arrangement did not follow the instructions of the Comptroller of the Treasury in his letter before referred to, of 6th February, 1833, which was the only instruction in the case. Soon after Mr. Reckless made out an account against Francis Secor & Son from the memorandum left by Mr. Parker, of which account the small bill in Mr. Reckless's handwriting, now submitted, (marked V,) was the commencement. Mr. Reckless went to New York, and on or about the 17th day of July returned to Perth Amboy, and the next day left for his residence in Monmouth county; while he was there, a person, who stated that he was the son of Mr. Francis Secor, came to the office and stated to me that his father had paid Mr. Reckless the two hundred dollars for the release of the schooner, and presented me an order on Mr. Reckless, from Francis Secor, for the vessel. I told him that I had received no instructions to deliver the vessel, but had no doubt that the order was correct; yet I could not on board and put the vessel to him; but nevertheless, he might go on board and put the sails, rigging, &c., in order for a removal, and that Mr. Reckless would be in Amboy shortly, when he would do everything necessary and proper. On Mr. Reckless's return to Amboy, the vessel was delivered up by him.

In the next weekly return of moneys received and expended in the office, I entered to the credit of the United States the proceeds of the two hundred dollars, but was informed by Mr. Reckless that he was not yet ready for such

entry to be made. I consequently made out another weekly return, omitting the above credit. For several successive weekly returns I adverted to the two hundred dollars, and always received for answer that it should not be credited; I especially asked if it should be credited, at the time of making out the accounts for the quarter ending 30th September, 1833, and received the same answer; I subsequently spoke of it to him at various times, but got no satisfaction. The affair remained in this same position when I left the office in May, 1834.

In the mean time, I stated the above-mentioned facts, as well as others hereinafter mentioned, as they occurred to certain gentlemen, and consulted with them on the best course I should pursue. A resignation was suggested as the most distinct and proper; but I was advised to remain in the office, and, as any facts occurred of the nature of those before stated, to make them known in the same manner, as the prospective means of satisfying any future inquiry that might be made, or any exposition that I might in future make of the transaction.

Before making out the accounts for the second quarter, 1833, as above stated, I mentioned to Mr. Reckless that he would require about six hundred dollars to pay the inspector's and other bills for the quarter, and that it was necessary to write to the Comptroller of the Treasury, who would supply the requisite sum. Mr. Reckless said that if he had to draw, he would draw for a good round sum, say three or four thousand dollars; I told him but \$600 were required; he then directed me to write a letter to the Comptroller of the Treasury, stating the necessity of the office, and asking for \$2,000, which I accordingly did; and, to the best of my recollection, Mr. Reckless copied this letter, and sent the copy to the Comptroller, who answered, under date of 23d of July, 1833, that the collector at New York was authorized to pay him \$2,000; which sum was received before his accounts for said second quarter were transmitted to Washington; which was, so far as my recollection serves me, on or about the 1st of August, 1833; and the bills were paid out of the money so received. The receipt of the \$2,000 being after the expiration of said second quarter, they could not possibly be entered to the credit of Government, in those accounts; but, of course, stood over to be entered in the accounts for the quarter in which it was received. The above accounts for the second quarter of 1833 were examined and allowed at Washington; and in a letter of 30th of August, 1833, the Comptroller, overlooking the fact of the \$2,000 already advanced, stated to him that the collector at New York was authorized to pay, to his order, \$600, as, in settlement of the balance of \$535 85, standing in the said accounts as advanced by Mr. Reckless; but which balance, however, had been arranged by the prior advance of the \$2,000, and was actually a part thereof.

"Mr. Reckless, on the receipt of this letter, said that he would draw for the \$600. I stated to him that the authority to draw for that sum was evidently occasioned by the Comptroller having overlooked the advance of \$2,000 just before made; and I pointed out the mode that ought to be followed under such circumstances. He said he did not care for that; that it was the business of Mr. Anderson, and not his; and that, as he had the order, he would get the money; which was soon after obtained from the collector at New York.

In making out the accounts for the third quarter, 1833, I credited the Government for the \$2,000, and also for the above \$600, (notwithstanding Mr. Reckless had not advised me of the receipt of this last sum,) in a rough general account current, made for the collector's inspection. This was in October, 1833. Mr. Reckless examined the same, and, in answer to my question, if the \$600 was to be credited, he said, "not yet;" and immediately began to converse about the contingent expenses not chargeable to the United States, saying that he was determined to get them out of Government; and directed me to charge in the general account current for the third quarter the amount of \$43 95, contingent expenses of the second quarter, 1833, (already sent, as before stated, to the First Auditor of the Treasury, in the "statement of salary, fees, emoluments, and expenditures for that quarter," and adjusted,) and also to charge the amount of \$39 75, the amount of contingent expenses for this third quarter, in the same account current. I stated to him that it could not be done, as it was directly contrary to the established forms and instructions from the Comptroller; and besides, that the \$43 95 had already been stated and sent on in the accounts for the second quarter, 1833, with the vouchers for that sum, and had been examined and adjusted at Washington. It could not, therefore, with any plea of right or correctness, be now again either entered or stated in the accounts for the present quarter; nor could the \$39 75 be debited Government, as it was plain, from the vouchers, that it was not chargeable to the United States; and upon examination of the accounts with such charges in them, at Washington, that it would not be looked upon as a blunder, but as an evident intention of worming money out of Government, and that the sums would certainly not be allowed; moreover, that I was unwilling accounts, with such charges in them, should go to Washington in my handwriting, as it would certainly be evident to the First Auditor of the Treasury, from accounts previously made out by me, that I knew better. Mr. Reckless nevertheless insisted on my making such entries in the general account current, saying that, as an inferior officer, I was bound to obey his orders; and that, in all events, the responsibility rested on him. I accordingly made out the account current as he ordered.

The revenue boatmen's account for this third quarter was made out truly and correctly, as in the second quarter.

By letter of the 18th of December, 1833, from the Comptroller, advising adjustment of the above-mentioned accounts for the third quarter, it will be seen that the sum of \$43 95, as above mentioned, and \$15 75 of the \$39 75, were disallowed; making about the sum of \$60 for the second and third quarters of 1833, not chargeable to the United States. The general account current for this third quarter was otherwise defective, in not having a credit to Government of the proceeds of \$200 obtained for schooner Pacific, nor a credit of the \$600 obtained from the collector at New

York, on the authority of the Comptroller's letter of August 30, 1833, before referred to. I several times after this advertised to the \$600 in making out the weekly returns, until on doing so on the 16th December, 1833, he said that he supposed it might then come in, and entered it himself in the book of weekly returns, as that book will testify on inspection.

From this time my conversations with Mr. Reckless were very few and short on any subject, for reasons which I do not consider necessary to state in this deposition, as not bearing on the matter in question. My situation was in every sense mortifying and irksome.

In January, 1834, while I was preparing the accounts and returns for the fourth quarter of 1833, Mr. Reckless ordered me to make out the revenue boat and pay-roll of the seamen blank; that is, to leave the money columns in these accounts blank. I had, consequently, to leave the corresponding debit to the United States, in the general account current, blank also; and in this state these accounts, with the rest of the accounts for the quarter, were laid on Mr. Reckless's table in the office; they lay there several days, until I suggested to him that they ought to be completed and sent on; he requested me to get the boatmen to come up to the office, which I immediately did, all except James Seguire, who was absent at New York to pilot a brig to Amboy; Mr. Reckless requested me to sign for James Seguire, which I did (he being absent) in the presence of the other boatmen. After the other boatmen had signed, Mr. Reckless asked me how much money they were to receive? I told him \$53, per revenue boatmen time-book, which I presented to him. Luke Ross, one of the boatmen, could not sign his name, and requested me, as usual, to write it for him, he making his mark. Mr. Reckless then gave me \$53, and I paid the boatmen in his presence. The amount due James Seguire, was, I think, paid to Francis Seguire, his son, to be delivered to his father. This was the general rule in the absence of any boatman at the time of making payment for the quarter. I had, at times, before signed for the absent boatmen, but the accounts were always, before this, complete, and filled with the right sums. The boatmen, on being paid, immediately left the office.

I presume it is necessary here for me to state that, immediately after the boatmen left the office, my impressions were unfavorable, and that, in consequence, I again laid the accounts so signed on Mr. Reckless's table; and the next morning (Mr. Parker being absent at Washington) stated the above facts to William Whitehead, Esq., personally, and it was suggested that I had, under the circumstances, better proceed in the manner I had begun, and let the accounts go on as they were; that I was effectually justified in doing so, by its tending still more to confirm circumstances before communicated; and that my making them known in the manner I had, was an evidence of my not coinciding with Mr. Reckless. The above-mentioned accounts lay on the table for several days more, until Mr. Reckless stated to me that he wanted to send them on to Washington by that day's mail, and selected the boat account and pay-roll, and required me to fill up the blanks opposite the names signed as above, so as to make up \$113. I adverted to the fact that this sum exceeded that actually paid the boatmen, by sixty dollars; he said that it would cover contingent expenses. I told him that it was incorrect; when he plainly and distinctly said that he was determined to get it out of Government; that he had consulted Mr. Lyon, deputy collector at New York, who had told him that it could be entered in this manner. He stated more on the subject, in an urgent manner, which I do not now recollect; and I reflected that however the accounts went on, I would, at a proper time, put it right; and, on his again requiring me to complete the accounts in the manner above-mentioned, I did as I was ordered; directly afterwards, when he went out of the office, with the papers, to the post office, noting the circumstances, and the next day (Mr. Parker being still absent) stated them to William Whitehead, Esq., and to Robert A. Thorp, and particularly advising with Mr. Whitehead, to whom I showed the memorandum in the collector's office, and to Mr. Thorp at his store. I state this circumstance, because that memorandum has been lost or mislaid, and, after diligent search, cannot be found. Either of the above-mentioned gentlemen can, I have no doubt, qualify to the above facts. The substance of that memorandum was of such a nature as to be indelibly impressed on my memory.

If it be asked why I signed the pay-roll for the boatmen, Luke Ross and James Seguire, in blank, (as stated,) I can answer, that it was done by the order of the collector; and under that order I mechanically signed for them as I had usually before done, but at the time not advertent to any circumstance that might thereafter accrue in consequence of my having done so; besides, I did not suspect, until immediately after the boatmen left the office, that anything wrong was intended in the transaction, because bonds and other papers are frequently signed in blank in the custom-house, to be filled up thereafter at leisure; and when subsequently I was required to fill the blanks with a sum which I knew to be incorrect, I remonstrated on the impropriety of such charges, until, as an inferior officer, an absolute requirement to do so, but not without at the same time communicating the facts to Messrs. Whitehead and Thorp, and making a private memorandum, in order that at a proper time the transaction might be fully explained by an exposition that might thereafter be made by me. While continuing in office, I was frequently admonished of the necessity of my obeying, as an inferior officer, the commands of my superior; but at the same time it was a duty I owed to myself to take care that my own conduct, under whatever circumstances, could be shown to be governed explicitly by correct motives.

In making out the accounts for the first quarter of 1834, (in April of that year,) I was determined to forestall, as much as in my power, the foregoing method of proceeding in regard to the revenue boat account and pay-roll, and filled the columns of the pay-roll with the sum in figures of three dollars (\$3) each man, (there being four men,) which was the actual sum they were to receive for this quarter. I filled up the general account current and the other papers

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accordingly, and placed all the accounts ready for signature on Mr. Reckless's table for his examination and signature. They lay there for more than a week, until one day, in overlooking them Mr. Reckless said to me, "you have only put the sum that the boatmen are to receive on the pay-roll." I told him "yes; and that I had filled the columns of the other accounts accordingly." He said he "would not have it so, and that it must be altered." I told him "it would not do," but he required me to erase the figures "3" in the pay-roll; which I did; he standing by in such a manner as that the erasure could be plainly perceived, and intentionally left so by me. I immediately went out of the office, determined to have nothing to do with paying the boatmen. In a day or two I was sent to the beach to superintend the discharge of a wreck, and when I returned two of the boatmen had signed the pay-roll; the two others signed afterwards, in my presence. The boatmen were not then paid, nor did they receive their three dollars each from Mr. Reckless until some time after the 7th of May. I did not see the boatmen paid, as I was not then in office; but I ascertained from each of them that they had received their three dollars.

On or about the last of April, or 1st of May, Mr. Reckless brought the accounts for the first quarter of 1834 to my desk, and required me to fill the pay-roll with the sum of twenty-nine dollars opposite to each man's name, making the total sum of \$116. I remonstrated for some time; but, having fully made up my mind as to the course I should pursue, I did as I was ordered, carefully placing the figures "29" to the left hand of the "3's," before erased; which fact is substantiated by that document, now in Washington. I immediately afterwards made the circumstances known to proper persons. I did not remain more than a day or two longer in the office, and, of course, can give no further information.

I never informed Mr. Reckless that it was the usage of the office to charge the incidental expenses, and cover them by the receipts of the boatmen of the revenue boat. It never was done until the making up of the accounts for the fourth quarter of 1833, which were made up in the month of January, 1834. He does know that the boatmen always received the sum specified in their accounts until the fourth quarter of 1833; and that, during the time that Mr. Parker was collector, the boatmen always received the sum specified in their receipt. Witness has looked into the revenue boatmen's time-book, produced by the collector, and it appears that the amount paid to the boatmen for their services for the second quarter of 1834 is thirty-five dollars only; it appears, by the account rendered to the Government by the collector, that he charges \$124 for boatmen's wages. He has looked into the book produced by the collector for the third quarter of 1834, and finds that the sum of forty-five dollars is the sum set down as paid to the boatmen for that quarter: the account rendered to the Government shows the amount paid to the boatmen for that quarter, as charged by him, \$124.

The annexed receipt, signed by J. W. Reckless, collector, port of Perth Amboy, New Jersey, bearing date July 18, 1833, is in the handwriting of J. W. Reckless.

Being cross-examined by General Wall as counsel for the collector, he said the blanks in the boatmen's account for the fourth quarter of 1833 were filled up by him, by order of the collector; that the difference between the sum filled up in the receipt and the sum actually received, he said would cover the contingent expenses, which had been disallowed by the Government. These contingent expenses were those charged by order of the collector to the debit of the United States, in the general account of the third quarter of 1833, and disallowed at Washington by the Comptroller's letter of 18th December, 1833. The blanks in the boatmen's receipt for the first quarter of the year 1834 were filled up by the witness, by the order of the collector. That he did not tell witness what constituted the difference, or how it was made up, between the sum actually paid and the sum specified in the receipt; nor did the witness ask him how it was made out. On recollection, he thinks that Mr. Reckless did, at the time of filling up these receipts, make a calculation on my desk relative to the sum, but witness cannot tell what it was. That at this time my feelings were very much excited. That he remembers going twice to the sea-shore to attend the discharge of the cargoes of wrecks. On those occasions, Mr. Reckless advanced him money for his expenses, and of the inspectors who went with him, and for which he accounted to the collector on his return. That these expenses were covered by the inspectors' receipts for an extra number of days, sufficient to cover the amount. This was agreeable to the usage in the office before Mr. Reckless came there, and while witness was in the office; and witness always understood that it was the custom in all custom houses, and particularly in New York.

F. W. BRINLEY.

Sworn at Perth Amboy, the 30th day of March, 1835, before me,  
JOSEPH MARSH,  
Mayor City of Perth Amboy.

Benjamin Maurice, being duly sworn, deposed and said: He remembers that the schooner Pacific was at Mrs. Patrick's wharf, at the city of Amboy, in February, 1833, until June or July, 1833. A day or two before the vessel left the wharf, the collector called upon him for a bill for her wharfage, and asked him to hand him the bill, which deponent promised to do. A few days afterwards, I met Mr. Reckless, who informed him that he need not trouble himself to give him a bill, that he had ascertained the amount of wharfage from documents in his office, and that he would pay the amount to Mrs. Patrick, the owner of the wharf; that in the month of August or September, 1834, he ascertained that the wharfage bill had not been paid to Mrs. Patrick. Some little time afterwards, he called on Mr. Reckless (it may have been five or six weeks) for the money, and Mr. Reckless informed me that it was entirely a mistake, and regretted that he had not paid it, and paid me twenty-seven dollars, and I mentioned to him that it was \$29 25. Mr. Reckless endeavored then to hunt up the papers, but could not lay his hand on them, but said he would

pay the balance at any time that I would call. The twenty-seven dollars was paid to him about the 10th of October last. The balance of \$2 25 was paid in February, or the present month. On or about the last day of December last Mr. Reckless called upon Mr. Maurice, with a receipt for \$29 25, and requested his signature to it. He observed that he had only received twenty-seven dollars. Mr. Reckless said he would pay him the balance any time he would call, and thereupon he signed the receipt. The receipt purports to bear date the time he signed it. The actual amount paid me was \$29 25, being at the rate of \$1 50 per week, which was the actual amount of the wharfage. Witness never delivered the bill to Mr. Reckless, because Mr. Reckless told me he knew the amount from documents in his office.

BENJAMIN MAURICE.

Sworn before me this 30th day of March, 1835.

JOSEPH MARSH,  
Mayor of the City of Perth Amboy.

James Parker, being duly sworn, doth depose and say: That during the month of January, 1833, while he was collector of the port of Amboy, the schooner Pacific was found running without papers, and detained for the payment of foreign tonnage money. He ascertained that she had run a number of trips with stone for the railroad, and that she was liable for tonnage money to an amount exceeding \$400. The precise sum he does not recollect. The hands all left the vessel, and she was laid at Mr. Bruen's wharf; and, after some time, as her expenses were too large at that wharf, I removed her to Mrs. Patrick's wharf, under an agreement with Mr. Maurice, her agent, at \$1 50 per week. I left the collector's office on the 1st of April, 1833, and delivered over to Mr. Reckless the vessel and all the papers relating to her; among these were a letter from the Comptroller of the Treasury, stating the law in regard to the vessel; a letter from Mr. Conover, stating the number of loads of stone she had brought to the railroad; an account of the tonnage money due; and an account of the wharfage due by the vessel to Mr. Bruen; and a memorandum of the time she went to Mrs. Patrick's wharf; and the rate per week that was to be paid for wharfage to Mr. Maurice. That, late in the summer or early in the fall of 1833, as he was passing the door of the collector's office to go to his own office, Mr. Brinley, the deputy collector, called me into the collector's office, and told me that he wished to communicate to me a fact, for the sake of his own reputation, fearing that he, keeping the accounts of the collector, might hereafter be blamed. He then told me that Mr. Reckless, the collector, had received a sum of money for tonnage of the schooner Pacific, and had refused to suffer him (Mr. Brinley) to place it to the credit of the United States in the weekly accounts of moneys received and paid. Mr. Brinley stated that he had given me this information that I might testify to the fact when occasion may require. At some time in the spring of 1834, while he (this deponent) was at Washington, he received a letter or letters from Mr. Brinley, informing him that Mr. Reckless, the collector, had directed him (Mr. Brinley) to fill up the receipts given by the boatmen of the revenue boat, for an amount much larger than the sums actually paid. That Mr. Reckless had done this for the avowed purpose of thus obtaining from the Government certain commissions and office expenses improperly charged by him in his general account current for some of the quarters of the year 1833, and which charges had been rejected by the Treasury Department. The precise time he (this deponent) received the communication he cannot say, not having the letters by him; but it was at the time that Mr. Brinley was acting as deputy collector, and before he was superseded by Mr. Reckless's son.

Some time in the summer of 1833, in a conversation with this deponent and Mr. Reckless, the collector, respecting the expenses of the office, the deponent stated to Mr. Reckless that no allowance was made, according to the rules of the Treasury Department, for the expenses of his office. That office rent, fuel, stationery, and other incidental expenses of the office, were never charged or allowed in the general account, but were to be paid out of his fees or emoluments.

JAMES PARKER.

Sworn to before me, this 30th day of March, 1835.

JOSEPH MARSH,  
Mayor of the City of Perth Amboy.TREASURY DEPARTMENT,  
COMPTROLLER'S OFFICE, December 18, 1833.

SIR: Your accounts for the customs for the third quarter, 1833, have been adjusted at the Treasury; and a balance of \$811,057 93 stated to be due from you to the United States, consisting of—

Bonds in suit.....\$810,171 79

Cash on hand.....886 14

\$811,057 93

The balance stated by you is.....\$810,978 51

Amount improperly charged for office rent, the same being chargeable in your account of official emoluments.....\$15 75

Amount charged in contingent account second quarter, suspended for want of voucher and receipts.....43 95

Commission improperly charged.....19 72

79 42

\$811,057 93

Respectfully,

JOSEPH ANDERSON,  
Comptroller.  
JOSEPH W. RECKLESS, Collector at Perth Amboy, N. J.

TREASURY DEPARTMENT,

COMPTROLLER'S OFFICE, March 4, 1834.

SIR: Your accounts for the customs for the fourth quarter, 1833, have been adjusted at the Treasury, and a balance

of \$810,671 93 stated to be due from you to the United States, consisting of—  
Bonds in suit.....\$810,171 79  
Cash on hand.....500 14

\$810,671 93

The balance which you have stated is.....\$810,642 47  
Deduct marine hospital money, over-credited in this account.....1 00

810,641 47

Add commission overcharged.....33 46

\$810,671 93

Respectfully,

JOSEPH ANDERSON,  
Comptroller.  
JOSEPH W. RECKLESS, Collector at Perth Amboy, N. J.

Abstract of disbursements on account of the revenue boat for the district of Perth Amboy, from the 1st day of October to the 31st of December, 1833.

1834, Jan. 1.—Cash paid seamen, as per pay-roll No. 1, \$113  
J. W. RECKLESS, Collector.

DISTRICT OF PERTH AMBOY,  
COLLECTOR'S OFFICE, January 1, 1834.

[No. 1.]

Pay-roll of seamen employed on board of the revenue boat for the district of Perth Amboy, from the 1st October to the 31st of December, 1833.

Names.	Time of service.	Rate per day.	Pay and rations.
James Seguire.....	28 days	\$1	\$28
Francis Seguire.....	29 "	1	29
Luke Ross.....	28 "	1	28
Abner Depew.....	28 "	1	28
	113 "		\$113

DISTRICT OF PERTH AMBOY, January 1, 1834.

Received of Joseph W. Reckless, collector of the customs for the district of Perth Amboy, the several sums annexed to our names, respectively, being in full for our wages during the quarter ending December 31, 1833.

JAMES SEGUIRE,

Per F. W. Brinley, in his absence.

FRANCIS SEGUIRE,

LUKE ROSS, his mark.

ABNER DEPEW, his mark.

Witness: F. W. BRINLEY.

Abstract of disbursements on account of the revenue boat for the district of Perth Amboy, for the quarter ending 31st March, 1834.

1834, April 1.—Cash paid seamen, as per pay-roll No. 1, \$116  
J. W. RECKLESS, Collector.

DISTRICT OF PERTH AMBOY,  
COLLECTOR'S OFFICE, April 1, 1834.

[No. 1.]

Pay-roll of seamen employed on board of the revenue boat for the district of Perth Amboy, from the first day of January to the 31st March, 1834.

Names.	Time of service.	Rate per day.	Pay and rations.
James Seguire.....	29 days	\$1	\$29
Luke Ross.....	29 "	1	29
Roulin Sofield.....	29 "	1	29
Francis Seguire.....	29 "	1	29
	116 "		\$116

DISTRICT OF PERTH AMBOY, April 1, 1834.

Received from J. W. Reckless, collector of the customs, the several sums annexed to our names respectively, being in full for our wages for the quarter ending March 31, 1834.

JAMES SEGUIRE,

LUKE ROSS, his mark,

ROULIN SOFIELD,

FRANCIS SEGUIRE.

Witness: F. W. BRINLEY.

New York, April 2, 1835.

SIR: I have the honor to inclose to you the depositions taken by me before the Mayor of the city of Perth Amboy, on the 30th ultimo, to sustain the charges preferred by me against the collector of that port.

These depositions would have been taken at an earlier day, but the accounts deemed necessary to be used in the case did not arrive until the early part of March; and, being desirous of examining the Hon. Mr. Parker, I did not give notice till I had ascertained when Mr. Parker would be in Amboy. On the 12th March I caused notice to be served on the deputy collector on the 18th, and on that day I attended, as did all the witnesses who had been formerly summoned; but Mr. Reckless not attending, and, on inquiry at his office, finding him absent at Washington, I postponed the examinations until the 30th, and caused a new notice to be served on him for that day, when they were completed. I state these circumstances to account for the apparent unnecessary delay, and because Mr. Reckless represents in Amboy that, while at Washington, he had settled his accounts, paid his defalcation, and received a discharge from the Treasury Department. Mr. Reckless attended the examination, with his counsel, G. D. Wall, Esq., United States district attorney for New Jersey, and

25TH CONG...3D SESS.

Public Defaulters—Mr. Wise.

HO. OF REPS.

cross-examined the witnesses as he saw fit. The boatmen of the revenue boat were in attendance, but were not examined, in consequence of the admission made by him that Mr. Brinley's statement of the sums actually paid to the boatmen, taken from the book produced, is correct.

Mr. Brinley, at my request, prepared a statement in the form of a deposition; and, when called up to testify, I offered it to General Wall as such; and he, having read it, agreed to receive it as a direct examination.

You will find, on an attentive perusal of the evidence, that every part of the charges made is fully proved; and there is no proof, or attempt to prove, that the money charged above what is paid has been expended for the account of the Government.

The testimony of Mr. Maurice and Mr. Parker proves that Mr. Reckless had documents in his office, left by Mr. Parker, showing the amount of the charges against the schooner Pacific, and that Mr. Reckless admitted to Mr. Maurice that fact, and dispensed with a bill. The receipt made at the time the money was received from Secor shows this fact also, for it shows the exact sum paid, with the exception of Mr. Ward's bill, paid in September, 1833; and there cannot be found any excuse why the net amount was not credited to the Government in the fourth quarter of 1833. Mr. Brinley proves that he repeatedly reminded him of this sum, and that he refused to permit him to carry it to the credit of the Government in his accounts. The weekly return-book showed the entry in Mr. Brinley's hand writing, and erased; he cannot plead, therefore, that it was omitted from mistake. And equally untrue is the reason he assigns in his letter in answer to the charge that he could not procure the bills against the vessel; all the evidence disproves it fully and completely. That charge is fully sustained, and his fraud fully made out.

As regards the second charge, relative to the boatmen's wages, his answer to it admits he has not paid them the sums he obtained their receipts for; and his admission annexed to the papers goes fully to admit the statement of Mr. Brinley as to the sums actually paid and actually charged, and shows that in four quarters (fourth in 1833 and three first in 1834) he paid \$145, and charged the Government \$477, being \$332 fraudulently obtained by the production of false vouchers. This charge is also fully sustained, and not a shadow of proof to excuse either of them.

Mr. Brinley's deposition will also show that Mr. Reckless also availed himself of an oversight in the Comptroller's office to obtain \$600, having just before received \$2,000, and not accounting for this sum for several months after it was received. When he drew for \$2,000 he knew he did not require \$600 for the purposes of his office, and it was a fraud to draw for \$2,000; and when the order came to him for \$600, had he been an honest man, he would have immediately communicated the fact to the Department, and not received the money.

Another case of fraud came to my knowledge a few days since, of a small amount, but showing the dishonesty of this man. He has obtained a credit in his accounts for the second quarter of 1834, of sixteen dollars, for painting the revenue boat, and he only paid twelve dollars. This will appear by the inclosed deposition of J. B. Daniels, the painter. I did not examine him in Amboy, (because he lives in this city,) and because it was not included in either of the charges,) but took his affidavit this morning. You can, if you wish proof other than the inclosed, direct the district attorney in this city to call on me to produce the man, and I will do it.

The maxim of law, as applied to evidence, that a witness false in one fact will not be entitled to credit in anything he may swear to, fully applies to the collector; and more especially applies if it is true, as I am informed, that he has sworn to his accounts quarterly—all of them are false, from the first one.

With these remarks, I submit the case to you for the decision of the Department. I cannot doubt the result. This case has made much noise in New Jersey, and many persons attended the examinations, of all political parties; and the testimony is pretty generally known.

Mr. Reckless requested copies of the depositions, and I have this day furnished him with them.

I shall be glad to hear the decision of the Department.

I am, respectfully, your humble, obedient servant.

WILLIAM VAN HOOK.

Hon. LEVI WOODBURY, Secretary of the Treasury.

PERTH AMBOY, April 6, 1835.

SIR: Testimony has been taken, on the 30th ultimo, at this place, on the charges made by William Van Hook, Esq., against Joseph W. Reckless, collector of the customs at this port, in January last.

The first charge against the collector was the willful withholding of credit to the United States for tonnage money received for the schooner Pacific, in July, 1833. The receipt of this money Mr. Reckless acknowledges in his letter to you of the 23d of January, but says that he withheld the credit, having "held [the money] to meet the various claims which then existed against the vessel, and for which he had made himself liable, and, when paid, the balance to be brought to the credit of Government." The charges he states to be, and to have been paid, as follows:

August 7, 1833, M. Bruen, for wharfage.....\$23 00  
September 28, 1833, G. D. Wall, district attorney,  
for advice and directions..... 41 40  
December 30, 1834, B. Maurice, wharfage..... 29 25

The first two (if the one of them is a proper charge) are admitted to have been known at the time, and paid before the end of the quarter, and the question is only on that of Mr. Maurice's account for wharfage. As to this, you will find that Mr. Maurice swears that Reckless told him at the time when the vessel was about to be delivered up, that he (Reckless) had ascertained the amount from documents in the office, which documents you will find, by the testimony of Mr. Brinley and myself, I left there, and handed over to him, when he took charge of the office; and you will further observe that the amount of this account of Mr. Mau-

rice, as well as Mr. Bruen's, was distinctly stated by Reckless as charges against the vessel at the time she was given up, and the amount receipted for separately and distinctly from the tonnage, as is fully proved by documents Nos. 1 and 2 attached to Brinley's affidavit.

When the direct testimony of Mr. Brinley is connected with these facts, the willful omission to credit the money is proved, and the falsehood of the pretense for withholding it, set up by Reckless, established beyond all doubt.

In regard to the second charge, that receipts have been exhibited and amounts charged to the Government for boatmen's wages for more money than was actually paid, you will observe that this fact Mr. Reckless has also admitted; but he states, in his answer, that "incidental expenses have been united with those under that head for the same time," and that Mr. Brinley "suggested this mode of charging incidental expenses," &c.

This allegation is disproved by Mr. Brinley, and by the first account (second quarter of 1833) rendered by Mr. Reckless, in which the mode directed by the Comptroller and followed by me was adopted; and you will find that the expenses to which Mr. Reckless alludes were not those not chargeable to the revenue, but to his own emoluments, and which, being put into his general account in the quarter ending 1st October, 1833, against Mr. Brinley's advice and remonstrance, were disallowed by the Auditor, in his letter of the 18th December, 1833. Mr. Reckless, being refused the credit for these charges, resorted to his next account to the fraud of adding the amount to the money actually paid the boatmen, so as to obtain from the Government by fraud what could not be obtained by law and the regulations of the Department; and by his own declaration in his letter to you of 23d January, 1835, "this mode of keeping the accounts and making these charges has continued ever since!"

The testimony of Mr. Brinley shows the amount paid to the boatmen in the quarters ending 31st December, 1833, and 31st March, 1834, from his own knowledge, as from the "boatmen's time-book," exhibited by Mr. Reckless, for the quarters ending 30th June and 30th September, 1834. The boatmen were not examined, because Mr. Reckless admitted (and it is so certified by the officer) that the sums paid to the boatmen, according to Mr. Brinley's testimony, were the correct amounts. How, then, stands this part of the account? The sums actually paid for this service, and the sums actually charged, are as follows:

	Paid.	Chg'd.
In the quarter ending 31st December, 1833.....	\$53	\$113
In the quarter ending 31st March, 1834.....	12	116
In the quarter ending 30th June, 1834.....	35	124
In the quarter ending 30th September, 1834.....	45	124
Total.....	\$145	\$477

The difference between these two amounts (\$332) has been thus fraudulently obtained from the Government for the reimbursement of moneys not chargeable to the United States, and which, if the amount ever was disbursed, was expended by Mr. Reckless for his own private use. I cannot refrain from again noticing the attempt made by Mr. Reckless to defend or palliate his frauds by charging Mr. Van Hook and Mr. Brinley with improper motives. I have known these gentlemen intimately and for many years. Their characters and integrity never were, and cannot be, impeached.

I do not doubt that you will examine this case with the attention due to it, and lay it before the President; and that you will be satisfied that Joseph W. Reckless is unfit for the station he occupies, and ought to be removed.

I am, with great respect, your obedient servant.

JAMES PARKER.

Hon. LEVI WOODBURY, Secretary of the Treasury.

In reply to a letter of Reckless, dated May 19, inclosing certain testimony, Woodbury, on the 29th of May, 1835, returned to Reckless this testimony, taken informally, in the following letter, which shows the Secretary's disposition, and manner of discharging his duty towards the accused:

TREASURY DEPARTMENT, May 29, 1835.

SIR: I herewith return to you the evidence forwarded by you to the Department in relation to the complaints made against you. It appears that this evidence was taken without having given (as was required) notice to the complainant; it therefore cannot be received. I request that you give notice of the time and place of taking any testimony intended to rebut the charges against you, to the complainant, allowing sufficient time to attend.

As you have referred to the New York custom-house as a precedent for your justification for a part of your conduct, it is proper that the evidence of the collector at New York and some of the other officers of the customs, should be taken on that point, after due notice to the complainants.

It is very desirable that you should very promptly attend to this business, and transmit the evidence taken by you to the Department as soon after as possible; the case having been pending so long, and the complainants being impatient for a decision.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,  
Secretary of the Treasury.

J. W. RECKLESS, Esq.,  
Collector, Perth Amboy, New Jersey.

July the 16th, 1835, G. Wood, Reckless's counsel, sent to Woodbury a long deposition of J. W. Reckless, jr., the son of the accused, of David S. Lyon, first deputy collector of New York, and sundry papers explaining the defense of Reckless, &c.

July 23, 1835, Mr. Parker again addressed the Secretary the following letter:

PERTH AMBOY, July 28, 1835.

SIR: After a lapse of nearly four months since testimony was taken here in support of the charges made against Joseph W. Reckless, the collector of the customs at this port, he has attempted to furnish testimony to exculpate himself, which is now in your hands.

It seems to me almost unnecessary for me to make any observations upon the nature of this defense, (if such it may be called,) which goes, by the testimony of the witness adduced by Reckless, if he proves anything, to establish the guilt of the collector, and to corroborate every part of the testimony produced in support of the charges.

As to the first charge, namely, the willful suppression of a credit to the United States of money received for tonnage of the schooner Pacific, nothing has been shown, or attempted to be proved, to contradict the direct testimony of Mr. Brinley and others, and the written evidence, under Reckless's own hand, proving the facts charged, and destroying all pretense of apology on his part. You will observe, as regards the testimony in this charge, that, although the district attorney attended as counsel for the accused, he did not think it expedient to cross-examine any one of the witnesses by whom the charge was so fully proved, and the excuse of Reckless so fully shown to be false and unfounded in fact.

The first charge, then, that the collector, in July, 1833, received the sum of \$147 for tonnage money of the schooner Pacific, and willfully refused to credit the amount to the United States, is proved beyond a question.

As to the second charge, that fraudulent receipts, signed by the revenue boatmen, for an amount of money far exceeding the sums actually paid them for that service, for four successive quarters, have been exhibited as evidence of disbursements chargeable to the revenue, and charged in his general account with the United States. The testimony of the son of the collector, you will observe, corroborates precisely the testimony of Mr. Brinley as to the sums actually paid these men, which, as I have before stated, exceeds the amount of their wages \$332; the sum charged being \$477, and the amount paid only \$145. The witnesses on both sides established this fact.

I stated, in my former communication to you, of the 6th of April last, that the difference (\$332) thus fraudulently obtained from the Government, if ever expended, was for the private use of the collector. I ask your attention to the affidavit of young Reckless, and the accounts accompanying it, and referred to therein, to prove this fact.

The collector is required to render, quarterly, an account of the fees and emoluments of his office, and to state, in the same account, his expenses for fuel, stationery, office rent, and other incidental expenses. These expenses, as you well know, are a charge upon the collector's official emoluments; they are stated as such. The collector here was apprised of the law, and rendered his account accordingly.

By an examination of his account of salary fees, you will find charged for expenses, in the quarter ending the 30th of June, 1833, \$43 95; and for the quarter ending 30th September, 1833, \$35 79; of which last, fifteen dollars was for office rent, and seventy-five cents for quills.

By looking at his general account for the quarter ending 30th September, 1833, you will find the same sums also charged to the United States in that account.

In a letter from the Comptroller of the Treasury to the collector, dated 18th December, 1833, stating the settlement of his account for the quarter ending 30th September, 1833, he adds to the balance stated by the collector:

Amount improperly charged for office rent, the same being chargeable in your account of official emoluments, \$15 75.  
Amount charged in contingent account, second quarter, suspended for want of vouchers and receipts, \$43 95.

A part of the sum of \$35 72 charged, being for blank emoluments, was allowed, and \$15 75, for office rent and quills, rejected.

The law and the rules of the Department allowed no credit for these expenses. The collector was told so. He persisted, as Mr. Brinley testifies, in making a charge of them against the Government, and the account was rejected by the Auditor of the Treasury.

Let us now see what the collector has done, in consequence, according to his own showing, the testimony of his son and deputy. This young man exhibits, among others, statements and receipts for expenditures for the second and third quarters of 1833, amounting to \$59 20, composed of the same items which were rejected by the Treasury, in the same account ending 30th September, 1833; and positively swears that the amount fraudulently added to the boatmen's receipts for the first quarter of 1834, was so added and intended to cover the amount; which you will observe had been thus disallowed and rejected by the Government. And he goes on to exhibit other accounts and receipts for expenses of the same nature, and equally unauthorized; to cover which, the subsequent receipts were fraudulently increased up to the time when the charges of fraud were made against collector!

It is sufficient for the purpose that all the expenses thus stated are such as neither law nor the rules of the Department allow. But I cannot help remarking that two bureaus are charged in an account of J. C. Smith, said to be paid 30th June, 1834, (A No. 3), one of which, as I am informed, was sent to the collector's house in Monmouth, and the other to his lodgings here. I doubt if a single article embraced by this bill of Smith's is in the office; but if they were, they are not chargeable to the United States.

The second charge is fully established, that receipts of the revenue boatmen have been fraudulently obtained and rendered for an amount greatly exceeding the sums actually paid; and this has been done to cover money expended for the private benefit of the collector, and no way chargeable to the Government.

Both charges being plainly and unequivocally proved, I consider the removal of an unfaithful officer as beyond a doubt.

## 25TH CONG.: 3D SESS.

## Public Defaulters—Mr. Wise.

## HO. OF REFS.

In laying the papers connected with this business before the President, I have to request that you will include this communication, and also my letters to you of the 5th of January last, covering Mr. Van Hook's charges, and that of the 6th of April last.

I have the honor to be, with great respect, sir, your obedient servant,

JAMES PARKER.

HON. LEVI WOODBURY,  
Secretary of the Treasury, Washington.

NEW YORK, August 1, 1835.

SIR: Mr. Reckless having transmitted to you the affidavits intended to be a defense against the charges preferred by me, I think it my duty to submit to you, and through you to the President, some remarks upon them. It is a little singular that he should have been upwards of three months preparing his evidence, which, on inspection of the accounts submitted, and upon which he relies for his exculpation, he must, if they are correct and true, have had in his possession more than a year; and one would naturally ask why, with those means of defense, if such they are, in his power, he had not been a little more expeditious in endeavoring to clear himself from the very serious charges against him. But these accounts are not true; they have been procured, and made to bear date in certain quarters, for the purpose of covering the amounts fraudulently charged in the revenue boatmen's receipts for those quarters. I will mention one of those cases, which can be proved not to have been incurred in the first quarter of 1834—that of J. F. Sibell, for stationery, under date of 31st March, 1834; I assert that none of the articles in that bill had ever been received in the collector's office prior to the 7th May, 1834; up to that time, the stationery was purchased at New Brunswick. The bill of J. C. Smith, in the same quarter, is for articles which were not for the office; the bureau was for his own private use, one of them never was in the office, but was sent to his house in Monmouth county, and one to his private lodgings in Amboy, and no old one put in the office very recently. One of the book-cases is not and never was in the office, and the chairs in that bill are at his private lodgings. The gas lamp was not needed for the office, because it was never open in the evening, and never has been after dark. I point out these cases to you, not because it can make any manner of difference in deciding the merits of the question, but for the purpose of showing that he has attempted to sustain his frauds by false documents. I contend that he has no right to claim any credits in his accounts for articles not chargeable. He knew this from the fact that the same items now produced for the second and third quarters of 1833 had been charged before in his accounts for those quarters, and had been rejected by the Comptroller; and he was then informed that they were inadmissible. In consequence of this information, he determined to charge (to the United States a sum greater than the sum rejected, and more than he actually paid) in the revenue boatmen's accounts, and fraudulently obtained from them their receipts to cover it. The testimony of his son proves this, and fully sustains that of Mr. Brinley on this point. It cannot be possible that either you or the President will permit him to do indirectly, and under cover of false vouchers, what the law and the usages of the Department will not permit to be done openly and directly. That charge is fully and completely sustained in all its parts, and no comments of mine can make it more plain and palpable as a premeditated fraud.

The charge of not crediting the Government with the money received in July, 1833, in the case of the Pacific, is also fully sustained, as well by the evidence of Mr. Brinley, Mr. Maurice, Mr. Parker, as by the receipt to Messrs. Secor. The receipt proves that when he received the money he knew the amount of charges to be deducted from the sum received; he then knew the amount then legally chargeable against the money received; and his fraudulently obtaining from Mr. Maurice a receipt dated 30th December, 1834, only goes more fully to establish his whole conduct to be dishonest. I will make one remark upon one of the receipts he produces in this case, but not specified in his receipt to Messrs. Secor—that of G. F. Wall, Esq., the United States district attorney for New Jersey, for professional advice in this case. I apprehend that Mr. Wall had no legal claim against the collector or the Government for advice in this case; he had a salary from the United States for the express purpose of paying him for advice to the public officers in his State, and he cannot, legally, make a charge while receiving a salary, except in cases where costs accrue in suits instituted or defended. It is a little singular that Mr. Wall appeared for him as his counsel at the examination of the witnesses in New Jersey, and virtually against the United States.

You will observe the sweeping manner in which young Reckless swears. He says that all the articles furnished, as well from April, 1833, to May, 1834, as all others since that time, were for the use of the collector's office, and were necessary. How can he know this, when he also swears that he came into the office only in May, 1834? He could not know that the articles were furnished for the use of the office, or were needed, and the rule of law, as well as of common sense, is, that a man who will swear to what he cannot know, ought to be received as a witness very cautiously as to anything he may say, will forcibly apply to him. You will also observe that on his cross-examination he unqualifiedly said that none of the bills he then produced, and which he referred to in his direct examination, had been ever charged in any account against the United States. Knowing, as I did, the absolute falsehood of the statement, (because I had copies of the accounts for the second and third quarters of 1833,) I informed him he was incorrect, and should prove it so. He then, at the suggestion of his father's counsel, qualified the statement by saying he did not know of their having been before charged and rejected. Had I not corrected him, his affidavit would have gone forth with a palpable falsehood on its face.

Mr. Parker, in his letter to you, under date of the 28th ultimo, which I have seen, so fully analyzed and destroyed the whole of Mr. Reckless's defense, that I will not add

anything further on the subject. The affidavit of Mr. Lyon is unimportant; if it proves anything, it only goes to show that Mr. Reckless had never forgot that he had received the money from Secor; but at the time Reckless made the inquiry of Mr. Lyon, he was, no doubt, aware that he would be charged with the fraudulent omission to credit the amount received, as I understand that the fact of withholding it had been previously mentioned by Mr. Parker to more than one person, by whom it would most probably be communicated to Mr. Reckless, and particularly to Mr. Wall, who was his counsel at the taking of evidence in Amboy.

The whole case is now before you for the decision of the President. I cannot permit myself for one moment to think that he will retain in office a man proved dishonest, or permit him to obtain, by false and fraudulent vouchers, and by embezzlement, money he is not and cannot be permitted to receive by an open and direct course.

I shall be glad to hear from you as soon as this case is decided upon.

I am, sir, with respect, your humble servant,

WILLIAM VAN HOOK.

The Hon. LEVI WOODBURY,  
Secretary of the Treasury, Washington.

September 16, 1835, Reckless wrote a letter to Mr. Woodbury, in reply to the last letters of Parker and Van Hook, of which the Secretary had notified him, inclosing an affidavit of John Arnold, dated 18th September, 1835, in relation to a desk and small lamp in his office, which he proves had always been there, &c. Such, sir, were the charges and the proofs in this case. A pretended abstract of them was made out in the Treasury Department. What do you suppose was the decision of the President in the case? On the abstract he indorsed this judgment:

"First charge.—Disproved.

"Second charge.—Mr. Brinley acknowledges, on oath, that the manner of Reckless's accounts were made agreeably to the usage of the office before he came into it.

"Third charge.—Disproved. It was irregular to charge incidental expenses in boatmen's accounts; but no proof of corruption, or that any was charged, but what had been disbursed."

Sir how could such a decision be made in such a case? Mr. Parker and Mr. Van Hook told the committee how it was done:

"Of the papers marked by the Secretary 25, with the inclosures, and 26, I have no knowledge until now handed for my perusal. The evidence furnished with them being taken without notice from the collector to Mr. Van Hook, they appear to have been returned for that reason, with a letter from the Secretary to J. W. Reckless, May 29, 1835; (XIX) in consequence of which, the testimony of J. W. Reckless, Jr., and David S. Lyon, was taken at New York, before Richard Riker, June 23, 1835, with sundry exhibits, (XX), and appears to have been forwarded to the department with a letter from George Wood, the collector's counsel, on the 16th of July, 1835, (XXI). Having received this evidence from the department, upon a request made in a letter of the 20th of July, I wrote to the Secretary on the 28th of July, 1835, a letter (XXII) stating my view of the case as it rested upon the evidence. This letter, with one from Mr. Van Hook, of August 20, 1835, with comments by him upon the testimony, (XXIII), dated August 1, is stated to have been forwarded to the collector, whose reply, (XXIV), dated September 16, 1835, appears to have been received by the Department on the 21st of September, inclosing an affidavit of John Arnold, (G.) taken without notice to the complainant and in the handwriting of George Wood, Esq., of New York, counsel for the collector, sworn to at Perth Amboy, September 18, before Joseph Marsh, intended to rebut an observation in Mr. Van Hook's letter of the 1st August, (XXIII). This letter of the collector, of September 16, (XXIV), appears by a memorandum upon it, signed 'Ridman,' to have been received the 21st of September, and a direction is thereon in pencil, as follows:

"G. W., make out an abstract of the charges, and evidence and explanations, for and against them, and mark and file all for the President.—W."

"A paper marked 39 and 40 by the Department (XXV) appears to have been made out entitled 'Abstract of charges and testimony in the case of J. W. Reckless, collector of the district of Perth Amboy.' The documents submitted with the abstract, and referred to therein, appear to have been as follows, viz: William Van Hook's letter, and the letter of James Parker, inclosing it, (I and II), referred to as paper A."

"The abstract of the charges and testimony submitted to the President is defective and erroneous. In the statement of the first charge, it makes no reference whatever to any testimony taken in its support on the part of the complainant. The evidence of F. W. Brinley, Benjamin Maurice, and James Parker, as to this charge, was contained in the testimony taken at Perth Amboy, marked C and XV; and with the exhibit No. 1, attached thereto, completely falsified the pretense set up by J. W. Reckless in his statement (V) for not crediting the tonnage duty received for the schooner Pacific. The abstract referring to no evidence in support of this charge, the President decided that it was disproved; whereas, if the testimony had been stated, it would have been found to be fully sustained and proved.

"As to the second charge, the assertion of J. W. Reckless, in his letter of January 23, 1835, (V), that Mr. Brinley suggested the mode of making out the accounts, is expressly contradicted by that witness, in the testimony taken at Perth Amboy, (CXV). The witness expressly swears that he told Reckless 'that it was incorrect;' and particularly he swears 'that he never informed Mr. Reckless that it was the usage of the office to charge the incidental expenses, and cover them by the receipts of the boatmen of the revenue boat; it never was done until the making up

of the accounts for the fourth quarter of 1833, which were made up in the month of January, 1834; that he does know that the boatmen always received the sum specified in their accounts, until the fourth quarter of 1833; and that during the time Mr. Parker was collector, the boatmen always received the sum specified in their receipts."

"The President, on this charge, decided that Mr. Brinley acknowledges, on oath, that the manner of Reckless's accounts were made agreeably to the usage of the office before he came to it.

"As to the third charge, no testimony was taken by Mr. Van Hook; and the affidavit of John Arnold, on behalf of the collector, (C), was *ex parte*, contrary to the instructions of the Secretary, and the affidavit prepared by counsel, in New York, and afterwards sworn to at Perth Amboy.

"Immediately after this decision upon the case, on the 24th of September, 1835, a letter appears to have been written by the Secretary of the Treasury to the Comptroller, (XXVIII), directing him to call upon J. W. Reckless to make settlement for expenses referred to, which the Comptroller (Mr. Anderson) refers to the Register of the Treasury. The answer of the Register not furnishing the requisite information, the Comptroller (Joseph Anderson) appears, on the 2d of October, 1835, to have written to J. W. Reckless, (XXIX), and called upon him for a statement of the incidental expenses included in the boatmen's accounts, which are not, by law, allowable, &c.

"The letter of J. W. Reckless, dated Perth Amboy, November, 1835, (XXX), incloses an account of items, covered by boatmen's receipts; and the certificate of T. L. Smith, Register of the Treasury, (XXXI), shows that the sum of \$376 41, thus covered by those receipts, has been placed to the debt of the collector, 17th of December, 1835, as 'amount improperly charged by the collector as disbursements to boatmen; \$153 96 of the same having been allowed in his account of emoluments.'"

Such is the evidence of Mr. Parker. Mr. Van Hook testified as follows:

TREASURY DEPARTMENT, April 15, 1835.

SIR: I have to acquaint you, in reply to your letter of the 13th instant, that the collector of Perth Amboy, as well as yourself, was requested to give notice when about to take testimony in the case, and none will be received and considered unless taken in the presence of both parties.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,  
Secretary of the Treasury.

WM. VAN HOOK, Esq., New York.

"Testimony of William Van Hook.

"Question by Mr. Wise to Mr. Van Hook. Will you please state all you know respecting certain charges preferred against Joseph W. Reckless, collector at Perth Amboy, and the action of the Treasury Department thereon?

"Answer by Mr. Van Hook. Some time previous to the month of January, 1835, I became acquainted with the fact that Joseph W. Reckless, the collector of Perth Amboy, New Jersey, had defrauded the Government; and on the 3d of the same month, I addressed to the Secretary of the Treasury the letter (No. 1) herewith presented, and which I beg may be received as part of this my answer, and which contains the charges in detail. On the 26th or 27th of the same month of January, I received from the Secretary the letter dated 23d January, (No. 7), covering the answer of Mr. Reckless (No. 5) to the charges. My answer to the Secretary (No. 9) denies the truth of the excuse offered by Mr. Reckless, and offering to prove the truth of the charges. The Secretary (in No. 13) directs me to take evidence of the truth of the charges, on notice to Mr. Reckless; and I accordingly proceeded to take the deposition, first having given him notice of the time and place of taking it; at which time Mr. Reckless, attended by his counsel, G. D. Wall, Esq., then district attorney of the United States for the district of New Jersey, appeared, and cross-examined such witnesses as he pleased. This testimony is contained in the paper marked No. 15, and is the deposition of F. W. Brinley, Hon. James Parker, and Benjamin Maurice, and the certificate of the Mayor of Perth Amboy, and to which I beg leave particularly to call the attention of the committee.

"No 32 is a letter from the Secretary to me, stating that no evidence will be laid before the President which I have not had the opportunity of being present at the taking of; and No. 24 is the deposition of John Arnold, taken *ex parte* on the 16th of September, only five days before the date of the letter to me communicating the President's decision. This deposition is referred to in the abstract of the case laid before the President, of the taking of which I had no knowledge, and which I could, I verily believe, at that time have disproved, had I had any notice of it.

"I must now call the particular attention of the committee to the abstract laid before the President, (No. 25.) This abstract entirely omits all mention of any evidence bearing on the first charge, and the President decides it not proved; whereas there was not only full and complete evidence of the charge, but full proof that the excuse of Mr. Reckless was false. And again: in referring to that abstract, it will be seen that the same is made out from the *ex parte* deposition of young Reckless, marked D, and which I had never seen or been notified of the taking of. And this I did in despite of the Secretary's pledge to me in his letter (32.) And thus all the evidence on the part of the accused laid before the President was *ex parte*, while I was forced to take my testimony at my own expense, to give notice, and then find it suppressed."

But, sir, the worst of it all is, that the President or Secretary, or both, were convinced of his guilt, notwithstanding their decision; for we find them ordering the accused to pay back the moneys which he had admitted he had falsely charged:

TREASURY DEPARTMENT, September 24, 1835.

SIR: In compliance with the direction of the President, referred to in the inclosed copy of a letter addressed by this

25TH CONG....3D SESS.

Public Defaulters—Mr. Wise.

HO. OF REPS.

Department to Mr. Van Hook, of New York, in the case of certain charges preferred by him against J. W. Reckless, collector of the district of Perth Amboy, I transmit herewith the papers in the case, in order that the officer named may be called upon to make settlement for the expenses referred to, and will thank you to take the necessary measures to accomplish that object. The papers now sent may be returned to this Department when done with.

I am, very respectfully, your obedient servant,  
LEVI WOODBURY,  
Secretary of the Treasury.

JOSEPH ANDERSON, Esq., Comptroller of the Treasury.

Respectfully referred to the Register of the Treasury, who will be pleased to ascertain, from the settled accounts in his office, the amount of the improper charges made by Collector Reckless, alluded to in the accompanying documents, which the Register will return with his report to me.

JOSEPH ANDERSON, Comptroller.

September 29, 1835.

## TREASURY DEPARTMENT.

COMPTROLLER'S OFFICE, October 2, 1835.

SIR: In a communication received from the Secretary of the Treasury, dated the 24th ultimo, I am informed that the President, in relation to the charges preferred against you by Mr. Van Hook, had directed that I should call upon you for a settlement of all the incidental expenses included in the boatmen's account, which are not by law allowable, together with the amount of the fees retained and paid to the district attorney out of the proceeds of the schooner Pacific.

I have, accordingly, to request that you will, as early as practicable, furnish a statement, specifying each and every incidental expense included in the several boatmen's accounts; stating on whose and what account, and in what manner so included; to which statement you will add the fees retained and paid to the district attorney aforesaid.

Respectfully,  
J. W. RECKLESS, Esq.,  
Collector, Perth Amboy, New Jersey.

COLLECTOR'S OFFICE,  
PERTH AMBOY, November, 1835.

SIR: I have received your favor of the 2d ultimo, requesting a statement of all the incidental expenses charged in the boatmen's account, which you have herewith; and, on examination, you will please charge me with such amounts as cannot be allowed by law. The amount paid district attorney, \$41 44, whose receipt, together with all the others, are on file in the Secretary's office in Washington.

Very respectfully, your obedient servant,  
J. W. RECKLESS, Collector.

To JOSEPH ANDERSON, Esq., Comptroller.

Following these are the statements of the irregular charges against Government by Reckless. The Register states these as admitted:

TREASURY DEPARTMENT,  
REGISTER'S OFFICE, July 2, 1836.

I do hereby certify that the preceding letter and statements are true copies from the originals filed in this office with the accounts, for the third quarter of 1835, of Joseph W. Reckless, collector of Perth Amboy, and that the amount under the heads of contingent and incidental expenses—  
Second quarter 1833..... \$59 20  
Fourth quarter 1833..... 106 77  
September 28, 1833, cash to district attorney for advance in claim against schooner Pacific..... 41 44  
Second quarter 1834..... 90 17  
Third quarter 1834..... 78 83

Amounting to the sum of \$376 41  
has been placed to his debit in the Treasury settlement No. 65927, dated 17th December, 1835, as "amount improperly charged by the collector as disbursements to boatmen, \$159 26 of the same having been allowed in his accounts of emoluments."

T. L. SMITH, Register.

Sir, these documents comment upon themselves! I could present you with another case from the testimony of Mr. Parker—the case of Arnold—but I proceed to others.

Sir, I will now turn from the customs to the land offices. I will give you a flagrant case of violation of duty on the part of the Executive in the instance of William Linn, a receiver at Vandalia, Illinois. On the 23d day of June, 1834, the Secretary of the Treasury, then Mr. Taney, wrote to that officer the following letter:

TREASURY DEPARTMENT, June 23, 1834.

SIR: I regret to be under the necessity of calling your attention to that provision of the regulations for the deposit of the public money which requires that each deposit should embrace the whole amount in the possession of receivers. According to your returns, there is in your hands on the 31st of March last, the sum of \$10,643 49; on the 30th of April, the sum of \$12,453 32; on the 31st of May, the sum of \$13,505 10; yet it appears that its transfer to the bank of deposit was deferred until the 31st of May, and that the sum then deposited amounted to no more than \$8,000. Under these circumstances, it becomes my duty to direct that the whole amount of public moneys in your hands, at the time of the receipt of this letter be forthwith deposited, and to apprise you that strict and punctual attention to the regulation in relation to the deposit of the public money is indispensable.

I am, &c.,  
R. B. TANEY,  
Secretary of the Treasury.

WILLIAM LINN, Esq., Receiver of Public Money, Vandalia.

By this letter a duty is ordered to be discharged, attention to which is regarded as "indispensable." Well, sir, you may judge of the officer's obedience by the following from Mr. Woodbury:

TREASURY DEPARTMENT, October 20, 1834.

SIR: I would remark, in reply to your letter of the 30th ultimo, that you are not authorized to retain the public money in your hands, to meet anticipated demands arising under the circular of August last, contrary to the regulations which the Department has prescribed for the periodical deposit thereof.

Observing, from your monthly return of the 30th ultimo, that, notwithstanding the positive injunction contained in a letter from the Department, dated the 23d June last, (of which a copy is herewith inclosed,) the public moneys have been permitted to accumulate in your hands, in violation of the law and the instruction of the Department since the 31st of May last, and that it amounted, on the 30th ultimo, to the sum of \$10,976 39, I am constrained by your continued neglect, to call your immediate attention to the subject, and again to require that the whole of the public moneys in your possession be deposited forthwith. Unless you exhibit to the Department satisfactory evidence of your having done so prior to the 1st day of December next, accompanied by a statement showing your receipts and disbursements, and the balance with which you are chargeable at the time of such deposit, it will be my painful duty to submit the case for the action of the Executive, and to recommend the appointment of another person as your successor.

I am, &c.,  
LEVI WOODBURY,  
Secretary of the Treasury.

Mr. WILLIAM LINN,  
Receiver of Public Money, Vandalia, Illinois.

Now, sir, herein is contained, by the Department itself, a specification against this officer, of "violation of the law and of instruction," after warning, and one would suppose that, in case he refused to do his duty, he would have been removed. Let us see:

TREASURY DEPARTMENT, December 4, 1831.

SIR: Allow me to inquire why it is that your letter of the 16th ultimo is entirely silent as to your neglect to comply with the positive directions contained in a letter from the Department, dated the 23d June last, and that you still neglect to pay over the public money in your hands, or to furnish the statement as required by my letter of the 23d ultimo, and a statement of your advances to Colonel Ogden?

I am, &c.,  
LEVI WOODBURY,  
Secretary of the Treasury.

WILLIAM LINN, Esq.,  
Receiver of Public Money, Vandalia, Illinois.

This proves contumacy as well as defalcation and neglect. Let us see what again is done with this faithless servant. Would you not suppose that the next time he would be removed? Sir, do notice what follows:

TREASURY DEPARTMENT, February 12, 1835.

SIR: Although it has pleased the President, under the explanations given, notwithstanding your past neglect in some cases to deposit the public moneys as required by law and the instructions of the Department, to reappoint you for the office of receiver of public money at Vandalia, and your nomination has been confirmed, yet it is not to be inferred from this evidence of his regard, that any future omission in this respect can be overlooked. Once for all, then, I would inform you that a strict observance of the regulations of the Department, for the periodical deposit of the public money, and the transmission of your accounts and returns, are paramount duties, the neglect of which will be reported for the action of the Executive.

I am, &c.,  
LEVI WOODBURY,  
Secretary of the Treasury.

WILLIAM LINN, Esq.,  
Receiver of Public Money, Vandalia, Illinois.

A renomination to office! And the very renomination recites his "past neglect"—his violation of law and instructions! This was an evidence of the President's regard, too! But he was not to infer from this evidence that he was licensed to sin! And he is warned that if he does sin again he will be reported to the Executive! Now, sir, he had reason to be afraid of that, had he not? Does this not prove a corrupt retention of a faithless officer, from personal regard, favoritism? But, sir, would you not suppose that, after this criminal indulgence, this super-kindness, this winking at past neglect, as well as threat of future punishment, the fellow would, from gratitude as well as fear, have done his duty afterwards? One might think so. Let us see:

TREASURY DEPARTMENT, July 25, 1836.

SIR: I am in the receipt of your letter of the 30th ultimo, covering your account current for the month of June, with two certificates of deposit; one of which bears date on the 30th of said month. I wish, therefore, to be informed why the entire amount of money on hand at the time the last deposit was made was not included in it; the balance appearing by your account, not deposited, amounts to \$15,129 04, which I have to request may be forthwith placed in bank to the credit of the Treasurer of the United States.

I am, very respectfully, &c.,  
LEVI WOODBURY,  
Secretary of the Treasury.

WILLIAM LINN, Esq.,  
Receiver of Public Money, Vandalia, Illinois.

Thus he does "likewise." Again:

TREASURY DEPARTMENT, December 8, 1837.

SIR: Your letter of the 28th ultimo, announcing the death of Mr. Prentiss, register, is received. Again it becomes my duty to call your attention to the subject of my former letters, in reference to the deposit of the public money; and to inform you that if, by return of mail, evidence is not received of your having complied with the requirements of my letters of 16th August and 3d November, it will be my unpleasant duty to report your neglect to the President, and to recommend your removal from office.

I am, &c.,  
LEVI WOODBURY,  
Secretary of the Treasury.

WILLIAM LINN, Esq., Receiver, Vandalia, Illinois.

This case needs no comment. Sir, it is but justice to this officer, Linn, to say that William J. Brown, the examiner of the Vandalia office, on the 12th day of June, 1835, made to the Secretary, Woodbury, a very favorable report of him, from which I extract the following:

"Of his fidelity to the Government I have no doubt, though engaged in speculating to a considerable extent, I have no evidence that he uses the public funds, nor could I learn that such an opinion prevailed in his neighborhood."

But, sir, be it kept in mind that he failed always to perform that "paramount" and "indispensable" duty to deposit the public money. Perhaps he did not speculate. Were ever defalcation and neglect so palpably approved by superintendents? If the money had been Levi's own, would he have thus trusted and forgiven, forgiven and trusted a defaulter? No, sir. A Secretary who charged Government fifteen cents a mile and a per diem for attendance to testify before an investigating committee of this House, as he did, and overcharged his account at that, would have discharged a trustee so faithless, at once. He is a Levi, sir, but not a son of Alpheus, who would leave the receipt of customs even to obey the command of the Savior, "Follow me!" He would not leave his own money for his God! Linn is reported a defaulter.

I will give you another case. I take it from fifty, par example, and for the special benefit of my friend before me, [Mr. PRENTISS.] It is the case of Harris, the receiver at Columbus, Mississippi. He was a notorious drunkard and defaulter, kept in office for two years, with all his sins about him, in full knowledge of the Department, until he became minus to Government in the pretty little sum of about one hundred and sixty thousand dollars! I find to this man no less than fifteen warnings, continued through two years or more, and at last was never punished.

March 6, 1834, Mr. Taney wrote to him that he was in arrears, and that to render his returns was an "indispensable" duty. Again, Mr. Woodbury wrote to him:

TREASURY DEPARTMENT, February 6, 1835.

SIR: I regret that there should be occasion for again calling your attention to the omission to render your monthly duplicate returns to this office for the months of November and December, (those being in arrears,) and to remind you that punctuality in this respect is indispensable.

I am, &c.,  
LEVI WOODBURY,  
Secretary of the Treasury.

W. P. HARRIS, Esq.,  
Receiver of Public Money, Columbus, Mississippi.

Again:

TREASURY DEPARTMENT, March 17, 1835.

SIR: Having received no monthly duplicate return of the transactions of your office since that for the month of October last, it becomes my unpleasant duty to call your immediate attention to the omission. Allow me to express a hope that there may be no further occasion to remind you of the importance of punctuality in the transmissions of these returns.

I am, &c.,  
LEVI WOODBURY,  
Secretary of the Treasury.

W. P. HARRIS, Columbus, Mississippi.

Again:

TREASURY DEPARTMENT, June 25, 1835.

SIR: Having, in a communication addressed to you on the 17th of March last, and on several prior occasions, urged upon you the indispensable necessity of a strict attention of making your monthly returns, and finding that no returns have been received from you since that for the month of November last, it becomes my unpleasant duty to say to you that if those in arrears are not transmitted by return of mail, I shall be constrained to report your neglect for the action of the Executive.

I am, &c.,  
LEVI WOODBURY,  
Secretary of the Treasury.

RECEIVER OF PUBLIC MONEY, Columbus, Mississippi.

Again:

TREASURY DEPARTMENT, August 23, 1835.

SIR: Agreeably to the intimation given you in my letter of the 20th June, it has become my disagreeable duty to report your continued neglect to the President, who has instructed me to say to you that if the monthly returns required from you by the regulations of the Treasury, which

25TH CONG...3D SESS.

Public Defaulters.—Mr. Wise.

Ho. of Reps.

are in arrears, are not received at the Department on or before the 10th of October next, you will then be dismissed from office.

I am, &amp;c.,

LEVI WOODBURY,  
Secretary of the Treasury.

WILLIAM P. HARRIS, Esq.,  
Receiver of Public Money, Columbus, Mississippi.

Well, sir, one would have supposed that without doubt he would the next time have been removed. Again:

TREASURY DEPARTMENT, September 22, 1835.

SIR: Allow me to inquire why it is that your deposits are not made in the branch of the Planter's Bank at Columbus, instead of the parent bank at Natchez? Does the branch refuse to receive them, and credit the amount at the mother bank?

I am, &amp;c.,

LEVI WOODBURY,  
Secretary of the Treasury.

WILLIAM P. HARRIS, Esq.,  
Receiver of Public Money, Columbus, Mississippi.

P. S. Your return for the month of February last has been received to-day, and shows a large amount on hand not deposited; and you are hereby required, if not already done, to deposit any balance still on hand in the above branch, to the credit of the Treasury, and forward receipts therefor, in order to save time and expense in traveling to Natchez.

It seems, sir, he liked to have forgotten that the fellow was in default at all! The postscript recollects it, but then merely requests the performance of an oft-neglected duty! But he writes him again in a week:

TREASURY DEPARTMENT, September 28, 1835.

SIR: I regret to say that the reasons assigned in your letter of the 14th instant for withholding your monthly returns cannot hereafter be deemed satisfactory. I can perceive no sufficient cause for their being delayed longer than the first week in each succeeding month, as there can be no difficulty in ascertaining at once the amount of money received within the month, or in stating the amount of your disbursements and deposits during the month. This is all that is required in them. The object of these returns is to afford the Department the earliest information in regard to the money operations of the Land Office, and the punctual transmission of all the moneys received to the bank of deposit. They are, therefore, of paramount importance, and cannot be permitted to await the completion of detailed book entries, or the perfection of other business, be his character what it may.

I am, &amp;c.,

LEVI WOODBURY,  
Secretary of the Treasury.

W. P. HARRIS, Esq.,  
Receiver of Public Money, Columbus, Mississippi.

But next, sir, comes a terrible warning!

TREASURY DEPARTMENT, October 12, 1835.

SIR: Trusting to the assurances given in your letter of the 14th ultimo, and to those of your friends made in your behalf, the President has consented, upon the facts now before him, to continue you in office until the 12th of November proximo; then, unless your monthly returns are all rendered, and satisfactory evidence that the whole of the public moneys with which you are chargeable are deposited, you must be removed from office, however painful to both him and this Department.

I am, &amp;c.,

LEVI WOODBURY,  
Secretary of the Treasury.

W. P. HARRIS, Esq.,  
Receiver of Public Money, Columbus, Mississippi.

He gives him till November proximo. Now for your duty—work up, my honest, faithful fellow! It will be painful to remove so worthy a servant! October 26, 1835, the Secretary writes:

TREASURY DEPARTMENT, October 26, 1835.

SIR: I have to observe, in reply to your letter of the 9th instant, that the allowance authorized by the regulations of the Department, as a compensation for traveling expenses, and risk in the transmission of the public moneys to the bank of deposit, can only be made when such expenses and risk have actually been incurred, and not in any case where both are avoided, by means of the facilities afforded by the mail or deposit banks; moreover, inasmuch as the branch bank of Columbus receives and credits the moneys received by you in the first instance, I can perceive no reason why each deposit in past months should not have embraced the whole amount in your possession at the time of such deposit, as the instructions require.

I am, &amp;c.,

LEVI WOODBURY,  
Secretary of the Treasury.

W. P. HARRIS, Esq., Receiver of Public Money, Columbus.

Again:

TREASURY DEPARTMENT, November 23, 1835.

SIR: Your letter of the 11th instant, and return for the month of October, is received. As your deposits of public moneys are made at Columbus, no reason whatever can be seen why the whole money in your hands at the end of the month is not deposited. It is expected that it will be hereafter.

I am, &amp;c.,

LEVI WOODBURY,  
Secretary of the Treasury.

W. P. HARRIS, Esq.,  
Receiver of Public Money, Columbus, Mississippi.

He has escaped! But, sir, he is soon in a tight place again:

TREASURY DEPARTMENT, January 19, 1836.

SIR: I inclose a copy of a letter from Henry Plattner,

complaining of your official conduct, and have to request that you will furnish prompt and satisfactory explanations. I am, &c.,

LEVI WOODBURY,  
Secretary of the Treasury.

REGISTER OF LAND OFFICE, Columbus, Mississippi.

Again:

TREASURY DEPARTMENT, March 28, 1836.

SIR: Your letter of the 13th instant, inclosing your return for the month of November, is received. Again it becomes my unpleasant duty to complain of your neglect in this respect, and to inform you that the omission to transmit the required monthly statements, for a whole quarter after they are due, cannot be permitted in any public office; and especially after having been heretofore so often reminded of the consequences of such neglect. On the return of the mail, therefore, if the usual statements for the other months in arrears are not received, I shall be under the disagreeable necessity of again submitting the subject to the President, for his immediate action.

I am, &amp;c.,

LEVI WOODBURY,  
Secretary of the Treasury.

W. P. HARRIS, Esq.,  
Receiver of Public Money, Columbus, Mississippi.

Again:

TREASURY DEPARTMENT, June 6, 1836.

SIR: Your letter of the 23d ultimo, accompanied by your returns for the month of April, is received. Seeing the balance of public moneys in your hands amounted to \$138,884 70 at the end of that month, I have to request that you will explain why it was that the whole of the public moneys in your hands on the last of the previous month was not deposited, instead of a part, in conformity to explicit and frequent instructions on that point. It is painful to be obliged to ask you so often for explanations.

I am, &amp;c.,

LEVI WOODBURY,  
Secretary of the Treasury.

RECEIVER OF PUBLIC MONEY, Columbus, Mississippi.

At last, sir, the fellow himself cannot be ungrateful any longer; he proposes himself to resign!

TREASURY DEPARTMENT, September 21, 1836.

SIR: Your letter of the 27th ultimo, addressed to the President, has been referred to this office. Your duties as receiver will, of course, have ceased, or been suspended, after the 31st ultimo, the time when you propose your resignation should take effect; immediate steps, it is hoped, will be taken to adjust your accounts, and pay over the balance. Soon as the President returns, a further communication will be made to you.

I am, &amp;c.,

LEVI WOODBURY,  
Secretary of the Treasury.

W. P. HARRIS, Esq., Columbus, Mississippi.

And, sir, to cap the climax of this case, the Secretary's last was as follows:

TREASURY DEPARTMENT, November 19, 1836.

SIR: I have received your letter of the 1st instant, by the mail of this morning, and regret to inform you that, as long ago as August last, steps were taken by the Solicitor of the Treasury to attempt to secure the balance due from you.

I am, &amp;c.,

LEVI WOODBURY,  
Secretary of the Treasury.

W. P. HARRIS, Esq., Columbus, Mississippi.

He "regrets," after letting him run on from March 6, 1834, to September 21, 1836—two years and six months!—to inform him "that as long ago as August last, steps were taken"—taken at last, Mr. Speaker, after the horse was stolen! the fellow was full!—"to attempt to secure the balance due from him! Was there ever such a flagrant case before confessed, under the official hand and seal, by a head of a Department?

Yes, sir, just such a one in the instance of this Harris's successor; a man named Boyd! Sir, would not one have reasonably supposed that the Secretary would have been careful to prevent his very successor from doing the very same thing? Was it too much to expect that he would at least have been watchful to prevent the same abuse immediately in the same office? Sir, it was even worse. Soon after his appointment, the Secretary wrote to him as follows:

TREASURY DEPARTMENT, December 26, 1836.

SIR: In reply to the inquiry made in your letter of the 7th instant, I would respectfully refer you to the inclosed circular. I embrace the occasion to call your attention to the necessity of making your monthly returns to this office as soon after the expiration of each month as practicable.

I am, &amp;c.,

LEVI WOODBURY,  
Secretary of the Treasury.

G. D. BOYD, Esq.,  
Receiver of Public Money, Columbus, Mississippi.

The next letter shows that Boyd was in "the line of safe precedents," and "following in the footsteps of his illustrious predecessor:"

TREASURY DEPARTMENT, June 10, 1837.

SIR: In consequence of your neglect to render your monthly return, and pay over the public moneys, as required by law and the instructions of the Department, and the further omission to execute your official bonds in perfect form, the President has directed that the sales of public lands within your district be temporarily suspended, until your compliance with the duties reposed on you, or such other steps as the facts may justify. The register has been instructed accordingly. Under these circumstances, I have to require that a bond be renewed, in the form required by the Commissioner of the Land Office, and that your returns

be promptly rendered; and that the whole amount of public moneys in your hands be specially deposited to the credit of the Treasurer of the United States, in the Planters' Bank at Natchez, and evidence thereof transmitted here without delay.

I am, &amp;c.,

LEVI WOODBURY,  
Secretary of the Treasury.

RECEIVER OF PUBLIC MONEY, Columbus, Mississippi.

In the mean time, sir, the Secretary had appointed V. M. Garesché, a citizen of Delaware, I believe, an examiner of this office at Columbus, and others, to report upon its condition. After this last letter to Boyd, Garesché made his report, on the 14th day of June, 1837, directed to Levi Woodbury, Secretary of the Treasury. From that report, sir, contained in this official document, No. 297, I extract the following:

"The account of the receiver, which I have made out and transmit herewith, presents against him a balance of \$55,965 54. His own account makes it \$53,272 73; it is also annexed. His assets, of which I also send you the list, amount to \$61,549 98, rating the land at \$1 25 only, but might probably realize double the amount. The man seems really penitent; and I am inclined to think, in common with his friends, that he is honest, and has been led away from his duty by the example of his predecessor, and a certain looseness in the code of morality which here does not move in so limited a circle as it does with us at home. Another receiver would probably follow in the footsteps of the two. You will not, therefore, be surprised if I recommend his being retained, in preference to another appointment; for he has his hands full now, and will not be disposed to speculate any more. He will have his bond signed by the same sureties, and forwarded in a few days to Washington; this speaks favorably. He has, moreover, pledged his word that, if retained, he will strictly obey the law, and receive nothing but specie in payment for lands. He tells me that he is about selling a great portion of his lands; that and some other negotiation will enable him to discharge a large portion of his debt to the United States before the expiration of the present quarter. Lenity towards him, therefore, might stimulate him to exertions which severity might perhaps paralyze. I have, in the mean time, enjoined the closing of the land office until the bond is completed and returned. No land has been sold since the 29th ultimo."

Sir, is there any parallel to this in the history of corruption? He reports to the Secretary that Boyd is a defaulter to the amount of \$55,965 54, in less than twelve months! Among his assets we find enumerated a principality of the public lands! A monster monopoly he; he had absorbed public land and public money, too! And, sir, he is recommended to be "retained in preference to another appointment," for the reason that the dog or the fox gave for not driving off the gorged swarm of flies: lest a lank and hungry swarm would immediately fasten on the body! He has his hands full now, and will not speculate any more! He will give a bond signed by the same sureties, and has pledged his word for a faithful performance of duty, and to receive nothing but specie! The land office closed for his malfeasance in office! Great God, was ever public crime more flagitious and unblushing! Here is his list of assets, which will show you what he had probably been doing with the public money, to use which for private profit, we are now told, should be made felony by statute:

List of notes belonging to G. D. Boyd, (given in the table,) amounting to.....\$37,150  
About one thousand dollars, other good notes, not secured by land..... 1,000

\$38,150

I have, also, say twenty thousand acres of land unsold. I owe out of this one debt of \$1,500; which is all I do owe, except some small debts. I have, also, an interest of half of the profits which may be made out of about fifteen thousand acres more.

June 5, 1837.

G. D. BOYD.

In his list of notes \$3,300 are due to him as partner in a firm of G. D. Boyd & Henderson. Sir, his assets prove that he must have been guilty of perjury as well as defalcation. He must have returned lands as sold which were never paid for; he must have filed his receipts for moneys paid which never were paid. And this fact must have been known to the Department from the very report. What has been done to recover this twenty thousand acres of "unsold land"—public land never, in fact, sold by Government—to recover this \$37,000 for its land, which was sold by Boyd as his private patrimony? Let Mr. Woodbury, his marshals, and district attorneys, answer me these questions. Sir, I will tell you what has been done with Boyd. After this report was made, the Secretary wrote as follows:

TREASURY DEPARTMENT, August 8, 1837.

SIR: I am happy to hear of the frank and honorable course proposed in your letter of the 24th ultimo. It would

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Public Defaulters—Mr. Wise.

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be convenient to have the bond and resignation arrive here by the early part of September.

I am, &c.,  
LEVI WOODBURY,  
Secretary of the Treasury.

G. D. BOYD,  
Receiver of Public Money, Columbus, Mississippi.

He permits him to resign, and commends his course as "frank and honorable!" Boyd is retailing lands plundered from the people at an immense profit—is making a fortune by his defalcation—is permitted by the Secretary to strut off with his "hands full," unscathed by a prosecution; he is elected an independent Locofoco Senator to the State Senate of Mississippi, and there is a warm and grateful supporter of Mr. Van Buren! Well he may be! Such is his fate compared with that of Tobias Watkins, to whom I would beseech you again to go and buy soap to clean yourselves. These are the crying abuses, sir, the flagrant enormities, the damnable outrages upon the public interests and morals, upon my patience, which have so roused my spirit oftentimes, as to afford you and your party grounds for representing me to be mad! Yes, sir, and I appeal to every honest man if such monstrous abuses are not enough to make the blood boil—to frenzy! Would a pure Secretary ever have allowed Garesché to address him as he did Woodbury? Did not Garesché know that Woodbury was himself corrupt, or would he, a subordinate, have dared to address to him such reasons for retaining in public trust such a faithless villain? Would a Crawford, or even a Rush, have been thus addressed? Would a pure President retain such a Secretary, who could unblushingly report such appeals to his dishonesty in an official communication? Sir, Garesché concludes his report thus. Speaking of Harris, the predecessor of Boyd, he says:

"Various are the reports of the late receiver's solvability; some say that he will pay the whole, whilst others, and the greatest number, do not believe that he will pay seventy-five per cent.; but they all concede that his intemperance has been his greatest crime, and that the loss of his money has been caused by that of his reason; and that, as in algebra, the minus on one side has been made plus on the other. It is my belief that his forced confidence has been sadly abused. He, too, passes for an honest man."

"I am, very respectfully, sir, your obedient servant,  
V. M. GARESCHÉ.

"Hon. LEVI WOODBURY, Secretary of the Treasury."

Why should not such a Secretary be impeached? Impeach him, and I will go before that humbled and disarmed Senate, and convict him out of his own mouth and the mouths of his own minions. I will call no other witnesses. I will dare the constitutional judges to acquit him—overawed as they are by an arrogant Executive; they might acquit him in the face of these facts, and in the face of the people if they dare. To read the Swartwout report, one would think Woodbury was astonished, astounded by a defalcation; yet here are fifty cases of like character with those of Linn, Harris, and Boyd.

It is worthy of remark that Garesché, in a subsequent report, dated October 12, 1837, says:

"I understand that Mr. John Davis, of Columbus, has applied for the office of receiver of public moneys, in the room of G. D. Boyd, resigned. From what I know of the character of the postulant, I think it would be a very judicious choice; he has been brought up to the bar, is amiable and talented, and a warm friend of the Administration. I should be surprised if the Department suffered disappointment from that quarter."

No; likely enough not to suffer from a warm friend of the Administration, after the experience of the two predecessors in that office!

But to proceed: I will give you the case of the "Receiver at Fort Wayne." To save time and space, instead of reading all the letters and documents, I will give you, sir, the synopsis of this case, as detailed by my friend B. Peyton, in his testimony before the select committee of which I was chairman, in 1837:

"I believe the Secretary of the Treasury has been guilty of a violation of official duty in retaining in office Colonel John Spencer, receiver of public moneys in the land office at Fort Wayne, Indiana. It appears, by a letter from the Secretary of the Treasury, bearing date April 25, 1836, in his report to the House of Representatives of the 4th of February instant, an extract of which I herewith file, as a part of my evidence, is in these words:

"The returns required to be made to the Secretary, as you will perceive from the inclosed circular, are monthly, &c. As these statements for January and February last have not been received at this Department, I must claim your attention to the omission, and insist on their transmission, in future, immediately after the close of each month. At the same time, I would also claim your strict

attention to the regulations of the Department in respect to the periodical deposits of the public money, and to the duty of transmitting the usual evidences of such deposits to the Secretary of the Treasury, as the instructions require."

"[Signed by the Secretary of the Treasury, &c.]"

In another letter of the Secretary to said receiver, bearing date May 23, 1836, he holds this language:

"Since the date of my letter to you of the 25th ultimo, your returns for the month of April have been received, from which I perceive that the public moneys in your hands on the 30th ultimo amounted to the sum of \$247,251 64; which amount is the accumulated receipts of your office since the 1st of January last. You cannot but be aware that the retention of the public moneys in your hands beyond the period of one month, unless the receipts of such month be less than \$10,000, is a violation of your instructions."

"The object of this letter is—

"1. To require that the whole balance on hand at the time of the receipt of this letter shall be immediately deposited, and a certificate of such deposit transmitted to the Department without delay.

"2. To inform you that the Department cannot overlook the omission to do so; or your future neglect to deposit monthly, and to transmit your monthly returns, accompanied by the evidence of your deposit, in time to be received at this office within the month next preceding that for which the return is rendered.

"3. That any neglect or inattention to these requirements, unless satisfactorily accounted for, will require of me, from a sense of official duty, that you be reported to the President, with a recommendation that you be removed from office."

"[Signed by the Secretary, and directed to the same.]"

In the two letters above referred to, the duties of the receiver are so clearly defined, and the consequences to him of future neglect so explicitly stated, that it would seem there was but one alternative left for him; that is, a strict performance of duty on his part, or a prompt removal from office on the part of the Secretary, by reporting him to the President.

Secretary of the Treasury to Ethan A. Brown, Esq., Commissioner of the General Land Office.

"Sir: It is desirable that an examination should be made of the land office at Fort Wayne, Indiana. And I request you to notify Nathaniel West, Jr., of Indianapolis, that he has been selected for that purpose; and forward to him the usual instructions, and particularly to direct his inquiries into the causes of the delay on the part of the receiver in forwarding the returns required under the regulations of the Department, and in making deposits to the credit of the Treasurer. That officer has lately made a deposit of a large amount, which has been accumulating for several months past. The examiner will ascertain, if possible, whether the receiver or register had been using the money received on sales in any manner, by loaning it or otherwise; and what are the reasons for the delays in depositing the money, and in making returns, by both the register and receiver."

To which Mr. Brown replied, giving certain information, by his letter of the 1st of July; to which Mr. Woodbury replied, as follows:

"July 1, 1836.

"Sir: Your letter of this date, respecting the examination of the land office at Fort Wayne, has been received. I see no excuse in the papers presented with your letter, for the receiver not having deposited a dollar from March till June, nor having sent any monthly abstracts to me in that time, nor answered my letters remonstrating against his neglect. These things I wish specially investigated, as well as the present state of money on hand, &c.; and the points before indicated."

This is the tone in which the Secretary speaks at the bare suspicion which attached to the receiver. But see how changed, how softened, his tone, how ready to find excuses for him, when all the facts, and more than he seemed to have apprehended, were established by Mr. West, the examiner!

From a letter of the Secretary of the Treasury to E. A. Brown, Esq., Commissioner of the General Land Office, dated July 8, 1836, it appears that—

"The returns of the receiver for the month of May have been received, and exhibit a balance of money in his hands at the close of that month, amounting to \$601,360 49. He has transmitted, under date of the 27th ultimo, a certificate of deposit in the branch bank of Indiana, made on the 27th of the same month, of \$540,433 09, leaving a balance in his hands of \$60,947 40. I have to request that you will instruct Mr. West, the examiner referred to in my letter above stated, to make special inquiry into this matter, and to report to the Department the result." &c., &c.

Mr. West was appointed and entered on his duties on the 11th day of August, 1836. In his report he says he shows a balance of \$18,795 03 then due from said receiver to the United States. He says:

"Why this balance of \$18,795 03 appears, has not been explained; and if any explanations could be made, Mr. Spencer's absence precludes me from giving it. His clerk thinks that he has still more money at Richmond; but as he left for collection there, on the 1st of June, what they, on the 1st day of August, finally passed to his credit, I have thought this not very probable. His clerk, though called

up, gives me no schedule of the money he took with him to Richmond, when he went to make his deposit on the 1st of June.

"I think Mr. Spencer could not with propriety urge, when he went to make a deposit on the 1st of June, as a good cause for delay for not having done so before, the state of the roads; as a free passage was open to him via Logansport, and no difficulty in his way."

(See his apology in his letter of the 20th June, 1836.) He represents the books, papers, &c., in the office, as being very negligently kept.

"The clerk urges as an excuse for the return not being regularly made, during the months of January, February, and March, that Mr. Spencer did not think it necessary, as the office was closed and no business doing. This is a different excuse from what Mr. Spencer made. His irregularity since, he (the clerk) states is owing to the great pressure of business; and I am convinced it has been very great."

"In answer to my question, why the present large sum now with Mr. Spencer was allowed to accumulate, they offer the letter of the president of the Indianapolis Bank as an excuse, a copy of which is herewith inclosed. It does not appear when it was received, but probably about the 22d of July."

From this it appears that the \$100,599 32 spoken of by the receiver in his letter of the 22d of August, as having been retained so long on hand, was so retained by him without any such excuse as therein set up.

But what is stated heretofore by the examiner may fall, perhaps, under the head of gross negligence on the part of the receiver, which should have been considered good cause of instant removal from office.

But what follows must be placed under the head of positive offense against law, principle, and morality. He says:

"Upon the subject of using the money of the United States, I beg leave to state that I find it universally stated and believed, and it is conceded to as a fact by the clerks in the receiver's office, that both he and his relative, Dawson have been much in the habit, in the office, of shaming money—that is, exchanging the money which could not be received for public lands; the rate of exchange or discount varying from three to five per cent. I find in the case of Isaiah Wells, of Marion county, Ohio, that so recently as the 6th instant, he paid into the hands of the receiver, in his office eight dollars for exchanging \$240 of Ohio bank notes of five dollars each. To what extent this shaming business has been carried on in the office, of course I do not know, but I am satisfied it has been to a very considerable extent; and that the Government money paid in by one person has been handed out by the receiver in exchange for uncurrent, or not land office money—he receiving for his own private use the discount as agreed upon; and that the same Government money again is passed into the land office, to be again used for the like purpose, in pay for the public lands. That the receiver has taken in bank notes of five dollars, contrary to orders, the schedule prepared at his office, herewith inclosed, will prove; that he received a bonus for taking the same is, I think, almost beyond a doubt."

The examiner adds:

"P. S. Mr. Spencer has just come in, having been as far as Richmond, where, by obtaining a discount on some drafts due in September, originally taken here for land, he was enabled to swell his deposit there to \$52,531 34; which, together with the money taken with him from here, and some other money, enabled him to deposit to the credit of the United States \$455,906. His own account will stand thus:

Here he states the account debtor and creditor, and strikes a balance, bringing the said receiver indebted to the United States in the sum of \$5,206 84, which was at first stated at \$3,216 84, but corrected on the last page.

After this report of West was made, William Hendricks wrote to the Secretary the following:

MADISON, August 31, 1836.

SIR: I am informed that some things are stated recently, to the prejudice of Colonel John Spencer, receiver at Fort Wayne; and I am requested to write you.

In doing so, I can only say that I have been gratified in learning that his deposits have been made to your satisfaction; and if so, I hope that minor matters, if mere irregularities, will be overlooked. He is reputed to be an honest and honorable man, and I do not believe that he has intentionally either done wrong, or violated his instructions. It would, to some extent, produce excitement, if he were removed, for he has many warm and influential friends both at Fort Wayne and in Dearborn county, from which he removed to his present residence. BETTER LET IT BE.

With much respect, WILLIAM HENDRICKS.

Hon. LEVI WOODBURY, Secretary of the Treasury.

This was enough. "Better let it be!" And immediately the Secretary wrote to Spencer the following:

TREASURY DEPARTMENT, September 2, 1836.

SIR: I have received the report of Mr. West, upon the transactions of the land office under your charge; upon which I beg leave to remark, that the Department trusts your deposits will hereafter be promptly made; and that no exchanges whatever, of money, will take place on any terms, as they open a door to improper practices and unfounded imputations. I am happy to add that the Depart-

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Ho. OF REPS.

ment can readily see the difficulties in resting opportunities to exchange money, and to receive what is not permitted by regulation. It can also duly appreciate your excuses for not making more prompt returns and more frequent deposits, but it trusts that, hereafter, a more rigid conformity to your instructions will be practicable, and will remove all cause of apprehension and complaint.

I am, very respectfully, your obedient servant,  
LEVI WOODBURY.

Colonel JOHN SPENCER, Receiver, Fort Wayne.

This is not only a great falling off from the tone of the other letters of the Secretary, but seems to be an encouragement to the receiver in writing the following letter:

RECEIVER'S OFFICE, FORT WAYNE,  
October 27, 1836.

SIR: This is to inform you that I have forwarded to the deposit bank \$104,000, in silver, there to remain until I arrive with the gold and paper money.

Why did he not go along with it?

My Democratic friends think that I ought not to leave until after we hold our election for President, on the 7th of November, which I have concluded to await, and shall leave on that evening, or the next morning, to deposit, with all the funds on hand up to that time. I shall write you again before I leave. The sales are rapid; mostly paid in gold and silver. My quarterly report will be forwarded by next mail, for last quarter, which ought to have been done sooner, only for the want of help in the office. Hereafter, I think I can get my reports off without much delay, after the close of the month and quarter.

I am yours, respectfully,  
JOHN SPENCER, Receiver.

Hon. LEVI WOODBURY, Secretary of the Treasury.

This bold avowal of sending a large portion of the public money by other hands, and awaiting himself to unite with his Democratic friends at the presidential election, does not appear to have been the cause of complaint on the part of the Secretary.

And here, sir, is his answer to Governor Hendricks:

TREASURY DEPARTMENT, September 7, 1836.

SIR: Your letter of the 31st ultimo is received, and I am happy to inform you that Mr. Spencer's explanations have been such, that he will probably continue in office.

I am, very respectfully, your obedient servant,  
LEVI WOODBURY,  
Secretary of the Treasury.

Hon. WILLIAM HENDRICKS, Madison, Indiana.

Is this not willful, base official corruption? Shaving with the public money was mere "irregularity," and "improper practices" thrice proved, admitted, reported, became "unfounded imputations" as soon as a political partisan whispered, "better let it be!" Sir, these words ought to be inscribed over the doors of the Treasury Department, and to be branded, like Cain's infamy, upon the forehead of Levi Woodbury—"better let it be!" Sir, this embraces all your principles and practices in respect to investigation of fraud, embezzlement, corruption, and official malversation for years. These words converted of a sudden the Secretary's frowns and threats into the clearest perception of "difficulties" and the clearest proofs into "unfounded imputations." After this, what should be thought of this Secretary's denunciation of any charges as "unfounded imputations?"

Sir, I will read no more of these cases; these few I have given as specimens are not the gravest or the last of forty or fifty I can enumerate. In addition to these I could show you facts in the instances of Lewis, Alsbury, Dickson, Sterling, Sheldon, Rogers, Taylor, Ryland, Allen, Hawkins, Blackburn, Carlin, Owens, Cannon, M. J. Allen, Hutchins, Benson, Holleman, Mitchell, McCarty, Simpson, Hays, Skinner, Blakely, McRoberts, and numerous others, "too tedious to mention," all going to the same point—official neglect, violation of law and duty, and corrupt administration. All going to show more—that the losses have all occurred by failure to deposit in banks, and by leaving moneys in the hands of sub-treasurers. And more still—that, notwithstanding the pretensions set up in the President's message to this session, this Administration is guilty beyond all former examples of "the improbity of diverting public money to private purposes."

No, sir, I will wade through no more of these cases. I come at last to that of Samuel Swartwout, the largest, though not the last of the list.

Samuel Swartwout went out of office the 29th of March, absconded on the 16th of August, and was not proceeded against until the month of November, 1838. How does the Secretary account for this delay?

According to the report to this House, Swart-

wout's last return, March 28, 1838, showed a balance against him amounting to the sum of \$201,096 40.

Letter of Swartwout to Secretary, dated April 13, states that he holds this sum subject to sundry suits at law then pending to recover back duties.

Letter from Woodbury to Swartwout, April 16, hopes that Swartwout will deposit one half of that amount to the credit of the United States.

Letter from Woodbury to Comptroller Barker, April 16, would thank him to have Swartwout's accounts settled.

And here, sir, you must permit me to digress a moment to show you a piece of Mr. Secretary's chicanery in the numbering of this last letter. You will perceive that it is dated the 16th of April, prior in date to Swartwout's excuses contained in his letter, and those of Price of the 20th, 21st, and 25th of April; yet, in the Secretary's report, page 3, it is referred to as if subsequent to those three letters of later date. This is some of Mr. Woodbury's obfuscation, some of his muddy water to escape by. It is important; and you would not observe the effect of this upon a hasty reading. You will see the effect directly.

The next letter in the series is that of Barker, the Comptroller, to Miller, the First Auditor, dated April 17, requesting him to settle the accounts of Swartwout.

Letter of Barker to Swartwout, dated April 17, requests him to return his accounts to the First Auditor.

Letter from Woodbury to Barker, dated April 18, would thank him to call on the Solicitor, to get from the district attorney (asks Tom to call on Dick to get from Harry!) in New York (Price) a list of the suits pending against Swartwout for return duties, and their amount, &c., indorsed with the same request to the Solicitor.

Now, this letter, you will observe, was written in obvious reference to Swartwout's of the 13th of April, giving these suits pending as excuse for retaining the balance in his hands of \$201,000.

The next letter is from Swartwout to Woodbury, dated the 21st, in reply to Woodbury's letter of the 16th, inclosing one from Price, dated the 20th, showing his individual liability for judgments on protests, and stating that the notices of protests were estimated at between two and three hundred thousand dollars.

Woodbury then, in a letter to Barker, dated April 23, refers Swartwout's letter to him, and suggests that Swartwout should furnish Hoyt, his successor, with funds to meet refunded duties paid under protest.

Barker, by letter to Swartwout, dated 24th of April, states his of the 21st had been referred to him, and that it was necessary he should so furnish Hoyt with funds.

Barker to Swartwout, April the 26th, requests him to render his accounts to the First Auditor. Gilpin, the Solicitor, in a letter to Barker, April the 27th, inclosing Price's letter, as district attorney, in reply to the Secretary's, of the 18th of April, showing the lists of suits. This letter of Price, dated the 25th of April, to Gilpin, shows that there were but two suits pending undecided—damages in one \$2,000, in the other \$158 80, and the amount of unsatisfied judgments to be but \$5,561 63; the whole amount for which Swartwout was individually liable but \$7,720 43. And, further, that there were one hundred and fifteen protests, uncertain in amount; "but, by examination of invoices and appraisements at custom-house, the amount of each claim could be readily ascertained." He adds:

"I will apply to the present collector (Hoyt) for such statement, and transmit it to you, upon my receipt thereof. It will, however, require several days to prepare such a document."

Now, sir, in this letter we see that Swartwout's excuse for retaining this large balance of \$201,000 to meet \$7,000 was false, or could readily be made to appear true or false in a period not exceeding, at most, "several days." Were any steps taken to ascertain the amount of these protests? None. And, sir, here I bring your attention to the letter of Woodbury, dated April the 16th, numbered 9, and to his report. Mark you, sir, page 3, he says:

"A further inquiry into the case was, however, immediately instituted by me, through the First Comptroller and

Solicitor of the Treasury. It terminated in an impression that the facts and the law, as to suits and protests, might justify a short delay in the adjustment. See copies of letters Nos. 6 to 8," &c.

The letters Nos. 6 to 8 in his report, are his of the 18th of April, Gilpin's of the 27th of April, and Price's of the 25th of April. In the very next paragraph of his report he adds:

"But the Comptroller was, notwithstanding, directed to bring Mr. Swartwout's accounts to an early settlement, and to have a prompt payment made of whatever amount should appear to be not in doubt or controversy."

Now, would not any one suppose, from this report, in this connection, that this direction to the Comptroller was given subsequently to the date of this letter from Price, of the 25th, falsifying Swartwout's of the 16th. The Secretary intended to create such an impression, but upon referring to the No. 9 he cites, you find that it is his old letter of April 16, prior in date to all this correspondence with Barker, Gilpin, and Price!

So far, then, from his taking any steps after this falsification of Swartwout's excuses for retaining so large a balance, you find no step whatever until a letter from Wolf, the Comptroller, to Swartwout, dated June 13th; nearly two months after Price's of the 25th, stating that upon an adjustment of his accounts he was charged with the enormous sum of \$8,365,377 18!

This, even, started not the Rip Van Winkle of the Treasury; but next comes lazily along another letter from the Auditor's office, signed by clerk Mahon, to Swartwout, dated August 13—two months again, after Wolf's adjustment—nearly four months after Price's of the 25th, which was to admit of but a short delay, and which required only "several days," at most—calling upon him to forward his accounts!

Swartwout took steam for England in two days afterwards, August 16! If this was speed, "go it, ye terrapins!" Put Woodbury after Swartwout and Price! He gave them the word "go," and said "I am coming!" A Muscovy drake after night-hawks! Sir, every step he took was like those of his own unwieldy body—heavy and slow; every indication here is that he was rather for giving them timely and friendly warning to take steam, not leg-bail!

It is amusing, now, to look at the next letter of the Department and its date. Miller, the Auditor, reports to Barker, the Comptroller, August 31, half a lunar after the bird had flown, that Swartwout's accounts had not been received! On the 3d of September his (Swartwout's) securities were notified that he had not rendered his account! The poor fellows took advantage of this notice, no doubt. They were fools, if they did not; and then came the circulars, the letters of inquiry, the dispatches to New York, the bustling activity, the hurly-burly of confusion and wonder and surprise—"Why, why, why! Swartwout is gone! He is a defaulter! Who would have thought it? How did it happen? Can anybody tell how? Can you, Mr. Auditor?—you, Comptroller?—anybody?"

Such is a picture of the administration of your Treasury. It is literally administered, and returned insolvent.

Why was this delay from April to October, 1838, to ascertain what Price told them they might readily ascertain? Why this postponement to examine invoices and appraisements? I will tell you, sir. Notwithstanding Mr. Secretary tells you there was no suspicion, even—no, not the least—this thing was as well known, not perhaps the amount exactly, but the defalcation was as well known, before October, as afterwards in November. But the elections were in October, and concealment of this nefarious transaction was everything until after the Empire State and her sisters of the Union had voted. This was the secret of this delay, and this was Swartwout's passport to Europe! "Better let it be" until after the elections! It would not do. If it had been known, when elections were turning on the sub-Treasury scheme, that the chief sub-treasurer had marched off with a million and more of the public money, it would have had an electric effect; it would have won for the country a victory in Ohio, notwithstanding abolition and its kindred political vices! Thank God, it is in time for you, sir, in Tennessee!

But, again. From the joint report of the Comp-

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troller and Solicitor, Barker and Gilpin, dated at New York, November 8, 1838, (page 19, of this Document No. 13,) we learn the following facts:

"It appeared that the last settlement of his accounts at the Treasury was up to the 31st December last, (December, 1837,) and that, though he was called on by the First Auditor, and notice subsequently given to his sureties by the Comptroller, his accounts and vouchers from that time to the 23rd of March, 1838, when his term of office expired, had never been furnished."

Indeed, sir, it fully appears that he was never made to return his accounts and vouchers at all; they were not returned, as you see by the letters read long after his escape. Now, why was this? What was the balance against him in December, 1837? The same report informs us:

"The stated balance against him on the 31st of December, 1837, was \$9,678,984 56; this, however, was known to include all the uncollected bonds not due, bonds in suit, &c. This made it necessary, as the accounts and vouchers were not furnished, that immediate steps should be taken to ascertain the sum really due as accurately as possible."

Were such steps taken? None, none! Time after time was Mr. Swartwout requested and thanked to return his accounts. Time after time he failed. It was left, as it were, optional to furnish his vouchers or not; he chose to furnish none; he eloped on the 16th of August, 1838; and no such step was taken at all until the orders to Underwood in November, 1838—*twelve months* after it was necessary for "immediate steps to be taken"—to proceed to New York!

But again, sir. From this report, pages 33, 34, it does appear that the accounts of Swartwout, for the term commencing October 1, and ending December 31, 1837, were made out at the First Auditor's office as early as May, 1838, showing the balance due the United States to be \$9,678,984 56. Here is this statement in full, reported by the First Auditor, and certified by the Comptroller, and certified by the Register and Woodbury himself. Why was this delay from December, 1837, to May, 1838; and why, when reported in default, was Swartwout permitted to escape as late as August, without accounting at all?

Again, sir; it further appears, from the second report of Barker and Gilpin to Woodbury, dated New York, November 15, 1838, that one of the funds in which there is a deficit is the fund of "forfeitures and penalties."

"The 'forfeitures and penalties' belonging to the United States constitute the second fund in which there is a deficit. It amounts, in the aggregate, to \$39,823 12."

"Of this there occurred—  
In the year 1832, the sum of.....\$29,632 46  
In the year 1833, the sum of.....3,674 04  
In the year 1834, the sum of.....1,173 09  
In the year 1835, the sum of.....5,343 53  
\$39,823 12

"By the provisions of the eighty-ninth section of the act of the 2d of March, 1799, the collector is to receive from the court all sums received on account of fines, penalties, and forfeitures, for a breach of the revenue laws, and he is to account for them quarterly to the Treasury. The sum above stated belonged to the United States, as their portion of various penalties and forfeitures, and was received by Mr. Swartwout under the above provision. It was not, however, debited in his own cash account; and though admitted in his accounts rendered to the Treasury, it has never been paid over."

These sums you see were received by the collector from the courts of record. Now, if proper supervision had guarded his official conduct, was it not the easiest thing in the world to detect his deficit in this fund by inspection of the court's records? Was there ever such inspection? None.

Again: Another fund in which was a deficit was that consisting of "three Treasury warrants:"

"Three Treasury warrants, amounting in the aggregate to \$39,240 05, were received by Mr. Swartwout during the years 1834 and 1835. They were for the following sums respectively:

1834, August 23, No. 9,677 .....\$7,637 21  
1835, May 2, No. 837 .....21,895 15  
1835, June 22, No. 993 .....9,707 69  
\$39,240 05

"Mr. Swartwout received these warrants under the authority of the second section of the act of the 97th of June, 1834, to make up an alleged deficiency in the fees and emoluments of his office to meet the compensation due to his clerks. Their receipt appears by his books, but the proceeds have never been debited in his cash account, and their whole amount still remains entirely unaccounted for."

Now, sir, from whence did Swartwout receive these warrants? From the Secretary's Department—from Washington! The Secretary himself

knew that he had received these warrants, of course. Swartwout, it seems, did charge himself with these warrants, as their receipt appears by his books, but their proceeds were never debited in his cash account. Now, sir, how could the Secretary fail to detect this deficit? Yet it appears to have continued from August 23, 1834, through May and June, 1835, up to November, 1838, without a suspicion!

Again: Sir, it appears another item of deficit was for "fees and emoluments of office overdrawn:"

"Cash was withdrawn for the alleged purpose of paying the expenses of the office, beyond the actual amount of these expenses, as exhibited by Mr. Swartwout's own accounts and vouchers. The aggregate of this excess is \$60,291 42. The application of this fund commenced in the third quarter of 1835, and extended down to the last quarter of his official term. It is thus distributed through the several years:

In 1835 the excess of cash withdrawn was....\$36,368 25  
In 1836 it was .....30,788 29  
In 1837 it was.....23,134 88  
\$60,291 42"

Did not Mr. Secretary know what should have been the correct charges for fees and emoluments? This, it seems, pervaded three years, and was never suspected until the defaulter had run away with a million!

Fines and forfeitures.....\$39,823 12  
Treasury warrants .....39,240 05  
Office expenses.....60,291 42  
\$139,354 59

Here is the sum of \$140,000, in round numbers, abstracted for years, which Mr. Secretary must have known was embezzled, unless he was blind in his eyes, or perfectly senseless in his olfactory nerves; yet he never suspected! Sir, vigilance in supervising the accounts of Swartwout would have detected, to a certainty, either one of these deficits during the years 1834, 1835, 1836, and 1837, and would have saved the sum of \$1,225,000, lost in March, 1838!

But, sir, I have been proving, so far, gross neglect only. I will now proceed to show something worse than *laches* in this case, on the part of Mr. Secretary Woodbury.

On page 2 of his report, Mr. Secretary says:

"While Mr. S. remained collector, suspicions do not seem to have been excited at the Department that he was guilty of any default."

Were suspicions excited anywhere else than at the Department? He says, page 3:

"Subsequent disclosures [disclosures subsequent to Price's letter of the 25th, which ought to have excited suspicions at the Department] made to the Department in November, excited suspicions," &c.

Not until November, then, three months after Swartwout's departure from the country, were suspicions excited at the Department! November 5, 1838, as soon as suspicions were excited, the Secretary wrote to the Solicitor, Gilpin, inclosing a memorandum from Hoyt, Swartwout's successor, which memorandum is without a date, no mention being made as to when it was communicated, and is in the following words and figures:

Copy of Hoyt's Memorandum.  
\$13,682 75.  
Deferred bond account.....\$646,954 83  
Cash retained.....201,096 40  
Cash retained.....80,769 53  
Overdrawn emoluments.....60,291 42  
Retained forfeitures.....39,823 12  
Retained amount of warrants.....39,240 05  
1,067,475 35  
Deposit account balance.....164,010 60  
Tonnage balance.....1,783 24  
Error account balance.....166 44  
\$1,233,435 63

Gilpin is ordered, for the first time, to see whether there were not mistakes in Swartwout's holding over so large a balance in his hands to cover his liabilities for suits and protests. In case of defalcation, a distress warrant was sent. Gilpin and Barker both then proceeded to New York, and made two reports, one of November 8th, and one of November 15, 1838; and Gilpin made two separate reports of the 10th and 13th of November, ascertaining the facts of the defalcation as they now appear.

Now, sir, I should like to know when this

memorandum of Hoyt was sent to the Secretary. Why is it sent to us without date? Was this sent before November, when suspicions were first excited? When did Hoyt know the secret? It was his memorandum, mark you, which started Gilpin with dispatches to New York, primed them November 5th, for the first time, with plenary powers to catch a flying defaulter or seize his effects.

Sir, the Secretary tells us, page 3:

"The circumstances which led to most of those disclosures transpired in the course of preparing the first quarterly accounts of Hoyt, the successor, for settlement; and the Department was first indebted for them, in a great measure, to his care and vigilance."

Hoyt's care and vigilance then caught the rogue, and the disclosures were made in the course of preparing his first quarterly accounts. Mark these two facts, and bear them in mind. When did Hoyt's first quarter expire? He came into office in March, 1838; his first quarter expired in June! How did suspicion sleep, then, until November? More than four months! Hoyt's second quarter had expired, it seems, before suspicions were awake; yet it was during the preparation of his first quarter's accounts that the disclosures were made!

But again, sir. Swartwout's whole defalcation amounts to \$1,225,705 69; the principal item being his deficit on the "bond account," amounting to \$646,754 83. Gilpin and Barker, in their report to the Secretary of the 15th of November, say:

"The remaining fund, the deficiency in which makes up the whole debt of Mr. Swartwout, is the bond account. By Mr. Swartwout's return to the Treasury Department, it appears that when his term of office expired he was chargeable with \$3,994,666 59 of bonds for duties not paid into the Treasury. Of these, he transferred to his successor, the present collector, \$6,045,386 13, constituting the portion of these bonds not yet due, or unpaid. He also accounted for a further portion, amounting to \$2,302,525 83, as having been sent to the district attorney for suit. This leaves the sum of \$646,754 83, being the aggregate of the deficit in Mr. Swartwout's bond account. On examination, we ascertained that of this aggregate the amounts that became due were as follows:

In the year 1837, the sum of.....\$611,999 93  
And of the first quarter of 1838.....2,504 28  
Making, together.....\$613,804 21  
Of the remaining sum of.....32,950 62

Which is necessary to make up the.....\$646,754 83"

Thus it appears, at the expiration of his term of office, Swartwout was chargeable with.....\$8,994,666 59  
Of the bonds constituting that sum, he transferred to Hoyt.....\$6,045,386 13  
Sent to district attorney for suit.....2,302,525 13  
\$6,347,911 26

Leaving deficit.....\$646,754 83

Why did not Hoyt know then of this deficit on the bond account as soon as the transfer was made to him? He did know it; for see what Gilpin says in his report of November 10:

"All the abstracts, vouchers, and other documents, relating to the collector's account for the first quarter of 1838, (being the last of Mr. Swartwout's term,) which had never been furnished, have been now transmitted to the First Auditor. These documents, however, want the signature of Mr. Swartwout, though prepared by the officer who transacted that branch of his official business. The cause of their being thus incomplete appears to have been the desire of Mr. Swartwout that they should not be furnished to the accounting officers until his return from abroad. By that time, according to the statements of Mr. Ogden, he hoped to be able to make arrangements for the settlement of the whole defalcation. The want of them, however, delayed the present collector in the completion of his own accounts, as it was necessary to include therein an accurate statement of the balances in cash and uncollected bonds, handed over by Mr. Swartwout, and that the same should agree with the final accounts of the latter, as rendered to the Treasury Department. The urgent demand for this made by the present collector upon the officer having charge of these accounts, and the difficulty of obtaining it, first led to the suspicions communicated by him to the Department, which were rendered more certain by the subsequent examinations he immediately instituted."

Here, it seems, Hoyt was first put upon the scent. When? When the transfer was made—when he, of course, was, upon coming into office, looking after what was to be transferred by his predecessor. Yet we are still told there were no suspicions until November, 1838!

Again, sir, we are told by the report of Gilpin and Barker, of November 15, that—

"When Mr. Swartwout's term expired, on the 23rd March, 1838, it appears, by his own account, that he was chargeable with \$301,096 40 of cash retained to meet 'protests,' and with \$164,010 60 of cash 'deposited with him to meet

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unascertained duties." The only portion of this which he paid over to his successor was \$8,229 94 to meet 'protests,' leaving the amount of that fund retained by him, \$192,866 46."

Thus Swartwout's own account showed a balance of \$201,096 40 of cash retained to meet protests, and \$164,010 60 of cash deposited with him to meet unascertained duties; he paid over to his successor only \$8,229 94 to meet protests; and yet no suspicions were excited until November, 1838!

Sir, all this is too much to expect of our credulity. I will show you now that Hoyt must have known of this defalcation long before November—in fact, soon after he came into office; that his subordinate knew of it long before—years before Swartwout himself went out of office; and if Hoyt and his subordinates knew it, that the Secretary must have been informed long before November, 1838.

Ogden, the cashier of Swartwout and Hoyt, Phillips, the assistant cashier, and Fleming, the auditor of the custom-house, all knew of this defalcation for years. In proof of this I quote first the report of the 8th of November, signed by Gilpin and Barker, to the Secretary:

"The examination requisite to ascertain the manner in which the money was abstracted, and the details of the defalcation which has been going on for seven or eight years, will require some days. All that we know in regard to it at present is derived from a voluntary communication made to us last evening by Mr. Henry Ogden, the cashier of the custom-house during Mr. Swartwout's term."

"Having been informed that the large defalcation was known to the public officers, and that we had come to New York for the purpose of investigating it, he called on us, and at once, in the presence of Mr. Price, the district attorney, who was with us, entered frankly into a conversation on the subject. He commenced by saying that the circumstances of the case had troubled him exceedingly for some time, and that he had strongly urged Mr. Swartwout not to leave the United States in August last; that he had told him it was scarcely possible the defalcation could remain much longer concealed, especially since the accounts for the last quarter had been called for and not furnished; that he advised him, instead of going to Europe, to go at once to Washington, submit a statement of the whole matter to the Secretary of the Treasury, surrender his property, and make the best arrangement he could; that Mr. Swartwout told him in reply he was confident of being able to raise money in England, by which he could pay his whole debt to the United States as soon as he returned; and he did not think the business would be known before that time."

"In reply to our inquiry as to the time when the abstraction of the public money commenced, he stated that it was about nine months after Mr. Swartwout was appointed collector. He afterwards said he supposed it might have been a year after—that is, in 1830; that, as the amount of the defalcation increased, he frequently spoke to Mr. Swartwout upon the subject; and that, about four years since, it had become so large that he told Mr. Swartwout that, unless measures were taken to reduce it, he could not consent to continue in the situation he held. Mr. Swartwout was, however, confident that the operations in which he was engaged would be so profitable as to make it easy for him to pay off the whole deficiency. This mode of treating the subject Mr. Swartwout continued to persist in to the last, always expressing his belief that he could set matters right."

"In reply to our inquiry as to the mode in which the affair had been conducted, and the amount, Mr. Ogden stated that Mr. Phillips, the assistant cashier, was more fully acquainted with the particulars than himself, but that it commenced by Mr. Swartwout not passing to the credit of the Treasurer the whole sums received."

Again, sir, from Gilpin's separate report, November 10, we learn:

"From Mr. Phillips, the assistant cashier during Mr. Swartwout's official term, we received a verbal statement confirming that previously made to us by Mr. Ogden; and, in a written communication, he has given a general view of the course of proceeding, to which he has offered to add such a particular account of the details of the transactions as he can gather from the books and accounts."

Again, sir, from the report of Gilpin and Barker, November 15, we learn:

"According to the statements of Mr. Ogden and Mr. Phillips, heretofore mentioned to you, and subsequently confirmed by them in writing, as well as verbally, the use of the public money commenced as early as the close of 1829, or the beginning of 1830; the practice being to transfer at the commencement of the week, to the Treasurer of the United States, no more than the amount received previous to Saturday morning; and thus to place successively from the subsequent receipts the sums withdrawn, so that the deficiency might not appear. Though the sums thus replaced, after they were taken, can form no part of the balance now charged against Mr. Swartwout, which consists only of sums never returned, yet we endeavor to obtain from Mr. Phillips the items of this sort from the commencement. We were unable to do so. The original check book of Mr. Swartwout from June, 1830, to December, 1831, through which, perhaps, they might have been traced, was not, after diligent search, to be found; and although Mr. Phillips commenced, as he stated, in the year 1834, when the deficit began to be large, to make a memorandum of which he can now designate the sums withdrawn, subsequent to that period, by Mr. Swartwout,

from the cash fund for his own use, yet he declared his inability to do so any earlier. The evidence, therefore, in regard to the moneys that were withdrawn and replaced, is found in the verbal communications made to us by Mr. Ogden and Mr. Phillips, which were given in our previous reports to you, and in their letters and written statements, of which copies will be found among the documents transmitted to you herewith."

Again, sir:

"We endeavor to ascertain exactly the amounts of cash which had been successively withdrawn, so as to make up the whole of these funds. Mr. Phillips, the assistant cashier, who kept the check-books, from which only this can be traced, has given us a statement of such of the sums thus drawn out by Mr. Swartwout for his private use as he was able to obtain from the old check-books in the office and his own memorandums. It embraces only the interval between November, 1834, and June, 1837, and amounts in the aggregate to \$193,602 20. Of this sum the cash noted by Mr. Phillips as being withdrawn was—

In the year 1834.....	\$6,261 20
1835.....	43,700 00
1836.....	97,841 00
1837.....	45,800 00
	<u>\$193,602 20</u>

"In the earlier period of these transactions (that is, from 1829 until the close of 1831) Mr. Phillips was not in the habit of noting the checks thus used by Mr. Swartwout, and he states that from this circumstance, and from the loss of the check-book of 1830 and 1831, (to which we have adverted,) he is unable to trace out the particular items which constitute the residue of the cash thus withdrawn. The statement of Mr. Phillips, giving the amount of each check so drawn, will be found among the documents transmitted to you herewith."

Again, sir:

"It will be seen that this deficit in the bond account first occurs in the year, 1837. Shortly after its commencement Mr. Phillips, the assistant cashier, kept a list for his own satisfaction, as he stated, of a large number of these bonds, which had been paid, and the money received by Mr. Swartwout. It amounts altogether to \$597,331 63. When the bond account came to be finally adjusted, in the summer of 1838, by Mr. Fleming, the auditor of the custom-house during the latter part of Mr. Swartwout's term, he received from Mr. Phillips the original list, thus made out and kept, and found it to agree, as far as it went, with the deficiency in the bonds which he had ascertained himself, and to which he had called Mr. Swartwout's attention. It fell short, however, of the whole amount of the deficiency in the bond account of the year 1837, and the first quarter of 1838, by \$16,472 58; but the particulars of this latter sum Mr. Fleming obtained, so as to make the whole amount of the bond account chargeable to Mr. Swartwout, during that period, \$613,804 21, as before stated. An explanatory communication of Mr. Fleming, relative to the bond account, together with the list made by Mr. Phillips, will be found among the documents transmitted to you."

Again, sir, I refer to the statement of Ogden himself, page 47:

NEW YORK, November 8, 1838.

DEAR SIR: As far as my memory serves me in regard to the difficulties of Mr. Swartwout, I should say that they began not long after his appointment as collector; and that, from that period, he has continued to draw sums from time to time; that my assistant (Mr. Phillips) and myself have held frequent conversations with him respecting the sums of money which he had received, and that we often, when he applied to us, urged him to endeavor to raise money elsewhere, if he possibly could, and not to draw any more from the bank; that, about four years since, when we again spoke to him on the subject of the amounts we supposed he had received, he requested us to have an interview with him at his house; that we met him agreeably to appointment, and that he then assured us, as he had done frequently before, that he did not doubt that, before many months, the speculations he had entered into would result in such a way as to enable him to pay all up. From that period we occasionally called his attention to the balance due, until the period of my leaving for Canada, (the 4th of August.) Mr. Swartwout sailed on the 16th of August.

I am, with great respect, your obedient servant,  
HENRY OGDEN.

HENRY D. GILPIN, Esq., Solicitor of the Treasury.

Again: The statement from Phillips himself:

NEW YORK, November 9, 1838.

SIR: Mr. Swartwout came into office as collector of the port of New York on the 1st of May, 1829; and, as far as my memory serves, but a few months had elapsed before he commenced drawing money for his private uses, which he continued for a period of nearly nine years, without any great intermission.

It is necessary, in order to make myself understood, that I should state the manner in which the business of the custom-house was conducted in respect to the financial concerns with the branch bank, and afterwards with the three deposit banks, namely: the Mechanics', Manhattan, and America, the receiving banks for the bonds for duties due the United States—the branch bank from 1st May, 1829, to 7th October, 1833; and the deposit banks from that period to the 16th May, 1837, (the time of their suspension of specie payments.)

The bonds and the records being completed at the custom-house, were delivered to the banks, with a statement of the amount, &c., of each, for which a receipt was given by the cashier (with whom they were placed) for the amount received. This was usually done about thirty days previous to maturity, when it became the business of the bank to notify the principals of the date when payable. This being done, the amount collected daily would be placed to the

credit of S. Swartwout, and subject to his drafts, without particularizing the purpose for which they were drawn, which was an invariable practice; and the same was always the case in regard to all moneys collected through the banks on account of customs, during the period before stated, and he availed himself of it as he required.

After the passage of the law which required that all sums of \$300 and under, and all duties on woolsens, should be cash, by direction from the Treasury Department it was ordered that the amount should be paid direct to the bank instead of the custom-house, which was done by giving the importer a certificate, which was by him taken to the bank, and there paid, and the signature of the receiving officer to the certificate, returned to the custom-house, was authority for his receiving a permit for his goods, and the amount so collected daily placed to the credit of S. Swartwout, and subject to his drafts as before.

Independent of the bonds, &c., collected at the banks, a large amount of money was received at the custom-house on deposit for duties on merchandise paying a specific rate of duty, which was considered in suspense until the actual amount to which it was liable was ascertained, and the settlement with the parties making the deposit, which, in a great many instances, did not take place for twelve months, and frequently longer, which placed a large amount at the disposal of the collector, as the duties on deposit were not placed to the credit of the United States until the merchant had made a settlement. As the collections made by the banks up to three o'clock do not appear on the books of the custom-house until the following day, consequently, in making up the weekly accounts for the Treasury Department to three o'clock on Saturday, the amount received on Saturday would not appear until the following week, when the same occurrence would take place in respect to that week, and so continue on.

By reference to the weekly returns made to the Treasury Department, it will be seen that large amounts were frequently retained under the head of "amount due the United States, to be carried to next return," which accounts have the signature of Mr. Swartwout; and, in many instances, would not be forwarded until Tuesday, in order that the collections of Saturday and Monday might place him in funds to make the transfer from his account to that of the Treasurer of the United States.

Respectfully, your obedient servant,  
J. PHILLIPS.

H. D. GILPIN, Esq., Solicitor of the Treasury.

Again: the statement of J. A. Fleming himself:

CUSTOM-HOUSE, New York.

AUDITOR'S OFFICE, November 16, 1838.

SIR: Having been called upon by you to state my knowledge of the situation of the accounts of Samuel Swartwout, late collector, and to render such information as I possess in regard to the amount due by him to the United States, I have to observe that, as auditor of the custom-house, which office I have held from the 1st of July, 1836, the adjustment of the accounts devolved on me, and that I carried forward the balance from preceding quarters, deeming it correct.

In the month of June, 1837, being engaged in proving the account of bonds paid for the quarter ending the 31st of March of that year, I found there was a large discrepancy between the bonds payable and bonds paid, and that the latter fell short of the former about five hundred thousand dollars. This circumstance I mentioned to Mr. Phillips, the assistant cashier, whose office it is to keep the cash-book, and was informed by him that his book contained the record of all the bonds paid to the Government in that quarter. Upon this reply, I accordingly closed the bond account as it existed; and the banks having previously suspended specie payments, and the troubles in the mercantile community being very disastrous, I supposed that the payment of all the remaining bonds was suspended.

Mr. Swartwout, then collector, had received instructions from the Treasury Department to allow an extension of credit upon all bonds unpaid, and to transfer them for extension to the district attorney, until the Government should decide what further course was necessary to be pursued. Congress, having then been convened by the President to legislate on these matters, on the 16th October, 1837, enacted a law authorizing an extension of credit of nine months, from the date of maturity, upon all bonds given prior to the passage of the act, and which were then unpaid. The number of these bonds was upwards of ten thousand, and they exceeded in amount five million dollars. No suspicion existed with me that any portion of these bonds had been paid and the money abstracted.

When Mr. Swartwout's term of office expired, it became necessary to make a thorough examination of all outstanding bonds, and to render abstracts for the delivery of the same to his successor. This work was completed, after much labor, in the month of August last, and when the total amount was ascertained, it was found to fall short of the amount appearing due by the books of the office by \$646,000. This alarming circumstance I mentioned to the cashier, Mr. Ogden, and requested him to communicate the fact to Mr. Swartwout. On the following day, the cashier observed to me that I had better inform Mr. Swartwout myself of the condition of the bonds. I at once did so. He seemed greatly surprised, and remarked that it must be impossible that so large a deficiency could exist, and requested that the account might be reexamined. It was accordingly reexamined, and every bond found paid by the records of the office was marked off. Still the same deficiency existed. A list was then prepared of all the bonds unchecked and unaccounted for, and was placed on file in the office. Prior to this, and during the reexamination, Mr. Swartwout sailed for England.

I afterwards proceeded to close all his accounts, and to prepare a final account current with the Treasury, when there appeared to be due from him to the United States \$1,225,000. When this result was finally ascertained, I informed Mr. Hoyt, the present collector, that his accounts would be delayed in consequence of great discrepancies in Mr. Swartwout's accounts.

J. A. FLEMING, Auditor.

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Thus, sir, Ogden, Phillips, Fleming, all knew! And the latter tells us that he told Hoyt that his accounts would be delayed "in consequence of great discrepancies in Mr. Swartwout's accounts." When? Certainly before the 31st of October, 1838, when he submitted to him the prepared statement. Sir, who are Ogden, Phillips, and Fleming? The cashier, assistant cashier, and auditor of Hoyt, as well as Swartwout! They were not dismissed until within the last few weeks. Do you not suppose, sir, that these minions communicated all to Hoyt—were officious and superserviceable to do so, in order to retain their places? And if they knew all, and Hoyt knew all, don't you suppose that Woodbury knew all? Why was Hoyt's memorandum, I again ask, *without date*? Should Hoyt be retained in office while he keeps such subalterns in his office? Would Woodbury retain him if he were not a bird of the same feather? These men, it seems, are well indoctrinated in the whole black art and mystery of the trade of defalcation. Ay, sir, one of them even reports his plan of *keeping the public money!* Hear him, sir:

NEW YORK, November 12, 1838.

Sir: Agreeably to request made by yourself as to the manner of conducting the business at the custom-house, in comparison with the former mode, I have to state that Mr. Hoyt, in coming into office, adopted a course which, in my opinion, is *every way* calculated to insure a safe collection of the revenue, and a prompt discharge of duty by *every one* connected with the customs; and more particularly as he is, as far as practicable, endeavoring to make himself acquainted with the business of his subordinates generally. As all the receipts for customs are now collected through the custom house direct, I will give a statement of what he has required of me, being the person by whom all moneys are received and disbursed.

He goes on to state the *mode*, and concludes thus:

I do not find myself capable of suggesting any alteration in the mode of managing the public funds different from that now pursued. It is simple in its operations, and one least calculated to create a multiplicity of agents, by which the public money might be endangered.

In all payments made by me, they are on the authority of the auditor, through whom all bills must pass.

Very respectfully, your obedient servant,

J. PHILLIPS.

H. D. GILPIN, Esq.

Yes, sir, he thinks his mode is "*every way*" very commendable—makes "*every one*" prompt—Hoyt "*himself*" acquainted; very complimentary to Mr. Hoyt! But, above all, sir, he can suggest no improvement—just as he wants it—"it is simple!"—not complicated by too many checks! least calculated to multiply agents!—he and Hoyt have it now all to themselves! And this rogue, who kept written memoranda for years of Swartwout's embezzlement and fraud, is verily the officer under Hoyt "*by whom all moneys are received and disbursed!*" This is a "*part of Mr. Secretary Woodbury's system!*" He is the very man, true, to tell how to detect and expose Swartwout—is he not, also, the very tool to assist Hoyt to smuggle after his predecessor's example? This excellent agent—this Democratic Loco-foco—is in the very clover he desires; he is suited to a penny—would not have the thing changed at all!

Is there not moral turpitude in some others as well as in Swartwout, in this transaction? I believe that the Secretary down to Phillips are as criminal as the defaulter. They will never allow Swartwout and Price to return, or this would fully appear, as I believe, before my country.

Sir, let us now inquire further, whether this defalcation might not have been prevented altogether, if the Secretary had done his duty. After the defalcation was known, the Secretary then woke up; he wrote the following letters:

TREASURY DEPARTMENT, November 9, 1838.

Sir: In consequence of the report made in part by the Solicitor of the Treasury, on the examination by him and yourself into the accounts of the late collector at New York, I wish now to call your immediate attention to a few considerations:

1. I think a circular should be issued by you to all naval officers, calling their prompt and careful attention to their official duties, in check of any error or wrong by collectors.
2. That an examination be made in every case of any considerable balance reported as unadjusted or due, to see if the bonds and money purporting to be on hand, or which ought to be on hand, are so in point of fact. This can be done by letters to the collectors, stating that recent events have rendered the inquiry proper; and that the naval officers, or district attorneys, in cases where there are no naval officers, will make the scrutiny, and certify on the subject, both as to the bonds and money.
3. I wish increased attention given to the examination on

settlements here of the bond accounts of collectors; and in your office, as well as in the Auditor's, all necessary force employed to make the present legal checks as efficient as possible.

Please to adopt any additional step which has occurred to you for discovering any errors, and for securing the public against losses.

Respectfully, your obedient servant,

LEVI WOODBURY,  
Secretary of the Treasury.

J. N. BARKER, Esq., Comptroller of the Treasury.

TREASURY DEPARTMENT, November 19, 1838.

Sir: The recent development of the great defalcation of the late collector at New York, renders it essential that it should be ascertained, if practicable, why it was so long undiscovered; I therefore request you to inform me of the causes why it was not in the power of your office to report his defalcation when it first commenced, or at the different settlements afterwards; before his term of office expired. If, under the present system of adjusting the accounts of collectors, it be impracticable to ascertain defaults like these immediately after they occur, I will thank you to report to me such modifications and improvements as may suggest themselves to you, in order that all defalcations hereafter may be immediately known, if possible; and, in case you should consider that further legislation may be necessary to attain this object, I wish you to point out the defects that should be provided for, and also such additional checks as might be imposed to prevent the embezzlement of the public funds received by the collectors and receivers of the public revenue.

This report I should be glad to receive soon, that a communication on the subject may be made to Congress at the commencement of the ensuing session.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,  
Secretary of the Treasury.

J. N. BARKER, Esq., Comptroller of the Treasury.

This letter of the 9th shows exactly the duties which the Secretary had before neglected:

1. The naval officers under him had not been made to do their duty.
2. The examination of balances had not been attended to.
3. Sufficient attention had not been bestowed by him on settlements here of the bond accounts of collectors.

In addition to these letters, he sent a circular to the Comptrollers and Auditors of the Treasury. He is terrible for circulars! They are his Colonel Pluck spurs, by which he makes the nation believe that he is constantly roweling the sides of his official steeds, and keeping them full up to their mottles. Ah! no man knows better how to "run with the hare and hold with the hounds." This circular itself shows, too, what had been neglected. But to proceed. Gilpin and Barker, in their report from New York, November 15, say:

"These defects readily suggest the following remedies:

"1. That the system for the collection of the revenue from customs should resemble that adopted in regard to the revenue from lands; that the officer who ascertains the amount due to the Government, admits vessels to entry, and performs the various functions connected with those parts of a collector's duty, should be distinct from, and independent of the officer who receives and is accountable for the moneys accruing on those duties. Each making his separate reports, and held to a separate responsibility, would prove a complete check upon the other, and lead to an immediate detection of error, neglect, or defalcation.

"2. That all sums of money should be paid into the Treasury; that no officer should be permitted to retain funds, under any pretext, or make payments, except on estimates previously made to the Treasury, or on accounts properly submitted and examined. There would be no difficulty in so arranging this plan as to give quite as much facility as exists at present in the payment of debentures, and all other charges now deducted from the accruing revenue, while it would obviate the disadvantages that are inseparable from the present mode.

"3. That actual inspections by competent officers from the Treasury Department should be made from time to time, at every principal custom-house. Had such inspections been made at New York, this defalcation could have been easily detected before it had long existed, or reached any very considerable amount.

"4. That the use of the public money by any officer intrusted with its collection, safe-keeping, or disbursement, should be made a criminal offense, severely punishable.

"We are, very respectfully, yours,

H. D. GILPIN,  
J. N. BARKER.

Hon. LEVI WOODBURY, Secretary of the Treasury."

Now, sir, could not all this have been done? Did it require a law? None. Why was it not done? Mr. Secretary does not inform us.

Again: the First Auditor, in reply to Woodbury's letter, reported as follows:

TREASURY DEPARTMENT,

FIRST AUDITOR'S OFFICE, December 1, 1838.

Sir: Your letter of the 19th ultimo should have received an earlier reply, had the state of my health permitted; and even now, confined as I am to my chamber, I must crave indulgence for omissions that may occur, and the privilege of supplying any such in a future communication.

The first inquiry contained in your letter, in reference to "the great defalcation of the late collector at New York," is in the following words, viz: "I therefore request you to inform me of the causes why it was not in the power of your office to report his defalcation when it first occurred, or at the different settlements afterwards, before his term of office expired."

In reply to this question, I would respectfully state that it was not in the power of this office to report his defalcation when it first occurred, because it never possessed the means of ascertaining it. By the twenty-first section of the collection act of 2d March, 1799, the collectors are allowed three months after the expiration of a quarter to make up and render the accounts to this office for adjustment, and in reference to New York, the Secretary some years since extended the time two or three weeks longer, so that the accounts of that district, for the first quarter of the year, do not usually reach this office until the middle of July; it is therefore apparent that this defalcation could not have been ascertained in this office when it first occurred.

But it is also asked why it was not reported "at the different settlements afterwards, before his term of office expired." To this inquiry the same reply might also be made. "This office had no means of ascertaining the defalcation of Mr. Swartwout at any time prior to the final settlement of his account. It could and did report the correct balances due from him, 'at the different settlements,' but it had no means of ascertaining that a portion of his balance had been used by him for his private purposes. The accounts, as soon as received at this office, are carefully examined; and all the checks furnished for testing their accuracy, in addition to the certificate of the naval officer, are read, and the duties secured, as well as the disbursements made, having been correctly ascertained, the account is stated, and the balance struck and reported to the First Comptroller, to whom the account and all the abstracts belonging to it are transmitted forthwith. From the investigation, however, which has recently taken place at the custom-house, New York, it appears that a large portion of this defalcation consists of bonds abstracted by the late collector, to whom payment was made, and for which the bond-account was not credited; and it may with propriety be inquired, why this had not been discovered by the accounting officers on the examination of the accounts.

In replying to this inquiry, I beg leave first to state the facts in regard to the manner in which the bond accounts have been kept at the Treasury. Previous to the year 1822, as I am informed, on examining the accounts of the customs in this office, the accounting clerk ascertained that the balance of the bond account was correctly brought forward, that the additions were correct, and the balance, as returned, properly stated. But, as the bond account accompanied the quarterly account current of the customs and the other abstracts to the Comptroller's office, where it was retained, no reference could be had in this office to said accounts, to mark off the bonds paid, or put in suit, in subsequent quarters, which reference was absolutely necessary to a thorough examination of the bond account. In 1822, however, the First Auditor directed a register to be kept in his office of all the bonds taken and paid, as well as those put in suit. Two clerks were appointed to this duty, to whom the accounting clerk, immediately on receiving the quarterly returns, handed over the bond account, to be recorded, &c. The accounts for the smaller districts were generally entered and marked off in time to accompany the adjusted accounts to which they belonged; but the duty of recording all the bonds being very arduous, and the clerks engaged on them being occasionally called to other business, the larger districts by-and-by fell in arrear, especially the district of New York; which, from what I can learn, was perhaps never once recorded and marked off in time to accompany the accounts of the Comptroller; and, as it now stands, I find that the bonds taken are recorded only to the second quarter, 1834, while those paid or put in suit are marked off only to the fourth quarter, 1832. The present condition of the bond accounts in this office is about the same that it was when I received my appointment. But for the present, passing over the imperfect manner of keeping the bond accounts, let us inquire whether, under the most perfect system that could be devised for discharging this duty, the fraud committed on the bonds in New York could have been promptly detected in this office? Suppose that, when the account of the customs is taken up for adjustment, the bonds paid and put in suit are marked off forthwith on the original bond accounts; any omission of the collector of New York to return bonds paid, &c., could not, in ordinary times, be ascertained until five or six months after the expiration of the quarter in which the transactions took place; but, in the case under consideration, the embezzlement of the proceeds of the bonds occurred under very peculiar circumstances. It was at a period, in 1837, when, owing to the derangement of commercial affairs, the suspension of specie payments by the banks, then no longer used as agents of the Government, &c., the due were not put in suit, the Secretary of the Treasury having authorized a temporary suspension, which was afterwards extended by Congress to nine months, and when six or eight thousand bonds were lying over at the custom-house at one time, and when all was in such a state of confusion that, as has been stated by the auditor of the custom-house, it was utterly impracticable, even there, to ascertain, in making up the amount for the first quarter, 1837, the true condition of the bonds; and where, even at this late day, after a great deal of investigation, it has been found impracticable to identify an amount of these abstracted bonds exceeding \$30,000; and, in order to ascertain them, a thorough examination of the bond account will have to be made from the commencement—a work of great labor, and requiring considerable time.

With these facts before us, it is quite evident that it would have been impracticable for this office, had the system of examining the bond accounts been the most perfect, to have ascertained the fraud committed by the late collector in the bonds until about the time for rendering his final account. This account was not received at this office until the 10th

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November, 1838, long after his neglect to forward the account in due time had been reported by this office to the Comptroller. It is true, that somewhere about August, 1837, on the examination of his account at this office, there would have appeared to be a large amount of bonds due in the first quarter of 1837, not returned as paid or put in suit, and the collector would have been called upon for an explanation. Under all the circumstances of this case, he might have, and no doubt would have, replied to such an inquiry, that these bonds had been extended under the authority of the Secretary of the Treasury and the act of Congress; but that, owing to the great mass of such bonds, amounting, it is believed, to more than five million dollars, and to the great confusion into which the bonds had been thrown, increased, too, by the fact, not then known to the accounting officers of the custom-house, that the collector had actually collected a large amount of said bonds, he could not, at least for a considerable time, render any particular account of them. Such a reply would have been considered, at least for the time being, as satisfactory; certainly it would not have excited any suspicion at the Treasury, because all the bonds referred to were actually entitled to the extension provided for by Congress, and would naturally have been supposed to have been so extended.

Having, as I presume, thus clearly shown that this office had no means of ascertaining this delinquency, when it "first occurred," nor "at the different settlements afterwards," I proceed to the next inquiry in your letter, which is in the following words: "If, under the present system of adjusting the accounts of the collectors, it be impracticable to ascertain defaults like these immediately after they occur, I will thank you to report to me such modifications and improvements as may suggest themselves to you, in order that all delinquencies hereafter may be immediately known, if possible; and in case that you should consider that further legislation may be necessary to attain this object, I wish you to point out the defects that should be provided for, and also such additional checks that might be imposed to prevent the embezzlement of the public funds by the collectors and receivers of the public revenue."

It may not be improper to state here that by the fifth section of the act of the 2d of September, 1789, "to establish the Treasury Department," and the fourth section of the act "to provide for the prompt settlement of public accounts," approved the 3d of March, 1817, the duties of the First Auditor are defined as follows: "To receive all accounts accruing in the Treasury Department, and, after examination, to certify the balance and transmit the accounts, with the vouchers and certificate, to the First Comptroller, for his decision thereon." Now, if the "modifications and improvements" called for by the Secretary be confined to this office only, there are but two suggestions which occur to me at this time, as all that are necessary, and steps have already been taken to carry them into effect. The first is that the collectors be required to render an account of all the outstanding bonds, showing their actual condition on the 30th of September, 1838; and that hereafter, instead of recording the bonds in this office, the bond accounts, as soon as received, are to be compared with the preceding original accounts, and all the bonds paid or put in suit during the quarter forthwith marked, so that the actual state of the bonds will always be exhibited simultaneously with the report on the account of the customs. The other suggestion is, that the collector of New York return, with his quarterly account of the customs, a copy of his "suspense accounts," showing what items compose that part of the balance not consisting of bonds or cash on hand, so that in stating the items of the balance at the Treasury, this office may be able to designate what is actually cash on hand from that which consists of unsettled and suspense accounts.

But as this request of the Secretary embraces a pretty wide range, I may, with propriety, be permitted, in my reply, respectfully to suggest some other "modifications and improvements," although, in doing so, I may be trenching upon the prerogatives of others. It appears, from the investigation recently made at the custom-house, New York, that on the debt side of their "suspense account" is found an item called "duties on merchandise," which means "cash deposits for duties not ascertained;" and this, according to their mode of keeping the accounts, has never been regarded as cash until the duties are actually ascertained and settled, at some future date, with the merchant, but retained in the suspense account, and returned by the collector to the Treasury, in his balance, as belonging to unsettled and suspense accounts. This practice placed at the disposal of the collector a sum varying from one hundred thousand to five hundred thousand dollars, not available at the Treasury, or not regarded or returned as cash, although such *de facto*, upon which the collector might draw from time to time for his private purposes, without any check upon him, even in the office of the Secretary himself; and it appeared, on the recent investigation, that it was this fund which first tempted the late collector of New York; and it was only when this source was exhausted, and the peculiar occasion referred to presented itself, that he seized upon the bonds. How it has happened that at New York these deposits for duties are not regarded as cash, and at Philadelphia they are, and very properly, too, accounted for as such, this office has no means of ascertaining, having no control whatever over the internal regulations of the custom-house; but such is the fact. The remedy is obvious.

Again: the naval officer has always been regarded, not only as an aid to the collector, but an important check upon him. The twenty-first section of the "act to regulate the collection of duties on imports and tonnage" requires him, among other things, "to examine the collector's abstracts of duties, and other accounts of receipts, bonds, and expenditures, and, if found right, he shall certify the same." It is to be apprehended that the naval officer at New York has not, under this requisition, considered it to be his duty to examine the cash and bank accounts; and although he has certified the bond accounts of 1837 "to have been examined and found to be correct," the fact is now apparent that they were not correct. Had this officer performed his whole duty, this defalcation must have been discovered

sooner. I would, moreover, respectfully suggest that an examination be made of the concerns of the custom-house occasionally, by an agent, as is the practice, I understand, in reference to land offices, which would greatly facilitate the discovery of malpractices where they exist, and enable the proper authority to apply the corrective. These "improvements," in addition to the weekly and monthly returns of "moneys received and paid at the custom-house," the "return of debentures," "abstracts of bonds put in suit," "summary statement of duties collected," "schedule of bonds taken and liquidated," &c., required for the Secretary's office, agreeably to ancient regulations and usages of the Treasury Department, as embodied in the circular of Secretary of the Treasury, dated November 19, 1835, if properly arranged and compared with each other, and with the quarterly account current of the customs, also formerly entered on the Secretary's books as soon as received at the office of the First Auditor, would, it is believed, furnish the Secretary the means of ascertaining defaults like these immediately after they occur.

I have the honor to be, very respectfully, your obedient servant,  
for JESSE MILLER, Auditor,  
A. MAHON, C. C.

To the Hon. LEVI WOODBURY, Secretary of the Treasury.

From this report, sir, we learn—

1. That one reason for not detecting this defalcation is, that the Secretary extended the time to the collector at New York for making up and rendering his accounts for adjustment.

2. The accounting clerks in the First Auditor's office have not been made, since 1822, to ascertain that the balance of the bond account of the collector was correctly brought forward, that the additions were correct, and the balance, as retained, properly stated.

3. Bonds from New York have not been recorded. Never in time to accompany accounts of the Comptroller. This duty has been wholly neglected during Mr. Woodbury's term of office, since the second quarter of 1834.

4. The account of Swartwout was not received at the office of the First Auditor until the 10th of November, 1838, long after his neglect to forward the account in due time had been reported to the Comptroller.

5. That the collector had not been required to render an account of all outstanding bonds.

6. That the collector at New York had not been required to return, with his quarterly account of the customs, a copy of his "suspense accounts," showing what items compose that part of the balance not consisting of bonds or cash on hand.

7. That deposits for duties have not been regarded as cash at New York, whilst at Philadelphia they have been so regarded—and the Secretary himself had control of this—unaccountable to Auditor, but the "remedy obvious."

8. The naval officer has not been made to do his duty, and, if he had done his whole duty, this defalcation could not have occurred.

9. That the "weekly and monthly returns of moneys received and paid at the custom-house," the "return of debentures," "abstracts of bonds put in suit," "summary statement of duties collected," "schedule of bonds taken and liquidated," required for the Secretary's office have not been properly arranged and compared with each other and with the quarterly account current of the customs by the Secretary of the Treasury himself.

Such, sir, is the expose by this able and masterly and independent report of the ability and integrity with which your Treasury Department has been conducted, and by which this million of public money has been abstracted! Sir, this report must have been gall and wormwood to Woodbury. I understand that the manly clerk by whom it was made is already under the ban of his displeasure. It is a biting sarcasm, it is a sneer throughout, upon Mr. Secretary's unblushing effrontery in his inquiry into the causes of this defalcation. He knew above all men, how it happened. Sir, if ever a Whig President be elected, and I have a title of influence with his councils, this man Mahon shall be remembered by me as a firm and faithful public servant. I know him not, but this report is a voucher to me of his character. But, sir, I forget! I am doing a good and true man an injury by daring here alone to commend his worth. It may remove him. Oh! the tyranny of proscription! This man lets the cat out of the bag—he tells you that the meal tray was left uncovered—wholly neglected, and the rats have been permitted, at will, to go in and come out with full license from the Secretary. It shows that every check has been abandoned and neglected by the Secretary—the naval officer—the

Comptroller—not to say by the First Auditor. Sir, if party spirit, like a fiend, did not befriend and sustain this Secretary—pardon and whitewash his hideous deformities and delinquencies—blight all moral sensibility here in this Hall and at the White-house, he would be removed from office instantly, or be impeached. Go where you will—trace him anywhere, and you will find him dull, stupid, incompetent, neglectful, faithless, and corrupt. I mince no terms—fear no responsibilities. If he had the sensibilities of a man, he would demand a trial. Give me an honest jury, and I will, upon these papers, convict him!

Sir, the report of the First Comptroller confirms the report of the First Auditor:

"In relation to that portion of your communication of the 19th instant, in which you request the suggestions of this office as to the modifications and improvements that may be necessary in the present system of adjusting the accounts of collectors, or as to the further legislation requisite to prevent or immediately detect future defalcations, I beg leave to refer you to the joint report of the Solicitor of the Treasury and myself, dated at New York, the 15th ultimo, for my views as to the principal defects of the present system, and their remedies by legislation."

"Until efficient alterations, however, shall be made by law in the system of collecting, guarding, and accounting for the public moneys received by collectors of the customs, the principal check on embezzlement must, in the custom-house, be sought in the integrity and vigilance of the naval officer. The duties of this officer are highly responsible and important, and cannot fail, if properly performed, to aid materially in the prevention or detection of frauds. The law declares that 'the naval officer shall receive copies of all manifests and entries, and shall, together with the collector, estimate the duties on all goods, wares, and merchandise, subject to duty, (and no duties shall be received without such estimate,) and shall keep a separate record thereof, and shall countersign all permits, clearances, certificates, debentures, and other documents, to be granted by the collector; he shall also examine the collector's abstracts of duties and other accounts of receipts, bonds, and expenditures, and if found right, he shall certify the same.'"

"In the Treasury Department, much, also, it is conceived, might be done towards the prevention of the recurrence of defalcations like that in question. In the office of the First Auditor, it is understood that some years since a record was kept of all duty bonds taken, a thorough examination of which, in every rendition of the quarterly abstract of bonds liquidated and bonds in suit, could scarcely fail to lead to the detection of any attempt at fraud, in withholding the amount of any one of the bonds recorded. This branch of the subject, however, it is presumed, will be more satisfactorily discussed in the report of the First Auditor, to whom it more properly appertains."

"The abstraction of the amounts paid on bonds never returned as liquidated forms about one half of the entire defalcation of the late collector at New York. Of the other moiety, the two principal items are cash held on deposit to meet unascertained duties, and cash retained ostensibly to refund duties paid under protest."

"In connection with the abstraction of those sums, as well as of those paid on bonds, I would observe that, until a few years past, the account current received at the office of the First Auditor, with the quarterly accounts of collectors, were called for and compared, in the office of the Secretary of the Treasury, with a record therein kept, and with the several returns rendered to the Secretary, in conformity with the requisitions of his circular, dated the 14th of October, 1818, and repeated on the 14th of November, 1825."

"The list of returns thus rendered, embraced the following: A weekly return of moneys received and paid; a monthly return of debentures paid; a monthly abstract of bonds put in suit during the month; a monthly summary statement of duties collected; a monthly schedule of bonds taken and liquidated during the month; and a quarterly return of the moneys received and paid under the acts for the relief of sick and disabled seamen."

"Those examinations and comparisons would, it is conceived, be greatly useful, and especially when it is considered that the returns thus rendered to the Secretary, weekly and monthly, are the only returns of the kind received by the Department within or during a current quarter."

"Should it be deemed proper to revive the practice, it is suggested, to obviate the inconvenience and delay in the office of the First Auditor attending the use, in the office of the Secretary, of the account current, that the collectors furnish those documents in duplicate."

I have the honor to be, very respectfully, sir, your obedient servant,  
J. N. BAKER.

Hon. LEVI WOODBURY, Secretary of the Treasury."

Now, sir, be it remembered that this Administration and the preceding are both alike distinguished for the doctrine that the Executive was a unit—"that it was the President's duty to take care that the laws be faithfully executed." Why has not this duty, so strenuously insisted on with the view of maintaining Executive prerogative, been performed in discharge of Executive obligation and responsibility?

I am now done with the review of these cases. And, after what I have laid before you, let me ask—"What use would there be in humbling ourselves to become spies and censors to report defalcations and crimes to this Executive, with a view to a prompt

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removal from office? Why pass laws to enact that the application of public money by an officer of Government to private uses shall be a felony? Will reports or statutes avail anything? Vain and idle! they would the more cloak and conceal and protect these plunderers! The President, if he will, may say, as the Duke of Vienna, disguised as a friar in his own capital, that he might overlook the actions of his people:

"My business in this State  
Made me a looker on, here, in Vienna;  
Where I have seen corruption boil and bubble  
Till it o'erran the stew. Laws for all faults,  
But faults so countenanced, that the strong statutes  
Stand, like forfeits in a barber's shop,  
As much in mock as mark."

Pass any pains and penalties, adopt any system of laws you please—United States Bank, pet bank system, sub-Treasury—and let me ask if either could be expected to work well in the hands of such men who "countenance" such "faults?" Sir, we are told by that philosopher in government, William Penn, that the best system will be as the worst if badly administered by bad men; and that the worst system will be as the best, if righteously administered by good men. Yes, sir, a change of men is what is wanted—a general turn-out of all faithless trustees and servants.

I must bring my remarks to a close—I am aching from my head to my hips. But, sir, did I tell the truth or a falsehood in 1836. Have the Executive Departments been conducted with integrity and ability? Let every honest man answer. Add the defalcations of Swartwout, Price, Gratiot, Reckless, Boyd, Harris, Linn—the whole list, and tell me how much was stolen in 1836? But, sir, it is all to be thrown on the poor banks! How much in default have the banks been? The Secretary's annual report says:

"First. A list of the banks still indebted to the United States for defaults previous to the close of 1834, none of which are believed to have given originally any collateral security, is annexed, [M.] The whole amount now due, without computing interest, equals \$1,000,676; and a great part of this must be regarded as a total loss.

"Secondly. Another list of indebted banks is annexed, most of which gave collateral security, [N.] The remaining dues from them to the Treasurer, on defaults accruing between 1834 and October, 1837, though at first very large, have been reduced to about \$2,400,000; and most, if not all, of these debts, with some others, owing to public disbursing officers for money on deposit, it is confidently expected will, in the end, be paid.

"The first installment due from those which have since executed other bonds and given new security, under the act of October, 1837, has been promptly met, and portions of the second have already been advanced by some of them. Suits are pending against only two, on account of their liabilities."

According to this, nothing has been lost since 1834 by banks. How much by sub-treasurers? The same report says:

"Thirdly. The eventual losses sustained from receivers and collectors, while, as a part of the bank-deposit system, they were collecting the public funds, to be afterwards placed for safe-keeping in banks, were, at the last session, estimated at a sum ranging from nine to twelve hundred thousand dollars.

"Collateral security had generally been taken of these officers; but, in former times, it was not always in so large amounts and with so great care as of late, and consequently most of the foregoing losses happened many years ago.

"A list of all those officers who, on the 15th of October, 1837, the time designated in the resolution of the House of Representatives, stood on the books of the Treasury as having neglected to settle their accounts in season, may be seen, with the amount charged to each, in the printed report made on the 15th January last. (Doc. No. 111.) But several of these were not then actually indebted to the United States, though, having neglected to adjust their accounts at the Treasury, they came within the express words of the resolution, and consequently were included."

Here, sir, you may judge of the truth and justice of this officer's reports. He reports losses by receivers and collectors at from nine hundred thousand to one million two hundred thousand dollars only, when we know that the defalcations of Swartwout alone exceed the largest sum! Sir, the banks are to be blamed, whether they lost or embezzled the public moneys or not; but the only sin of sub-treasurers is in being caught! They may pick and steal at pleasure, but they are especially to beware of detection! The Administration says as to them: "Better let it be!" Phillips even intimates that it is all owing to the banks! Sir, the last inquiry is: what are to be the consequences and effects of these defalcations?

I have nothing to say now as to the public morals or public credit. They are subjects above

these times. No, sir, no. I learn what is to be the effect here—here only—by listening to the Administration's shout of those old worn-out, humbug watchwords, "economy! retrenchment! reform!" After the President and Secretary have permitted all the public money to be stolen; after they have stimulated and encouraged the Government and the people to the utmost extravagance; after raising expenditures to \$40,000,000, and creating another public debt, they now, from necessity, prudently recommend to our patience and self-denial a becoming economy! economy!—that is the word.

The fact is, they must starve and be disgraced, unless they reduce expenditures. They turn, now, from electioneering with the public money, after it is all spent, and electioneer, in turn, with the watchword economy!—economy! And upon what is this economy to fall? What objects are to be made the victims of defalcations and financial bankruptcy?

Sir, we are told by Mr. Secretary that some of the most beneficial appropriations are to be arrested. The States were led to expect that they would receive the fourth installment of your distribution act—an act, by-the-by, for which I never voted, but would now execute to the letter. Why? Because you, by your own voluntary legislation, led them to expect the facilities which the act afforded, for the promotion of their systems of internal improvement and education, and they have been led to legislate on the faith of your action here. Now, we are told, their hopes must be disappointed, their systems of moral and physical improvement arrested, and the ordinary appropriations here to like objects must be stopped, and why? Because the office-holders have squandered and run off with the public treasures!

And, sir, the system of light-houses is to be destroyed, in conformity with the policy and interest of this Administration—to put out the lights! The eyes of commerce are to be put out or blinded, to support the extravagance and profligacy and frauds of office-holders!—Sir, during the past disastrous fall season on the Atlantic coast, the shores of my district have been literally strewn with wrecks from the raging deep. A few days before I left home, \$150,000 worth, at least, of dry-goods, was floating on the sand beaches of Northampton county, Virginia, from the wreck of a single brig. For years I had been endeavoring to have a light-house put near the very spot where this vessel bilged upon the bar. A large cargo of cotton, and several other wrecks, came ashore, to remind us daily of the improvements necessary on our coast to protect life and property. A star of the ocean is needed on almost every promontory, as much as the north star in the vault of the sky; but they are all to be dimmed, and never to give light to the sea-beaten mariner, because Swartwout and Price and Gratiot, *et id omne genus*, have carried off the means of buying the lamps!

This is not all. The widows and orphans of your revolutionary heroes and patriots are to be deprived of their bread earned by patriotic toil. All pensions are to be stopped for the sake of parasites and public plunderers. The people are to be denied all the blessings and boons of their Government—and for what? To pamper your pretorian bands, your legions with the means of good living and display; to tempt the Swiss corps who long for their portion of the spoils; to furnish your renegade Democrats with millions to sport their fraternity of defaulters in the splendor of Europe; to endow your Boyds with principalities of the public domain and mints of public money; to bribe and buy up enough of the mercenary and vile in the land, to retain for you the power which you have ignominiously obtained, and which you have flagrantly abused, and the places which you have faithlessly filled and shamefully dishonored!

This is but an epitome of the history of your outrages upon the morals, the law, and liberty of a still glorious country, which you are degrading to the bondage of a money power, which you profess to abhor—a country which you are ruining by an absolute Executive, which you do profess to worship! If the fathers of the country could now rise from their tombs, and enter this their temple—"which should be called of all nations the house of" liberty—what would they say? What was

said to the money changers in the temple at Jerusalem—"But ye have made it a den of thieves!" And, sir, what think you would your chief priests and scribes say, even to them? What they have said to me: "By what authority doest thou these things?" But, sir, I cannot say of your priests and scribes as is said in Holy Writ of the Jewish—"They feared the people!" No, sir, your arrogance has surpassed all fear, all bounds of caution. If the people do not soon make you fear them, you will be past the remedy of reform by their power.

Why not make your economy fall upon the salaries of your "trained bands," your office-holders? Go for a reduction of salaries; in that I will support you. Sir, the other day, when the Globe published the debate in the Senate upon economy—economy echoed by your party there—it contained, in almost immediate juxtaposition, an advertisement of poor Gratiot's furniture. Here it is: the Globe, you know, as General Jackson says, never lies! Here it is:

"EXTENSIVE SALE OF RICH AND FASHIONABLE FURNITURE.—Will be sold on Wednesday, the 26th day of December, instant, commencing at half past ten o'clock, a.m., at the residence of General Gratiot, F, near twenty-first street, if fair, (if not, the next fair day thereafter,) his splendid furniture, consisting of very superior Saxony Imperial Carpets, elegant Grecian Mahogany Chairs, Sofa and Ottoman, covered with crimson silk plush, large French Mantel, pier Mirrors, rich Mantel Lamps, elegant Console Table, with Egyptian marble top, Center Table with marble top, fine-touted Chickering Piano, Stool, and Music Stand; with various other articles of Drawing-room Furniture; very handsome Berlin Iron Grates; also, very superior bed-room Furniture, consisting of elegant Dressing Bureaus, with fine Mirrors and marble tops; Inclosed Washstands, with marble tops, Mahogany Bedsteads, fine Hair Mattresses, Feather beds and Palliasses, Imperial three-ply Carpets, Mahogany Wardrobes, &c. The whole of the above furniture was made to order in the very best style; a large part has been in use but a short time, and was made in Philadelphia.

"Also, the very elegant Table Furniture, consisting of a large dinner service of Plated Ware, two sets of Dinner Porcelain, one very rich Dessert Service, Tea Set to match the whole, imported from Paris, a white and gold Tea Set, one India Dinner Set, together with a quantity of rich Cut Glass.

"A large assortment of kitchen furniture, stoves, &c., with furniture for servants.

"A small stock of choice Wines and Liquors, namely, Madeira, various kinds, in bottles, very old French Brandy in bottles, choice Whisky, "Rauux Oil of Rye," bottles and demijohns, &c., &c.

"Terms of sale: All sums of and under \$50, cash; over \$50 and not exceeding \$200, a credit of sixty days; over \$200, a credit of ninety days; approved indorsed negotiable notes will be required. The house will be open for the examination of the furniture, &c., on Monday, the 24th instant, from ten to two o'clock."

"EDWARD DYER."

How many poor "unwashed and uncombed" children in your district and mine, sir, would this costly furniture of a splendid defaulter educate? How many sons of unworthy sires would it raise, elevate in virtue above the price of a Price? Sir, the substance of the people; their education; their commerce; their systems of improvement; their funds of honor and gratitude, are all to be sacrificed to the appetites of corrupt partisan harpies! Such, sir, are the consequences of your great and glorious, immaculate "economy, retrenchment, and reform Administration!"

Sir, "in piping times of peace," the great service a Representative can render is to save the public money. I have faithfully endeavored to discharge this duty; to save the public money from wicked rulers, and to preserve the purity and virtue of both the people and their servants from the temptations of a splendid Government and a wicked Administration. If I have done nothing towards this end, it is not my fault. The task has been a hard one. I have had to labor at the oar against wind and tide; against a most powerful and popular President and party; against you, sir, your committees, and this House. But the blaze of glorification is espied. Thank God, the day-star dawns from on high. There is now hope of salvation; an hour of retributive justice is coming; Truth, though slow, is coming gradually along with her torches! I have been waiting for her long, but never without hope. I have had to carry my life itself in my hand; the harness of deerskin and cold steel and iron has often galled my shoulders; an armed arsenal against the king's forces—they are dangerous when there are such rich spoils; but I have escaped unscathed, thank God! though my slanderers and persecutors and revilers would have the world believe

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that my war upon corruption has not been bloodless.

I care not for these aspersions—they pass me as the idle wind. Much less have I regarded some good, honest friends who have assisted to "damn me with the faint praise" of doing, or trying to do, some good—notwithstanding my faults and indiscretion. Sir, what other course could I pursue but that of fearless boldness—ay, apparent recklessness? But this is egotism. I know who will defend me—who do back me. I have my reward—the only reward I ever looked for—at home, in the affections of my people. Yes, sir, my people! They are mine, because I am theirs—in devotion, in sacrifice, in service—in good report, in evil report—theirs not politically, personally theirs! And all your party and all its power cannot separate me from my people, or shake me in their confidence. I must myself first forfeit it, before I am ever by them distrusted, or proscribed. They will pardon my infirmities, and indulge my weaknesses, provided I remain true to them, and their country. May Heaven reward them and their children's children as they reward me! But, sir, I had rather have been fighting for them in the Florida swamps, with blade against tomahawk, than to have been warring as I have upon this almost overwhelming power of corruption! Dangers beset you in every path in this war—dangers of life and limb; dangers to character, dangers in fact to your own virtue. No man can oppose himself to universal corruption here, without having all his virtues tempted and tried as in a fiery furnace. My hope is in the majority of the next House of Commons. The empire State has declared for the people against the President.

That now is the issue: shall the people or the President prevail? The contest is no longer about measures. The sub-Treasury may be proved to be the best system which the wisdom of man could devise; but, sir, the President and his minions have dared to force it upon us, have arrogantly proclaimed it shall be the law, "notwithstanding the lamentations here or elsewhere!" The measure has been thrice rejected; it is again presented; and, if passed, will prove that the President is too strong for the people. In this issue, I can no longer debate its policy or expediency. Another consideration is paramount. I oppose it now because it is an Executive measure. Prove it to be the best, I would have my arm chopped off, my tongue pulled out, before I will be forced to vote for it by the will of one man. I will not have "pudding itself stuffed down my throat!" There was a majority of fourteen against it last winter; now, I fear, a much smaller majority. Some have gone over! No wonder. The President, notwithstanding the manifestations of public sentiment, has all the odds against the people. He has one hundred thousand officeholders to do his bidding, stationed at every outpost—spies, informers—throughout the country. He has the press; he has the public money wherewith to pay "the bounty," unprotected by law, in hands of partisans, placed where he pleases, distributed as he pleases. He has the public lands. This is the great source of patronage and power.

Sir, how can State-rights men support this mammoth Executive? How expect a large portion of the States to be free and independent, and stand upon their reserved rights against power consolidated in the hands of the Executive of the Federal Government; when every new State is raised, nurtured into very being and existence upon Executive pap and patronage? Look at every new State on your frontier, and count their Executive force in the Senate! This is the domain corruption which buys and secures States—the other sources of patronage, offices and money retain men. Men and States will render the President omnipotent! I call upon all the patriotic of this land to drop currency, banks, finance—every minor consideration and topic—and to devote themselves wholly to the great work of resisting and reducing this Dagon Executive—to come up to our help—to come soon, or we will be powerless to resist! May an overruling Providence prevent the reduction of our strength to a weak minority before this very session expires! The President has but a short time to "fatigue us into compliance," but if the "favorite measure" be passed, no tongue can tell the horrible results to this nation. It will surely re-

elect him to a second term; and who will succeed him? That is the last great question. Let me tell certain gentlemen of the South particularly, no matter what may be their hopes and their calculations for their man, there is one whom I cannot call a man, who is as sure of the succession as he surely deserves nothing but ignominy and disgrace—that monster is Thomas H. Benton!

The SPEAKER. Not in order.  
Mr. WISE. "The man" of Missouri, then; and who can bear the thought? I hold the horrible result up to the American people as the last, worst result—the climax of horror—of the present corrupt dynasty! When that happens, I will follow the examples of Swartwout and Price, and take passage for England!

## UNITED STATES BANK.

## SPEECH OF HON. W. C. RIVES,

OF VIRGINIA,

IN THE SENATE, December 20, 1838.

The following resolutions, offered by Mr. RIVES yesterday, being taken up for consideration:

*Resolved*, That the Secretary of the Treasury communicate to the Senate, at as early a day as practicable, the information called for under the following heads of inquiry:

1. The period at which the third bond of the Bank of the United States, sold to that institution, amounting to \$2,251,871.38, was placed to the credit of the Treasurer on the books of the bank; the terms on which it was negotiated; the person acting on behalf of the bank, with whom the negotiation was made; the particulars of any understanding or agreement that the proceeds of the same should be left on deposit with the said bank until wanted in the ordinary disbursements of the Government; and what understanding or arrangement, if any, has taken place respecting the benefit which might accrue to the bank in the transfer of money it should make to distant places on account of the Government.

2. The period when the sum of \$1,600,000, in part payment of the second bond of the Bank of the United States, was placed to the credit of the Treasurer by that bank; and the nature of the agreement or understanding had in reference to the payment of a part of said bond before, and of another part after, it became due.

3. Whether any sum or sums of the public money have been deposited in the Bank of the United States other than those derived from the payment or sale of its bonds; if so, the amount and date of each deposit, and by whom and by whose authority and direction they were made.

4. The aggregate balance standing weekly to the credit of the Treasurer in the Bank of the United States, its branches or agencies, whether subject to draft or not; as well as the weekly aggregate balance in the Treasury from the time the first deposit was made in the said bank of moneys arising from the payment or sale of its bonds up to the present period.

5. A list of all the branches or agencies of the said Bank of the United States on which the Treasury Department has drawn drafts; the amount of public moneys directed to be placed at each, and of the drafts severally drawn on them, and the rates of exchange between Philadelphia and each of the places to which sums were ordered to be transferred.

6. The amount, so far as it can be conveniently ascertained, that has been drawn from the Bank of the United States, its branches or agencies, in notes of said bank, for paying Indian annuities, or other claims of the Indians on the Government, or for defraying the expenses attending the removal of the Indians, and, in general, the nature of the "arrangements," if any, made for the more distant public disbursements in the notes of the bank, together with all the correspondence, agreements, and instructions, given or entered into, connected with any or all the heads of inquiry above stated.

*Also, resolved*, That he communicate the nature of the arrangements made with him by those banks in which, according to his report of the 3d instant, portions of the public money have been "placed to the credit of the Treasurer on special deposits," the kinds of money in which the said "special deposits" were made, whether the same were entered on the books of the bank, whether the identical moneys deposited have continued to be held by the banks, whether the drafts of the Treasury Department that have been drawn on those deposits have been paid in the specific moneys deposited, and whether the balances remaining are part and parcel of the very moneys originally deposited.

Mr. RIVES said: The resolutions just read, Mr. President, carry, in a great measure, their purpose and intention on their face. Still it may be expected of me to state somewhat more in detail the particular views with which they are offered, and the scope of the information they are designed to elicit. The first resolution, it will be perceived, relates to the negotiations and transactions which have recently taken place between the Treasury Department and the Bank of the United States, and is intended to ascertain the precise relation which at present exists between the Government and that institution. For several months past rumors of an extraordinary character have prevailed, that notwithstanding the

convulsions through which the country had passed, to put an end to the fiscal connection formerly existing between this institution and the Government, the Treasury Department had recently entered into arrangements with it, which, to a great extent, renewed that connection. Rumors of this sort could not fail to awaken a high degree of anxiety, as well as surprise, in the public mind. When the "seven years' war," which had been prosecuted by the party in power to put down, and keep down, this institution, was recollected; when the constant and loud denunciations directed against it by the Administration and its friends, were still ringing in the ears of the people, they were slow to believe that so sudden and extraordinary a change of position could have taken place on the part of the Government.

It was true that the Bank of the United States now held its charter under the authority of the State of Pennsylvania, and not of the United States. But this circumstance, according to the declared opinions of the Administration and all its present prominent supporters, had not changed the essential character of the institution or lessened its dangers to the country. The head of the Administration himself took an early occasion, after the recharter of the bank by the State of Pennsylvania, in a letter addressed to an assemblage of his fellow-citizens, called together to celebrate "the emancipation of the country from the thralldom of the bank," to declare that this institution, under its State charter, "was still the same power, fighting under the same panoply, and only varying the manner of its approach." The Senator from Pennsylvania, [Mr. BREHMAN,] I need not say one of the most distinguished champions of the Administration; had also addressed a letter to his fellow-citizens, in which he eloquently and forcibly denounced "the Bank of the United States as rechartered by his own State." He pronounced it to be "the very same monopoly which had heretofore convulsed the country, with the same capital of \$35,000,000, owned by the same stockholders, (except the United States,) and guided by the same controlling will"—"the same monster bank, recalled into existence by the Legislature of Pennsylvania, but with powers and privileges greater and more dangerous than those which had been conferred on it by Congress." The Senator from South Carolina, [Mr. CALHOUN,] now a leading supporter of the financial policy, at least, of the Administration, had also signaled his zeal in the same cause. We all recollect the alarm he manifested, both during the extra session and the late annual session of Congress, lest this dreaded institution should repossess itself of the Government deposits; and that he declared he should consider such an event as one of the deepest disgraces, as well as direct calamities, which could fall upon the country. It was but the other day we saw a published letter of the Senator from Missouri, [Mr. BENTON,] in which, speaking of the present Bank of the United States, he declares, in his emphatic phraseology, "we know it is more wicked, and we have the authority of its president that it is more powerful, than ever."

With these accumulated maledictions of the Administration and all its leading supporters on the present as well as the former Bank of the United States, after the solemn and constantly repeated declarations of uncompromising hostility to it, was hard to believe, without the most unequivocal proofs, that the Administration could have entered into any connection with so denounced and dreaded an institution. Notwithstanding, therefore, the developments which, from time to time, gave an increasing probability to the rumors of this connection, the public mind was still incredulous, and awaited with anxiety the further disclosure of facts. In this state of things, Congress assembled, and everybody looked with confidence to the annual report of the Secretary of the Treasury to clear up all mystery on a subject which had attracted so much of the public attention, and which deeply concerned the character of the Government as well as the interests of the people. But, instead of information, there seemed to be a studied reserve and ambiguity, and almost total silence in the Secretary's report on the whole subject. Although he had been charged by an act of Congress with a special trust,

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to sell the bonds of the bank held by the United States, and nothing seemed, therefore, both more natural and proper than that he should render to Congress an explicit account of the manner in which he had executed that trust, yet all that he says of the slightest importance on that subject is comprehended in this single oracular line: "The sale of one of the bonds becoming expedient, it was effected within the limitations prescribed." Of the specific terms of the sale, to whom sold, the mode of payment, and other particulars of the transaction, he is altogether silent. It had been stated, and generally believed, that the bond had been sold to the bank itself. But there is nothing in the report which gives the slightest intimation of who the purchaser was. Then, as to the proceeds of the bond, what was done with them, where deposited, how applied, there is the like mysterious reserve and ambiguity. There is nothing in the report of the Secretary even to assist conjecture on this point, but a small document subjoined to his report, which he calls "a list of banks in which special deposits have been made to the credit of the Treasurer of the United States, derived only from debts due from banks, and the amount in each subject to draft on the 1st of December, 1838." This list comprehends but two banks—"the Bank of the United States, of Pennsylvania, in which the amount is \$1,738,488," (one million seven hundred and thirty-eight thousand four hundred and eighty-eight dollars,) and the "Bank of Virginia, Richmond, with the pittance of \$32,146," (thirty-two thousand one hundred and forty-six dollars.) Now, whether these deposits in the Bank of the United States are the proceeds of the sale of its bond, or of whatever other funds they may consist, we are left wholly in the dark. We are told, with a vague generality, that they "are derived from debts due from banks;" but from what banks, from the Bank of the United States itself, or from some other banks, or part from one and part from another, we are left without any means to solve the enigma. From this singular and ambiguous phraseology, it would seem as if the Secretary were desirous to cover up, by the obscurity of his language, all traces of his negotiations with the monster bank, as one honorable Senator from Pennsylvania [Mr. BUCHANAN] graphically describes it.

But, in the midst of the darkness in which the Secretary's report had enveloped the subject, a broad and strong light breaks in upon us, all at once, from another quarter of the horizon. Within the last two days we have an account of these negotiations and arrangements from the other high contracting party—the president of the bank himself. He shows nothing of the coy reserve and diplomatic vagueness of the Secretary; apparently conscious that, if there has been any loss of dignity, or of advantage, or of consistency, in the negotiations with his ancient adversary, it was, at least, not on his side: everything in his statement is direct, explicit, positive, and unequivocal. He announces to the country, through his letter to Mr. Adams, that his differences with his old antagonist are settled; that "he has no longer controversies with the Government of the Union;" that "arrangements had been made"—he courteously adds "as honorable to the executive officers as beneficial to the public service"—"which had brought the Government into efficient coöperation with the bank for the reëstablishment of the currency;" yes, sir, had brought (mark the phrase) the Government into efficient coöperation with the bank; that "in the month of July the Government had agreed to receive an anticipated payment of the bonds of the bank, to the amount of between four and five million dollars, in a credit to the Treasurer on the books of the bank;" and, also, that "arrangements were made for the more distant public disbursements in the notes of the bank." Under these circumstances, the bank is willing to disarm; it proclaims a cessation of hostilities; "it abdicates its involuntary power," and "desires only repose." It may well, indeed, retire from the field of controversy, under such circumstances, to "repose" on the laurels of its victory.

Now, Mr. President, this letter is the first official information we have had of who the purchaser of the bank's bonds was. It shows, as had been generally believed before, that they were sold to

the bank itself—a fact which, from some cause or other, the Secretary seemed sedulously to withhold. It shows also in what manner the bank was to pay the purchase money of the bonds, which the law required should be sold for "money in hand." "The Government," says Mr. Biddle, "agreed to receive payment 'in a credit to the Treasurer on the books of the bank.'" But the Secretary of the Treasury, speaking of the Government funds in the bank, describes them (as we have already seen) as special deposits. Presuming that the public funds in the bank are, for the most part, at least, of the proceeds of the sale of its bonds, it will be for the Secretary to show what sort of a special deposit can be made of a naked credit on the books of a bank. This, it seems to me, would be a sort of *iusus nature* in banking accounts. The president of the bank also says that the Government had agreed to receive an anticipated payment of its bonds to the amount of between four and five million dollars. The only anticipated payments shown by the Secretary, in his statement of the Treasury receipts for the year, are one of \$2,254,871, being the proceeds of the third bond, and another of \$1,600,000, part of the second bond, being an aggregate of \$3,854,871—\$3,854,871 only. The president of the bank finally informs us that "arrangements were made for the more distant public disbursements in the notes of the bank." The Secretary is wholly silent as to any such arrangements. He will, doubtless, be glad of the opportunity I propose to afford him of explaining these discrepancies and omissions, and of showing on which side the error or fault lies.

At all events, these transactions should be thoroughly and distinctly understood by the country. The character of the Government and the public interests demand it. Was the sale of the bank's bonds, as their conversion into credits on the books of the bank has been called, a simple and naked transaction of sale, or was it not connected with stipulations and conditions that the bank should have the deposit of the public moneys accruing from them, till they were wanted for actual expenditure; that it should enjoy also the benefit arising from the unequal rates of exchange, in transferring them to the points where they would be required for disbursement; and that the circulation of the bank should be aided and extended by the Government by its making use of the notes of the bank in its more distant disbursements? Has the bank been made depository and fiscal agent of the Government for the sums arising from the sale of its bonds only, or for other sums also transferred to it from other sources? All these are questions to which the public attention is keenly awakened; and it will be satisfied with nothing short of a thorough elucidation of them. If the hostilities so long existing between the Government and the bank have all of a sudden ceased, and their controversies been happily adjusted, as the president of the bank informs us, the country is interested in knowing on what terms, and by what means, the adjustment has taken place. Is the cessation of hostilities an armistice only, or a final pacification? Is it a treaty of peace, or of both amity and peace? Is it an alliance, or a convention of subsidies? If an alliance, is it offensive and defensive, or defensive only? If a convention of subsidies, which party pays the subsidies, and which furnishes the contingent of auxiliary troops? If, finally, the bank "abdicates its involuntary power," is it a total and complete renunciation of its claims to empire; or does it abdicate the throne only that it may be "the power behind the throne greater than the throne itself?"

These questions acquire a still graver character and deeper interest from the significant speculations indulged on the appearance of Mr. Biddle's letter by certain leading journals known to be friendly to the bank, and supposed to be, more or less, conversant with its views. One of them, commenting on the letter of the president of the bank, says, "the bank will, no doubt, in the course of a short time, by an insensible process, become the fiscal agent of the Government." Another, with reference to the same letter, says, "it will be a curious and not improbable spectacle if we see, through the instrumentality of concurring circumstances, a national bank reëstablished without the action of Congress," &c. A national

bank reëstablished without the action of Congress! What easier or simpler than to do it, by the "insensible process" already commenced? Let the Executive, at his own will and pleasure, adopt the Pennsylvania Bank of the United States as the fiscal agent and depository of the Government—let it join the weight of the public revenues to the already enormous capital of that institution—let it superadd the credit arising from a connection with the Government to the extensive and pervading operations in which the bank is engaged throughout the Union, and have you not a national bank reëstablished to all intents and purposes—reëstablished without the concurrence of Congress, and in despite of its authority? and would it not be a national bank of the most dangerous and worst possible kind? Created by the fiat of the Executive alone—allied with the Executive and dependent on the Executive—without any of those guards and securities against abuse which the legislative authority would provide—no committee of Congress to examine and report on its condition and proceedings—"the secrets of its prison-house" open to no eye but its own, and its relations with its political patron and ally screened from all knowledge but that of the high contracting parties themselves. The imagination of man cannot conceive a more perfect and fearful personification of that "concentrated moneyed power" which the President speaks of in his message, not "tempted" merely, but compelled by the law of its being, "to become an active agent in political affairs." *Obsta principis* is the admonition of wisdom in all human concerns; and now that the "insensible process" is just begun, which, if not arrested, may terminate in a connection so dangerous and fatal between this powerful institution and the Executive, I come forward, and as was done on the occasion of another memorable coalition in another country, in the name of my country, I forbid the bans.

But I have still another and more extensive object, Mr. President, in moving the resolutions on your table. I desire to show, by the acts of the Administration, that, whatever dissertations and homilies the executive officers may favor us with, on the sub-Treasury system, and in favor of a divorce from banks, they have, by their practice, borne the highest of all testimony to the superior safety, convenience, and other advantages of banks as depositories and fiscal agents of the Government. Since the suspension of specie payments by the banks, according to the construction put upon the deposit act of June, 1836, by the Secretary of the Treasury, and concurred in by the Committee on Finance of this body, there are hardly any banks which are competent to be employed as depositories under the provisions of that act. By that law, it is said, no bank can be legally employed as a depository of the public moneys, in the manner and on the terms contemplated by it, which may have at any time since July 1, 1836, issued notes of a less denomination than five dollars. This being the case with nearly all the banks, the consequence has been that the Treasury Department has been left almost entirely to its own discretion as to the manner of keeping the public money; and, in the exercise of this discretion, it has continued, for the most part, still to employ banks as depositories, styling them, however, special instead of general depositories, as they would be under the act of June, 1836. It appears from the annual report of the Secretary, now before me, that there are at present sixteen banks (including the Bank of the United States) so employed, at the discretion of the Department, over and above the four which still remain general depositories, under the provisions of the law of June, 1836. The public moneys deposited in these sixteen banks are described by the Secretary as placed there on special deposit; but I apprehend these special deposits vary, in no essential respect, from the general deposits made in banks under the provisions of the act of 1836. I have, therefore, added to the resolution respecting the transactions with the Bank of the United States, another calling upon the Secretary for precise information as to the nature of his arrangements with the whole of the sixteen banks in which public moneys have been placed on special deposit, requiring him to state in what kinds of money these special deposits

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have been made; whether they have been held in the identical moneys originally deposited, and whether the drafts drawn upon these deposits have been paid out of, and the balances remaining exist in, the very moneys originally deposited, and none other. The answer to these queries will serve to test the true character of the Secretary's special deposits, and, unless I am greatly deceived, will prove them to be nothing but a delusive play upon words.

In reviewing the list of the different public depositories, contained in the annual report of the Secretary of the Treasury, this singular and striking state of things appears: that while the sub-Treasury system is still urged upon us, and the Secretary of the Treasury has, in the existing condition of things, full discretion to direct the keeping of the public moneys as he thinks best, of an aggregate of public moneys in the possession of all the different depositories, amounting to the sum of \$4,599,300, the sum of \$2,879,665 is deposited in banks, \$1,320,827 in the four mints, and the sum of \$398,818 only at present in the hands of collectors and receivers. Could there be a stronger testimony than this involuntary tribute on the part of the Secretary of the Treasury to the superior safety and convenience of banks as public depositories? Of the sum of \$2,879,665 deposited in the banks, 235,114 only is deposited in banks employed under the provisions of the act of 1836. The balance, to wit, \$2,584,451, is deposited in banks employed at the discretion of the Treasury Department, and, of that, \$1,738,488 in the Bank of the United States alone.

The practice of the Executive, then, even while professing to have adopted the sub-Treasury system, affords the most implicit recognition of the superior value and advantages of banks as depositories and fiscal agents. They deprecate, it is true, a connection with banks; but it is a legal connection, sanctioned and regulated by law, it seems, which they deprecate, not one depending on Executive discretion. Not only the practice of the Administration, but the express language both of the President and Secretary of the Treasury, recognizes the high, and, in the present condition of the commercial world, I might add, almost indispensable utility of bank agency in the fiscal operations of the Government; but they are for leaving the employment of banks to the will and discretion of the administrators of the Government. The Secretary of the Treasury, while reasoning in favor of his sub-Treasury scheme, says:

"An appropriate and occasional use would still be made of the banks by the Treasury, as is done by others, whenever convenience should require it. But neither party would be forced into a species of vassalage—a constant, necessary, and dependent connection," &c.

The President, in his message, taking up the same idea, says:

"Banks, like other State establishments, may be used or not, in conducting the affairs of the Government, as public policy and the general interests of the Union may seem to require. The only safe or proper principle upon which their intercourse with the Government can be regulated is that which regulates their intercourse with the private citizen—the conferring of mutual benefits. When the Government can accomplish a financial operation better with the aid of banks than without, it should be at liberty to seek that aid as it would the services of a private banker, or other capitalists or agents, giving the preference to those who will serve it on the best terms."

It seems, then, that the Secretary of the Treasury and the President are by no means against the employment of banks, but they are against tying up the hands of Executive discretion in their employment. "An appropriate and occasional use may be made of them by the Treasury," says the Secretary, "whenever convenience should require it." "They may be used or not," repeats the President, "as public policy and the general interests of the Union may seem to require;" and "the Government should be left at liberty to seek their aid as it would the services of a private banker," &c. Who, I would ask, under this system, would be the judge when "convenience," to use the language of the Secretary, or "public policy," according to that of the President, required the use of banks? Of necessity, the Executive—the Department charged with conducting the "financial operations" of the Government.

Now, with due deference, I must be permitted

to say, Mr. President, that of all the systems yet suggested for conducting the finances of the country, this, to my mind, is fraught with the deepest dangers to the public liberty. What, sir! banks "to be used, or not," as fiscal agents, according to the President and Secretary of the Treasury may determine it to be useful, politic, or convenient to do so! The consequence would necessarily be to put all the moneyed institutions of the country under the power and at the devotion of the Executive. No rule of law being established regulating the employment of banks—no limit fixed to the number which might be employed, or terms prescribed on which they should be employed, as one might be employed to-day and another to-morrow; as those already employed might be dismissed, and new ones taken into the service of the Government, at the sole will and pleasure of the Executive—what would this be but to convert the whole community of banks into suitors for Executive favor, and to subject them to the dominion of Executive power? Under this system, if the Executive so willed it, the sub-Treasury scheme might be carried out, in one section of the country, with all its desolating exactions of specie, runs upon the banks, &c.; while, in another, banks would be the favored agents of the Government, and, through them, every facility be given to the operations of industry and trade. What would this be, I again ask, but to create in the hands of the Executive a power absolutely despotic over the pecuniary concerns of the people? It would give to the Executive not merely that "exclusive custody and entire control of the public moneys" which is the great end of the sub-Treasury scheme, but it would invest them with a sweeping dominion over the whole of the moneyed institutions of the country. To so fearful an accumulation of power in the hands of a department of the Government whose patronage and influence have already proved an overmatch for the Representatives of the people and the States, and, I sometimes fear, for the people and the States themselves, I, for one, will never consent. No, sir; if banks are the safest depositories and best fiscal agents of the Government, as I believe them to be, and as the practice, and in a great degree the language, of the Administration, admit them to be, let their employment be regulated by law; let the number to be employed be limited by law; let the terms and conditions on which they are to be employed, the manner of their selection, and the services they are to perform, be all defined by law; let the power of the Executive over them be strictly guarded by a legislative declaration of the sole causes for which, when once employed, they shall be discontinued, and requiring, in every such case, a prompt report to Congress of the special reasons of the discontinuance. In so grave and important a trust as the care and management of the public treasure—one, too, so peculiarly the province of the legislative department to supervise, and which, in all countries, is felt to be so intimately connected with the public liberty—let us leave nothing to Executive discretion which can be defined and regulated by law.

The progress of this great financial controversy has, as it seems to me, Mr. President, at length brought us to this single issue—a grave and portentous one it most assuredly is, but yet simple and disembarassed. That the State banks are to be employed as fiscal agents of the Government is, as I have shown, admitted both by the practice and language of the Administration. The only question is, how and in what manner they are to be employed? Are they to be employed at the sole will and pleasure of the Executive; or are they to be employed under the sanction, limitations, and responsibility of law? The sub-Treasury scheme, though still recommended, and even earnestly recommended in name, and intended, possibly, to be pressed in fact, is virtually abandoned in argument. The objections taken to it by its opponents have, one by one, been practically admitted, not only by the public reason, which has emphatically pronounced its condemnation of the scheme, but by the Administration itself. The great and vital principle of the system is the collection of the revenue in hard money. This, accordingly, was put forward most prominently in the message of the President at

the extra session of Congress, and was urged by him, with peculiar earnestness. The legislative discussion, during that session, it will be recollected by all of us, turned mainly on that fundamental principle of the system. It was found to be untenable in the open field of argument, and accordingly we have heard nothing more of it in either of the two subsequent messages of the President, or annual reports of the Secretary of the Treasury.

The next great question on which issue was joined, between the advocates and the opponents of the sub-Treasury scheme was the comparative safety of the banks and of public officers, as depositories of the public money. Notwithstanding the triumphant appeal we made to the past experience of the Government on this head, and the vast amount of losses which we showed, by the authentic records of the Treasury had been sustained from defaulting public officers, it was still contended that banks were less safe than individual agents, and reports were called forth from the Secretary of the Treasury, explaining away the conclusive testimony of his former reports, and making out, by certain recondeite calculations of interest and of alleged depreciation, a heavy loss in figures (though not in fact) against the banks, to offset the enormous defaults of public officers. But what does the Secretary now say under the teachings of "recent events," on reviewing his reports both for and against the comparative safety of banks as public depositories? "Banking institutions have never been regarded by the undersigned" (says Mr. Woodbury in his late annual report to Congress) "as a class of agents generally unsafe, when looking to eventual losses," or, as he says in another part of his report, "in relation to eventual payment." I should like to know from Mr. Woodbury what prospect of "eventual payment" he has from the sub-Treasurers who have recently fled the country, and put the ocean between them and the Solicitor of the Treasury.

In like manner, the President bears, in my opinion, the most impressive testimony to the superior safety of banks as depositories, by the extraordinary and unusual provisions he recommends to guard against the defalcations of public officers. He expressly says, indeed, that "the experience of every country has shown that public officers are not at all times proof against temptation." To countervail the force of this temptation, he invokes the penal legislation of Congress to "visit" the infidelity of these agents "with severe and ignominious punishment." But of what avail would be even the bloody code of Draco, when the improved methods of locomotion to which the enterprising and inventive genius of the age has given birth, and of which two of our sub-Treasurers have already availed themselves, afford so ready a means of escape, and of consequent impunity, under a foreign jurisdiction? Far better would it be, in my humble judgment, to heed the prayer which Divine wisdom has taught to human weakness, and to "lead not" public officers (who are but men) into "temptation," by committing to their custody large sums of the public treasure.

But the President, as if conscious that neither the rigors of legislative enactment, nor the vigilance of Executive supervision, could adequately provide for the safety of the public moneys in the hands of individual agents, has gravely submitted to Congress a proposition which, I must with all deference say, appears to me the most extraordinary on record, and utterly opposed to the spirit at least of the Constitution. What is it? Why, that Congress should appoint an ambulatory committee of their own body to look after the President's sub-Treasurers, to make "frequent examinations of their affairs and accounts," of which these officers, the President adds, "should have no previous notice," and then to "report to the Executive such defalcations as are found to exist." Yes, sir, a committee of Congress to hunt up defaulters, and report them to the Executive! Whose duty is it, I would ask, under the Constitution, to supervise and inspect the conduct of public officers? "The Executive power," by the Constitution, is expressly "vested in the President." He appoints the public officers, who are his agents and assistants in the performance

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of his high trust; he alone has the power of removing them, and upon him alone should rest the responsibility for their conduct, and the measures necessary to ascertain their fidelity or unworthiness. Congress is the legislative department, whose province it is to enact laws, the execution of which then devolves on the President. Congress can have nothing to do with the functions and details of administration, the responsibility of which rests on the President alone. A proposition, then, making them sharers in that responsibility through a committee of their body, to which should be assigned the subordinate and ministerial duty of "inspecting the affairs and accounts" of sub-Treasurers, and reporting "their defalcations to the Executive," I must repeat, appears to me utterly opposed to the principles of the Constitution; and wholly incompatible with the dignity of Congress. No, sir, even if the occasion were a legitimate one, we shall never see, I trust, a committee of Congress reporting to any other body than to Congress itself. If the President will have sub-Treasurers, he must look after them by agents of his own. As much as Executive power, I lament to say, has invaded and subdued the lofty spirit and rightful independence of the legislative department, we are not yet, I trust, prepared for a humiliation of appointing a committee of the American Congress as a corps of beadles to hunt up defaulting sub-Treasurers, and report them to the Executive. That so novel and extraordinary a measure should have been proposed by the President as a necessary means of guarding the public money from defalcation in the hands of sub-Treasurers, is the most emphatic acknowledgment he could have made of the inherent insecurity of that system.

Notwithstanding, however, all these admissions, express or implied, of the superior safety and convenience of banks as depositories and fiscal agents, the President recommends again the sub-Treasury scheme to Congress, and even says his opinions in favor of it "have been strengthened by recent events." What the President can find in "recent events" to sustain his renewed recommendation of the sub-Treasury scheme, it utterly surpasses my powers of comprehension to imagine. Recent events, sir! Let us, for a moment, inquire what these recent events have been, and how they bear on the two rival systems proposed for the safe-keeping of the public moneys. First, as to the system of State banks as public depositories. What is the testimony of recent events with regard to them? Have we not recently seen them within fifteen months after a general suspension of specie payments, brought upon them by an unprecedented combination of adverse circumstances, among which not the least was the hostile policy of the Government itself—have we not seen them, within this short period, without even a cheering voice from the Government amid the difficulties which surrounded them, resuming their payments in specie, meeting all their engagements to the country with promptitude, paying many millions to the Government punctually at the periods designated by law, and even anticipating, in some instances the payment of the small balances remaining, before they have become due under the provisions of law? So prompt a recovery, under circumstances of such peculiar difficulty and embarrassment, is without example in the financial history of the world, and afford the most triumphant evidence of the general soundness and integrity of these institutions. The President himself says "it is no more than just to the banks" to bear testimony "to their honorable course in the late emergency." The voice of the recent events, then, of everything which has occurred since the adjournment of Congress down to the date of the President's message, is in favor of the system of State banks as public depositories.

Now, let us inquire what is the verdict of these same recent events on the sub-Treasury system. For the last two or three months, the country has been filled with consternation and alarm by successive defalcations of sub-treasurers, ranging from twenty or thirty thousand dollars up to a million and a quarter each! We have hardly had time to recover from the shock of one of these explosions before we have been astounded by the report of another and another. Almost every rank

and profession of life has been invaded by, and yielded to, the "temptations" of this corrupting system. Even here, under the very eye of the Government, the shrine of the national honor, the Army, has not been able to resist the infection. I refer with pain to these things; but they have become part of the public history of the times, and it is in vain to attempt to throw a veil over them. The robes of the law (a profession which the most profound and sagacious of all the foreign observers of our institutions has pronounced to be the real aristocracy of the country) have been soiled by the pollution. The peace and honor of families, as well as the pride of the nation, have been dragged down to the dust by this system of overwhelming temptation and corruption, while the public treasure has been wantonly dissipated and wasted by it. Deeply humiliating as these occurrences are to the national pride, I yet look upon them as providential admonitions, intended to save us from the thorough adoption of a system which I verily believe, would spread more general demoralization and corruption through the land than any which the arch-enemy of man could devise. It is not surely in such "recent events" as these that the President can find any recommendation of the sub-Treasury scheme, which he again proposes to Congress. No, sir; be assured that whatever party may effect here, these same "recent events" have forever sealed the fate of this system with a virtuous and enlightened people.

Why, then, is it again recommended and urged upon us? Is it as a rallying cry of party? Is it to drive through a party triumph, fatal, as I firmly believe such a triumph would be in the end, to those who achieve it? Are there, then, Mr. President, no circumstances of national exigency, appealing to the dormant, but I hope not yet extinguished spirit of patriotism, in which we can rise superior to this fatal bondage of party, and act for our country? Can we not, now that the tarnished honor and dilapidated interests of the nation call upon us to close up every avenue of corruption and abuse—can we not devote this short session, at least, to the pressing wants of the country, out of the many we have given up to the interests and conflicts of party? If we could do so, nothing would be easier, in my opinion, than to settle finally and satisfactorily this great financial question which has hitherto so much divided and agitated us. The circumstances of the moment are unusually propitious. The scheme of a national bank is now, and I trust finally abandoned. The late happy and successful restoration of a sound currency by the State banks, without the aid of such an institution, has produced a general conviction that it can no longer be maintained on that ground of necessity, on which alone its advocates have heretofore rested it. The sub-Treasury scheme should, in my humble judgment, be considered equally out of the question. It has over and over again been rejected by the representatives of the people, and the people themselves have ratified the judgment of their representatives. "Recent events" proclaim its condemnation in a still louder voice. What, then, remains? No other alternative than the use of the State banks. Let this be adopted as the general principle, as it seems to me it ought to be by all parties, in the present attitude of things, and after the decisive expressions of public opinion which have taken place; and there would then be but little difficulty in solving the subordinate questions as to the manner of using them, never losing sight, however, of the cardinal republican maxim that that use must be regulated by law, and not abandoned to Executive discretion.

## INTERFERENCE IN ELECTIONS.

SPEECH OF HON. W. C. RIVES,  
OF VIRGINIA,

IN THE SENATE, February 12, 1839,

On the bill introduced by Mr. CRITTENDEN to prevent the interference of certain Federal officers in Elections.

Mr. RIVES said:

Mr. PRESIDENT: The subject now under consideration is, in my humble judgment, by far the most important in its bearing on the liberties

and future destinies of this country which has occupied the deliberations of Congress for years past, and is not surpassed in importance, indeed, by any which has arisen since the establishment of the Constitution. It concerns the vital principle of free government itself—the right of the people freely to choose their representatives. Hitherto, in the theory, at least, of all parties, this great remedial right of the people has been held to be sacred from all interference on the part of the Government, or any pretension of the agents of executive power to influence or control its exercise. But now, for the first time in our history, we have a solemn and elaborate report from one of the leading committees of this body, (the Judiciary Committee,) boldly proclaiming it to be the right and duty of executive officers to busy themselves in elections, to endeavor to shape and direct public opinion, and to influence and control the people, as far as they can, in the highest and most important function of their sovereignty.

I confess, when I listened to the reading of this portentous report, some days ago, from the table of your Secretary, I was amazed and bewildered. I could not but ask myself, whither hath the mad dominion of party carried us? Where am I, that I hear such doctrines openly proclaimed in the Senate-house? Am I in free republican America, the land of jealous constitutional freedom, or am I in England, amid the "brooding darkness" of the seventeenth century, under the arbitrary and lawless sway of the Stuarts; or am I in imperial Rome, under the sordid despotism of the Cæsars? I must say that nothing has ever impressed me with so deep a despondency as to the fortunes of our young and glorious Republic as the doctrines of that report, received and welcomed, as they have been, by a majority of this body.

I do not look upon it as expressing merely the opinions of its author, or even of the committee in whose name it is presented; but I am compelled to regard it as the creed of a party; as the exposition and defense of a political system which relies upon party organization, party discipline, and official patronage, to control and govern this mighty country. It comes to us from a committee consisting (with but a single exception, I believe) of gentlemen of the same political party—friends and supporters of this Administration. It is no sooner read than it is hailed and openly applauded on the floor by one member of the party; and another instantly moves to have ten thousand copies of it printed for distribution among the people, which is accordingly ordered without a division. A report, treating of such "high matter," and so sanctioned and indorsed by a majority of this body, cannot fail to awaken the most anxious attention to the character and tendency of its doctrines.

The honorable chairman of the committee, [Mr. WALL.] fearing that his former political associations and opinions might by possibility prejudice his report in the eyes of some, thought fit to inform us that a solemn council had been held on his admission into the Democratic party, and by that council it was determined "he never had federalism enough to spoil his democracy." We are to understand, then, that modern democracy admits of an infusion of more or less federalism; and, if we are to judge of the orthodox democracy of the day by this report, I should say it admits of a very large infusion, for I have never yet seen the document which is more thoroughly saturated with all the characteristic elements of the Federal faith than this.

Is it not an elaborate plea, throughout, for the rights and prerogatives of Federal executive power; for the influence of Federal patronage, not merely on those who are its immediate beneficiaries, but, through their party services and electioneering activity, upon the great body of the people themselves? While Federal patronage and Executive power are thus exalted, the State authorities are studiously disparaged and held up as special objects of jealousy and distrust. The functionaries of the States are spoken of habitually in connection with "the officers of the corporations of associated wealth," evidently, as it would seem, with the view of directing against them a portion of the odium which it has been the policy of the party to excite against the banking institu-

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tions of the country. In one passage of the report the unseemly case, even, is supposed of "the State functionaries uniting with the corporations of associated wealth in a party struggle to obtain the power of the Federal Government."

There was a time; Mr. President, in the better days of the Republic—the days of Jefferson and Madison—when democracy, or rather republicanism, as it was then called, signified a reverence for the rights of the States; respect for State authorities and State institutions; jealousy of the power and influence of the Federal Government, and especially of the Executive branch of it; economy in the public expense; suppression of useless offices; curtailment of patronage; a sacred "care of the right of election by the people;" and "absolute acquiescence in the decisions of the majority; the vital principles of republican Government." These were the great principles of Democracy as taught and practiced by him whom the report justly styles "the great apostle of Democracy." But Democracy now-a-days, if we are to judge of it by this report, and other practical expositions of the modern Democratic creed, means a disparagement of the State governments; war upon State institutions; enlargement of the powers and influence of the Federal Government; extension of Executive patronage; multiplication of offices; augmentation of the public expenditure; everything left to Executive discretion, instead of being regulated by fixed rule of law—a virtual nullification consequently of the Legislative Department, the true representative branch of the Government; the decisions of the majority "of the people, as pronounced in their elections and through the medium of their Representatives, wholly disregarded by the Executive, and the sacred "right of election by the people" itself now openly sought to be "smothered" (to use the language of Mr. Jefferson) "by the enormous patronage of the General Government," and by the licensed interference of Federal Executive officers. If modern Democracy has espoused doctrines such as these, it is no wonder that the council which sat on the Democratic pretensions of the honorable Senator from New Jersey [Mr. WALL] should have pronounced "he never had federalism enough to spoil his Democracy."

But let us come now to the report itself; and here I give notice to the Senator from New Jersey that it is to the doctrines of the report, fraught, as I consider them to be, with the greatest danger to the liberties and public morals of the country, and invested, as they have been, with a fearful importance by the solemn sanction and imprimatur of a majority of this body, that I intend mainly to address myself.

Interesting and important as the questions involved in the measure introduced by the Senator from Kentucky [Mr. CURTIS] undoubtedly are, I hold them but "dust in the balance" compared with the portentous doctrines inculcated by the report. The gentleman from New Jersey complained that the honorable Senator from Kentucky, in the able and eloquent speech with which he instructed and entertained this assembly, had not confined himself to showing the constitutional power of Congress to pass his bill, instead of assailing and commenting upon the doctrines of the report. But, I would ask the honorable Senator from New Jersey, if the constitutional question, of which he makes so much now, was not the least of all his topics dwelt on in the report? The report consisted, I think, of ten printed pages; and, of these ten pages, but a single one is devoted to the suggestion of any constitutional impediment to the passage of the bill; all the rest of the report—nine tenths—are given up to an elaborate defense of the right and duty of office-holders to take an active part in popular elections, and of the tyranny, injustice, and impolicy of any restraint upon them in doing so. It is throughout, indeed, not merely a justification of the interference of Federal office-holders with popular elections, but is an incitement to them to exert their influence to the utmost in directing and controlling those elections.

The Senator from New Jersey says the report only asserts the right of Federal office-holders to enlighten and advise the people in elections; but

does not encourage or instigate them to the exercise of that right. Now, sir, let the report itself answer how far this construction of it is sustained by its text. I will proceed very rapidly to review it. I must ask the attention of the Senate while I read a few extracts from it, taken promiscuously from its text, which will serve to show the steady, uniform, and pervading spirit and tendency of the whole document. It will then be seen, unless I am most grossly deceived, that, from beginning to end, it not merely asserts the right, but inculcates the duty of office-holders to exert their influence in elections—a duty which they are admonished to perform under the penalty of being declared infamous, idiots, outlaws, lepers, slaves, if they shall fail of themselves, or be disabled by law from performing it; it denounces any restraint upon their interference as tyranny and proscription; and finally, they are significantly told that if any such restraint should be imposed by law, the people, in behalf of the injured office-holders, would resist the "execution" of so atrocious an enactment. If this be not instigation and excitement, I know not what is.

But to the extracts. The first I shall read is taken from the second page of the report, where the following significant language is used:

"It is both the right and duty of every one freely to discuss and communicate, both publicly and privately, such matters as he may suppose will advance the public interest, or inform the public mind. One of the most salutary and effectual agents to promote such interest is an enlightened public opinion. To evolve such opinion, and to give form and direction to the general course of national policy, and the future destinies of all, every citizen, whether intrusted with public office or not, has a like deep, abiding, and active interest, and no citizen is at liberty to withdraw himself from this high responsibility, inseparably connected with republican institutions. One of the most celebrated law-makers of one of the ancient republics declared every citizen infamous who refused to take part in the affairs of his country; and the word idiot, derived from the language of that republic, bears, through all time, this impress of their institutions, denoting one who was destitute of the spirit or intelligence requisite for the discharge of this highest duty of a citizen."

Here we are emphatically told that it is not merely the right, but the duty, of every citizen, "whether intrusted with public office or not," to take part in "the affairs"—meaning evidently, from the whole context, the election—of his country; that no citizen, office-holder or not, is "at liberty to withdraw himself from this high responsibility;" and, if he should do so, he would deserve to be declared infamous, and to be stigmatized as an idiot. If any language can convey a stronger instigation to the electioneering activity of office-holders than this, I confess myself wholly incompetent to imagine it.

Pratermitting numerous other passages, all conceived in the same spirit, and inculcating the same doctrine, I beg leave now to call the attention of the Senate to one which will be found on the 5th page of the report:

"The object of the bill is to render what is lawful and praiseworthy, and in strict conformity with both the letter and spirit of our institutions, for all citizens, criminal in a particular class, who have been honored by the confidence of the people of the whole States. It is not to punish a crime *malum in se*, but to create a new crime. It is not to punish bribery and corruption, the robbery of the ballot-box, the suppression or forging of returns, or usurpation or neglect of official duty in giving effect to the will of the majority in elections, or the improper use of official power, but the use of persuasion or dissuasion, of intermeddling to control or influence voters, by means that are lawful and right in others. Every citizen ought to qualify himself, by study, conversation, and every other means of acquiring knowledge, to understand the theory and principles of our institutions, and to ascertain the best mode of administering them in their true spirit, so as to promote the greatest good of the greatest number, and to render himself capable of discharging any trust that may be conferred on him by his fellow-citizens."

"It is as well his inherent right as his duty to discuss and promulge freely the measures of any Administration, and the character and conduct of those who support or oppose it, as well to control them by the censorship of public opinion as to subject them to the test of the Constitution. In doing so he may win the confidence of his fellow-citizens by his declared opinions, or may become identified with some great principle which conciliates their support. All this is innocent and praiseworthy; even if the motive is the acquisition of office, because it promotes the public good. Can it be wise, or even just, to punish as a crime, when a citizen attains office, what was patriotic and praiseworthy while he was seeking it?"

Here, then, we find that "the use of persuasion or dissuasion," of "intermeddling by office-holders" to control or influence voters, is declared by the report to be not merely "innocent" and "lawful," but "patriotic and praiseworthy!"

As in the former extract the penalty of infamy was denounced against those who should fail to perform their duty in "intermeddling" with elections, so in this a positive reward, the crown of patriotism, is decreed to those who shall come up boldly and fearlessly to the great work of indoctrinating the people by official dictation. And here I cannot but remark, Mr. President, in what a specious and deceptive guise these official advisers of the people are constantly presented by the report. In this passage, and throughout the report, they are artfully spoken of as "honored by the choice and confidence of the people." But what, sir, have the people to do with them? The officers whose interference in elections is objected to, are officers deriving their appointment from the Executive alone, and wholly dependent on the Executive for their official existence. It is, therefore, an unauthorized and gratuitous assumption, an *ad captandum* appeal, unsupported by fact, but one habitually recurring through the whole of this report, to speak of the office-holders in question as "honored by the choice and confidence of the people."

But to return to the interpretation of the real character of the report. As if to leave not even the shadow of a doubt on the intention of the committee to justify and encourage the interference of office-holders in elections, the following unequivocal avowal of their meaning occurs on the 9th page of the report:

"The committee can perceive no reason for the adoption by Congress of any restriction upon any of what they deem the inherent and inalienable rights of every class of citizens, merely because they have been honored with the confidence of the people." "They know no objection to reason, argument, or even persuasion, by word, message, or writing, at any time, from whomsoever it may proceed; or by whatever motive prompted. Nor do they understand on what just principles it can be maintained that the possession of office simply should deprive a citizen of the influence arising from character, intelligence, integrity, and the confidence and influence which they inspire, and of the right to use them as others are left free to use theirs."

The committee here expressly declare they "know no objection" to the "persuasion" of voters, "by word, message, or writing," at any time, "from whomsoever it may proceed," office-holders or others. This passage is referred to, at present, simply to show the open avowal which the committee make in it of their approbation of the interference of office-holders with elections. The sophism by which that interference is attempted to be palliated will be hereafter, in the progress of these remarks, I trust, abundantly exposed.

But, sir, this is not all. Office-holders are not only encouraged and stimulated, as we have seen by this report, to intermeddle in elections; they are not merely told that it is both their right and their duty to exert their influence over voters at the polls, but any attempt to restrain them in the exercise of that influence is denounced as tyranny and proscription, and assimilated to the revolting cruelty of the inquisition. The poor "proscribed office-holders," as they are called, are likened to "mutes," to "outlaws," to "lepers," to "slaves;" and, to cap the climax of this inflammatory exaggeration, we are solemnly admonished, on the 8th page of the report, that "the people would never submit to the execution of a law" which deprives their office-holding "fellow-citizen" of his "inherent, common, and equal rights." Now, sir, this looks very much like a provocation to revolutionary violence to protect the imputed rights of "these proscribed office-holders;" and, if the strong Federalism of other parts of the report is not sufficient to spoil the Democracy of its author, the undisguised Locofocoism of this must, at least, bring into question his republicanism, of which the vital principles are law, liberty, and public order.

It is in vain, then, Mr. President, to endeavor to disguise the real drift and tendency of this report. The passages I have read to the Senate, taken *sparsim* from every part of the report, prove beyond controversy that it is an incitement, throughout, of the office-holders, by every motive which can be addressed to the reason or the passions of man, to exert their utmost activity and influence in the elections and party contests of the day. And who are these office-holders that are held up by the report as the legitimate advisers of the people in the exercise of their

\* Mr. Jefferson's first inaugural address.

precious and invaluable sovereign rights? I have already shown how gratuitous is the artifice which would represent them as "honored by the choice and confidence of the people." No, sir; they are chosen by the Executive alone, are removable by the Executive alone; and are, consequently, wholly dependant on the Executive. How far persons standing in such a relation are competent to perform the part of safe and patriotic counselors to the people, in the exercise of their electoral rights, let the Senator from Missouri, [Mr. BENTON,] the Senator from Pennsylvania, [Mr. BUCHANAN,] and the present Attorney General of the United States, [Mr. Grundy,] as severally quoted by the Senator from Kentucky, [Mr. CRITTENDEN,] in his able speech in support of his bill, give the answer. In the celebrated report on Executive patronage, the Senator from Missouri told us that officers deriving their appointments from the President would be animated with his spirit and moved by his will—that "a power over a man's support was a power over his will." The Attorney General of the United States, in a speech made by him during his service in Congress, declared that when he saw an office-holder going to the polls, he could not resist the conviction that he was "thinking of his salary and his bread;" and the honorable Senator from Pennsylvania, in a speech made by him some years ago, in the other House, had told us that these "office-holders are but the enlisted soldiers of the Administration!" Now, Mr. President, it does seem to me that persons standing in such dependant relations on the Executive are not the most proper counselors of a free people in the exercise of their electoral rights.

I know, sir, there are honorable exceptions to this general description of office-holders; that there are men in office who, however desirable their places may be to them, would never consent to purchase a continuance in office by the sacrifice of their consciences, or by unworthy compliances of any sort. But still it will be true, in general, from the very nature of things, that those who fill public offices will be animated by the same spirit, and governed by the same views, with the power which confers and can take away those offices. More especially must this be the case when that licentious motto of party pillage, "to the victors belong the spoils," uttered in "evil hour" on this floor by a Senator from New York, [Mr. MARCY,] in reference to the official trusts of the country, shall, as everything indicates it will, be fully carried out in practice. One of the heads of Departments, indeed, if I mistake not, (the Postmaster General,) has, in substance, openly proclaimed, in a letter published not long since, that he should consider himself guilty of treachery to his party if he appointed to office any one who was not a supporter of the Administration. I pretend not to quote the words; but this, according to the best of my recollection, was the substance and spirit of the declaration.

Office-holders, then, in general, from the nature of things, and from the tendency of the times, must be expected to be animated with the spirit, and devoted to the policy and views of the chief Executive Magistrate, from whom, directly or indirectly, they derive their appointments, and on whom they depend for continuance in office. Surely, no candid and reflecting man will deliberately say that persons standing in this situation ought to be licensed, much less prompted and encouraged, to take an active part in controlling those popular elections, through which it was the design of our republican system that the conduct of themselves and of their superiors should be brought to the test of a free, sovereign, and unbiased public judgment.

The honorable Senator from New Jersey, however, seems to think it a very great hardship, a violation of the equality of our laws, and of the spirit of the Constitution, that persons holding public offices should be temporarily abridged of privileges enjoyed and exercised by other citizens. But is this any novelty in our polity or legislation? Does not the Constitution itself especially provide that "no person holding any office under the United States shall be a member of either House of Congress during his continuance in office; and also that "no person holding an office of trust or profit under the United States shall be

appointed an elector of President and Vice President?" These are privileges, and very high privileges, too, (especially the first,) enjoyed by all other citizens, and yet the express fiat of the Constitution excludes all persons holding office from the enjoyment of them while they shall continue in office. Are office-holders better fitted, or have they, in the eye of reason and sound policy, any better right to erect themselves into political guardians and prompters of the people in elections, than to be their representatives and servants in the Legislature, from which we have just seen they are expressly excluded by the very letter of the Constitution? The honorable Senator also said in his report, that "under the existing laws, a citizen of a State does not, by accepting any of the offices under the Federal Government, forfeit any of the rights and privileges which belong to him as a citizen of a State. Now, sir, so far as the legislation of the Commonwealth which I have the honor to represent in part on this floor is concerned, the gentleman is wholly mistaken. By accepting an office under the Federal Government, a citizen of Virginia does forfeit, during his continuance in such office, the privilege enjoyed by all other citizens of the State, of eligibility to any office under the authority of the Commonwealth. By an act of fundamental legislation coeval with the adoption of the Federal Constitution, and still preserved in bold relief on our statute-book, it is declared that "no person holding or accepting any office, &c., under the authority of the United States, shall be capable of holding any office, legislative, executive, or judicial, or any other office, place, or appointment of trust or profit, under the Government of this Commonwealth." There are, doubtless, similar provisions in the laws and constitutions of the other States.

We see, then, that all our institutions, State and Federal, create a broad line of distinction between office-holders and the general mass of citizens. They impose political disqualifications and restrictions upon the former, during their continuance in office, from which the great body of the community are exempt. And wisely do they do it. These exclusions have their origin in that salutary jealousy of power which is the very instinct and vital principle of liberty. What does Mr. Jefferson tell us, in that very passage which the honorable Senator has quoted in his report, apparently unconscious of its force and just application to overthrow all the wire-drawn arguments of his elaborate defense of the equal rights of office-holders? Does he not tell us that "free government itself is founded in jealousy? It is jealousy, not confidence, which prescribes limited constitutions to bind down those whom we are obliged to trust with power."

One of the most conspicuous fruits of this wise jealousy, wherever free government is known, is to restrain all persons invested with public office from any interference with the free exercise of the sovereign right of election by the people. The Senator from Kentucky has shown us what were the solemn declarations of Mr. Jefferson on this subject before his accession to the Presidency, and the memorable circular which he caused to be issued in pursuance of those declarations after he entered upon his high duties. He has also properly reminded us of the emphatic adoption of the same principle by President Jackson, when, in his first inaugural address, he announced to the country, as the leading branch of his "task of reform," "the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections." We have seen, also, what has been the legislation of that country (next to our own the freest under the sun, and from which our ancestors brought with them so many of our own cherished institutions) for the purpose of repressing official interference with the freedom of elections.

But the Senator from New Jersey seeks to weaken the just influence of these weighty opinions and grave precedents by ascribing them to some paltry consideration of temporary expediency, rather than to the controlling authority of great and enduring principles. Mr. Jefferson's declarations, as well as that of General Jackson, he seemed to intimate, were intended more as a reflection on the conduct of their predecessors than

as the annunciation of a great principle of civil Government.

Mr. WALL explained.

Mr. RIVES. Let us look at the declarations of Mr. Jefferson themselves, and then we shall understand their true character and import. He had received, while the presidential election was yet pending, a letter from Governor McKean, of Pennsylvania, informing him of the misconduct of certain Federal officers in that State. In his reply, dated February 2, 1801, he uses this emphatic language:

"One thing I will say, that, as to the future, interferences with elections, whether of the State or General Government, by officers of the latter, should be deemed cause of removal; because the constitutional remedy by the elective principle becomes nothing if it may be smothered by the enormous patronage of the General Government."

The circular which he caused to be issued by the several heads of Departments, immediately after his induction into office, is in the following words:

"The President of the United States has seen with dissatisfaction officers of the General Government taking, on various occasions, active parts in elections of the public functionaries, whether of the General or of the State Governments. Freedom of elections being essential to the mutual independence of Governments, and of the different branches of the same Government so vitally cherished by most of our constitutions, it is deemed improper for officers depending on the Executive of the Union to attempt to control or influence the free exercise of a elective right. This I am instructed, therefore, to notify to all officers within my Department holding their appointments under the authority of the President directly, and to desire them to notify to all subordinate to them. The right of any officer to give his vote at elections as a qualified citizen is not meant to be restrained, nor, however given, shall it have any effect to his prejudice; but it is expected that he will not attempt to influence the votes of others, nor take any part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution, and his duties to it."

Now, Mr. President, do you discern, or can any member of this body discern, in these solemn and emphatic declarations, the slightest appearance of an act of mere temporary expediency or of party recrimination? On the contrary, do they not proclaim the non-interference of Federal executive officers with popular elections to be a fundamental principle of liberty and the Constitution; as "essential to the mutual independence" of the State and General Governments, so "vitally cherished" by American institutions, and as indispensable, indeed, to preserve from destruction the great "constitutional remedy" of the elective right itself? Could the principle be placed on higher or more sacred or more enduring ground? It is impossible, indeed, to read these noble monuments of the principles of Mr. Jefferson without seeing in them the same steady devotion to, and just appreciation of, popular rights which, in the Declaration of Independence, asserted the right of election to be "a right inestimable to freemen and formidable to tyrants only;" and which, in his first inaugural address, inculcated "a jealous care of the right of election by the people, as the mild and safe corrective of abuses which are lopped by the sword of election, where peaceable remedies are unprovided." These, sir, are the principles of a pure, unadulterated, conservative Democracy; and I would beg leave to commend them to the meditation of the honorable Senator from New Jersey; before he comes forward with another defense of the pragmatic rights of office-holders.

In regard to the legislation of England on the subject, the honorable Senator, confining his view to a single statute, (that of the fifth year of William III.,) treated it as a special bargain between the King and the Commons, to procure supplies for the Crown, on the one hand, and to protect certain corporate rights of election held by the Commons, or their constituents, on the other; or, in other words, as a sort of mercantile contract, by which the King agreed, if the Commons would grant him a stipulated sum in taxes, he would refrain from interfering, by his officers, with the election of the Commons. But, sir, this is most grossly to misconceive the dignity and character of the question, and to degrade it below the noble principles on which it rests. The freedom of elections from official interference, as a principle of English liberty, is rooted in the glorious revolution of 1688, being intimately connected both with the moving causes and the immediate results of that great event. If the Senator from

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New Jersey will look at the bill of rights, the great charter of British freedom, solemnly adopted by both Houses of Parliament in the name and on behalf of the nation, he will find it specially enumerated in the preamble of that act, among the causes by which James II. had forfeited the throne, that "he had violated the freedom of election of members to serve in Parliament;" and afterwards, in the body of the act, it is declared as an integral part of "the ancient rights and liberties" of the people of England, "that the election of members of Parliament ought to be free." The history of the times shows that James II. resorted to all sorts of influences, both upon his Parliament and people, to carry his favorite object of the establishment of the Roman Catholic religion. Finding the existing Parliament intractable to his purposes, after practicing upon the loyalty of each member whom he supposed bound to him by any ties of interest or attachment, by sending for them and holding private audiences with them, separately, in his closet, (a royal expedient, which first gave rise to the term closeting, as a political phrase, and which is, perhaps, not without examples of its practice in our own country,) he determined to dissolve the old Parliament, and to summon a new one. In order to mold this new Parliament to the designs of the King, all the resources of management and influence were brought to bear on the elections. Officers appointed by the Crown were sent to every part of the kingdom to regulate, as it was called, the corporate bodies possessing the right of choosing members of Parliament, or, in other words, to prepare them for the choice of such members as would be acceptable to the Court. Letters were written by the King's ministers to the lord lieutenants of the counties, and other men of influence, requiring their aid in the election of such persons as were known to be favorable to the views of the King; calling upon them, at the same time, to ascertain the sentiments of the several candidates in their respective counties, and to obtain from them pledges to support the measures of the King, in the event of their election. All—even down to justices of the peace—who declined cooperation in this political service, were immediately removed from office, and others of more pliable character substituted in their places, while such as complied were continued in office, and promised further promotion and rewards.\*

It was by this licensed interference of the officers and servants of the Crown with the elections of members of Parliament that James II. was declared, in the preamble of the bill of rights, as we have seen, to have "violated the freedom of election of members to serve in Parliament," and to frown upon all such interferences in future, it was solemnly declared in the body of the same instrument, as part and parcel of the "ancient rights and liberties" of the people of England, that "elections of members of Parliament ought to be free." In order to carry out this great principle, consecrated and asserted by the revolution of 1688, various statutes have been passed, from time to time, prohibiting, under heavy penalties, any interference of officers, appointed by and dependent on the Crown, with the election of members of Parliament. A celebrated writer on the British Constitution, living near to those times, tells us that (while the spirit of English liberty, kindled and fostered by the revolution, was yet in the flush of its youthful vigor) "no less than seven acts were passed in King William Third's reign to prevent undue influences on elections."<sup>†</sup>

This great principle of the freedom of popular elections from all official interference, is not only sanctioned and enforced by the positive legislation of England in the purest period of her constitutional history, but it is laid down as a fundamental canon of civil and political liberty in all the ablest treatises on the theory of free government. Locke, it is known, wrote his immortal "Treatise on Government" shortly after the revolution of 1688, and under the inspiration of its great example. It was from his work, with those of Hooker and Milton and Sidney, that the great statesmen of our own Revolution drew those animating pre-

cepts of freedom which bore them triumphantly through the unequal contest for independence, and which they afterwards so deeply impressed on all the institutions founded by their wisdom and valor. Mr. Jefferson, especially, was trained to the great part he afterwards acted by a thorough study and meditation of Locke's work. It is a curious fact, not generally known, that several of the most striking passages of the Declaration of Independence, are taken almost verbatim from the "Treatise on Government;" and it is impossible to read the introductory part of that sublime paper, without perceiving, through the whole of that portion of it, how constantly the mind of the writer was recurring to the principles taught by his great master.\*

Let us see, then, what this illustrious preceptor of the founders of American liberty has said on the matter we have been discussing. In the last chapter of this work, he is treating of the dissolution of Government, and among other ways in which that may be brought about, he lays down the proposition that whenever either of the grand departments, the legislative or the executive, acts contrary to its trust, the Government is dissolved. He then proceeds to show that the Executive power, in attempting to influence or control the election of members of the legislative department, or to influence or control their conduct as Representatives after they are elected, commits a gross and flagrant violation of its trust. The whole passage is fraught with the deepest wisdom, and should be written in living characters on the altars of freedom, in whatever land they may be raised. I beg leave to read it to the Senate, and to invoke their serious attention to every word of its venerable old English text, for every word is significant and replete with instruction for the present times:

"He [the Executive Magistrate] acts also contrary to his trust, when he either employs the force, treasures, or office of society to corrupt the representatives and gain them to his purposes, or openly prebends the electors, and prescribes to their choice such whom he has, by solicitations, threats, promises, or otherwise, won to his designs, and employs them to bring in such who have promised beforehand what to vote and what to enact. Thus to regulate candidates and electors, and new model the ways of election, what is it but to cut up the Government by the roots, and poison the very fountain of public security? For the people having reserved to themselves the choice of their representatives as the fence to their properties, could do it for no other end but that they might always be freely chosen, and so chosen, freely act and advise, as the necessity of the commonwealth and the public good should, upon examination and mature debate, be judged to require."

"To prepare such an assembly as this, and endeavor to set up the declared abettors of his own will for the true representatives of the people, and the law makers of society, is certainly as great a breach of trust and as perfect a declaration of a design to subvert the Government as is possible to be met with. To which, if we shall add rewards and punishments—

Mark, Mr. President, how similar are the practices of power in all ages and countries—

"visibly employed to the same end, and all the arts of perverted law made use of to take off and destroy all that stand in the way of such a design, and will not comply and consent to betray the liberties of their country, it will be past doubt what is doing."

Here we find, Mr. President, this great apostle

\* The coincidence here noticed is so curious and instructive that it may not be amiss to present it to the view of the reader in a few parallel passages taken from the Declaration of Independence and the "Treatise on Government:"

*Declaration of Independence.*

"Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed."

"But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute dominion, it is their right, it is their duty, to throw off such Government, and to provide new guards for their future security."

*Locke on Government.*

"People are not so easily got out of their old forms as some are apt to suggest. They are hardly to be prevailed with to amend the acknowledged faults in the frame they have been accustomed to." "Till the mischief become general, and the ill-designs of the rulers become visible, or their attempts sensible to the greater part, the people, who are more disposed to suffer than right themselves by resistance, are not apt to stir."

"But if a long train of abuses, prevarications, and artifices, all tending the same way, make the design visible to the people," &c., &c.

"This doctrine of a power in the people of providing for their safety anew," &c., &c.

of liberty, of American as well as English liberty, (for our own great statesmen, the fathers of the Republic, were his disciples,) asserting the very doctrines which I have been maintaining against the Senator from New Jersey, declaring that any interference of the Executive (whether indirectly through his officers and agents, or directly by himself, is immaterial) with popular elections, any attempt to "preengage the electors, and prescribe to their choice" those whom they should elect, is a fundamental "breach of trust"—a gross violation of that right of "freely choosing their representatives which the people have reserved to themselves," and is, in fact, to use his own energetic and noble language, "to cut up the Government by the roots, and to poison the very fountain of public security." It was in this school that the great men of our Revolution were taught the principles of liberty; and it is easy to trace, indeed, in the very passage I have read to the Senate, the principles which, early impressed on the mind of Mr. Jefferson, led him to proclaim, in the outset of his administration, that noble, self-denying ordinance which, we have seen, he laid down as the rule of his own conduct, and of that of all in authority under him.

But the Senator from New Jersey, in his report, tells us that this is English doctrine, that "such a plant is indigenous in such a soil!" We have seen, sir, that it is American doctrine, sanctioned by the most venerable names in the calendar of republican statesmen, as well as English doctrine, derived from the purest sources of English constitutional freedom. But I would ask, Mr. President, in what soil (with the exception of our own favored land) has the tree of liberty ever struck deeper root, or spread out larger and more vigorous branches, than in the soil of England? Is it not the land of our glorious ancestors, whence they brought the most valued principles of our institutions, with their instinctive love of freedom and hatred of tyranny and oppression; and, above all, that sturdy spirit of independence which, if now revived, would be the happiest omen of the perpetuity of our liberties? Is it not the land of *magna charta*, of the petition of right, and of the bill of rights? Is it not the land of the *habeas corpus*, of the trial by jury, and of representative government itself? Is it not from these monuments of British freedom that Mr. Jefferson himself, "the great apostle of Democracy," as the Senator from New Jersey has learned to call him, tells us we have derived "the materials of which our own happy Government is constructed?"\* And has it come to this, that principles and doctrines of the most vital importance to the preservation of our free institutions are to be scornfully rejected because they have come down to us from our English ancestors? Are Locke and Sidney, Milton and Hooker, and that long line of illustrious sages and patriots from whom Jefferson and his immortal associates drew their lessons of political wisdom, to be thus dishonored and contemned, and held as wildings and "idiots," I suppose, compared with the guiding lights of modern locofocoism?

The Senator from New Jersey also tells us, in substance, that there is much less reason for throwing up legal barriers against Executive interference and encroachment in this country than in England; that in England the chief executive magistrate is hereditary—here he is elected by the people; and hence the Senator would seem to infer that he should be free from constitutional or legislative restraints. But this very circumstance of the popular election of the Chief Magistrate, in another and more philosophical view of the subject, creates the greater necessity for raising barriers by law against the abuse of his authority; being chosen by the people, he naturally has their sympathies and confidence. They see in him the creature of their power—the reflected image of their sovereignty. They are, therefore, very naturally less disposed to be jealous or distrustful of him, than they would be of an hereditary Chief Magistrate, holding his existence and power independently of their will. On the other hand, the elective Chief Magistrate himself, relying on these natural sympathies and liberal dispositions in the

\* See History of the Revolution in England in 1688, by Sir James Mackintosh, chapter vii.

† Bolingbroke, Dis. on Par., lett. 18.

\* See his letter to John Norvell, Esq., in the fourth volume of his writings.

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SENATE.

popular mind, would often be tempted to abuse them; and, unless restrained by law, to venture on stretches of influence or authority which an hereditary magistrate, the constant object of public vigilance and jealousy, would be unwilling to risk. Accordingly, one of the most liberal as well as profound political writers of the age, one whom his own countryman (Talleyrand) pronounced to be a second Montesquieu, has remarked in his generally candid view of American institutions, that public officers here are ordinarily "far more independent within their sphere of action than the civil officers of his own country;" and from a reliance on the sympathy and indulgence of the people, whose agents they are, they "sometimes venture on manifestations of their power, which astonish even an European." "By this means," he adds, "habits are formed in the heart of a free country which may one day be fatal to its liberties."

These remarks of De Tocqueville are not made with reference to the President particularly, but are applied to American public officers in general. His book is by far the most favorable view of American institutions that has been presented by any foreign writer; and he holds them up, indeed, for imitation and gradual introduction into Europe, as far as the different circumstances of the Old and the New World will admit. The remark I have quoted from him, therefore, coming from so enlightened and friendly a source, deserves at least the candid consideration of every man who cherishes, and would preserve and perfect, our free popular institutions. It shows that we should not be content with the fact, important as that is, that our principal public officers are chosen by, and are, at fixed periods, responsible to, the people; that every circumstance may embolden them, from a reliance on the sympathies and protection of the people, to venture on unwarrantable excesses. The true security to freedom is to throw up, beforehand, barriers by law against the abuses of power, though it be conferred by the people; and then the responsibility of elective agents will be something real and effectual. "It would be a dangerous delusion," Mr. Jefferson has told us, "were a confidence in the men of our choice to silence our fears for the safety of our rights." "In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."<sup>\*</sup>

And yet how often has this siren song about the men of our choice been sung to lull the jealousies of a free people, and to strengthen the arm of delegated power. In this very report of the Senator from New Jersey, the sympathies of the people are constantly invoked on behalf of the office-holders, (whose interference with their most sacred rights is sought to be subjected to some legal restraint,) by being told, in not less than half a dozen doleful passages, that these poor "proscribed officers" are the people's officers—"honored by the choice of confidence of the people!" In like manner, if a measure of the President, deemed dangerous to the liberties and best interests of the country, is opposed, and opposed with effect, the generous feelings of the people are at once appealed to, to come forward and sustain the President of their choice.

From whatever cause it has arisen, whether from that suggested by De Tocqueville, from the operations of party discipline, from the political organization of public officers, or from the prerogatives conferred on the President by the Constitution itself, or from all combined, the fact is undoubtedly true that Executive power has attained a strength and development here which it does not possess at this moment in any other constitutional system existing in the world. In England and in France we know the Executive veto has fallen into total disuse. Here it has become an ordinary and habitual resort. In England and in France, if a measure of the Executive be defeated by the representative branch of the Government, ministers resign, and a new system of administration, accommodated to the views of the Legislature, is formed. Here a favorite measure of the Executive may have been condemned

and rejected time after time, and yet it is again and again presented and urged upon the Legislature and the nation without the slightest regard to the repeated manifestations of the opinion of the people and their representatives against it. And, in this very matter of elections, the most vital in a free representative Government, the interference of Executive officers (as was lately, not to speak of other instances, most publicly shown in the two largest cities of the Union) is open, systematic, and undisguised. On no subject is the spirit of liberty in England more jealously awake than on this. Under the administration of Lord North even, the lord lieutenant of a county (an officer appointed by the Crown) having written letters to some of his friends recommending to them the support of the ministerial candidate for Parliament, the matter was promptly brought to the notice of the House of Commons, and the minister showing some disposition to treat the subject rather lightly, the House immediately entered upon their Journals the following indignant rebuke of the minister, and noble vindication of the freedom of elections:

"Resolved, That it is highly criminal for any minister or ministers, or any other servant of the Crown in Great Britain, directly or indirectly, to make use of the power of his office in order to influence the election of members of Parliament; and that an attempt to exercise that influence is an attack upon the dignity, the honor, and the independence of Parliament, an infringement of the rights and the liberties of the people, and an attempt to sap the basis of our free and happy Constitution."

And, yet, if a statement repeated through many of the public journals of the country, and never, so far as I have seen, contradicted, is to be credited, a high executive officer of this Government actively interfered in an important election then pending, by addressing letters to his friends, calling on them, by their fealty to the Administration, to vote against an honorable member of the other House, [Mr. LEGARE,] who, by his short but brilliant career in Congress, has left a bright light on the parliamentary annals of his country, and to whom future times will look back as the model of an accomplished legislator, and of an eloquent and trained statesman. Let the doctrines of the report now under consideration, amounting as they do to a bold justification of these practices, be now sanctioned, and this Executive power already so formidable, reinforced by the organized electioneering activity of the whole corps of office-holders and of numerous auxiliary troops of expectants will be installed in a virtual supremacy over the laws and Constitution of the country.

The author of this report, Mr. President, has sacrilegiously, as he must pardon me for saying, invoked the authority of the Virginia resolutions and report of 1798 and 1799, and has, here and there, strangely perverted their text, to give a semblance of support to his most dangerous doctrines. Now, I take upon myself to say, there never were two documents more thoroughly opposed, in their whole spirit and substance, than this report of the Judiciary Committee of the Senate and the resolutions and report of the Virginia Legislature in 1798-99.

The object and entire drift of the Virginia report and resolutions were to assert the rights of the people as against the Government. The whole scope of the report of the Judiciary Committee is to maintain the alleged rights of the officers of the Government as against the people. The Virginia report and resolutions asserted the right of the people freely to discuss and examine the merits of public men and measures, as the means of subjecting the Government to its just responsibility to the people. This report contends for the right of the officers of the Government to interfere with elections as a means by which the people will be inevitably subjected to the undue influence of the Government.

So far from their being the slightest affinity between the doctrines of this report and those of the Virginia report and resolutions of 1798 and 1799, the identity, on the other hand, in principle and aim, at least, between it and the sedition law, is most striking and instructive. The object of the sedition law, as Mr. Madison tells us in the ever-memorable report of 1799, was to "intrench the Government in penal statutes," and so to control the free exercise of "the electoral rights of the

people." The pervading principle and drift of this report is to "intrench the Government" in official influence, and by that means to control the free exercise of "the electoral rights of the people." The Virginia opposition to the sedition law in 1798 and 1799, and the opposition we are now making to the fatal doctrines of this report, in like manner proceed, step by step, on the same lofty and impregnable ground. In the report of 1799 Mr. Madison, its author, emphatically declared that "the right of electing the members of the Government constitutes more particularly the essence of a free and responsible Government;" and it was to shield that "great remedial right of the people" from the terrors of penal legislation that Virginia then interposed her solemn remonstrance. It is from the same sacred appreciation of this "inestimable right," and in order to shield it from a still greater danger, the violation of official interference, that we are now struggling against the alarming doctrines of this report. We shall hear no more then, I trust, Mr. President, of the sacrilegious invocation of the Virginia principles of 1798 and 1799, to give a sanction to the bold and anti-republican heresies of the Senator from New Jersey and of the Judiciary Committee, of which he is the organ.

I will now proceed, Mr. President, to say a word or two, and but a word or two, on the constitutional power of Congress to adopt some measure with a view to restrain the improper interference of Federal officers with elections. I am aware of the difficulty of satisfactory legislation on such a subject, and that it would be a more appropriate matter for Executive supervision. If the President would reissue Mr. Jefferson's circular, prohibiting the interference of Federal officers in elections, under pain of dismission from office, or would carry out and enforce the principle of that circular, I, for one, would be content. But if he will not do so; if, on the contrary, such practices are tolerated, not to say encouraged, is it not competent for Congress to give that principle the sanction and authority of law? My views would not extend beyond that. Cannot Congress, whose power in the creation of public offices is undoubted, also declare on what conditions those offices shall be held? Can they not say by law, that if public officers, whose places are created by them, shall, "contrary to the spirit of the Constitution and their duties under it," (to use the language of Mr. Jefferson's circular,) interfere with the free exercise of the electoral rights of the people, they shall no longer hold their offices, but that such conduct shall be deemed a forfeiture of them? It seems to me, sir, that there would be no stretch of power in this.

But the Senator from New Jersey, in his report, tells us that "Congress have no right to intermeddle by law in prescribing the qualifications of electors;" that the Constitution of the United States declares that members of the House of Representatives "shall be chosen by the people of the States who shall have the qualifications requisite for the electors of the most numerous branch of the State Legislature;" and, also, that electors of President and Vice President "shall be appointed in such manner as the State Legislatures may direct;" and that the right, therefore, of prescribing the qualifications of electors "belongs exclusively to the States, and is withheld from the Federal Government." But what has all this to do with the question? Has any one proposed to prescribe the qualifications of electors, or, in other words, to deprive office-holders of the right of voting? On the contrary, it is conceded on all hands, according to the terms of Mr. Jefferson's circular, that public officers are not to be deprived of the right of voting; but the object is merely to restrain them from interfering with, or attempting to control or influence, the free exercise of the right of voting by others.

But the report again tells us that this cannot be done without "abridging the freedom of speech and of the press." What does this argument amount to? That you can restrain no act, however dangerous to the peace, morals, or liberties of the country, of which words, spoken or written, may happen to be the vehicle or instrument, because, in restraining the act, you may incidentally put some restraint on the medium or instrument through which the act is done. For exam-

\* The celebrated Kentucky resolutions of 1798, drawn by Mr. Jefferson.

ple, we have just passed a law prohibiting the giving of a challenge within this District to fight a duel. Now, a challenge can be given only through the medium of words spoken or written, and may be given through words spoken as well as through words written. It follows, then, we have no constitutional power to pass the law we have done for prohibiting challenges within this District to fight a duel, because in doing so, we abridge the freedom of speech! In like manner, bribery and corruption are perpetrated through the medium of words, spoken or written. No law, then, can be passed prohibiting bribery and corruption, because in doing so you abridge the freedom of speech! I will put still another case: could not Congress declare that if any officer of one of its courts, judge, United States attorney, or marshal, should improperly tamper with a jury to influence their verdict in a cause, civil or criminal; depending before them, the officer guilty of such offense should forfeit his office? And yet such tampering would be through the medium of words, and it might be said that in prohibiting it you were "abridging the freedom of speech!" These cases suggest at once the distinction between the sedition law, the "raw head and bloody bones" of which have been flourished so dramatically before our eyes, and such legislation to restrain the improper interference of Federal office-holders with the free electoral rights of the people, as I have supposed might be found to be within the limits of our constitutional powers. In the case of the sedition law, it was the "false, scandalous, and malicious writing," as described in the law, the words themselves, which were the direct and immediate object of legislative restraint; but in the other cases referred to, it is the act (the challenging, the bribery, the tampering, the improper interference) which is sought to be restrained, and the words are but the mere incident of casual accompaniment.

But I will not dwell on these things. I throw them out only for candid consideration. It is no part of my purpose to argue the constitutional question which has been raised. The proposition which I shall submit leaves that open for future and more deliberate investigation. I have a much higher object in view. I desire to obtain, in some form or other, a negation, a solemn disavowal, by an act of the Senate, of the most dangerous and anti-republican doctrines of this report. A majority of this body, by ordering a large number of copies of it to be printed, before it was duly considered, have given—hastily, I would fain believe—a sort of implied sanction to those fatal doctrines. In some way or other, I trust, that sanction may be revoked. If the doctrines of political morality inculcated by this report shall once be recognized and established in this country, the days of American liberty are numbered. Let it be understood and proclaimed—as the doctrines of this report, in effect, proclaimed—that the public trusts of the nation, won in the first instance—if the favorite motto of the "spoils of victory" is to prevail—by party servility, are to be retained by electioneering activity; that partisan service is the required return for office, as office is to be the reward of partisan service, and you lay at once the foundation of the most odious and fatal despotism which the mind of man can conceive of, a sordid party despotism far worse than a military despotism; because, though less fatal to human life, it would be infinitely more destructive to human morals, and to every manly and generous sentiment. Your office-holders, through all the ranks of venality and degradation, would be banded together by one common principle of servility and devotion to their chief; they would vie with each other only in the merit and efficiency of their electioneering services; and amid the din and bustle of the official canvass; of committees, caucuses, and conventions, all organized and directed, secretly or openly, by the agency of office-holders, the voice of the people would be stifled, or, to use the more expressive language of Mr. Jefferson, "smothered by the enormous patronage of the Government." You would have your pretorian bands of office-holders at the Capitol, and your legionary armies of them in the provinces—for your sovereign States would become dependant provinces—who would dispose of the Presidency as

absolutely as the pretorian bands and legionary armies of Rome did of the imperial purple.

The forms of your government would still be preserved; but of what avail are the forms without the spirit of free government? A high authority, indeed, has told us "that the greatest masters of tyranny have judged the form without the spirit of a free government more favorable to their schemes of oppression, than all the authority that absolute monarchy can give." Rome, under the debasing despotism of the Cæsars, had still her Senate, and *comitia* or assemblies of the people; public affairs were, for a long time, still conducted in the name of the Consul, the Censor, the Augur, and the Tribune of the people. The forms of popular elections were still kept up, and the Emperor himself was an elective magistrate. But the spirit of liberty was extinct. "The Senate was sunk in servility, and the servility of the Senate at length infected the mass of the people."

Warned by these examples, it becomes us to keep alive in our bosoms that watchful jealousy of power and that sturdy spirit of freedom which fired the breasts and guided the councils of our glorious ancestors. The doctrines of political morality inculcated in this report, I repeat, Mr. President, are at war with all the cherished principles of our republican fathers; and if they shall once strike root in our soil, they will be fatal to the best hopes of American liberty. You have, hastily and without due consideration, given them an apparent sanction, at least by ordering an unusually large number of copies of the report to be printed for dissemination among the people. Let us now, in some way or other, perform a "solemn lustration," to cleanse ourselves, from the contamination of doctrines at once so hateful and so dangerous. We can do so in no manner more appropriate and more effectual than by a solemn reaffirmation of the principles of Mr. Jefferson in the face of this report. With this view I have prepared a resolution, which, the Senate will perceive, is expressed in the very words of Mr. Jefferson's letter to Governor McKean, and of his memorable circular, (one of the proudest monuments, in my opinion, of his principles and fame,) which commits no one on the constitutional question that has been raised, but leaves that open for the deliberate investigation of a committee, and the future decision of the Senate. I trust, then, that all who profess themselves disciples of the Democratic faith will be happy in having this opportunity afforded them of subscribing their adhesion to the doctrines of him whom the Senator from New Jersey himself has styled "the great apostle of Democracy."

Mr. Rives then submitted the following resolutions:\*

Whereas "the constitutional remedy by the elective principle becomes nothing if it may be smothered by the enormous patronage of the General Government: and whereas, also, "freedom of elections is essential to the mutual independence of the State and Federal Governments, and of the different branches of the same Government, so vitally cherished by American institutions:"

Resolved, therefore, That, in the opinion of the Senate, it is highly "improper for officers depending on the Executive of the Union to attempt to control or influence the free exercise of the elective right."

Resolved, also, That measures ought to be adopted by Congress, so far as their constitutional powers may extend, to restrain by law the interference of Federal officers with elections, otherwise than by giving their own votes; and that the report of the Judiciary Committee be committed to a select committee, with instructions to new-model it according to the principles declared in the foregoing preamble and resolutions.

#### CONDUCT OF THE ADMINISTRATION.

### SPEECH OF HON. J. P. KENNEDY,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

February 19, 1839.

The bill making appropriations for the civil and diplomatic service for the year 1839 being under consideration in Committee of the Whole on the state of the Union, and the question being on the

\* These resolutions, when subsequently acted on, were voted against by all those members of the Senate claiming to be the thorough friends of the Administration, and were consequently rejected by a strict party vote.

amendment to strike out the appropriation for the pay of the Commissioners of the Navy,

Mr. KENNEDY said:

Mr. CHAIRMAN: When I obtained the floor at the close of the last sitting of the committee, it was not my purpose to address my remarks particularly to the amendment under consideration. I wished to carry the debate into a wider field, and to look at the general condition of affairs under the present Administration.

It seemed to me that both the time and the mode of abolishing the Navy Board, which was the design of this amendment, was singularly inopportune. The House had neither the information proper to its action in this matter, nor the leisure, so near the end of the session, to give the subject the consideration it deserved. The debate itself has disclosed the want of accurate knowledge essential to the just determination of the question, and has demonstrated, I think, the impropriety of acting upon it at the present time. It is true great complaints are abroad against the efficiency of the board, and opinions unfavorable to its continuance are entertained by many judicious persons. I am not insensible to the weight of these opinions, and incline, in advance of all inquiry, to think that the duties assigned to the board might be more advantageously discharged under individual supervision. As a practical rule, I would rather intrust to a single head those functions which require much energy and judgment for their performance, than to any board, no matter how intelligent. Still, sir, this is a question of experience; and I should be loth, on the instant, to assail an organization which has been in existence for twenty years, without the amplest investigation and advice. I am glad to see that the House has fallen into this opinion. The resolution submitted by the gentleman from Virginia [Mr. MALLORY] this morning, and adopted by the House, referring this question to the Secretary for a formal report at the next session, indicates a design to act only upon full information, and for the present, must dispose of the amendment.

I concur, Mr. Chairman, in the remark which fell from the venerable gentleman from Massachusetts, [Mr. ADAMS,] that much of the complaint which has been raised against the Commissioners of the Navy would, perhaps, upon examination, be found to lie more justly at the door of the head of the Navy Department—even, perchance, of the President himself. It seldom happens in a well-ordered Government that the subordinates fail to perform their duty when they have an efficient head. The Navy has been sadly in want of direction for the last four or five years. No branch of the Administration has been so much left to chance, or to the guidance of a feeble hand; and it is, therefore, not to be wondered that complaints should be rife against the management of this department of the service throughout all its branches. Something, sir, of the common discontent which is said to exist against the board is due to this cause.

I still more cordially agree with the remark of the same honorable gentleman to whom I have just alluded, that a thorough examination of each and all of the Departments of the Government would lead to results eminently beneficial to the public welfare. Never was there an Administration, in this country at least, or perhaps in any other, more likely to reward the toil of those who should devote themselves to an investigation of its doings. From the glimpses of abuse with which we have occasionally been favored, we may infer a great amount of concealed malversation.

Sir, we know nothing of the real condition of the Departments but from these glimpses. The people are permitted to learn only by accident the state of the Administration concerns. Now and then some pampered favorite of "the party"—some conspicuous and much-trusted friend of the ruling power—perpetrates a larceny and flies—and the fact, too notorious for concealment, bursts on the public view; now and then a defaulting sub-treasurer grows contumacious to the reiterated supplications and prayers of the Secretary, and prefers exposure, with its profits, to settlement and the smiles of the chief—and thus, again, the people are indulged with a development; now and then, upon the calls of this House, in flagrant

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cases, which not even party hardihood can brave, some reluctant confession, beyond the art of stratagem to evade, is vouchsafed to the nation—and we again get glimpses of the truth.

It seems, indeed, sir, to be a premeditated plan of "the party" in this House to resist, upon various pretexts, these calls for information touching the conduct of the Departments in matters where abuse may be supposed to exist. It is now six weeks since I myself—having reason to believe that some irregularity, at least, some extravagance, perhaps, or some favoritism, existed in the manner in which the supplies of articles, not enumerated or reported in the yearly published contracts, were furnished to the different navy-yards—submitted a resolution to call on the Secretary for information as to the prices at which these articles had been procured during the past year. It did not enter into my thoughts, when I submitted that resolution, to charge any officer of the Government with intentional abuse. I knew nothing calculated to awaken suspicion, except that very extravagant prices were alleged to have been paid; and I did not doubt that the House, respecting the obvious motive of the call, and acknowledging its propriety, would have treated it as an ordinary movement of sound and wholesome legislation; that the call would have been granted, sir, as a matter of course. Yet it was refused; not by a direct vote, but by a refusal to suspend the rules, as if the House could not afford the time from other business for this light matter. I renewed my motion day after day, praying the House to grant me this favor. Other resolutions were taken up and passed by the suspension of the rules almost every morning of the session; mine was always refused, and refused at every trial by mere party votes. I found, very early, that the proposition excited uneasiness amongst some prominent friends of the Administration. I was even informed that, by a private application to the Secretary, I might procure the information I wished; whilst those who suggested this either voted against my resolution, or refused to vote at all. Such an opposition to an ordinary inquiry, as I deemed it, could not but excite suspicions against the integrity of the management of that branch of service to which it referred. During the pendency of this question, I have received letters from different quarters, which assure me that great and flagrant abuse will be found in the distribution of these unpublished contracts, whenever the Administration shall be disposed to favor the people with a knowledge of its own proceedings.

An honorable gentleman from Kentucky [Mr. Underwood] has fared no better than myself. He offered, some days ago, a resolution for inquiry into the mode in which supplies are furnished to the army in Florida. He, too, has been denied that information by a party vote. The absurd rule that requires two thirds of the House to agree to take up such resolutions for consideration, has, in both of these cases, enabled the Administration party on this floor, although in a minority, to frustrate our endeavors to learn something of the transactions of the Government in the matters to which they referred. It is apparent that we may indulge but little hope, during the present organization of this House, to penetrate into the secrets of the Administration; but the time, I would fain believe, is not very remote when a searching inspection of this hidden machinery may no longer be parried by the tactics of party. Another year, and this duty will fall into the hands of those who, whatever may be their imputed want of qualification in other respects, will not be charged, even by their enemies, with a suspected favor or affection for the delinquents. The fruits of such an examination cannot be other-wise than wholesome.

From this investigation, Mr. Chairman, whenever it shall be undertaken, I am not unprepared to expect the disclosure of flagrant errors and misdeeds in the management of the public concerns. The calm, impartial judgment of the country rests with a deep and melancholy consciousness upon such an expectation; nay, sir, even the friends of the predominant power itself are alarmed by it, and writhe under it. The errors of this Administration are the necessary products of that state of things which brought it into power. Its misdo-

ing is not less its misfortune than its fault—attributable in as large a degree to its want of sagacity as to its evil inclinations: it is the natural offspring of INCAPACITY.

It is now just ten years since the elevation to the presidential chair of the most remarkable man of our times; remarkable as much for the intrinsic properties of his character, as for the singular good fortune that attended him through life. The era of his election to the Presidency was once called the ERA OF REFORM. Some still affect to call it by that name. To my mind it is chiefly memorable as the commencement of a great delusion—an imposture conducted with no ordinary ability, and propagating its principles by troops of political Islamites as fervent, as obsequious, and as numerous as the faithful who swarmed beneath the grotesque banner of the eastern prophet. Ten years have gone by since that eventful epoch—ten long years of various fortune, in which, if the happiness of the American people has not been increased, we may confidently affirm that large and valuable additions have been made to their experience. The occasion afforded by the discussions of this committee is appropriate to a survey of this field of experience; and I propose, sir, chiefly to direct my remarks to that end.

No one can forget how peculiarly felicitous to his own fame, and how eminently favorable to the hopes of the country were the circumstances under which General Jackson was first presented to this nation as a candidate for the Presidency. The men of the Revolution were gone; the field was crowded with aspirants; and the capital had become the seat of numberless intrigues, or—what was practically the same thing—was suspected to be so. In the perplexity of the public mind, and its misgivings lest the popular will should have less to do with the adjustment of this question than the secret management of leaders, there was a sudden uprising of the great mass of the nation to take the selection of the Chief Magistrate out of the hands of the politicians, and preserve it in their own. They chose their candidate in the great military favorite of the day, even while he himself (it was at that time believed) was innocent of all thought of such an honor. General Jackson's imputed moderation of political sentiment; his freedom from party trammels, so signally proclaimed in that famous correspondence with Mr. Monroe; his extreme lenity and kindness towards the old Federal party; his unbounded personal popularity, founded on meritorious military service, his alleged honesty and directness of character, and his boasted knowledge of men—all contributed to give him a position of irresistible command, and to more than compensate for that want of statesmanship and political science which even his nearest friends admitted. With these ascribed qualities of character, he rallied around him not only the largest support of the people, but the aid of the most powerful talents in the nation. It was said—and no doubt it was true—that, in the event of his election, he might have called to the public service a combination of the greatest ability and influence which the country afforded.

At that time (I speak of the canvass of 1823-24) we heard nothing of REFORM. The country asked no reform; it needed none. The administration of Mr. Monroe had given universal satisfaction, and the people did not doubt the integrity of their public functionaries.

At the first moment of the defeat of General Jackson's election in the House of Representatives, opposition was declared against the Administration that was to succeed—fierce, unsparring, relentless opposition. It was not directed against measures, nor even against men; but was a premeditated, foreawowed hostility to each and every adherent of that Administration, and to each and every measure it should propose. Its basis was the vindication of the alleged violation of the popular will in the choice that had been made; and the new incumbent, it was profanely declared in this Capitol, should be assailed in his administration, even though that administration should be "pure as the angels at the right hand of God." The opposition, therefore, to Mr. Adams looked to no reform. Indeed, sir, in point of principle and policy, the administration of the venerable gentleman who now sits before me was identical

with that of his predecessor. It adopted the same measures; rested on the same general doctrines; was, like it, economical, cautious, and conciliatory; and was sustained, and even administered, by almost the same men. What was there in it to provoke a zeal for reform?

Sir, if the nation had desired a reform, it would not have selected General Jackson. Whatever great qualities it was usual to ascribe to him, all would have conceded that he had neither the coolness of temper, the knowledge, nor the experience essential to the composition of that character. Still, however, as the second canvass approached, it fell in with the views of the party leaders, that an impression should be made of something rotten in the State, and through this opinion to enlist an opposition on the basis of reform. With this design, committees were raised in both Houses of Congress to inquire into abuses. They made their reports with ominous denunciations, and—I think, sir, in view of what has transpired since, we may now say—with a ludicrous exaggeration of sundry very pitiful complaints. The search after abuse, notwithstanding all that was made of it at the time, we may fairly admit was a distinguished failure. The scheme, however, served its turn, and General Jackson was all at once metamorphosed, or rather magnified into the Great Reformer.

This movement accomplished a double purpose. It spread abroad a false opinion of great corruption in the existing Government, and offered an acceptable flattery to the chief. It gave him a position of peculiar veneration with the people. His election was heralded as a coming glory—a mission of political regeneration—and he was looked upon, in some sort, as a predestined instrument of national blessing. He was proclaimed "the Reformer," *par excellence*; and—in the very novel and classical phrase of the stump-orators from Maine to Missouri—came, as a second Hercules, to sweep out the great Augean stable of the Government. It was then, sir, a favorite theme to declaim against the abuse of patronage, and the servility of the press; we often heard of the extravagance of the Administration, and of the loose supervision of the Treasury. The party evolutions of that date, the congressional reports and speeches, the newspaper dissertations, all bear evidence to the flood of patriotic and virtuous horror which burst forth from the bosoms of the reformers at the profligacy of the Government, in adding sixty or eighty thousand dollars to the national expenditure, and allowing \$1,900 to Mr. Pleasants for his expenses as bearer of dispatches to Rio!

In the same tone of feeling, and in accordance with the design of the authors of the movement, General Jackson lost no time, after his election, to communicate the great purport of his newly-conceived mission, with every solemnity which official authority could throw around it. The portentous words were spoken in the inaugural from the portico of this Capitol—

"The recent demonstration of public sentiment inscribes on the list of Executive duties, in characters too legible to be overlooked, THE TASK OF REFORM; which will require particularly the correction of those abuses which have brought the patronage of the General Government in conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed or continued power in unfaithful or incompetent hands."

Soon after this oracular, and, to the great body of the country, startling announcement, we were made acquainted with the specific abuses to which this pruning-knife of reform was to be chiefly and most industriously applied. The regular annual message, at the opening of the first Congress under the new Administration, is full of the grand design. This paper was matured in an interval of leisure; it was skillfully and carefully composed, and may be deemed the authoritative rescript of reform. It professes to emit the light wherein the Administration was to walk; and to lay down the map of its great working plan. In that document you shall find the President's mind occupied with four prominent reforms, which are treated as cardinal in the creed of freedom—indispensable to the existence of pure government, not less than vital to the cause of republicanism. I will not stop, sir, to read more than a few passages from this message; but I invite members,

at their leisure, to give the whole of it a careful perusal. Its meditated reforms are,

1. In the mode of electing the President, and his reëligibility to office—the plan recommended being to "remove all immediate agency (of the electoral college and House of Representatives) in the election of the President and Vice President," and "in connection with such an amendment, to limit the service of the Chief Magistrate to a single term of either four or six years."

2. In the disqualification of members of Congress for office, at the appointment of the President, in whose election they may have been officially concerned.

3. In the principle of appointing to office, in the language of the message, "solely for the benefit of the people," and, "by a general extension of the law which limits appointments to four years," "to lessen the liability of encumbering the Government with men who cannot, "for any length of time, enjoy office and power without being more or less under the influence of feelings unfavorable to the faithful discharge of the public duties," and

4. To establish a strict accountability in the public servants, and a rigid supervision of the Treasury; in reference to which the attention of Congress was invited to the inquiry as to "what offices might be dispensed with, what expenses retrenched, and what improvements might be made in the organization of its various parts, to secure the proper responsibility of public agents; and promote efficiency and justice in all its operations."

Now, sir, there is the chart of reform. Good and wholesome reforms, Mr. Chairman, each and all of them! I supported them then: I would support them now. The whole nation—I mean the whole body of the governed, as distinguished from those who govern—would have sustained these improvements or changes at that day, as I have no doubt they would at this, if the proposition were submitted to them.

Well, sir, what became of all these amendments in our domestic polity? Ten years have passed over, and during all that time the reformers have had unlimited control of the Government. Is there a man on this floor who will say that General Jackson could not have carried any measure that he deemed essential to the honor and glory of his administration, or to the welfare of the nation? Did he want power to achieve his plans of administration? Was he not backed by his friends—ay, and by the large majorities of the country—in whatever scheme he indulged for the public good? Was not his honor, his faith, his reputation, pledged to these reforms? Was he not glorified by all his banded presses when he proposed them? Turn to the newspapers of December, 1829, and read how, from city to city, village to village, to every hamlet and cabin, the tide of gratulation and panegyric rolled forward to the magnifying of the Great Reformer. Now, sir, of these four conspicuous, cardinal reformations, which was achieved? Not one—not one!

Achieved! not only were they not achieved, but the whole current of the President's power, all his practice, his precept, his policy, from Alpha to Omega, set directly, and of deliberation aforethought, against this whole scheme of reform. He was not merely indifferent to it, careless in enforcing it, sluggish or preoccupied with other matter, but he grew to be, in a very brief space of time, distinctly and actively hostile to it. He wrought no change in the mode of electing the President; and so far from limiting his service to a single term, (which he might have done as efficiently by example as by law,) he actually electioneered through the country for a second choice; and, if report be true, as I believe it is, franked with his own hand the letter of his own secretary soliciting his renomination to the Presidency from the Legislature of Pennsylvania.

Holding Executive favor, as he did, to be so unfriendly to the free and faithful discharge of the duty of the representative, he might at least have been sparing in the selection of members of Congress for office. And yet, sir, upon an enumeration of his appointments, it will be found that no President had ever dealt so largely in the stock of corruption. Nay, sir, I think I am warranted in saying (I have not cast it up arithmetically)

that General Jackson raised more members of Congress to office than all the Presidents before him together had done since the adoption of the Constitution.

Then, as to his pretended reform of the principle of appointment; and his doctrine that office was to be filled solely for the common good; public employment became, under his auspices, notoriously the mere prize of party service. Never, until General Jackson's day, did partisan effrontery rise into such matchless contempt of the decencies of public observance as to make open proclamation that office was the spoil of victory, and belonged of right to the conquerors. Never, until his day, was the Post Office, with its countless servitors, seized upon as the instrument of political success. Yet he did it without a blush, and has turned its whole artillery back upon the people to batter down their independence. He would have done the same with the bank, but that he found that citadel too strong to be assailed, and too firm to be seduced; to which fact may be traced that malignant and absurd war which constitutes both the chief exploit and deepest disgrace of his administration.

His greater accountability of the public servants; his guardianship of the public treasure—what are they? A jest. The Treasury has been almost emptied by the larcenies of the chief ministers of the law; and at this day the friends of the men in power are heaping upon our tables piles of bills to guard them against the felonies of their political brethren, vainly attempting to cast upon the law the irregularities that have grown out of their neglect, or their incapacity to administer it.

Thus ends this farce of reform! It has sunk into insignificance; it has left no memory behind it but that of a hypocritical and wicked fraud—a trick of imposture—a thing to juggle with. As a scheme of amendment; it was a ridiculous abortion; as a device of party tactics; it was below contempt. The august patron of pure government, the conservator of the public morals, the predestined and foreannounced reformer of a backsliding generation, has been overmatched by the seductions of Satan, and has fallen into communion with the unclean thing. He has even trafficked in the great and the small iniquities which he came to denounce.

Mr. Chairman, whilst, from this view of the movement to which I have referred, it is evident that General Jackson has been singularly unlucky as a reformer, I will not deny to him a reputation quite as prominent, and infinitely more mischievous—that of an innovator; for innovator he was, in the broadest and worst sense.

His administration was one of ceaseless change; change, sometimes stealing along in noiseless advance, sometimes bursting forth in bold, open-day achievement; one while sweeping with the breath of spring, at another with the rage and havoc of the tornado. We had ever change of men, change of measures, change of principles. The pervading characteristic of that most anomalous and extraordinary administration was mutation—uncertainty—experiment. It lived in perpetual motion, defying all hope of repose; it rejoiced in turmoil, and reveled in paradox. Those who followed it were forever ignorant of their whereabouts; they knew no rest for the soles of their feet; they traveled over quicksands. The idea of political consistency never entered the President's head; he had no perception of the meaning of the term. His idol was his popularity, and whatever sustained that constituted the theory of his conduct. It was his boast, his glory, his perpetual aim. His dream was popularity, his motive was popularity, his defense was popularity. Not that popularity which submissively trails after the public will, and humbly essays to do the public bidding; nor that nobler motive which studies the country's good, and, by an assiduous devotion to the duties of station, seeks the applause of its own conscience and the approbation of virtuous men; but a domineering, wayward, arrogant popularity—an impatient, hectoring assumption of the right to lead, which repudiates all law, despises all observance, and maintains its supremacy by personal and party force.

In General Jackson, his popularity was the means by which he increased his power; and his

power was used, in turn, to enlarge his popularity. With consummate skill (for I do not deny to him great foresight and management) he turned all the resources of his position to the strengthening of this, his most cherished attribute. The very boldness of his designs seemed to fascinate the public admiration: he dazzled the popular mind by that fearlessness which we were, for a time, accustomed to interpret as a proof of his honesty and uprightness of purpose. Least of all men, was he suspected of dissimulation; and yet I am persuaded a more skillful dissembler never occupied high station in our country. He flattered the people with the address of a practiced courtier; startled and amused them by the thunderclaps of his policy, identified his success with the gratification of their favorite passions, grappled himself with wonderful adroitness to the predominant sentiments, wishes, and prejudices, of the great and massive majority, and became a monarch, an autocrat, by the sheer concentration of republican suffrage.

This power he wielded with a stern and inexorable temper of proscription against all who did not bow down to his authority, and worship him as the embodiment, the incarnation, of the popular sovereignty. He was the fountain of honor, the arbiter of disgrace, holding the political fortunes and hopes of his followers at his own capricious disposal. The most indulgent of friends, the most ruthless of enemies, there was no delinquency of the one that he could not overlook; there was no offense in the other so trivial that, when occasion offered, he would not visit it with vindictive punishment. He who could not only tolerate, but sustain, protect, and reward the troops of greedy parasites, the defaulters, the public plunderers, that thronged his hall in the guise of friends—men, some of whom were notorious for the derangement of their official accounts; could, nevertheless, pursue with unprecedented animosity an unwary trespasser upon the Government treasure—a small defaulter of some three thousand dollars—and, for years, delight himself with the sufferings of his victim. He could continue to heap upon this man fresh indignity, disgrace, and pain; even beyond a rigorous judicial sentence, until the humanity of the nation at last revolted, and cried out, "for shame!" This could he do, because the unfortunate subject of his wrath had, in an evil hour, ventured to exercise the privilege of a free citizen, and express, in a public journal, his disapprobation of the measures, and his doubts of the political integrity of the imperial republican chief.

With such a temper, and such power in the Executive, what considerate citizen of this land had not motive to pause, and look with distrust and fear to the future? Sir, the events that have taken place under that rule have fully justified the worst forebodings of those who watched its progress. A great and vicious revolution was accomplished in the character of this Government—one which shall render the name of its author forever famous in our annals.

General Jackson's first term was occupied in the practice of those arts by which his popularity was extended and confirmed. It was a period of preparation and marshaling of forces. No one who reads the history of that period, in the Executive communications and in the official press commentaries of the day, will fail to be struck with the extreme profession of reverence for the popular will which everywhere speaks in the language or breathes in the spirit of these emanations from the Chief Magistrate. Some such declarations as the following ever meet the eye in the perusal of these papers:

"I regard an appeal to the source of power, in all cases of real doubt, and when its exercise is deemed indispensable to the general welfare, as amongst the most sacred of all obligations."—*Message of 1829.*

"I know no tribunal to which a public man in this country, in a case of doubt and difficulty, can appeal with greater advantage or more propriety than the judgment of the people."—*Message of 1830.*

The frequent reiteration of such sentiments could not but inspire confidence and trust in the Executive amongst all those, especially, whose preconceived opinion of the President's uprightness prepared them to indulge the kindest feelings towards his success. This constant recurrence to the source of power was a gentle flattery,

well contrived to put the people off their guard. It has ever been the trick of ambition, from the days of Cæsar to our own. With all this display of respect for the popular will, no man ever held that will in greater contempt, when it came in conflict with his own, than the late President. Sir, if you desire the proof of it, you shall find it not only in the heady current of his life, but in that battle with the legislative power which marked his career; his perpetual veto of the representative action in the internal improvement bills, the bank bill, the land bill—all forbidden in the face of large majorities of the direct representatives of the people—notoriously in the face of the popular judgment and wish of the day. You shall see it in the famous removal of the deposits; in the refusal to restore them; in that high-handed measure of holding back the land bill when it was known that two thirds of both Houses would have passed it in spite of the veto; and, above all other acts of contumacy to public opinion and popular will—the cap-sheaf of his waywardness—his pocketing, as it has been significantly termed, of the bill for the repeal of the Treasury circular.

Sir, it was this hostility to popular control that led General Jackson to that systematic assault upon the structure of this Government which I have termed a revolution, and which ended only in the subversion of some of the most important principles of the Constitution. His scheme was to enlarge the Executive power and to depress the legislative. In the Executive power he saw and felt the source of unlimited popularity; in the legislative he was aware of a constant, jealous guardianship against encroachment, that restricted his footsteps to a path in which he had no patience to walk. The one was the parent of patronage, reward, and partisan alliance; the other a surly warder of popular rights, whose appropriate duty lay in curbing the excurive spirit of an ambitious chief.

I have said, sir, that General Jackson's first term was employed in marshaling his forces. His second is distinguished by the developments of his skill in using them. Immediately after his reelection, a principle of vast import and significance was announced to the country, with all the authority which an Executive communication could confer upon it. The scope of this principle was to set Congress at defiance by assuming for the Executive, not only an independence of the Legislature, but even a superiority over it. It was declared that the President was the representative of the American people—coequal with the legislative power, accountable to the people and not to Congress for its acts.

And a corollary was deduced from this that the elections, being appeals to the people, were to be interpreted as expositions of the public judgment in favor of the great representative chief, and were to be taken as confirmations of all his acts, principles, and opinions.

"It will be for those in whose behalf we all act," says the President, in his first message after his reelection, when giving his reasons for setting aside the decision of the House of Representatives in favor of retaining the deposits in the bank, "to decide whether the executive department of the Government, in the steps which it has taken on this subject, has been found in the line of its duty."

In that appeal to the people, against Congress, is the first dawn of this new theory of Executive power. It was more fully announced afterwards, in the famous "protest" of April following.

"The President," it is there declared, "is the direct representative of the American people." And, again:

"The legislative power, subject to the qualified negative of the President, is vested in the Congress of the United States, composed of the Senate and House of Representatives. The executive power is vested exclusively in the President, except that, in the conclusion of treaties and in certain appointments to office, he is to act with the advice and consent of the Senate. The judicial power is vested exclusively in the Supreme and other courts of the United States, except in cases of impeachment, for which purpose the accusatory power is vested in the House of Representatives, and that of hearing and determining in the Senate. But although, for the special purposes which have been mentioned, there is an occasional intermixture of the powers of the different departments, yet, with these exceptions, each of the three great departments is independent of the others in its sphere of action, and, when it deviates

from that sphere, is not responsible to the others further than it is expressly made so by the Constitution. In every other respect, each of them is the coequal of the other two, and all are servants of the American people, without power or right to control or censure each other in their service of their common superior, save only in the manner and to the degree which that superior has prescribed."—*Protest, April, 1834.*

The President having thus assumed a position which enabled him to defy the inspection or control of the Legislature; having thus exempted himself from all accountability—except in the impracticable form of impeachment—to the Representatives of the nation, and invested himself with an undefined and hitherto unheard-of pretension to the character of a direct supreme, national representative, his next step was to strengthen his vantage-ground by defenses that should, with no less efficacy, exempt the subordinate functionaries, through whom his measures were carried into effect, from their supposed accountability to the legislative power. It was very evident that the Executive had gained but half a conquest while its agents were exposed to that supervision of the Legislature which might frighten them from their party allegiance to their chief. To protect them against this supervision required a still broader pretension than the last, and thence arose that famous doctrine of Executive unity and responsibility which figures so conspicuously in the promulgation of the new creed of the second term. In this creed, the Executive is a unit, and in the President alone rests all the responsibility. The officers of Government are but the creations of his will; the agents for the performance of his duty; accountable to him, and to no one else. I read, sir, again, from the protest:

"By the Constitution, the Executive power is vested in the President of the United States. Among the duties imposed upon him, and which he is sworn to perform, is that of taking care that the laws be faithfully executed. Being thus made responsible for the entire action of the Executive department, it was but reasonable that the power of appointing, overseeing, and controlling those who execute the laws—a power in its nature executive—should remain in his hands."

And once more, in the same paper:

"The whole Executive power being vested in the President, who is responsible for its exercise, it is a necessary consequence that he should have a right to employ agents of his own choice to aid him in the performance of his duties, and to discharge them when he is no longer willing to be responsible for their acts."

True to this theory of executive duty and power, and very distinctly, sir, to my mind, denoting its parentage, we have seen, on a late occasion, the Postmaster General favoring the country with a practical commentary upon its meaning. I will beg to read a passage from his answer to the application for a *mandamus* in the case of Stockton & Stokes:

"The executive is a unity. The framers of the Constitution had studied history too well to impose on the country a divided executive. The executive power was vested in a President. The executive officers are his agents, for whom he is held responsible by the people, whose agent he is. The acts of the executive officers are the acts of the President. Constitutionally he is as responsible for them as if they were done by himself, though not morally."

Now, sir, it is evident that this accountability of the subordinate officers of this Government to the President is altogether incompatible with their responsibility to the National Legislature, or even with their liability to be inspected or examined by that Legislature. All responsibility is converged upon the President, and he being, according to the theory, the representative of the people, is accountable only to them, and not to his mere coequal—or, more properly speaking, in the spirit of these assumptions, his inferior—the legislative body, composed as it is of but fragment representations of that same people.

When we add, Mr. Chairman, to all these pretensions that kindred claim with which this nation was so familiar in the palmy days of Jacksonism—the claim to interpret the laws as the President understood them, without respect to judicial authority, legislative exposition, or prescriptive usage, but solely as the Chief Magistrate's green and ripe judgment, his passion or his intellect might suggest—when we add this pretension to the rest, we have a scheme of power so comprehensive for every purpose of misrule and corruption as to leave the most absolute cravings of despot ambition nothing to desire in the construction of the framework of a Government that

might crush every principle of freedom in our Constitution worth contending for. The wit of man could not devise a plan of encroachment upon regulated liberty more insidious, progressive, and, finally, more sure to end in absolutism than this I have so cursorily brought into review. Based upon an imperious popularity, (for no President but one so armed with the people's devotion could have advanced a step in this perilous career,) it assumes for the Executive, successively—first, a representative character, coequal with, and independent of, the Legislature; then, a right to regard the result of the elections as a popular ratification of Executive conduct; then, a constructive and exclusive responsibility for all subordinate officers; and, finally, the independent interpretation of the laws. The result of all is, to give to this republican nation a Chief Magistrate of more power and less real responsibility, of broader range for mischievous ambition, and greater capacity for harm, than may be found in any constitutional monarch of modern times. Sir, these doctrines have sprung out of the very insolence of power; they are the land-marks which trace the victory of the proud chief over the rights and laws of a subdued country—

"Till conquest unresisted ceased to please,  
And rights submitted left him none to seize."

These assumptions, Mr. Chairman, were not mere political abstractions. They were active elements in all the workings of the late Administration. They constituted the machinery by which the grossest abuses in this Government were engendered and screened from the observation of the public eye. To them may be traced that abundant fruit of corruption which is now just beginning to show its hideous rottenness. Let any one turn back to the history of "the investigation," as it is called—"the concealment" would be its better name—of 1837. There let him read the President's refusal to answer interrogatories as to the condition of the Departments, and his claim to be exempted from question unless specific charges were exhibited. Let him reflect upon the President's arrogant arraignment of members of this House for their freedom of speech in the debate that preceded the appointment of the committee; the order to the Cabinet officers to disregard the mandate of the committee, and the consequent refusal to answer; the claim to protection from this examination set up by the President and his Cabinet, upon the plea of privilege against self-inculpation; the personal immunity asserted by them against the search for papers; and finally the impudent defiance of the committee by the Postmaster General. Let any man turn to these proceedings, so recent, so vivid in the recollection of the nation, and he will at once be able to trace out the impression of this new political philosophy on every feature of that remarkable incident.

It will be remembered, too, sir, that these doctrines are altogether of recent date—the coinage of the last Administration. Never before, in the history of this Government, have they been asserted in theory or developed in practice. They are utterly without precedent or color of former example. As I have said, sir, they owed their origin to the necessities of General Jackson's scheme of administration—a scheme whose fatal aim was the prostration of every department of this Government before the Executive. It is curious to note, in the progress of this revolution, with what confidence its great author trusted to the force of profession, when it was necessary to blind the people against the perception of his real designs, and how little trouble he gave himself to reconcile this profession with his practice. There was no sentiment which was paraded more ostentatiously before the public eye by the President, than the declaration of his extreme scruple against the exercise of doubtful powers. There is scarcely a State paper of his day that does not repeat the admonition against this easy sin of questionable power, as the first and gravest to be deprecated. As if the President were conscious that his temper, and the habits of his past life, might lay him open to the suspicion of this sin, he is careful to denigrate it with a peculiar abhorrence. Now, sir, it will be found that there has been scarce a power under our Constitution, which, in the course of fifty years' administration, has been held doubtful, that General Jackson has not either exercised,

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or assumed the right to exercise, without hesitation. He expressed his willingness to charter a national bank; and would have done so, as he declared, if the plan had been conformable to certain views which he disclosed; he signed bills for internal improvements; he constantly used the veto, on more questions of expediency, where no constitutional objection was pretended; he has held back a bill from Congress, when two-thirds of each House would have voted for it; in the case of the specie circular, he refused to return the bill altogether; he has appointed to office, after his nominee has been rejected by the Senate; he removed the deposits upon a plea of constitutional responsibility, when the officer to whom the law specially intrusted them had refused; he has denied to Congress the right to inspect the Departments, unless that inspection were directed to previously specified charges of abuse. I do not pretend to say, Mr. Chairman, that some of the powers to which these acts refer may not be lawfully and beneficially exercised by the Executive—I believe they may, sir—but every one will admit that they may be all ranked amongst that class of doubtful powers upon which great contrariety of opinion has existed in this country; and I allude to the action of the late President in reference to them, only by way of contrast between his profession and his practice, and to show how little scrupulous he was as to constitutional restraints, when it suited his purpose to transcend them.

The adoption, Mr. Chairman, of such principles as I have described, and the administration of the Government in accordance with them, are altogether sufficient to explain any amount of official delinquency which has been, or may hereafter be, discovered. Such a system, by converting the powers of the Government into a party engine, could not fail to breed up an army of partisan zealots, such as we have seen—rude, rapacious, and selfish. It could not fail to lower the estimate of public virtue, to debauch the public morals, and to fill the land with greedy hunters after "the spoils." It could not fail to engender nests of demagogues, of every order and degree—from the fustian ranters at a tippling shop, up to the all-sufficient oracle of Jacobin philosophy in the Senate—or to the more shrewd and cunning fomenter of base prejudices and passions in the Cabinet. Yes, sir, even higher still—to the popularity-engrossing chief himself. It has already done all this, and more. The favor of Government has become a prize to be won by adulation and compliance, and, as a necessary consequence, the meanest man ever bears away the reward. Public office is to be obtained only by that subserviency which no honorable man can condescend to yield; it therefore inevitably falls into the hands of the worst. Good men fly from the association of the Executive. Sir, it is remarkable that General Jackson's administration could never retain about it men of preëminent ability; it was not their sphere. They fled from it in squadrons. Even the ties of friendly association in the Cabinet could not be preserved beyond a year at a time. President Jackson made as many ghosts as Richard:

"Where is Clarence?  
Where is the gentle Rivers, Vaughan, Gray?  
Where the kind Hastings?"

I may ask, where is Berrien, Branch, Ingham? Where Duane, McLane, and other early friends of the chief? Gone, sir! immolated by that spirit which endured no free opinion. Not only from the presence of the chief himself did they fly, but in every department of the service the talent of the nation deserted him. From the earliest era of that rule, down to the present day, every election has successively lowered the scale of ability by which the reigning power is sustained; until, at last, it is apparent that the party in possession of the Government is soon likely to be without that modicum of talent which, even at this moment, so scantily suffices for the small vindication, on this floor, of its own small merits.

Sir, the baleful influence of the last Administration was not confined to the character of the public men with which it was surrounded; it might be traced through almost every department of society. We lived in the midst of convulsions. The public taste was vitiated and fed by the stimulus of constantly recurring political erup-

tions; it delighted in strange conjunctures—the heavings and spasms of that capricious power which displayed itself in such fantastic action at the capital. A spirit of insubordination, of misrule, and riot became diffused through the community. Wild and visionary theories of political duty were disseminated abroad, and showed themselves in the most mischievous forms in the proceedings of the State Legislatures. The most abstruse and difficult problems of political economy—questions of currency, finance, constitutional power—were summarily but most authoritatively disposed of by the shallowest pretenders to statesmanship; and the oldest and best institutions of the country attacked and beaten down by political charlatans. Knowledge, deliberation, experience, all were obliged to give way to this newly-inspired intuition; and the greatest pains were taken by party leaders and demagogues to deceive the people into the belief that the profoundest questions of government might be consigned to the decision of men of the lowest scale of qualification in political science. Abroad and odious line of distinction was drawn between the rich and the poor; and where mutual dependence and interest should have engendered kind feelings, harmony, and brotherhood, the seeds of ill-will and hatred were deeply sown.

In obedience to the same influence, the Government press became a mere engine of slander—the fabricator of palpable and gross falsehood. Everything that transpired in the Government was distorted by its light. What, in its vocabulary, was called public opinion, was but the reverberation of its own false clamor. The people were systematically abused, cheated, and betrayed by its monstrous counterfeits—juggled and duped by the type fiend. The coherence of "the party" required an organized plan of misrepresentation; the existence of the Administration required it. It had risen by it, and was maintained by it. It could not have subsisted a month if the people could have heard the truth. It would have withered in the light and crumbled into dust. The whole atmosphere in which it breathed was false; the element upon which it lived was deception; its popularity, its power, its duration, depended on the essential condition of blinding the people. It lived and moved and had its being in the universal, inextinguishable, everlasting lie.

Whilst this was the action of that Administration upon the morals of the nation, its measures were no less physically hurtful to the public interest. They were hurtful from the same causes that rendered its principles vicious. They were ever dictated by selfish passion, and characterized by that domineering temper which I have before described as the distinctive impulse of the Administration.

The President's vanity and thirst for applause rendered him eagerly and rashly precipitate to pay off the public debt. All other interests were compelled to give place to the achievement of the glory of wiping away that debt during the term of his political supremacy.

His hatred, or, rather, his defiance and impatience, of the fame of one man, (Mr. Biddle,) caused him to make war upon the bank.

His personal animosity to another distinguished individual (Mr. CLAY) induced him to veto the land bill.

To these three measures, proceeding from the egotism and vain-gloriousness of the President, may be traced the chief maladies of the times. To them may be traced, in succession, the overthrow of internal improvements, the accumulation of the surplus, the distribution, the paper system, the hard-money experiment, the suspension, the wide-spread bankruptcy, and, finally, the enormous and unexampled speculation upon the public treasure.

I do not stop, sir, to expatiate upon the sequence of these events, nor to indicate more minutely their connection with each other, and with the leading measures to which I have referred them. I am sure, now that we may calmly look back to the whole train of our past disasters, the impartial judgment of the country will be at no loss to assign them to the causes I have enumerated. They will be ever accounted, sir, by the reflecting portion of our citizens, the bitter fruits of Jacksonism.

When General Jackson came into power, he found every interest in the country prosperous; when he departed, he left every interest at its lowest ebb. In the first era, our systems of policy had been matured, and were in wholesome exercise; agriculture, commerce, and manufactures were all thriving; the currency was of unexampled soundness and value; the revenues were gradually increasing; the debt was provided for; the improvements in the surface of the country were advancing at a steady and wholesome pace; the Government was economical, and its foreign relations upon the most secure and honorable footing. I will not attempt to contrast that state of the nation with the present; I will only say that General Jackson, reversing the boast of the Roman Emperor, might have exclaimed, at his departure from the capital, "I found Rome marbled, and I have left it brick."

Still, sir, I desire to do the late President justice in one particular in which I might be misapprehended. In the management of the foreign affairs of this Government, I am prepared to pay a tribute of praise to his energy. In that branch of the public concerns, he is entitled to all the applause he has ever received. The very qualities of character which rendered him dangerous at home, furnished him the means of success in the disposal of our affairs abroad. That imperious temper which despised the limits of republican rule, admirably fitted him to cope with monarchs, and transused into his foreign negotiations the vigor that crowned them with success.

In the hasty glance, Mr. Chairman, which I have taken of the principles and policy of the last Presidency, my aim has been to bring to the contemplation of the committee the singularly unhappy auspices under which the existing Chief Magistrate came into power. It was the great misfortune of Mr. Van Buren to succeed to a dilapidated inheritance; and that misfortune was most fatally aggravated by the extraordinary illusion of national prosperity which, at the moment of the departure of his predecessor, and of his own accession, haunted and bewildered the imagination of both. Sir, I have seldom read in history of such remarkable self-deception, such wonderful blindness to the signs of approaching disaster, as at that moment characterized the two illustrious individuals to whom I have alluded. Permit me, sir, to read the parting words of General Jackson, on the 3d of March, 1837, and the greeting declaration of Mr. Van Buren on the following day:

"My life has been a long one, and I cannot hope that it has, at all times, been free of errors. But I have the consolation of knowing, that if mistakes have been committed, they have not seriously injured the country I so anxiously endeavored to serve; and, at the moment when I surrender my last public trust, I leave this great people prosperous and happy."—*Farewell Address.*

On the 4th of March the successor spoke in this strain:

"Abroad we enjoy the respect, and, with scarcely an exception, the friendship of every nation. At home, while our Government quietly but efficiently performs the sole legitimate end of political institutions, in doing the greatest good to the greatest number, we present an aggregate of human prosperity surely not elsewhere to be found."—*Inaugural of Mr. Van Buren.*

Sir, at the very moment when these self-gratulating gentlemen were vaunting, in such proud phrase, of the nation's happiness, the deep thunder of the coming earthquake was already muttering beneath their feet. The retiring chief had scarcely reached the Hermitage, the complacent successor had scarcely been domesticated under the roof of the palace, before the great doom broke over the land, and scattered dismay from our remotest confine to the center. The President saw every vestige of the illusion vanish in an instant, and that couch of roses, upon which he had so confidently hoped to lie down, became a bed of thorns. Amidst the crash of the currency, the insolvency of the Government, and the general distress and wailing of the people, almost his first act of authority was to summon Congress to his aid. They came here, sir, but to bear testimony to the wide-spread havoc of the storm. The President met them in humbleness of heart, in grief and dismay; he implored a hand to help; he sought consolation where there was none to be found—upon the bosom of his party. The party had lost its power.

Fresh difficulties have thickened around him at every stage of his progress from that day. In the south the Indian war has been but a series of disasters. We have been baffled, exhausted, beaten, by a handful of savages. On the northern frontier our weakness has become a by-word of contempt. This great Republic, in the hands of its present rulers, is not even able to preserve its neutrality in the domestic rebellion of a Power with whom we profess to hold the most friendly relations; and we are obliged to confess our inability to restrain the armaments of our own citizens, which are directed against a neighbor's peace. Yes, sir, even to submit to the humiliation of having our own territory visited, our vessels seized, and our citizens slaughtered in our own harbor, by that neighbor Power, on the plea of weakness to enforce our laws.

In the embarrassments which have been brought upon our fiscal affairs, in the prostration of the agricultural, the mercantile, and the manufacturing prosperity of the country, the Administration has been able to suggest no adequate relief. We struggle along upon expedients. The *visinsita* of the nation, its intrinsic vigor, which not even misgovernment has been able totally to crush, has, by slow degrees, begun to revive the prosperity of the land; but the Government has done nothing. Whatever might be expected from the patriotism, the virtue, the intelligence of the people, they have nobly realized; whatever has been left to the Government has languished and faded in its hands. The guardians of the Treasury have fallen asleep; felonies, unmatched in enormity, have been detected in the innermost shrine of the temple; the very priests have robbed the altar; the nation has but extricated itself from one debt to create another; the finances are in confusion; the revenue inadequate to the expenditure; our hard-money Government has fallen into a paper-manufacturing Government; our rulers are at their wit's end; all around are the signs of their doom, the warnings of their downfall. The truth stands confessed—it is felt in every department of the public affairs—that the President and his friends are incompetent to the crisis; THEY WANT ABILITY.

Turn, sir, to the Executive mansion, and inquire what they are who at this moment guide the fortunes of this land. An easy, indolent, luxurious chief presides over a Cabinet, of which it would be flattery to say that it was a mere personation of feebleness. To the members of that Cabinet, personally, sir, so far as a very limited acquaintance may warrant, I am willing to accord all consideration and respect. I speak of them here as a public body. A more diversified compound of dulness, inaptitude, and ignorance of official duty; a greater lack of energy; a more sorely perplexed, bewildered, and dismayed association of State counselors were never, perhaps, exhibited around a council-table than may, at this present juncture, be seen in the daily anxious conferences of this precious Cabinet. Since the days of the merry monarch of England, and his hair-brained crony Rochester, never were the destinies of a great nation intrusted to more incompetent hands.

I might except from this censure, and do except, one who has the reputation of being a regular attendant at these council meetings—I doubt not the first to come and the last to depart—a person more notorious than distinguished, and yet, sir, boasting no small claim to distinction. I mean that man-of-all-work, whose marvelous exaltation from the kitchen up to the chamber nearest to the King is one of the most striking moral significations of the times. This, sir, is his administration. Whatever remainder of efficacy it has is his; whatever of shrewdness, of cohesion, of malice, or of mischief it has, belongs to him. By his sufferance does every member of that Cabinet hold his place—or did, sir, for I trust his influence is drawing to an end. Yea, even the placid and pliant chief himself has found his account in the good will of this Mephistophiles. He is the link between the past Administration and the present; the conduit-pipe by which the surplus popularity of the one is transfused into the waning circulation of the other; the ligament that still unites the small fortunes of the polished and pleasure-loving tenant of the palace to the

more robust destiny of the grim and fearful lion that has his lair at the Hermitage.

But for this one informing spirit, yonder whole Cabinet array of impracticable, skillless, temporizing, expedient-mongering statesmen would, long before this, have floundered to the bottom of that pool of turbid party-waters in which they now struggle for respiration. The day, sir, is not remote when they and their guardian genius shall sink together in this oozy tide, and be remembered no more.

Mr. Chairman, I take some consolation in this melancholy view of the public affairs, from the conviction that the nation has been already driven by headstrong counsel, by weakness, and by passion, to that extreme from which it cannot but happen that the tide of Government shall flow back into a safer channel. Out of the very incompetency of our present rulers do I gather food for hope. There are already, sir, manifold signs of restoration. We cannot mistake them. We are on the backward march from Jacksonism. The footsteps were abandoned at the first stride. The great reaction has commenced, and we shall go on unraveling this web which, for ten years past, the chief functionaries of this Government have been so busily weaving around the Constitution.

It might have been foreseen—indeed, it was foreseen and predicted—that no successor could wear the republican crown of our great military President. The power which he accumulated it required his arm to wield. By one of more diminutive size, or smaller strength, it would be found a grievous burden. Mr. Van Buren was deceived, sir, not only in the computation of his own capacity, but in the nature and value of the boon which his nomination to the succession tendered to him. He little knew the estimate which the American people formed of him, when he imagined that he could occupy the station, or march in the path of General Jackson. There was no luster around his name to bewilder the gaze of the country, or to hallow an act of usurpation. He is the President by appointment, not by choice; and the career of his predecessor, sustained only by the force of unexampled personal popularity, could, in none of its dangerous leaps, be followed by one who derived no support from the affection of the people, nor aid from their ability. The consequence was inevitable that the present Administration must abandon the hope of imitating the last, and even retract the perilous errors, both of policy and of doctrine, into which that Administration had strayed. Accordingly, you shall find, Mr. Chairman, that it is even so.

First, in this backward movement, I would have you note that we have no arrogant messages from the White House. To the credit of our present Chief Magistrate, every one must acknowledge the mildness of tone, the diffidence, and the moderation of his official communication at the opening of the present session. It is, sir, strikingly, a message of recantation, and speaks in a temper of contrition, as if its author had felt the chastening of affliction. But fifteen months ago, at the extra session, the President had declared the constitutional incapacity of the Government to aid commercial operations; now, he boasts of the Government agency in restoring the commercial action, and very undeservedly, in my opinion, claims credit for it.

Until lately the Administration was clamorous for a total divorce of the banks from the Government: here, in this paper, is a warm encomium on the banks, and an avowal of the useful conditions on which they may be connected with the public concerns:

"Like other State establishments, they may be used or not in conducting the affairs of the Government, as public policy and the general interests of the Union may seem to require."

"When the Government can accomplish a financial operation better with the aid of the banks than without, it should be at liberty to seek that aid."—*Message of December, 1838.*

This message, too, casts aside the hackneyed phrase of the "constitutional currency," and adopts a much more rational term, "the constitutional standard of value"—a substitution of great significance and omen for the reflection of those who have heretofore identified the notion of Jacksonism with a metallic currency.

It is true the message again recommends, though faintly and with shyness, that ill-fated and unlucky sub-Treasury bill. Alas, sir, there was nothing else left! Out of the very barrenness of the soil does it come. The evil genius of the President once persuaded him to write a letter to a member of this House, [Mr. SHERRARD WILLIAMS.] It was done in the days of his vain-glory. That letter pledges him, as by a vow, against the only permanent relief to the currency of the nation which the times demand, and he has not yet (though I predict it will not be very long before he does so) taken heart to break the spell. In the mean time, this shadowy specter of a sub-Treasury—the felon bill it may be more aptly called—rises up, not to gain the favor, but to divert the thoughts of the country.

The second step in the reaction to which I have alluded is, the abandonment of that whole scheme, so famous in the annals of the last Presidency—of Executive responsibility.

Sir, the unity of the Executive has dissipated into thin air. Instead of being a unit, it is multi-form—a polygon—a many-headed monster—and of more heads than arms—not Briareus, but Hydra. In this matter of the defalcations, Mr. Van Buren is no man for responsibility; neither is any of his Cabinet ready to maintain that ancient dogma of Jacksonism. *Salve qui peut!* is the motto of the day.

The President is no longer the representative of the people. He now supplicates Congress to take the responsibility for the future; entreats them to appoint committees to watch the Treasury rogues; he prays the Legislature to inspect the Executive? He implores the representatives of the nation to help him—a weak and humble minister of their laws. Hear him:

"I submit to your consideration whether a committee of Congress might not be profitably employed in inspecting, at such intervals as might be deemed proper, the affairs and accounts of officers intrusted with the custody of the public moneys. The frequent performance of this duty might be made obligatory on the committee, in respect to those officers who have large sums in their possession, and left discretionary in respect to others. They might report to the Executive such defalcations as were found to exist, with a view to prompt removal from office, unless the default was satisfactorily accounted for."—*Message of December, 1838.*

Then, sir, we have no more lecturing on the hard-money dogma. We have come back to the toleration of paper; nay, sir, we have become ultra in this paper-mongering. The President is the patron of free banking. His confidential friend on this floor, the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] at the last session gave us a panegyric on the conservative property of that great system. The Government is in close alliance with the monster. The lion and the lamb have laid down together, and the Treasury is now the chief fountain of the despised rag-money. Even the much-talked-of increase of the specie basis has fallen into oblivion. Not a word in its favor has been uttered at the present session. The message upon it is dumb.

These are all changes of high import; they are the visible and conspicuous signs of reaction. Sir, in the name of the country, I thank Mr. Van Buren for these tokens of repentance—for even this late surrender of Jacksonism! Phaeton has thrown up the reins!

Mr. Chairman, it will be observed that, as the Administration deserts its former test-principles and measures, it is busy to frame new devices for party association. Political management has, very recently, entered a fresh field. We have had most suddenly conjured up abolition for the Whigs, and the defense of slavery for "the party." The Whigs, sir, have been sagaciously attempted to be identified, by the Administration press, with that unhappy northern excitement against slavery which, until the commencement of the present session, no man was so blind as not to perceive had pursued its career without the slightest connection with parties; which, until then, too, sir, no man was so unprincipled as to assert had sought the aid of a special political alliance with friend or foe of the Administration. Sir, it is curious to note the slippery equivocation, the distortion, the desperate legerdemain of deception, of the official organ, "The Globe," on this subject.

Not even the ponderous momentum of falsehood, which long use and munificent Government

support have given to that party machine; not even its practiced and subtle spirit of misrepresentation, is competent to cast an air of plausibility over this shallow trick. It is the flimsiest, the baldest invention that ever came from the cudgeled brains of "your scurvy politician." What honest man can look at the elections which have recently taken place in the North and West, and acquaint himself with the sentiments of the several candidates on this abolition question, and then say, as the *Globe* has said, that no Democrat (as that truthful paper styles its friends) is found an Abolitionist? How tolerant is "the organ" and its patrons of the eccentricities of "the Democrats" on this subject! How kindly does it digest the ultra anti-slavery indignation of Messrs. Morton and Rantoul, and Alexander Everett and Bancroft, in the North; of Messrs. Morris and Tappan, and the member from Cincinnati, in the West!

Sir, it needs no ghost to make us acquainted with the paternity and drift of this plot. In the sub-Treasury bill of this session—if the party should have courage to take it up—it is well understood that no specie clause may hope for the favor of the House; that, sir, is to be abandoned perforce. The Administration cannot limp along with such a burden on the bill. Now, sir, a certain great oracle has declared that this sub-Treasury scheme, without the specie clause, is a mere farce. Upon the faith of that clause alone rested, until now, the fealty of a suddenly-converted State to the Administration. Strike it out, sir, and what holds South Carolina to the worship of her strange gods? What but this pretext of the alliance of the Whigs with the Abolitionists? For then once it was found expedient that the northern man should be imbued with southern principles; the institutions of the South were to be declared in danger from the Whigs; great apprehensions were to be awakened amongst the southern people. All this, sir, was the shabby invention in which was to be found motive for the fabrication of a new bond of union between the disappointed specie-clause-sub-Treasurites and the Administration. Then, another northern man, with southern principles, was to be manufactured out of a New Hampshire Representative; and he and his comrades were to sacrifice their abolitionism on the altar of their party, and come to the rescue. There, sir, is the whole play! It has been acted out exactly as it was set down. The resolutions against the slavery petitions have been offered by the North, and South Carolina is bound in eternal gratitude to this Administration! The farce was gravely and discreetly rehearsed, and is hereafter to be played again before the nation. I commend to the actor's in this entertainment Nio Bottom's advice:

"Masters, you ought to consider with yourselves. To bring in (God shield us!) a lion amongst ladies is a most dreadful thing; for, there is not a more fearful wild fowl than your lion living, and we ought to look to it."

There is but one expedient, sir, left to us Whigs in the sad dilemma, which the alarms of our southern friends may bring us into—when this lion comes upon the stage, we shall follow the honest weaver's counsel, and "name his name, and say, plainly, he is no lion, but Snug, the joiner."

After all, I do not fear much from this formidable plot. Let the southern leader wind his horn and summon his lieges to this enterprise! Let him lead the van, if it please him, now. I pre-

dict it will not be long before he will find himself in the condition of that unlucky corps of dragoons who, after the battle of the Boyne, were summoned before the inspector—a summons that was truly answered by "Here I am, your honor"—a single man being all that had survived.

It was another trick of party, Mr. Chairman, when the cohesion of the friends of the Administration began to give way, to seek for some new name by which the forces might be rallied. The characteristic principles and measures of the party having become distasteful to the nation, it was in the emergency of self-preservation that it looked around for some appellation which might be substituted in the place of a meritorious but unattainable distinction. Until the moment of General Jackson's retirement, the party was his party. It followed him through all his fancies—liked what he liked—opposed what he opposed. It was personal to him, and derived its strength from his popularity. When he withdrew, it, of necessity, was destined soon to lose its character as a Jackson party—although that name, even yet, has magic in it to rally its myrmidons; many a vote is yet given for no better reason than that the hickory tree is engraved upon the ballot. Still, sir, with the departure of General Jackson to private life, the Jackson party was destined to decay. There could be no Van Buren party. That never was a name to conjure with.

It was, therefore, deemed a lucky thought when some central conclave of political managers resolved to change the badge from Jackson to "the Democracy." I will not dispute their right to the name; all the world knows how little signification, as indicative of principles, it carries with it. No man can be deceived out of the knowledge that those who profess now to be the "exclusive Democrats" have veered round the whole compass of opinion, and alternately vindicated and vilified every prominent measure of policy which the last ten years have brought into view. No man can be blind to the fact that the standard tenet of this new-hatched Democracy is to go for the greatest share of spoil to the greatest number of persons, and to render fealty to the party for a consideration. No man can affect to believe that conscientious opinion, as to the country's good, forms any element in the organization of the array. I advert to it only to express my conviction that the name has been chosen with a singular disregard to the feelings of some of its principal leaders. I can point out individuals in those ranks who, but a few years gone by, would not have more promptly resented any insult than to be called "a Democrat." And I can show, too, (in my own State especially,) a phalanx of ardent friends of the ruling power—prime, accredited leaders of the faithful—who even yet have not overcome an involuntary habit of wincing at the name. And although such friends may, in time, perhaps be able to avow their new distinction without a blush, I think they may scarcely be brought, by the force of discipline, to do that necessary service which the name exacts—of proscribing and denouncing an opponent as a "Federalist."

Mr. Chairman, I care not for these new tactics of the adversary. I think, sir, the public affairs have fallen into that condition in which no stratagem can have power to avert the reckoning which the people will exact from their governors. The people, however much they may have been im-

posed on and betrayed, can have no sentiments hostile to the good of the country. They are neither office-holders nor office-seekers. Their interests all look to the establishment of order, security, and honest administration. Their aim is the honor and happiness of the nation; and if their exertions do not promote these ends, it is only because they are not permitted to know the truth regarding the past conduct or future designs of their servants. I feel assured that, let the men in power assume what name they may, the virtue, good sense, and keen sight of the nation will not be imposed upon by these motley creeds of the day, even though those who profess them assume a title once honored in the public affections. Charlatanism is fast flying before the public rebuke, and is dropping its garments, one by one, in its flight. Sound opinion, rendered more vigorous from its long sleep, and more eager to do its duty from a consciousness of having been imposed on, is rousing up to its appropriate office. It is going forth to gather the people for the holy warfare, devoted to the purification of the national halls, and the restitution of our ancient honor. In the tide of that warfare "like reeds before the tempest's frown," we shall see this host of spurious statesmen, and abject followers, and spoil-seeking patriots, laid low. When that consummation is won, the nation will rejoice with an exceeding joy. The oldest man amongst us, sir, may yet live to take his part in that jubilee.

In conclusion, Mr. Chairman, I will say but a few words. Whether the late Administration existed for good or for evil, is a problem that is soon to be determined. Never has popular government been subjected to a severer test. We have gone through the proof ordeal; it may not recur again in a century—perhaps, forever. We may rejoice, sir, that the nation survives that shock—not only survives, but that a healthful reaction is in progress, which must ultimately establish, on the secure foundation, the liberty derived from the forms of our social alliance.

In the last ten years, we have seen the republican principle driven into the confines of actual despotism; the aggregate power of the people has been made subservient to the accomplishment of individual will; the Constitution, under plausible pretexts, has been superseded by a law more congenial to the purposes of party arrangement; its landmarks have been transcended, its precepts disobeyed, for the sake of achieving the purposes of the day. Many of our institutions have been assailed, some of the most valuable battered down, and all disparaged in the popular esteem. Yet still the tempest has passed over; and, in the revival of the shattered prosperity of the land, the nation hastens back to its primitive republican doctrines with an earnestness and a zeal that assure us we shall, at least, turn our chastisement to a righteous use. The cause of free government has gained strength by the aberrations into which it has been betrayed. Contrition is the parent of amendment, and past suffering the source of future security. To my view, the return to sound principles, the reaction of the integrity of the nation, is certain in its march, and presents a most grateful exhibition of the innate strength of our people. May it go on, sir, until it restore all that we have lost in our late conflicts with power, and place this nation upon that eminence where all may see her, the first and best assured among the free communities of the world.